

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

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



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

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

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

**DECEMBER 14, 2010  
AGENDA**

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

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

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

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

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

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

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

## **ORDER OF BUSINESS**

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 12:30 p.m. - Ordinance Committee Meeting, Council Chamber
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Redevelopment Agency Meeting
- 4:00 p.m. - Appointment to Fill Council Vacancy (Estimated Time)

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

**1. Subject: Redevelopment Agency 2010 Comprehensive Annual Financial Report**

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

- A. Approve the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2010, consisting of the Auditor's Opinion and Financial Statements, and the Auditor's Compliance Report; and
- B. Direct staff to submit required copies of the Report to the California State Controller's Office.

(See Council/Redevelopment Agency Agenda Item No. 12)

**2. Subject: Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2010**

Recommendation: That the Finance Committee recommend that Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010; and
- B. Accept the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010.

(See Council/Redevelopment Agency Agenda Item No. 19)

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

**Subject: Hedge Ordinance Suspension**

Recommendation: That the Ordinance Committee:

- A. Review proposed options for the application of Municipal Code Section 28.87.170 regarding hedges; and
- B. Make recommendations to City Council for consideration.

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CHANGES TO THE AGENDA**

**PUBLIC COMMENT**

**CONSENT CALENDAR**

**CITY COUNCIL**

- 1. Subject: Adoption Of Ordinance For State Video Franchise Agreement With Cox Communications (510.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Establishing a Franchise Fee, a Fee for Public, Educational, and Government Access Purposes (PEG Fee), and a Schedule of Monetary Penalties for Material Breaches of Video Franchise Standards by State Video Franchise Holders Within the City of Santa Barbara.

- 2. Subject: Certification Of The Election Results Of The Official Canvass For The Special Municipal Election Of November 2, 2010 (110.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Election Results of the Official Canvass for the Special Municipal Election Held in the City on November 2, 2010.

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

**3. Subject: Update Of Conflict Of Interest Code Resolution To Include New And Deleted Positions Subject To Disclosure Requirements (110.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Conflict of Interest Code of the City of Santa Barbara to Incorporate by Reference the Fair Political Practices Commission's Model Code, and Rescinding Resolution No. 08-109, to add or delete classifications subject to disclosure requirements.

**4. Subject: 2010-2012 Police Management Memorandum Of Understanding (440.02)**

Recommendation: That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association for the period of July 1, 2010, through June 30, 2011, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2010-2012 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Management Association.

**5. Subject: Santa Barbara City Firefighters Employee Cost Sharing Of PERS Contributions (430.08)**

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Authorizing an Amendment to the Contract Between the City Council of the City of Santa Barbara and the Board of Administration of the California Public Employees' Retirement System for Fire Safety Employee Cost Sharing; and
- B. Adopt, by reading of title only, A Resolution of Intention to Approve an Amendment to Contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Santa Barbara.

**6. Subject: November 2010 Investment Report (260.02)**

Recommendation: That Council accept the November 2010 Investment Report.

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

**7. Subject: Contract For Construction Of Community Development Block Grant 2010-2011 Access Ramp Project (530.04)**

Recommendation: That Council:

- A. Award a contract with Aguilera Brothers Construction, Inc., in their low bid amount of \$42,935 for construction of the Community Development Block Grant (CDBG) 2010-2011 Access Ramp Project (Project), Bid No. 3623; and
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$6,450 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.

**8. Subject: Contract For Design Of The Lower Mesa Lane Steps Repair/Rehabilitation Project (570.05)**

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a Professional Services Agreement with Bengal Engineering, Inc. in the amount of \$74,422 for preliminary design services for the Lower Mesa Lane Steps Repair/Rehabilitation Project (Project); and
- B. Authorize the Public Works Director to approve expenditures of up to \$7,442 for extra services that may result from necessary changes in the scope of work.

**9. Subject: Lower Mission Creek Construction Cost Sharing Agreement With The County Of Santa Barbara (530.03)**

Recommendation: That Council authorize the Public Works Director to execute a Construction Cost Sharing Agreement between the City of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District for construction of the Lower Mission Creek (LMC) Project.

**10. Subject: Library Materials Self-Check And Security System (570.04)**

Recommendation: That Council:

- A. Authorize the Library Director to negotiate and execute a contract, in a form of contract acceptable to the City Attorney, with Bibliotheca RFID Library Systems in the amount of \$249,634.75 to design and install a Radio Frequency Identification (RFID) self-check and collection security system;

(Cont'd)

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

#### 10. (Cont'd)

- B. Appropriate \$88,559.37 from the Miscellaneous Library Trust Account to the Fiscal Year 2011 Library Department General Fund operating budget for the design and implementation of self check-out systems with RFID tags for library collections at the Central and Eastside Libraries; and
- C. Appropriate \$76,575.38 from the County Library Reserve Fund for the same system at the Goleta Valley Branch Library.

#### 11. **Subject: Approval Of Map And Execution Of Agreements For 810 Bond Avenue And 516 N. Nopal Street (640.08)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map (Map) Number 20,791 and standard agreements relating to the approved subdivision at 810 Bond Avenue.

### REDEVELOPMENT AGENCY

#### 12. **Subject: Redevelopment Agency 2010 Comprehensive Annual Financial Report (620.03)**

Recommendation: That Council and the Redevelopment Agency Board:

- A. Approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010, consisting of the Auditor's Opinion and Financial Statements, and the Auditor's Compliance Report; and
- B. Direct staff to submit required copies of the Report to the California State Controller's Office.

#### 13. **Subject: Contract For Construction Of The East Cabrillo Boulevard Sidewalk Project, Phase II (530.04)**

Recommendation:

- A. That Council reject the apparent low bid from West Coast Public Works, Inc. (West Coast), as non-responsive due to their failure to submit a complete bid;
- B. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$305,836 for the East Cabrillo Boulevard Sidewalk Project, Phase II (Project);

(Cont'd)

## CONSENT CALENDAR (CONT'D)

### REDEVELOPMENT AGENCY (CONT'D)

#### 13. (Cont'd)

- C. That Council award a contract with Toro Enterprises (Toro) in their low bid amount of \$265,936 for construction of the Project, Bid No. 3613;
- D. That Council authorize the Public Works Director to execute a contract and approve expenditures up to \$39,900 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
- E. That 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 for Funding of Capital Improvements to the East Cabrillo Boulevard Sidewalk Replacement Project, Phase II.

#### 14. **Subject: Contract For Construction Of The Structural Upgrades To Parking Structures 2, 9, And 10 (550.05)**

##### Recommendation:

- A. That Council reject the bid protest submitted by Truesdell Corporation;
- B. That Council award a contract with Cushman Contracting (Cushman), waiving minor irregularities, in their low bid amount of \$1,374,000 for construction of the Project, Bid No. 3571;
- C. That Council authorize the Public Works Director to execute a contract and approve expenditures up to \$206,100 to pay for any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured;
- D. That Council authorize the Public Works Director to execute a contract with BTC LABS - Vertical V (BTC LABS) in the amount of \$122,533 for materials testing and special inspection services, and approve expenditures of up to \$12,254 for extra services of BTC LABS that may result from necessary changes in the scope of work; and
- E. That Council authorize the Public Works Director to execute a contract with Watry Design, Inc. (Watry), in the amount of \$118,152 for design support services during construction and preparation of record drawings, and approve expenditures of up to \$11,816 for extra services of Watry that may result from necessary changes in the scope of work.

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

### NOTICES

15. The City Clerk has on Thursday, December 9, 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.
16. Cancellation of the regular City Council meetings of December 21, 2010, December 28, 2010, and January 4, 2011.
17. Cancellation of the regular Redevelopment Agency meetings of December 21, 2010, and January 4, 2011.
18. City Advisory Groups Special Recruitment
  - A. The City Clerk's Office will accept applications through Thursday, January 20, 2011, at 5:30 p.m. to fill vacancies on the newly established Neighborhood Advisory Council, the Fire and Police Commission, and the Rental Housing Mediation Task Force;
  - B. The City Council will conduct interviews of applicants on Tuesday, February 8, 2011, at 4:00 p.m.;
  - C. The City Council Subcommittee will conduct interviews of applicants for vacancies on the Neighborhood Advisory Council on Thursday, February 3, 2011, at 7:00 p.m. at the Franklin Community Center, 1136 East Montecito Street; and
  - D. The City Council will make appointments to fill vacancies on Tuesday, March 1, 2011.

**This concludes the Consent Calendar.**

## **REPORT FROM THE FINANCE COMMITTEE**

## **REPORT FROM THE ORDINANCE COMMITTEE**

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

### FINANCE DEPARTMENT

#### **19. Subject: Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2010 (250.02)**

Recommendation: That Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010; and
- B. Accept the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010.

## COUNCIL AND STAFF COMMUNICATIONS

### COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

#### CLOSED SESSIONS

**20. 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 Laura Thurston v. City of Santa Barbara, et al., SBSC#1306417.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: John Carrillo v. City of Santa Barbara.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

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

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

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

**23. 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 Treatment and Patrol Bargaining Units and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

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

### **24. 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 The Green Light Dispensary, Inc., A California Non-Profit Mutual Benefit Corporation, v. City of Santa Barbara, USDC Case No. CV 10-7203 PA (VBKx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

### **25. 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 Santa Barbara Patients' Collective Health Cooperative v. City of Santa Barbara, et al., USDC Case No. CV10-6534 DDP(RCx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

## **MAYOR AND COUNCIL REPORTS**

### **26. Subject: Resolution Of Appointment To Fill The Vacancy On The City Council Due To The Resignation Of Councilmember Das Williams (120.02)**

Recommendation: That Council:

- A. Conduct the recommended process included herein to select a candidate to fill the vacancy resulting from the resignation of Councilmember Das Williams;
- B. Upon selecting a person to fill the Council vacancy, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Appointing a Member to Fill the Office of City Councilmember Das Williams as a Result of Resignation; and
- C. Request the City Clerk to administer the Oath of Office to the person selected to fill the remainder of Councilmember Williams' term, from December 14, 2010, through January 10, 2012.

(Estimated Time: 4:00 p.m.)

## **ADJOURNMENT**

CITY OF SANTA BARBARA

**FINANCE COMMITTEE**

MEETING AGENDA

DATE: December 14, 2010

Dale Francisco

TIME: 12:30 p.m.

Michael Self

PLACE: David Gebhard Public Meeting Room  
630 Garden Street

James L. Armstrong  
City Administrator

Robert Samario  
Interim Finance Director

**ITEMS TO BE CONSIDERED:**

**1. Subject: Redevelopment Agency 2010 Comprehensive Annual Financial Report**

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

- A. Approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010, consisting of the Auditor's Opinion and Financial Statements, and the Auditor's Compliance Report; and
- B. Direct staff to submit required copies of the Report to the California State Controller's Office.

(See Council/Redevelopment Agency Agenda Report No. 12)

**2. Subject: Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2010**

Recommendation: That the Finance Committee recommend that Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010; and
- B. Accept the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010.

(See Council/Redevelopment Agency Agenda Report No. 19)

CITY OF SANTA BARBARA

**ORDINANCE COMMITTEE MEETING**

MEETING AGENDA

DATE: December 14, 2010  
TIME: 12:30 p.m.  
PLACE: Council Chambers

Bendy White, Chair  
Grant House  
Frank Hotchkiss

Office of the City  
Administrator

Office of the City  
Attorney

Lori Pedersen  
Administrative Analyst

Stephen P. Wiley  
City Attorney

**ITEMS FOR CONSIDERATION**

**Subject: Hedge Ordinance Suspension**

Recommendation: That the Ordinance Committee:

- A. Review proposed options for the application of Municipal Code Section 28.87.170 regarding hedges; and
- B. Make recommendations to City Council for consideration.



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Ordinance Committee Members

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

**SUBJECT:** Hedge Ordinance Suspension

**RECOMMENDATION:** That the Ordinance Committee:

- A. Review proposed options for the application of Municipal Code Section 28.87.170 regarding hedges; and
- B. Make recommendations to City Council for consideration.

### **DISCUSSION:**

#### Background

For many years the Planning Division has identified Santa Barbara Municipal Code (SBMC) §28.87.170 (Fences, Screens, Walls and Hedges), originally adopted in 1957, as needing review and possible revision. However, other work priorities have not allowed adequate time and resources to be dedicated to this effort.

A large number of hedge-related complaints in the summer of 2008 caused significant community discord. This prompted the City Council to adopt on November 25, 2008 an ordinance (see Attachment - Ordinance No. 5470) to suspend for two years the application of SBMC §28.87.170.A and §28.87.170.B.1 to hedges. These code sections limit the height of fences, screens, walls, and hedges in the A, E, R, C-O, and C-X Zones to eight feet (8') in required setbacks, and three and one-half feet (3½') within ten feet of a front lot line. The Council's goal in doing this was to reduce neighborhood discord, enable adequate community outreach, and allow for a thorough discussion and review of a possible amendment to this section of the code. At the introductory hearing, an exception to the suspension ordinance was added regarding bamboo hedges.

The suspension ordinance did not affect hedge height limitations related to public safety. SBMC §28.87.170.B.2 remained in effect, which limits fences, screens, walls, and hedges in most zones to a height of three and one-half feet (3½') within ten feet of either side of a driveway for a distance of twenty feet back from the front lot line. Section 28.87.170.C also remained in effect, which limits the height of fences, screens, walls, and hedges in most zones to three and one-half feet (3½') within 50 feet of a street corner.

### Status of the Suspension Ordinance

Ordinance No. 5470 recently expired on November 25, 2010. Staff reductions and shifting workload priorities in the Planning Division did not allow for the necessary community outreach to consider an amendment to §28.87.170 prior to the expiration of the suspension ordinance. Therefore, staff is seeking direction from the Ordinance Committee for the future application of SBMC §28.87.170 as it relates to hedges.

### Effect on Development Applications and Building Permits

Ordinance No. 5470 temporarily suspended regulations related to hedges located in required interior setbacks and within ten feet of a front lot line, provided they are located at least ten feet from either side of a driveway and not near a street corner. Unless they pose a fire hazard, or are regulated by means beyond the City's authority, hedges (except bamboo) in these locations could grow to an unlimited height during the previous two-year suspension.

If the City Council extended the suspension ordinance as previously written, staff would continue to require that applicants seeking building permits for properties with overheight front and interior hedges include a general statement on plans that the property must comply with §28.87.170, but would not require the immediate reduction of such hedges. This would continue to potentially delay actual compliance with the regulations for overheight front and interior hedges, depending on how and whether the ordinance is amended in the future. Based on staff's experience with the previous suspension ordinance, this causes confusion in the community regarding if, and where, hedge height limitations apply.

If the Council did not adopt a subsequent ordinance to suspend application of certain sections of §28.87.170, the regulations would apply as they did prior to November 2008. Property owners seeking permission for development would again be required to reduce all overheight hedges identified on project plans prior to final inspection.

### Effect on Enforcement Cases

Because hedge height limitations related to public safety remained in effect during the previous suspension, in the two years since its adoption, staff investigated 23 properties with overheight hedges adjacent to driveways or street corners, and nine bamboo hedges; six located along interior lot lines and three located along front lot lines. If the City Council extended the suspension ordinance as previously written, staff would continue to enforce only those hedges adjacent to driveways and street corners, for safety purposes, and bamboo hedges along all property lines.

Staff continued to receive complaints about overheight hedges and bamboo along interior lot lines during the suspension. However, limited enforcement resources prevented us from getting to that point in the priority list of pending complaints and thus, those interior hedge and bamboo complaints have not yet been investigated.

Zoning Staff currently has about 400 active enforcement cases and pending complaints; 27 of those cases involve hedges. Twenty-two of the 27 cases involve hedges or

screens located adjacent to driveways or near street corners, or bamboo hedges (i.e., those subject to enforcement); five involve other hedges along interior lot lines.

#### **OPTIONS FOR CONSIDERATION:**

Amending SBMC §28.87.170 would require extensive community outreach and review by appropriate Boards and Commissions, as well as other City Departments including the Police Department, which also believes such regulations are important for public safety. Given reduced staffing levels in the Planning Division and the need to complete existing priority projects, we would not likely get to this work effort for two to three years. In the meantime, staff suggests the Committee consider the following three options:

**1. Suspend enforcement of the standard on complaints, but enforce the standard on new development.** This first option, recommended by staff, is to consider a suspension ordinance that applies to complaint enforcement only. Property owners seeking approval of new development would be required to comply with the applicable standards of Section 28.87.170. This approach may reduce confusion among members of the public over how the suspension ordinance applies to new development. Yet, this approach continues to address the community concern that led to the adoption of the prior suspension ordinance – the initiation of a large number of hedge height enforcement cases based on numerous complaints filed by one individual – until staff is able to properly develop a recommendation for a possible amendment to Section 28.87.170.

**2. Suspend enforcement of the standard on complaints and new development.** A second option to consider is the adoption of another suspension ordinance similar to Ordinance Number 5470. However, staff has concerns with this approach. First, although the previous suspension ordinance applied only to hedges along front and interior lot lines, many people incorrectly believed the City had a complete moratorium on hedge height regulations. This caused confusion within the community. Second, it is staff's belief that when Council adopted the previous suspension ordinance, it was primarily in response to neighborhood concerns surrounding active enforcement of hedge heights at that time. With the current staffing level for zoning enforcement, complaints regarding overheight interior hedges are not likely to be investigated within the next two or three years, whether or not another suspension ordinance is adopted. Since enforcement of overheight hedge complaints is not occurring regularly, such an ordinance would primarily affect persons seeking approval for new development – a time when the City typically seeks compliance with all applicable regulations as a condition of final inspection.

**3. Enforce the standard on complaints and new development.** A third option is to do nothing in response to the expiration of Ordinance Number 5470. This will result in Section 28.87.170 being enforced as it is currently written. Hedge height limitations would apply to new development and staff would enforce on hedge-related complaints on staff's normal priority basis, as staffing resources allow.

**BUDGET IMPACT:**

No significant expenditures are required, but some initial and ongoing staff work would be required to implement and explain either a return to normal application of SBMC §28.87.170 or a subsequent ordinance suspending certain sections of §28.87.170.

**ATTACHMENT:** Temporary Hedge Suspension Ordinance

**PREPARED BY:** Renee Brooke, Zoning & Enforcement Supervisor

**SUBMITTED BY:** Paul Casey, Assistant City Administrator/ Community Development Director

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

ORDINANCE NO. 5470

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SANTA BARBARA MUNICIPAL CODE CHAPTER 28.87 OF TITLE 28, THE CITY'S ZONING ORDINANCE, IN ORDER TO TEMPORARILY SUSPEND THE APPLICATION OF CERTAIN PROVISIONS OF SECTION 28.87.170 CONCERNING THE HEIGHT OF HEDGES IN REQUIRED SETBACKS AND ALONG THE FRONT LOT LINE.

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

**SECTION ONE.** Pending a review and consideration by the City Council of possible amendments to City Zoning Ordinance requirements applicable to hedges within certain zones of the City, the application of the following provisions of section 28.87.170 of the Municipal Code with respect to hedges are hereby suspended, except with respect to hedges consisting of the bamboo plant:

1. Subsection A ("Required Setbacks"), and
2. Clause "1" of Subsection B ("Front Lot Line, Side of Driveway.")

**SECTION TWO:** Nothing herein shall be deemed to suspend the application or enforcement of the requirements of Santa Barbara Municipal Code section 28.87.170 with respect to fences, screens, or walls, nor to the requirement for full compliance with the most recently adopted Uniform Fire Code provisions of the City for the "distance requirements" which may be applicable to hedges and buildings (i.e., Uniform Fire Code section 4702.2) or applicable to "Vegetation Road Clearance (i.e., Uniform Fire Code section 4707.8) as adopted by Title 8 of the Santa Barbara Municipal Code, nor to effect the discretion of the City Engineer to condition new proposed development within the City to install and maintain private landscaping in a manner that does not potentially adversely impact public traffic and pedestrian safety.

**SECTION THREE:** This ordinance shall remain in effect for a period of two years subsequent to the date of its adoption or upon the enactment of an amendment to Santa Barbara Municipal Code Section 28.87.170 relating to or regulating hedges in certain zones of the City, whichever occurs first.

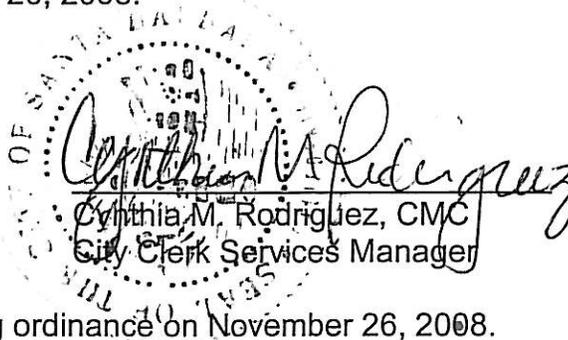
**ORDINANCE NO. 5470**

STATE OF CALIFORNIA            )  
  )  
COUNTY OF SANTA BARBARA    ) ss.  
  )  
CITY OF SANTA BARBARA        )

I HEREBY CERTIFY that the foregoing ordinance was introduced on November 18, 2008, and was adopted by the Council of the City of Santa Barbara at a meeting held on November 25, 2008, by the following roll call vote:

- AYES:                    Councilmembers Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum
- NOES:                   None
- ABSENT:                 Councilmember Iya G. Falcone
- ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on November 26, 2008.



Cynthia M. Rodriguez, CMC  
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on November 26, 2008.

Marty Blum  
Marty Blum  
Mayor

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING A FRANCHISE FEE, A FEE FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS PURPOSES (PEG FEE), AND A SCHEDULE OF MONETARY PENALTIES FOR MATERIAL BREACHES OF VIDEO FRANCHISE STANDARDS BY STATE VIDEO FRANCHISE HOLDERS WITHIN THE CITY OF SANTA BARBARA.

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

SECTION 1. For any state video franchise holder operating within the boundaries of the City of Santa Barbara, there shall be a local franchise fee paid to the City equal to 5% of Gross Revenues of that state video franchise holder, consistent with state and federal law.

SECTION 2. For any state video franchise holder operating within the boundaries of the City of Santa Barbara, there shall be a separate PEG fee to support public, educational and government access (PEG) purposes imposed in an amount up to 1% of Gross Revenues (as defined and as required by state law and Chapter 5.62 of the Santa Barbara Municipal Code) of that state franchise holder, which shall be used by the City for PEG purposes consistent with state and federal law. The specific annual amount of the PEG fee (not to exceed one percent (1%) of Gross Revenues) shall be determined by the Council of the City of Santa Barbara from time to time.

SECTION 3. For any state video franchise holder operating within the boundaries of the City of Santa Barbara, the penalties for material breaches of the state video franchise standards not remedied within the timeframe prescribed under state and federal law shall be assessed as follows:

1. For the first occurrence of a material breach, a fine of \$500.00 shall be assessed for each day the material breach remains in effect, not to exceed \$1,500.00 for each occurrence.
2. For the second occurrence of a material breach of the same nature within 12 months of the first occurrence, a fine of \$1,000.00 shall be assessed for each day the material breach remains in effect, not to exceed \$3,000.00 for each occurrence.
3. For a third or further occurrence of material breach of the same nature within those same 12 months, a fine of \$2,500.00 shall be assessed for each day the material breach remains in effect, not to exceed \$7,500.00 for each occurrence.



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

File Code No. 110.03

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** City Clerk's Office, Administrative Services Department

**SUBJECT:** Certification Of The Election Results Of The Official Canvass For The Special Municipal Election Of November 2, 2010

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Election Results of the Official Canvass for the Special Municipal Election Held in the City on November 2, 2010.

### **DISCUSSION:**

The Special Municipal Election was held on Tuesday, November 2, 2010, to submit Measure T, an ordinance to prohibit the use of real property within the City to operate or maintain a storefront medical marijuana dispensary. The voters did not pass Measure T.

The Certification of Election Results of the Official Canvass from the Santa Barbara County Clerk, Recorder and Assessor & Registrar of Voters is an exhibit to the Resolution.

**PREPARED BY:** Cynthia M. Rodriguez, City Clerk Services Manager

**SUBMITTED BY:** Marcelo A. López, Assistant City Administrator

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

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA CERTIFYING THE ELECTION  
RESULTS OF THE OFFICIAL CANVASS FOR THE  
SPECIAL MUNICIPAL ELECTION HELD IN THE CITY ON  
NOVEMBER 2, 2010

WHEREAS, on Tuesday, November 2, 2010, a Special Municipal Election was held in the City of Santa Barbara to submit Measure T to the voters;

WHEREAS, by its Resolution No. 10-052, adopted on June 29, 2010, the City Council requested the Board of Supervisors of the County of Santa Barbara to consolidate the Special Municipal Election with the Statewide General Election;

WHEREAS, the Special Municipal Election was consolidated with the Statewide General Election on November 2, 2010; and

WHEREAS, the County Clerk, Recorder and Assessor & Registrar of Voters of the County of Santa Barbara has completed a canvass of election results and submitted to the City the Certification of Election Results of the Official Canvass.

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

SECTION 1. The City Council does hereby certify the Election Results of the Official Canvass of the Special Municipal Election consolidated with the Statewide General Election held in the City of Santa Barbara on Tuesday, November 2, 2010, as shown on the attached Certification of Election Results of the Official Canvass, dated November 30, 2010, and marked as "Exhibit A."

SECTION 2. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.



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Registered Voters 198457 - Cards Cast 134430 67.74% Num. Report Precinct 318 - Num. Reporting 318 100.00%

MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE

	Polling	VBM	Total	
Number of Precincts	57	0	57	
Precincts Reporting	57	0	57	100.0 %
Vote For	1	1	1	
Total Votes	11510	17587	29097	
NO	7365	10453	17818	61.24%
YES	4145	7134	11279	38.76%

Santa Barbara County  
 Consolidated General Election  
 November 2, 2010  
 Certified Results

MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE						
	Reg. Voters	Vote For	Total Votes	YES	NO	
Polling VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
10-1024 M-STYN						
Polling VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
10-1026 MCYN						
Polling VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
10-1027 MCYN						
Polling VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
10-1028 MCYN						
Polling VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
10-1032 M-CARP						
Polling VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
12-1201 M-CITY STBR						
Polling VBM	101	1	54	27	50.00%	27
Total	101	1	0	0	-	0
12-1202 M-CITY STBR						
Polling VBM	19	1	13	4	30.77%	9
Total	19	1	0	0	-	0
12-1203 CITY STBR						
Polling VBM	1011	1	215	87	40.47%	128
Total	1011	1	454	215	47.36%	239
12-1206 CITY STBR						
Polling VBM	965	1	199	79	39.70%	120
Total	965	1	300	122	40.67%	178
12-1207 CITY STBR						
Polling VBM	720	1	205	73	35.61%	132
Total	720	1	202	81	40.10%	121

Santa Barbara County  
 Consolidated General Election  
 November 2, 2010  
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MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE							
Reg. Voters	Vote For	Total Votes	YES	NO			
	720	2	407	154	37.84%	253	62.16%
12-1208 CITY STBR							
Polling	1009	1	205	83	40.49%	122	59.51%
VBM	1009	1	550	272	49.45%	278	50.55%
Total	1009	2	755	355	47.02%	400	52.98%
12-1209 M-CITY STBR							
Polling	23	1	18	7	38.89%	11	61.11%
VBM	23	1	0	0	-	0	-
Total	23	2	18	7	38.89%	11	61.11%
12-1210 M-CITY STBR							
Polling	190	1	119	66	55.46%	53	44.54%
VBM	190	1	0	0	-	0	-
Total	190	2	119	66	55.46%	53	44.54%
12-1211 CITY STBR							
Polling	703	1	187	71	37.97%	116	62.03%
VBM	703	1	344	141	40.99%	203	59.01%
Total	703	2	531	212	39.92%	319	60.08%
12-1214 CITY STBR							
Polling	734	1	174	55	31.61%	119	68.39%
VBM	734	1	234	79	33.76%	155	66.24%
Total	734	2	408	134	32.84%	274	67.16%
12-1215 CITY STBR							
Polling	853	1	245	89	36.33%	156	63.67%
VBM	853	1	213	75	35.21%	138	64.79%
Total	853	2	458	164	35.81%	294	64.19%
12-1216 CITY STBR							
Polling	947	1	202	83	41.09%	119	58.91%
VBM	947	1	284	109	38.38%	175	61.62%
Total	947	2	486	192	39.51%	294	60.49%
12-1217 CITY STBR							
Polling	813	1	159	73	45.91%	86	54.09%
VBM	813	1	476	210	44.12%	266	55.88%
Total	813	2	635	283	44.57%	352	55.43%
12-1218 CITY STBR							
Polling	919	1	268	90	33.58%	178	66.42%
VBM	919	1	432	160	37.04%	272	62.96%
Total	919	2	700	250	35.71%	450	64.29%
12-1219 CITY STBR							
Polling	774	1	200	58	29.00%	142	71.00%
VBM	774	1	261	92	35.25%	169	64.75%
Total	774	2	461	150	32.54%	311	67.46%
12-1221 CITY STBR							

**Santa Barbara County**  
**Consolidated General Election**  
**November 2, 2010**  
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		MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE					
Reg. Voters	Vote For	Total Votes	YES		NO		
			YES	NO	YES	NO	
Polling	754	1	151	54	35.76%	97	64.24%
VBM	754	1	232	92	39.66%	140	60.34%
Total	754	2	383	146	38.12%	237	61.88%
<b>12-1223 CITY STBR</b>							
Polling	968	1	253	72	28.46%	181	71.54%
VBM	968	1	384	114	29.69%	270	70.31%
Total	968	2	637	186	29.20%	451	70.80%
<b>12-1224 CITY STBR</b>							
Polling	950	1	269	86	31.97%	183	68.03%
VBM	950	1	345	113	32.75%	232	67.25%
Total	950	2	614	199	32.41%	415	67.59%
<b>12-1225 CITY STBR</b>							
Polling	1125	1	326	91	27.91%	235	72.09%
VBM	1125	1	381	117	30.71%	264	69.29%
Total	1125	2	707	208	29.42%	499	70.58%
<b>12-1226 CITY STBR</b>							
Polling	1000	1	213	63	29.58%	150	70.42%
VBM	1000	1	305	104	34.10%	201	65.90%
Total	1000	2	518	167	32.24%	351	67.76%
<b>12-1227 CITY STBR</b>							
Polling	1042	1	250	75	30.00%	175	70.00%
VBM	1042	1	346	125	36.13%	221	63.87%
Total	1042	2	596	200	33.56%	396	66.44%
<b>12-1228 CITY STBR</b>							
Polling	965	1	252	66	26.19%	186	73.81%
VBM	965	1	278	66	23.74%	212	76.26%
Total	965	2	530	132	24.91%	398	75.09%
<b>12-1232 CITY STBR</b>							
Polling	918	1	225	63	28.00%	162	72.00%
VBM	918	1	264	95	35.98%	169	64.02%
Total	918	2	489	158	32.31%	331	67.69%
<b>12-1233 CITY STBR</b>							
Polling	958	1	237	70	29.54%	167	70.46%
VBM	958	1	260	85	32.69%	175	67.31%
Total	958	2	497	155	31.19%	342	68.81%
<b>12-1235 CITY STBR</b>							
Polling	681	1	181	66	36.46%	115	63.54%
VBM	681	1	161	58	36.02%	103	63.98%
Total	681	2	342	124	36.26%	218	63.74%
<b>12-1236 CITY STBR</b>							
Polling	524	1	109	26	23.85%	83	76.15%
VBM	524	1	109	41	37.61%	68	62.39%

Santa Barbara County  
 Consolidated General Election  
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MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE

	Reg. Voters	Vote For	Total Votes	YES	NO
Total	524	2	218	67	30.73%
12-2218 CITY STBR				151	69.27%
Polling	992	1	272	78	28.68%
VBM	992	1	331	92	27.79%
Total	992	2	603	170	28.19%
15-1101 CITY CARP				433	71.81%
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
15-1102 CITY CARP				-	-
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
15-1105 CITY CARP				-	-
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
15-1107 CITY CARP				-	-
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
15-1108 CITY CARP				-	-
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
15-1110 CITY CARP				-	-
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
15-1114 CITY CARP				-	-
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
20-1926 M-LRES				-	-
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
20-2001 MESA				-	-
Polling	-	-	-	-	-
VBM	-	-	-	-	-
Total	-	-	-	-	-
20-2003 M-HOPE				-	-
Total	-	-	-	-	-

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MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE					
	Reg. Voters	Vote For	Total Votes	YES	NO
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
20-3001 GLTA	-	-	-	-	-
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
20-3003 GLTA	-	-	-	-	-
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
20-3905 M-GLTA	-	-	-	-	-
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
20-3955 M-GLTA	-	-	-	-	-
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
22-2095 M-CITY STBR	12	1	9	4	44.44%
Polling VBM	12	1	0	0	0
Total	12	2	9	4	44.44%
22-2201 CITY STBR	1105	1	307	112	36.48%
Polling VBM	1105	1	344	138	40.12%
Total	1105	2	651	250	38.40%
22-2202 CITY STBR	975	1	229	82	35.81%
Polling VBM	975	1	392	146	37.24%
Total	975	2	621	228	36.71%
22-2203 CITY STBR	830	1	185	69	37.30%
Polling VBM	830	1	318	144	45.28%
Total	830	2	503	213	42.35%
22-2205 CITY STBR	1183	1	265	110	41.51%
Polling VBM	1183	1	488	217	44.47%
Total	1183	2	753	327	43.43%
22-2206 CITY STBR	1029	1	208	92	44.23%
Polling VBM	1029	1	506	209	41.30%

Santa Barbara County  
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MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE						
	Reg. Voters	Vote For	Total Votes	YES	NO	
Total	1029	2	714	301	42.16%	413 57.84%
22-2208 CITY STBR						
Polling	992	1	274	82	29.93%	192 70.07%
VBM	992	1	386	129	33.42%	257 66.58%
Total		2	660	211	31.97%	449 68.03%
22-2209 CITY STBR						
Polling	1105	1	319	124	38.87%	195 61.13%
VBM	1105	1	438	192	43.84%	246 56.16%
Total		2	757	316	41.74%	441 58.26%
22-2210 CITY STBR						
Polling	937	1	268	81	30.22%	187 69.78%
VBM	937	1	326	112	34.36%	214 65.64%
Total		2	594	193	32.49%	401 67.51%
22-2211 CITY STBR						
Polling	529	1	175	53	30.29%	122 69.71%
VBM	529	1	203	81	39.90%	122 60.10%
Total		2	378	134	35.45%	244 64.55%
22-2214 CITY STBR						
Polling	725	1	151	52	34.44%	99 65.56%
VBM	725	1	349	142	40.69%	207 59.31%
Total		2	500	194	38.80%	306 61.20%
22-2215 CITY STBR						
Polling	1108	1	268	98	36.57%	170 63.43%
VBM	1108	1	494	216	43.72%	278 56.28%
Total		2	762	314	41.21%	448 58.79%
22-2216 CITY STBR						
Polling	582	1	148	47	31.76%	101 68.24%
VBM	582	1	202	59	29.21%	143 70.79%
Total		2	350	106	30.29%	244 69.71%
22-2217 CITY STBR						
Polling	841	1	219	57	26.03%	162 73.97%
VBM	841	1	291	114	39.18%	177 60.82%
Total		2	510	171	33.53%	339 66.47%
22-2221 CITY STBR						
Polling	708	1	199	92	46.23%	107 53.77%
VBM	708	1	306	123	40.20%	183 59.80%
Total		2	505	215	42.57%	290 57.43%
22-2222 CITY STBR						
Polling	907	1	269	75	27.88%	194 72.12%
VBM	907	1	308	107	34.74%	201 65.26%
Total		2	577	182	31.54%	395 68.46%
22-2223 CITY STBR						



Santa Barbara County  
 Consolidated General Election  
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MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE						
	Reg. Voters	Vote For	Total Votes	YES	NO	
Total	1108	2	756	339	44.84%	417 55.16%
22-2241 CITY STBR						
Polling	999	1	177	89	50.28%	88 49.72%
VBM	999	1	546	277	50.73%	269 49.27%
Total	999	2	723	366	50.62%	357 49.38%
22-3801 M-AIRPORT						
Polling	0	1	0	0	-	0
VBM	0	1	0	0	-	0
Total	0	2	0	0	-	0
28-2025 CITY GLTA						
Polling	-	-	-	-	-	-
VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
28-2031 CITY GLTA						
Polling	-	-	-	-	-	-
VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
28-2033 CITY GLTA						
Polling	-	-	-	-	-	-
VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
28-3005 CITY GLTA						
Polling	-	-	-	-	-	-
VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
28-3007 CITY GLTA						
Polling	-	-	-	-	-	-
VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
28-3008 CITY GLTA						
Polling	-	-	-	-	-	-
VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
30-0120 M-PUR						
Polling	-	-	-	-	-	-
VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
30-0917 M-ORCT						
Polling	-	-	-	-	-	-
VBM	-	-	-	-	-	-
Total	-	-	-	-	-	-
30-0992 M-LSAL						
Total	-	-	-	-	-	-

Santa Barbara County  
 Consolidated General Election  
 November 2, 2010  
 Certified Results

MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE					
	Reg. Voters	Vote For	Total Votes	YES	NO
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
30-4915 M-CSML					
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
30-5903 M-LSOL					
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
31-3501 M-CITY LMPC					
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
31-4525 M-CITY LMPC					
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
32-3201 M-AIRPORT					
Polling VBM	0	1	0	0	0
Total	0	1	0	0	0
36-3301 M-CITY SLVG					
Polling VBM	0	2	0	0	0
Total	0	2	0	0	0
36-3302 CITY SLVG					
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
36-3303 CITY SLVG					
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
36-3304 CITY SLVG					
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-
36-3305 M-CITY SLVG					
Polling VBM	-	-	-	-	-
Total	-	-	-	-	-

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MEASURE T2010 CITY OF SB ZONING ORDINANCE CHANGE

	Reg. Voters	Vote For	Total Votes	YES	NO
Total					
53-5803 M-CITY STMR					
Polling					
VBM					
Total					
53-5805 CITY STMR					
Polling					
VBM					
Total					
53-5843 CITY STMR					
Polling					
VBM					
Total					
Total	45767	57	11510	4145 36.01%	7365 63.99%
Polling	45767	57	17587	7134 40.56%	10453 59.44%
VBM	45767	114	29097	11279 38.76%	17818 61.24%



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

File Code No. 110.04

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** City Clerk's Office, Administrative Services

**SUBJECT:** Update Of Conflict Of Interest Code Resolution To Include New And Deleted Positions Subject To Disclosure Requirements

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Conflict of Interest Code of the City of Santa Barbara to Incorporate by Reference the Fair Political Practices Commission's Model Code and Rescinding Resolution No. 08-109, to add or delete classifications subject to disclosure requirements.

### **DISCUSSION:**

The State Political Reform Act requires that cities review their Conflict of Interest Code biennially and submit any changes by December of even-numbered years. Exhibit A of the recommended resolution updates the list of designated positions that file Statements of Economic Interests. Attached is a summary of the changes that includes the renaming of previously designated positions, the addition of new positions, the deletion of designated positions, and the name change to the Parks and Recreation Commission per the November 3, 2009, election. The proposed resolution will become effective January 1, 2011.

**ATTACHMENT:** Summary of Changes to Positions Subject to Disclosure Requirements

**PREPARED BY:** Cynthia M. Rodriguez, CMC, City Clerk Services Manager

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

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

**SUMMARY OF CHANGES TO POSITIONS SUBJECT TO DISCLOSURE REQUIREMENTS****NEW JOB TITLES**

<b>New Title</b>	<b>Prior Title</b>
Division Chief – Operations	Deputy Fire Chief
Facilities Maintenance Superintendent	Facilities Construction Superintendent
Housing and Redevelopment Manager	Assistant Community Development Director/Housing and Redevelopment Manager
Public Works Business Manager	Public Works Administrative Officer

**NEW POSITIONS**

<b>Title</b>	<b>Department</b>
Airport Facilities Superintendent	Airport
Airport Patrol Supervisor	Airport
Creeks Supervisor	Parks and Recreation
Custodial Supervisor	Public Works
Neighborhood and Outreach Services Supervisor	Parks and Recreation
Project Manager II	Various
Project Planner/Environmental Analyst	Community Development
Senior Recreation Supervisor	Parks and Recreation

**DELETED POSITIONS**

<b>Title</b>	<b>Department</b>
Administrative Analyst I, II, III	Community Development
Administrative Assistant	Parks and Recreation
Assistant Finance Director	Finance
Assistant Transportation Planner	Public Works
Associate Plan Check Engineer	Community Development
Associate Planner	Parks and Recreation
Business Manager	Parks and Recreation
Community Services Supervisor	Parks and Recreation
Environmental Compliance Officer	Airport
Landscape Architect/Project Coordinator	Parks and Recreation
Police Records Manager	Police
Principal Civil Engineer	Public Works
Property Management Specialist	Airport
Real Property Agent	Public Works
Streets Maintenance Superintendent	Public Works

**ADVISORY GROUP NAME CHANGE PER NOVEMBER 3, 2009 ELECTION**

<b>New Name/Department</b>	<b>Prior Name/Department</b>
Parks and Recreation Commission/Parks and Recreation Department	Board of Park Commissioners/Parks and Recreation Department
	Board of Recreation Commissioners/Parks and Recreation Department

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE CONFLICT OF INTEREST CODE OF THE CITY OF SANTA BARBARA TO INCORPORATE BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S MODEL CODE, AND RESCINDING RESOLUTION NO. 08-109

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, Title 2, Division 6 of the California Code of Regulations, Section 18730, which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act, and which can be incorporated by reference.

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

SECTION 1. The terms of Title 2, Division 6 of the California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, incorporated herein by reference, along with the attached Exhibit "A" in which members and employees are designated, and Exhibit "B" in which disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Santa Barbara.

SECTION 2. The City Clerk is the filing official for the Mayor, Councilmembers, City Administrator, City Attorney, and Planning Commissioners. For the persons holding these positions, the City Clerk accepts the filing, retains a copy, and forwards the original to the Fair Political Practices Commission in Sacramento. For all other persons holding designated positions, the City Clerk is the filing officer and retains the statements. The City Clerk will make the statements available for public inspection and reproduction. (Government Code Section 81008)

SECTION 3. This Resolution shall take effect January 1, 2011, and rescinds Resolution No. 08-109.

**EXHIBIT A  
RESOLUTION NO.**

**LIST OF DESIGNATED POSITIONS**  
**CONFLICT OF INTEREST CODE**

<b><u>POSITION</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Councilmembers/Redevelopment Agency Members	As required by State Law
City Administrator/City Clerk/City Treasurer/ Executive Director of the Redevelopment Agency (Secretary/Treasurer)	“
City Attorney/Redevelopment Agency Counsel	“
Planning Commission Members	“
Acting Positions	Subject to the same disclosure requirements as the position in which the person is “acting.”
Consultant *	1, 2
It has been determined that the following positions manage public investments and will file the Form 700 Statement of Economic interests with the City Clerk, who will retain the statements:	
Finance Director	As required by State Law
Fire and Police Pension Commission Members	“

\* Consultants who participate in the making of decisions on behalf of the City shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The City Administrator may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of the disclosure requirements. The City Administrator’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**DEPARTMENT**

**DISCLOSURE CATEGORY**

**City Administrator**

**Staff Positions:**

Administrative Analyst	1, 2
Assistant City Administrator	1, 2
Assistant to the City Administrator	1, 2
Special Projects Manager	1, 2

**Members of the following Advisory Group:**

Access Advisory Committee	1, 2
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**Administrative Services**

**Staff Positions:**

Administrative Services Director	1, 2
City Clerk Services Manager	1, 2
Employee Relations Manager	1, 2
Human Resources Manager	1, 2
Information Systems Manager	1, 2

**Members of the following Advisory Group:**

Board of Civil Service Commissioners	1, 2
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**DEPARTMENT****DISCLOSURE CATEGORY****Airport****Staff Positions:**

Airport Director	1, 2
Airport Facilities Superintendent	6
Airport Maintenance Supervisor	6
Airport Marketing Coordinator	6
Airport Operations Manager	1, 2
Airport Patrol Supervisor	6
Assistant Airport Director	1, 2
Associate Planner	3, 4, 6
Custodial Supervisor	6
Maintenance Coordinator	6
Project Planner	3, 4, 6
Senior Property Management Specialist	2, 4, 6

**Members of the following Advisory Group:**

Airport Commission	1, 2
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**City Attorney****Staff Positions:**

Assistant City Attorney I, II, III	1, 2
Deputy City Attorney	1, 2

**DEPARTMENT****DISCLOSURE CATEGORY****Community Development****Staff Positions:**

Administrative Services Manager	1, 2
Assistant Planner	3, 4, 6
Associate Planner	3, 4, 6
Building Inspection/Plan Check Supervisor	1, 2
Building Inspector	1, 2
Building Inspector Aide	1, 2
Building Inspection/Plan Check Supervisor	1,2
Chief Building Official	1, 2
City Planner	1, 2
Community Development Director/Deputy Director/Assistant Redevelopment Agency Secretary	1, 2
Community Development Programs Specialist	3, 4, 5
Community Development Programs Supervisor	3, 4, 5
Housing and Redevelopment Manager	1,2
Housing Loan Officer	2, 5
Housing Programs Specialist	2, 5
Housing Programs Supervisor II	2, 5
Planning Technician I/II	3, 4, 6

**DEPARTMENT****DISCLOSURE CATEGORY****Community Development (Continued)****Staff Positions:**

Plans Examiner	1, 2
Principal Planner	1, 2
Project Planner	1, 2
Project Planner/Environmental Analyst	1,2
Redevelopment Specialist	2, 5
Redevelopment Supervisor II	1, 2
Senior Building Inspector	1, 2
Senior Plan Check Engineer	1, 2
Senior Planner I, II	1, 2
Senior Plans Examiner	1, 2

**Members of the following Advisory Groups:**

Architectural Board of Review	1, 2
Arts Advisory Committee	1
Building and Fire Code Board of Appeals	1, 2
Community Development and Human Services Committee	1, 2
Community Events and Festivals Committee	1, 2
Historic Landmarks Commission	1, 2
Sign Committee	1, 2
Single Family Design Board	1, 2

**DEPARTMENT****DISCLOSURE CATEGORY****Finance****Staff Positions:**

Accounting Manager	1
Budget Manager	1
Buyer	1
Environmental Services Manager	1
Finance Supervisor (General Services)	1
General Services Manager	1
Risk Manager	1
Treasury Manager	1

**Members of the following Advisory Groups:**

Living Wage Advisory Committee	1, 2
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**Fire****Staff Positions:**

Administrative Services Manager	2, 3, 6
Division Chief - Operations	1, 2
Emergency Services Manager	1, 2, 5, 6
Fire Battalion Chief	2, 3, 6
Fire Chief	1, 2
Fire Inspector II, III	2, 3, 6
Fire Inspector I/Investigator	2, 3, 6

**DEPARTMENT****DISCLOSURE CATEGORY****Library****Staff Positions:**

Library Director	1, 2
Library Services Manager	6

**Parks and Recreation****Staff Positions:**

Assistant Parks and Recreation Director	1, 2
Creeks Restoration/Clean Water Manager	6
Creeks Supervisor	6
Golf Course Manager	6
Neighborhood & Outreach Services Supervisor	6
Parks and Recreation Director	1, 2
Parks Manager	1, 2
Recreation Programs Manager	6
Senior Recreation Supervisor	6
Urban Forest Superintendent	6
Water Resources Specialist	6

**DEPARTMENT**

**DISCLOSURE CATEGORY**

**Parks and Recreation (Continued)**

**Members of the following Advisory Groups:**

Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee	1, 2
Parks and Recreation Commission	1, 2

**Police**

**Staff Positions:**

Chief of Police	1, 2
Deputy Chief of Police	1, 2
Police Captain	3, 6
Police Information Technology Manager	6
Police Lieutenant	3, 6

**Members of the following Advisory Group:**

Fire and Police Commission	1, 2
Measure P Committee	1, 2

**Public Works**

**Staff Positions:**

Assistant Public Works Director/ City Engineer	1, 2
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**DEPARTMENT****DISCLOSURE CATEGORY****Public Works (Continued)****Staff Positions:**

Associate Transportation Planner	3, 4, 6
Facilities Maintenance Superintendent	6
Facilities and Energy Manager	3, 6
Parking/TMP Superintendent	3, 4
Principal Engineer	1, 2
Principal Transportation Planner	1, 2, 3, 4, 6
Project Engineer I, II	3, 4, 6
Project Manager II	3, 4, 6
Public Works Business Manager	3, 4, 6
Public Works Director	1, 2
Public Works Inspector II	3, 4
Senior Engineering Technician (Land Development)	3, 4, 6
Senior Public Works Inspector	3, 4
Senior Real Property Agent	2, 4, 6
Streets Manager	3, 4, 6
Supervising Engineer	3, 4, 6
Supervising Transportation Engineer	3, 4, 6
Supervising Transportation Planner	1, 2

**DEPARTMENT****DISCLOSURE CATEGORY****Public Works (Continued)**

Survey Party Chief	3, 6
Transportation Engineering Associate	3, 4, 6
Transportation Manager	3, 4, 6
Wastewater Collection System Superintendent	2, 4, 6
Wastewater System Manager	3, 6
Wastewater Treatment Superintendent	2, 4, 6
Water Distribution Superintendent	2, 4, 6
Water Resources Manager	2, 4, 6
Water Resources Supervisor	2, 4, 6
Water System Manager	2, 4, 6
Water Treatment Superintendent	2, 4, 6

**Members of the following Advisory Groups:**

Board of Water Commissioners	1, 2
Downtown Parking Committee	1, 2
Transportation and Circulation Committee	1, 2

**Waterfront****Staff Positions:**

Administrative Analyst I, II, III	3, 6
Harbor Operations Manager	3, 6
Harbor Patrol Supervisor	3, 6

**DEPARTMENT**

**DISCLOSURE CATEGORY**

**Waterfront (Continued)**

Maintenance Supervisor I, II	3, 6
Property Management Specialist	2, 3, 4, 6
Waterfront Business Manager	2, 3, 4, 6
Waterfront Director/Harbormaster	1, 2
Waterfront Facilities Manager	3, 6
Waterfront Maintenance Superintendent	3, 6
Waterfront Parking Supervisor	3, 6

**Members of the following Advisory Group:**

Harbor Commission	1, 2
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**EXHIBIT B  
RESOLUTION NO.**

**CITY OF SANTA BARBARA  
DISCLOSURE CATEGORIES**

General Provisions

When a designated employee or individual is required to disclose investments, business positions and sources of income, he or she need only disclose investments in business entities and sources of income which do business in the City, plan to do business in the City or have done business in the City within the past two (2) years. In addition to other activities, a business entity is doing business within the City if it owns real property within the City. When a designated employee or individual is required to disclose real property he or she need only disclose that which is located in whole or in part within or not more than two (2) miles outside the boundaries of the City or within two (2) miles of any land owned or used by the City.

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in Exhibit "A".

Disclosure Categories

- Category 1: All investments, business positions and sources of income. See Schedules A-1, A-2, B, C, D, and E to the Statement of Economic Interests.
- Category 2: All interests in real property. See Schedule B.
- Category 3: All investments, business positions, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department. See Schedules A-1, A-2, B, C, D, and E.
- Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition of real property. See Schedules A-1, A-2, B, C, D, and E.
- Category 5: Investments in business entities and sources of income of the type which contracts with the City to provide services, supplies, materials, machinery or equipment to any City department. See Schedules A-1, A-2, B, C, D, and E.
- Category 6: Investments in business entities and sources of income of the type which contracts with the City to provide to the designated employee's department services, supplies, materials, machinery or equipment. See Schedules A-1, A-2, B, C, D, and E.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** 2010-2012 Police Management Memorandum Of Understanding

### **RECOMMENDATION:**

That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association for the period of July 1, 2010, through June 30, 2011, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2010-2012 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Management Association.

### **DISCUSSION:**

The Memorandum of Understanding (MOU) between the City and the Police Management Association, covering nine management employees, expired on June 30, 2010. As with other groups, the City sought labor concessions from this group. Negotiators reached a tentative agreement with negotiators from the Police Management Association for a two year labor agreement on October 21, 2010. The agreement was ratified by the Association on November 2, 2010.

All employees will be subject to an unpaid furlough of 55 hours in Fiscal Year 2011 and 90 hours in Fiscal Year 2012. Because the Police Department does not close, this furlough will be scheduled throughout the year in the same manner as other types of leave. There will also be no annual vacation or holiday cash out during the term of the Agreement for most employees, with 4 employees being eligible for a limited 20-hour cash out.

To discourage the unnecessary use of sick leave, the City provides an existing benefit to convert unused sick leave time at retirement to a private annuity using a formula based on the employee's retirement formula. Historically, the City has capped this benefit for police sworn employees so that a safety employee's PERS retirement benefit plus this sick leave benefit does not exceed 90% of final pay the maximum allowed under the PERS 3% at 50 safety retirement formula. This cap is not applicable to the

other non-safety employee groups to whom this benefit applies (General, TAP, supervisors, and non-safety managers). The effect of this cap has been that most police safety employees retire before they have 30 years of service in order to avoid reduction or elimination of this benefit. In most cases, this does not create a concern for the City. However police managers, many of whom begin police service in their early twenties, tend to already have many years of service upon appointment to a police management position. As a result, the cap tends to encourage turnover and lead to shorter-term management service, which is not ideal for the organization or the Police Department. As part of this agreement, the City will no longer reduce or eliminate this benefit simply because a police manager chooses longer service.

All employees affected are already eligible for this sick leave annuity benefit. The difference with this MOU is that the sick leave annuity will not be reduced or eliminated even if they work beyond 30 years of service. To the extent that they stay longer, the purchase cost of the annuity to the City will actually be lower. This is not a PERS benefit, so there is not a direct impact on the PERS retirement plan or a need to amend the PERS Police Safety contract with the City. There may be positive or negative actuarial impacts to the PERS Police Safety Plan based on later retirement dates and increased service upon retirement, but because this change will affect so few employees, these can be expected to be minimal.

A number of new provisions have been added to this MOU to reflect existing benefits. These benefits were previously applied to this group by reference to the Management Performance and Compensation Plan. The change will incorporate these provisions in the MOU eliminating the need for reference to an external document.

Agreement with this group was reached before agreement was reached with the Police Officers Association (POA). The POA will begin making retirement cost-sharing payments in January. In order to implement a preferred alternative method of retirement contribution under the POA agreement next year, this group will need to agree to participate in retirement contributions at the same level. That is not part of this current agreement. However, staff will work to try to reach such an additional agreement with this group over the next year. Any such agreement will be cost neutral to the City.

**BUDGET/FINANCIAL INFORMATION:**

This package will temporarily reduce General Fund labor costs by \$88,466 (-4.70%) in Fiscal Year 2011 and \$118,732 (-6.31%) in Fiscal Year 2012.

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

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

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ADOPTING THE 2010-2012  
MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF SANTA BARBARA AND THE SANTA BARBARA  
POLICE MANAGEMENT ASSOCIATION

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association entered into as of July 1, 2010 and attached hereto and incorporated herein by reference as Exhibit "A" is hereby adopted.

SECTION 2. During the term of the agreement, the City Administrator is hereby authorized to implement the terms of the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association without further action by the City Council, unless such further action is explicitly required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and publish changes to the salary schedule(s) adopted with the annual operating budget.

**CITY OF SANTA BARBARA  
AND  
SANTA BARBARA POLICE MANAGEMENT  
ASSOCIATION**

***MEMORANDUM OF UNDERSTANDING***  
**JULY 1, 2010 THROUGH JUNE 30, 2012**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF SANTA BARBARA  
AND THE  
SANTA BARBARA POLICE MANAGEMENT ASSOCIATION**

THIS AGREEMENT, SIGNED ON \_\_\_\_\_, IS ENTERED INTO AS OF JULY 1, 2010, BETWEEN THE CITY OF SANTA BARBARA, HEREINAFTER REFERRED TO AS THE "CITY," AND THE SANTA BARBARA POLICE MANAGEMENT ASSOCIATION, HEREINAFTER REFERRED TO AS THE "ASSOCIATION."

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et. seq. of the Government Code, the duly authorized representatives of the City and the duly authorized representatives of the Association, having met and conferred in good faith concerning wages, hours, and terms and conditions of employment of Unit employees, declare their agreement to the provisions of this Memorandum of Understanding.

**FOR THE CITY:**

**FOR THE ASSOCIATION:**

\_\_\_\_\_  
Kristine Schmidt  
Employee Relations Manager

\_\_\_\_\_  
Doug Kresky  
Association President

\_\_\_\_\_  
Frank Mannix  
Deputy Police Chief

\_\_\_\_\_  
James Pflieger  
Police Lieutenant

\_\_\_\_\_  
Michael Pease  
Budget Manager

\_\_\_\_\_  
David Whitham  
Police Lieutenant

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**1. Scope of Representation**

The Association represents the following management job classifications:

Police Lieutenant  
Police Captain

**2. Base Salaries**

- A. Base salary ranges for each classification will remain unchanged during the term of the agreement.
- B. During the term of the agreement, the existing ability of the Police Chief to recommend merit increases for eligible employees will not be changed. The intent of this section is that the Police Chief not be directed to reduce or eliminate merit increases during the term of the agreement based on economic conditions.

**3. Compensation Analysis**

Beginning no later than April 1, 2010, the parties will meet and confer in order to attempt to reach agreement about the position of Police Captain and Police Lieutenant compensation within the labor market and within the organization for purposes of discussion during labor negotiations for a successor agreement. This shall include examining:

- 1. Compaction Data: Internal compensation relationships between the City's management and non-management classifications.
- 2. Labor Market Data:
  - i. The relative position of City of Santa Barbara's police management compensation within the applicable public sector labor market, and
  - ii. The compensation differentials between comparable management and non-management classifications within the same labor market.

**4. Unpaid Furlough**

- A. Employees will be subject to an unpaid furlough of 55 hours during the July 2010 through June 2011 fiscal year, and 90 hours during July 2011 through June 2012 fiscal year under the same procedures applicable to other management employees, except as otherwise indicated in this agreement.
- B. All employees will participate in the Pay Mitigation Plan. Employee base pay will be reduced in an equal amount over 40 pay periods beginning on December 4, 2010. For example: 55 hours + 90 hours = 145 hours divided by 40 pay periods = 3.625 hours per pay period.
- C. Upon the written request of the employee to the Payroll Office prior to January 13, 2011, an employee may substitute time that was taken off of work after July 1, 2010, but prior to ratification of this Agreement using the employee's own paid vacation or holiday balances with furlough hours for the July 2010 through June 2011 fiscal year. The employee's paid leave will be restored to the employee's leave banks.

**5. Overtime**

Overtime will be accrued only when assigned by the Police Chief to emergency duty, disasters, mutual aid, or similar situations. Overtime will be accrued or paid out at the rate of time and one-half.

**6. Educational Incentive (POST) Pay**

Employees will receive advanced Police Officers Standards and Training (POST) pay in the same amount, and under the same conditions, as established for police sergeants under their labor agreement in effect at the time.

**7. Spanish Language Premium Pay**

Employees who establish proficiency in Spanish to the satisfaction of the Police Chief and the Human Resources Manager will be eligible for Spanish language premium pay in the same amount, and under the same conditions, as established for police officers under their labor agreement in effect at the time.

**8. Uniform Allowance**

Employees will receive a uniform allowance in the same amount, and under the same conditions, as established for a Police Officer under their labor agreement in effect at the time.

**9. Cafeteria Plan Contribution**

- A. Employees will receive a monthly contribution to the cafeteria plan for the purchase of health and welfare benefits and/or optional cash-out. The cafeteria plan contribution will be \$1,560.00 per month.
- B. Information about the benefits available and their cost will be distributed to all employees at the beginning of each benefit year (i.e. calendar year).
- C. The City retains full and complete control over the selection, approval and administration of the City's group insurance program.
- D. The benefits will be subject to the following rules:
  - 1) Benefit selections must be made prior to the beginning of each benefit year. Employee changes in benefit plan selections, such as adding or deleting coverage and/or dependents, may only be made in accordance with Section 125 of the Internal Revenue Code and City policy.
  - 2) All benefits selected from the cafeteria plan must be paid for in full from the maximum benefit provided except when the maximum is insufficient to cover all insurance coverage selected. In such cases, the premium amount not funded by the City-provided benefit will be paid through an employee deduction applied against the medical premiums.
  - 3) No unexpended dollar amounts associated with selected benefits may be disbursed to a terminating employee.
  - 4) All benefit selections are subject to State and Federal rules, regulations, and laws regarding employee benefits and tax status. No guarantee is made regarding the tax-exempt status of any and all benefits presented or selected.
  - 5) Employees will be eligible for benefits coverage and the monthly cafeteria plan contribution, on the first day of the month following their hire date.

**10. Domestic Partnership Benefits**

The cafeteria plan allowance can be used toward same sex and opposite sex domestic partner dependent coverage under the medical, dental, and vision plans, and any other plan where such coverage is allowed. In order to receive this benefit, domestic partners must be registered with the City Clerk's Office and/or the Secretary of State of California, and the employee must provide proof of registration. The affected employee(s) will be responsible for all tax consequences of this benefit.

Additionally, Domestic Partners who are registered with the City Clerk's Office and/or the Secretary of State of California are treated the same as spouses under all City policies related to employees' families.

**11. Life Insurance**

Life Insurance will be provided equal to an amount of one times annual salary. An equal amount will be provided for accidental death and dismemberment (ADD) coverage. This amount will not be counted against the cafeteria plan allowance.

**12. Long Term Disability**

Each employee will receive City-paid coverage under a long term disability insurance program. This amount will not be counted against the cafeteria plan allowance.

**13. Short Term Disability**

Employees will be eligible to participate in an optional Short-term Disability plan at their own cost.

**14. Accident/Critical Illness Insurance**

Employees will be eligible to participate in an optional Supplemental Accident and Critical Illness insurance plan at their own cost.

**15. Tax-Qualified Expense Accounts**

The City will continue to offer several tax-qualified arrangements to allow employees to set aside money to pay for eligible expenses on a pre-tax basis. These include:

- Medical Flexible Spending Account
- Dependent Care Account

**16. Vacation**

A. Employees will accrue vacation as follows:

0-2	15 Days	(120 hours)
3-5	20 Days	(160 hours)
6-7	25 Days	(200 hours)
8+	28 Days	(224 hours)

B. The normal maximum vacation accrual will be 352 hours (44 days). A employee whose vacation balances exceed the maximum accrual of 352 hours will not be eligible to accrue further vacation until such time as the employee has reduced his or her accrued leave balances through time off, catastrophic leave donation, or buy-back, to below the maximum accrual. There is no retroactive grant of vacation compensation for the period of time the vacation compensation was at the cap.

- a. Effective upon ratification of this Agreement, the maximum vacation accrual will be temporarily increased by 40 hours, to 392 hours, until June 30, 2012. Thereafter, each employee must reduce his/her accrued vacation balance to 352 hours with 3 months or cease accruing additional vacation until such time as the vacation balance is again below the 352 hour maximum accrual.

C. The maximum vacation accrual may be waived if scheduled vacations are cancelled by the City for emergencies or cancelled by the employee due to the illness, injury, or personal emergency. The employee will submit to the City Administrator, via the Department Head, a memo requesting approval for the accrual beyond the maximum. The City Administrator may establish a deadline by which the employee must reduce the vacation accrual to at or below the maximum, or be subject to the accrual discontinuance as outlined in Section B, above.

**17. Vacation Cash-Out**

The annual vacation cash out shall be suspended for all bargaining unit employees in fiscal year 2011 and fiscal year 2012, with the following exception:

- a. Special Cash-Out: The following employees will be eligible to cash out a maximum of 20 hours in Fiscal Year 2011 and 20 hours in Fiscal Year 2012: David Whitham, Rafael Molina, Douglas Kresky, and Paul McCaffery.

**18. Vacation & Sick Leave Advanced Credit Upon Hire**

- A. An employee who is appointed from outside City of Santa Barbara government service within one (1) year of leaving employment with either the City of Santa Barbara or another city, county, state agency, federal agency or special district and who, in the opinion of the Human Resources Manager, possesses government experience directly related to the position to which he or she has been appointed, may be offered credit for years of prior service with the City of Santa Barbara and/or his or her immediate previous government employer in the following ways:
  - i. Vacation Accrual: At the discretion of the Human Resources Manager, the employee may be offered credit for up to the total number of prior full years of service at the City of Santa Barbara and/or his or her immediate previous government employer toward the initial vacation accrual rate. The employee will not be eligible to progress to a higher accrual rate until employee has the normal required minimum amount of City of Santa Barbara service for that accrual rate.
  - ii. Sick bank: At the discretion of the Human Resources Manager, the employee may be credited with up to 96 hours of sick leave. Thereafter, employee will accrue sick leave at the normal rate.
- B. A former City of Santa Barbara employee reemployed within one year under Santa Barbara Municipal Code Section 3.16.320 will automatically qualify for the full vacation accrual credit under (i), above, for his or her prior City of Santa Barbara service. However, under no circumstance will prior accrued vacation balances cashed out to the employee upon termination be reinstated.

**19. Holidays**

Employees shall accrue 4.33 hours of holiday leave each biweekly pay period (24 pay periods). Said hours shall be credited to the employee's Holiday Bank.

- 1. The following days are included in the Holiday Bank:
  - January 1st (New Year's Day)
  - 3<sup>rd</sup> Monday in January (Martin Luther King Jr.'s Birthday)
  - 3rd Monday in February (President's Day)
  - Last Monday in May (Memorial Day)
  - July 4th (Independence Day)
  - 1st Monday in September (Labor Day)
  - 4th Thursday in November (Thanksgiving)
  - The Friday immediately following Thanksgiving Day
  - December 25th (Christmas Day)
- 2. Four additional days (32 hours) each fiscal year are included in the holiday bank and may be designated by the employee as holidays

**20. Management Leave**

- A. Full-time regular employees designated as being exempt from the overtime provisions of the Fair Labor Standards Act will be eligible for management leave, subject to the Police Chief's approval.
- B. Each eligible management employee is awarded management leave for the fiscal year as follows:
  - Employees on the payroll July 1 (inclusive) 40 hours
  - Employees hired between July 2 and October 1 (inclusive) 30 hours
  - Employees hired between October 2 and January 1 (inclusive) 20 hours
  - Employees hired between January 2 and April 1 (inclusive) 10 hours
- C. An employee on a Leave of Absence without Pay on July 1st will receive the Management Leave hours (prorated) when s/he returns to work
- D. The Police Chief may grant additional paid Management Leave to each eligible management employee during the year. The amount of additional paid leave, if any, will be subject to discretion of the Police Chief.
- E. Management Leave is scheduled like vacation.
- F. Management Leave is not related to hours worked nor subject to accrual, and may not be carried over beyond the end of the fiscal year. Upon resignation or termination, an employee will not be entitled to any payout of management leave.
- G. Administration of Management Leave is subject to the discretion and approval of the Police Chief. Final resolution of any disputes arising with regard to Management Leave will rest with the City Administrator.

**21. Sick Leave**

Sick leave allowance will accrue at the rate of 8 hours per month.

**22. Non-Replenishable Sick Leave**

- A. After five (5) years of continuous service, an employee may accumulate additional "non-replenishable" sick leave at the rate of sixteen (16) hours at full salary for each additional year of continuous service.
- B. The maximum accumulation is two hundred and forty (240) hours and is not replenishable.
- C. Non-replenishable sick leave hours may only be used after the employee's entire regular sick leave bank is exhausted.

**23. Catastrophic Leave**

Employees will be eligible to donate vacation time to the applicable leave banks of full-time and part-time employees who are incapacitated due to a catastrophic illness or injury or who must care for a spouse or child who has a catastrophic illness or injury under the Management Catastrophic Leave Policy.

**24. Leaves of Absence**

- D. Employees may request a medical leave of absence of up to one year under the City's FMLA/CFRA Family Medical Leave Policy, the Leave without Pay (Medical Reasons) Policy, the Maternity Leave Policy, and/or the Parental Leave Policy.

- E. The City Administrator may grant an extra leave of absence, in addition to that provided under the various sick leave policies to an employee who has been continuously employed by the City for five (5) years or more. When all sick leave has been exhausted, the employee can make a request, in writing, for extra leave and attach a report from his/her medical doctor stating the extent of the illness and the approximate time required for recovery. If approved the request shall be based on the following schedule:

Service in Years (active & continuous):	Maximum # of Months of Extra Leave Allowable:
5- 10	3
10-15	6 (including the 3 above)
15-20	9 (including the 6 above)
20 +	12 (including the 9 above)

During such period of extra leave, the employee shall receive an amount equal to 50% of his/her regular salary (MC 3.08.210).

- F. Non-Medical Leave: Employees may also request a personal leave of absence of up to one year for non-medical reasons under the City's Leave of Absence without Pay (Non-medical reasons) Policy. A sabbatical may constitute a reason for a leave of absence. An approved leave of absence without pay will not constitute a break in continuous service.

**25. PERS Retirement**

- A. Employees will be covered under the Police Safety contract under the Public Employees' Retirement System (PERS) with a 3% at age 50 benefit formula.
- B. The City will continue to contribute the entire employee's portion of the PERS contribution rate on behalf of bargaining unit members. All such sums as required by law, but in no case less than 9%, shall be credited to the individual member's account.
- C. The City shall report the value of Employer Paid Member Contributions (EPMC) to PERS as compensation earnable pursuant to Government Code Section 20636(c)(4).
- D. Employees will also have the option, at their own expense, to receive PERS service credit for any military service time or other service time eligible for service credit purchase under the PERS Police Safety plan.

**26. Deferred Compensation**

In addition to the City's retirement plans, employees may elect to participate in a tax-qualified Section 457 government defined contribution retirement program.

**27. Service Credit For Sick Leave Upon Retirement**

- A. At the time of retirement, the City purchases an annuity for the retiring employee that pays a monthly benefit similar to the PERS amendment that provides service credit for sick leave.
- B. The following conditions apply to this benefit:
  1. In order to qualify for service credit for sick leave upon retirement, the retiring employee must have at least 500 sick leave hours;
  2. The conversion rate of 0.004 years of service credit for each day of sick leave is utilized;
  3. The retiring employee may take the cash purchase value of the annuity in lieu of the monthly annuity;
  4. 90% PERS retirement limit

- a. Prior to the date of ratification of this Agreement, safety group members who obtain 90% of final compensation upon retirement are not eligible for this benefit. All safety group PERS contract evaluations limit a safety member's maximum annual pension to no more than 90% of final compensation regardless of the length of service and this benefit carries the same restriction. This provision is not intended to provide a benefit when a similar benefit would not be available from PERS under the service credit for sick leave contract amendment.
  - b. Effective upon ratification of this Agreement, employees who are eligible to receive an annuity under this program shall no longer be subject to reduction of that annuity based on the 90% PERS retirement limit. This shall not apply to any employee who was already subject to a reduced annuity as of the date of ratification of the Agreement.
5. If the City amends its PERS Police contract evaluation to include service credit for sick leave upon retirement, employees will be included in that PERS contract amendment and the annuity program will be discontinued.

**28. Retiree Medical Insurance Contribution**

- A. This provision is applicable to employees who retire from City service and
  - 1. Have 10 or more years of classified or unclassified service; or
  - 2. Retire from the City with an industrial disability retirement.
- B. The City will contribute \$10.50 per month, per year of service, toward the purchase of retiree medical insurance, up to a maximum of 35 years (i.e. \$315 per month).
- C. The retiree is not limited to the purchase of a City sponsored plan, provided however, that if the retiree purchases another insurance plan, the retiree must supply the City with adequate proof of insurance coverage prior to any contribution from the City. Proof of such coverage will be provided to the City on a periodic basis, as reasonably determined by the City.
- D. The City will continue to make its contribution until the retiree reaches age 65 or dies, whichever occurs first, provided however, that if the retiree dies before reaching the age of 65 and there is a surviving spouse or registered domestic partner, the City's contribution will cease when the retiree would have reached 65. Thereafter, the spouse may remain on the insurance plan, at his/her cost, subject to the conditions set forth by the insurance company.

**29. Educational Reimbursement Programs**

The Citywide Educational Reimbursement Policy and the Management Master's Degree Program were suspended effective July 1, 2009. Employees will not be eligible for these benefits until such time as the program has been reinstated by the City Administrator Citywide.

**30. Layoff and Rehire**

- A. In cases of the abolition of a position which results in the layoff of personnel or reduction in force, the individual with the least time in classification will be the first laid off.
- B. Where individuals possess equal time in classification, total time with the Santa Barbara City Police Department will be used to determine seniority.
- C. The individual affected will have the right to "bump" downward to the next lower sworn classification such that the last hired employee in the lowest sworn rank will be the first employee laid off.
- D. Rehiring will be accomplished pursuant to Municipal Code Section 3.16.350.

### **31. City Rights**

- E. The City shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law, except to the extent such authority is explicitly waived by the express terms of this agreement.
- F. The City's rights shall include the right to determine the level of, and the manner in which, the City's activities are conducted, managed, and administered. The Association recognizes the exclusive right of the City to establish and maintain rules and procedures for the administration of its departments. Such rights include, but are not limited to, the exclusive right to: determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of economic reasons or for cause as provided in Section 1007 of the City Charter; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.
- G. The Association recognizes that the City Administrator retains, whether exercised or not, exclusive management decision-making authority over matters within the rights of the City.
- H. The Association recognizes that all bargaining unit members are "unclassified" employees as that term is defined in Article X of the City Charter.

### **32. Reopeners**

- A. The Association may request to reopen negotiations no sooner than April 1, 2011 and no later than May 15, 2011 with the limited purpose of determining whether, due to a significant change in the City's economic situation, employees should be subject to a reduced furlough in Fiscal Year 2012.
- B. The Association may also request to reopen negotiations no sooner than September 1, 2011 and no later than September 30, 2011 with the limited purpose of determining whether employees should be eligible for an increase to the cafeteria plan allowance effective in January 2013.
- C. Such negotiations shall not delay the implementation of the Fiscal Year 2012 furlough or cafeteria plan year as planned, however the amount may later be adjusted based on the outcome of the negotiations.

### **33. Term, Waiver, and Severability**

- A. The term of this agreement shall be twenty four (24) months commencing July 1, 2010 and ending at midnight on June 30, 2012. The term of this agreement may be extended by mutual agreement.
- B. The Association acknowledges that it had the unlimited right to bargain with regard to issues within the scope of representation. For the term of this Agreement, unless otherwise provided in this Agreement, the City shall not be further obligated to meet and confer. All terms and conditions of employment not covered by this agreement shall continue to be subject to the City's direction and control.
- C. If any provision of this Agreement is declared by judicial authority to be unlawful, unenforceable, or not in accordance with applicable provisions of state, federal or local laws or regulations, such part of the provision will be suspended and superseded by the applicable law or regulation and

the remainder of this Agreement shall remain in full force and effect for the duration of this Agreement.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** Human Resources, Administrative Services Department

**SUBJECT:** Santa Barbara City Firefighters Employee Cost Sharing Of PERS Contributions

**RECOMMENDATION:** That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing an Amendment to the Contract Between the City Council of the City of Santa Barbara and the Board of Administration of the California Public Employees' Retirement System for Fire Safety Employee Cost Sharing; and
- B. Adopt, by reading of title only, A Resolution of Intention to Approve an Amendment to Contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Santa Barbara.

### **EXECUTIVE SUMMARY:**

The recently ratified agreement between the City and the Santa Barbara City Firefighters Association included the provision that, as part of negotiated short-term labor concessions, Firefighters will participate in California Public Employees' Retirement System (PERS) employee cost sharing pursuant to Government Code Section 20516. Employee cost sharing is scheduled to begin January 15, 2011, at a rate equal to 4.982% of earnings, and will reduce to 2.982% beginning June 18, 2011 through June 30, 2013. Employee cost sharing will offset the City's required employer contribution.

This action will begin the PERS contract amendment process necessary to implement cost sharing as negotiated.

### **DISCUSSION:**

As previously approved by Council, Fire Safety employee cost sharing will be accomplished through a PERS contract amendment to allow cost sharing, via pre-tax employee payroll deductions, of the 3% at 50 benefit enhancement negotiated in 2001.

To initiate the process, PERS requires the City to adopt this Resolution of Intention to approve the contract amendment. The City must then conduct a member election of participants in the Fire Safety PERS plan for members to either approve or disapprove the contract amendment by majority vote. If the measure is approved by majority vote, staff will return to Council with the necessary documents to finalize the contract amendment.

The PERS structured process generally takes at least three months to complete the employee election, ballot certification and the final contract amendment. In the interim, cost-sharing will be accomplished through post-tax payroll deduction payments by employees directly to the City, as contemplated under California Government Code Section 20516(f), effective January 15, 2011 at the rate equal to 4.982%.

In the event employee cost sharing via contract amendment cannot be accomplished, such as if the member election fails to approve the contract amendment, then employees will continue to make post-tax payments directly to the City at the rate equal to 4.982% of post-tax earnings, and reduced to 2.982% from June 18, 2011 through June 30, 2013.

**BUDGET/FINANCIAL INFORMATION:**

City cost savings of negotiated labor concessions, inclusive of the employee cost sharing, were delineated with the action to approve the extension to the Memorandum of Understanding between the City and the Santa Barbara City Firefighters Association.

**PREPARED BY:** Clare Turner, Benefits Analyst

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

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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SANTA BARBARA AND THE BOARD OF ADMINISTRATON OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR FIRE SAFETY EMPLOYEE COST SHARING.

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

SECTION 1. That an amendment to the contract between the City Council of the City of Santa Barbara and the Board of Administration, California Public Employees' Retirement System dated as of December 14, 2010, is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though fully set forth herein.

SECTION 2. The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City.



## EXHIBIT

California  
Public Employees' Retirement System



# AMENDMENT TO CONTRACT

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Santa Barbara



The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective August 1, 1948, and witnessed July 29, 1948, and as amended effective August 1, 1959, July 1, 1960, July 1, 1965, July 1, 1966, April 1, 1968, January 1, 1969, August 1, 1969, December 1, 1971, April 1, 1972, July 2, 1977, January 13, 1979, January 27, 1979, January 4, 1986, October 24, 1986, February 17, 1989, April 22, 1989, July 1, 1990, January 1, 1991, February 8, 1991, February 8, 1992, April 1, 1993, May 26, 1995, June 20, 1998, December 30, 2000, June 16, 2001, July 14, 2001 and October 29, 2005 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective October 29, 2005, and hereby replaced by the following paragraphs numbered 1 through 15 inclusive:
  1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 50 for local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1948 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
  - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
  - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
  - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

- (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
    - a. Local Fire Fighters (herein referred to as local safety members);
    - b. Local Police Officers (herein referred to as local safety members);
    - c. Employees other than local safety members (herein referred to as local miscellaneous members).
  5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
    - a. **FIRE FIGHTERS AND POLICE OFFICERS WHO DID NOT WAIVE THEIR RIGHTS UNDER THE PENSION SYSTEM CONTINUED UNDER SECTION 1101 OF THE CITY CHARTER OF SANTA BARBARA ON APRIL 1, 1968, AUGUST 1, 1969 AND APRIL 1, 1972.**
  6. Assets heretofore accumulated with respect to local safety members under the local retirement system who waived their rights on April 1, 1968, August 1, 1969 and April 1, 1972 under that system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
  7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after October 29, 2005 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
  8. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after October 29, 2005 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).

9. The percentage of final compensation to be provided for local safety members hired on or after July 1, 1965 for each year of credited prior service is 0% and for local safety members hired prior to July 1, 1965 for each year of credited prior service is 100%. The percentage of final compensation to be provided for each year of credited current service is 100% and determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
  - b. Section 21024 (Military Service Credit as Public Service).
  - c. Section 20614, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From January 13, 1979 and until January 4, 1986, the normal local miscellaneous member contribution rate shall be 4%. From January 27, 1979 and until January 4, 1986, the normal local safety member contribution rate shall be 5.5%. Legislation repealed said Section effective September 29, 1980.
  - d. Section 20690, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).
  - e. Section 21635 (Post-Retirement Survivor Allowance to Continue After Remarriage) for local safety members only.
  - f. Section 21572 (Increased Level of 1959 Survivor Benefits) for local safety members only.
  - g. Section 20423 ("Local Safety Member" shall include Harbor or Port Police Officers as described in Government Code Section 20423).
  - h. Section 20965 (Credit for Unused Sick Leave) for local fire members only.
  - i. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
  - j. Section 20042 (One-Year Final Compensation).
  - k. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.

l. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service) for local miscellaneous members only.

m. Section 20516 (Employees Sharing Cost of Additional Benefits):

Section 21534.5 (2.7% @ 55 Full formula) and Section 20516 (Employee Sharing Cost of Additional Benefits) for local miscellaneous members. The employee cost sharing contribution is not to exceed 6.162%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30, 2025. Thereafter, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 2.233% of payroll.

Section 21362.2 (3% @ 50 Full formula) effective June 16, 2001 for local fire members.

The employee cost sharing contributions are not to exceed 11.309%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 16, 2021. Thereafter, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.107% of payroll.

11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on January 13, 1979. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
12. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
13. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.

- b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
14. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
15. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF SANTA BARBARA

BY \_\_\_\_\_  
LORI MCGARTLAND, CHIEF  
EMPLOYER SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

**RESOLUTION OF INTENTION  
TO APPROVE AN AMENDMENT TO CONTRACT  
BETWEEN THE  
BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE  
CITY COUNCIL  
CITY OF SANTA BARBARA**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employee Sharing Cost of Additional Benefits) applicable to Section 21362.2 (3% @ 50 Full formula) effective June 16, 2001 for local safety members. The employee cost sharing contribution is not to exceed 11.309%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 16, 2021. Thereafter, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.107% of payroll.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: \_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date adopted and approved

(Amendment)  
CON-302 (Rev. 4/96)

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Actuarial and Employer Services Branch  
Public Agency Contract Services  
P.O. Box 942709  
Sacramento, CA 94229-2709  
(888) CalPERS (225-7377)

**CERTIFICATION OF COMPLIANCE WITH  
GOVERNMENT CODE SECTION 20516**

I hereby certify that in accordance with Section 20516 of the Government Code, City of Santa Barbara and its fire employees have agreed in writing to share the costs of the following benefit:

Section 21362.2 (3% @ 50 Full formula) effective June 16, 2001 for local fire members. The employee cost sharing contribution is not to exceed 11.309%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 16, 2021. Thereafter, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.107% of payroll.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Attachment #2

Actuarial and Employer Services Branch  
Public Agency Contract Services  
P.O. Box 942709  
Sacramento, CA 94229-2709  
(888) CalPERS (225-7377)

**CERTIFICATION OF GOVERNING BODY'S ACTION**

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

\_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_  
(public agency)

on \_\_\_\_\_  
(date)

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** Treasury Division, Finance Department  
**SUBJECT:** November 2010 Investment Report

**RECOMMENDATION:**

That Council accept the November 2010 Investment Report.

**DISCUSSION:**

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of November 30, 2010.

**ATTACHMENT:** November 2010 Investment Report  
**PREPARED BY:** Jill Taura, Treasury Manager  
**SUBMITTED BY:** Robert Samario, Finance Director  
**APPROVED BY:** City Administrator's Office

**CITY OF SANTA BARBARA**  
**Activity and Interest Report**  
**November 30, 2010**

**INVESTMENT ACTIVITY**

**PURCHASES OR DEPOSITS**

11/1 LAIF Deposit - City	\$ 2,000,000
11/10 General Electric Capital Corporation (GECC)	2,000,000
11/17 Federal National Mortgage Association (FNMA)	2,000,000
11/23 Federal Farm Credit Bank (FFCB)	2,000,000
11/23 Federal Home Loan Mortgage Corp (FHLMC)	2,000,000
11/24 LAIF Deposit - City	2,000,000
11/29 LAIF Deposit - City	3,000,000
11/30 LAIF Deposit - City	4,000,000
<b>Total</b>	<b>\$ 19,000,000</b>

**SALES, MATURITIES, CALLS OR WITHDRAWALS**

11/3 LAIF Withdrawal - City	\$ (3,000,000)
11/5 LAIF Withdrawal - City	(1,000,000)
11/9 LAIF Withdrawal - City	(1,000,000)
11/18 LAIF Withdrawal - City	(2,000,000)
11/18 Montecito Bank & Trust - Maturity	(2,000,000)
11/19 LAIF Withdrawal - City	(1,000,000)
11/19 Federal National Mortgage Association (FNMA) - Call	(2,000,000)
11/22 LAIF Withdrawal - City	(3,500,000)
<b>Total</b>	<b>\$ (15,500,000)</b>

**ACTIVITY TOTAL**

**\$ 3,500,000**

**INTEREST REVENUE**

**POOLED INVESTMENTS**

Interest Earned on Investments	\$ 257,078
Amortization	(5,962)
SBB&T Sweep Account Interest	136
Money Market Interest	151
<b>Total</b>	<b>\$ 251,403</b>

**RDA INVESTMENTS**

Interest Earned on Investments (LAIF)	<b>\$ 5,671</b>
---------------------------------------	-----------------

**TOTAL INTEREST EARNED**

**\$ 257,074**

**CITY OF SANTA BARBARA**  
**Summary of Cash and Investments**  
**November 30, 2010**

**ENDING BALANCE AS OF OCTOBER 31, 2010**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 51,000,000	0.480%	32.68%	1
Certificates of Deposit	4,000,000	1.500%	2.56%	200
Federal Agency Issues - Coupon	90,929,696	2.457%	58.27%	1,010
Corporate/Medium Term Notes	4,004,253	5.180%	2.57%	93
	<u>149,933,949</u>	<u>1.832%</u>	<u>96.08%</u>	<u>621</u>
SB Airport Promissory Note	6,124,300	7.000%	3.92%	6,816
Totals and Averages	<u>\$ 156,058,249</u>	<u>2.034%</u>	<u>100.00%</u>	<u>864</u>
SBB&T Money Market Account	3,167,127			
<b>Total Cash and Investments</b>	<b><u>\$ 159,225,375</u></b>			

**NET CASH AND INVESTMENT ACTIVITY FOR NOVEMBER 2010**      **\$ 3,551,724**

**ENDING BALANCE AS OF NOVEMBER 30, 2010**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 50,500,000	0.460%	31.65%	1 (1)
Certificates of Deposit	2,000,000	1.750%	1.25%	352
Federal Agency Issues - Coupon	94,915,674	2.396%	59.49%	1,011
Corporate/Medium Term Notes	6,003,313	4.204%	3.76%	643
	<u>153,418,987</u>	<u>1.821%</u>	<u>96.15%</u>	<u>656</u>
SB Airport Promissory Note	6,124,300	7.000%	3.84%	6,786
Totals and Averages	<u>\$ 159,543,286</u>	<u>2.020%</u>	<u>100.00%</u>	<u>891</u>
SBB&T Money Market Account	3,233,813			
<b>Total Cash and Investments</b>	<b><u>\$ 162,777,100</u></b>			

Note:

(1) The average life of the LAIF portfolio as of November 30, 2010 is 184 days .

**CITY OF SANTA BARBARA**  
**Investment Portfolio**  
**November 30, 2010**

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
<b>LOCAL AGENCY INVESTMENT FUNDS</b>											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.460	0.460	35,500,000.00	35,500,000.00	35,500,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.460	0.460	15,000,000.00	15,000,000.00	15,000,000.00	0.00	
<b>Subtotal, LAIF</b>							50,500,000.00	50,500,000.00	50,500,000.00	0.00	
<b>CERTIFICATES OF DEPOSIT</b>											
MONTECITO BANK & TRUST	11/18/09	11/18/11	-	-	1.750	1.750	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
<b>Subtotal, Certificates of deposit</b>							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
<b>FEDERAL AGENCY ISSUES - COUPON</b>											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,003,504.95	2,048,130.00	44,625.05	
FEDERAL FARM CREDIT BANK	10/28/10	10/28/15	Aaa	AAA	1.540	1.540	2,000,000.00	2,000,000.00	1,993,760.00	(6,240.00)	Callable 10/28/11, then cont.
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,001,741.27	2,014,690.00	12,948.73	
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.002	2,000,000.00	2,000,000.00	2,034,690.00	34,690.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,086,870.00	86,870.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,070,320.00	70,320.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,049,380.00	49,380.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,010,940.00	10,940.00	
FEDERAL FARM CREDIT BANK	12/01/09	12/01/14	Aaa	AAA	2.840	2.840	2,000,000.00	2,000,000.00	2,000,000.00	0.00	Callable 12/01/10, then cont.
FEDERAL FARM CREDIT BANK	01/13/10	01/13/15	Aaa	AAA	3.180	3.180	2,000,000.00	2,000,000.00	2,007,500.00	7,500.00	Callable 01/13/11, then cont.
FEDERAL FARM CREDIT BANK	04/30/10	04/09/15	Aaa	AAA	2.900	2.916	2,000,000.00	1,998,938.83	2,042,820.00	43,881.17	Callable 04/09/12, once
FEDERAL FARM CREDIT BANK	11/23/10	11/23/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,002,820.00	2,820.00	Callable 05/23/12, then cont.
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,002,294.44	2,050,940.00	48,645.56	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,995,158.02	2,015,940.00	20,781.98	
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,756,229.64	1,788,723.00	32,493.36	
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,067,190.00	67,190.00	
FEDERAL HOME LOAN BANK	08/05/10	09/12/14	Aaa	AAA	1.375	1.375	2,000,000.00	2,000,000.00	2,017,500.00	17,500.00	
FEDERAL HOME LOAN BANK	06/30/09	06/30/14	Aaa	AAA	2.000	3.733	2,000,000.00	2,000,000.00	2,010,310.00	10,310.00	SU 5%, Callable 06/30/11, once
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AAA	3.125	2.440	2,000,000.00	2,039,219.15	2,130,940.00	91,720.85	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AAA	1.700	1.700	2,000,000.00	2,000,000.00	2,042,820.00	42,820.00	
FEDERAL HOME LOAN BANK	03/30/10	09/30/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,010,620.00	10,620.00	Callable 03/30/11, once
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,068,440.00	68,440.00	
FEDERAL HOME LOAN BANK	06/29/10	10/29/12	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,020,940.00	20,940.00	
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,996,082.17	2,027,500.00	31,417.83	
FEDERAL HOME LOAN BANK	05/28/10	05/28/15	Aaa	AAA	2.000	2.653	2,000,000.00	2,000,000.00	2,055,630.00	55,630.00	SU 3.35%, Callable 11/28/12, once
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,999,739.06	2,001,260.00	1,520.94	
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AAA	4.375	2.272	2,000,000.00	2,111,308.52	2,196,560.00	85,251.48	

**CITY OF SANTA BARBARA  
Investment Portfolio  
November 30, 2010**

DESCRIPTION	PURCHASE	MATURITY	QUALITY RATING		STATED	YIELD AT	FACE	BOOK	MARKET	BOOK	COMMENTS
	DATE	DATE	MOODY'S	S & P							
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AAA	3.125	2.130	2,000,000.00	2,057,650.59	2,130,940.00	73,289.41	
FEDERAL HOME LOAN BANK	03/26/10	06/08/12	Aaa	AAA	1.375	1.325	2,000,000.00	2,001,491.82	2,026,250.00	24,758.18	
FEDERAL HOME LOAN BANK	07/14/10	07/14/15	Aaa	AAA	2.000	2.336	2,000,000.00	2,000,000.00	2,022,810.00	22,810.00	SU 2.0%-3.5% Call 07/14/11, then q
FEDERAL HOME LOAN BANK	06/30/10	06/30/14	Aaa	AAA	1.125	2.277	2,000,000.00	2,000,000.00	2,021,250.00	21,250.00	SU 3% callable 12/30/11, once
FEDERAL HOME LOAN MTG CORP	04/08/09	04/08/13	Aaa	AAA	2.500	2.526	2,000,000.00	1,999,647.22	2,014,460.00	14,812.78	Callable 04/08/11, once
FEDERAL HOME LOAN MTG CORP	05/19/09	11/19/12	Aaa	AAA	2.170	2.170	2,000,000.00	2,000,000.00	2,016,020.00	16,020.00	Callable 05/19/11, once
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AAA	2.125	1.699	2,000,000.00	2,014,918.03	2,055,940.00	41,021.97	
FEDERAL HOME LOAN MTG CORP	11/23/10	11/23/15	Aaa	AAA	1.750	1.845	2,000,000.00	1,991,200.00	1,989,280.00	(1,920.00)	Callable 11/23/11, once
FEDERAL HOME LOAN MTG CORP	05/13/09	05/13/13	Aaa	AAA	2.400	2.400	2,000,000.00	2,000,000.00	2,017,340.00	17,340.00	Callable 05/13/11, once
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,953,488.78	2,010,920.00	57,431.22	
FEDERAL HOME LOAN MTG CORP	03/26/10	04/25/12	Aaa	AAA	1.125	1.197	1,000,000.00	999,004.11	1,008,450.00	9,445.89	
FEDERAL HOME LOAN MTG CORP	06/30/10	06/30/15	Aaa	AAA	2.000	2.914	2,000,000.00	2,000,000.00	2,020,160.00	20,160.00	SU 2.0%-4.5%, Call 06/30/11, annua
FEDERAL NATL MORTGAGE ASSN	03/18/09	09/18/12	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,013,120.00	13,120.00	Callable 03/18/11, once
FEDERAL NATL MORTGAGE ASSN	07/07/10	07/07/15	Aaa	AAA	2.350	2.350	2,000,000.00	2,000,000.00	2,021,570.00	21,570.00	Callable 07/07/11, once
FEDERAL NATL MORTGAGE ASSN	05/24/10	06/24/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,013,440.00	13,440.00	Callable 06/24/11, once
FEDERAL NATL MORTGAGE ASSN	08/10/10	08/10/15	Aaa	AAA	2.000	2.055	2,000,000.00	1,995,601.67	2,013,130.00	17,528.33	Callable 08/10/12, once
FEDERAL NATL MORTGAGE ASSN	11/17/10	11/17/14	Aaa	AAA	1.300	1.300	2,000,000.00	2,000,000.00	1,993,130.00	(6,870.00)	Callable 05/17/11, once
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,007,810.00	7,810.00	Callable 02/24/11, once
FEDERAL NATL MORTGAGE ASSN	08/05/10	08/05/15	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,012,810.00	12,810.00	Callable 08/05/11, once
FEDERAL NATL MORTGAGE ASSN	09/09/10	09/09/15	Aaa	AAA	1.850	1.871	2,000,000.00	1,998,455.56	1,999,690.00	1,234.44	Callable 09/09/11, once
FEDERAL NATL MORTGAGE ASSN	09/21/10	09/21/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,005,310.00	5,310.00	Callable 03/21/11, once
<b>Subtotal, Federal Agencies</b>							<u>94,700,000.00</u>	<u>94,915,673.83</u>	<u>96,281,063.00</u>	<u>1,365,389.17</u>	
<b>CORPORATE/MEDIUM TERM NOTES</b>											
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aa2	AA+	6.125	5.100	2,000,000.00	2,004,105.75	2,024,800.00	20,694.25	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	Aa2	AA+	2.250	2.250	2,000,000.00	2,000,000.00	1,938,280.00	(61,720.00)	
WELLS FARGO & CO.	05/30/07	01/12/11	A1	AA-	4.875	5.260	2,000,000.00	1,999,207.08	2,009,720.00	10,512.92	
<b>Subtotal, Corporate Securities</b>							<u>6,000,000.00</u>	<u>6,003,312.83</u>	<u>5,972,800.00</u>	<u>(30,512.83)</u>	
<b>SB AIRPORT PROMISSORY NOTE (LT)</b>											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	<u>6,124,299.81</u>	<u>6,124,299.81</u>	<u>6,124,299.81</u>	<u>0.00</u>	
<b>Subtotal, SBA Note</b>							<u>6,124,299.81</u>	<u>6,124,299.81</u>	<u>6,124,299.81</u>	<u>0.00</u>	
<b>TOTALS</b>							<u>159,324,299.81</u>	<u>159,543,286.47</u>	<u>160,878,162.81</u>	<u>1,334,876.34</u>	

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Contract For Construction Of Community Development Block Grant 2010-2011 Access Ramp Project

**RECOMMENDATION:** That Council:

- A. Award a contract with Aguilera Brothers Construction, Inc., in their low bid amount of \$42,935 for construction of the Community Development Block Grant (CDBG) 2010-2011 Access Ramp Project (Project), Bid No. 3623; and
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$6,450 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.

**DISCUSSION:**

**PROJECT DESCRIPTION**

Alisos Street is a heavily used pedestrian alternative to Milpas Street. In 2006, the Access Advisory Committee advised City staff that Alisos Street should be considered a priority for sidewalk access and ramps to complete accessibility of the street. Since then, the City has applied for and received Community Development Block Grant funds that allow for the completion of sidewalk access ramps at eight intersections on Alisos Street. This work was completed in 2008 and 2010.

Many intersections on Alisos Street are still in need of sidewalk access ramps. Therefore, the Community Development Department and Human Services Committee recommended 2011 CDBG funding in the amount of \$50,000 for this Project to be administered by the Public Works Department.

The Project consists of installing sidewalk access ramps at two intersections on Alisos Street. The completed Project will enhance accessibility along this route of travel in conformance with the Americans with Disabilities Act.

The work will be completed at the intersection of Alisos Street at Gutierrez Street (two ramps) and Quinientos Street (two ramps). See attached Project Location Map.

## CONTRACT BIDS

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

	<b>BIDDER</b>	<b>BASE BID AMOUNT</b>
1.	Aguilera Brothers Construction, Inc. Santa Paula, CA	\$42,935.00
2.	Draper Construction Somis, CA	\$44,090.00
3.	D-KAL Engineering, Inc. San Luis Obispo, CA	\$47,665.40
4.	Toro Enterprises, Inc. Oxnard, CA	\$50,049.00
5.	Berry General Engineering Ventura, CA	\$51,832.55
6.	Lash Construction Santa Barbara, CA	\$58,265.00
7.	Granite Construction Company Watsonville, CA	\$63,678.00
8.	Bob Trautz Land Development Co. Inc. Santa Barbara, CA	\$65,915.00

The low bid of \$42,935, submitted by Aguilera Brothers Construction, Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$6,450, or 15%, is typical for this type of work and size of project.

## PUBLIC OUTREACH

In early December 2010, City staff notified the property owners and residents located at the two intersections about the Project. Prior to Project construction, notice will be given door to door informing residents about the work.

FUNDING

This Project is funded by CDBG and Measure D funds. The CDBG amount of \$50,000 is for construction only. Measure D funding is for City staff time. There are sufficient appropriated funds in the CDBG fund and Streets fund to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

**CONSTRUCTION CONTRACT FUNDING SUMMARY**

	<b>Basic Contract</b>	<b>Change Funds</b>	<b>Total</b>
Aguilera Brothers Construction, Inc.	\$42,935	\$6,450	\$49,385
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$49,385</b>

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

**ESTIMATED TOTAL PROJECT COST**

*\*Cents have been rounded to the nearest dollar in this table.*

Design (by City staff)	\$4,500
<b>Subtotal</b>	<b>\$4,500</b>
Construction Contract	\$42,935
Construction Change Order Allowance	\$6,450
<b>Subtotal</b>	<b>\$49,385</b>
Other Construction Costs (testing, etc.)	\$1,000
Construction Management/Inspection (by City Staff)	\$12,375
<b>Subtotal</b>	<b>\$13,375</b>
<b>TOTAL PROJECT COST</b>	<b>\$67,260</b>

**SUSTAINABILITY IMPACT:**

This Project will improve the safety and accessibility for pedestrians in the eastside neighborhood. Therefore, this Project will contribute to the City's sustainability goals by encouraging more people to walk along this corridor, reducing fuel consumption and air pollution.

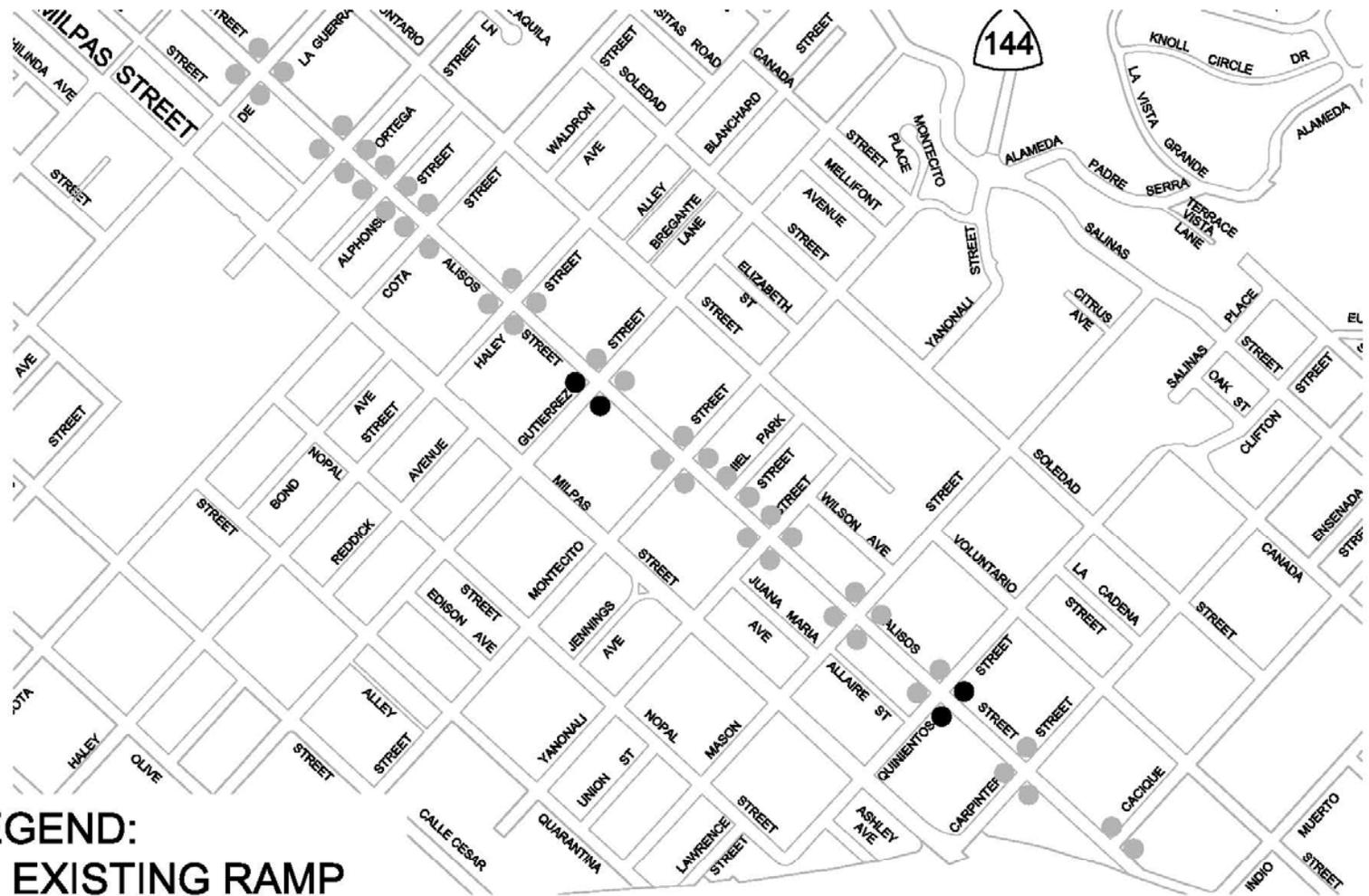
Council Agenda Report  
Contract For Construction Of Community Development Block Grant 2010-2011 Access  
Ramp Project  
December 14, 2010  
Page 4

**ATTACHMENT:** Location Map CDBG 2010-2011 Sidewalk Access Ramp  
Project

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/MR/sk

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

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



- LEGEND:**
- EXISTING RAMP
  - PROPOSED RAMP



# LOCATION MAP

## CDBG 2010-2011 SIDEWALK ACCESS RAMP PROJECT



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department  
Administration Division, Parks and Recreation Department

**SUBJECT:** Contract For Design Of The Lower Mesa Lane Steps  
Repair/Rehabilitation Project

**RECOMMENDATION:** That Council:

- A. Authorize the Public Works Director to execute a Professional Services Agreement, in a form of agreement acceptable to the City Attorney, with Bengal Engineering, Inc., in the amount of \$74,422 for preliminary design services for the Lower Mesa Lane Steps Repair/Rehabilitation Project (Project); and
- B. Authorize the Public Works Director to approve expenditures of up to \$7,442 for extra services that may result from necessary changes in the scope of work.

### **DISCUSSION:**

### **BACKGROUND:**

The Mesa Lane Steps were originally constructed in the early 1980s to provide safe access to the beach in an area that was historically used as an informal trail to the beach. Located 4,400 feet east of Arroyo Burro Beach County Park, and about 5,300 feet west of Thousand Steps, the Mesa Lane Steps provide important beach access for neighborhood residents and others. The beach area around the steps is popular for surfing, swimming, sunbathing, and other beach-related activities.

The Mesa Lane Steps were originally constructed of wood. The lowest flight was reconstructed in the early 1990s due to the damage caused by storm action. At that time, a larger concrete base was constructed for the final landing, and concrete stairs were added at the end of the flight. A new handrail, consistent with the Americans with Disabilities Act requirements, was installed in the early 2000s. In the 20 years since the last reconstruction, storms have damaged the lowest flight of stairs and the supporting concrete. There is clear evidence of concrete cracking, spalling, and the wood timbers are in bad condition. In addition, the concrete steps leading to the beach have significantly eroded. Because of its importance as the only public beach access in this

area, repair or replacement of the lower section of the stairs is a Parks and Recreation Department's capital project. Further significant damage could result in the closure of the steps.

**PROJECT DESCRIPTION:**

The Public Works and Parks and Recreation Departments issued a request for proposals (RFP) for a coastal engineering and technical analysis of the Project area, and the development of preliminary design drawings. The RFP was distributed to 18 firms. Two local firms submitted proposals and both firms were interviewed. It is recommended that the City contract with Bengal Engineering, Inc. (Bengal), to complete the technical studies and preliminary design work for the Project. Bengal has extensive experience with designing and reconstructing coastal bluff stairs, most recently for the County of Santa Barbara. Through these projects and other coastal engineering work, Bengal understands the environmental issues involved, and the information necessary to acquire the required coastal development permits, and has the necessary engineering expertise to develop the preliminary design.

Once the preliminary design is completed, the Parks and Recreation Department will submit the Project to the Planning Division for environmental review and a Coastal Development Permit (CDP). Upon approval of the CDP, the Department will submit the Project to the California Coastal Commission for approval, if determined to be necessary.

**BUDGET/FINANCIAL INFORMATION:**

The design and permitting for the Project is funded in the Parks and Recreation Department's Fiscal Year 2011 Capital Improvement Program budget. In addition to the contract with Bengal for coastal engineering and preliminary design, the Project costs outlined below include project surveys and project management.

The following summarizes all estimated total Project costs:

**ESTIMATED TOTAL PROJECT COST**

Design (by Contract)	\$130,000
Other Design Costs - City Staff, Survey, Environmental	\$50,000
<b>Subtotal</b>	<b>\$180,000</b>
Estimated Construction Contract w/Change Order Allowance	\$350,000
Estimated Construction Management/Inspection	\$75,000
Estimated Other Construction Costs (testing, etc.)	\$10,000
<b>Subtotal</b>	<b>\$435,000</b>
<b>TOTAL PROJECT COST</b>	<b>\$615,000</b>

The Capital Improvement Program budget currently includes \$191,749 for the Project. The preliminary design costs are estimated to be \$112,864. The breakdown of these cost are as follows: preliminary design \$81,864, topographic survey by City staff \$6,000, environmental review \$10,000, and Project Management (Parks & Recreation and Engineering staff) \$15,000. Remaining funds will be used to complete the final design, and will be supplemented by future grant funding for construction. Staff will return to Council at a later date for approval of the final design contract and appropriation authority.

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/BD/sk  
 Jill Zachary, Assistant Parks and Recreation Director/JMH

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

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



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

File Code No. 530.03

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Lower Mission Creek Construction Cost Sharing Agreement With The County Of Santa Barbara

### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute a Construction Cost Sharing Agreement between the City of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District for construction of the Lower Mission Creek (LMC) Project.

### **DISCUSSION:**

#### **BACKGROUND**

The Lower Mission Creek Project (Project) has been a long-term joint effort between the United States Army Corps of Engineers (Corps), the District, and the City, since the 1960s. The Project will reduce flooding on the lower portions of Mission Creek, and will span approximately 1.3 miles of the Mission Creek channel, from Canon Perdido Street to Cabrillo Boulevard. The area mentioned above has been subject to flooding that affects residents, businesses, and transportation facilities, including the nearby railroad station, resulting in significant damage to property and productivity. Currently, Mission Creek is estimated to withstand an 8-year storm event. After the Project improvements are completed, the channel capacity will be increased to withstand more than a 20-year storm event (3,400 cubic feet per second). In addition to improving water conveyance, the final channel improvements will enhance aquatic habitat, and restore some of the native plant and tree species.

The Corps received California Coastal Commission (CCC) project approval in 2006. Due to the inability of the Corps to obtain funding to begin construction, the City and District acquired a project Coastal Development Permit from the CCC, which now allows the local agencies to move forward with District, City, and grant funded construction.

## Council Agenda Report

### Lower Mission Creek Construction Cost Sharing Agreement With The County Of Santa Barbara

December 14, 2010

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In August 2006, Council approved participation in a Memorandum of Understanding with countywide cooperating partners for the preparation of an Integrated Regional Water Management Plan (IRWMP) for the Santa Barbara region. Such a plan is necessary as a pre-condition of receiving grant funds from the State. The City adopted the Santa Barbara Countywide IRWMP in June 2007. Virtually all public agencies in Santa Barbara County, with water related responsibilities, approved the plan. This plan was approved by the State, and it later established the groundwork for the successful application of the countywide State Proposition 50 (Prop 50) grant application, which awarded \$25 million in the spring of 2008. The City's proposed LMC Project was awarded a \$1 million grant using \$1.3 million of District South Coast Zone flood control assessments as a match. The State has been asked to transfer the grant to the District for construction. Since the State has indicated the grant funds need to be expended by the end of 2011, it is necessary to start construction in the summer of 2011.

The District was successful in getting the Corps to fund the design of the LMC Prop 50 Channel between State Street and Mason Street. This work is being coordinated with the City's Cabrillo Bridge Replacement Project, which is planned to build the LMC Channel between Cabrillo Boulevard and State Street. The Corps design is now completed and the District is scheduled to begin building the LMC Channel between State Street and Mason Street in the summer of 2011. At this time the \$2.3 million is expected to be sufficient to build the channel from State Street to the Harbor View Inn pedestrian bridge.

The CCC's approvals for the LMC Channel included a significant number of conditions to protect biological resources, in particular, multi-year monitoring of the Tidewater Goby, an endangered species. The same or similar conditions were also applied to the City's Cabrillo and Mason Street Bridge Replacement Projects, which are using Federal Highway Bridge Program grant funding. The Cabrillo Bridge construction is scheduled to start in the fall of 2011, and Mason Street Bridge is planned for construction in the summer of 2013.

#### COST SHARING

Since the biological resources multi-year monitoring for the District's Prop 50 Channel construction overlaps with the requirements for the City's bridge construction projects, it is proposed that the City assume the cost responsibility for the District's Prop 50 Channel Tidewater Goby multi-year monitoring.

The District would commit to fulfilling the CCC condition for the LMC Channel to construct a 300-400 foot long by 20-40 foot wide buffer adjacent to the Mission Creek Lagoon between the bridge abutments and the ocean. Since the City's Cabrillo Bridge Replacement Project is already required to build a Mission Creek Lagoon "buffer" as part of replacing existing bridge abutment walls protection, it is anticipated the buffer work can be more efficiently constructed by coordinating the work. It is proposed that a separate bid schedule for this added buffer be included in the City's Cabrillo Bridge Replacement Project, which the District would fund.

Council Agenda Report

Lower Mission Creek Construction Cost Sharing Agreement With The County Of Santa Barbara

December 14, 2010

Page 3

As part of the proposed cost sharing agreement, the District would fund the construction of the Channel buffer at an estimated cost of \$150,000 to \$180,000. The City would fund the annual cost of the Tidewater Goby monitoring, estimated at approximately \$40,000 to \$50,000 per year for five years.

It is recommended that both the City and District staff and consultants commit to coordinate with each other to meet the CCC biological monitoring and construction requirements as described in the District LMC Channel and City bridge construction projects.

**BUDGET/FINANCIAL INFORMATION:**

There are sufficient funds budgeted in the Streets Funds to cover the City cost associated with this Cost Sharing Agreement, as part of the Cabrillo Bridge Replacement Project, which is funded with 88.53% grant construction funds, and 11.47% City Streets Funds..

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

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Library

**SUBJECT:** Library Materials Self-Check And Security System

**RECOMMENDATION:** That Council:

- A. Authorize the Library Director to negotiate and execute a contract, in a form of contract acceptable to the City Attorney, with Bibliotheca RFID Library Systems in the amount of \$249,634.75 to design and install a Radio Frequency Identification (RFID) self-check and collection security system;
- B. Appropriate \$88,559.37 from the Miscellaneous Library Trust Account to the Fiscal Year 2011 Library Department General Fund operating budget for the design and implementation of self check-out systems with RFID tags for library collections at the Central and Eastside Libraries; and
- C. Appropriate \$76,575.38 from the County Library Reserve Fund for the same system at the Goleta Valley Branch Library.

**DISCUSSION:**

The Central Library is a popular source for reading and entertainment materials for the residents of Santa Barbara, with an average of 1,600 daily visitors and an annual circulation of more than 750,000 items. The library continually evaluates new and existing library technology to improve library operations. The goal in upgrading self-check-out units at the Central Library and installing them at the Eastside and Goleta Branches is to provide patrons with self-checkout capabilities that are quick and easy to use and reduce the risk of repetitive-motion injuries to staff.

The Radio Frequency Identification (RFID) system will consist of four new RFID capable checkout machines at the Central Library, one checkout machine at the Eastside Branch Library and three checkout machines at the Goleta Branch Library. Also necessary are RFID tags for each item in all three branches and security gates that are capable of reading these tagged items.

A system upgrade is needed because the current equipment is not sophisticated enough to accomplish all of the tasks required by library users to have a seamless and

efficient experience interacting with a self service system. The new system will be capable of renewing items from the self service checkout unit without the items present, checking out items to the patron without a card present and completing all payment transactions at one time.

The self check-out and security system will provide substantial benefits to library operations, including enhanced user satisfaction, reduced checkout times, and improved ease of use. These improvements are expected to result in 80% of material checkouts eventually performed by users rather than staff. The Library will also gain the ability to manage greater circulation with reduced staffing levels. Staff will have the ability to focus their efforts on high-value tasks such as assisting users with public computers and using other library resources.

A request for proposal was used to select the proposed vendor. An internal committee conducted a needs analysis and identified four vendors with systems that might meet the Library's needs. Staff considered the following aspects of each system:

- Ability to adapt to changes in rules and policies;
- Compatibility with the Library's existing automation system;
- Ability to accept credit or debit cards for fees payment;
- Multiple language screens.

Ultimately, the Bibliotheca product was selected because of the desirability of features exclusive to this product. A major functional advantage is that it allows staff to check in multiple items at once. This new technology will also position the Library to take advantage of enhanced automation for materials handling, when funding is available.

#### **BUDGET/FINANCIAL INFORMATION:**

The total cost of the systems, including a one year maintenance contract is \$249,634.75. As part of the Fiscal Year 2010 budget, Council appropriated \$84,500 to upgrade the Library self check machines and create workflow efficiencies. This amount was carried forward into Fiscal Year 2011. Additional appropriations are needed for the remainder of the project cost, as follows:

- \$88,559.37 from the Library Miscellaneous Trust Account to acquire the system for the Central Library and Eastside Branch Library
- \$76,575.38 from the County Library Fund to purchase the system for the Goleta Valley Branch Library.

**SUBMITTED BY:** Irene Macias, Library Director

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



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

File Code No. 640.08

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Approval Of Map And Execution Of Agreements For 810 Bond Avenue And 516 N. Nopal Street

### RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map (Map) Number 20,791 and standard agreements relating to the approved subdivision at 810 Bond Avenue.

### DISCUSSION:

A Tentative Map for the subdivision located at 810 Bond Avenue (Attachment 1), was conditionally approved on April 9, 2008, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 029-08 and Planning Commission Resolution Number 035-08 (Attachment 2). The project involves the conversion of an existing four-story mixed-use development at 810 Bond Avenue which will convert three existing residential apartments to condominium units, and one existing commercial space on the ground floor to one commercial condominium unit. Staff has reviewed the Map and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with SHO and Planning Commission approval, the Owners (Attachment 3) have signed and submitted the Map and the required agreements to the City, tracked under Public Works Permit Number PBW2010-00330. Council approval is required if Council agrees with the staff determination that the Map 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 required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*.

The *Agreement Assigning Water Extraction Rights* was recorded with the County of Santa Barbara as Instrument Number 2003-0156795 on November 17, 2003.

**THE PARCEL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.**

- ATTACHMENT(S):**
1. Vicinity Map
  2. Conditions required to be recorded concurrent with Parcel Map Number 20,791 by the Planning Commission Conditions of Approval Resolution Number 035-08
  3. List of Owners/Trustees

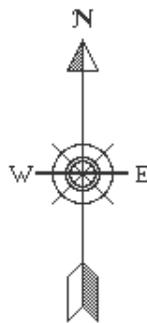
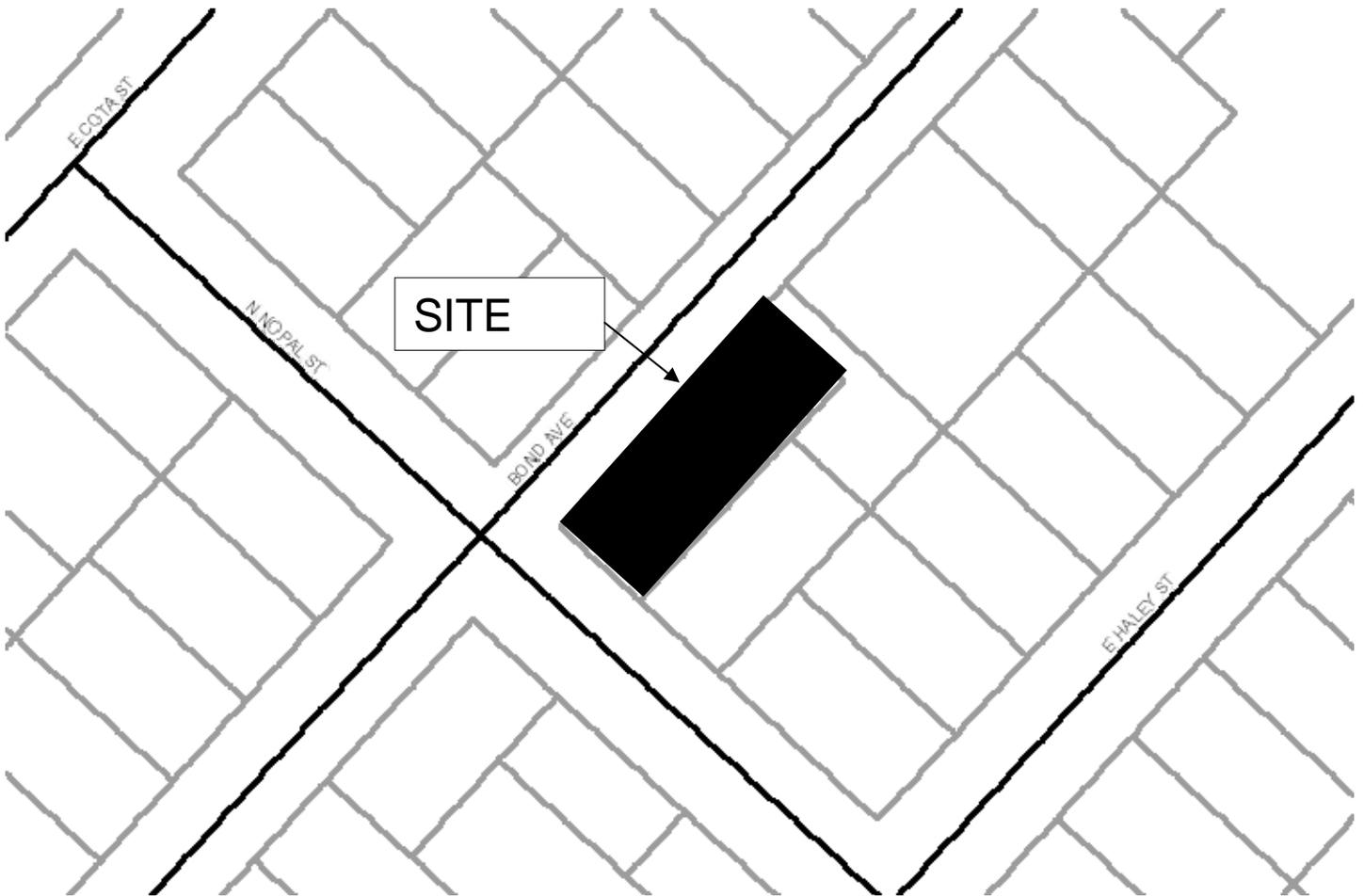
**PREPARED BY:** Mark Wilde, Supervising Civil Engineer/VJ/kts

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

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

**ATTACHMENT 1**

Vicinity Map  
810 Bond Avenue and  
516 N. Nopal Street



Not to Scale

**CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,791 BY STAFF HEARING OFFICER CONDITIONS OF PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NUMBER 035-08**

**810 Bond Avenue and 516 N. Nopal 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. **Required Private Covenants.** The Owners shall submit 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. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all parking spaces (both covered and uncovered) shall be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking spaces were designed and permitted. The uncovered parking space for Unit B, as shown on the project plans, shall be reserved for that unit.
  - c. **Landscape Maintenance.** A covenant that provides that the landscaping and open space 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. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
  - f. **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.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **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.

5. **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.
6. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 18, 2008 is limited to the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to three residential condominium units and one commercial condominium unit and the improvements shown on the project plans and Tentative Subdivision Map signed by the Planning Commission on said date and on file at the City of Santa Barbara.
7. **Use Limitations.** Due to potential parking impacts, uses which require more parking than auto repair are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
8. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
9. **Residential Permit Parking Program.** Residents of the Real Property and their guests shall not participate in the Residential Permit Parking Program.

# **ATTACHMENT 3**

## **LIST OF OWNERS**

810 Bond Avenue and 516 N. Nopal

Peter Kurrells

Silvia Kurrells



# CITY OF SANTA BARBARA

## JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** December 14, 2010

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

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

**SUBJECT:** Redevelopment Agency 2010 Comprehensive Annual Financial  
Report

**RECOMMENDATION:** That Council and the Redevelopment Agency Board:

- A. Approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010, consisting of the Auditor's Opinion and Financial Statements, and the Auditor's Compliance Report; and
- B. Direct staff to submit required copies of the Report to the California State Controller's Office.

### DISCUSSION:

Pursuant to State Health and Safety Code Section 33080.1 et seq., each year the Redevelopment Agency of the City of Santa Barbara must submit an annual report to the State Controller's Office. Prior to submission, the annual report must be presented to the legislative body for review and approval. The annual report must contain an independent financial audit conducted by a certified public accountant, a report on the Agency's compliance with the laws and regulations governing the activities of the Agency, a report describing the Agency's programs and projects during the previous fiscal year, and a description of the Agency's housing activities in the previous fiscal year.

In order to comply with these requirements, the annual report consists of three components: the State Controller's Office Annual Report Forms; the Redevelopment Agency's Comprehensive Annual Financial Report (CAFR); and the State Department of Housing and Community Development's Redevelopment Agency Annual Report. A copy of the Redevelopment Agency's CAFR has been provided to each Councilmember. The complete Annual Report package can be found in the Council Reading File, the City Clerk's Office, and the Housing and Redevelopment Division Office.

The Redevelopment Agency's CAFR, as reviewed by Caporicci & Larson, Certified Public Accountants, for the fiscal year ended June 30, 2010, outlines the Agency's financial condition and compliance with State law and regulation. The Redevelopment Agency received an unqualified, or "clean," opinion on its financial statements, had no material weaknesses in internal controls, and, was found to be in compliance with redevelopment agency laws and regulations.

Staff recommends that the City Council and the Redevelopment Agency Board receive, accept, and approve the CAFR for the fiscal year ended June 30, 2010, and direct staff to submit copies of the Annual Report to the California State Controller's Office.

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

**SUBMITTED BY:** Paul Casey, Assistant City Administrator

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



## CITY OF SANTA BARBARA

### JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers  
Chair and Boardmembers

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

**SUBJECT:** Contract For Construction Of The East Cabrillo Boulevard Sidewalk  
Project, Phase II

#### RECOMMENDATION:

- A. That Council reject the apparent low bid from West Coast Public Works, Inc. (West Coast), as non-responsive due to their failure to submit a complete bid;
- B. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$305,836 for the East Cabrillo Boulevard Sidewalk Project, Phase II (Project);
- C. That Council award a contract with Toro Enterprises (Toro) in their low bid amount of \$265,936 for construction of the Project, Bid No. 3613;
- D. That Council authorize the Public Works Director to execute a contract and approve expenditures up to \$39,900 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
- E. That 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 for Funding of Capital Improvements to the East Cabrillo Boulevard Sidewalk Replacement Project, Phase II.

#### EXECUTIVE SUMMARY:

The Project lies within the State-designated East Cabrillo Boulevard Historic District. This portion of the work is the last phase of sidewalk improvements on East Cabrillo Boulevard. The Project includes approximately 1,200 linear feet of sidewalk replacement, landscape improvements, new trash and recycle receptacles, concrete benches, and new access ramps.

Staff has received eight bids for the Project and is requesting that Council authorize the Public Works Director to execute a contract with the low bidder, Toro.

## **DISCUSSION:**

### **BACKGROUND**

The Project site lies within the State-designated East Cabrillo Boulevard Historic District. The original sidewalk was designed and built in the 1920's. It reflects the 1924 *Traffic Street Plan Boulevard and Park System, Santa Barbara, California*, report, presented by Charles H. Cheney, Consultant in City Planning, and the Olmsted Brothers Landscape Architects. This report was, in part, the basis for the Historic District designation.

### **PROJECT DESCRIPTION**

The RDA funded Project consists of the removal and replacement of approximately 1,200 linear feet of existing sidewalk, access ramps, landscaping improvements, concrete benches, and trash and recycling receptacles. The Project boundaries span from just west of the Milpas Street and Cabrillo Boulevard intersection to the eastern end of the Cabrillo Pavilion Arts Center (Attachment 1). The Project is the final part of the City's Cabrillo Beachway Improvement Plan and will improve safety and access for pedestrians, and beautify the historic area. The Project received final approval from the Historic Landmarks Commission on September 1, 2010.

### **PROJECT SCHEDULE**

The Project will be scheduled prior to the main tourist season, beginning in late January or early February 2011, and will be completed by March or April 2011. Construction will take place Monday through Friday between 9 a.m. and 5 p.m. The later morning start was requested by representatives of the hotels in close proximity to the Project area.

### **CONTRACT BIDS**

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

	<b>BIDDER</b>	<b>BID AMOUNT</b>
1.	Toro Enterprises Oxnard, CA	\$265,936.00
2.	Berry General Engineering Ventura, CA	\$300,347.40
3.	Granite Construction Santa Barbara, CA	\$328,841.00
4.	Shaw Contracting Carpinteria, CA	\$361,603.00

5.	Lash Construction, Inc. Santa Barbara, CA	\$362,535.00*
6.	Aguilera Brothers Construction Ontario, CA	\$393,010.00
7.	Mendez Concrete Oceanside, CA	\$400,174.00

*\*corrected bid total*

The low bid of \$265,936 submitted by Toro, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$39,900, or 15%, is typical for this type of work and size of project.

#### BID REJECTION

The initial apparent low bid of \$255,950 from West Coast, for construction of this Project, was deemed non-responsive based on the failure of West Coast to submit all required documentation regarding their proposal.

The Public Contract Code requires all class A general engineering contractors to complete more than 50% of the work for any project it is bidding. It was determined that the bid proposal, as submitted, did not demonstrate that this requirement was being met. Further omissions were discovered, demonstrating that all the subcontractors were not listed, and the references listed were not confirming the work that was listed.

Based on this information, staff recommends that Council reject the bid from West Coast as being non-responsive to the contract requirements.

A letter was mailed to West Coast, dated November 9, 2010, informing them of staff's recommendation to reject their bid as non-responsive (Attachment 2). West Coast submitted further correspondence that was insufficient to deem the bid as responsive (Attachment 3). At this time, West Coast has not filed a bid protest, and they have not indicated whether they will be present at this Council meeting to discuss a bid protest.

#### PUBLIC OUTREACH

In August 2010, RDA staff canvassed the neighborhood and spoke to property owners and businesses about the Project and its timing. Neighborhood meeting notices were sent to property owners and businesses in the Project vicinity, as well as interested parties. On September 8, 2010, RDA and Public Works staff held a neighborhood outreach meeting at the Cabrillo Pavilion Arts Center to present the Project to the public. Another neighborhood meeting will be held before construction begins to

provide the community with additional information. Prior to Project construction, notice will again be given door-to-door to inform residents about the work.

**FUNDING**

This Project was originally included in the RDA's Fiscal Year 2010 budget at a funding level of \$600,000.

Currently, the Project account has a balance of \$572,295. The estimated total construction cost for the Project is \$374,378, leaving an unused balance of \$197,917. Any unused Project balance will accrue back to the RDA Capital Contingency Account for future appropriations.

The following summarizes the expenditures recommended in this report:

**CONSTRUCTION CONTRACT FUNDING SUMMARY**

	<b>Basic Contract</b>	<b>Change Funds</b>	<b>Total</b>
Construction Contract	\$265,936	\$39,900	\$305,836
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$305,836</b>

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

**ESTIMATED TOTAL PROJECT COST**

*\*Cents have been rounded to the nearest dollar in this table.*

Design (by City)	\$31,707
<b>Subtotal</b>	<b>\$31,707</b>
Construction Contract	\$265,936
Construction Change Order Allowance	\$39,900
<b>Subtotal</b>	<b>\$305,836</b>
Other Construction Costs (testing, etc.)	\$5,000
Construction Management/Inspection (by City Staff)	\$63,542
<b>Subtotal</b>	<b>\$68,542</b>
<b>TOTAL PROJECT COST</b>	<b>\$406,085</b>

#### HEALTH AND SAFETY CODE COMPLIANCE

The Project is contiguous to the Redevelopment Agency Project Area. The California Health and Safety Code, Section 33445, does allow, with the consent of the legislative body, the funding of projects on property that is publicly-owned where the project is contiguous to the project area, if the project meets certain findings. The proposed project improvements to the site will eliminate blighting conditions inside the Project Area, by encouraging pedestrian activity in and around the site. An increase in these activities improves the vitality of the Project Area by encouraging economic activity by locals and visitors, which leads to additional public and private improvements, and thereby eliminates blight and the conditions that lead to blight.

The redevelopment of the East Cabrillo Boulevard sidewalk meets all the required findings in Section 33445 because the proposed improvements:

1. Are of benefit to the Central City Redevelopment Project Area, as they will generate additional pedestrian activity by locals and tourists and add to the attractive environment of the Project Area, thereby eliminating blight.
2. No other reasonable means of financing the improvements are available.
3. The expenditure of Redevelopment Agency funds for these improvements is consistent with the adopted 2010 – 2014 Implementation Plan.

#### SUSTAINABILITY IMPACT:

The Project will further the City's Sustainability Program goals by encouraging pedestrian use and getting people out of their cars, and reducing waste generation by recycling the removed materials. The landscaping specified has been selected from local native plants which use less water, therefore conserving further natural resources.

**ATTACHMENTS:**

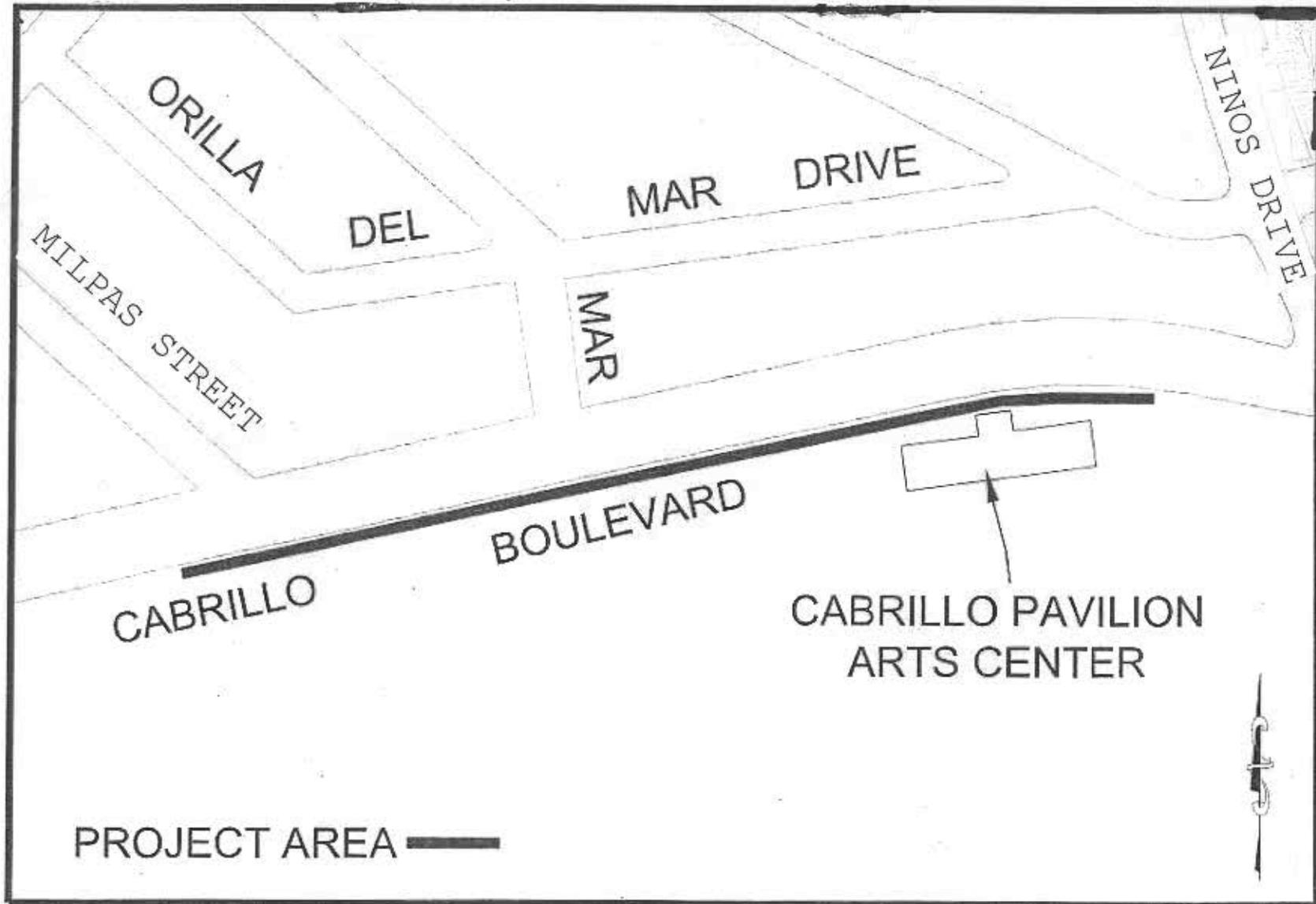
- 1) Vicinity Map
- 2) Letter to West Coast Public Works, Inc., dated November 9, 2010
- 3) Letter to West Coast Public Works, Inc., dated November 22, 2010

**PREPARED BY:** Joshua Haggmark, Principal Civil Engineer/TC/mj  
Brian J. Bosse, Housing and Redevelopment Manager/PB

**SUBMITTED BY:** Christine F. Andersen, Public Works Director  
Paul Casey, Community Development Director

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

# EAST CABRILLO BOULEVARD SIDEWALK REPLACEMENT PROJECT PHASE II





# City of Santa Barbara

Public Works Department

Attachment 2

[www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov)

November 9, 2010

**Main Office**

630 Garden Street  
P.O. Box 1990  
Santa Barbara, CA  
93102-1990

**Administration**

Tel: 805.564.5377  
Fax: 805.897.2613

**Engineering**

Tel: 805.564.5363  
Fax: 805.564.5467

**Facilities**

Tel: 805.564.5415  
Fax: 805.897.2577

**Street Maintenance**

Tel: 805.564.5413  
Fax: 805.897.1991

**Transportation**

Tel: 805.564.5385  
Fax: 805.564.5487

**Water Resources**

Tel: 805.564.5387  
Fax: 805.897.2613

Mr. Haim J. Mazal, President  
West Coast Public Works, Inc.  
20058 Ventura Boulevard, #318  
Woodland Hills, CA 91364  
Phone: (818) 206-9990  
Fax: (818) 206-4423

**SUBJECT: Bid Rejection for East Cabrillo Boulevard Sidewalk Phase II,  
Bid No. 3613**

Dear: Mr. Mazal:

The City of Santa Barbara reviewed bids from nine contractors, with a bids ranging from \$256,050 to \$400,174. West Coast Public Works, Inc. appeared to have submitted the lowest bid. City Engineering staff has reviewed the bids for East Cabrillo Boulevard Sidewalk Phase II submitted by West Coast Public Works, Inc., and the other bidders. As a result of this review, staff has determined your bid to be non-responsive. This determination was made for the following reasons:

### Subcontractors

#### Electrical subcontractor –

A portion of the work on this project includes electrical work to be performed by a licensed electrical subcontractor. No electrical subcontractors were listed on your bid. The CCPC California Public Contracting Code requires all subcontractors to be listed at the time of the bid. In a subsequent phone discussion with David Levy, it was confirmed that a licensed electrical contractor is not employed with West Coast Public Works, Inc.

#### Landscaper/Arborist –

The work also includes landscaping work, specifically, arborist work. No landscaping subcontractor was listed on your bid. During a recent phone conversation, it was stated that a Landscaper/Arborist would be hired in the event that such expertise would be required

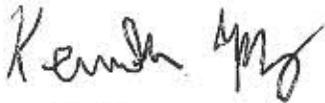
The bid documents stated that:

- A2.10 Qualifications of bidders. In order to bid on this project all bidders must possess a minimum of three years qualifying experience. A review of your qualifying experience indicates less than the required three years of experience.
- Contract Code Section 4106 in part, Fifty-one percent Work Rule. "If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's total bid, the prime contractor agrees that he or she is fully qualified to perform that portion himself or herself, and that the prime contractor shall perform that portion himself or herself." It appears the total value of the work performed by subcontractors would exceed fifty-one percent of the bid amount.
- References. Three references were required as part of the bid. The three references submitted did not provide a positive reference nor were we able to elicit a positive reference from the additional reference submitted.

For the above reasons, the bid submitted by West Coast Public Works, Inc., has been considered to be non-responsive.

If you have any questions related to this please contact me at (805) 560-7568.

Sincerely,



Kenneth Young  
Project Engineer

cc: Joshua Haggmark, Principal Civil Engineer  
Lawrence Jackson, Supervising Civil Engineer ↵



# City of Santa Barbara

## Public Works Department

Attachment 3

www.SantaBarbaraCA.gov

November 22, 2010

### Main Office

630 Garden Street  
P.O. Box 1990  
Santa Barbara, CA  
93102-1990

### Administration

Tel: 805.564.5377  
Fax: 805.897.2613

### Engineering

Tel: 805.564.5363  
Fax: 805.564.5467

### Facilities

Tel: 805.564.5415  
Fax: 805.897.2577

### Street Maintenance

Tel: 805.564.5413  
Fax: 805.897.1991

### Transportation

Tel: 805.564.5385  
Fax: 805.564.5467

### Water Resources

Tel: 805.564.5387  
Fax: 805.897.2613

Mr. Haim J. Mazal, President  
West Coast Public Works, Inc.  
20058 Ventura Boulevard, #318  
Woodland Hills, CA 91364

**SUBJECT:** Rejection of West Coast Public Works, Inc.'s bid submitted for  
East Cabrillo Boulevard Sidewalk - Phase II Project

Dear Mr. Mazal:

The bid opening for the East Cabrillo Boulevard Sidewalk - Phase II Project, was October 28, 2010, and West Coast Public Works, Inc.'s (West Coast) appeared to be the lowest bidder. A review of the bid documents revealed that West Coast had not (1) listed subcontractors for either the electrical work or the landscaping work, (2) was not performing the minimum 51% of the work, and (3) did not have the required three years of experience in the magnitude and character of the work to be performed.

In a letter to West Coast dated November 9, 2010, Mr. Ken Young, Project Engineer, informed West Coast Public Works, Inc. that their bid was found to be non-responsive and was rejected for the reasons listed above. In a subsequent conversation on November 11, 2010, with West Coast's staff, Mr. Young reiterated West Coast had five business days in which to respond to the rejection letter.

On November 15, 2010, West Coast faxed information to Mr. Young. This communication contained the following information:

- Information relating to their subcontractors,
- Additional reference material,
- A statement regarding Mr. Levy's experience,
- A proposal for electrical work dated October 28, 2010, for \$65,000, and
- A cover sheet.

Staff reviewed the submitted material and found that it did not provide the information necessary to forestall a rejection of West Coast's bid, nor did it provide information necessary to establish the three year experience requirement. An arborist's proposal was not provided. The electrical subcontractor listed a \$65,000 bid, dated October 28, 2010, yet the proposal did not cover all bid electrical items. The addition of the subcontract work further illustrated West Coast would not be performing fifty-one percent of the work.

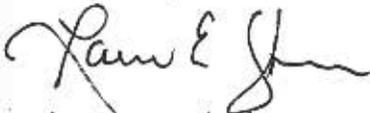
Rejection of West Coast Public Works, Inc.'s bid submitted for East Cabrillo  
Boulevard Sidewalk - Phase II Project  
November 22, 2010  
Page 2 of 2

Therefore, upon reviewing your original and additionally submitted information, we have determined that your bid remains non-responsive for the following reasons:

- A Portion of the work on this project includes electrical work to be performed by a licensed electrical subcontractor. We received the proposal dated October 28, 2010, from Ultimate Construction & Electrical Inc. It did not include the contingency bid items, and the value of the work is above the one-half of one percent as specified in the California Public Contract Code Section 4106. The proposal was for \$65,000 where as West Coast's total proposed electrical bid was \$2,900.
- There was no proposal from a landscaper dated prior to the bid opening.
- Under Section A2.10 of the bid documents, it is required that the bidder have three years of experience in the magnitude and character of work. We have not found sufficient evidence that West Coast has met the three year experience requirement.

We will be recommending rejection of your bid at the December 14, 2010, Santa Barbara City Council meeting, and to accept the bid of the next lowest bidder. Please reference the specification for your rights as a bidder.

Sincerely,



Lawrence Jackson  
Supervising Civil Engineer

KY/mj

cc: Joshua Haggmark, Principal Civil Engineer  
Lawrence Jackson, Supervising Civil Engineer

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND ADOPTING THE FINDINGS REQUIRED BY HEALTH AND SAFETY CODE SECTION 33445 FOR FUNDING OF CAPITAL IMPROVEMENTS TO THE EAST CABRILLO BOULEVARD SIDEWALK REPLACEMENT PROJECT, PHASE II

WHEREAS, the Redevelopment Agency of the City of Santa Barbara is undertaking certain activities for the planning and execution of redevelopment projects in the Central City Redevelopment Project Area;

WHEREAS, the redevelopment through replacement of the remaining East Cabrillo Boulevard sidewalk will add to the attractive environment of the Central City Redevelopment Project Area and the City of Santa Barbara;

WHEREAS, improvement of the East Cabrillo Boulevard sidewalk will provide Americans With Disabilities Act access and other access to the Pavilion and beach, and enhanced landscaping; and

WHEREAS, the Redevelopment Agency's funding of the redevelopment of the East Cabrillo Boulevard sidewalk will benefit the Central City Redevelopment Project Area by encouraging pedestrian and tourist activity in the project area, which increases the vitality of the project area by encouraging economic activity by locals and visitors, encouraging public and private improvements, and thereby eliminating blight and the conditions that lead to blight.

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

SECTION 1. The proposed improvements to the East Cabrillo Boulevard sidewalk, to be funded by the Redevelopment Agency, are of benefit to the Central City Redevelopment Project Area as the improvements will generate additional pedestrian activity by locals and tourists. An increase in these activities improves the vitality of the project area by encouraging economic activity by locals and visitors and will lead to additional public and private improvements, and thereby eliminate blight and the conditions that lead to blight.

SECTION 2. No other reasonable means of financing the improvements to the East Cabrillo Boulevard Sidewalk are available.

SECTION 3. The proposed improvements are consistent with the Central City Redevelopment Project Area 2010 – 2014 Implementation Plan.



## CITY OF SANTA BARBARA

### JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers  
Chair and Boardmembers

**FROM:** Transportation Division, Public Works Department  
Engineering Division, Public Works Department  
Housing and Redevelopment Division, Community Development  
Department

**SUBJECT:** Contract For Construction Of The Structural Upgrades To Parking  
Structures 2, 9, And 10

#### RECOMMENDATIONS:

- A. That Council reject the bid protest submitted by Truesdell Corporation;
- B. That Council award a contract with Cushman Contracting (Cushman), waiving minor irregularities, in their low bid amount of \$1,374,000 for construction of the Project, Bid No. 3571;
- C. That Council authorize the Public Works Director to execute a contract and approve expenditures up to \$206,100 to pay for any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured;
- D. That Council authorize the Public Works Director to execute a contract with BTC LABS - Vertical V (BTC LABS) in the amount of \$122,533 for materials testing and special inspection services, and approve expenditures of up to \$12,254 for extra services of BTC LABS that may result from necessary changes in the scope of work; and
- E. That Council authorize the Public Works Director to execute a contract with Watry Design, Inc. (Watry), in the amount of \$118,152 for design support services during construction and preparation of record drawings, and approve expenditures of up to \$11,816 for extra services of Watry that may result from necessary changes in the scope of work.

## **EXECUTIVE SUMMARY:**

Safe, convenient, and efficient parking is essential to the economic viability of downtown Santa Barbara. The proposed Project consists of reinforcing and supporting specific concrete beams, columns, and girders in the structures at Lot 2, located at 914 Chapala Street, Lot 9, located at 921 Anacapa Street, and Lot 10, located at 621 Anacapa Street. This work brings the parking facilities up to structural standard, which provides an increased level of safety for the citizens and employees who use them. Minor construction work to address the Americans with Disabilities Act (ADA) accessibility concerns for Lots 2 and 10 will also be included in the Project.

## **DISCUSSION:**

### PROJECT DESCRIPTION

In May 2004, the City contracted with Watry to perform a Condition Assessment Analysis for Parking Structures 2 and 10, which were constructed in the early 1980s. The assessment report, dated November 2004, identified potential safety concerns, maintenance issues, and aesthetic items, and provided cost estimates for these repairs. In November 2004, Watry was hired to do a Condition Assessment Analysis for Parking Structures 7 and 9, which were constructed in the late 1960s and seismically retrofitted in the mid 1990s. This report, dated February 2005, provided a prioritized list of potential safety concerns, maintenance issues, and aesthetic items, as well as a cost estimate for the repairs to all the lots. The report noted potential deficiencies in Lot 9 and none in Lot 7.

The studies performed by Watry determined that the columns and beams in Lots 2 and 10 were in need of strengthening and support. The studies also identified needed repairs to vital beams on the roof level and the second level of Lot 9. In January 2006, Council approved a contract for Watry to prepare plans and specifications for the concrete repairs at Lots 2, 9, and 10. Watry completed the plans and specifications for the repair work, and the building permits were to be issued in March 2007. However, the final cost estimate for the Project exceeded the original budget due to the requirement to design to a higher building standard, and the Project was placed on hold. There have been building code changes since the original plans were prepared, and the plans had been updated to meet building code requirements. On March 9, 2010, Council authorized the Public Works Director to execute a contract with Watry for design services to update the plans to current California Structural Building Code Standards, and to have the Project ready to bid, should the RDA Board allocate construction funds. On June 20, 2010, the RDA Board allocated \$2.25 million toward the Project's construction.

## CONTRACT BIDS

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

	<b>BIDDER</b>	<b>BID AMOUNT</b>	<b>BID ALTERNATE</b>	<b>TOTAL</b>
1.	Cushman Contracting Santa Barbara, CA	\$754,000	\$620,000	\$1,374,000
2.	G2K Construction, Inc. Agoura Hills, CA	\$950,000	\$540,000	\$1,499,000
3.	Truesdell Corp. Tempe, AZ	\$1,078,078	\$921,921	\$1,999,999
4.	Ardalan Construction Thousand Oaks, CA	\$1,870,000	\$1,339,000	\$3,269,000

The low bid of \$754,000, submitted by Cushman, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

Since the bids were so favorable, the City is requesting that an additive alternate for Lot 2 also be awarded at this time. Cushman's bid for Lot 2 was \$620,000. The work for Lot 2 would be performed in February 2012, which is the least disruptive season for both businesses and the use of the lots.

The change order funding recommendation of \$206,100, or 15%, is typical for projects involving renovation of existing facilities where there are some unknown conditions.

## BID PROTEST

There was a bid protest submitted from Truesdell Corporation. Truesdell protested the lowest bidder's bid amount and alleged that there was a mathematical error. City staff verified that there were no errors and recommends that the bid protest be rejected.

## CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with BTC LABS in the amount of \$134,787 for materials testing and special inspection services. BTC LABS was selected from a list of three proposals for this work.

Staff recommends that Council authorize the Public Works Director to execute a contract with Watry Design, Inc., in the amount of \$118,152 for design support services during construction. Watry Design, Inc., successfully completed the plans for this project and is familiar with the design details.

## PUBLIC OUTREACH

Staff has developed an extensive public outreach plan for the affected merchants/residents in the Project area. A presentation was given to the Downtown Parking Committee on July 9, 2010, and to the Downtown Organization on September 14, 2010, to advise them of the Project and tentative construction timeline, and to solicit feedback on any concerns.

Before the Project went out to bid, a Pre-Construction Notification was mailed to all residents and businesses between Santa Barbara and Chapala Streets and from Gutierrez to Figueroa Streets, advising them of a public meeting. The Downtown Organization also posted a Pre-Construction Notification on their Listserve. The public meeting was held before the bid opening so significant concerns could be addressed in the bid documents. The informational meeting was held on October 26, 2010; however, no one from the public attended.

Due to public safety concerns, the lots are required to be closed during the construction period. The construction work is scheduled consecutively so that only one parking structure will be closed at a time. Staff has determined that there is sufficient capacity in the surrounding parking lots to offset the loss of parking while each lot is closed during construction. Temporary informational and directional signage will be installed to direct customers to alternative parking. Once construction is completed, permanent way-finding signs will be installed in each lot to assist visitors in finding their way around the downtown area. The permanent signage will be developed with assistance from the Downtown Organization.

Before the start of each construction project, another construction notification will be sent out to the local residents, businesses, and Project stakeholders. Once the construction contract has been awarded and the tentative construction timeline is known, another public meeting will be hosted where more detailed information will be shared. The contractor will also be responsible for the final notice (door hanger) 72 hours prior to the start of construction. At least two weeks before the start of construction, parking staff will also post notifications at the entrances and exits to the lots advising of the pending closures and alternative parking lots. Construction of Lots 10 and 9 is expected to begin in February 2011 (work will occur sequentially), with Lot 2 following in February 2012.

## FUNDING

The RDA has made \$2.25 million available towards construction of the Project for the Fiscal Year 2011 RDA budget process. There are sufficient RDA funds in the Project's account to cover the cost of this Project.

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

**ESTIMATED TOTAL PROJECT COST**

	<b>Amount</b>	
Design by Contract	\$197,900	
Project Management by City Staff	\$30,000	
<b>Design Total (Previously Funded)</b>		<b>\$227,990</b>
Construction Contract	\$1,374,000	
Construction Change Order Allowance	\$206,100	
Materials Testing and Special Inspection Services (by Contract)	\$134,787	
Design Support Services During Construction (by Contract)	\$129,968	
<b>Subtotal</b>	<b>\$1,844,855</b>	
Construction Management/Inspection (by City Staff)	\$200,000	
<b>Subtotal</b>	<b>\$200,000</b>	
<b>Construction Total</b>		<b>\$2,044,855</b>
<b>TOTAL PROJECT COST</b>		<b>\$2,272,845</b>

*\*Cents have been rounded to the nearest dollar in this table.*

Design costs have already been funded by the RDA and Downtown Parking Fund through separate Council and Agency Board actions. The RDA has budgeted \$2,250,000 for the construction, sufficient funding to cover the construction cost of \$2,044,855.

**HEALTH AND SAFETY CODE COMPLIANCE**

On March 2, 2010, Council adopted Resolution No. 10-008 making the findings required under Health and Safety Code Section 33445 for the expenditure of tax increment for publicly owned projects.

**SUSTAINABILITY IMPACT:**

The Project will require recycling and/or reuse of demolition and construction materials to the maximum extent feasible, and containers will be provided onsite for that purpose, in order to minimize construction-generated waste conveyed to the landfill.

**PREPARED BY:** Browning Allen, Transportation Manager/JWG/mj  
Joshua Haggmark, Principal Civil Engineer  
Brian Bosse, Housing and Redevelopment Manager

**SUBMITTED BY:** Paul Casey, Assistant City Administrator/Community Development  
Director  
Christine F. Andersen, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** Accounting Division, Finance Department

**SUBJECT:** Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2010

**RECOMMENDATION:** That Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010; and
- B. Accept the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010.

### DISCUSSION:

Pursuant to City Charter, Finance Department staff has prepared the City's annual financial statements for the fiscal year ended June 30, 2010. The basic financial statements have been expanded, as they are each year, to include other required information and elements needed to be considered for an award for excellence in financial reporting from the Government Finance Officer's Association (GFOA). As such, the statements are referred to collectively as a "Comprehensive Annual Financial Report" (CAFR).

The financial statements were audited by the independent public accounting firm of Caporicci & Larson, Inc., a subsidiary of Marcum LLP, Certified Public Accountants whose unqualified opinion is included within the financial section of the report. An unqualified opinion indicates that the financial statements present fairly the financial position of the City of Santa Barbara as of June 30, 2010, and the results of operations in accordance with generally accepted accounting principles. As part of the audit, the audit firm also reviewed and performed tests of the City's internal accounting control procedures to determine if there are any material weaknesses or instances of non-compliance. Based on the audit, no instances of non-compliance or material weaknesses were noted.

The CAFR is divided into three (3) major sections: the introductory section, the financial section, and the statistical section. The introductory section includes the letter of transmittal, a directory of City officials, and an organization chart. The financial section

includes the independent auditors' report (as noted above), management's discussion and analysis (MD&A), and the financial statements, including notes. The statistical section includes financial trend information as well as demographic information about the City.

The City reports its financial statements using Governmental Accounting Standards Board Statement No. 34 (GASB 34). The intent of GASB 34 was to move governmental accounting and reporting closer to that of the private sector so that readers can assess the financial health of the City at the end of the year, and determine whether the City's financial condition is improving or deteriorating over time.

The MD&A contains detailed discussion and analysis of the financial information contained in the report, at both the city-wide level and fund level. It includes explanations of revenues, expenses and year-end balances of assets and liabilities. It also provides a comparative analysis to prior year results. The purpose of the MD&A is to assist readers of the financial statements with their understanding and assessment of the financial condition of the City as a whole.

The Government-wide financial statements, present a higher level of reporting by consolidating all funds of the City into one of two categories: Business-Type Activities or Government-Type Activities. In addition, the government-wide statements present all activities on an accrual basis of accounting, similar to what is used in the private sector. The purpose of the statements is to allow readers to assess the financial condition of the City as a whole in the same manner that they would be able to assess the financial condition of private sector entities.

The government-wide statements include a Statement of Net Assets, which reports all assets and liabilities of the City, with the difference being net assets, and a Statement of Activities that presents revenues and expenses and the net change in net assets during the year. They also include all infrastructure assets, (including roads, sidewalks, curbs & gutters, storm drains, street lights, bridges, traffic signals, water pipes, sewer pipes, and other similar assets), and include the deterioration of these assets (represented by annual depreciation expense).

The fund financial statements and the notes to the statements are an integral part of the CAFR. They provide important information on operations, assets, liabilities, and other important information needed to assess the financial position and financial health of the City.

Staff will present the CAFR to the Finance Committee just prior to the Council's afternoon session. A representative from the auditing firm will be present to provide the Finance Committee and Council with a summary of the audit and the results thereof.

Council Agenda Report

Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2010

December 14, 2010

Page 3

The Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2010 is available for review in the City Clerk's Office and the Finance Department. An electronic version of the CAFR will be available on the internet at <http://www.santabarbaraca.gov/Government/Finance/> no later than December 17, 2010.

**PREPARED BY:** Rudolf J. Livingston, Accounting Manager

**SUBMITTED BY:** Robert Samario, Finance Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference with Legal Counsel – Pending Litigation

**RECOMMENDATION:**

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

The pending litigation is *Laura Thurston v. City of Santa Barbara, et al.*, SBSC#1306417.

**SCHEDULING:**

Duration: 10 minutes; anytime

**REPORT:**

None anticipated

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** Risk Management Division, Finance Department

**SUBJECT:** Conference With Legal Counsel – Pending Litigation

### RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: ***John Carrillo v. City of Santa Barbara.***

Scheduling: Duration, 10 minutes; anytime  
Report: None anticipated

**PREPARED BY:** Mark W. Howard, Interim Risk Manager

**SUBMITTED BY:** Robert Samario, Finance Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference With Legal Counsel – Potential Litigation

**RECOMMENDATION:**

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

**SCHEDULING:**

Duration: 10 minutes; anytime

**REPORT:**

None anticipated

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

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



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

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 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 Treatment and Patrol Bargaining Units and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

**SCHEDULING:** Duration, 15 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:** December 14, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference With Legal Counsel – Pending Litigation

**RECOMMENDATION:**

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

The pending litigation is *The Green Light Dispensary, Inc., A California Non-Profit Mutual Benefit Corporation, v. City of Santa Barbara, USDC Case No. CV 10-7203 PA (VBKx)*.

**SCHEDULING:**

Duration: 15 minutes; anytime

**REPORT:**

None anticipated

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference With Legal Counsel – Pending Litigation

### **RECOMMENDATION:**

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

The pending litigation is *Santa Barbara Patients' Collective Health Cooperative v. City of Santa Barbara, et al.*, USDC Case No. CV10-6534 DDP(RCx).

### **SCHEDULING:**

Duration: 15 minutes; anytime

### **REPORT:**

None anticipated

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 14, 2010

**TO:** Mayor and Councilmembers

**FROM:** City Clerk's Office, Administrative Services Department

**SUBJECT:** Resolution Of Appointment To Fill The Vacancy On The City Council Due To The Resignation Of Councilmember Das Williams

**RECOMMENDATION:** That Council:

- A. Conduct the recommended process included herein to select a candidate to fill the vacancy resulting from the resignation of Councilmember Das Williams;
- B. Upon selecting a person to fill the Council vacancy, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Appointing a Member to Fill the Office of City Councilmember Das Williams as a Result of Resignation; and
- C. Request the City Clerk to administer the Oath of Office to the person selected to fill the remainder of Councilmember Williams' term, from December 14, 2010, through January 10, 2012.

**DISCUSSION:**

On November 2, 2010, Councilmember Williams was elected to the 35<sup>th</sup> State Assembly District. As a result, Councilmember Williams resigned from the City Council effective December 6, 2010, creating a vacancy on the City Council.

City Charter Section 503 states:

"...A vacancy on the City Council, or in the Office of Mayor, from whatever cause arising other than expiration of term or the election of a member of the City Council to the Office of Mayor, shall be filled by appointment by the City Council within thirty (30) days of the occurrence of such vacancy..."

City Charter Section 501 addresses the criteria to hold office:

Section 501. Eligibility.

No person shall be eligible to hold office as Mayor or as a member of the City Council unless he is and shall have been a resident and qualified elector of the

City for at least thirty (30) days next preceding the date of his election or appointment. The City Council shall judge the qualifications of its members as set forth by this Charter. (Approved by election held March 6, 1979.)

Following a November 2010 recruitment, on December 7, 2010, Council interviewed 46 applicants interested in being appointed to fill the vacancy.

The Charter does not specify a process for Council to follow. Therefore, with the extraordinarily high number of applicants, staff is recommending that Council employ the following process to fill the vacancy.

**I. Preliminary Ballot:**

- A. A ballot with all eligible applicants is provided to the Mayor and Council
- B. Each Councilmember may vote for up to five different persons, sign the ballot and hand it to the City Clerk
- C. The City Clerk will place the ballots, one at a time, on the overhead projector and transfer the corresponding votes to a master sheet
- D. Those applicants receiving two or more Council votes will be eligible for consideration in the second round

**II. Write-in Ballot:**

- A. By write-in, the Mayor and each Councilmember may vote for up to three different persons from the list of remaining candidates, sign the ballot, and hand it to the City Clerk
- B. The City Clerk will place the ballots, one at a time, on the overhead projector and transfer the corresponding votes to a master sheet
- C. The names of those applicants receiving one or more Council votes will be placed in a pool of applicants eligible for nomination in the next round

**III. Nomination Pool -** Following the process used to appoint persons to Boards and Commissions:

- A. The Mayor and each Councilmember may nominate one person each from the list of applicants remaining upon the completion of Step II
- B. By roll-call, the Mayor and each Councilmember votes for one of the nominees
- C. The person who receives four or more votes is appointed
- D. If no person receives four votes the process may be repeated, starting at Step III.

Assuming the Council approves staff's recommendation for the balloting process, the person selected to fill the vacancy will be sworn in by the City Clerk's Office immediately following the Council decision, to serve the remainder of Councilmember Williams' term,

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from December 14, 2010, through January 10, 2012. A formal certificate of appointment will be presented to the newly-appointed Councilmember at the January 11, 2011 meeting of the City Council.

**ATTACHMENTS:** 1. Preliminary Ballot  
2. Write-in Ballot

**PREPARED BY:** Cynthia M. Rodriguez, City Clerk Services Manager

**SUBMITTED BY:** Marcelo A. López, Assistant City Administrator

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

## PRELIMINARY BALLOT

FIRST ROUND	VOTE FOR UP TO FIVE APPLICANTS
	1. Nancy Sirbu
	2. Beverly D. Brott
	3. Ed Cavazos
	4. Lori A. Frisbie
	5. John J. Torell
	6. Michael Jordan
	7. Christopher A. Blair
	8. Tom Brooks Burgher
	9. Sharon Byrne
	10. Barbara E. Mathews
	11. Andy Rosenberger
	12. Robert Burke
	13. Suzanna L. Savage-Raftican
	14. Randy Rowse
	15. Alberto Pizano
	16. Blanca Flor Benedict
	17. Daniel Ramirez
	18. John J. Thyne
	19. Dianne Channing
	20. Charles E. Huff
	21. Jerry Matteo
	22. Audrey Addison Williams
	23. Keith Coffman-Grey
	24. Bonnie Raisin
	25. Naomi Kovacs
	26. Cruzito Herrera Cruz
	27. Chris Casebeer
	28. John C. Jostes
	29. Della Rosales
	30. Gerald W. "Gerry" DeWitt
	31. James E. Caldwell
	32. Richard (Rick) Goodfriend
	33. Loretta Redd
	34. Sheila Lodge
	35. G. Paul Berenson
	36. Marilyn Rickard
	37. Cathie McCammon
	38. Carola A. Nicholson
	39. Brian B. Barnwell
	40. Brian Fahnestock
	41. Wayne B. Norris
	42. Diego Torres-Santos
	43. Charles R. Quintero
	44. Willie A. Shaw
	45. David K. Hughes
	46. David Pritchett

WRITE-IN BALLOT

WRITE-IN VOTE FOR UP TO THREE APPLICANTS

<b>APPLICANTS</b>
1.
2.
3.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY  
OF SANTA BARBARA APPOINTING A MEMBER TO  
FILL THE OFFICE OF CITY COUNCILMEMBER DAS  
WILLIAMS AS A RESULT OF RESIGNATION

WHEREAS, Councilmember Das Williams submitted his resignation from the Santa Barbara City Council effective December 6, 2010;

WHEREAS, on November 9, 2010, the City Council approved the vacancy schedule to fill the remainder of the vacated term ending January 10, 2012 pursuant to City Charter Section 500;

WHEREAS, on December 7, 2010, the City Council held interviews; and

WHEREAS, on December 14, 2010, the City Council selected a candidate to serve said term.

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

Section 1. Pursuant to Charter Section 503:

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(Name)

is appointed as a member of the City Council in order to serve the unexpired term of the former incumbent, Das Williams as provided in the City Charter.