

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

Helene Schneider
Mayor/Chair
Bendy White
Mayor Pro Tempore/Vice Chair
Grant House
Ordinance Committee Chair
Dale Francisco
Finance Committee Chair
Frank Hotchkiss
Randy Rowse
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>

**FEBRUARY 8, 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 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 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
- 2:00 p.m. - Redevelopment Agency Meeting
- 4:00 p.m. - Interviews for City Advisory Groups

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring February 11, 2011, As National 2-1-1 Awareness Day (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

2. **Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of November 2, November 9, November 16, and November 23, 2010, and the regular meeting of November 30, 2010 (cancelled).

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

3. Subject: Introduction Of Ordinance For A Lease Amendment With Santa Barbara Shellfish Company, Incorporated (330.04)

Recommendation: That Council approve a lease amendment with Santa Barbara Shellfish Company, Inc., allowing for a seasonal allocation of base rent, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Amendment with Santa Barbara Shellfish Company, Inc., Allowing For a Seasonal Allocation of Base Rent, Effective March 17, 2011.

4. Subject: Adoption Of Ordinance Regarding Santa Barbara City Firefighters Employee Cost Sharing Of PERS Contributions (430.08)

Recommendation: That Council 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.

5. Subject: Adoption Of Ordinance For Power Purchase Agreement For Cogeneration Project At El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council 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.

6. Subject: Records Destruction For Waterfront Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Waterfront Department in the Administration Division.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

7. Subject: Records Destruction For Public Works Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Water Resources Division.

8. Subject: Approval Of Emergency Purchase Order For Work At The El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council approve an Emergency Purchase Order to Central Machine for work at the El Estero Wastewater Treatment Plant (El Estero) in an amount not to exceed \$87,800.

9. Subject: Increase In Construction Change Order Authority For Community Development Block Grant 2010-2011 Access Ramp Project (610.05)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for additional work for the Community Development Block Grant (CDBG) 2010-2011 Access Ramp Project (Project), Contract No. 23,954, in the amount of \$30,515, for a total project expenditure authority of \$79,900.

10. Subject: Purchase Order Increase For City Pier Ice House Emergency Repairs (570.03)

Recommendation: That Council authorize the Waterfront Director to retroactively increase Purchase Order No. 383977 from \$25,000 to \$50,000 for emergency repairs and continued monthly maintenance to the City Pier Ice House in the Harbor.

REDEVELOPMENT AGENCY

11. Subject: Minutes

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meetings of October 12, October 19, November 2, and November 16, 2010.

CONSENT CALENDAR (CONT'D)

NOTICES

12. The City Clerk has on Thursday, February 3, 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.

REDEVELOPMENT AGENCY REPORTS

13. **Subject: Receive A Request From Agency Chair Schneider And Member White To Suspend And Modify The State Street Bench Relocation Project**

Recommendation: That the Redevelopment Agency Board consider a request from Chair Schneider and Member White to suspend and modify the State Street bench relocation project on the 800 and 900 blocks of State Street.

MAYOR AND COUNCIL REPORTS

14. **Subject: Interviews for City Advisory Groups (140.05)**

Recommendation: That Council hold interviews of applicants to the Fire and Police Commission, the newly-established Neighborhood Advisory Council, and the Rental Housing Mediation Task Force.

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

PUBLIC HEARINGS

15. **Subject: Appeal Of The Parks And Recreation Commission Action To Deny The Removal Of A Front Setback Tree Located At 1704 Mission Ridge Road (570.08)**

Recommendation: That Council deny the appeal filed by Dr. Michael Cooper and uphold the Parks and Recreation Commission decision to deny the removal of a Phoenix canariensis (Canary Island Date Palm) located in the minimum front setback at 1704 Mission Ridge Road.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT



PROCLAMATION
National 2-1-1 Awareness Day
February 11th, 2011

WHEREAS, February 11th has been recognized as National 2-1-1 Awareness Day by cities, states, and counties across the country; and

WHEREAS, 2-1-1 Santa Barbara County will celebrate National 2-1-1 Awareness Day by raising awareness of how 2-1-1 helps thousands of Santa Barbara County residents with information and referral to over 2,500 community resources county wide; and

WHEREAS, 2-1-1 Santa Barbara County is free, confidential, multilingual, and available 24 hours a day 7 days a week; and

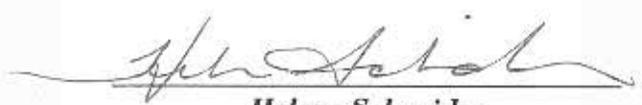
WHEREAS, 2-1-1 Santa Barbara County provides online and telephone support for basic needs such as food and housing, child and elder care, legal referrals, medical support, substance abuse support, rental and utility assistance, and more; and

WHEREAS, 2-1-1 Santa Barbara County is active in times of disaster with up-to-date information on shelters, road conditions, and more and by taking the pressure of non-emergency calls off of 911; and

WHEREAS, Family Service Agency will operate 2-1-1 Santa Barbara County as the umbrella agency. Family Service Agency's mission is to strengthen and advocate for families and individuals of all ages and diversities, helping to create and preserve a healthy community.

NOW THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim February 11th, 2011, as **National 2-1-1 Awareness Day** in Santa Barbara, and encourage citizens to learn more about 2-1-1 Santa Barbara County and the resources it provides to thousands in our community!

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 11th day of February, 2011.


Helene Schneider
Mayor





CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 2, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Das Williams.

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

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 November 30, 2010.

Documents:

November 2, 2010, report from the Assistant City Administrator/
Administrative Services Director.

(Cont'd)

1. (Cont'd)

Speakers:

Staff: City Administrator James Armstrong, Accounting Assistant John Vega.

By consensus, the Council approved the recommendation. The following employees were recognized:

5-Year Pin

Kasi Beutel, Police Officer, Police
Heather Clark, Police Officer, Police
Brian Miller, Police Officer, Police
Matthew Tonello, Police Officer, Police
Moises Tinajera, Senior Water Distribution Operator, Public Works

10-Year Pin

Camerino Sanchez, Police Chief, Police
Ignacio Valdez, Senior Grounds Maintenance Worker, Parks and Recreation
Martin Goliszewski, Waterfront Maintenance Worker I, Waterfront

15-Year Pin

Debra Andaloro, Senior Planner II, Community Development

20-Year Pin

Mirna Dubon, Administrative Specialist, Police

25-Year Pin

John Vega, Accounting Assistant, Community Development
Sergio Reyes, Water Distribution Operator/Emergency Services, Public Works

30-Year Pin

Gilbert Echevarria, Heavy Equipment Technician, Waterfront

PUBLIC COMMENT

Speakers: Alan Bleecker, Milpas Community Association; Kent Epperson, Traffic Solutions; Lee Moldaver; Kate Smith.

CONSENT CALENDAR (Item Nos. 2 – 11)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of September 21, 2010.

Action: Approved the recommendation.

3. Subject: Adoption Of Ordinance Extending Firefighters Memorandum Of Understanding Through June 30, 2013 (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Extending the 2007-2010 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Firefighters' Association Through June 30, 2013.

Action: Approved the recommendation; Ordinance No. 5533; Agreement No. 22,643.1.

4. Subject: Adoption Of Ordinance Extending 2008-2010 Treatment and Patrol Memorandum Of Understanding For Three Months (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Extending the 2008-2010 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units), Adopted by Ordinance No. 5482, through December 31, 2010.

Action: Approved the recommendation; Ordinance No. 5534.

5. Subject: Acceptance Of Land Fronting The Marriott Hotel Project At 6300 Hollister Avenue (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Narrow Strip of Land Located Within the City of Santa Barbara and Fronting the Real Property Known as 6300 Hollister Avenue, Located Within the City of Goleta, Said Strip of Land Being a Portion of Santa Barbara County Assessor's Parcel No. 073-050-020.

(Cont'd)

5. (Cont'd)

Action: Approved the recommendation; Resolution No. 10-083; Deed 61-354 (November 2, 2010, report from the Public Works Director).

6. Subject: Resolution And Appropriation For Purchase Of Property At 401 Las Positas Road For A Creek Restoration And Water Quality Improvement Project (540.14)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Execute an Agreement for Acquisition of Real Property Located at 401 Las Positas Road, With Escrow Instructions and All Related Documents That May Be Required, All Subject to Review and Approval as to Form by the City Attorney, Relating to a Future Creek Restoration and Water Quality Improvement Project, and Accepting and Consenting to the Recordation of the Related Deed in the Official Records, County of Santa Barbara; and
- B. Increase appropriations by \$505,000 in the Creeks Restoration and Water Quality Improvement Fund, from reserves, to cover the purchase of real property located at 401 Las Positas Road.

Action: Approved the recommendations; Resolution No. 10-084; Agreement No. 23,568; Deed No. 61-355 (November 2, 2010, report from the Parks and Recreation Director).

7. Subject: Contract For Design Of Zone 6 Pavement Maintenance Projects (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Flowers and Associates (Flowers) in the amount of \$69,724 for design services for the Zone 6 Pavement Maintenance Project (Project), and authorize the Public Works Director to approve expenditures of up to \$6,972 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,569 (November 2, 2010, report from the Public Works Director).

8. Subject: Authorization To Join The California Water And Wastewater Agency Response Network (540.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Agreeing to Become a Party to the California Water and Wastewater Agency Response Network (CalWARN) 2007 Omnibus Mutual Assistance Agreement, and Authorizing the Water Resources Manager to Execute the Agreement.

(Cont'd)

8. (Cont'd)

Action: Approved the recommendation; Resolution No. 10-085; Agreement No. 23,570 (November 2, 2010, report from the Public Works Director).

NOTICES

9. The City Clerk has on Thursday, October 28, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
10. Received a letter of resignation from Fire and Police Commissioner Tom Parker; the vacancy will be part of the next City Advisory Group recruitment.
11. Received a communication advising of a vacancy created on the Access Advisory Committee with the death of Member Amy Van Meter; the vacancy will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

12. Subject: Intent To Accept Real Property At The City's Hydroelectric Plant (540.09)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intent to Accept Real Property Beneath the City's Hydroelectric Plant Granted by the United States of America Through its Bureau of Reclamation.

Documents:

- November 2, 2010, report from the Public Works Director.
- November 2, 2010, PowerPoint presentation prepared and made by staff.
- November 1, 2010, letter from Executive Director Dave Davis and Renewable Energy Specialist Megan Birney, Community Environmental Council.

The title of the resolution was read.

Speakers:

Staff: Water Resources Manager Rebecca Bjork.

(Cont'd)

12. (Cont'd)

Motion:

Councilmembers White/House to approve the recommendation;
Resolution No. 10-086.

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

Agenda Item No. 13 appears in the Redevelopment Agency minutes.

COMMUNITY DEVELOPMENT DEPARTMENT

14. Subject: Introduction Of 2010 State Building Codes Ordinance (640.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04, Adopting by Reference the California State Building Codes and Other Related Codes, Adopting Local Revisions to Those Codes, and Repealing Ordinance Numbers 5440 and 5451.

Documents:

- November 2, 2010, report from the Assistant City Administrator/Community Development Director.
- November 2, 2010, proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Chief Building Official George Estrella, Fire Marshal Joe Poire,
Building Inspector/Plan Check Supervisor Chris Hansen.

Motion:

Councilmembers White/Francisco to approve the recommendation.

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

FIRE DEPARTMENT

15. Subject: Introduction Of Ordinance For 2010 Fire Code Adoption (520.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 8.04 to Adopt by Reference The 2009 Edition of the International Fire Code, Including Appendix Chapter 4 and Appendices B, BB, C, CC, and H of that Code, and The 2010 California Fire Code with Local Amendments to Both Codes.

(Cont'd)

15. (Cont'd)

Documents:

- November 2, 2010, report from the Fire Chief.
- November 2, 2010, proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Fire Marshal Joe Poire.

Motion:

Councilmembers White/Francisco to approve the recommendation.

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

PARKS AND RECREATION DEPARTMENT

16. Subject: Neighborhood Advisory Council Formation (610.04)

Recommendation: That Council:

- Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing the Neighborhood Advisory Council and Rescinding Resolution Nos. 04-086, 79-093, 82-046, 97-039, 97-040, and 97-041; and
- Authorize staff to proceed with Neighborhood Advisory Council member recruitment.

Documents:

- November 2, 2010, report from the Parks and Recreation Director.
- November 2, 2010, proposed Resolution.
- November 2, 2010, PowerPoint presentation prepared and made by staff.

The title of the resolution was read.

Speakers:

- Staff: Recreation Programs Manager Sarah Hanna, Parks and Recreation Director Nancy Rapp.
- Franklin Center Advisory Committee: Member Sharon Byrne.

Motion:

Councilmembers House/Hotchkiss to approve the recommendations, and direct staff to recruit for all 13 members as recommended by the Parks and Recreation Commission; Resolution No. 10-087.

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

CITY ADMINISTRATOR

17. Subject: Annual Performance Management Program Report For Fiscal Year 2010 And Comparative Indicators Report (170.01)

Recommendation: That Council:

- A. Receive a status report on the City's performance management program and a summary of department performance highlights for Fiscal Year 2010; and
- B. Receive a report on how the City of Santa Barbara compares with other California communities on key indicators.

Documents:

- November 2, 2010, report from the City Administrator.
- November 2, 2010, PowerPoint presentation prepared and made by staff.

Speakers:

Staff: City Administrator James Armstrong, Administrative Analyst I Lori Pedersen.

By consensus, Council received the report.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White reported that the stone for the Courthouse fountain will be craned in on Monday, November 8, 2010, between 6:00 a.m. and 9:00 a.m.
- Mayor Schneider reported that on Wednesday, November 3, 2010, at 1:30 p.m., the Santa Barbara County Association of Governments will meet to receive a report on a recent Santa Barbara Planning Commission decision regarding the Coastal Development Permit on the 101 Improvements Project, specifically the Cabrillo Bridge Underpass and an alternate method of providing access to pedestrians and bicyclists. She also reported that in response to a request from the Montecito Association regarding the 101 Improvements Project, the Commission will also be discussing accelerating the Salinas Street Project, which also requires a Coastal Development Permit amendment from the Planning Commission.
- Mayor Schneider also reported that she is recommending that the Council Subcommittee on Homelessness and Community Relations be regrouped to discuss the issue of providing meals. She stated that the Planning Commission will have to deliberate on the matter prior to moving forward.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:56 p.m. in memory of Access Advisory Committee Member Amy Van Meter.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ ATTEST: _____
HELENE SCHNEIDER
MAYOR
CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 9, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:07 p.m. (The Finance and Ordinance Committees met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Das Williams.

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

PUBLIC COMMENT

Speakers: Otto Layman and members of the Santa Barbara High School Theatre; Geoffery Bard; Patricia Bartoli-Wible, Southern California Edison; Barrett Reed; Ruth Wilson; Kenneth Loch; Robert Burke; Kate Smith; Jeff Wood.

CHANGES TO THE AGENDA

City Administrator James Armstrong stated that the following notice was being removed from the agenda due to withdrawal of the related appeal:

12. A City Council site visit is scheduled on Monday, November 15, 2010, at 1:30 p.m. to the property located at 101 W. Canon Perdido Street, which is the subject of an appeal hearing set for November 16, 2010, at 6:00 p.m.

CONSENT CALENDAR (Item Nos. 1 - 8, 10, 11, and 13)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

1. Subject: Adoption Of Ordinance For 2010 Fire Code (520.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 8.04 to Adopt by Reference the 2009 Edition of the International Fire Code, Including Appendix Chapter 4 and Appendices B, BB, C, CC, and H of that Code, and the 2010 California Fire Code, with Local Amendments to Both Codes.

Speakers:

Staff: City Attorney Stephen Wiley.

Action: Approved the recommendation; Ordinance No. 5535.

2. Subject: Adoption Of 2010 State Building Codes Ordinance (640.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04, Adopting by Reference the California State Building Codes and Other Related Codes, Adopting Local Revisions to Those Codes, and Repealing Ordinance Numbers 5440 and 5451.

Action: Approved the recommendation; Ordinance No. 5536.

3. Subject: Fiscal Year 2011 First Quarter Interim Financial Statements (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the Three Months Ended September 30, 2010.

Action: Approved the recommendation (November 9, 2010, report from the Finance Director).

4. Subject: Cancellation Of Certain Council Meetings In 2011 (120.09)

Recommendation: That Council cancel the regular Council Meetings on the following dates: December 21, 2010, January 4, January 18, February 22, April 5, May 31, July 5, August 30, September 6, November 29, and December 27, 2011, and January 3, 2012.

Action: Approved the recommendation (November 9, 2010, report from the Assistant City Administrator).

5. Subject: 2010-2011 Proposed Santa Barbara Airline Landing Fee Rates And Charges (560.02)

Recommendation: That Council approve the Partial Year 2010-2011 airline Operating Permit rates and charges, including airline landing fees of \$2.50 per thousand pounds of gross landed weight, and the Airline Terminal annual building square footage rental rate of \$80, for all commercial air carrier operations at Santa Barbara Airport, effective October 1, 2010, through June 30, 2011.

Action: Approved the recommendation (November 9, 2010, report from the Airport Director).

6. Subject: Capital Improvement Projects First Quarter Report For Fiscal Year 2011 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects (CIP) for the First Quarter of Fiscal Year 2011.

Speakers:

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

Action: Approved the recommendation (November 9, 2010, report from the Public Works Director).

7. Subject: Approval Of Final Map And Execution Of Agreements For 526 West Anapamu Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,772 (Map) and standard Agreements relating to the approved subdivision.

Action: Approved the recommendation; Agreement Nos. 23,571 and 23,572 (November 9, 2010, report from the Public Works Director).

8. Subject: Approval Of Final Map And Execution Of Agreements For 535 East Montecito Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,795 and other standard Agreements relating to the approved subdivision at 535 East Montecito Street, and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 23,573 - 23,575 (November 9, 2010, report from the Public Works Director).

NOTICES

10. The City Clerk has on Thursday, November 4, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
11. Cancellation of the regular Redevelopment Agency meeting of November 9, 2010, due to lack of business.
13. Received a letter of resignation from Rental Housing Mediation Task Force Member Leesa Beck; the vacancy will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

ITEM REMOVED FROM CONSENT CALENDAR

Mayor Schneider stated she would abstain from voting on the following item due to a conflict of interest related to her residence at property located proximate to the subject property.

9. Subject: Approval Of Parcel Map And Execution Of Agreements For 825 West Victoria Street And 1229 Gillespie Way (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,780 (Map) and standard Agreements relating to the approved subdivision at 825 West Victoria Street and 1229 Gillespie Way.

Documents:

November 9, 2010, report from the Public Works Director.

(Cont'd)

9. (Cont'd)

Motion:

Councilmembers House/White to approve the recommendation;
Agreement Nos. 23,576 and 23,577.

Vote:

Unanimous voice vote (Abstention: Mayor Schneider; Absent:
Councilmember Williams).

REPORT FROM THE FINANCE COMMITTEE

Finance Committee member Dale Francisco reported that the Committee met to review Interim Financial Statements for the three months ended September 30, 2010; these statements were approved by Council as part of this agenda's Consent Calendar (Item No. 3). The Committee also considered a Staff recommendation for a Redevelopment Agency loan to Habitat for Humanity for the acquisition of property located at 822-824 E. Canon Perdido Street; the Committee approved the recommendation, which will be submitted to the Agency Board in the near future.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee member Grant House reported that the Committee met to consider proposed amendments to Municipal Code Chapter 22.70 regarding Sign Regulations; the Committee approved the revisions, which will be submitted to the full Council next week for introduction and subsequent adoption.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

14. Subject: Council Vacancy Appointment Process (110.03)

Recommendation: That Council approve the proposed process to fill the vacancy on the City Council resulting from the election of Councilmember Das Williams to the State Legislature.

Documents:

November 9, 2010, report from the Assistant City Administrator/
Administrative Services Director.

Speakers:

- Staff: Assistant City Administrator/Administrative Services Director
Marcelo López.
- Member of the Public: Cruzito Cruz.

(Cont'd)

14. (Cont'd)

Motion:

Councilmembers House/White to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

COMMUNITY DEVELOPMENT DEPARTMENT

15. Subject: Human Services And Community Development Block Grant Application Release And Funding Process (610.05)

Recommendation: That Council:

- A. Review and provide input and direction to the Community Development and Human Services Committee (CDHSC) on funding priorities for the Fiscal Year 2012 Human Services and Community Development Block Grant allocation process;
- B. Authorize staff to release the Fiscal Year 2012 funding application along with the committee application-review process, criteria and schedule for evaluation of those applications;
- C. Require that attendance at the application orientation/technical assistance workshop be made mandatory in order for the application to be accepted; and
- D. Establish a funding commitment from the Fiscal Year 2012 General Fund in the amount of \$703,256 for the Human Services Program.

Documents:

November 9, 2010, report from the Assistant City Administrator/
Community Development Director.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, Community Development Programs Supervisor Deirdre Randolph.
- Community Development and Human Services Committee: Members Veronica Loza, Greg Gorga.
- Member of the Public: Robert Burke.

Motion:

Councilmembers House/White to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

16. Subject: Council Subcommittee On Homelessness And Community Relations (140.07)

Recommendation: That Council:

- A. Appoint a new subcommittee member to the Council Subcommittee on Homelessness and Community Relations to fill a vacancy; and
- B. Authorize the Council Subcommittee on Homelessness and Community Relations to reconvene within 60 days to review the progress on the implementation of the twelve recommended strategies outlined in Strategies to Address Community Issues Related to Homelessness in the City of Santa Barbara and address the issue of meal provisions city-wide.

Documents:

November 9, 2010, report from the Assistant City Administrator/
Community Development Director.

Speakers:

- Staff: Community Development Administrative Services Manager Sue Gray.
- Planning Commission: Commissioner Deborah Schwartz.
- Members of the Public: Jarrett Gorin and Sharon Byrne, Milpas Community Association; Geoffery Bard; John Dixon.

Motion:

Councilmembers House/Francisco to appoint Councilmember White to the Council Subcommittee on Homelessness and Community Relations, and approve recommendation B.

Vote:

Unanimous voice vote (Abstention: Councilmember White; Absent: Councilmember Williams).

MAYOR AND COUNCIL REPORTS

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

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 16, 2010, and November 23, 2010.
(Estimated Time: 4:00 p.m.)

Documents:

November 9, 2010, report from the Assistant City Administrator/
Administrative Services Director.

(Cont'd)

17. (Cont'd)

Speakers:

The following applicants were interviewed:

Water Commission:

James A. Smith

Community Development and Human Services Committee:

Josephine Torres

Recess: 3:35 p.m. - 4:00 p.m.

Speakers (Cont'd):

Access Advisory Committee:

Karen L. Johnson

Robert Burnham

Victor Suhr

Adelaida Ortega

Airport Commission:

Karen M. Kahn

Patricia L. Griffin

Kirk A. Martin

Arts Advisory Committee:

Robert F. Adams

Nathan Vonk

Community Development and Human Services Committee:

Brenda Collins Powell

Fire and Police Pension Commission:

Scott J. Tracy

Living Wage Advisory Committee:

David Langan

Mayor Schneider mentioned that interviews of applicants would continue on November 16, 2010.

Councilmember Self left the meeting at 4:29 p.m.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

Councilmember White reported on the status of the County Courthouse restoration project and on the proceedings of the most recent Water Commission meeting.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 16, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:03 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring November 14-20, 2010, As Anti-Bullying Awareness Week (120.04)

Speakers:

Members of the Public: Jeffery Wood; David Selberg, Pacific Pride Foundation; Kate Smith.

Action: Proclamation presented to Melodee Meyer.

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator James Armstrong stated that the following item was being removed from the agenda:

14. Subject: Conference With Labor Negotiator (440.05)

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

PUBLIC COMMENT

Speakers: Keri Stokstad, Amy Walker, Geoffery Bard, Kate Smith, Kellam de Forest.

CONSENT CALENDAR (Item Nos. 2 - 11)

The titles of resolutions related to Consent Calendar items were read.

Motion:

Council/Agency members House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

2. Subject: Santa Barbara Beautiful Grant (560.04)

Recommendation: That Council:

A. Authorize the receipt of grant funds totaling \$40,000 from Santa Barbara Beautiful; and

B. Increase appropriations and estimated revenues for Fiscal Year 2011 by \$40,000 in the Airport Fund for the design and installation of the North Rotunda Floor Medallion for the Airline Terminal Project.

Action: Approved the recommendations (November 16, 2010, report from the Airport Director).

3. Subject: Grant From California Department Of Boating And Waterways For Removal Of Vessels Per The State's Vessel Turn-In Program (570.03)

Recommendation: That Council:

- A. Authorize the Waterfront Director to execute an agreement with the California Department of Boating and Waterways to accept an \$8,000 grant for the disposal of recreational vessels per the state's Vessel Turn-In Program; and
- B. Increase Fiscal Year 2011 estimated revenue in the amount of \$8,000 and appropriate the funds to the Waterfront Department's Fiscal Year 2011 Capital Budget.

Action: Approved the recommendations; Agreement No. 23,581 (November 16, 2010, report from the Waterfront Director).

4. Subject: Loan Application With California Department Of Boating And Waterways - Marina 1 (570.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting a \$1.9 Million Loan from the California Department of Boating and Waterways for Phase 4 of the Marina One Replacement Project in the Santa Barbara Harbor.

Action: Approved the recommendation; Resolution No. 10-088 (November 16, 2010, report from the Waterfront Director; proposed resolution).

5. Subject: State Revolving Fund Loan For The William B. Cater Water Treatment Plant And Ortega Groundwater Treatment Plant Projects (540.10)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 09-090 and Identifying and Dedicating a Source of Revenue to Repay a Safe Drinking Water State Revolving Fund (SDWSRF) Loan in an Amount of \$29.92 Million to Finance Project Number 4210010-004 for the Advanced Treatment Project at the William B. Cater Water Treatment Plant and the Ortega Groundwater Treatment Plant Rehabilitation and Improvements Project.

Action: Approved the recommendation; Resolution No. 10-089 (November 16, 2010, report from the Public Works Director; proposed resolution).

6. Subject: Approval Of Parcel Map And Execution Of Agreements For 416 And 418 Montgomery Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,788 (Map) and standard agreements relating to the approved subdivision at 416 and 418 Montgomery Street.

(Cont'd)

6. (Cont'd)

Action: Approved the recommendation; Agreement Nos. 23,582 and 23,583 (November 16, 2010, report from the Public Works Director).

7. Subject: Approval Of Final Map And Execution Of Agreements For 1210, 1212, And 1216 State Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,784 (Map) and standard agreements relating to the approved subdivision at 1210, 1212, and 1216 State Street.

Speakers:

Staff: Principal Engineer John Ewasiuk, City Attorney Stephen Wiley.

Action: Approved the recommendation; Agreement No. 23,584 (November 16, 2010, report from the Public Works Director).

8. Subject: Firefighters Of Santa Barbara License Agreement (520.03)

Recommendation: That Council authorize the Fire Chief to execute a one-year license agreement between the City of Santa Barbara and Firefighters of Santa Barbara, Inc., for the production of "First Responders - Firefighters of Santa Barbara".

Action: Approved the recommendation; Agreement No. 23,585 (November 16, 2010, report from the Fire Chief).

9. Subject: Loan To Habitat For Humanity For Acquisition Of 822-824 East Canon Perdido Street (660.04)

That Council and the Redevelopment Agency Board take the following actions:

- A. That the Agency Board approve an acquisition loan of \$925,000 of Redevelopment Agency Housing Setaside Funds to Habitat for Humanity of Southern Santa Barbara County and authorize the Agency's Deputy Director to execute a loan agreement and related documents in a form approved by Agency Counsel, and to make non-substantive changes;
- B. That the Agency Board appropriate \$925,000 in the Redevelopment Agency Housing Setaside Funds from unappropriated reserves for the acquisition loan;
- C. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Adopting the Replacement Housing Plan Dated October 28, 2010, for 822-824 East Canon Perdido Street; and

(Cont'd)

9. (Cont'd)

- D. That Council and the Agency Board adopt, by reading of title only, A Joint Resolution of the Council of the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara Finding that the Use of Redevelopment Agency Housing Setaside Funds as a Loan to Habitat for Humanity of Southern Santa Barbara County for Acquiring an Affordable Housing Site Located Outside the Central City Redevelopment Project (CCRP) Area at 822-824 East Canon Perdido Street Will Be of Benefit to the CCRP.

Speakers:

Staff: Housing Programs Supervisor Steven Faulstich.

Action: Approved the recommendations; City Council Resolution No. 10-090; Redevelopment Agency Resolution Nos. 1021 and 1022; Redevelopment Agency Agreement No. 533 (November 16, 2010, report from the Assistant City Administrator/Community Development Director/Deputy Director).

NOTICES

10. The City Clerk has on Thursday, November 11, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
11. The public hearing scheduled for November 16, 2010, at 6:00 p.m. to hear an appeal of the Historic Landmarks Commission's approval for 101 W. Canon Perdido Street has been cancelled due to withdrawal of the appeal.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee reviewed a proposed ordinance establishing local energy efficiency standards for new construction and additions to existing buildings. The Committee will continue its discussion of this issue on December 7.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

12. Subject: Sign Committee Reconstitution And Other Ordinance Amendments To Increase Efficiency (640.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code Relating to the Expiration of Project Design Review Approvals, Amending Section 27.07.110 of Title 27 Relating to Approved Subdivision Maps, and Amending Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code Relating to the Preparation of Zoning Information Reports and the Expiration and Tolling of Development Plans and Other Project Approvals for Approved Development Projects;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving Revised Sign Review Guidelines; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Reconstituted Sign Committee and Repealing Resolution Numbers 81-053, 90-028, and 95-083.

Documents:

- November 16, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed ordinance and resolutions.
- PowerPoint presentation prepared and made by Staff.

The titles of the ordinance and resolutions were read.

Speakers:

- Staff: Senior Planner Jaime Limón, City Planner Bettie Weiss, City Attorney Stephen Wiley.
- Members of the Public: Trish Allen; Jim Caldwell, Santa Barbara Association of Realtors; Peter Brown.

Motion:

Councilmembers House/Williams to approve the recommendations; Resolution Nos. 10-091 and 10-092.

Vote:

Unanimous roll call vote.

13. Subject: Plan Santa Barbara General Plan Update (650.05)

Recommendation: That Council:

- A. Continue Council discussion and deliberations concerning the Plan Santa Barbara General Plan update; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the 2010 General Plan Update and Making Environmental Findings Pursuant to the California Environmental Quality Act.

(Continued from October 26 and 27, 2010)

Documents:

- November 16, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolution.
- November 15, 2010, letter from the Plan Santa Barbara Working Group, a coalition of the following community groups: American Planning Association (California Chapter, Central Coast Section), Citizens Planning Association, Coalition for Sustainable Transportation (COAST), Coastal Housing Coalition, Community Environmental Council, Home Builders Association of the Central Coast, Santa Barbara County Action Network, Santa Barbara For All, and Santa Barbara League of Women Voters.

Speakers:

- Staff: Assistant City Administrator/Community Development Director Paul Casey, Principal Planner John Ledbetter, City Planner Bettie Weiss.
- Members of the Public: Cathie McCammon, Allied Neighborhoods Association; Kellam de Forest; LeeAnne French, Citizens Planning Association; Debbie Cox Bultan, Coastal Housing Coalition; Mickey Flacks, Santa Barbara For All; Connie Hannah and Linda Mayo, Santa Barbara League of Women Voters; Detlev Peikert, American Institute of Architects; Michael Holliday, Santa Barbara For All; Geoffery Bard; Barbara Fosbrink, California State Parks; Gil Barry, Allied Neighborhoods Association; Sheila Lodge.

Discussion:

Staff outlined the results of two meetings held by a Council subcommittee formed on October 27 to discuss the mapping of General Plan Update housing densities. Staff also briefly described a proposal submitted by the Plan Santa Barbara Working Group to suggest a compromise to resolve the issue of locating housing density, and representatives of the Working Group explained their proposal further. Councilmembers made comments, and their questions were answered. The Council agreed to continue its deliberations following a recess and interviews of applicants to advisory groups.

RECESS

The Mayor recessed the meeting at 5:19 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 15, and she stated there would be no reportable action taken during the closed session.

CLOSED SESSIONS

15. Subject: Conference With Real Property Negotiator Regarding 6100 Hollister Avenue (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding a possible long-term lease of City-owned property consisting of a fifteen-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederic Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608] in the City of Santa Barbara). Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the City-owned property with Deckers Outdoor Corporation, a Minnesota corporation. Negotiations are held pursuant to the authority of Section 54958.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; and Sarah Knecht, Assistant City Attorney. Negotiator for the potential lessee is Carlo Brignardello, CresaPartners Corporate Real Estate Service Advisors. Under negotiation: Price and terms of payment of a possible ground lease.

Scheduling: Duration, 30 Minutes; anytime

Report: None anticipated

Documents:

November 16, 2010, joint report from the Airport Director and City Attorney.

Time:

5:25 p.m. - 6:06 p.m. (Councilmember White joined the meeting at 5:30 p.m., and Councilmember Williams arrived at 5:35 p.m.)

No report made.

RECESS

6:06 p.m. - 6:11 p.m.

Mayor Schneider presiding.

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

Councilmembers absent: None.

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

MAYOR AND COUNCIL REPORTS

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

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 23, 2010.
(Continued from November 9, 2010, Agenda Item No. 17)

Speakers:

The following applicants were interviewed:

Airport Commission:

Bruce A. Miller

Architectural Board of Review:

Kellam de Forest

Leeanne French

Paul R. Zink

Community Development and Human Services Committee:

Yesenia Curiel

Creeks Advisory Committee:

Leeanne French

Harbor Commission:

Michael Colin

Historic Landmarks Commission:

Kellam de Forest

Brian Hofer

Judith Dodge Orias

Donald G. Sharpe

William LaVoie

Library Board:

Krista Pleiser

Parks and Recreation Commission:

Beebe Longstreet

Planning Commission:

David Pritchett

Rental Housing Mediation Task Force:

Scott Wexler

Bruce Wollenberg

Sign Committee:

Natalie Cope

Transportation and Circulation Committee:

David Pritchett

Cynthia Boche

Hillary Blackerby

The Mayor stated that interviews would be continued on November 23, 2010.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT (CONT'D)

13. Subject: Plan Santa Barbara General Plan Update (continued from afternoon session)

Speakers:

Staff: City Attorney Stephen Wiley, Principal Transportation Planner Rob Dayton, City Administrator James Armstrong.

Discussion:

The Council began a discussion of the proposal put forth by the Plan Santa Barbara Working Group. The Council also considered lists of requested revisions to General Plan Update documentation presented by Councilmembers Hotchkiss and Self.

A straw vote was taken to approve Item Nos. 1, 2, 4, 6, 7, 8 and 11 from Councilmember Hotchkiss' list of requested changes. Councilmember Self voted no.

An additional meeting of the Council subcommittee will be scheduled for Friday, November 19, to resume dialogue about the mapping of density and to discuss the community coalition's proposal. The full Council's deliberation of the General Plan Update will then be continued at its regular meeting of November 23.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 9:17 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 23, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. The Finance and Ordinance Committees, which ordinarily meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Of Commendation For Das Williams (120.08)

Speakers: Kate Smith.

Action: Proclamation presented to Councilmember Das Williams.

PUBLIC COMMENT

Speakers: Wayne Scoles; Kenneth Loch; Jeffery Wood, Temple of Higher Consciousness; Kate Smith, AIE the person; Geof Bard; Robert Burke.

CONSENT CALENDAR (Item Nos. 2 – 8)

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Purchase Order Contract And Vendor Support For Handheld Meter Reader Devices (540.01)

Recommendation: That Council:

- A. Authorize the General Services Manager to award a Purchase Order Contract in the amount of \$45,100 to Inland Water Works Supply Company (Inland), for the purchase of Itron computerized handheld meter reader devices, related software and training;
- B. Authorize the General Services Manager to award a Purchase Order Contract in the amount of \$1,400 to Itron Incorporated (Itron) for the first year of software support; and
- C. Authorize Itron System as the sole source vendor for future system enhancements, such as remote meter reading, through Fiscal Year 2015.

Action: Approved the recommendations (November 23, 2010, report from the Public Works Director).

3. Subject: Lease Of Las Positas Tennis Facility To Elings Park Foundation (570.07)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an 18-Year Lease with an Option to Renew for an Additional Ten Years with the Elings Park Foundation for the Las Positas Tennis Facility.

Action: Approved the recommendation (November 23, 2010, report from the Parks and Recreation Director; proposed ordinance).

4. Subject: October 2010 Investment Report (260.02)

Recommendation: That Council accept the October 2010 Investment Report.

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

5. Subject: Adoption Of Sign Committee Reconstitution And Other Ordinance Amendments To Increase Efficiency (640.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code Relating to the Expiration of Project Design Review Approvals, Amending Section 27.07.110 of Title 27 Relating to Approved Subdivision Maps, and Amending Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code Relating to the Preparation of Zoning Information Reports and the Expiration and Tolling of Development Plans and Other Project Approvals for Approved Development Projects.

Action: Approved the recommendation; Ordinance No. 5537.

6. Subject: Proposed Change To Parking Violation Penalties Due To Recently-Adopted State Budget (550.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 10-044, Establishing Certain City Fees, to Authorize Adjustments to Parking Violation Penalties Due to Recently-Adopted State Budget.

Action: Approved the recommendation; Resolution No. 10-093 (November 23, 2010, report from the Deputy Chief of Police; proposed resolution).

NOTICES

7. The City Clerk has on Thursday, November 18, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
8. Cancellation of the regular City Council meeting of November 30, 2010.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

9. Subject: Adoption Of 2010-2013 Police Memorandum Of Understanding (440.02)

Recommendation: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Santa Barbara Police Officers' Association by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting a Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers' Association for the Period of July 1, 2010, through June 30, 2013; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Paying and Reporting the Value of Employer-Paid Member Contributions and Rescinding Resolution No. 99-114 Insofar as it Applies to PERS Police Safety Plan Members of the Santa Barbara Police Officers' Association.

Documents:

- November 23, 2010, report from the Assistant City Administrator/Administrative Services Director.
- Proposed ordinance.
- Proposed resolution.

The titles of the ordinance and resolution were read.

Speakers:

Staff: Employee Relations Manager Kristine Schmidt.

Motion:

Councilmembers House/Williams to approve the recommendations; Resolution No. 10-094.

Vote:

Unanimous roll call vote.

FINANCE DEPARTMENT

10. Subject: Living Wage Advisory Committee Recommended Changes To The Living Wage Ordinance (800.08)

Recommendation: That Council:

- A. Hear a staff report summarizing the Living Wage Advisory Committee's recommendations and related administrative procedures to improve the Living Wage Ordinance; and
- B. Provide staff with direction with respect to the Committee's recommendations.

Documents:

- November 23, 2010, report from the Finance Director.
- November 23, 2010, PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: General Services Manager William Hornung, Finance Director Robert Samario, City Administrator James Armstrong.
- Living Wage Advisory Committee: Members Allen Williams, Gabe Dominocielo, Dr. Anna Kokotovic, Larry C. Lee, Dick Flacks.
- Members of the Public: Belen Seara, Pueblo Action Fund; Geof Bard.

By consensus, Council received the report.

MAYOR AND COUNCIL REPORTS

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

Recommendation: That Council hold interviews of applicants to various City Advisory Groups.

(Estimated Time 4:00 p.m.; continued from November 16, 2010, Agenda Item No. 16)

Speakers:

The following applicants were interviewed:

Access Advisory Committee:

Scott Smigel

Architectural Board of Review:

Chris Gilliland

Civil Service Commission:

Gabe Dominocielo

(Cont'd)

12. (Cont'd)

Speakers (Cont'd):

Community Events & Festivals Committee:

Roger Perry

Creeks Advisory Committee:

Danielle De Smeth

Else Eleonora Wolff

Fire and Police Commission:

Joe Rodriguez

Harbor Commission:

Betsy Cramer

Historic Landmarks Commission:

Michael Patrick Porter

Library Board:

Eric Friedman

Living Wage Advisory Committee:

Larry C. Lee

Joey Corazza

John N. Goodman

Parks and Recreation Commission:

Marcus Lopez

Planning Commission:

Bruce Bartlett

Rental Housing Mediation Task Force:

Robert Burke

Sign Committee:

Bob Cunningham

Sister Cities Board:

Takako Wakita

Transportation & Circulation Committee:

Keith Coffman-Grey

Susan Horne

11. Subject: Professional Services Agreement For Zone 1 Hauler Franchise Renewal (630.01)

Recommendation: That Council:

- A. Direct staff to conduct an open competitive process to solicit proposals for a franchise contract for exclusive solid waste, recyclables, and organics collection and disposal for Zone 1 effective June 7, 2013 (Zone 1 Hauler Franchise);

(Cont'd)

11. (Cont'd)

- B. Authorize the Finance Director to negotiate and execute a Professional Services Agreement, in a form acceptable to the City Attorney, with HF&H Consultants, LLC in an amount not to exceed \$152,000 for competitive contracting assistance;
- C. Appropriate \$152,000 from available reserves to the Solid Waste Fund to cover these contract costs; and
- D. Direct staff to require the successful Zone 1 Hauler to reimburse the City for the HF&H consulting costs.

Documents:

- November 23, 2010, report from the Finance Director.
- November 23, 2010, PowerPoint presentation prepared and made by staff.

Councilmember Williams left the meeting at 5:13 p.m. and returned at 5:20 p.m.

Speakers:

- Staff: Employee Relations Manager Kristine Schmidt, Finance Director Robert Samario.
- Members of the Public: Stephen MacIntosh, Allied Waste Services; Derek Carlson, MarBorg.

Motion:

Councilmembers House/Self to:

- 1) Forward this item to the Sustainability Committee for review and consideration;
- 2) Authorize the Finance Director to negotiate a \$10,000 contract with the consultant to initiate the first phase of the project; and
- 3) Direct staff to return to Council with a full report on the Sustainability Committee's review of the project.

Vote:

Unanimous voice vote.

RECESS

Mayor Schneider recessed the meeting at 6:08 p.m. in order for the Council to reconvene in Closed Session for Agenda Item Nos. 13 - 17, and stated that no reportable action is anticipated.

CLOSED SESSIONS

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

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

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

November 23, 2010, report from the Finance Director.

Time:

6:15 p.m.- 6:17 p.m.

No report made.

14. 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: Steven Robles v. Sandra Spiller.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

November 23, 2010, report from the Finance Director.

Time:

6:17 p.m. - 6:23 p.m.

No report made.

15. 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: Janet Christine Neuhauser v. City of Santa Barbara.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Cont'd)

15. (Cont'd)

Documents:

November 23, 2010, report from the Finance Director.

Time:

6:23 p.m. - 6:31 p.m.

No report made.

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

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

Documents:

November 23, 2010, report from the City Attorney.

Time:

6:31 p.m. - 7:01 p.m.

No report made.

17. 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

Documents:

November 23, 2010, report from the City Attorney.

Time:

6:31 p.m. - 7:01 p.m.

No report made.

RECESS

7:01 p.m. - 7:05 p.m.

Mayor Schneider presiding.

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

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, City Clerk Services Manager Rodriguez.

PUBLIC COMMENT

Speakers: No one wished to speak.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

18. Subject: Plan Santa Barbara General Plan Update (650.05)

Recommendation: That Council:

- A. Continue Council discussion and deliberations concerning the Plan Santa Barbara General Plan update; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the 2010 General Plan Update and Making Environmental Findings Pursuant to the California Environmental Quality Act.

(Continued from November 16, 2010, Agenda Item No. 13)

Documents:

- November 23, 2010, PowerPoint presentation prepared and made by staff.
- November 17, 2010, email communication from Kathy Patmore.
- November 19, 2010, email communication from Paul Hernadi.
- November 21, 2010, email communication from Cheryl Kelmar.
- November 22, 2010, email communication from Joe Rution.
- November 22, 2010, letter from First Vice-President Connie Hannah, Santa Barbara League of Women Voters.
- November 23, 2010, letter from Cathie McCammon.

The title of the resolution was read.

(Cont'd)

18. (Cont'd)

Speakers:

- Staff: City Planner Bettie Weiss, Principal Planner John Ledbetter.
- Members of the Public: Cathie McCammon; Gil Barry, Allied Neighborhoods Association; Kellam De Forest; Mickey Flacks.

Motion:

Councilmembers House/Williams to adopt the Plan Santa Barbara General Plan Update, incorporating the following:

- 1) The recommendations of the Plan Santa Barbara Working Group and Council Subcommittee, including the three straw poll votes, as noted on the Plan Santa Barbara Council Decision Matrix;
- 2) Provisional language contained in the introductory paragraph of Exhibit A of the proposed resolution; and
- 3) A unit tracking annual report on the development of larger projects within the Overlay Zone.

Vote:

Failed to carry by roll call vote (required a supermajority of five affirmative votes) (Ayes: Councilmembers House, White, Williams, Mayor Schneider; Noes: Councilmembers Francisco, Hotchkiss, Self).

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:53 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

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



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

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

The regular meeting of the City Council, scheduled for 2:00 p.m. on November 30, 2010, was cancelled by the Council on November 24, 2009.

The next regular meeting of the City Council is scheduled for December 7, 2010, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 8, 2011

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Introduction Of Ordinance For A Lease Amendment With Santa Barbara Shellfish Company, Incorporated

RECOMMENDATION:

That Council approve a lease amendment with Santa Barbara Shellfish Company, Inc., allowing for a seasonal allocation of base rent, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Amendment with Santa Barbara Shellfish Company, Inc., Allowing For a Seasonal Allocation of Base Rent, Effective March 17, 2011.

DISCUSSION:

Santa Barbara Shellfish Company, Inc., (SBSC) has leased space on Stearns Wharf since the Wharf was acquired by the City and redeveloped in the 1980s. The current lease commenced in September 1999 and expires in September 2017. The base rent is \$13,348 or 10% of gross sales, whichever is greater. The percentage rent escalates to 11.4% of gross sales when the tenant's sales exceed \$1,250,000 in a calendar year. The base rent is subject to annual Cost of Living increases based on the Consumer Price Index. The base rent is also adjusted every three years to an amount equal to 75% of the average total rent paid (base + percentage) during the previous 36 months.

In December 2010 the base rent for SBSC was increased from \$10,317 per month to \$13,348 due to the three-year 75% rent adjustment. Due to the extreme seasonal fluctuation of business on the Wharf, SBSC's gross sales can be twice as much in July and August compared to January and February.

SBSC owners, Tom and Adam White, met with staff in early January to discuss options to mitigate the 30% base rent increase. A mutually acceptable solution was reached in which staff agreed to recommend amending the lease to allow for a seasonal adjustment of base rent. The annual base rent will remain the same (\$160,174 / year). The proposed lease amendment will allocate the base rent seasonally as follows:

<u>Month</u>	<u>Base Rent</u>
November-April	\$10,665
May-October	\$16,030

The seasonal allocation of base rent is consistent with many other restaurant tenants including Brophy Brothers, Chuck's Waterfront Grill, Shoreline Beach Café, Minnow Café and Breakwater Restaurant.

Santa Barbara Shellfish is considered a tenant in good standing by the Department as they have no outstanding default notices on file and have been prompt with rent payments.

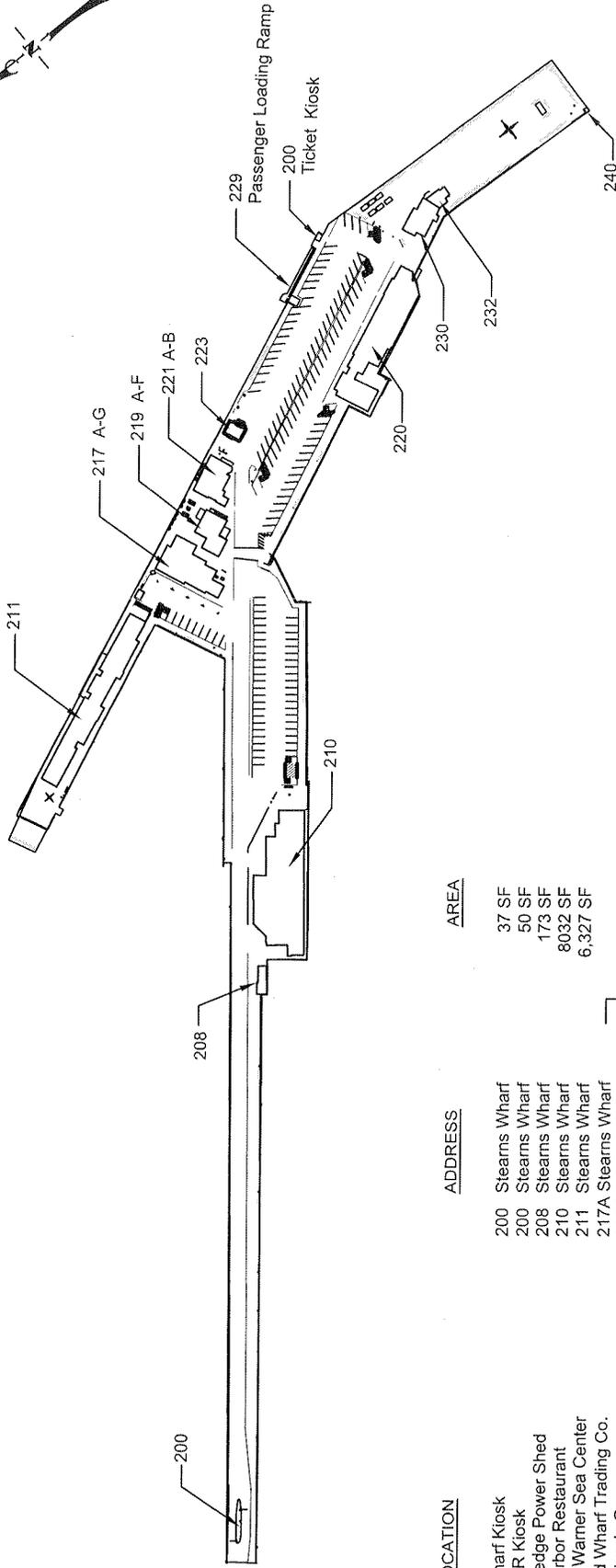
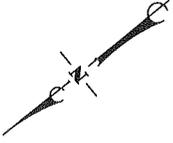
No other changes to the business terms of the lease are proposed as part of this lease amendment. The Harbor Commission recommended approval of the lease amendment with Santa Barbara Shellfish Company at the January 20, 2011, meeting.

ATTACHMENTS: Site Plan

PREPARED BY: Scott Riedman, Waterfront Business Manager

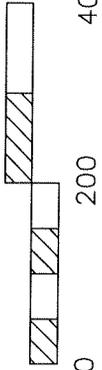
SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office



LOCATION	ADDRESS	AREA
Wharf Kiosk	200 Stearns Wharf	37 SF
PLR Kiosk	200 Stearns Wharf	50 SF
Dredge Power Shed	208 Stearns Wharf	173 SF
Harbor Restaurant	210 Stearns Wharf	8032 SF
Ty Warner Sea Center	211 Stearns Wharf	6,327 SF
Old Wharf Trading Co.	217A Stearns Wharf	
Nature's Own	217C Stearns Wharf	
Topside	217D Stearns Wharf	2932 SF
Coastal Treasure	217E Stearns Wharf	
Conway Deep Sea Tasting Room	217G Stearns Wharf	
Great Pacific Ice Cream Co.	219A Stearns Wharf	
Mother Stearns	219B Stearns Wharf	1276 SF
Devil and the Deep Blue Sea	219C Stearns Wharf	
City Maintenance Office	219F Stearns Wharf	
Moby Dick Restaurant	220 Stearns Wharf	4586 SF
Char West Restaurant	221A Stearns Wharf	1546 SF
Madame Rosinka	221B Stearns Wharf	
City Maintenance Shed	223 Stearns Wharf	370 SF
Passenger Loading Ramp	229 Stearns Wharf	257 SF
Santa Barbara Shellfish	230 Stearns Wharf	
Bait and Tackle	232 Stearns Wharf	1538 SF
Coast Guard Light	240 Stearns Wharf	

Wharf Total Area = 180,500 Square Feet



Scale (Feet)

Stearns Wharf

City of Santa Barbara, Waterfront Department

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A LEASE AMENDMENT WITH SANTA BARBARA SHELLFISH COMPANY, INC., ALLOWING FOR A SEASONAL ALLOCATION OF BASE RENT, EFFECTIVE MARCH 17, 2011.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, an Ordinance of the Council of the City of Santa Barbara Approving a Lease Amendment with Santa Barbara Shellfish Company, Inc., Allowing for a Seasonal Allocation of Base Rent, Effective March 17, 2011, is hereby approved.

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

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

SECTION 1. 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 2: 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 8, 2011

TO: Mayor and Councilmembers

FROM: Administration, Waterfront Department

SUBJECT: Records Destruction For Waterfront Department

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Waterfront Department in the Administration Division.

DISCUSSION:

The City Council adopted Resolution No. 09-098 on December 15, 2009, approving the City of Santa Barbara Records Management Policies and Procedures Manual. The Manual contains the records retention and disposition schedules for all City departments. The schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice.

Pursuant to the Manual, the Waterfront Director submitted a request for records destruction to the City Clerk Services Manager to obtain written consent from the City Attorney. The City Clerk Services Manager agreed that the list of records proposed for destruction conformed to the retention and disposition schedules. The City Attorney has consented in writing to the destruction of the proposed records.

The Waterfront Director requests the City Council to approve the destruction of the Waterfront Department records in the Administration Division listed on Exhibit A of the resolution without retaining a copy.

SUSTAINABILITY IMPACT:

Under the City's Sustainable Santa Barbara Program, one of the City's goals is to increase recycling efforts and divert waste from landfills. The Citywide Records Management Program outlines that records approved for destruction be recycled, reducing paper waste.

Council Agenda Report
Records Destruction For Waterfront Department
February 8, 2011
Page 2

PREPARED BY: Mary Adams, Executive Assistant

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RELATING TO THE DESTRUCTION OF RECORDS HELD BY THE WATERFRONT DEPARTMENT IN THE ADMINISTRATION DIVISION

WHEREAS, the City Council adopted Resolution No. 09-098 on December 15, 2009, approving the City of Santa Barbara Records Management Policies and Procedures Manual;

WHEREAS, the City of Santa Barbara Records Management Policies and Procedures Manual contains the records retention and disposition schedules for all City departments. The records retention and disposition schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice;

WHEREAS, Government Code section 34090 provides that, with the approval of the City Council and the written consent of the City Attorney, the head of a City department may destroy certain city records, documents, instruments, books or papers under the Department Head's charge, without making a copy, if the records are no longer needed;

WHEREAS, the Waterfront Director submitted a request for the destruction of records held by the Waterfront Department to the City Clerk Services Manager to obtain written consent from the City Attorney. A list of the records, documents, instruments, books or papers proposed for destruction is attached hereto as Exhibit A and shall hereafter be referred to collectively as the "Records";

WHEREAS, the Records do not include any records affecting title to real property or liens upon real property, court records, records required to be kept by statute, records less than two years old, video or audio recordings that are evidence in any claim or pending litigation, or the minutes, ordinances or resolutions of the City Council or any City board or commission;

WHEREAS, the City Clerk Services Manager agrees that the proposed destruction conforms to the City's retention and disposition schedules;

WHEREAS, the City Attorney consents to the destruction of the Records; and

WHEREAS, the City Council of the City of Santa Barbara finds and determines that the Records are no longer required and may be destroyed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA that the Waterfront Director, or his designated representative, is authorized and directed to destroy the Records without retaining a copy.

WATERFRONT DEPARTMENT
ADMINISTRATION DIVISION

<u>Records Series</u>	<u>Date(s)</u>
Slip Files	2004-06
Harbor Patrol Watch Logs	2005
Visitor Registration Cards	2006
Slip Checks	2008
Harbor Patrol Case Files	2000
Harbor Patrol Subject Files	2005, 2008
Harbor Patrol Case Logs	2000
Business Activity Reports	2008
Special Event Files	2007-08
Waterfront Administration Files	2005
Parking Kiosk Revenue Reports	2008
Stearns Wharf Administrative Files	2005
Telephone Message Books	2008
Correspondence	2008, 2009
Stearns Wharf Safety Files	2005
Training Information	2008
Travel Expense Records	2003
Cash Register Tapes	2008
Litigation Files	2000
Cruise and Race Files	2005-08
Impound/Found Property Reports	2007-09
Film Permits	2005-06



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 8, 2011

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Records Destruction For Public Works Department

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Water Resources Division.

DISCUSSION:

The City Council adopted Resolution No. 09-098 on December 15, 2009, approving the City of Santa Barbara Records Management Policies and Procedures Manual. The Manual contains the records retention and disposition schedules for all City departments. The schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice.

Pursuant to the Manual, the Public Works Director submitted a request for records destruction to the City Clerk Services Manager to obtain written consent from the City Attorney. The City Clerk Services Manager agreed that the list of records proposed for destruction conformed to the retention and disposition schedules. The City Attorney has consented in writing to the destruction of the proposed records.

The Public Works Director requests the City Council to approve the destruction of the Public Works Department records in the Water Resources Division listed on Exhibit A of the resolution without retaining a copy.

SUSTAINABILITY IMPACT:

Under the City's Sustainable Santa Barbara Program, one of the City's goals is to increase recycling efforts and divert waste from landfills. The Citywide Records Management Program outlines that records approved for destruction be recycled, reducing paper waste.

Council Agenda Report
Records Destruction For Public Works Department
February 8, 2011
Page 2

PREPARED BY: Micaela Hase, Public Works Records Coordinator

SUBMITTED BY: Christine F. Andersen, Public Works Director/mh

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RELATING TO THE DESTRUCTION OF RECORDS HELD BY THE PUBLIC WORKS DEPARTMENT IN THE WATER RESOURCES DIVISION

WHEREAS, the City Council adopted Resolution No. 09-098 on December 15, 2009, approving the City of Santa Barbara Records Management Policies and Procedures Manual;

WHEREAS, the City of Santa Barbara Records Management Policies and Procedures Manual contains the records retention and disposition schedules for all City departments. The records retention and disposition schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice;

WHEREAS, Government Code section 34090 provides that, with the approval of the City Council and the written consent of the City Attorney, the head of a City department may destroy certain city records, documents, instruments, books or papers under the Department Head's charge, without making a copy, if the records are no longer needed;

WHEREAS, the Public Works Director submitted a request for the destruction of records held by the Public Works Department to the City Clerk Services Manager to obtain written consent from the City Attorney. A list of the records, documents, instruments, books or papers proposed for destruction is attached hereto as Exhibit A and shall hereafter be referred to collectively as the "Records";

WHEREAS, the Records do not include any records affecting title to real property or liens upon real property, court records, records required to be kept by statute, records less than two years old, video or audio recordings that are evidence in any claim or pending litigation, or the minutes, ordinances or resolutions of the City Council or any City board or commission;

WHEREAS, the City Clerk Services Manager agrees that the proposed destruction conforms to the City's retention and disposition schedules;

WHEREAS, the City Attorney consents to the destruction of the Records; and

WHEREAS, the City Council of the City of Santa Barbara finds and determines that the Records are no longer required and may be destroyed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA that the Public Works Director, or her designated representative, is authorized and directed to destroy the Records without retaining a copy.

EXHIBIT A

PUBLIC WORKS DEPARTMENT – WATER RESOURCES DIVISION

Records Series

Date(s)

Completed Work Orders

1995 – 2004



Agenda Item No. _____

File Code No. 540.13

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 8, 2011

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Approval Of Emergency Purchase Order For Work At The El Estero Wastewater Treatment Plant

RECOMMENDATION:

That Council approve an Emergency Purchase Order to Central Machine for work at the El Estero Wastewater Treatment Plant (El Estero) in an amount not to exceed \$87,800.

DISCUSSION:

Wastewater from Santa Barbara homes and businesses is treated at El Estero using a biological treatment process. Central to the treatment is the use of microscopic biological organisms to remove waste material from the water. This is accomplished in large tanks called activated sludge basins. To maximize the effectiveness of this process, the amount of air in various parts of the activated sludge basins is varied. The sections of the tanks are separated by fiberglass baffles.

Recently, staff noticed that the brackets holding the fiberglass baffles in place were failing, and that the baffles were distorting during periods of high flow. Staff received a bid from Central Machine for fabrication and installation of more robust brackets.

Concerned that failure of the baffles could result in an inability to fully treat the wastewater, staff proceeded with the work on an emergency basis and notified Mayor and Council on January 19, 2011. Staff is seeking Council's approval of the emergency purchase order issued to complete this work.

BUDGET/FINANCIAL INFORMATION:

The Wastewater Fund capital budget includes funds for the maintenance and repair of capital facilities at El Estero. The emergency purchase order was issued using these funds.

SUSTAINABILITY IMPACT:

Controlling the biological processes at El Estero is critical to our ability to treat the wastewater and meet permit limits. The baffles allow staff to improve control of the biological processes.

PREPARED BY: Chris Toth, Wastewater System Manager/RJB/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 610.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 8, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For Community Development Block Grant 2010-2011 Access Ramp Project

RECOMMENDATION:

That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for additional work for the Community Development Block Grant (CDBG) 2010-2011 Access Ramp Project (Project), Contract No. 23,954, in the amount of \$30,515, for a total project expenditure authority of \$79,900.

DISCUSSION:

BACKGROUND

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 a priority for construction of sidewalk access ramps to complete street accessibility. Since then, the City has applied for, and received, CDBG funding, allowing for the completion of sidewalk access ramps at eight intersections on Alisos Street. This work was completed in 2008 and 2010.

There are however, several intersections on Alisos Street that are still in need of sidewalk access ramps. Therefore, the Community Development and Human Services Committee recommended 2011 CDBG funding in the amount of \$50,000 for this Project. The project was designed and will be managed during construction by the Public Works Department, Engineering Division.

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

CURRENT STATUS

The Project was bid in November of 2010 with two different bid schedules. Bid Schedule 1 included the construction of access ramps at the intersections of Alisos Street at Gutierrez Street (two ramps) and at Quinientos Street (two ramps). Bid Schedule 2 included the construction of access ramps at the intersections of Alisos Street at Cota Street (one ramp) and at Carpinteria Street (one ramp). See attached Project Location Map.

The low bid came in at \$42,935 for Bid Schedule 1, and \$26,535 for Bid Schedule 2. Council awarded the construction contract to Aguilera Brothers Construction, Inc., on December 14, 2010. Since the grant for this Project was \$50,000, only Bid Schedule 1 was included in the awarded Project. The original Project Change Order Authority was \$6,450 or 15%, resulting in a construction contract of \$49,385. This resulted in \$615 in unencumbered grant funds.

A recently completed Recovery Act CDBG Access Ramp Project, located on Alisos Street, has a balance of \$11,868. These funds are available to be used for similar work or will be returned to the State. Staff recommendation is that the \$615 in unencumbered CDBG funds from the original project, along with the \$11,868 of from the Recovery Act CDBG Project, and an allocation of \$18,032 of Measure D funding, all totaling \$30,515, be used to add Bid Schedule 2 authorization to the Contract with Aguilera Brothers Construction, Inc. The contract change would include \$26,585 for Bid Schedule 2 and \$3,980 for extra work, for a total increase in Change Order Authority of \$30,515.

BUDGET/FINANCIAL INFORMATION:

FUNDING

The following summarizes the additional expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract (Bid Schedule 1)	Change Order		Total
		Bid Schedule 2	Extra Services	
Initial Contract Amount	\$42,935	\$0	\$6,450	\$49,385
Proposed Increase	\$0	\$26,535	\$3,980	*\$30,515
Totals	\$42,935	\$26,535	\$10,430	\$79,900

* \$12,483 CDBG, \$18,032 Measure D

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)	Subtotal	\$4,500
Construction Contract		\$42,935
Construction Change Order Allowance		\$36,965
Construction Management/Inspection (by City Staff)		\$19,000
Other Construction Costs (testing, etc.)		\$1,000
Construction	Subtotal	\$99,900
	Project Total	\$104,400

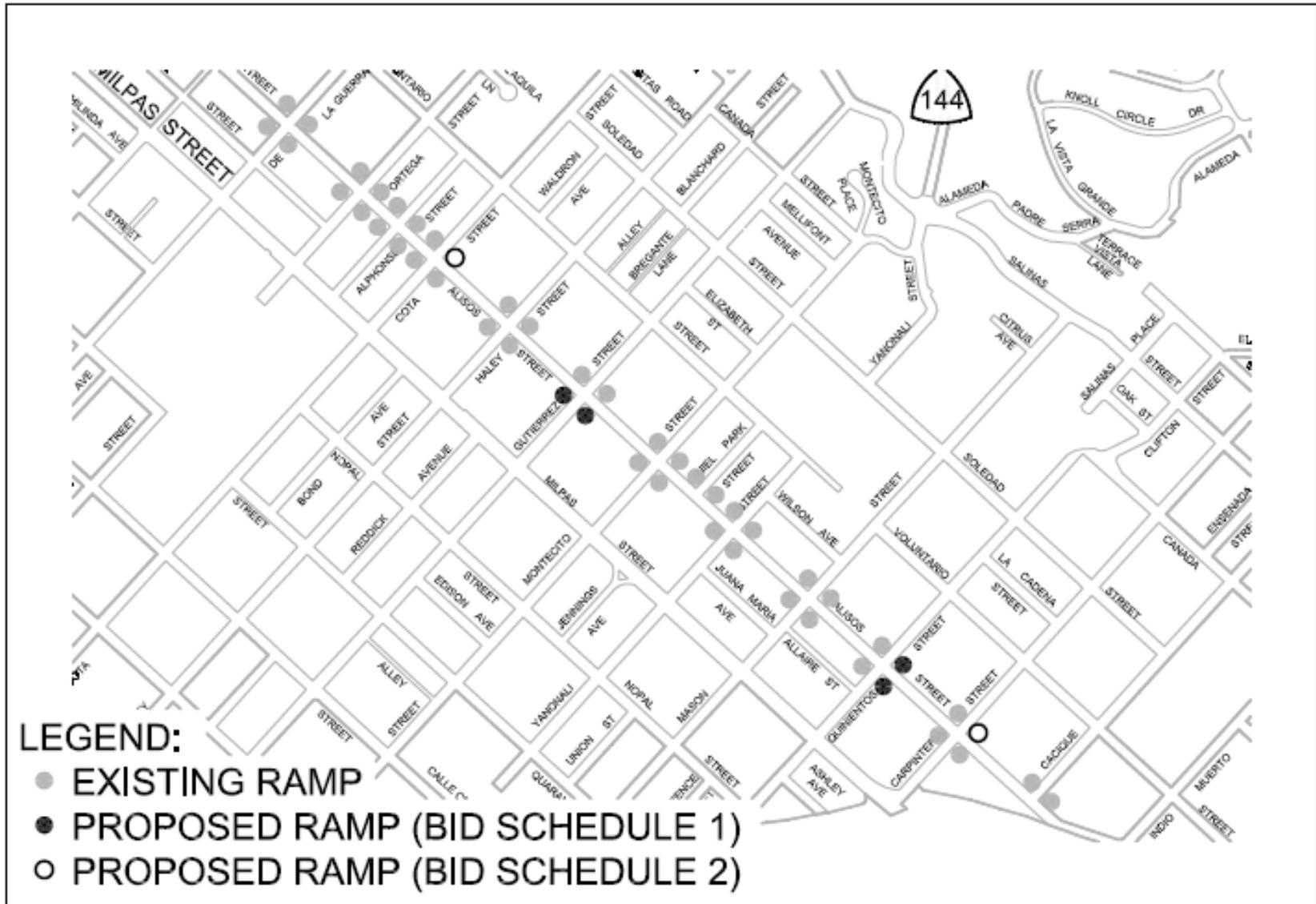
CDBG funds will cover \$12,483 of the proposed Change Order increase of \$27,035. Measure D funding will be used for the remaining proposed increase in Change Order of \$18,032. There are sufficient funds in the CDBG fund and Streets fund to cover the extra work.

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

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/MR/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



LOCATION MAP

CDBG 2010-2011 SIDEWALK ACCESS RAMP PROJECT



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 8, 2011

TO: Mayor and Councilmembers

FROM: Facilities Division, Waterfront Department

SUBJECT: Purchase Order Increase For City Pier Ice House Emergency Repairs

RECOMMENDATION:

That Council authorize the Waterfront Director to retroactively increase Purchase Order No. 383977 from \$25,000 to \$50,000 for emergency repairs and continued monthly maintenance to the City Pier Ice House in the Harbor.

DISCUSSION:

The Ice House, located on the City Pier in the Harbor, was installed in 1993 and has reliably provided hundreds of tons of ice every year for commercial fishing vessels and the fish market. Under a \$25,000 annual purchase order, Ajax Refrigeration provides routine monthly service and minor repairs on an as needed basis to the Ice House.

The Harbor has a very active commercial fishing fleet that works closely with the fish market. A reliable source of locally obtainable ice accessible by boat is essential in supporting the fleet and alternative sources of ice are difficult to procure when the Ice House is out of service. During the November service inspection, Ajax Refrigeration staff noticed the system was leaking refrigerant requiring immediate and extensive repairs. Ajax Refrigeration is one of few local companies capable of servicing and maintaining the Ice House's complicated refrigeration system. The Ice House was shut down for several weeks while Ajax Refrigeration repaired several refrigerant leaks and rebuilt both the primary and secondary compressors. Allowing Ajax to proceed immediately with the repairs prevented further leaking of refrigerant and put this important facility back into service as soon as possible.

Pursuant to Municipal Code 4.52.080, Emergency Purchases, the Waterfront Director has the authority to declare an operational emergency and to purchase equipment, supplies, or services, such as the repairs necessary for the Ice House. Municipal Code Section 4.52.080 also requires that these emergency purchases be reported to the City Council.

BUDGETARY/FINANCIAL INFORMATION:

This project is funded by Waterfront Capital Funds. There are sufficient funds in the Waterfront – Facility Design and Capital Program to cover the cost of this project.

PREPARED BY: Karl Treiberg, Waterfront Facilities Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
October 12, 2010
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:07 p.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Das Williams, Chair Schneider.

Agency members absent: Bendy White.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 and 2)

The title of the resolution related to the Consent Calendar was read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember White).

1. Subject: Minutes (9)

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meeting of September 14, 2010.

Action: Approved the recommendation.

2. Subject: Financial Assistance To Housing Authority For Acquisition/Rehabilitation Of 2941 State Street (660.04/10)

Recommendation: That Council and Redevelopment Agency Board take the following actions regarding a new affordable housing project at 2941 State Street:

- A. That the Agency Board approve an acquisition loan of \$360,000 of Redevelopment Agency Housing Setaside Funds to the Housing Authority of the City of Santa Barbara and authorize the Agency's Deputy Director to execute a loan agreement and related documents in a form approved by Agency Counsel and to make nonsubstantive changes;
- B. That the Agency Board appropriate \$360,000 in the Redevelopment Agency Housing Setaside Fund from unappropriated reserves for the acquisition loan;
- C. That Council approve a rehabilitation grant of \$90,000 in Community Development Block Grant (CDBG) funds and authorize the Community Development Director to execute a grant agreement and related documents in a form approved by the City Attorney and to make nonsubstantive changes; and
- D. That Council and Agency Board adopt, by reading of title only, A Joint Resolution of the Council of the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara Finding that the Use of Redevelopment Agency Housing Setaside Funds as a Loan to the Housing Authority of the City of Santa Barbara for Acquiring Affordable Housing Located Outside the Central City Redevelopment Project (CCRP) Area at 2941 State Street Will be of Benefit to the CCRP.

Action: Approved the recommendations; Redevelopment Agency Agreement No. 532; City Council Agreement No. 23,559; Joint Redevelopment Agency/Council Resolution No. 1019/10-082 (October 12, 2010, report from the Deputy Director/Assistant City Administrator/Community Development Director; proposed resolution).

ADJOURNMENT

Chair Schneider adjourned the meeting at 4:25 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
CHAIR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
October 19, 2010
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Vice-Chair Grant House called the joint meeting of the Agency and the City Council to order at 2:01 p.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Michael Self, Bendy White, Das Williams, Vice-Chair House.

Agency members absent: Chair Helene Schneider.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item No. 1)

Motion:

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

Vote:

Unanimous roll call vote (Absent: Chair Schneider).

1. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2010 (6)

Recommendation: That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Two Months Ended August 31, 2010.

Action: Approved the recommendation (October 19, 2010, report from the Fiscal Officer).

ADJOURNMENT

Vice-Chair House adjourned the meeting at 6:48 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

GRANT HOUSE
VICE-CHAIR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
November 2, 2010
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Chair Schneider.

Agency members absent: Das Williams.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

No one wished to speak.

REDEVELOPMENT AGENCY REPORTS

1. Subject: Grant To Housing Authority For Two New Units At 233 West Ortega Street (13)

Recommendation: That the Redevelopment Agency Board:

- A. Approve a grant of \$300,000 from Agency Housing Setaside funds to the Housing Authority of the City of Santa Barbara for the construction of two new low-income rental units at their property at 233 West Ortega Street; and
- B. Appropriate \$300,000 in the Redevelopment Agency Housing Setaside Fund from unappropriated reserves for the grant.

Documents:

November 2, 2010, report from the Deputy Director.

(Cont'd)

1. (Cont'd)

Speakers:

Staff: Housing Program Supervisor II Steven Faulstich.

Motion:

Agency Members House/White to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Agency Member Williams).

ADJOURNMENT

Chair Schneider adjourned the meeting at 4:56 p.m. in memory of Access Advisory Committee Member Amy Van Meter.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
CHAIR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
November 16, 2010
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:03 p.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Chair Schneider.

Agency members absent: None.

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

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR

Motion:

Agency/Council members House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Loan To Habitat For Humanity For Acquisition Of 822-824 East Canon Perdido Street (660.04/9)

That Council and the Redevelopment Agency Board take the following actions:

- A. That the Agency Board approve an acquisition loan of \$925,000 of Redevelopment Agency Housing Setaside Funds to Habitat for Humanity of Southern Santa Barbara County and authorize the Agency's Deputy Director to execute a loan agreement and related documents in a form approved by Agency Counsel, and to make non-substantive changes;

(Cont'd)

1. (Cont'd)

- B. That the Agency Board appropriate \$925,000 in the Redevelopment Agency Housing Setaside Funds from unappropriated reserves for the acquisition loan;
- C. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Adopting the Replacement Housing Plan Dated October 28, 2010, for 822-824 East Canon Perdido Street; and
- D. That Council and the Agency Board adopt, by reading of title only, A Joint Resolution of the Council of the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara Finding that the Use of Redevelopment Agency Housing Setaside Funds as a Loan to Habitat for Humanity of Southern Santa Barbara County for Acquiring an Affordable Housing Site Located Outside the Central City Redevelopment Project (CCRP) Area at 822-824 East Canon Perdido Street Will Be of Benefit to the CCRP.

Speakers:

Staff: Housing Programs Supervisor Steven Faulstich.

Action: Approved the recommendations; Redevelopment Agency Resolution Nos. 1021 and 1022; City Council Resolution No. 10-090; Redevelopment Agency Agreement No. 533 (November 16, 2010, report from the Deputy Agency Director/Assistant City Administrator/Community Development Director).

ADJOURNMENT

Chair Schneider adjourned the meeting at 9:17 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
CHAIR

SUSAN TSCHECH
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY REPORT

AGENDA DATE: February 8, 2011

TO: Chair and Agency Board Members

FROM: City Administrator's Office

SUBJECT: Receive A Request From Agency Chair Schneider And Member White To Suspend And Modify The State Street Bench Relocation Project

RECOMMENDATION:

That the Redevelopment Agency Board consider a request from Chair Schneider and Member White to suspend and modify the State Street bench relocation project on the 800 and 900 blocks of State Street.

DISCUSSION:

The Chair and Agency member White are requesting that the Redevelopment Agency Staff provide a cost breakdown of the \$50,000 allocated from the Redevelopment Agency fund for the State Street bench relocation project on the 800 and 900 blocks of State Street, including design contract, permit and processing costs, the public hearing at the Historic Landmarks Commission and the final construction cost. Information is also requested on the potential cost savings of removing most or all of the benches in the area for a period of time. The attached memorandum gives specific information on the action requested by Council.

ATTACHMENT: Memorandum from Mayor Schneider and Councilmember White

PREPARED BY: Linda Gunther, Administrator's Office Supervisor

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



City of Santa Barbara
 Mayor and Council Office

Memorandum

DATE: January 31, 2011

TO: Jim Armstrong, City Administrator

FROM: Mayor Helene Schneider
 Councilmember Harwood "Bendy" White

SUBJECT: Request to suspend and modify the State Street bench relocation project

Pursuant to Council Resolution 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on a Santa Barbara City Council Agenda as soon as possible regarding the current bench relocation project on the 800 and 900 blocks of State Street. Due to the costs associated with the design, planning and permit review process of this project, we are also requesting that this process be placed on hold until the Council holds this public hearing.

- Summary of information to be presented:

We request that Redevelopment Agency staff provide a cost breakdown of the \$50,000 allocated from RDA funds for this current project, including design contract, permit and processing costs, the public hearing at the Historic Landmarks Commission and the final construction cost. We also request information on the cost savings associated with simply removing most or all of the benches in the area for a period of time.

- Statement of Specific Action:

The specific action to be taken by the City Council at this meeting will be to consider suspending and/or modifying the current bench relocation project on the 800 and 900 blocks of State Street. The rationale for this action is due to the following:

- A high percentage of the \$50,000 cost towards this project is for design and permitting, not construction;
- While we agree with the intent behind this project, which is to discourage panhandling, there is no data or evidence to show that relocating benches will have this desired effect, nor is there any funding or plan to create such data and monitor whether the program will be successful outside of receiving anecdotal reports;
- The recent and unexpected elimination of matching funds from the Downtown Organization to provide additional restorative police presence along State Street requires the City Council to re-examine how to more effectively enforce against panhandling and increase coordination of efforts between the police department, local businesses and homeless outreach services providers.

• Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action:

A Council discussion of this subject is appropriate and within the jurisdiction of the City Council as we are the funding authority for this project in our role as the Redevelopment Agency Board.

cc: Mayor and Council
City Attorney
Community Development Director
Redevelopment Agency Program Manager



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 8, 2011
TO: Mayor and Councilmembers
FROM: City Clerk's Office, Administrative Services Department
SUBJECT: Interviews For City Advisory Groups

RECOMMENDATION:

That Council hold interviews of applicants to the Fire and Police Commission, the newly-established Neighborhood Advisory Council, and the Rental Housing Mediation Task Force.

DISCUSSION:

Interviews of applicants for positions on the Fire and Police Commission, the newly established Neighborhood Advisory Council, and the Rental Housing Mediation Task Force are to be held on February 8, 2011, at 4:00 p.m. Applicants to the Neighborhood Advisory Council had an additional opportunity to be interviewed by the Council Subcommittee on February 3, 2011, at the Franklin Community Center.

For the 19 vacancies, 31 individuals submitted 32 applications. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment, they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation in response to a set of questions specific to the group for which they are applying.

Appointments are scheduled to take place on March 1, 2011.

ATTACHMENT: List of Applicants
PREPARED BY: Cynthia M. Rodriguez, CMC, City Clerk Services Manager
SUBMITTED BY: Marcelo A. López, Assistant City Administrator/Administrative Services Director
APPROVED BY: City Administrator's Office

FIRE AND POLICE COMMISSION

- One vacancy.
- Term expires 12/31/2012.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector (1)</i>	Diego Torres-Santos		1) Neighborhood Advisory Council; 2) Fire and Police Commission	

NEIGHBORHOOD ADVISORY COUNCIL (CONT'D)

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd)	Notes
<i>Neighborhood Representatives (Cont'd)</i>	Dorothy Littlejohn			Eastside
	Gary McMahan			Eastside
	Raquel Mendoza			West Downtown
	Javier Moreno			West Downtown
	Theresa Peña			Eastside
	Bonnie Raisin			Laguna
	Kenneth Rivas			West Downtown
	Ana Soto			Eastside
	Diego Torres-Santos		1) Neighborhood Advisory Council; 2) Fire and Police Commission	West Downtown
	Cesar Trujillo			Laguna
	Olivia Uribe			Eastside
	Tony Vassallo			West Downtown

(Cont'd)

NEIGHBORHOOD ADVISORY COUNCIL (CONT'D)

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd)	Notes
<i>Public at Large (5)</i>	Kirsten Castagnola			
	Rick Goodfriend			
	W. Michael Hackett			
	Sally Kingston			
	Patrick Merna			
	Shannon Miller			
	Beatriz Molina			
	Elvira Quiroga			
	Alexander Tapia			
	Josephine Tapia			
	Holly Walters			
	Audrey Williams			
	Carmen Young			

RENTAL HOUSING MEDIATION TASK FORCE

- Five vacancies.
- One term expires 12/31/2011
One term expires 12/31/2012
- Two appointees must be residents of the City:
 - Three landlords
 - Two tenants

- One term expires 12/31/2013
- Two terms expire 12/31/2014

Note: Non-resident members must be owners of residential rental property within the City limits or affiliated with organizations concerned with landlord-tenant issues within the City limits.

- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Landlords (3)</i>	Meredith Furman			City
<i>Tenants (2)</i>	None			



Agenda Item No. _____

File Code No. 570.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 8, 2011

TO: Mayor and Councilmembers

FROM: Parks Division, Parks and Recreation Department

SUBJECT: Appeal Of The Parks And Recreation Commission Action To Deny The Removal Of A Front Setback Tree Located At 1704 Mission Ridge Road

RECOMMENDATION:

That Council deny the appeal filed by Dr. Michael Cooper and uphold the Parks and Recreation Commission decision to deny the removal of a Phoenix canariensis (Canary Island Date Palm) located in the minimum front setback at 1704 Mission Ridge Road.

DISCUSSION:

Tree Removal Application

On November 22, 2010, the Parks and Recreation Department received a tree removal application from Dr. Michael Cooper for the Canary Island Date Palm tree located in the minimum front setback at 1704 Mission Ridge Road (Attachment 1). The basis for the applicant's tree removal request was that the tree is difficult to maintain, presents a fire hazard, presents a safety hazard from falling palm fronds and fruit, and obstructs the views from the house.

Background

The Canary Island Date Palm located at 1704 Mission Ridge Road is estimated to have been planted at least 20 years ago. The property at 1704 Mission Ridge Road is zoned E-1 with a front setback of 30 feet. Since the tree is located in the minimum front setback, a permit is required before the tree can be removed.

Santa Barbara Municipal Code (SBMC) Chapter 15.24 Preservation of Trees, provides for the maintenance and preservation of certain trees on private property. SBMC Section 15.24.020 establishes the permitting requirements for removing any tree growing within the minimum front setback. Pursuant to Municipal Code Section 15.24.040, a setback tree

requires review by the Street Tree Advisory Committee (STAC). The STAC provides a recommendation to the Parks and Recreation Commission (Commission) based on the considerations specified under 15.24.080.

Pursuant to SBMC 15.24.080, considerations during the review of a tree removal application, include:

- Whether the tree is an official Historic or Specimen tree,
- The potential size of the tree in relation to the lot,
- The number and size of other trees on the site or on adjacent City property,
- Any benefits to adjacent trees,
- Whether the tree was planted by or with the permission of the applicant, the condition and structure of the tree,
- And whether the tree canopy can properly grow.

The Commission reviews the application materials and the STAC recommendation prior to taking action. In addition to the considerations under Section 15.24.080, the Commission must determine, under Section 15.24.090, one of the following conditions exists in order to make a finding for removal:

- That the removal would adhere to the principals of good forestry management or,
- A reasonable development of the property requires the removal or,
- That the character of the neighborhood would not be materially affected or,
- That the topography of the building site renders the removal desirable or,
- The safety of persons or property dictates removal.

Parks and Recreation Commission decisions on tree removal permit applications may be appealed to the City Council pursuant to SBMC 15.20.170.

Tree Removal Application Review

Dr. Cooper's tree removal application was reviewed by the Street Tree Advisory Committee (STAC) at its December 2, 2010, regular meeting. The STAC reviewed materials submitted by the applicant and conducted a site visit. The STAC voted (3/0) to recommend that the Parks and Recreation Commission deny the tree removal application. The STAC determined the tree could, through regular maintenance, be maintained to address safety concerns and prevent hazards.

The Parks and Recreation Commission considered the application and the STAC recommendation at its regular meeting on December 15, 2010. The Commission unanimously voted (7/0) to concur with the STAC recommendation and thereby denied the setback tree removal application.

Appeal of the Parks and Recreation Commission's Decision

Dr. Cooper is appealing the Parks and Recreation Commission's denial of his tree removal application on the basis that the tree poses safety concerns. The safety concerns of the appellant are outlined in the letter from Vista Tree Service. Dr. Cooper's appeal letter also claims that the tree is showing signs of deterioration.

Standard arboricultural practices require that a certified arborist determine that all three of the following conditions be met for a tree to be considered a hazard, and therefore a danger to public safety.

1. The tree is of a size where it could cause damage if it fell.
2. There is a target, i.e. something valuable would be impacted.
3. There is an observable defect that warrants concern about the tree's safety.

While the current height of the Canary Island Date Palm could result in damage if it fell, it does not currently exhibit observable defects or deterioration that would preclude its safety. The upper area of the trunk identified as a concern for the appellant illustrates standard pruning practices for palm trees. When palm fronds are removed, the base of the frond remains attached to the tree to protect the trunk. The frond base eventually separates from the trunk and falls away. The photograph supplied by the appellant illustrates frond bases that are beginning to fall away naturally. This process does not indicate a defect in the structure of the trunk or a potential hazard. Through regular maintenance, the safety issues identified by the appellant can be addressed.

Municipal Code Section 15.24.030(c) allows the Parks and Recreation Director to approve the removal of a tree under certain conditions, including if the tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property. The Canary Island Date Palm at 1704 Mission Ridge Road does not currently exhibit conditions that indicate it is an imminent danger to persons or property.

The STAC and the Commission took into account all the considerations for removal pursuant to SBMC 15.24.080 described above. The STAC and Commission also considered all the findings for removal pursuant to SBMC 15.24.090.

RECOMMENDATION:

It is staff's position that the Parks and Recreation Commission considered all relevant issues pertaining to the tree removal application. Staff recommends that Council deny the appeal and uphold the decision of the Parks and Recreation Commission to deny the tree removal application.

Council Agenda Report
Appeal Of The Parks And Recreation Commission Action To Deny The Removal Of A
Front Setback Tree Located At 1704 Mission Ridge Road
February 8, 2011
Page 4

- ATTACHMENTS:**
1. Tree Removal Application, dated November 1, 2010
 2. Street Tree Advisory Committee Meeting Minutes, December 2, 2010
 3. Parks and Recreation Commission Meeting Minutes, December 15, 2010
 4. Appeal letter and attachments, dated January 10, 2011

PREPARED BY: Tim Downey, Urban Forest Superintendent
Jill E. Zachary, Assistant Parks and Recreation Director

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA



City of Santa Barbara
 Parks and Recreation Department
SETBACK TREE REMOVAL APPLICATION

NOV 22 2010

PARK & RECREATION
 PARKS DIVISION

Mailing Address:
 PO Box 1990
 Santa Barbara, CA 93102
 (805) 564-5433 FAX (805) 897-2524

Physical Address:
 402 E. Ortega St.
 Santa Barbara, CA 93101

Application Fee: \$50 (effective July 1, 2010)

DATE OF REQUEST:	11-1-10
APPLICANT:	MICHAEL COOPER
OWNER NAME (IF DIFFERENT THAN APPLICANT):	MICHAEL COOPER
MAILING ADDRESS:	1704 MISSION RIDGE RD 93103
DAYTIME PHONE:	805 966 6325
LOCATION OF TREE (ADDRESS):	1704 MISSION RIDGE RD 93103
TREE SPECIES (IF KNOWN):	DATE PALM
REASON(S) FOR REMOVAL:	HAZARDOUS RISK, STEEP INCLINE, FIRE DANGER
TREE(S) WILL BE REPLACED: Yes [] With:	No <input checked="" type="checkbox"/>

PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION

- Property owner letter, indicating reasons for removal. Also include whether:
 - The removal application is associated with new development or redevelopment of property
 - Status of development application, including whether the project is scheduled for review by the Single Family Design Board, Architectural Board of Review or Historic Landmarks Commission
 - The tree is a designated Specimen or Historic Tree or located on a property with a designated Historic Landmark
- Photo of tree(s) proposed for removal
- Development plan/Landscape plan

November 14, 2010

City of Santa Barbara

Parks and Recreation Department

P.O. Box 1990

Santa Barbara, CA 93102

RE: Removal of Date Palm

I am requesting the removal of a Date Palm tree in the front of my property at 1704 Mission Ridge Road, Santa Barbara, 93103. The tree is on an extremely steep hill side and is becoming more difficult and dangerous to trim. It is a fire hazard. The palm fronds fall off they are a hazard to traffic on Mission Ridge Road. The dates are a mess when they fall off of the tree both on my property and the street. In addition to these issues the Date Palm is obstructing the views from my residence.

There is no new development or redevelopment of the property. The tree has no Historic designation of this tree and it is not a specimen. The date palm tree will not be replaced with any other tree. I do not believe that there is a need for a review by the Single Family Deign Board or the Historic Landmarks Commission. It is a simple request to have a big, ugly, dirty tree removed.

Enclosed is a photo of the tree an application form and a check for \$50.00.

Thank you for your understanding and cooperation in this matter.

Sincerely,

Dr. Michael Cooper















CITY OF SANTA BARBARA
PARKS AND RECREATION DEPARTMENT

Street Tree Committee
REGULAR MEETING
Thursday, December 2, 2010
Parks Lunch Room
402 E. Ortega Street
8:30 a.m.

Minutes

1. CALL TO ORDER 8:32 AM
2. ROLL CALL
Members present: Ricardo Castellanos, Maury Treman, Karen Christman
Staff present: Randy Fritz, Tim Downey, Patty Herrera, Lisa Arroyo
P&R Commission Liaison present: Lesley Wiscomb
3. APPROVAL OF MINUTES
A. Regular Meeting, November 4, 2010 – Approved.

Member Maury Treman moved, seconded by Karen Christman that the November 4, 2010 Minutes be approved as presented, passed 3/0.

4. CHANGES TO THE AGENDA
 1. Take 300 block of W. Ortega St. after Member and Staff Communication.
 2. Maury Treman would like to postpone the following: (2) items in the Street Tree Master Plan and Old Business until other members are present. Street Tree Master Plan (1.) 1000 – 1300 block of Chapala St. – consider change to designated species and (3.) 3000 block of De La Vina St. – consider change to designated species; Old Business (A.) Upper State St. – consider change to designated species and (B.) 2400 – 2900 De La Vina St. – change or designate additional species.

Member Maury Treman moved, seconded by Karen Christman to postpone Street Tree Master Plan numbers 1 & 3 and Old Business A & B, passed 3/0.

5. MEMBER AND STAFF COMMUNICATION
 - A. PARKS AND RECREATION COMMISSION ACTIONS
 1. Tim updated STAC regarding the November Parks and Recreation Commission actions. Tim informed STAC that the Parks and Recreation Commission concurred with all of STAC recommendations except for one Parks and Recreation Commission approved all removals at 535 E. Montecito St.
 2. Tim updated STAC regarding Enforcement cases.
 3. Tim informed STAC he is considering a 3rd evening training on City Tree Regulations. STAC and Lesley Wiscomb shared they strongly recommend a 3rd training in the evening. Tim also informed STAC that a PowerPoint presentation of the City Tree Regulations training was available online.
6. PUBLIC COMMENT
None
7. NEW BUSINESS

A. TREE REMOVAL CONSIDERATIONS

STREET TREES

1. 300 block of W. Ortega St. – (2) *Eucalyptus ficifolia*, Red Flowering Gum, (1) *Quercus agrifolia*, Coast Live Oak – Lisa Arroyo, Public Works Engineering

Recommendation to approve

The Committee recommends that the Commission concur with the additional requests on the condition that rather than boxing and relocating trees numbered #4 and #5, new minimum 15-gallon Red Flowering Gum trees of 1.5" caliper be planted at the locations proposed by the applicant. The applicant will also replace trees numbered #1 and #2 with new minimum 15-gallon Red Flowering Gum trees of 1.5" caliper.

Member Karen Christman moved, seconded by Maury Treman that the Commission concur with the additional requests on the condition that rather than boxing and relocating trees numbered #4 and #5, new minimum 15-gallon Red Flowering Gum trees of 1.5" caliper be planted at the locations proposed by the applicant. The applicant will also replace trees numbered #1 and #2 with new minimum 15-gallon Red Flowering Gum trees of 1.5" caliper, passed 3/0.

SETBACK TREES

1. 1637 Loma St. – *Pinus halepensis*, Aleppo Pine – Arbor Services

Recommendation to approve

The Committee recommends that the Commission approve the removal. The Committee and staff determined this tree is too large for this location, other trees in the area provide ample shade, and the tree will get much larger than it is now causing significant damage.

Member Maury Treman moved, seconded by Ricardo Castellanos that the Commission approve the removal, passed 2/0/1. Member Karen Christman abstained.

2. 1704 Mission Ridge Rd. – *Phoenix canariensis*, Canary Island Date Palm – Michael Cooper

Recommendation to deny

The Committee recommends that the Commission deny the removal. The Committee and staff determined that the reasons provided by the applicant are not sufficient to justify removal.

Member Maury Treman moved, seconded by Karen Christman that the Commission deny the removal, passed 3/0.

B. STREET TREE MASTER PLAN

1. 1000 – 1300 block of Chapala St. – consider change to designated species

The Committee recommends postponing item until other Members are present.

Member Maury Treman moved, seconded by Karen Christman to postpone item until other Members are present. passed 3/0.

2. Loma St. (all 3 blocks) – add an alternate species

The Committee recommends that the Commission co-designate *Tabebuia chrysostricha*, Golden Trumpet Tree as an additional species.

Member Maury Treman moved, seconded by Karen Christman to co-designate *Tabebuia chrysostricha*, Golden Trumpet Tree as an additional species, passed 3/0.

3. 3000 block of De La Vina St. – consider change to designated species

The Committee recommends postponing item until other Members are present.

Member Maury Treman moved, seconded by Karen Christman to postpone item until other Members are present. passed 3/0.

4. 300 block of W. Calle Cesar Chavez – change the designated species

The Committee recommends that the Commission change the designated species from *Magnolia 'Little Gem'*, Little Gem Magnolia, to *Magnolia grandiflora 'Samuel Sommers'*, Samuel Sommers Magnolia as designated species.

Member Karen Christman moved, seconded by Maury Treman to change the designated species from *Magnolia 'Little Gem'*, Little Gem Magnolia, to *Magnolia grandiflora 'Samuel Sommers'*, Samuel Sommers Magnolia as designated species, passed 2/0/1. Member Ricardo Castellanos abstained.

8. OLD BUSINESS

- A. Upper State St. – street tree designation
B. 2400 – 2900 De La Vina St. – change or designate additional species

Member Maury Treman moved, seconded by Karen Christman to postpone Street Tree Master Plan numbers 1 & 3 and Old Business A & B, passed 3/0.

Meeting was adjourned at 10:35 AM

Member Maury Treman moved, seconded by Karen Christman to adjourn meeting, passed 3/0.

Respectfully submitted,
Tim Downey, Urban Forest Superintendent

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Tim Downey at 564-5592. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.



**City of Santa Barbara
PARKS AND RECREATION DEPARTMENT**

**PARKS AND RECREATION COMMISSION
Regular Monthly Meeting**

Wednesday, December 15, 2010

Minutes

CALL TO ORDER: The meeting was called to order at 4:00 p.m. in City Council Chambers.

PLEDGE OF ALLEGIANCE: Chair Wiscomb

ROLL CALL:

Commissioners & Staff Present

Commissioner Lesley Wiscomb
Commissioner Daraka Larimore-Hall
Commissioner W. Scott Burns
Commissioner Chris Casebeer
Commissioner Nicolas Ferrara
Commissioner Rocky Jacobson
Commissioner Beebe Longstreet
Commission Intern Diego Torres-Santos
Parks & Recreation Director Nancy Rapp
Asst. Parks & Recreation Director Jill Zachary
Urban Forest Superintendent Timothy Downey
Executive Assistant Karla Megill
Recreation Program Manager Judith McCaffrey
Parks Manager Santos Escobar, Jr.
Recreation Programs Manager Sarah Hanna
Recreation Supervisor Terry Brown
Neighborhood and Outreach Sr. Supervisor Antonio Velasquez
Neighborhood and Outreach Services Supervisor Susan Young
Neighborhood and Outreach Coordinator I Pete Leyva
Associate Planner Kathy Frye
Recreation Coordinator Kimmie Coley

CHANGES TO THE AGENDA: None

PUBLIC COMMENT: No one wished to speak.

WRITTEN COMMUNICATIONS: None

COMMUNITY SERVICE RECOGNITION:

1. Recognition of Community Volunteers Supporting Neighborhood and Outreach Services Programs - For Action

Document(s):

- Staff Report

Speaker(s):

- Staff: Nancy L. Rapp, Parks and Recreation Director; Susan Young, Neighborhood and Outreach Services Supervisor; Pete Leyva, Neighborhood and Outreach Services Coordinator; Chloe Hunt, Santa Barbara Youth Council
- Members of the Public: Susana Madueno Gonzalez, Janice Rorick, Melissa Wilkins, and Officer Carl W. Kamin

Recommendation: That the Commission:

- A. Recognize Susana Susana Madrueno Gonzalez for volunteering for projects in the Lower Westside neighborhood; and
- B. Recognize Tara Haaland-Ford, Jorge Fulco, Christy Haynes, Officer Carl Kamin, Janice Rorick, and Melissa Wilkins, for volunteering and supporting Parks and Recreation youth and teen programming.

The Commission recognized these individuals and presented them with certificates of appreciation for their efforts.

COMMISSIONER COMMITTEE ASSIGNMENT REPORTS:

Commissioner Jacobson reported on the activities of the Youth Council.

Commissioner Longstreet encouraged the community to respond to the Parks and Recreation Community (PARC) Foundation's annual appeal for funding.

Commissioner Burns reported on the activities of the Front Council Trail Multi-Jurisdictional Task Force.

Commissioner Ferrara reported on the Integrated Pest Management Advisory Committee.

Chair Wiscomb reported on the activities of the Street Tree Advisory Committee.

COMMISSION AND STAFF COMMUNICATIONS:

Ms. Rapp reminded the Commission that City employees would be on furlough December 20 through December 31st. She said some facilities will be open to serve the public.

YOUTH COUNCIL REPORT:

The Commission recognized Intern Diego Torres-Santos for his service on the Commission and presented him with a certificate of appreciation.

Intern Torres-Santos provided the Youth Council report. He introduced the 2011 Youth Council Chair, Pepe Gil. Pepe Gil addressed the Commission and introduced the Youth Council members who were present at the meeting.

CONSENT CALENDAR:

2. Summary of Council Actions - For Information
Ms. Rapp briefed that City Council approved the long-term lease agreement with Elings Park to take over the maintenance and operation of the Las Positas Tennis Facility.
3. Approval of Minutes - For Action
 - A. Recommendation: That the Commission waive the reading and approve the minutes of the regular meeting of November 17, 2010.

Commissioner Beebe Longstreet moved, seconded by Commissioner Chris Casebeer, and passed 6/0 to waive the reading and approve the minutes of the regular meeting of November 17, 2010.

Commissioner Larimore-Hall Abstained.

STREET TREE ADVISORY COMMITTEE ITEMS

4. Street Tree Advisory Committee Recommendations - For Action

Recommendation: That the Commission:

Document(s):

- Staff Report
- Staff PowerPoint

Speaker(s):

- Staff: Tim Downey, Urban Forest Superintendent

- A. Conditionally approve the following Street Tree removal request.
 1. 300 block of W. Ortega St. - (2) Eucalyptus ficifolia, Red Flowering Gum, (1) Quercus agrifolia, Coast Live Oak - Lisa Arroyo, Public Works Engineering

Commissioner Beebe Longstreet moved, seconded by Commissioner Nicolas Ferrara, and passed 7/0 to Concur with the

Street Tree Advisory Committee and approve the removal of the trees at 300 block of W. Ortega Street.

- B. Approve the following Street Tree removal request.
1. 1637 Loma St. - Pinus halepensis, Aleppo Pine - Arbor Services

Commissioner Beebe Longstreet moved, seconded by Commissioner Daraka Larimore-Hall, and passed 7/0 to concur with the Street Tree Advisory Committee and approve the removal of the tree at 1637 Loma Street.

- C. Deny the following Setback Tree removal request.
1. 1704 Mission Ridge Rd. - Phoenix canariensis, Canary Island Date Palm - Michael Cooper

Commissioner Beebe Longstreet moved, seconded by Commissioner Nicolas Ferrara, and passed 7/0 to concur with the Street Tree Advisory Committee and deny the removal of the tree at 1704 Mission Ridge Road.

- D. Approve the requests to designate the following species to the Street Tree Master Plan

1. Loma St. (all) - add an alternate species

Commissioner Chris Casebeer moved, seconded by Commissioner Rocky Jacobson, and passed 7/0 to concur with the Street Tree Advisory Committee and staff recommendation to add the alternate species for Loma Street.

2. 300 W. Calle Cesar Chavez - change the designated species

Commissioner Nicolas Ferrara moved, seconded by Commissioner Beebe Longstreet, and passed 7/0 to concur with the Street Tree Advisory Committee to change the designated species to Magnolia grandiflora Samuel Sommers for 300 W. Calle Cesar Chavez.

OLD BUSINESS

NEW BUSINESS

5. Advisory Committee Interviews and Appointments - For Action (Attachments)

Recommendation: That the Commission:

Document(s):

- Staff Report

Speaker(s):

- Staff: Nancy L. Rapp, Parks and Recreation Director

- A. Conduct one interview, consider the applications of three incumbent applicants, and make three appointments to the Street Tree Advisory Committee;

Commissioner Chris Casebeer moved, seconded by Commissioner Beebe Longstreet, and passed 7/0 to re-appoint Carol Bornstein, Bob Cunningham, and Maury Treman, each representing the community at large, to the Street Tree Advisory Committee, for terms ending December 31, 2012.

- B. Conduct five interviews, consider the application of one incumbent applicant, and make one, community at-large appointment to the Golf Advisory Committee;

Ms. Rapp advised the Commission that four of the six applicants to the Golf Advisory Committee have withdrawn their applications, leaving two applicants for consideration.

Commissioner Larimore-Hall expressed concern about the interview and appointment process for advisory committee members. He suggested the applications be expanded to include more specific questions, and that the liaisons work with staff to help develop the questions. Mr. Larimore-Hall stated it would enable the applicant to be better prepared for the interview process. He said that at this time he does not feel he has enough information to make a decision between the two at-large applicants.

Commissioner Chris Casebeer moved, seconded by Commissioner Rocky Jacobson, and passed 4/2 to appoint Elaine Abercrombe, representing the community at large, to the Golf Advisory Committee, for a term ending December 31, 2012.

Commissioners Burns and Ferrara were opposed. Commissioner Larimore-Hall abstained.

- C. Consider the application of incumbent John Craig, and re-appoint him to the Golf Advisory Committee, representing the Los Paisanos Golf Club; and incumbent, Dominic Namnath, and re-appoint him to the Golf Advisory Committee representing the Santa Barbara Men's Club.
- D. Consider the application of incumbent Maureen Masson and re-appoint her to the Golf Advisory Committee, representing the Executive Women's Golf Club.

Commissioner Beebe Longstreet moved, seconded by Commissioner Daraka Larimore-Hall, and passed 7/0 to re-appoint John Craig, representing the Los Paisanos Golf Club; Maureen Masson, representing the Executive Women's Club; and Dominic Namnath, representing the Men's Club, for terms ending December 31, 2012.

ADMINISTRATIVE AND STAFF REPORTS

6. Annual Contributions Report - Fiscal Year 2010 - For Information

Recommendation: That the Commission receive a report on the donations and grants received by the Parks and Recreation Department during Fiscal Year (FY) 2010.

Document(s):

- Staff Report
- Staff PowerPoint

Speaker(s):

- Staff: Jill E. Zachary, Assistant Parks and Recreation Director

Commissioner Larimore-Hall requested that for future reports, staff provide a chart indicating the percentage of grants received by State, Federal, and local agencies.

7. Parma Park Capital Improvement Project Update Report - For Information

Recommendation: That the Commission receive a report on the Stanwood Entrance/Equestrian Staging Area project and the post-Tea Fire restoration of Parma Park.

Document (s):

- Staff Report
- Staff PowerPoint

Speaker(s):

- Staff: Jill E. Zachary Parks and Recreation Director; Kathy Frye, Associate Planner

8. Neighborhood and Outreach Services Report - For Information

Recommendation: That the Commission receive a status report on the Neighborhood and Outreach Services section.

Document(s):

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Antonio Velasquez, Neighborhood and Outreach Services Sr. Supervisor; Susan Young, Neighborhood and Outreach Services Supervisor

9. Afterschool Recreation and Sports Program Report - For Information

Recommendation: That the Commission receives a report on the current status of after school programs.

Document(s):

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Judith McCaffrey, Recreation Programs Manager; Terry Brown, Recreation Supervisor; Kimmie Coley, Recreation Coordinator

ADJOURNMENT

At 7:02 p.m., with no further business to be addressed by the Commission,

Commissioner Daraka Larimore-Hall moved, seconded by Commissioner Nicolas Ferrara, and passed 7/0 to adjourn.

Respectfully submitted,

Nancy L. Rapp
Parks and Recreation Director

DR. MICHAEL R. COOPER

RECEIVED

2011 JAN 10 AM 8:53

January 10, 2011

CITY OF PALM SPRINGS
CITY CLERKDEBARA
CITY CLERK

Dear Madam Mayor and Council,

City Parks and Recreation has declined my request to remove a Date Palm tree from my front yard. I am appealing to you for permission to remove this tree due to my concerns for the safety of those who may be passing my property, not to mention my own personal safety.

Please see the attached letter from Warrecker Brothers Vista Tree Service, outlining several points that would support my claim for safety. Also find attached two photographs of the tree; one showing its position on the property, and the other showing deterioration of the tree.

Tim Downey, the Urban Forest Superintendent, has related that the city code states that permission to remove the tree can be granted only if it an "immediate and eminent danger to public safety." How does one determine when a tree like this becomes an eminent danger to public safety?

It seems impossible for anyone to determine the exact time when a tree is an "immediate and eminent danger to public safety." As the property owner, I have determined that the tree is an immediate and eminent danger to public safety at this time. Tim Downey says that a Certified Arborist has to make that determination and then he has to concur. Duke Mc Pherson, Bruce Van Dyke and Tony Warrecker all concur that the tree should be removed.

Tim Downey has indicated that it I is who am responsible for any damage or harm that is related to the tree. I would ask that if the city declines permission for its removal, and an unfortunate incident should occur, am I still responsible or does this become the responsibility of the city?

Since I purchased my home in 1997, I have planted twenty four olive trees on the hillside property. If you grant the removal of the Date Palm I will replace it with more olive trees.

Thank you for your consideration of my appeal.



Dr. Michael Cooper



Performing all aspects of professional tree care.

Dr. Michael Cooper
1704 Mission Ridge Rd.
Santa Barbara, CA 93103

RE: Opinion on Canary Island Date Palm

Dear Dr. Michael Cooper or whom it may concern,

As you requested, I visited your property at 1704 Mission Ridge Road to provide you with my opinion on the Canary Island Date Palm located adjacent to your driveway. It is my opinion that the tree poses many risks to you as a homeowner and should be removed according to your wishes. Below, please find a list of the concerns that support my recommendation.

- 1) Date Palm seeds create an unsafe walking surface to retrieve mail on the driveway due to the steep incline.
- 2) Future pruning will require lane closure.
- 3) The incline below the tree is unsafe, resulting in an unsafe situation when trunk and ball need to be shaved and workers must retrieve debris from hillside above roadside.
- 4) This species reaches a height of 80 feet at maturity. The current location (steep incline) is hazardous for a tree of this size and would result in broken power lines and blockage of entire roadway if it were to fall.
- 5) The base of the tree is beginning to crack rock wall along the driveway. As the tree matures, damage to rock wall will be greater.
- 6) The Canary Island Date Palm is a non-native species. The owner has expressed willingness to replace tree with an Olive or Oak tree to match current landscaping.
- 7) The Canary Island Date Palm is a very costly tree to maintain and must be pruned multiple times per year due to date seeds falling on driveway.
- 8) Tree reduces property value by blocking view from every room in the house.
- 9) A shorter tree would be more appropriate for the grade and proximity to driveway.
- 10) This is the Homeowner's first request for removal. Many new trees have been installed that better suite the property aesthetically and are safer.

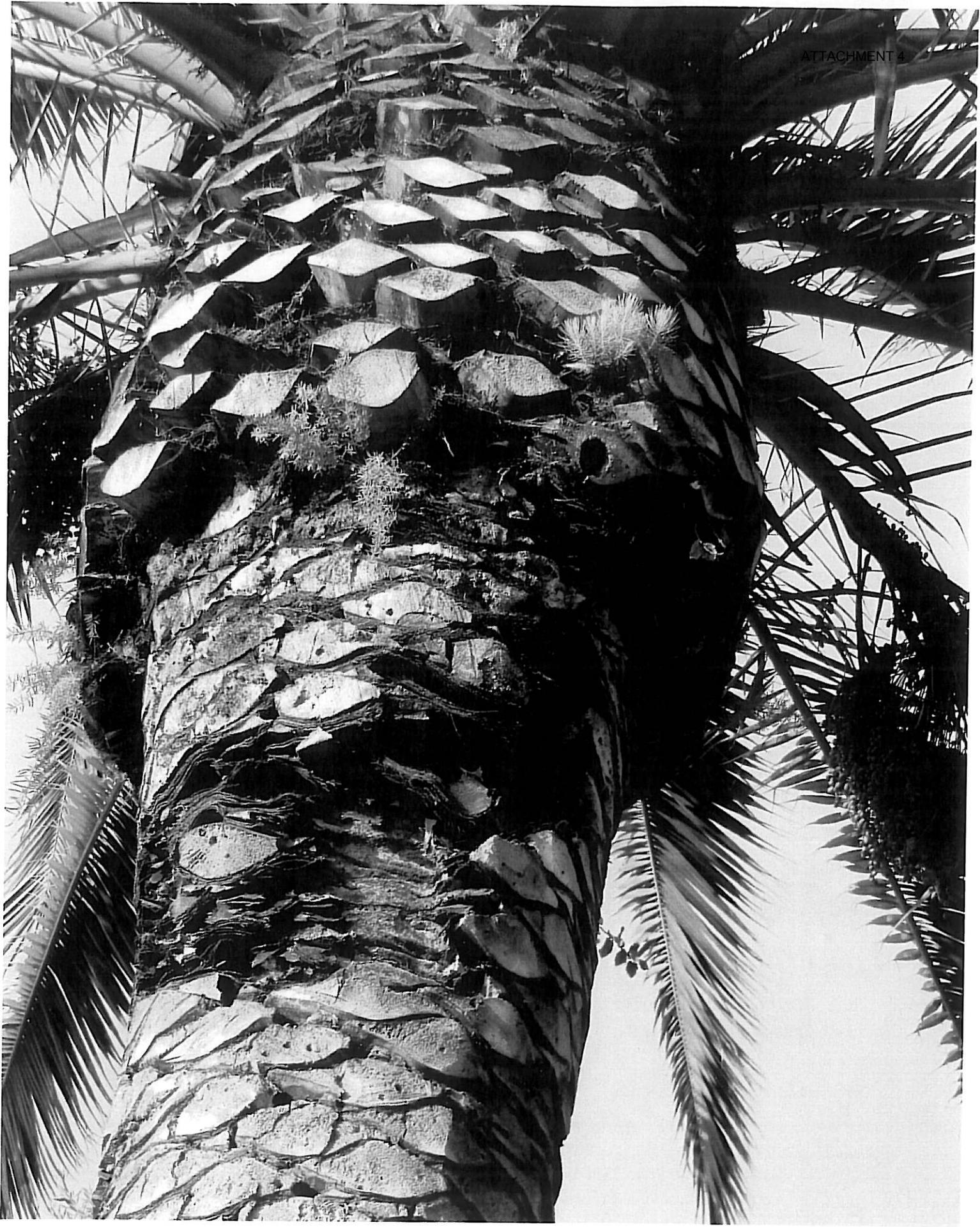
I believe that the above reasons warrant your request to remove the Date Palm. Your motivation is to protect your property, reduce liability and maintain a safe and beautiful landscape. I hope you are able to resolve the issue.

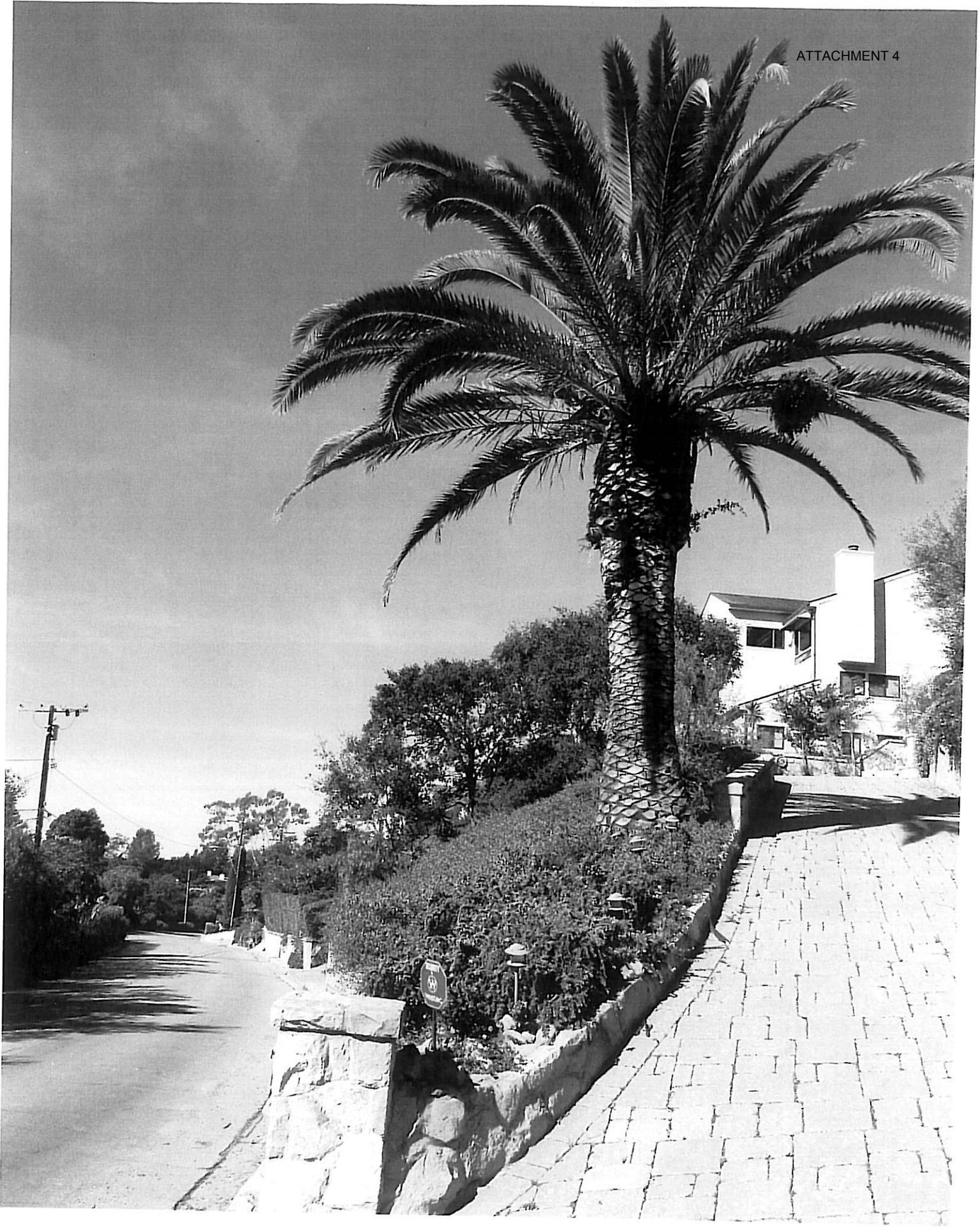
Sincerely,

Tony Warrecker
Owner, Vista Tree Service, Inc.

Warrecker Brothers Vista Tree Service, Inc.

315 Meigs Rd. Suite A-414 • Santa Barbara, CA 93109 • (805) 964-1653 • tonywarrecker@cox.net • www.vistatree.com





DR. MICHAEL R. COOPER

RECEIVED

February 5, 2011

2011 FEB -1 AM 8: 31

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Madam Mayor and Council,

While I am here to appeal the City Parks and Recreations decision denying my request for the removal of a volunteer, non native Date Palm, I am also here to question the rule in the City Parks and Recreations regulations indicating that the tree can only be removed after a certified arborist or Parks and Recreation staff determines that the tree is "an immediate and eminent danger to public safety".

How is it logical for elected officials and city staff to choose to neglect a problem until it becomes "an immediate and eminent danger to public safety". In my profession, health care, if I knew a patient had a medical problem and I waited until that patient was in immediate and eminent danger, I would be guilty of malpractice. It would be interesting to have a candidate for City Council tell a group of voters, "Vote for me and I promise that I will only protect you from danger when that danger is immediate and eminent".

In addition to not being allowed to remove the tree, that I feel is a risk to public safety, Mr. Tim Downey, the Urban Forest Superintendent, informed me that I am liable if a member of the public is injured by the tree. Mr. Downey's belief that I am liable for any injuries that this tree may cause are as ludicrous as the regulation that prevents me from removing the tree. I have discussed this liability issue with my insurance agent and my lawyer. Their opinions are that the City of Santa Barbara could take this position in a liability lawsuit. However, since I have declared the tree a danger to public safety and have requested that the tree be removed and I have appealed the city's denial, a plaintiff's attorney would include the city in the lawsuit because of the city's greater financial resources.

Mr. Downey informed me that I am also responsible for maintaining the tree in state of health. One of the reasons I want the tree removed is the cost of maintaining it. The tree is getting to a height that it is becoming necessary to use a truck with bucket and an arm to trim it. Comparing the projected costs of maintenance to the fine for removing the tree it would be cost effective to remove the tree now, pay the fine and avoid the future maintenance costs.

My hope is that by appealing the ruling, you might take a much closer look at the regulation as stated, and not wait until the public is placed in "immediate and eminent danger."

Thank you.



Dr. Michael R. Cooper

Michael Cooper

From: Duke McPherson <treemanduke@cox.net>
Sent: Monday, January 10, 2011 3:49 PM
To: Dr. Michael Cooper
Subject: Arborist report

Hello Dr. Cooper,

I have struggled with the idea of a viable report concerning the palm tree for days now. I have to conclude that, at this time, I cannot find a solid reason, given the current City regulations regarding "setback" trees to recommend for its removal. I would recommend, however, that you put the City on notice that you simply cannot keep up with removing every fruit on the tree throughout the year: fruit which, with their hard centers, may be a be at any time a risk to the public welfare. It seems to me this would effectively remove your liability.

Please let me know if I can be of further service in this or any other tree related matter.

Warmest regards,
Duke McPherson