

**CITY OF SANTA BARBARA  
CITY COUNCIL**

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



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

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

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

**FEBRUARY 1, 2011  
AGENDA**

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

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

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

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

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

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

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

## **ORDER OF BUSINESS**

2:00 p.m. - City Council Meeting

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

#### **CALL TO ORDER**

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

#### **CEREMONIAL ITEMS**

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through February 28, 2011.

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

#### **PUBLIC COMMENT**

#### **CONSENT CALENDAR**

**2. Subject: Acceptance Of Land For Intersection Improvements At Hot Springs Road And Coast Village Road (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Small Parcel of Land Along and Fronting Hot Springs Road, Northeasterly of the Roundabout at Hot Springs Road, Old Coast Highway, and Coast Village Road, Adjacent to and Formerly a Portion of the Real Property Commonly Known as 1000 Coast Village Road, Santa Barbara County Assessor's Parcel No. 009-211-038.

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

**3. Subject: Acceptance Of Easement For Realigned Water Main And Summary Vacation Of Old Easement At El Encanto Hotel (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Water Mains on a Portion of the Real Property Commonly Known as 1900 Lasuen Road, Santa Barbara County Assessor's Parcel No. 019-170-022, and Adopting an Order Summarily Vacating and Abandoning the Existing Superseded Easement for Water Pipelines, Both Within the Limits of Said City.

**4. Subject: Grant Funding For Disaster Preparedness Public Service Announcement Campaign (520.02)**

Recommendation: That Council:

- A. Accept a grant of \$50,196 from the Orfalea Foundation to produce and distribute a Santa Barbara Countywide Disaster Preparedness Radio and Television Public Service Announcement Campaign; and
- B. Increase appropriations and estimated revenues by \$50,196 in the General Fund, City Administrator's Office budget to fund the project.

## NOTICES

5. The City Clerk has on Thursday, January 27, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

**This concludes the Consent Calendar.**

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

### FINANCE DEPARTMENT

**6. Subject: Recommendation From Sustainability Committee For Single-Use Bag Ordinance (630.02)**

Recommendation: That Council consider a recommendation from the Sustainability Committee to refer consideration of a Single-Use Bag Reduction Ordinance to the Ordinance Committee.

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

### **PUBLIC WORKS DEPARTMENT**

#### **7. Subject: Introduction Of Ordinance For Power Purchase Agreement For Cogeneration Project At El Estero Wastewater Treatment Plant (540.13)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Negotiate and Execute a Power Purchase Agreement (PPA), in a Form of Agreement Acceptable to the City Attorney, for a Term of up to Ten (10) Years for Cogeneration at the El Estero Wastewater Treatment Plant (El Estero) Between the City of Santa Barbara and California Power Partners, Incorporated (Calpwr), for the Purchase of Electricity.

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## **CLOSED SESSIONS**

#### **8. 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. CV 10-6534 DDP (RCx); and The Green Light Dispensary, Inc., A California Non-Profit Mutual Benefit Corporation, v. City of Santa Barbara, USDC Case No. CV 10-7203 DDP (RCx).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## **ADJOURNMENT**



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

File Code No. 410.01

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 1, 2011

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

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

**RECOMMENDATION:**

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through February 28, 2011.

**DISCUSSION:**

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

Attached is a list of those employees who will be awarded pins for their service through February 28, 2011.

**ATTACHMENT:** February 2011 Service Awards

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

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

**FEBRUARY 2011 SERVICE AWARDS**

February 1, 2011 Council Meeting

**5 YEARS**

Julie Rodriguez, Planning Commission Secretary, Community Development  
Gabriela Feliciano, Commission Secretary, Community Development  
Luis Ornelas, Streets Maintenance Worker I, Public Works  
Christine Gallery, Librarian II, Library

**10 YEARS**

Kenneth Kushner, Police Officer, Police  
Ryan DeJohn, Police Officer, Police  
Kelly Greeley, Senior Control Systems Operator Specialist, Cater  
Jeffrey McKee, Airport Maintenance Superintendent, Airport  
Pete Tenoso, Grounds Maintenance Worker II, Airport

**20 YEARS**

Kent Wojciechoski, Police Officer, Police



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 1, 2011

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Acceptance Of Land For Intersection Improvements At Hot Springs Road And Coast Village Road

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Small Parcel of Land Along and Fronting Hot Springs Road, Northeasterly of the Roundabout at Hot Springs Road, Old Coast Highway, and Coast Village Road, Adjacent to and Formerly a Portion of the Real Property Commonly Known as 1000 Coast Village Road, Santa Barbara County Assessor's Parcel No. 009-211-038.

### **DISCUSSION:**

In 2004, a Coastal Development Permit (CDP) was conditionally approved by the Planning Commission for the Highway 101 Operational Improvements Project between the Milpas Street, Hot Springs Road, and Cabrillo Boulevard Interchanges (Freeway Project). The Freeway Project by the State of California Department of Transportation (Caltrans) began in the spring of 2008, and is tentatively scheduled to be completed in 2011.

In connection with the Freeway Project, the CDP required the improvement of a roundabout at the intersection of Old Coast Highway, East Cabrillo Boulevard, Hot Springs Road, and Coast Village Road (Roundabout), as depicted on Attachment 1. The construction of the Roundabout has been completed by Santa Barbara County Local Transportation Authority, acting through the Santa Barbara Association of Governments (SBCAG), as funded using Measure D Regional Program allocations.

In order to construct the Roundabout, SBCAG was required to purchase various property interests on adjacent properties. Among other rights acquired, SBCAG purchased a portion of the property at 1000 Coast Village Road (Parcel) for placement of public improvements along the frontage of Hot Springs Road. The size of the Parcel is approximately 33.63 square meters, as depicted on Attachment 2.

The Parcel has been acquired by SBCAG by the use of eminent domain. A Quitclaim Deed has now been executed and delivered by SBCAG to the City for proposed acceptance of the Parcel because the City maintains the public improvements located within the frontage portion of Hot Springs Road.

The proposed resolution is recommended for adoption to accept the Parcel from SBCAG, to establish an easement for public street purposes, and to authorize recordation of the Quitclaim Deed in the Official Records of Santa Barbara County.

**BUDGET/FINANCIAL INFORMATION:**

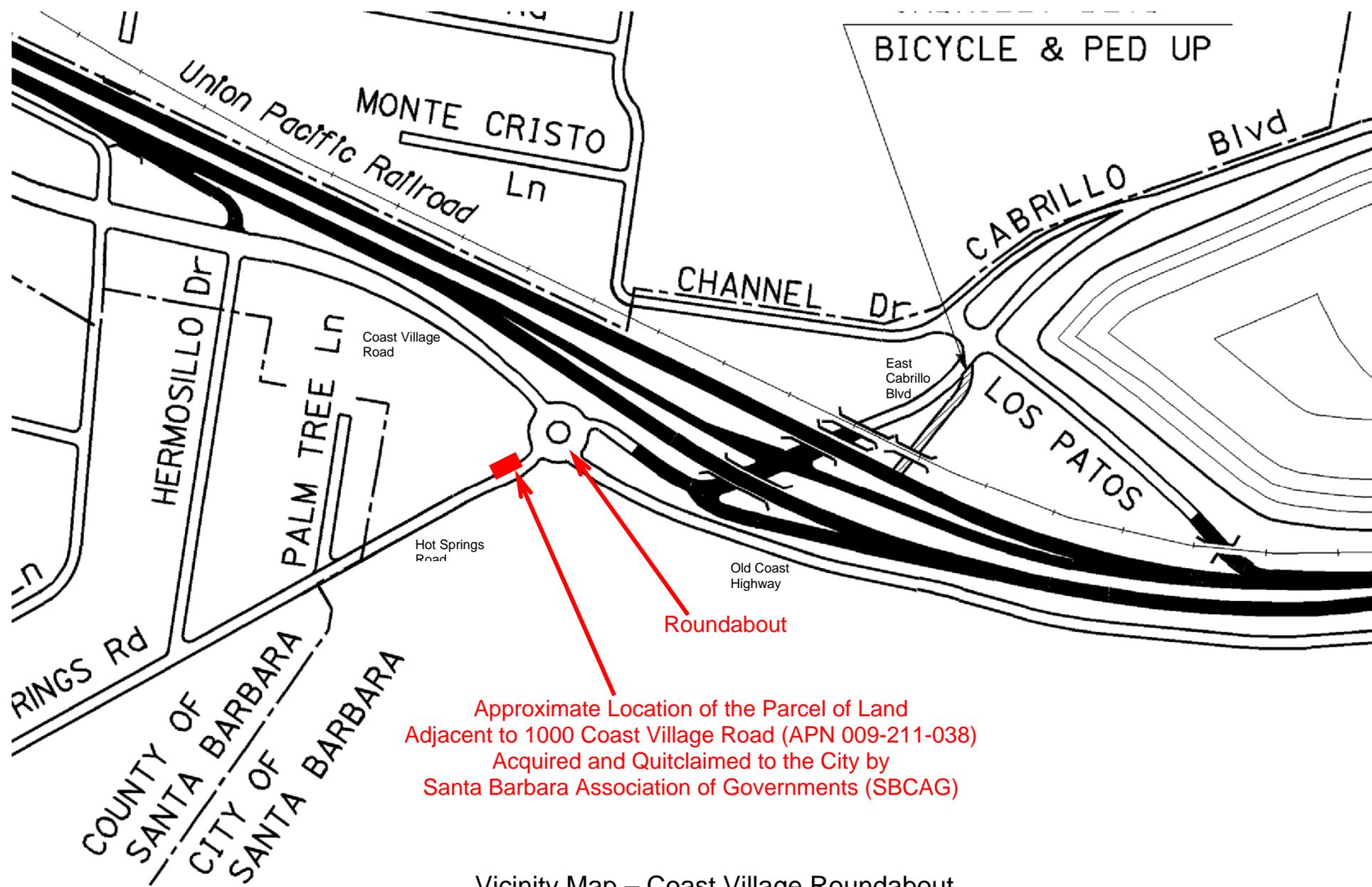
There is no cost for the City to accept the land from SBCAG. There will be costs associated with the City's maintenance of the additional portions of public improvements constructed within the Parcel. Such costs will be included with other routine street maintenance costs.

**ATTACHMENTS:** 1. Vicinity Map  
2. Appraisal Map

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

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

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



Vicinity Map – Coast Village Roundabout

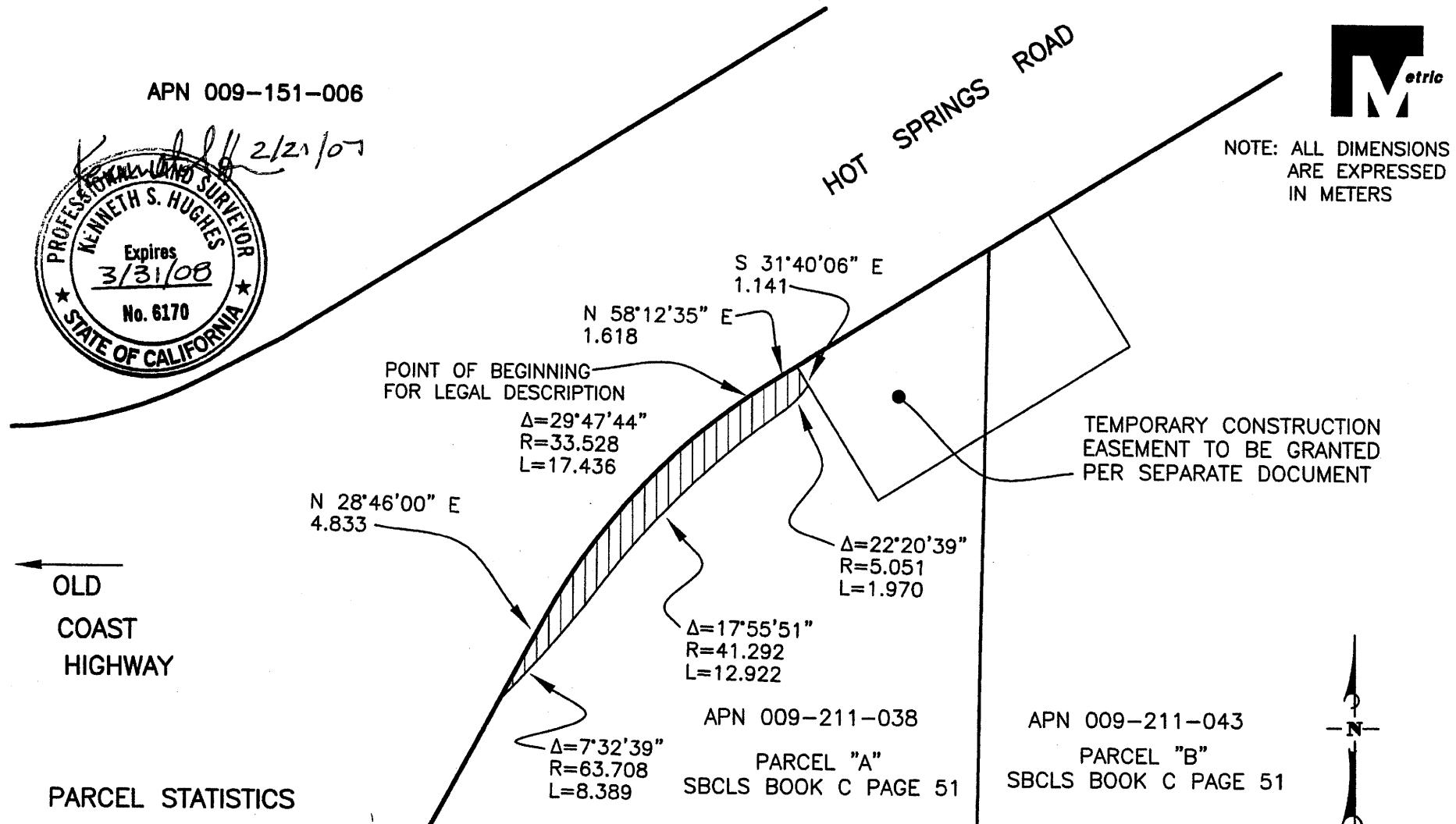


NOTE: ALL DIMENSIONS ARE EXPRESSED IN METERS

APN 009-151-006



HOT SPRINGS ROAD



TEMPORARY CONSTRUCTION EASEMENT TO BE GRANTED PER SEPARATE DOCUMENT

POINT OF BEGINNING FOR LEGAL DESCRIPTION

$\Delta=29^{\circ}47'44''$   
R=33.528  
L=17.436

N 28°46'00" E  
4.833

N 58°12'35" E  
1.618

S 31°40'06" E  
1.141

$\Delta=22^{\circ}20'39''$   
R=5.051  
L=1.970

$\Delta=17^{\circ}55'51''$   
R=41.292  
L=12.922

$\Delta=7^{\circ}32'39''$   
R=63.708  
L=8.389

APN 009-211-038

PARCEL "A"  
SBCLS BOOK C PAGE 51

APN 009-211-043

PARCEL "B"  
SBCLS BOOK C PAGE 51

← OLD COAST HIGHWAY

PARCEL STATISTICS

GRANTOR	GRANTEE	AREA	RIGHTS
COAST VILLAGE SHOPPING CENTER ANNEX, LLC	CITY OF SANTA BARBARA	33.63 SQ. M 0.0034 HA	FEE

TOTAL AREA OF PARCEL "A": 0.516 ACRES  
RIGHT OF WAY ACQUISITION AREA: 0.0034 HA 0.008 AC  
REMAINDER: 0.508 ACRES



SCALE = 1:300

**APPRAISAL MAP  
OVER A PORTION OF APN 009-211-038  
COUNTY OF SANTA BARBARA, CA**

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING A SMALL PARCEL OF LAND ALONG AND FRONTING HOT SPRINGS ROAD, NORTHEASTERLY OF THE ROUNDABOUT AT HOT SPRINGS ROAD, OLD COAST HIGHWAY, AND COAST VILLAGE ROAD, ADJACENT TO AND FORMERLY A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 1000 COAST VILLAGE ROAD, SANTA BARBARA COUNTY ASSESSOR'S PARCEL NO. 009-211-038

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

SECTION 1. The City of Santa Barbara hereby accepts that certain irregular shaped parcel of land described in the Quitclaim Deed to the City of Santa Barbara, a municipal corporation, by Santa Barbara Association of Governments, the owner of said parcel of land, which is located along and fronting Hot Springs Road, northeasterly of the Coast Village Roundabout, being also adjacent to and formerly a portion of the real property commonly known as 1000 Coast Village Road, Santa Barbara County, APN 009-211-038.

SECTION 2. The City of Santa Barbara hereby establishes an easement for public street and all related purposes on said parcel for use in concert with Hot Springs Road.

SECTION 3. The City of Santa Barbara hereby consents to the recordation by the City Clerk in the Official Records of said Quitclaim Deed.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 1, 2011

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Acceptance Of Easement For Realigned Water Main And Summary Vacation Of Old Easement At El Encanto Hotel

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Water Mains on a Portion of the Real Property Commonly Known as 1900 Lasuen Road, Santa Barbara County Assessor's Parcel No. 019-170-022, and Adopting an Order Summarily Vacating and Abandoning the Existing Superseded Easement for Water Pipelines, Both Within the Limits of Said City.

### **DISCUSSION:**

The real property commonly known as El Encanto Hotel (Hotel), located at 1900 Lasuen Road, APN 019-170-022, (Attachment 1), is owned by El Encanto, Inc., a Delaware Corporation. The Hotel site is presently undergoing construction of various improvements, as approved by the City under its 2004 approved Master Plan.

As shown on Attachment 2, the project at the Hotel also includes construction of a new City water main, extending easterly in Mission Ridge Road, and southerly to and within the private road known as Mira Vista Avenue. The new City water main will allow abandonment of the old City water main that crosses a substantial middle portion of the site of the Hotel, located within an easement (ten feet wide) granted to the City in 1923. The new City water main is designed in a more compatible alignment than the old water main in order make way for approved onsite improvements at the Hotel.

In order to provide for the City's use, maintenance, and repair of the new realigned water main, the owner has executed and delivered a Waterline Easement Deed to the City for acceptance. As shown on Attachment 3, a portion of the new easement (twenty feet wide) is located on and along the easterly boundary of the Hotel, extending from Mission Ridge Road to private Mira Vista Avenue. The remaining portion of the new easement (thirty feet wide) continues easterly along Mira Vista Avenue.

The Resolution recommended herein will demonstrate the City's acceptance of the easement for the new City water main, and it will authorize recordation of the Waterline Easement Deed in the Official Records.

The proffered Waterline Easement Deed contains various covenants, conditions, and restrictions (restrictive covenants) that relate to the Hotel and its topography. The restrictive covenants generally include the City's right to restrict or remove any trees, vegetation, and obstructions that may interfere with the water main and facilities located within the easement. They also include restrictions on the location and size of certain types of trees and vegetation within the easement, except for certain approved plantings along the boundary of the Hotel to provide visual screening.

Because the new water main will replace the old City water main, the City's easement that provided for the abandoned water main is no longer necessary. Therefore, the old easement may be summarily vacated in accordance with applicable portions of the California Streets and Highways Code (Vacation Law).

The proposed Resolution recommended herein will also accomplish the City's summary vacation of the superseded easement.

**ATTACHMENTS:**

1. Site of El Encanto Hotel, 1900 Lasuen Road
2. Locations of New and Old Water Mains
3. Location of New Easement for Waterlines

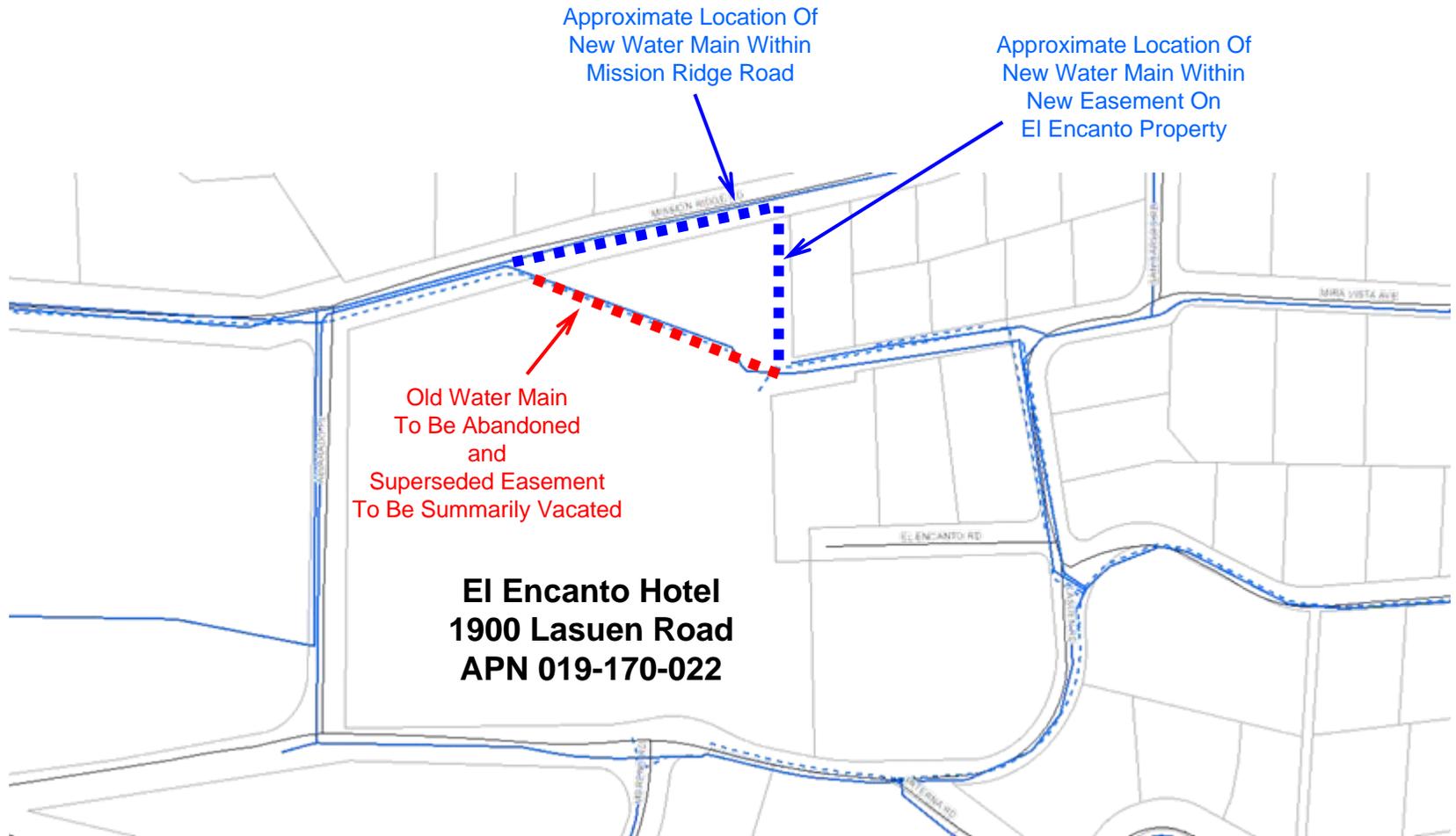
**PREPARED BY:** Pat Kelly, Assistant Public Works Director/City Engineer/DI/sk

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

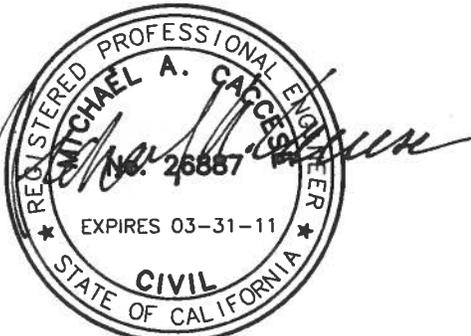
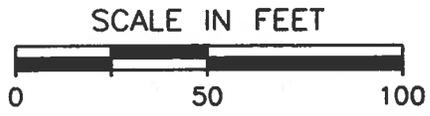
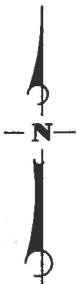
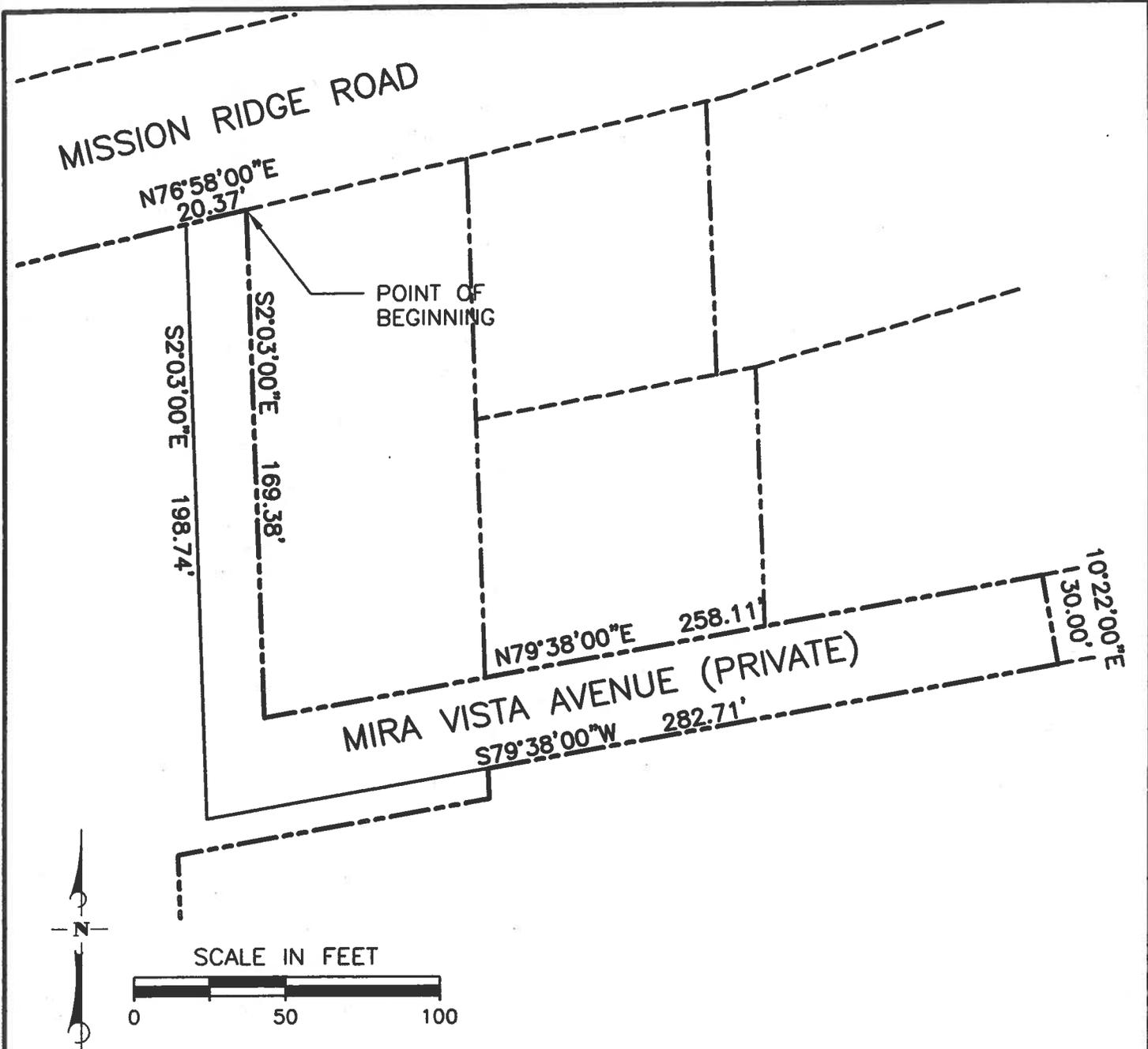
**APPROVED BY:** City Administrator's Office



Site of El Encanto Hotel, 1900 Lasuen Road



Locations of New and Old Water Mains



DATE SIGNED 6-15-10

LOCATION OF NEW EASEMENT FOR WATERLINES

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING AN EASEMENT FOR WATER MAINS ON A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 1900 LASUEN ROAD, SANTA BARBARA COUNTY, ASSESSOR'S PARCEL NUMBER 019-170-022, AND ADOPTING AN ORDER SUMMARILY VACATING AND ABANDONING THE EXISTING SUPERSEDED EASEMENT FOR WATER PIPELINES, BOTH WITHIN THE LIMITS OF SAID CITY

WHEREAS, a certain new easement for realigned public water mains and related facilities, hereinafter the "New Easement," has been offered to the City of Santa Barbara, a municipal corporation, as described in a certain Waterline Easement Deed delivered to the City of Santa Barbara, by El Encanto, Inc., a Delaware Corporation, the owner of the real property commonly known as El Encanto Hotel, located at 1900 Lasuen Road, Santa Barbara County, APN 019-170-022;

WHEREAS, Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code, hereinafter the "Vacation Law," authorizes and establishes the method for the vacation of all or a part of any city street or public service easement;

WHEREAS, there is an existing easement for water pipelines and incidental purposes granted to the City of Santa Barbara, a municipal corporation, recorded on April 28, 1923, as Instrument No. 3246, in Book 221 of Deeds, at Page 242, in the office of the County Recorder of Santa Barbara County, hereinafter the "Superseded Easement", which upon acceptance by the Council of the City of Santa Barbara of the New Easement offered by El Encanto, Inc., shall become no longer necessary for the use, operation and maintenance of water pipelines by the City of Santa Barbara;

WHEREAS, pursuant to Section 8333, subsection c, of the Vacation Law, the City Council finds and declares that the Superseded Easement proposed for summary vacation has been superseded by relocation of public water mains within the New Easement, and there are no other public service facilities presently located within the Superseded Easement;

WHEREAS, the City Council finds that, upon its acceptance of the New Easement, the Superseded Easement should therefore be summarily vacated; and

WHEREAS, pursuant to Section 8335 of the California Streets and Highways Code, the City Council finds and declares:

- (1) That the vacation of the Superseded Easement is made under Chapter 4, Part 3, Division 9 of the Streets and Highways Code;
- (2) That the waterline easement summarily to be vacated is the Superseded Easement;
- (3) That the summary vacation of the Superseded Easement is

made and is necessary for the reasons set forth above; and

(4) That after the date of recordation of this resolution, the Superseded Easement shall no longer constitute a waterline easement.

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

Section 1. The City of Santa Barbara hereby accepts that certain New Easement for public water mains and all related purposes described in the Waterline Easement Deed to the City of Santa Barbara, a municipal corporation, by El Encanto, Inc., a Delaware corporation, the owner of the real property commonly known as El Encanto Hotel, located at 1900 Lasuen Road, Santa Barbara County APN 019-170-022.

Section 2. That the Superseded Easement is hereby ordered summarily vacated and abandoned and all lands covered by any of the Superseded Easement shall no longer be subject to public water pipeline easement purposes.

Section 3. That the Superseded Easement hereby ordered summarily to be vacated and abandoned is more particularly described as follows:

That easement for water pipeline and incidental purposes granted to the City of Santa Barbara, a municipal corporation, recorded on April 28, 1923, as Instrument No. 2346, in Book 221 of Deeds, at Page 242, in the Office of the County Recorder of said County.

Section 4. That the City Clerk shall cause the Waterline Easement Deed, together with a certified copy of this resolution accepting the New Easement and summarily vacating the Superseded Easement, to be recorded in the Official Records, in the office of the County Recorder of the County of Santa Barbara.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 1, 2011

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Grant Funding For Disaster Preparedness Public Service Announcement Campaign

**RECOMMENDATION:** That Council:

- A. Accept a grant of \$50,196 from the Orfalea Foundation to produce and distribute a Santa Barbara Countywide Disaster Preparedness Radio and Television Public Service Announcement Campaign; and
- B. Increase appropriations and estimated revenues by \$50,196 in the General Fund, City Administrator's Office budget to fund the project.

**DISCUSSION:**

The Orfalea Foundations have awarded City TV a grant in the amount of \$50,196 to work with the County of Santa Barbara Office of Emergency Services to produce a Countywide Disaster Preparedness Public Service Announcement (PSA) campaign. The campaign will help raise awareness among County residents about the importance of emergency preparedness and provide simple tips on how individuals and families can become better prepared. The PSAs will be distributed to local television and radio stations and produced in English and Spanish. City TV staff will work with the County Office of Emergency Services staff to conceptualize the content for the campaign and City TV staff will provide video production services. The campaign will begin airing in the local media in the fall of 2011 and a new PSA will be released monthly thereafter for one year.

**BUDGET/FINANCIAL INFORMATION:**

The grant funds will cover City staff costs related to production work on the campaign and additional production costs for contract writer/co-producer services and graphic animation services.

**PREPARED BY:** Tony Ruggieri, City TV Production Supervisor

**SUBMITTED BY:** Jim Armstrong, City Administrator

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 1, 2011

**TO:** Mayor and Councilmembers

**FROM:** Environmental Services, Finance Department

**SUBJECT:** Recommendation From Sustainability Committee For Single-Use Bag Ordinance

### **RECOMMENDATION:**

That Council consider a recommendation from the Sustainability Committee to refer consideration of a Single-Use Bag Reduction Ordinance to the Ordinance Committee.

### **DISCUSSION:**

The City Council, the Sustainability and Solid Waste Committees, and staff have discussed the environmental effects of single-use bags on several occasions over the past three years. Single-use plastic grocery bags are made primarily from natural gas and petroleum, nonrenewable resources. A relatively small part of the overall waste stream, these “urban tumbleweeds” pose a large flyaway litter problem. Millions of plastic bags find their way into the marine environment where they can kill wildlife and degrade water quality and seafood supplies.

While paper bags do not create the same impacts to the marine environment as plastic bags, the manufacture of paper bags is a resource and pollution-intensive process. Most paper bags are still made from virgin tree pulp, instead of post-consumer recycled content paper. Single-use bags made of compostable materials, such as corn starch, represent another option. However, especially in the absence of comprehensive composting programs, they also have drawbacks. There is a strong consensus among experts that the best alternative for the environment is a reusable bag. One reusable bag can eliminate thousands of single-use bags over its lifetime.

On various occasions over the last several years, the City Council and the Solid Waste and Sustainability Committees have discussed ways to lessen the impacts of single-use bags by encouraging the use of reusable bags. The City has implemented a voluntary single use bag reduction program, the “Where’s Your Bag?” Campaign, and has considered regulatory intervention. What follows is a discussion of:

- The voluntary “Where’s Your Bag Campaign”
- Prior Council consideration of regulatory intervention
- The recommendation for a Single Use Bag Ordinance
- Recent developments in other jurisdictions

### Where’s Your Bag Campaign

In August 2009, the City kicked off a voluntary program called the “Where’s Your Bag?” Campaign. The campaign was developed through a collaborative effort that included local grocery stores, the California Grocers Association and local community organizations. The goal of the campaign is to encourage people to bring reusable bags whenever they shop. Participating grocery stores are provided with educational materials (information cards, buttons, windshield reminder stickers), staff training, parking lot signs, and tabling events at their stores where free reusable bags are given away. It is unclear, however, to what degree this has created a shift from single-use to reusable bags citywide.

### Consideration of Regulatory Intervention

While some agencies have banned plastic bags, Council has, thus far, not pursued such a ban. Initially, one of the reasons was the staff time commitment involved in drafting, defending, and enforcing such a ban. After further analysis, it became clear that a ban on plastic bags would just shift consumers to paper bags, which may have even greater, albeit different, negative environmental implications than plastic bags. In addition, the plastics industry has successfully challenged several local jurisdictions’ attempts at banning plastic bags, arguing that California Environmental Quality Act (CEQA) required an Environmental Impact Report (EIR). An appeal of such a decision, Save the Plastic Bag Coalition vs. the City of Manhattan Beach, is still pending in the California Supreme Court.

More recently, discussion about expanding the City’s efforts to reduce the use of single-use bags - both paper and plastic - centered around a fee or a tax on consumers who choose to use such bags. On December 15, 2009, Council considered a recommendation from the Solid Waste Committee (which has now been absorbed by Sustainability Committee) to conduct a voter survey on a single-use paper and plastic bag tax to determine the level of public support and the amount of tax voters believe would be appropriate. Council directed staff to issue a request for proposals (RFP) and on March 30, 2010, staff returned to Council recommending a professional services agreement with a selected vendor. Council declined to proceed at that time, and asked that staff return in July 2010 for reconsideration of the survey.

In August 2010, Council again elected to postpone reconsideration of a voter survey regarding a possible single-use bag tax pending the outcome of AB 1998, a piece of state legislation that would have, among other things, banned single use plastic bags and imposed a charge for single use paper bags. It would potentially have eliminated the need for other types of local regulation.

On August 31, 2010, AB 1998 failed in the State Senate, in spite of support from Governor Schwarzenegger. Consequently, the City, along with other California cities and counties, resumed consideration of our options for local regulation. At its September 2010 meeting, the Sustainability Committee considered options including going forward with the survey on implementing a local single use bag tax, exploring a ban on plastic bags, implementing a single use bag tax, or implementing an ordinance to require participation in the "Where's Your Bag?" Campaign. The committee recommended that the voter survey about a possible tax not go forward.

### Single Use Bag Ordinance

At its September 2010 meeting, the Sustainability Committee recommended that Council refer the development of a Single Use Bag Reduction Ordinance (a "Where's Your Bag?" ordinance) to the Ordinance Committee. The Sustainability Committee recommended that input of local stores and the California Grocers Association be considered in the development of the ordinance.

The ordinance would potentially make the signage, staff education, and public information components of the "Where's Your Bag Campaign" mandatory on stores meeting certain criteria. Santa Barbara Channelkeeper, a partner in the Where's Your Bag Campaign, also suggested that the ordinance contain reporting requirements that would allow the City to measure the effectiveness of the program and potentially set goals for bag reduction.

In crafting such an ordinance, the City would have to consider applicable state and federal laws which may preempt the City's ability to impose legal mandates on local businesses. For example, AB 2449 a 2006 state law which enacted Public Resources Code §§ 42250-42257 (known as the "At Store Recycling Program" law,) prohibits a local agency from imposing auditing or reporting requirements on stores covered by the AB 2449 statutes if those "reporting" or "audit" requirements are contrary to the AB 2449 statutes.

Given potential legal constraints on the City's ability to impose requirements on these businesses beyond those contained in AB 2449, it is possible that the options available to the City for inclusion in a Santa Barbara City ordinance may not be sufficient to effectuate real workable changes in consumer behavior. If directed by Council, staff will work through these questions and other constraints with the Ordinance Committee to possibly develop a proposed ordinance that has the greatest chance of decreasing the use of single-use bags in the City.

The City Council and, if appropriate, the Ordinance Committee, will also have to consider how such an ordinance will be enforced and staff resources which may be needed.

#### Recent Developments- Other Jurisdictions

The failure of AB 1998 has led some other local agencies to adopt, or consider adopting, local ordinances with provisions similar to AB 1998 over the last few months. Green Cities California has developed a model local ordinance version of AB 1998. Los Angeles County recently adopted such an ordinance in November 2010 banning plastic grocery bags and requiring grocers offering paper bags to sell them for 10 cents each. The ordinance applies to unincorporated areas of Los Angeles County, and, so it does not extend to the 88 cities within LA County. In December 2010, Long Beach became the first of these cities to follow suit with a similar ordinance. Also in December 2010, the City of San Jose passed a similar ordinance.

It is important to note that any imposition of “fees” on City residents will likely be subject to existing State laws, (such as Prop 218 approved by State voters in 1996) including the recently enacted Proposition 26. In many cases, such “fees” can be considered “taxes” and, thus, would require at least a majority of voter approval, depending on the use of the proceeds. For example, the American Chemistry Council is already threatening to challenge the L.A. County ordinance and similar ordinances on these legal grounds.

#### **SUSTAINABILITY IMPACT:**

A single-use bag reduction ordinance has the potential to reduce negative environmental impacts related to the manufacture and disposal of single-use bags by increasing consumer use of reusable bags.

**PREPARED BY:** Kristine Schmidt, Acting Environmental Services Manager

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 1, 2011

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Introduction Of Ordinance For Power Purchase Agreement For Cogeneration Project At El Estero Wastewater Treatment Plant

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Negotiate and Execute a Power Purchase Agreement (PPA), in a Form of Agreement Acceptable to the City Attorney, for a Term of up to Ten (10) Years for Cogeneration at the El Estero Wastewater Treatment Plant (El Estero) Between the City of Santa Barbara and California Power Partners, Incorporated (Calpwr), for the Purchase of Electricity.

### **DISCUSSION:**

As a part of the wastewater treatment process, El Estero operates two digesters that produce methane gas (digester gas). The digester gas is currently used for plant heating operations with a small portion being used by the underperforming fuel cell cogeneration system. Approximately 100,000 ft<sup>3</sup>/day of the gas is not utilized and is burned at a waste gas flare.

The existing generating system consists of two fuel cells, and is operated by Alliance Monterey, LLC (Alliance) under a PPA. The system was running at a small percentage of its rated capacity for the last few years due to problems with contaminants in the digester gas supply. Both Alliance and City staff agreed that the existing system is not performing adequately and that the removal of the system and termination of the power purchase is in the best interest of all concerned. The system was taken offline November 1, 2010.

In September 2010, staff received approval from Council to issue a request for proposals to firms who would design, build, and operate a new cogeneration facility at the El Estero site, in order to continue using the digester gas supply at the facility. Public Works staff evaluated proposals from four qualified firms to construct, operate, and sell electricity and provide waste heat to the facility with an engine cogeneration system.

## Council Agenda Report

### Introduction Of Ordinance For Power Purchase Agreement For Cogeneration Project At El Estero Wastewater Treatment Plant

February 1, 2011

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A panel of City staff reviewed all of the proposals and unanimously recommended proceeding with the Calpwr proposal. Calpwr's proposal offers a 700kW Guascor engine system with a robust gas treatment system and guarantees 95% run-time, based on the volume of gas provided by the City. Calpwr can also accommodate the emissions limits as set forth by the Air Pollution Control District.

Staff has subsequently negotiated an agreement with Calpwr for the purchase of energy. Some of the key terms of the contract are summarized below:

- The term of the proposed agreement is 10 years.
- The proposed cost for electricity generated by the engine is \$0.0849/kWh for a ten-year period.
- There is no capital or operating cost to the City for this project. Calpwr will recover their investment through energy sales over the term of the contract.
- At the end of the agreement term, the City can renegotiate a contract continuation or Calpwr will remove the engine units from the site at their cost.

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

The project will not require funding from City sources. All design, construction, and operating costs will be paid by the selected firm. The cost of the electricity purchased by the City through the power purchase agreement will be at or below the cost of electricity purchased from the electrical utility.

At the current cost of electricity, the City's purchase of electricity from this project for the El Estero Plant should save about \$55,000 per year.

#### **SUSTAINABILITY IMPACT:**

The engine cogeneration system will use the majority of the biogas produced by El Estero, providing electricity and heat for plant operations from a renewable resource. Much of the existing biogas produced by the plant is currently being wasted through a flaring process.

**PREPARED BY:** Jim Dewey, Facilities & Energy Manager/AP/cce

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

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A POWER PURCHASE AGREEMENT (PPA) IN A FORM OF AGREEMENT ACCEPTABLE TO THE CITY ATTORNEY FOR A TERM OF UP TO TEN (10) YEARS FOR COGENERATION AT THE EL ESTERO WASTEWATER TREATMENT PLANT (EL ESTERO) BETWEEN THE CITY OF SANTA BARBARA AND CALIFORNIA POWER PARTNERS, INCORPORATED (CALPWR) FOR THE PURCHASE OF ELECTRICITY

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

**Section One.** The City Administrator of the City is hereby authorized to negotiate and execute a power purchase agreement by and between the City of Santa Barbara and California Power Partners, Incorporated (hereinafter referred to as "CALPWR") in order to provide for the cogeneration of electricity by facilities installed and maintained by CALPWR at a site located within the City's El Estero Waste Water Treatment Plant and for the City's purchase of such cogenerated electricity from CALPWR for use in the operation of the City's El Estero Waste Water Treatment Plant for a term of agreement not to exceed ten (10) years, all as more particularly described in the City Council staff report as presented to the City Council in connection with its meeting of January 11, 2011.

**Section Two:** The form of agreement authorized by Section One above shall be acceptable to the City Attorney and shall be in accordance with the provisions of sections 518 and 703 of the City Charter.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 1, 2011  
**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. CV 10-6534 DDP (RCx); and

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

**SCHEDULING:**

Duration: 30 minutes; anytime

**REPORT:**

None anticipated

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

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