

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**APRIL 12, 2011
AGENDA**

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

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

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

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

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

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

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

ORDER OF BUSINESS

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room,
630 Garden Street
2:00 p.m. - City Council Meeting

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

Subject: Employee Mortgage Loan Assistance Program

Recommendation: That the Finance Committee hear a report from staff on the City's Employee Mortgage Loan Assistance Program.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Letter Of Recognition Declaring Paul J. Willis Poet Laureate For The City Of Santa Barbara (120.04)**
2. **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 April 30, 2011.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

3. **Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular and regular meetings of March 15, the adjourned regular meeting of March 21, and the regular meetings of March 22, and March 29, 2011.

4. **Subject: Donation Of Firefighting Equipment To The Fire Department By The Santa Ynez Band Of Chumash Indians Foundation (330.05)**

Recommendation: That Council accept the donation of rescue and safety equipment from the Santa Ynez Band of Chumash Indians Foundation to the City of Santa Barbara Fire Department, valued at approximately \$50,000.

CONSENT CALENDAR (CONT'D)

5. Subject: Adoption Of Sign Ordinance Revisions (640.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020, 22.70.030, and 22.70.040 of the Santa Barbara Municipal Code Relating to Sign Regulations.

6. Subject: Records Destruction For Administrative Services 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 Administrative Services Department in the City Clerk's Office and Human Resources Division.

7. Subject: Records Destruction For Parks And Recreation 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 Parks and Recreation Department in the Administration, Parks, and Recreation Divisions.

8. Subject: Records Destruction For Police 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 Police Department in the Administrative Services, Patrol, and Chief's Staff Divisions.

9. Subject: Contract For Design For The Firestone Road Drainage Project (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Tartaglia Engineering (Tartaglia) in the amount of \$46,430 for design services for the Firestone Road Drainage Project, and authorize the Public Works Director to approve expenditures of up to \$4,600 for extra services of Tartaglia that may result from necessary changes in the scope of work.

10. Subject: Berthing Policy-Designated Commercial Fishing Slips (570.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Slip Occupancy Policy for Designated Commercial Fishing Slips in Santa Barbara Harbor and Repealing Resolution 07-041.

CONSENT CALENDAR (CONT'D)

11. Subject: Adult Softball League Services Agreement With Major League Softball (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute a two-year agreement with Major League Softball, Inc. (MLS), to perform adult softball league services.

NOTICES

12. The City Clerk has on Thursday, April 7, 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.
13. Cancellation of the Redevelopment Agency Board meeting of April 12, 2011, due to lack of business.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

14. Subject: Measure A Five-Year Local Program Of Projects For Fiscal Years 2012 - 2016 (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2012 - 2016.

15. Subject: State Route 225 Relinquishment Update (530.04)

Recommendation: That Council:

- A. Receive an update on the State Route (SR) 225 Relinquishment; and
- B. Provide direction to staff regarding the SR 225 Relinquishment.

PUBLIC HEARINGS

16. Subject: Appeal Of The Planning Commission Denial Of A Storefront Collective Dispensary Permit For 2915 De La Vina Street (640.07)

Recommendation: That Council deny the appeal and uphold the decision of the Planning Commission to deny a Storefront Dispensary Permit for the existing dispensary at 2915 De la Vina Street.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

17. 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 General, Treatment and Patrol, and Supervisory bargaining units and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

FINANCE COMMITTEE

MEETING AGENDA

DATE: April 12, 2011

TIME: 12:30 p.m.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Dale Francisco, Chair

Michael Self

Bendy White

James L. Armstrong
City Administrator

Robert Samario

Finance Director

ITEM TO BE CONSIDERED:

Subject: Employee Mortgage Loan Assistance Program

Recommendation: That Finance Committee hear a report from staff on the City's Employee Mortgage Loan Assistance Program.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: April 12, 2011

TO: Finance Committee

FROM: Administration Division, Finance Department

SUBJECT: Employee Mortgage Loan Assistance Program

RECOMMENDATION:

That Finance Committee hear a report from staff on the City's Employee Mortgage Loan Assistance Program.

DISCUSSION:

On August 21, 2001, the Council authorized the creation of an Employee Mortgage Loan Assistance Program. Given the high cost of housing in the South Coast, particularly starting around that time, the purpose of the program was to assist the City in attracting and retaining highly qualified employees by helping current and future employees in obtaining local homeownership. In addition, by encouraging employees to live closer to work, in many cases the program reduced commuting distances and times.

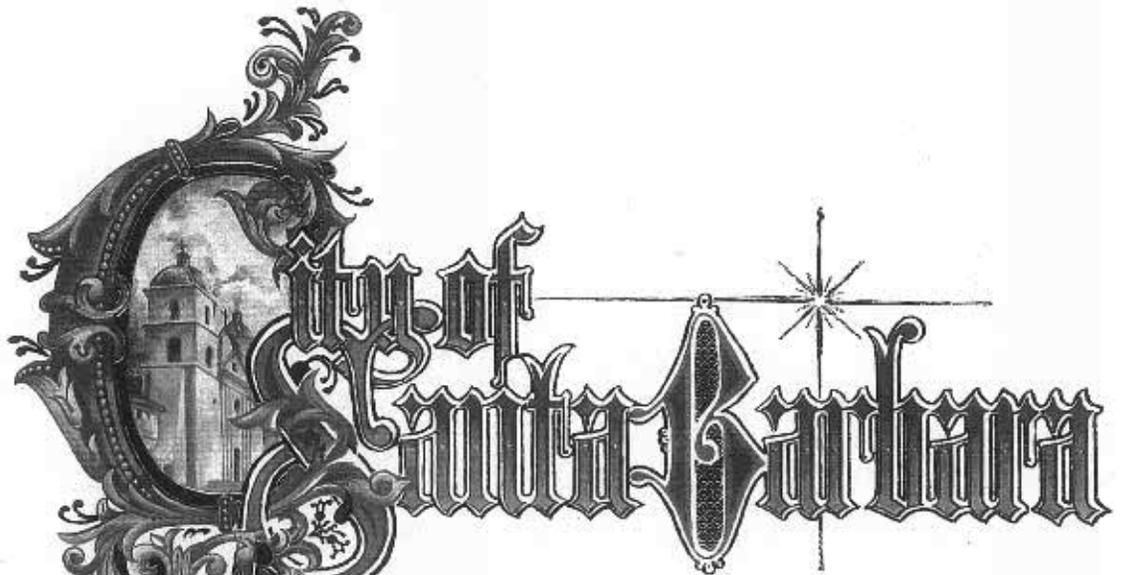
Although the program is effectively suspended since the funds allocated by Council have been fully utilized, there has been extensive media attention for this program. At the request of the Finance Committee, staff will be presenting the details of the program and outstanding loans to the Committee.

A total of forty-five (45) loans were made, of which nine have been fully repaid and thirty-six loans outstanding. The details are summarized below.

Total Amount of Loans Made	45	\$ 4,842,925
Total Loans Repaid	9	948,237
Total Principal Payments on O/S Loans		187,832
Total Interest Paid		668,896
Total Loans Outstanding	36	\$ 3,825,367

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



LETTER of RECOGNITION

Paul J. Willis
Poet Laureate for the City of Santa Barbara

WHEREAS, the City of Santa Barbara is widely recognized as an arts center, providing a spiritual home for creative activity, and for writers in particular; and

WHEREAS, since 1996 the Academy of American Poets has designated April as National Poetry Month to highlight the extraordinary achievements and ongoing legacy of American Poets and increase visibility, presence, and accessibility of poetry in our communities and culture; and

WHEREAS, in 2005, the City of Santa Barbara recognizing of the value of poetry established a Poet Laureate position and commissioned the City Arts Advisory Committee to nominate the Poet Laureate in order to direct proper attention and honor to the spoken word by utilizing poetry to celebrate and elevate community events; and

WHEREAS, the committee unanimously selected Paul J. Willis, who has inspired generations of students as a Professor of English at Westmont College since 1988 and has his poetry published in five collections. Over 400 of his poems have been published in more than 100 literary journals, and 45 poems included in 25 anthologies and several read by Garrison Keillor on the Writer's Almanac on National Public Radio; and

WHEREAS, Professor Willis has inspired audiences throughout the community, has been an invited poet in 100 venues throughout the United States, and has served as a judge for local and national poetry contests; and

NOW; THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby bestow upon **Paul J. Willis**, the honor of serving as the City's Poet Laureate for a two-year term commencing April 1, 2011.

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 12th day of April 2011.


HELENE SCHNEIDER
Mayor





Agenda Item No. _____

File Code No. 410.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 1, 2011

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through April 30, 2011.

DISCUSSION:

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

Attached is a list of those employees who will be awarded pins for their service through April 30, 2011.

ATTACHMENT(S): April 2011 Service Awards

SUBMITTED BY: Marcelo A. López, Administrative Services Director

APPROVED BY: City Administrator's Office

APRIL 2011 SERVICE AWARDS

April 12, 2011 Council Meeting

5 YEARS

Hillary Allen, Administrative Specialist, Finance
Thomas Churpek, Firefighter, Fire
Anthony Lamarca, Firefighter, Fire
Tia Rodriguez, Firefighter, Fire
Moses Romo, Firefighter, Fire
Craig Stuart, Firefighter, Fire
Aaron Vaughn, Firefighter, Fire
Sandra Tinsley, Library Assistant I, Library
George Gonzales, Grounds Maintenance Worker II, Parks and Recreation
Andrew Bermond, Associate Planner, Airport

10 YEARS

Marcos Mendoza, Grounds Maintenance Worker II, Parks and Recreation

15 YEARS

Carol Lupo, Executive Assistant, Fire
Cindy Leyva, Administrative Specialist, Parks and Recreation

20 YEARS

Vidal Gonzalez, Streets Maintenance Worker II, Public Works
Hector Balboa, Streets Maintenance Worker II, Public Works
Jose Medina, Custodian, Public Works
Louis Gutierrez, Wastewater Collection System Lead Operator, Public Works
Kenneth Brown, Parks Supervisor, Parks and Recreation

30 YEARS

Marko Mendoza, Animal Control Officer, Police

35 YEARS

Karen Ramsdell, Airport Director, Airport



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING March 15, 2011 1020 PLACIDO AVENUE

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 8:40 a.m.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Mayor Schneider.

Councilmembers absent: Michael Self, Bendy White.

Staff present: Assistant City Administrator/Community Development Director Paul Casey, City Attorney Stephen P. Wiley.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, March 10, 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.

SITE VISIT

Subject: 1020 Placido Avenue

Recommendation: That Council make a site visit to the property located at 1020 Placido Avenue, which is the subject of a proposed grant to the Housing Authority of the City Santa Barbara, to be considered by the City Council on March 15, 2011.

Discussion:

Staff provided an overview for the Council of the proposed purchase and use of the property, as well as a description of the surrounding neighborhood.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 9:00 a.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 March 15, 2011 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 Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

PUBLIC COMMENT

Speakers: Kate Smith; Kristi Horton and Kimmie Coley, Junior League of Santa Barbara; Cruzito Cruz; Robert Burke.

CONSENT CALENDAR (Item Nos. 1 – 10, 14 – 16)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of January 11, the regular and special meetings of March 1, and the regular meeting of March 8, 2011.

Action: Approved the recommendation.

2. Subject: Fiscal Year 2011 Interim Financial Statements For The Seven Months Ended January 31, 2011 (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the Seven Months Ended January 31, 2011.

Action: Approved the recommendation (March 15, 2011, report from the Finance Director).

3. Subject: Acceptance Of Federal Aviation Administration Airport Improvement Program Grant Offer For Santa Barbara Airport (560.04)

Recommendation: That Council accept and authorize the Airport Director to execute, on behalf of the City, a Federal Aviation Administration Airport Improvement Program Grant offer in an amount not to exceed \$2,800,000 to be distributed in two or three phases for the Airport Terminal Improvement Project and the preparation of an Airport Master Plan.

Action: Approved the recommendation; Agreement Nos. 23,657 and 23,658 (March 15, 2011, report from the Airport Director).

4. Subject: Safe Drinking Water State Revolving Fund Loan Acceptance And Increase Of Appropriations And Revenues In The Water Capital Fund (540.10)

Recommendation: That Council:

- A. Accept a loan in the amount of \$29,283,000 from the Safe Drinking Water State Revolving Fund (SDWSRF) for the Cater Water Treatment Plant Advanced Treatment and Ortega Groundwater Treatment Plant Rehabilitation Projects; and
- B. Increase Water Capital Fund appropriations and estimated revenues by \$29,283,000.

Action: Approved the recommendations (March 15, 2011, report from the Public Works Director).

5. Subject: Contract For Orthophoto, Topographic, Utility Mapping And Boundary Survey Project (560.01)

Recommendation: That Council authorize the Airport Director to execute a Professional Services contract, subject to approval as to form by the City Attorney, with Penfield & Smith for services for the Orthophoto, Topographic, Utility Mapping and Boundary Survey Project in the amount of \$146,579, and authorize the Airport Director to approve expenditures of up to \$15,000 for extra services of Penfield & Smith that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,659 (March 15, 2011, report from the Airport Director).

6. Subject: Introduction Of Ordinance For Amendment Of Concession Agreement With First Class Concessions, Inc. (330.04)

Recommendation: That Council:

- A. Authorize the Airport Director to execute, subject to approval as to form by the City Attorney, an amendment to Concession Agreement No. 23,445 with First Class Concessions, Inc., a California Corporation, amending Article 3 "Obligation to Construct and Operate Leasehold Improvements" providing for reimbursement to First Class Concessions, Inc., for permanent affixed Leasehold Improvements for a not to exceed amount of \$450,000; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Amendment of Concession Agreement No. 23,445, Dated June 22, 2010, Between the City of Santa Barbara and First Class Concessions, Inc., for Operation of the Food and Beverage Concession at the Airport.

Action: Approved the recommendations (March 15, 2011, report from the Airport Director; proposed ordinance).

7. Subject: Introduction Of Ordinance For A Lease Agreement With Leather Depot, Incorporated (330.04)

Recommendation: That Council approve a five-year lease with one five-year option with Leather Depot, Inc., doing business as Coastal Treasures, with a base rent of \$2,427 per month, for the 610 square foot retail store located at 217-E Stearns Wharf, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease with One Five-Year Option with Leather Depot, Inc., Doing Business as Coastal Treasures, with a Base Rent of \$2,427 Per Month, for the 610 Square Foot Retail Store Located at 217-E Stearns Wharf, Effective April 21, 2011.

(Cont'd)

7. (Cont'd)

Action: Approved the recommendation (March 15, 2011, report from the Waterfront Director; proposed ordinance).

8. Subject: Approval Of Parcel Map And Execution Of Agreements For 714 And 716 N. Voluntario Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map (Map) Number 20,787, and standard agreements relating to the approved subdivision at 714 and 716 N. Voluntario Street.

Action: Approved the recommendation; Agreement Nos. 23,660 and 23,661 (March 15, 2011, report from the Public Works Director).

9. Subject: Increase In Design Services For Influent Pump Replacement Project (540.13)

Recommendation: That Council authorize an increase in the extra services amount with Brown & Caldwell for extra design work for the Influent Pump Replacement Project (Project) at El Estero Wastewater Treatment Plant (EEWWTP), Contract No. 23,247, in the amount of \$60,253, for a total project expenditure authority of \$339,872.

Action: Approved the recommendation (March 15, 2011, report from the Public Works Director).

10. Subject: Transfer Of Reserves From The Airport Operating Fund To The Airport Capital Fund (560.01)

Recommendation: That Council authorize the transfer of \$1,497,368 from Airport Operating Fund reserves to the Airport Capital Fund to replenish funds used in advance of receiving Passenger Facility Charges for terminal design costs.

Action: Approved the recommendation (March 15, 2011, report from the Airport Director).

Item Nos. 11 – 13 appear in the Redevelopment Agency minutes.

14. Subject: Contract For Construction For The Ortega Street Bridge Replacement Project (530.04)

Recommendation: That Council:

A. Accept Federal Highway Administration (FHWA) Grant funding in the total amount of \$3,324,921;

(Cont'd)

14. (Cont'd)

- B. Increase appropriations and estimated revenues by \$3,324,921 in the Fiscal Year 2011 Streets Capital Fund for the Ortega Street Bridge Replacement Project (Project) funded by the FHWA Grant;
- C. Approve the allocation of transfer of \$147,000 from available appropriations in the Streets Capital Fund from existing projects to partially pay for the City's matching funds required for the Project;
- D. Award a contract with Granite Construction Company (Granite) in their low bid amount of \$2,909,893 for construction of the Project, Bid No. 3426;
- E. Authorize the Public Works Director to execute the contract and approve expenditures up to \$290,989 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- F. Authorize the Public Works Director to execute a contract with MNS Engineers, Inc. (MNS), in the amount of \$504,380 for construction management support services, and approve expenditures of up to \$50,438 for extra services of MNS that may result from necessary changes in the scope of work;
- G. Authorize the Public Works Director to execute a contract with Bengal Engineering (Bengal) in the amount of \$56,495 for design support services during construction, and approve expenditures of up to \$5,649 for extra services of Bengal that may result from necessary changes in the scope of work;
- H. Authorize the Public Works Director to execute a contract with Ayars and Associates (Ayars) in the amount of \$33,920 for community outreach services during construction, and approve expenditures of up to \$3,392 for extra services of Ayars that may result from necessary changes in the scope of work;
- I. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for the Funding of Capital Improvements for the Mission Creek Flood Control Enhancements; and
- J. That the Redevelopment Agency Board authorize the expenditure of \$20,000 from the Agency's Mission Creek Flood Control Enhancements project account for demolition costs associated with the Agency's properties at 633 and 635 Bath Street.

Action: Approved the recommendations; City Council Contract Nos. 23,662 - 23,665; City Council Resolution No. 11-013 (March 15, 2011, report from the Public Works Director and Assistant City Administrator/Community Development Director/Deputy Director).

NOTICES

15. The City Clerk has on Thursday, March 10, 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.
16. A City Council site visit is scheduled on Monday, March 21, 2011, at 1:30 p.m. to the property located at 320 Cooper Road, which is the subject of an appeal hearing set for March 22, 2011, at 2:00 p.m.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee received and reviewed the Capital Improvement Program for Fiscal Years 2012-2017.

REDEVELOPMENT AGENCY REPORTS

Council/Agency member Rowse stated he would not participate in the following item due to a conflict of interest related to his wife's membership on the Board of Directors of the Council on Alcoholism and Drug Abuse, and he left the meeting at 2:12 p.m.

17. Subject: Proposed Grant To Housing Authority Of The City Of Santa Barbara For Purchase Of Property At 1020 Placido Avenue (520.04)

Recommendation:

- A. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for the Grant Funding for the Acquisition of 1020 Placido Avenue, Located in the Central City Redevelopment Project Area, by the Housing Authority of the City of Santa Barbara, and Authorizing Certain Other Actions; and
- B. That the Redevelopment Agency Board approve a \$865,000 grant in Redevelopment Agency capital funds for the acquisition of the property by the Housing Authority of the City of Santa Barbara at 1020 Placido Avenue as a possible location for the Project Recovery Detox Facility, and authorize the Agency's Executive Director to enter into a grant agreement in a form acceptable to Agency Counsel.

Documents:

- March 15, 2011, report from the Assistant City Administrator/Community Development Director/Deputy Director.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

17. (Cont'd)

Documents (Cont'd):

- March 14, 2011, e-mail from Kevin Moore.
- March 15, 2011, e-mail from Delia Smith.

The title of the resolution was read.

Public Comment Opened:

2:13 p.m.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, City Attorney/ Agency Counsel Stephen Wiley.
- Housing Authority of City of Santa Barbara: Executive Director Robert Pearson.
- Council on Alcoholism and Drug Abuse: Director of Administration Wim Verkaik.
- Members of the Public: Aurelio Bocanegra; Chuck Bergquist, Council on Alcoholism and Drug Abuse; Victoria Mather; Jeff Money; Dave Hopkins, South Coast Homeless Advisory Committee; Pat O'Connor; Joyce Dudley, Santa Barbara County District Attorney; Sharon Byrne, Milpas Community Association; Emmet Hawkes; David Hughes; Fred Clough, Council on Alcoholism and Drug Abuse; Ann Detrick, County of Santa Barbara Alcohol, Drug & Mental Health Services; Bill Batty Family Service Agency; Jeanette Sanchez; Penny Jenkins, Council on Alcoholism and Drug Abuse; Brittany Odermann Heaton; Jim Heaton; Jim Cadenhead; Rebecca Long; Nancy Caponi; Carolyn Clancy; Nancy Gottlieb; Andrew Davis; Geof Bard; Robert Burke.

Public Comment Closed:

3:18 p.m.

Motion:

Council/Agency members House/White to approve the recommendations, directing Staff to revise the proposed resolution to clarify the required findings and resubmit it for Council's approval; Redevelopment Agency Agreement No. 538.

Vote:

Majority voice vote (Noes: Council/Agency member Self; Absent: Council/Agency member Rowse).

RECESS

3:54 p.m. - 4:09 p.m. All Councilmembers were present when the meeting was reconvened.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

18. Subject: Sign Ordinance Revisions (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 Sections 22.70.020, 22.70.030, and 22.70.040 of the Santa Barbara Municipal Code Relating to Sign Regulations; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020, 22.70.030, and 22.70.040 of the Santa Barbara Municipal Code Relating to Sign Regulations for Digital Displays.

Mayor Schneider noted that the Council would consider recommendation B first.

Councilmember White stated he would not participate in the discussion of or action taken on the ordinance referred to in recommendation B due to a conflict of interest related to his having a client involved in digital display production; he left the meeting at 4:09 p.m.

Documents:

- March 15, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinances.
- PowerPoint presentations prepared and made by Staff.

The titles of the ordinances were read.

Speakers:

- Staff: Zoning and Enforcement Supervisor Renee Brooke, City Attorney Stephen Wiley, City Planner Bettie Weiss, Assistant City Attorney Scott Vincent.
- Historic Landmarks Commission: Member Louise Boucher.
- Members of the Public: Jim Caldwell, Santa Barbara Association of Realtors; Jonatha King; Lee Wotherspoon; Lance Jones; Ed Edick; Sean Checketts; John Price; Douglas Fell.

(Cont'd)

18. (Cont'd)

Motion:

Councilmembers House/Hotchkiss to direct Staff to revise the ordinance referred to in recommendation B to include a definition of and exemption(s) for video devices on gas pumps ("gas pump flicks") and return to Council for introduction and subsequent adoption of the revised ordinance.

Vote:

Unanimous voice vote (Absent: Councilmember White).

Councilmember White returned to the meeting at 5:27 p.m., and the Council then considered recommendation A.

Speakers:

- Staff: Zoning and Enforcement Supervisor Renee Brooke, Assistant City Attorney Scott Vincent, City Planner Bettie Weiss.
- Members of the Public: Kellam de Forest; Robert Burke.

Motion:

Councilmembers House/Hotchkiss to introduce the ordinance referred to in recommendation A, to be revised to include a definition of balloons as well as an exemption for the display of up to 12 balloons from the prohibition for inflatable signs.

Vote:

Unanimous voice vote.

19. Subject: Introduction Of Ordinance Regarding Temporary Suspension Of Certain Hedge Regulations (640.02)

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 28.87 of Title 28, the City's Zoning Ordinance, in Order to Temporarily Suspend the Application of Certain Provisions of Section 28.87.170 Concerning the Height of Hedges in Required Setbacks and Along the Front Lot Line.

Documents:

- March 15, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

(Cont'd)

19. (Cont'd)

Speakers:

- Staff: Zoning and Enforcement Supervisor Renee Brooke.
- Member of the Public: Kellam de Forest.

Motion:

Councilmembers Rowse/Hotchkiss to approve the recommendation.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

Councilmember White reported on his attendance at the most recent meeting of the Water Commission, during which the City's water supply and infrastructure needs were discussed.

COUNCIL AND STAFF COMMUNICATIONS

Information:

Mayor Schneider noted that she had sent an e-mail to the Mayor of Toba City, Japan (sister city to Santa Barbara), to express the City's concern following the March 11 earthquake and tsunami; she read the response received.

CHANGES TO THE AGENDA

Item Removed from Agenda

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

20. 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 General, Treatment and Patrol, and Supervisory bargaining units and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:28 p.m. to Monday, March 21, 2011, at 1:30 p.m. at 320 Cooper Road.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING March 21, 2011 320 COOPER ROAD

CALL TO ORDER

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

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Randy Rowse, Mayor Schneider.

Councilmembers absent: Grant House, Michael Self, Bendy White.

Staff present: Assistant City Administrator/Community Development Director Paul Casey, City Attorney Stephen P. Wiley.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, March 17, 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.

SITE VISIT

Subject: 320 Cooper Road

Recommendation: That Council make a site visit to the property located at 320 Cooper Road, which is the subject of an appeal hearing set for March 22, 2011, at 2:00 p.m.

(Cont'd)

Subject: 320 Cooper Road (Cont'd)

Speakers:

Staff: Assistant Parks and Recreation Director Jill Zachary, Urban Forest Superintendent Timothy Downey.

Discussion:

Staff presented the main issues of the appeal. The Council walked the property to view the Quercus agrifolia tree, for which the Parks and Recreation Commission denied the application for removal. They also looked at the nearby wall which is located on the property line and, per the applicant, is lifting due to the tree.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 1:55 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 22, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

PUBLIC COMMENT

Speakers: James Smallwood, Surfrider Foundation; Ralph Fertig, President of the Santa Barbara Bicycle Coalition; Wayne Scoles; Geoffery Bard.

CONSENT CALENDAR (Item Nos. 1 - 11)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of January 25, the special meeting of February 7, and the regular meetings of February 8, and February 22, 2011 (cancelled).

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance For The Amendment Of Concession Agreement With First Class Concessions, Inc. (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Amendment of Concession Agreement No. 23,445, Dated June 22, 2010, Between the City of Santa Barbara and First Class Concessions, Inc., for Operation of the Food and Beverage Concession at the Airport.

Action: Approved the recommendation; Ordinance No. 5546; Agreement No. 23,445.1.

3. Subject: Adoption Of Ordinance For A Lease Agreement With Leather Depot, Inc. (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving A Five-Year Lease with One Five-Year Option with Leather Depot, Inc., Doing Business As Coastal Treasures, with a Base Rent of \$2,427 Per Month, for the 610 Square-Foot Retail Store Located at 217-E Stearns Wharf, Effective April 21, 2011.

Action: Approved the recommendation; Ordinance No. 5547; Agreement No. 23,678.

4. Subject: Adoption Of Ordinance Regarding Temporary Suspension Of Certain Hedge Regulations (640.02)

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 28.87 of Title 28, the City's Zoning Ordinance, in Order to Temporarily Suspend the Application of Certain Provisions of Section 28.87.170 Concerning the Height of Hedges in Required Setbacks and Along the Front Lot Line.

Action: Approved the recommendation; Ordinance No. 5548.

5. Subject: Application For Grant Funding For Mission Creek Lagoon And Laguna Channel Restoration And Flood Reduction Project (530.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Application for \$5,175,000 in Grant Funds from the Flood Corridor Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E).

Action: Approved the recommendation; Resolution No. 11-014 (March 22, 2011, report from the Parks and Recreation Director; proposed resolution).

6. Subject: Acceptance Of Street Easement At 2501-2511 Medcliff Road (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Street Easement for Public Street Uses on a Portion of the Real Property Commonly Known as 2501-2511 Medcliff Road, Authorizing City Public Works Director to Execute Same, and Consenting to the Recordation by City Clerk of Said Street Easement Deed in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 11-015; Deed No. 61-358 (March 22, 2011, report from the Public Works Director; proposed resolution).

7. Subject: Acceptance Of Utility Easement For Street Light Pedestal At 2437 Calle Andalucia (530.07)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Utility Easement for the Installation and Use of Public Street Light Utility Pedestal and Facilities on a Portion of the Real Property Commonly Known as 2437 Calle Andalucia, Authorizing City Public Works Director to Execute Same, and Consenting to the Recordation by City Clerk of Said Utility Easement Deed in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 11-016; Deed No. 61-359 (March 22, 2011, report from the Public Works Director; proposed resolution).

8. Subject: Authorization For The Allocation Of Transportation Development Act Funds (150.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments (SBCAG) for Allocation of \$56,584 in Transportation Development Act (TDA) Funds for Fiscal Year 2012.

Action: Approved the recommendation; Resolution No. 11-017 (March 22, 2011, report from the Public Works Director; proposed resolution).

9. Subject: Contract For Construction For The Modoc Road Pavement Preparation Project (530.04)

Recommendation: That Council:

- A. Waive the formal bidding requirements, as authorized by Municipal Code Section 4.52.070 (L), Best Interest to Waive;
- B. Authorize the General Services Manager to issue a Purchase Order Contract to Lash Construction, Inc. (Lash), in the low bid amount of \$77,244 for construction of the Modoc Road Pavement Preparation Project (Project), Bid No. 5059; and
- C. Authorize the General Services Manager to approve expenditures of up to \$7,725 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendations (March 22, 2011, report from the Public Works Director).

10. Subject: Rental Property Lease Agreements For Police Recruit Housing And Retroactive Approval Of Purchase Order Number 384872 Issued To The Discovery Group, Inc. (520.04)

Recommendation: That Council:

- A. Grant authority to the Chief of Police through June 30, 2016, to negotiate and execute rental property leases, utility service contracts, and furniture rental agreements, as necessary and in a form acceptable to the City Attorney, for the purpose of police recruit housing; and
- B. Retroactively approve Purchase Order Number 384872 in the amount of \$27,900 issued on January 3, 2011, to the Discovery Group, Inc., for housing and related services for police recruits.

Action: Approved the recommendations (March 22, 2011, report from the Chief of Police).

NOTICES

11. The City Clerk has on Thursday, March 17, 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 concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to hear a report from the Finance Department on proposed rate changes for the Solid Waste Fund. Staff will return in April with a complete report.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

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

Recommendation: That Council:

- A. 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 \$110,200 for competitive contracting assistance; and
- B. Appropriate \$110,200 from the available reserves of the City's Solid Waste Fund to cover these contract costs and direct staff to require any successful Zone 1 Hauler to reimburse the City for these costs as part of the franchise agreement to be awarded.

Documents:

- March 22, 2011, report from the Finance Director.
- March 22, 2011, PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Employee Relations Manager Kristy Schmidt, City Attorney Stephen Wiley, Finance Director Robert Samario, Environmental Services Manager Matthew Fore, City Administrator James Armstrong.
- Members of the Public: Kellam de Forest.

Motion:

Councilmembers House/Rowse to approve the recommendations.

The motion was withdrawn.

Motion:

Councilmembers Francisco/Rowse to reconsider this item two weeks after the County of Santa Barbara Board of Supervisors meets to make its decision on its Request for Proposals process and how to proceed.

Vote:

Unanimous voice vote.

PUBLIC HEARINGS

13. Subject: Appeal Of Parks And Recreation Commission Denial Of Tree Removal At 320 Cooper Road (570.08)

Recommendation: That Council deny the appeal filed by Peter Hornemann, and uphold the Parks and Recreation Commission decision to deny the removal of a *Quercus agrifolia* (Coast Live Oak) located in the minimum front setback at 320 Cooper Road.

Documents:

- March 22, 2011, report from the Parks and Recreation Director.
- March 22, 2011, PowerPoint presentation prepared and made by Staff.
- March 22, 2011, letter and photocopy of eHow web page entitled "The Root System of Oak Trees," submitted by the Appellant/Applicant.

Public Comment Opened:

3:16 p.m.

Mayor Schneider announced that the Appellant/Applicant could not be present at the appeal hearing and had requested that she read his statement at the appropriate time.

Speakers:

- Staff: Assistant Parks and Recreation Director Jill Zachary, Urban Forest Superintendent Timothy Downey.
- Street Tree Advisory Committee: Chair Karen Christman.
- Parks and Recreation Commission: Chair Lesley Wiscomb.
- Appellant/Applicant: Mayor Schneider, on behalf of Peter Hornemann.
- Members of Public: Geoffery Bard, Kellam de Forest.

Public Comment Closed:

4:14 p.m.

Motion:

Councilmembers House/White to deny the appeal and direct staff to assist the Appellant/Applicant to determine other options for addressing the concerns he raised about the subject tree.

Vote:

Majority roll call vote (Noes: Councilmembers Hotchkiss, Rowse, Self).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT

14. Subject: Six-Year Capital Improvement Program - Fiscal Year 2012 Through 2017 (230.01)

Recommendation: That Council receive the Six-Year Capital Improvement Program for Fiscal Year 2012 through 2017.

Documents:

- March 22, 2011, report from the Public Works Director.
- March 22, 2011, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Public Works Director Christine Andersen, City Administrator James Armstrong.

By consensus, the Council received the report. Staff answered the Councilmembers' questions.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Schneider reported that the Planning Commission met last week and approved the Highway 101 improvements as they relate to Salinas Street. She also mentioned that last Friday, the League of California Cities Board voted to agree to a compromise with the California Redevelopment Association regarding the extension of local Redevelopment Agencies.
- Councilmember Hotchkiss spoke about his attendance at the Airport Commission meeting and said that the Airport now has its own Application that can be purchased at the App Store. He also said that the flights at the Airport are at 70% capacity which is considered excellent.

RECESS

Mayor Schneider recessed the meeting at 5:03 p.m. in order for the Council to meet in closed session for Agenda Item Nos. 15 and 16. No reportable action is anticipated.

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

March 22, 2011, report from the City Attorney.

Time:

5:10 p.m. - 5:47 p.m.

No report made.

16. Subject: Conference With Labor Negotiator (440.05)

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

March 22, 2011, report from the Assistant City Administrator/
Administrative Services Director.

Time:

5:47 p.m. - 6:03 p.m.

No report made.

RECESS

6:03 p.m. - 6:04 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco (6:06 p.m.), Hotchkiss, House, Rowse, Self, White, Mayor Schneider.

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Community Development And Human Services Committee Funding Recommendations For Fiscal Year 2012, Policy Amendment And Housing And Urban Development 2011 Action Plan (610.05)

Recommendation: That Council:

- A. Approve the Fiscal Year 2012 funding recommendations of the Community Development and Human Services Committee (CDHSC) for use of Community Development Block Grant (CDBG) and Human Services funds;
- B. Approve the CDHSC funding contingency plan;
- C. Authorize the CDHSC to adjust funding as per the approved contingency plan without further Council action upon receipt of the actual entitlement amount awarded;
- D. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney;
- E. Authorize the City Administrator to sign all necessary documents to submit the City's 2011 Action Plan to the Department of Housing and Urban Development (HUD); and
- F. Authorize staff to amend CDBG and Human Services grant applications, program applications, policies, and agreements as necessary to implement regulations under the Federal Funding Accountability and Transparency Act of 2006 (FFATA) that became effective as of October 1, 2010, subject to the review and approval of the City Attorney.

Documents:

- March 22, 2011, report from the Assistant City Administrator/Community Development Director.
- March 22, 2011, PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, Community Development Programs Specialist Elizabeth Stotts, Community Development Programs Supervisor Deirdre Randolph.

(Cont'd)

17. (Cont'd)

Speakers (Cont'd):

- Community Development & Human Services Committee: Member Veronica Loza.
- Members of the Public: Bill Batty, Family Service Agency; Blanca Flor Benedict, City at Peace; Marsha Bailey, Women's Economic Ventures; Jennifer Griffin, Independent Living Resource Center; Lynn Karlson, Channel Islands YMCA Noah's Anchorage and Transitional Youth Housing; Stephen Cushman, Santa Barbara Chamber of Commerce; Marilyn Statucki, Food from the Heart; Josephine Black, Independent Living Resource Center; Elizabeth Lee, Community Action Commission; Michael Rassler, Jewish Federation of Greater Santa Barbara; Randy Sunday, Sarah House; Kristen Tippelt, People's Self-Help Housing; Heidi Holly and Penny Mathison, Friendship Center; Terri Allison, Storyteller; Rebecca Robertson, St. Vincent's; Michael Colin; Angelica Dominguez and Karen Arizmendi, Future Leaders of America; Elizabeth Rumelt, CALM; Chuck Smith; Regina Ruiz, Marquitos Arebalo and Alba Vargas, Youth CineMedia; Gary Linker, New Beginnings Counseling Center; Francisca Cavdillo, Youth CineMedia; George Rios and Sandra Aguilar, yStrive for Youth Inc.; Nancy Edmondson, Unitarian Society of Santa Barbara; Annmarie Cameron, Mental Health Association in Santa Barbara; Magna Arroyo, Santa Barbara West Boys & Girls Club; Jennifer Freed, Academy of Healthy Arts; Diane Erickson; Geoffery Bard.

Councilmember Rowse stated that he would abstain from voting on funding for the Council on Alcoholism and Drug Abuse (CADA) due to a conflict of interest related to his wife's membership on the Board of Directors.

Councilmember House stated that he would abstain from voting on funding for the Community Action Commission (CAC) due to a conflict of interest related to his membership on the Board of Directors.

Motion:

Councilmembers Francisco/Rowse to approve recommendations A - F, exclusive of the funding for CAC and CADA; Agreement Nos. 23,679 - 23,697, 23,699 - 23,701, 23,703 - 23,706, 23,708 - 23,728, 23,730 - 23,734, and 23,736 - 23,739.

Vote:

Unanimous voice vote.

(Cont'd)

17. (Cont'd)

Motion:

Councilmembers Hotchkiss/White to approve the recommended funding for CADA; Agreement Nos. 23,698, 23,729 and 23,735.

Vote:

Unanimous voice vote (Abstention: Councilmember Rowse).

Motion:

Councilmembers Hotchkiss/White to approve recommended funding for the Community Action Commission; Agreement Nos. 23,702 and 23,707.

Vote:

Unanimous voice vote (Abstention: Councilmember House).

Based on the previous actions, the Council approved allocation of funding as follows:

FISCAL YEAR 2011-2012
COMMUNITY DEVELOPMENT BLOCK GRANT AND HUMAN SERVICES COMMITTEE
FUNDING AGREEMENTS

<u>PUBLIC/HUMAN SERVICE</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>1st Priority</u>		
Casa Esperanza Homeless Center (Homeless Day Program)	\$52,250	23,679
Casa Esperanza (Fiscal Umbrella) (Bringing Our Community Home)	14,250	23,680
Casa Esperanza Homeless Center (Community Kitchen)	48,156	23,681
Aids Housing Santa Barbara (Sarah House)	24,250	23,682
Foodbank (SB Warehouse)	23,250	23,683
Channel Islands YMCA (Noah's Anchorage)	21,000	23,684
Pacific Pride Foundation (Necessities of Life)	22,000	23,685
S.B. Rape Crisis Center	24,000	23,686
S.B. Neighborhood Clinics (Dental Care for the Homeless)	25,000	23,687
Transition House (Comprehensive Homeless Services)	39,000	23,688
S.B. Community Housing Corp. (New Faulding Htl Coordinator)	14,000	23,689
Domestic Violence Solutions (Emergency Shelter)	36,500	23,690
Domestic Violence Solutions (Emergency Shelter)	7,500	23,691
Domestic Violence Solutions (Second Stage)	6,750	23,692
S.B. Community Housing Corp. (Riviera Dual Diagnosis Prog.)	19,000	23,693
New Beginnings Counseling Center (Homeless Outreach)	14,750	23,694
WillBridge	21,750	23,695
Legal Aid Foundation (Emergency Legal Services)	21,000	23,696
Foodbank (Brown Bag)	7,750	23,697
CADA (Project Recovery Detox)	17,000	23,698
St. Vincent's (PATHS)	8,750	23,699

(Cont'd)

17. (Cont'd)

<u>PUBLIC/HUMAN SERVICE</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>1st Priority (Cont'd)</u>		
Unity Shoppe, Inc. (Central Distribution Facility)	\$ 22,000	23,700
People's Self Help Housing (Supportive Housing Program)	7,000	23,701
Community Action Commission (Senior Nutrition)	11,000	23,702
Catholic Charities (Emergency Services)	11,000	23,703
Unitarian Society (Fiscal Umbrella) (Freedom Warming Centers)	6,000	23,704
Channel Islands YMCA (Transitional-Youth Housing)	16,000	23,705
Casa Serena (Scholarship Program)	8,000	23,706
Community Action Commission (So. Coast Taskforce on Gangs)	15,000	23,707
Food From The Heart	3,500	23,708
<u>2nd Priority</u>		
Family Service Agency (Big Brothers/Big Sisters)	\$ 7,500	23,709
S.B. Co. DA - Victim Witness Assistance (S.A.R.T.)	7,500	23,710
Friendship Center (Adult Day Services)	20,000	23,711
CALM (Bilingual Child Abuse Treatment)	19,000	23,712
Transition House (Homelessness Prevention)	7,500	23,713
City At Peace	7,500	23,714
Planned Parenthood (Peer Advocates/Education)	7,500	23,715
S.B. Police Activities League (PAL Jr. High After School Program)	16,000	23,716
Family Service Agency (2-1-1/HelpLine)	19,000	23,717
Long Term Care Ombudsman (Ombudsman Services)	21,000	23,718
Family Service Agency (Caregiver Mental Health)	2,000	23,719
Storyteller Children's Center	22,000	23,720
Rental Housing Mediation Task Force City CD	22,000	
Family Service Agency (Family Resource Centers)	9,000	23,721
United Boys & Girls Club (Westside) (Teen Programs)	13,500	23,722
Future Leaders of America (Equality in Education)	8,000	23,723
Mental Health Association in S.B. (Fellowship Club)	9,000	23,724
Independent Living Resource Ctr. (Independent Living Services)	18,000	23,725
AHA! Academy of Healing Arts	9,500	23,726
Boys & Girls Club of SB (Power Hr Homework Club)	7,000	23,727
S.B. Arts Alliance City of SB - P & R	7,000	
Jewish Federation of Greater S.B. (Portraits of Survival)	5,000	23,728
CADA (CORE)	5,000	23,729
Job Apprenticeship City of SB - P & R (Job Apprenticeship Program)	9,000	
People's Self Help Housing (Gang Prevention through Ed.)	4,000	23,730
Alzheimer's Association (Family Services Program SB)	4,000	23,731
Visiting Nurse & Hospice Care (Homemaker Program)	3,600	23,732
Primo Boxing Club (Say Yes to Kids)	<u>5,500</u>	23,733
SUBTOTAL	\$ 863,006	

(Cont'd)

17. (Cont'd)

<u>CAPITAL</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
SB Neighborhood Clinics (Westside Clinic Flooring)	\$ 34,833	23,734
CADA (Project Recovery Capital)	5,375	23,735
City of S.B. – NITF (Access Ramps)	50,000	
Girls Inc. of Santa Barbara (Kitchen remodel)	55,000	23,736
City of S.B. – NITF (Sidewalk Infill)	155,086	
Casa Esperanza Homeless Center (Bathroom and Floor Replacement)	90,000	23,737
Women's Economic Ventures (Microenterprise Development)	25,000	23,738
Jewish Federation (Community Ctr. Rehab)	110,000	23,739
City of S.B. – NITF (Ortega Park Security Lighting)	60,000	
City of S.B. – NITF (Westside Ctr. Cameras)	47,000	
City of S.B. – NITF (Bus Shelters)	75,000	
City of S.B. – NITF (Euclid Street Improvements)	<u>35,000</u>	
SUBTOTAL	\$ 742,294	
 <u>ADMINISTRATION</u>		
City of SB - Comm. Development (RHMTF)	\$ 89,632	
City of SB - Comm. Development (CDBG Admin.)	165,595	
City of SB - Comm. Development (Fair Housing)	<u>7,773</u>	
SUBTOTAL	\$ 263,000	
GRAND TOTAL	\$1,868,300	

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:34 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST: _____

<p>_____ HELENE SCHNEIDER MAYOR</p>	<p>_____ BRENDA ALCAZAR, CMC DEPUTY CITY CLERK</p>
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CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 29, 2011 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, Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, Acting City Attorney N. Scott Vincent, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 7, 2011, As Arbor Day (120.04)

Action: Proclamation presented to Ginny Brush, Santa Barbara Beautiful Board of Directors President.

PUBLIC COMMENT

Speakers: Norman Wicks, Wayne Scoles, Geof Bard, Jeffery Wood, Kate Smith.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Rowse stated he would abstain from voting on the following item due to a conflict of interest related to his wife’s membership on the Board of Directors of the Council on Alcoholism and Drug Abuse.

- 6. Subject: Adoption Of Resolution Of Health And Safety Code Section 33445 Findings For Grant Funding Regarding The Acquisition Of 1020 Placido Avenue (520.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for the Grant Funding for the Acquisition of 1020 Placido Avenue, Located in the Central City Redevelopment Project Area, by the Housing Authority of the City of Santa Barbara, and Authorizing Certain Other Actions.

Documents:

- March 29, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

Members of the Public: Jim Heaton.

Motion:

Councilmembers House/Francisco to approve the recommendation; Resolution No. 11-018.

Vote:

Majority roll call vote (Noes: Councilmember Self; Abstentions: Councilmember Rowse).

CONSENT CALENDAR (Item Nos. 2 – 5, 7 – 13, 16 and 17)

Motion:

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

Vote:

Unanimous voice vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of March 2, 2011.

Action: Approved the recommendation.

3. Subject: Appointment Of City Poet Laureate For 2011-2013 (610.04)

Recommendation: That Council approve the City Arts Advisory Committee's recommendation of Paul J. Willis to serve as City Poet Laureate.

Action: Approved the recommendation (March 29, 2011, report from the Assistant City Administrator/Community Development Director).

4. Subject: February 2011 Investment Report (260.02)

Recommendation: That Council accept the February 2011 Investment Report.

Action: Approved the recommendation (March 29, 2011, report from the Finance Director).

5. Subject: Fiscal Year 2011 Interim Financial Statements For The Eight Months Ended February 28, 2011 (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the Eight Months Ended February 28, 2011.

Action: Approved the recommendation (March 29, 2011, report from the Finance Director).

7. Subject: Approval Of Parcel Map And Execution Of Agreements For 516 And 518 W. Los Olivos Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map (Map) Number 20,758 and standard agreements relating to the approved subdivision at 516 and 518 W. Los Olivos Street, and authorize the City Engineer to record a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document after the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 23,740 and 23,741 (March 29, 2011, report from the Public Works Director).

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

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.080 (k), and authorize the General Services Manager to issue a purchase order to UCP/Work, Incorporated, for janitorial services at the Waterfront Department for Fiscal Year 2012 in an amount not to exceed \$226,600, and for Fiscal Year 2013 in an amount not to exceed \$231,600.

Action: Approved the recommendation (March 29, 2011, report from the Waterfront Director).

9. Subject: Lease Agreement With Alexandra Maryanski And Jonathan Turner For Marine Center Office Space (330.04)

Recommendation: That Council approve a two-year lease with Alexandra Maryanski and Jonathan Turner, with a base rent of \$410 per month, for the 167 square-foot office space #21 in the Marine Center Building at 125 Harbor Way.

Action: Approved the recommendation; Agreement No. 23,742 (March 29, 2011, report from the Waterfront Director).

10. Subject: Lease Agreement With Blue Water Hunter For Harbor Retail Space (330.04)

Recommendation: That Council approve a five-year lease with Andrew Taylor, doing business as Blue Water Hunter, at a monthly rent of \$2,221, subject to annual CPI increases, for the 878 square-foot retail store located at 117-D Harbor Way.

Action: Approved the recommendation; Agreement No. 23,743 (March 29, 2011, report from the Waterfront Director).

11. Subject: Increase In Construction Change Order Authority For The Jake Boysel Multipurpose Pathway (530.04)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Jake Boysel Multipurpose Pathway Project, Contract No. 23,560, in the amount of \$50,000 for a total project expenditure authority of \$614,709.50.

Action: Approved the recommendation (March 29, 2011, report from the Public Works Director).

12. Subject: Declaration Of Firefighting Equipment As Surplus, And Donation Of Said Equipment (330.05)

Recommendation: That Council authorize the General Services Manager to prepare all documentation required to donate surplus firefighting equipment to the U.S./Mexico Sister Cities Association for distribution to the City of Puerto Vallarta, Mexico.

Speakers:

Staff: Fire Chief Andrew DiMizio, City Administrator James Armstrong.

Action: Approved the recommendation (March 29, 2011, report from the Fire Chief).

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Decision For 415 Alan Road (640.07)

Recommendation: That Council:

- A. Set the date of July 12, 2011, at 2:00 p.m. for hearing the appeal filed by Steven Amerikaner of Brownstein Hyatt Farber Schreck, LLP, Agent representing Mr. and Mrs. Andrew Seybold, of the Planning Commission recommendation that City Council not adopt the General Plan Amendment, Zoning Map Amendment and Local Coastal Plan Amendment of proposed parcel B and also the Commission's denial of the Lot Area Modification, the Tentative Subdivision Map, and the Coastal Development Permit (because the Planning Commission could not make the findings for a positive recommendation to City Council for the above legislative actions) for the project located at 415 Alan Road, Assessor's Parcel No. 041-091-024, A-1/SD-3 One-Family Residence Zone and Coastal Overlay Zones, General Plan Designation: Residential, One Unit Per Acre; and
- B. Set the date of July 11, 2011, at 1:30 p.m. for a site visit to the property located at 415 Alan Road.

Action: Approved the recommendation (March 11, 2011, letter of appeal).

Item Nos. 14 and 15 appear in the Redevelopment Agency minutes.

NOTICES

16. The City Clerk has on Thursday, March 24, 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.

17. Cancellation of the regular City Council and Redevelopment Agency meetings of April 5, 2011.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

18. Subject: Presentation From The Santa Barbara Conference And Visitors Bureau And Film Commission (180.02)

Recommendation: That Council receive a presentation from the Santa Barbara Conference and Visitors Bureau and Film Commission.

Documents:

- March 29, 2011, report from the City Administrator.
- PowerPoint presentation prepared and made by staff of the Santa Barbara Conference and Visitors Bureau and Film Commission.

Speakers:

- Santa Barbara Conference and Visitors Bureau and Film Commission: President Kathy Janega-Dykes.
- Staff: City Administrator James Armstrong.

Discussion:

The Council received the presentation, and their questions were answered.

ADMINISTRATIVE SERVICES DEPARTMENT

19. Subject: Receipt Of CalGRIP 2010/2011 Grant Funds (520.04)

Recommendation: That Council:

- A. Authorize the receipt of CalGRIP grant funds totaling \$369,309 from the California Emergency Management Agency; and
- B. Increase Fiscal Year 2011 estimated revenues and appropriations in the Miscellaneous Grants Fund by \$369,309.

Documents:

- March 29, 2011, report from the Assistant City Administrator/ Administrative Services Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

19. (Cont'd)

Speakers:

- Staff: Administrative Analyst Lori Pedersen.
- South Coast Gang Task Force: Coordinator Gus Frias.
- Members of the Public: Kate Smith.

Motion:

Councilmembers House/Hotchkiss to approve the recommendations;
Agreement No. 23,744.

Vote:

Unanimous voice vote.

FIRE DEPARTMENT

20. Subject: Overview Of The City's Tsunami Preparedness Efforts (520.02)

Recommendation: That Council receive an update on work underway to designate the City as a Tsunami Ready Community under National Oceanic and Atmospheric Administration guidelines.

Documents:

- March 29, 2011, report from the Fire Chief.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Fire Chief Andrew DiMizio, Fire Marshal Joe Poire.
- Santa Barbara County Office of Emergency Services: Chief Michael Harris.
- Members of the Public: Geoffery Bard.

Discussion:

Staff described the preparations necessary for the City to receive the designation of Tsunami Ready Community. Councilmembers' questions were answered.

COUNCIL AND STAFF COMMUNICATIONS

Information:

Mayor Schneider mentioned that she will be giving the annual "State of the City" address tomorrow and thanked the Santa Barbara Region Chamber of Commerce for co-sponsoring this event.

RECESS

The Mayor recessed the meeting at 3:56 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 21. No reportable action is anticipated.

CLOSED SESSIONS

21. 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 General, Treatment and Patrol, and Supervisory bargaining units, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

March 29, 2011, report from the Assistant City Administrator/
Administrative Services Director.

Time:

4:00 p.m. - 4:15 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:15 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

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011

TO: Mayor and Councilmembers

FROM: Administrative Division, Fire Department

SUBJECT: Donation Of Firefighting Equipment To The Fire Department By The Santa Ynez Band Of Chumash Indians Foundation

RECOMMENDATION:

That Council accept the donation of rescue and safety equipment from the Santa Ynez Band of Chumash Indians Foundation to the City of Santa Barbara Fire Department, valued at approximately \$50,000.

DISCUSSION:

In October 2010, the City of Santa Barbara Fire Department applied for a Capital Grant from the Santa Ynez Band of Chumash Indians Foundation. Our request was to fund the cost of firefighting equipment necessary to outfit the recently delivered, new aerial ladder truck. Due to the economic downturn and its effects on the budget, the department lacked adequate funds to purchase the equipment and sought alternative funding sources.

Our goal was to place into service a vehicle that closely mirrors the equipment on the previous ladder truck which has now become the reserve apparatus. The ability to standardize equipment, rather than proceed incrementally as budget cycles allow, means that our firefighters will be able to move smoothly from one truck to the other. With the addition of this equipment, the Fire Department will be able to simultaneously staff two fully equipped ladder trucks, providing enhanced capability to respond to greater alarm emergencies.

Working together over the course of several months, our Operations Division personnel developed a comprehensive listing of all the tools required to outfit the new truck, including costs provided by Mallory Fire Equipment, a vendor we have contracted with in the past, found reliable and their pricing very competitive (see attachment).

Council Agenda Report

Donation Of Firefighting Equipment To The Fire Department By The Santa Ynez Band of Chumash Indians Foundation

April 12, 2011

Page 2

The total grant request was for \$50,000. In December 2010, the grant request was approved by the Santa Ynez Band of Chumash Indians Foundation. It was agreed that the Foundation would purchase the equipment directly from Mallory Fire for the Fire Department.

ATTACHMENT: Equipment List

PREPARED BY: Ronald Liechti, Administrative Services Manager

SUBMITTED BY: Andrew DiMizio, Fire Chief

APPROVED BY: City Administrator's Office

Santa Barbara Fire Department Truck New Equip List

10/19/2010

	Items	Qty	Mfg	Model	Part Number	Each	Price	Vendor
1	ctc-6002	1	JunkYard Dog	Z-Strut Rescue System	ZStrut System	\$4,400.00	\$4,400.00	Mallory Fire
2	Step Chocks 24-3/4" x 5-3/4" x 10-3/4"	4	Turtle	Turtle Step Chock Yellow	SC-1	\$125.00	\$500.00	Mallory Fire
3	Air Chisel Tool Kit	1	Ajax	911-RK Super Duty Kit	911-RK	\$1,807.65	\$1,807.65	Mallory Fire
4	Air Impact Wrench	1	Ingersoll Rand	1/2" Impactool Wrench	383-2135TIMAX	\$282.30	\$282.30	Mallory Fire
5	deep socket sets (SAE)	1	PROTO	1/2" 11PC. SAE Deep Impac Socket set	J74112	\$92.35	\$92.35	Mallory Fire
6	deep socket sets (metric)	1	PROTO	1/2" 10PC. Metric Deep Impac Socket set	J74212	\$71.20	\$71.20	Mallory Fire
7	Tool Box w/ tools	1	PROTO	78 PC. Tool kit (SAE) with Metal Box	J99301 ***	\$886.00	\$886.00	Mallory Fire
8	Socket set (metric)	1	PROTO	3/8" Drive 12PC. Deep Metric Socket Set	J52209	\$80.20	\$80.20	Mallory Fire
9	Open end Wrench set (metric)	1	PROTO	15PC. Metric Combo Wrench Set	J1200F-MASD	\$170.40	\$170.40	Mallory Fire
	Pipe Wrenches- Rigid (aluminum)							
10	12" (1)	1	Rigid	Alum. Straight Pipe Wrench 14"	632-31095	\$54.23	\$54.23	Mallory Fire
11	24" (1)	1	Rigid	Alum. Straight Pipe Wrench 24"	632-31105	\$107.43	\$107.43	Mallory Fire
	Bolt Cutters- Rigid						\$0.00	
12	Large 24" (1)	1	Rigid	Heavy Duty Bolt Cutter	632-14223	\$82.67	\$82.67	Mallory Fire
13	Insulated Cutters 18" (1)	1	NUPLA	NC-Ucc18 Heavy Duty 18"	78701	\$123.57	\$123.57	Mallory Fire
14	Ram Bars	2	Halligan	30" Forable Entry Tool	PRO-BAR 30	\$170.00	\$340.00	Mallory Fire
	Prying Tools							
15	Leatherhead tools: 36" Spartacus Bar	2	Leatherhead	36" Spartacus Construction Bar	LH633	\$25.00	\$50.00	Mallory Fire
16	The Fire Maxx 14 in 1 tool 26"	2	Maxx	Fire Maxx 14 in 1 Tool	FMXT	\$130.00	\$260.00	Mallory Fire
17	Utility Key for Gas & Water	1	EHS GEAR	4 In 1 Emergency shut off tool	11-T889	\$10.00	\$10.00	Mallory Fire
18	Tool belts, leather w/ tools (4 sets)	4	Husky	5-Piece	223-057	\$86.00	\$344.00	Mallory Fire
19	Hammers	4	EastWing	Framing Hammer 22oz.	288-E3-22M	\$38.45	\$153.80	Mallory Fire
20	Level	4	Stanley	FatMax 6" Level	43-609 ***	\$19.89	\$79.56	Mallory Fire
21	Tape measure	4	Stanley	FatMax 25'	33-890 ***	\$29.21	\$118.84	Mallory Fire
22	Chalk line	4	Stanley	FatMax Chalk Reel	47-681L ***	\$10.65	\$42.60	Mallory Fire
	Fire Axes (thefirestore.com)							
23	Fire Axe pick head axe w/ 28" fiberglass (4)	4	Fire Axe	Fire Axe pick head 28" fiberglass	PF28	\$149.00	\$596.00	Mallory Fire
24	Fire Axe pick head axe w/ 36" fiberglass (2)	2	Fire Axe	Fire Axe pick head 36" fiberglass	PF36	\$149.00	\$298.00	Mallory Fire
25	Fire Axe Flat Headed axe w/ 32" fiberglass (2)	2	Fire Axe	Fire Axe flat head 32" fiberglass	FF32	\$145.00	\$290.00	Mallory Fire
26	Fire Axe Scabbard & Belt Pick head Axe	4	Fire Axe	Leather Scabbard Swivel	PSCB	\$125.00	\$500.00	Mallory Fire
	Sledges w/ fiberglass handles							
27	8 lb. (2)	2	NUPLA	8lb. Fiberglass Handle	27808	\$34.77	\$69.54	Mallory Fire
28	12 lb. (2)	2	NUPLA	12lb. Fiberglass Handle	27812	\$48.28	\$96.56	Mallory Fire
29	Squeegees w/ Handles	4	NUPLA	EZS536 Classic 36"	69236	\$84.84	\$339.36	Mallory Fire
	Shovels							
30	12" Flat Head D-handle steel (2)	1	NUPLA	SGE20-E Steel Scoop 12"	72175	\$28.97	\$28.97	Mallory Fire
31	16" Flat Head D-handle Aluminum(2)	1	NUPLA	AGS14D-30E Alum Scoop 16"	72259	\$45.32	\$45.32	Mallory Fire
32	Round (2)	2	NUPLA	CBR2L-E Round Point	72065	\$35.21	\$70.42	Mallory Fire
33	Brooms, gravel w/ handle	2	Magnolia	Palmyra Stalk Street Broom	455-1516P	\$8.80	\$17.60	Mallory Fire
34	Chainsaws	2	Magnolia	60 inch hardwood handle tapered end	455-C-60	\$3.51	\$7.02	Mallory Fire
35	Stihl 460 20" .404	2	Unifire	Vent Saw 20" w/Depth Ga. CobraChain	PS-20DGCOBRA	\$1,824.47	\$3,648.94	Mallory Fire
	Rotary Saws							
36	Partner K950 1" dowel 20" w/ water hook up	1	Unifire	Rescue 16" Cut-Off Saw w/water hook up	PS-COS1679	\$1,932.35	\$1,932.35	Mallory Fire
37	Partner K950 1" dowel 20"	1	Unifire	Rescue 14" cut-off Saw	PS-COS14	\$1,318.50	\$1,318.50	Mallory Fire
	Fans, electric							
38	Super Vac- P1245- 12" Smoke ejector, 1/2 HP elect	2	Super - Vac	Electric Positive Pressure Ventilator 12"	P1245E	\$1,164.75	\$2,329.50	Mallory Fire
	Blowers, Gas							
39	Tempest- 24" w/ Honda gx200	1	Tempest	Gas Positive Pressure Ventilator 24"	DD24-H-6.5	\$2,244.10	\$2,244.10	Mallory Fire
40	Super vac- 718 G4T ,Enduro, XL/C w/ Tecumseh 6	1	Super - Vac	Gas Positive Pressure Ventilator 18"	718G4-H	\$1,898.85	\$1,898.85	Mallory Fire
	Generator							
41	Honda Inverter EU2000i	1	YAMAHA	2000watt Inverter Generator	EF2000is	\$978.45	\$978.45	Mallory Fire
	Electric Tools							
42	Chainsaw 14"	1	Milwaukee	Electric Chain Saw 16"	6215 ***	\$315.30	\$315.30	Mallory Fire
43	Sawzall, Milwaukee	1	Milwaukee	Sawzall	2620-22 ***	\$386.50	\$386.50	Mallory Fire
44	Grinder w/ Diamond blades	1	Milwaukee	4-1/2" Angle Grander	6148-33 ***	\$107.50	\$107.50	Mallory Fire
	Battery operated tools							
45	Tool Kit, Milwaukee 28v	1	Milwaukee	M28 4-Piece Combo Kit	0928-29 ***	\$837.65	\$837.65	Mallory Fire
46	Sawzall Milwaukee 28v	1	Milwaukee	M18 Cordless Sawzall	0719-22 ***	\$467.00	\$467.00	Mallory Fire
	Lighting							
47	Hand lights 500 watt w/15 amp plug	6	Daniel Woodhead	Woodhead Portable Light	840-8506	\$381.65	\$2,289.90	Mallory Fire
48	Extension cords 15a @ 50', gauge	6	Colman	10/3 SJTW Yel Vinyl w/lighted end	172-02688	\$82.41	\$374.46	Mallory Fire
49	Extension cords Household 50'	2	Colman	14/3 AWG Yel Vinyl w/lighted end	172-02408	\$23.41	\$46.82	Mallory Fire
	Hand lights, rechargeable							

50	Streamlight Light box	1	Streamlight	Orange Lightbox w/charger	45102	\$153.55	\$153.55	Mallery Fire
Tarps								
51	Large 12 x 18	6	Gosport	Canvas Duck Salage Cover	CCSD-12"x18'	\$155.00	\$930.00	Mallery Fire
51	Salvage Tubs 4 X 4	4	Gosport	Canvas Duck Salvage Tub	4'x4' Tub	\$55.00	\$220.00	Mallery Fire
53	Hall Runners 2 x 20	4	Gosport	Canvas Duck Hall Runner	CVS14-30"x20'	\$49.00	\$196.00	Mallery Fire
Extinguishers								
54	Co2	1	Amerex	CO2 20lbs.	332	\$280.00	\$280.00	Mallery Fire
55	Dry Chemical	1	Amerex	Dry Chem, 10lbs.	441	\$78.95	\$78.95	Mallery Fire
56	Pump Tank 2 1/2 gallon	1	Amerex	Water Pressure Extinguisher	240	\$90.25	\$90.25	Mallery Fire
57	Monitors 4-Gas	1	RAE	QRAE - II 4-Gas monitor w/ pump	020-1111-2A0	\$695.00	\$695.00	Mallery Fire
58	Electricity sensor AC hotstick	1	Delsar	AC Hotstick voltage detector	BN 9005/02	\$325.00	\$325.00	Mallery Fire
59	Gas sensor	1	Sensit	HXG3 Gas Det. And Explosimeter	S6158	\$695.00	\$695.00	Mallery Fire
Rope Rescue								
60	Harnesses (TBA) unknown	1	PMI	Class III NFPA 1983 Harness	SG51038	\$288.30	\$288.30	Mallery Fire
61	#721710 Half back harness	1	LSP	Miller Half Back	PE42069	\$864.75	\$864.75	Mallery Fire
62	#721711 Vertical lift strap	1	LSP	Vertical Lift Strap	PE42071	\$147.50	\$147.50	Mallery Fire
63	#721716 case	1	LSP	Case	PE42068	\$182.90	\$182.90	Mallery Fire
64	#752008 Half Sked	1	SHED	SKED Half Back Patient Drag	SK220	\$167.15	\$167.15	Mallery Fire
Rope Kit Accessories								
65	#281200- 1500' lifeline (white)	5	PMI	1500' lifeline (white/green) 300' Spool	PR130WG092PP	\$210.00	\$1,050.00	Mallery Fire
66	#281202- 1500' lifeline (blue)	5	PMI	1500' lifeline (blue/green) 300' spool	PR130BG092PP	\$240.30	\$1,201.50	Mallery Fire
67	#293018- 1 spool 8mm prusik (green)	1	PMI	spool 8mm prusik (green/blue) 100 meters	CC080WF100S	\$135.65	\$135.65	Mallery Fire
68	#293038- 1 spool 8mm prusik (red)	1	PMI	spool 8mm prusik (red/green) 100 meters	CC080WG100S	\$135.65	\$135.65	Mallery Fire
69	#293039- 1 spool 9mm load release cord (orange)	1	PMI	spool 9mm cord (orange/black) 300' spool	RR090OB183E	\$312.45	\$312.45	Mallery Fire
Webbing								
70	#200101- 2 spools 1" webbing (orange)	2	PMI	spools 1" webbing (orange)	WB59006	\$78.75	\$157.50	Mallery Fire
71	#200102- 2 spools 1" webbing (blue)	2	PMI	spools 1" webbing (blue)	WB59004	\$78.75	\$157.50	Mallery Fire
72	#200106- 1 spool 1" webbing (green)	1	PMI	spool 1" webbing (green)	WB59021	\$78.75	\$78.75	Mallery Fire
73	#200107- 2 spools 1" webbing (Yellow)	2	PMI	spools 1" webbing (Yellow)	WB59008	\$78.75	\$157.50	Mallery Fire
Hardware Carabiners								
74	#300221- aluminum carabiners	50	SMC	Alum Standard Locking 'D' Bright	SM18501N	\$15.05	\$752.50	Mallery Fire
Stokes Basket & accessories								
75	Plastic Stretcher, Traverse 726125	1	Junkin	Stainless steel / Plastic Litter	PE42009	\$615.00	\$615.00	Mallery Fire
76	Low Angle harness 724123	1	CMC	Low Angle harness 724123	724183	\$89.00	\$89.00	Mallery Fire
77	Vertical lift harness 724133	1	CMC	Vertical lift harness 724133	724133	\$165.00	\$165.00	Mallery Fire
78	Stretcher Harness 724121	1	PMI	Spyder Litter Harness	PE42020	\$127.70	\$127.70	Mallery Fire
79	Litter Shield 740000	1	PMI	Cascade Guardian Litter Shield	PE42171	\$329.35	\$329.35	Mallery Fire

	Sub Total	\$42,346.81
8.75%	Tax	\$3,705.35
	Sub Total	\$46,052.16

Note:

There are a few items for which we have not been able to obtain estimated quotes. These are listed below.

Sprinkler Shut-offs						\$0.00	
For Standard	4			Question on Mfg		\$0.00	Mallery Fire
For Recessed	4			Question on Mfg		\$0.00	Mallery Fire
Prosser Pump, Submersible	1	Prosser Ind.		115VAC x 11AMP 3450RPM w/ 2" outlet	9-01011-28FK	\$0.00	Mallery Fire

Estimate cost plus variance \$3,847.84

Grand Total \$50,000.00

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF SANTA BARBARA
AMENDING SECTIONS 22.70.020,
22.70.030, AND 22.70.040 OF THE
SANTA BARBARA MUNICIPAL CODE
RELATING TO SIGN REGULATIONS.

WHEREAS, the Community Development Department seeks to clarify the rules related to sign permit review in order to improve its ability to enforce the regulations in an efficient and consistent manner.

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

SECTION 1. Sections 22.70.020, 22.70.030, and 22.70.040 of Chapter 22.70 “Sign Regulations” of Title 22 are amended to read as follows:

22.70.020 Definitions.

As used in this Chapter, the following terms and phrases shall have the indicated meanings:

A. **ACCESSORY SIGN.** A separate unit displaying information related to the principal business conducted on the premises, which is not attached to or supported by any other sign, and not made a part thereof.

B. **ARCHITECTURAL FEATURE.** Any window frame, recessed area, door, detail or other feature that is part of any building, or is a specific element of a recognized style of architecture.

C. **AWNING SIGN.** Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

D. **BACK-LIT SIGN.** Any internally illuminated sign with opaque, reverse pan channel, halo-lit letters and elements with concealed light sources in which the light projects away from the viewer.

E. **BALLOON.** A lighter than air or inflated object no larger than eighteen (18) inches in any dimension.

F. **BANNER.** A bunting or other flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face, or across any public street of the City. The banner may or may not include copy or other graphic symbols.

G. **BENCH SIGN.** Any sign painted on or otherwise attached to a bench or other seat placed in an exterior area.

H. **BILLBOARD.** A freestanding sign which exceeds the size limitations of a ground or wall sign. A billboard may be on-premises or off-premises.

I. **CIVIC EVENT SIGN.** A sign, other than a commercial sign, posted to advertise or provide direction to a civic event sponsored by a public agency, the City, a school, church, civic-fraternal organization or similar non-commercial organization.

J. **COMMERCIAL, OFFICE OR INDUSTRIAL COMPLEX.** A group of contiguous businesses which employs a homogeneous design theme as a common perimeter treatment.

K. **COMMERCIAL SIGN.** Any sign which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered, and which is to be viewed from public streets or public parking areas.

L. **EAVE.** That portion of the roofline extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of an eave, or the lowest horizontal line on any roof.

M. **ELECTION SIGN.** A non-commercial sign pertaining to an election for public office or to a ballot measure to be placed before the voters in a federal, state or local election.

N. **ERECT.** To build, construct, attach, hang, place, suspend, affix, fabricate (which shall also include painting of wall signs and window signs or other graphics), or project light in a manner that creates a projected light sign.

O. **FACADE.** The front of a building or structure facing a street.

P. **FLAG.** A piece of fabric of distinctive design (customarily rectangular) that is used as a symbol of a nation, state, city, agency, corporation or person or as a signaling device and is usually displayed hanging free from a staff or halyard to which it is attached by one edge.

Q. **FRONTAGE.** The width of any face of a building.

1. **Dominant building frontage.** The principal frontage of the building where its main entrance is located or which faces the street upon which its address is located.

2. **Subordinate building frontage.** Any frontage other than the dominant frontage.

R. **GROUND SIGN.** Any sign advertising goods manufactured, produced or sold or services rendered on the premises upon which the sign is placed, or identifying in any fashion the premises or any owner or occupant, and which is supported by one (1) or more uprights or braces on the ground, the overall total height of which does not exceed (i) six (6) feet above grade measured at the edge of the public right-of-way, or (ii) six feet above the base of the sign structure when the grade at the public right-of-way is at least three and one-half feet lower than the grade at the base of the sign, whichever is higher. In no case shall an artificial grade be established for the sole purpose of placing a sign at more than six (6) feet above the grade at the edge of the public right-of-way.

S. **HANGING SIGN.** A sign attached to and located below any eave, roof, canopy, awning, or wall bracket.

T. **ILLUMINATED SIGN.** A physical sign that is illuminated internally or from an exterior light source. An illuminated sign is distinguished from a projected light sign by the fact that a projected light sign uses light to create the sign rather than using light to illuminate a sign of physical material.

U. **INFLATABLE SIGNS.** A lighter than air or inflated object tethered or otherwise attached to the ground, structure or other object. This definition includes, but is not

limited to, inflated representations of blimps, products, cartoon characters, animals and the like. Balloons are a distinct subset of inflatable signs.

V. KIOSK. A small, freestanding structure permanently affixed to the ground, requiring a building permit, which may have one or more surfaces used to display temporary advertising signs.

W. LETTER HEIGHT. The height of a letter from its bottom to its top, including any shadow line.

X. LIGHTING STANDARD. A device for providing artificial light on the sign surface.

Y. LOGO SIGN WITH COURTESY PANELS. Prefabricated signs bearing a brand name, registered trademark or logo with space for the name of a local business or occupant or other items of information to be applied thereto or erected thereon.

Z. MARQUEE. A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

AA. MARQUEE SIGN. Any sign attached to a marquee.

BB. MOBILE SIGN. A sign on a boat or on a vehicle, other than on a public transit vehicle designed to carry at least 19 passengers, advertising a good, service, or entity other than that for which the boat or vehicle is principally used.

CC. MURAL. A painting or picture applied to and made part of a wall or window which may be pictorial or abstract, and is characteristically visually set off or separated from the background color or architectural environment.

DD. NON-COMMERCIAL SIGN. Any sign which is intended to convey a non-commercial message of social, political, educational, religious or charitable commentary.

EE. OFF-PREMISES SIGN. A commercial sign not located on the premises of the business or entity indicated or advertised by said sign, or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

FF. PARAPET. A low wall used to protect the edge of a roof from view, also called a parapet wall.

GG. PARAPET OR PERGOLA SIGN. Any sign or other graphic attached to a parapet, ramada, pergola, or other similar structure.

HH. PENNANT. A small triangular or rectangular flag or multiples thereof, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures.

II. PERGOLA. A structure usually consisting of parallel colonnades supporting an open roof of girders and cross-rafters, also known as an arbor, trellis or ramada.

JJ. POLE SIGN. Any sign, other than a ground sign, supported by one (1) or more uprights or braces on the ground, the height of which is greater than a ground sign, and which is not part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

KK. PORTABLE SIGN. Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

LL. PROJECTED LIGHT SIGN. A projection of light onto a physical surface in a manner designed to communicate a message by creating a variable intensity of light on the physical surface in the form of letters, shapes, or symbols.

MM. PROJECTING SIGN. Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.

NN. ROOF. The cover of any building, including the eaves and similar projections. False roofs on store fronts, coverings on or over oriels, bay windows, canopies and horizontally projecting surfaces other than marquees shall be considered roofs.

OO. ROOF SIGN. Any sign any part of which is on or over any portion of any roof or eave of a building or structure and any sign which extends above a parapet of a building or structure.

PP. SIGN. Any form of visual communication including any physical object, projection of light, digital display, or open flame (with or without lettering, a symbol, logo) used to announce, declare, demonstrate, display, or otherwise present a message to or attract the attention of the public. A sign may include a commercial or noncommercial sign. A sign includes all parts, portions, units and materials used in constructing the sign, together with the illumination, frame, background, structure, support and anchorage thereof. A mural is not a sign.

QQ. TEMPORARY. A period of time not exceeding thirty (30) consecutive days, unless otherwise specified.

RR. VENDING MACHINE. A machine or other mechanical device or container that dispenses a product or service through a self-service method of payment, but not including an automatic bank teller machine incorporated within a wall or a façade of a building; a news rack; a machine dispensing fuel, compressed air, or water at an automobile service station; or a public telephone.

SS. WALL SIGN. Any sign affixed directly to or painted on or otherwise inscribed on an exterior wall or solid fence, the principal face of which is parallel to said wall or fence and which projects from that surface no more than twelve (12) inches at all points.

TT. WINDOW SIGN. A sign that is attached to, affixed to, leaning against, or otherwise placed within six (6) feet of a window in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

22.70.030 Sign Regulations.

A. PERMIT REQUIRED. It is unlawful for any person to erect, repair, alter, relocate or maintain any sign within the City, or to direct or authorize another person to do so, except pursuant to a sign permit obtained as provided in this Chapter unless the sign is specifically exempted from permit requirements by the provisions of this Chapter. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign unless the structure, design, color, or character is altered.

B. EXEMPT SIGNS. The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, or area of signs allowed on a building or parcel:

1. Any official federal, state, or local government sign and notice issued by any court, person, or officer in performance of a public duty, or any sign erected or placed on

park or beach property owned or controlled by the City and which (i) pertains to an event not exceeding five (5) days in duration and (ii) has been approved by the agency with authority over such property.

2. Any temporary sign warning of construction, excavation, or similar hazards so long as the hazard exists.

3. One temporary construction sign, provided the sign (i) does not exceed six (6) square feet in one- and two-family residence zones and does not exceed twenty-four (24) square feet in all other zones, (ii) is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent, and financing company, (iii) is displayed during construction only, (iv) does not exceed the height limitations of a ground sign, and (v) meets all other applicable restrictions of this Chapter.

4. Any temporary sign relating to Fiesta, Solstice, or any official City holiday except banners, blinking lights, or signs and any related lighting that require a building, electrical, or other permit. Any such decorations or displays and any related lighting must be removed within ten (10) days following the event for which they were erected.

5. A sign consisting of a display of no more than twelve (12) balloons for any single business or residence, displayed at a height which is not above the roof ridge line of the main building or fifteen (15) feet, whichever is lower.

6. A non-commercial sign not exceeding six (6) square feet total for each lot in residential zones and twenty-four (24) square feet total for each lot in non-residential zones. Such a sign shall be erected only with the permission of property owner or tenant. An election sign shall not be displayed for more than ninety (90) days prior to the election or for more than ten (10) days following the election for which it is erected.

7. A temporary real estate sign which indicates that the property is for sale, rent, or lease. Only one such sign is allowed on each street frontage of the property. A temporary real estate sign may be displayed only for such time as the lot or any portion of the lot is actively offered for sale, rent, or lease. Such a sign may be single-faced or double-faced and is limited to a maximum area on each face of four (4) square feet or less on property in residential zones and twelve (12) square feet or less on property in non-residential zones. Signs allowed pursuant to this exemption shall not exceed the height limitations of a ground sign (six feet (6')).

8. Any temporary sign located on a kiosk.

9. Any "No Trespassing" sign, prohibiting or restricting access to property, provided it is (i) not more than one (1) square foot in size, (ii) placed at each corner and each entrance to the property and (iii) at intervals of not less than fifty (50) feet or in compliance with the requirements of law.

10. One identification sign of no more than one (1) square foot for a residence.

11. Any parking lot or other private traffic directional sign not to exceed two (2) square feet in area having black letters on a white or building color background, and limited to guidance of pedestrian or vehicular traffic within the premises. There shall be erected no more than three (3) such signs in each parking lot or more than one (1) sign per entrance.

12. Any informational commercial signs provided the sign (i) is in a non-residential zone, (ii) has an aggregate area (when combined with all other similar signs on the parcel) of not more than one-and-one-half (1½) square feet at each public entrance nor more than five (5) square feet total, (iii) indicates address, hours and days of operation, whether a business is open or closed, credit information, and emergency address and telephone numbers. Lettering shall not exceed two (2) inches in height except for street numbers. Neon or light-emitting diode (LED) signs with the text “open” may be erected under this exemption subject to the following conditions: (i) no more than one (1) such sign may be erected per business, ii) the letter height of any such sign shall not exceed six (6) inches and the overall height of the sign shall not exceed twelve (12) inches, and (iii) such signs are not allowed in El Pueblo Viejo, unless the sign is located inside the building and at least ten (10) feet back from any window or other opening in the façade of the building.

13. Any street name and address stamped or painted on a sidewalk or curb.

14. Any civic event sign, except a banner. Such a sign shall be removed within twenty-four (24) hours after the time of the event, shall not exceed twenty-four (24) square feet in size and may be erected for a period not to exceed five (5) days out of any thirty (30) day period. Only one (1) such sign shall be erected per lot.

15. Temporary open house signs. Open house signs erected pursuant to this exemption shall contain only the address of the property where the open house is being held and the name of the real estate agent and/or real estate agency or party holding the open house. Open house signs may be single-faced or double-faced. Open house signs shall be erected and removed on the day the open house is held. Open house signs shall not be fastened or attached in any way to a building façade or architectural element.

a. On-Site Open House Signs. Pursuant to this exemption, one (1) on-site open house sign may be erected on each street frontage of the property that is for sale. Each face of an on-site open house sign shall have an area of three (3) square feet or less and the height of the on-site open house sign, including the supporting structure, shall not exceed four (4) feet.

b. Off-Site Open House Signs. In addition to the on-site open house sign(s) allowed pursuant to this exemption, a maximum of five (5) off-site open house signs may be erected. Each face of an off-site open house sign shall have an area of three (3) square feet or less and the height of the off-site open house sign, including the supporting structure, shall not exceed three (3) feet. Off-site open house signs shall not be erected on private property without the permission of the property owner. In addition to complying with the requirements listed above applicable to off-site open house signs, off-site open house signs may be erected within the public right of way if such signs comply with all of the following standards:

i. Signs shall not be erected in a manner which obstructs the pedestrian path of travel or which constitutes a hazard to pedestrians or vehicular traffic;

ii. Signs shall not be placed on vehicles;

iii. Signs shall not be placed in street medians; and

iv. Decorative attachments (i.e., balloons, streamers, etc.) shall not be attached to any sign.

16. Any sign on a telephone booth or news rack, provided the sign (i) identifies only the product contained therein or displays operating instructions, and (ii) the lettering does not exceed two inches in height.

17. Flags flown on a temporary basis for purposes of honoring national or civic holidays which do not exceed eight (8) feet long in largest dimension. No more than two (2) flags may be flown pursuant to this exemption on a single parcel.

18. The official flag of a government, governmental agency, public institution, religion, corporation, business, or other similar entity. Only one (1) flag pole with a maximum height of twenty-five (25) feet and with a maximum dimension on the flag of eight (8) feet and which is not attached to the building shall be exempt. No more than two (2) flags may be flown pursuant to this exemption on a single parcel. Corporate or business flags displaying the emblem, name, logo, or other information of a business shall be included in the calculation of the maximum allowable sign area for the business.

19. Signs, except banners, announcing the opening of a new business which, in the aggregate, do not exceed ten (10) square feet in area or twenty-five percent (25%) of the window area, whichever is greater. Such signs shall be erected no more than thirty (30) days prior to the scheduled opening of the business and shall be removed no later than thirty (30) days after the opening of the business, but in no case shall such a sign be erected for more than forty-five (45) days within this period. The business owner or manager shall provide proof of opening date upon request.

20. Temporary window signs, except banners, not exceeding four (4) square feet or fifteen percent (15%) of the window area of each facade, whichever is greater. For windows which are more than twenty-five (25) feet from the public right-of-way, such signs shall not exceed twenty-five percent (25%) of such window area. No temporary window signs on a building or parcel shall be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year. Signs erected pursuant to this exemption shall not be illuminated. Unless specifically exempt pursuant to this subsection B, any illuminated sign erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

21. Signs specifically required by federal, state, or City law, of the minimum size required.

22. Signs on the air operation side of the Santa Barbara Municipal Airport which are designed and oriented to provide information to aircraft.

23. A sign, such as a menu, which (i) shows prices of goods or services not on window display to the public, (ii) does not exceed twenty-four (24) inches by eighteen (18) inches, (iii) has letters and numbers not exceeding three-quarters (3/4) of an inch in height, and (iv) is located on a wall or in a window.

24. Signs on public transit vehicles designed to transport at least 19 passengers. No more than one sign may be displayed on each side of these vehicles, except as approved by the Sign Committee.

25. Temporary "Garage Sale" or other similar signs located only on the premises upon which the sale is occurring.

C. **PROHIBITED SIGNS.** In addition to any sign not conforming to the provisions of this Chapter, the following signs are prohibited:

1. Any sign which, by color, shape, working, or location, resembles or conflicts with any traffic control sign or device.
2. Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal, historical marker, or any other official traffic control device.
3. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress or egress from any door, window, or fire escape.
4. Signs erected on public or private property without the permission of the property owner.
5. Signs visible from the public street or parking lot attached to or placed on merchandise or materials stored or displayed outdoors except for parking lot sales of less than four (4) days in duration.
6. Signs that rotate, move, glare, flash, change, reflect, blink, or appear to do any of the foregoing, except time and temperature devices.
7. Off-premises signs, including billboards, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15.
8. Any sign displaying obscene, indecent, or immoral matter as defined under California Penal Code.
9. Signs on awnings or canopies except on the valance.
10. Signs that create a hazard by obstructing clear views of pedestrian and vehicular traffic.
11. Portable signs.
12. Mobile signs.
13. Any sign (generally known as a "snipe sign,") tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or the exterior of a building or other structure, where the information appearing thereon is not applicable to the present use of the premises upon which such sign is located. Whenever a sign is found so placed, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign.
14. Bench signs.
15. Banners, including any banner inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.
16. Roof signs and any other graphics which extend, wholly or in part, above the eave line of the structure to which it is attached.
17. Any parapet or pergola sign placed above or partially above the parapet or pergola.
18. Logo signs with courtesy panels.
19. Pennants.
20. Signs which cover or interrupt architectural features.
21. Signs containing changeable copy, except theater marquee signs, business directories, church and museum signs, gas price signs and restaurant interior menu boards.

22. Historical markers placed on the structure, tree or other historical monument itself, except as approved by the Historic Landmarks Commission.

23. Pole signs.

24. Exposed cabinet/raceways behind channel letters.

25. Inflatable signs, except for balloon displays exempted by this Chapter.

D. GENERAL REQUIREMENTS.

1. No sign, other than a sign installed by a public agency, shall be allowed to be erected, installed, placed or maintained in or on any public property, including sidewalks and parkways, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15.

2. Churches, schools, and other public or semi-public facilities may have one (1) on-site sign not exceeding eighteen (18) square feet in any area, provided that, except for the name of the premises, the lettering shall not exceed three (3) inches in height, and such signs in residential zones shall not be internally illuminated.

3. Any sign which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and be subject to the corresponding standards.

4. Accessory signs will be considered only if they are designed in conjunction with or made an integral part of the signing existing on the subject building or project. Said signs shall not exceed twenty-five (25%) percent of the building's total signage.

5. A temporary window sign in excess of four (4) square feet, or fifteen percent (15%) of the window area of each facade, whichever is greater, requires a permit, unless the sign is otherwise exempt from the permit requirements of this chapter. For a window which is more than twenty-five (25) feet from the public right-of-way, such a sign shall not exceed twenty-five percent (25%) of the window area. Such signs shall not be displayed for more than thirty (30) consecutive days nor for more than a total of sixty (60) days per calendar year. Unless specifically exempted in subsection B above, all illuminated signs erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

6. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy or language translation, shall be used in computing the area of a sign. Signing and illumination shall be on two opposing faces only.

7. In order to calculate the size of a sign, the following provisions apply:

a. If the sign is enclosed by a box or outline, the area of the sign includes that portion of the sign comprised of said box or outline.

b. If the sign consists of individual letters attached directly to the building or wall, the size is calculated by drawing a rectangle around each line of copy.

c. If the sign is a ground sign, the base or support structure shall be included in calculating the height of the sign.

8. If a building consists of two (2) or more above-ground stories, no sign shall be allowed more than five feet six inches (5'6") above the second floor line or in conformance with Subsection D.11 below, where applicable.

9. Prior to issuance of a sign permit, a ground sign shall be approved by the traffic engineer to ensure that placement of the sign would not adversely affect traffic or pedestrian safety.

10. A non-temporary window sign shall be not larger than twenty-five percent (25%) of the window area of the facade on which it is displayed.

11. A wall sign may be attached flat against or pinned away from the wall. A wall sign placed in the space between windows on the same story shall not exceed more than two-thirds (2/3) of the height of the window, or major architectural details related thereto. A wall sign placed between windows on adjacent stories shall not exceed two-thirds (2/3) the height of the space between said windows.

12. A projecting or hanging sign must clear the nearest sidewalk by a minimum of seven (7) feet and may project no more than four (4) feet into the public right-of-way. Such a sign for a business in the second story of a building is allowed only if the business has a separate street or public parking lot entrance and may be placed at the entrance only.

13. A device displaying time or temperature is permitted in all zones except residential zones and designated historic districts, subject to the provisions herein regulating various types of signs. Such devices are limited to one (1) per block. Only a logo is allowed to appear on the same structure as such a device.

14. A kiosk is permitted in all non-residential zones, subject to approval by the Sign Committee and (i) the Historic Landmarks Commission if within El Pueblo Viejo Landmark District or another landmark district, or (ii) the Architectural Board of Review in other parts of the City.

15. A relocated sign shall be considered to be a new sign, unless the relocation is required by a public agency as a result of a public improvement, in which case approval shall be obtained only for the new location and base of the sign.

16. Except as otherwise stated in this Chapter, letter height shall be limited to a maximum of twelve (12) inches, except where it can be found that said letter size is inconsistent with building size, architecture and setback from the public right-of-way.

17. A ground sign which exceeds six (6) square feet in area shall not be located within seventy-five (75) feet of any other ground sign.

18. All signs on parcels immediately adjacent to El Pueblo Viejo Landmark District are subject to El Pueblo Viejo regulations.

22.70.040 Sign Standards.

A. GENERAL REQUIREMENT. All signs shall conform to the following standards.

1. Residential Uses. The following sign standards shall apply to any residential use in any zone in the City:

a. An apartment or condominium project identification sign identifying an apartment or condominium complex by name or address. One (1) such sign shall be allowed for each complex, shall not exceed ten (10) square feet in size if less than twenty-five (25) units, nor twenty-five (25) square feet if larger than twenty-five (25) units, and shall not be internally illuminated.

b. The Sign Committee may authorize one (1) ground sign or wall sign, not to exceed an area of twenty-four (24) square feet, to identify a neighborhood or subdivision, other than an apartment or condominium project, at the entrance to such subdivision or neighborhood. Such sign shall not be internally illuminated.

c. Any existing legal non-conforming use in a residential zone may have one-half (½) the number and size of signs as are allowed in commercial zones.

2. Office Uses. The following sign standards shall apply to office uses in any zone:

a. The aggregate area for all signs identifying a building or complex shall not exceed one-half (½) square foot of sign area per linear foot of building frontage or twenty (20) square feet, whichever is less.

b. Establishments within an office building or complex may collectively place a directory sign at each public entrance to said building listing establishments within.

c. An office complex which maintains a group identity shall submit to the Sign Committee a sign program for all signs proposed within the complex. Upon approval, the sign program shall apply to all tenants. This sign program shall be included as a provision in the lease for each individual tenant. Proof of said inclusion in the standard lease for the office complex shall be submitted to the Planning Division by the lessor.

3. Commercial and Industrial Uses. The following sign standards shall apply to commercial and industrial uses including hotels and motels in any zone:

a. The total area for all signs identifying a business shall not exceed the following:

(1) For a dominant building frontage up to one hundred (100) linear feet, one (1) square foot of sign area per linear foot of building frontage, or sixty-five (65) square feet, whichever is less.

(2) For a dominant building frontage with more than one hundred (100) linear feet, three-quarters (¾) square foot of sign area per linear foot of dominant building frontage or ninety (90) square feet, whichever is less.

(3) For a building occupied by more than one tenant, the dominant building frontage for each business is that portion of the building elevation adjacent to the business. For a business which is not on the ground floor, one-half (½) square foot of sign area per linear foot of dominant building frontage is permitted.

b. For a commercial or industrial complex containing four (4) or more occupants, the following sign standards apply:

(1) One (1) sign per frontage to identify the commercial or industrial complex, allowing one (1) square foot of sign area per linear foot of complex frontage or seventy-five (75) square feet, whichever is less, on the dominant facade.

(2) For each individual business with frontage on a public street or parking lot, one-half (½) square foot of sign area per linear foot or twenty-five (25) square feet, whichever is less.

(3) One (1) directory sign not exceeding ten (10) square feet in size may be allowed at each public entrance.

(4) A commercial or industrial complex which maintains a group identity shall submit to the Sign Committee a sign program for all signs proposed within the complex. Upon approval, the sign program shall apply to all tenants. This sign program shall be included in the lease for each individual tenant. Proof of said inclusion shall be submitted to the Planning Division by the lessor.

B. EL PUEBLO VIEJO LANDMARK DISTRICT. Signs in El Pueblo Viejo Landmark District (EPV) shall contribute to the retention or restoration of the historical character of the area. In addition to the other standards and restrictions in this Chapter, signs in EPV shall comply with the following:

1. Colors shall be consistent with the Hispanic styles specified in Chapter 22.22.
2. The typeface used on all signs in EPV shall be consistent with the Hispanic styles specified in Chapter 22.22, except that where the business logo or trademark uses a particular typeface, it may be used.

3. Letter height shall be limited to a maximum height of ten (10) inches, except where it can be found that said letter size is inconsistent with building size, architecture, and setback from the public right-of-way.

4. No internally illuminated signs, except back-lit signs, are allowed. Traditional materials and methods are to be used as defined in Section 22.22.104 and described in Subsection 5 below. Internally illuminated projecting cabinet signs are prohibited.

5. The choice of materials is left to the discretion of the applicant, subject to the approval of the Sign Committee; however, the following materials and/or methods are acceptable and desirable:

a. Sign face, supports, and standards made of resawn or rough sawn wood and/or wrought iron with painted or stained backgrounds and lettering.

b. Sign face, supports, and standards made of smooth wood trimmed with moldings of historically based design and lettering.

c. Signs painted directly on the face of the building.

d. Projecting signs.

e. Use of wood cutouts, wrought iron, or other metal silhouettes further identifying the business.

f. Glass.

g. Lighting standards and style typical of the building's architecture and period.

h. Flush or inset mounted signs of tile or stone.

6. The following materials and details are not acceptable:

a. Contemporary finish materials such as plastics, aluminum, and stainless steel.

b. Imitation wood or imitation marble.

c. Fluorescent paint.

d. Spot lights, neon tubing, and exposed electrical conduits on the exterior of any building or structure.

e. Neon tubing, light rope, or similar illuminated displays located within ten (10) feet of any window (except "open" signs as provided in Section 22.70.030.B.12 and "no vacancy" signs as provided in subparagraph 7 below).

7. For hotels and motels in the El Pueblo Viejo Landmark District (EPV) a single neon "No Vacancy" sign shall be allowed if the following conditions are met:

- a. Only one (1) double-faced neon "No Vacancy" sign per property or business.
 - b. Letter size to be three (3) inches maximum height.
 - c. Tube size to be twelve (12) mm. maximum diameter.
 - d. Neon color to be clear red.
8. Landscaping:
- a. Landscaping in EPV shall conform to the El Pueblo Viejo Guidelines list of preferred plants.
 - b. Low shrubs or dense ground cover is required to conceal non-decorative lighting fixtures.
 - c. Irrigation plans shall be included where applicable.

CORRESPONDENCE

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:10 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: outdoor helium balloons & gas station video displays

FYI

Cyndi Rodriguez, CMC
 City Clerk Services Manager
 City of Santa Barbara
 (805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: KRANSOHOFF@aol.com [mailto:KRANSOHOFF@aol.com]
Sent: Wednesday, March 30, 2011 10:19 AM
To: Rodriguez, Cyndi
Subject: outdoor helium balloons & gas station video displays

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

1. *Inappropriate for Santa Barbara: 12 Helium Balloons for Each Retailers Allowed Outside at Any Time*

Balloons are a known hazard to marine wildlife. Balloons on display outside at retailers are likely to get loose and drift to the ocean. Santa Barbarans cherish and value our clean beach environment and do not want to see the remains of balloons washing ashore, indicating risks to wildlife in our area. The current Sign Ordinance standards which do not allow any outdoor display of helium balloons are appropriate for our coastal locale and should remain in place. Don't allow outdoor helium balloons at businesses. For more information see: Marine Conservation Society information: <http://www.mcsuk.org/downloads/pollution/dont%20let%20go.pdf> and a thoughtful blog about balloons and ocean pollution at: <http://blog.gaiam.com/blog/balloons-party-or-pollutant/>.

2. *Inappropriate for Santa Barbara: Gas Station Video and Sound Displays on Pumps*

- Gas station video displays and sound are annoying. Santa Barbarans prefer to focus on properly pumping their gas and to admire any nearby scenery or landscaping, and collect our thoughts in peace while pumping gas, rather than watch or listen to annoying and intrusive advertisements while pumping gas.
- Gas stations do not deserve special consideration for outdoor signage as an "outdoor

business". Studies show that 70% of gas station profit is gained through sales of items such as unhealthy food, drinks, cigarettes, etc. in their on-site mini-marts. For more information please see: http://articles.cnn.com/2008-12-31/living/aa.confessions.gas.station.owner_1_gas-station-high-gas-prices-real-profits?_s=PM:LIVING In other words, gas station business, by the profit numbers, is conducted primarily INSIDE, not outside, they do not deserve special advertising considerations that other retailers in the Santa Barbara are not allowed. Legally, the city appears to illegally favoring the oil and gas industry, and, in effect, DISFAVORING other businesses, raising questions regarding basic equal protection under the law tenets. Outdoor video displays and sound advertisements are not appropriate for any retail business in Santa Barbara.

- City staff has commented that enforcing gas station video noise levels would be cumbersome. In our tightened economy, city resources should not be spent on making special considerations for gas stations. Even if your Council allows the video displays, speakers on the machines should not be allowed, or at the very least, mute buttons should be required on the machines as they are in other jurisdictions. If your Council insists on allowing annoying video and sound displays, at least charge a fee that makes the gas stations, rather than the general public, pay for enforcement staff and equipment to ensure noise levels will not reach sidewalks or adjacent properties.
- Potential public service announcements (PSAs) at gas stations are not enough to justify these intrusive advertising devices. In cases of emergency, Santa Barbarans make good use of the Reverse 911 System (<http://www.sbsheriff.org/reverse911.html>), battery operated radios and Santa Barbara Emergency Operation Center provided maps and displays at City Hall, the Mission etc. Besides, the gas industry hasn't guaranteed any particular percentage of time on the screens to be devoted to PSAs, even during a disaster, and city monitoring to enforce on such promises would also be cumbersome.
- Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

Please respect that we pay higher rents and higher prices for property in Santa Babara than many places in California. We do this because we value the quality of life, including the unique charming urban environment, that Santa Barbara offers. Please respect our substantial personal investments and sacrifices we have made to live in a beautiful and sustainable environment, reverse your votes regarding helium balloon and gas station video displays. Also, please direct city staff to enforce removal of the four existing gas station video screens and helium balloons currently illegally on display in town.

Sincerely,

Nancy Ransohoff

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:08 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: Balloons and Video/Sound displays in SB
fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Cat Robson [mailto:jitterbugranch@gmail.com]
Sent: Wednesday, March 30, 2011 11:41 AM
To: Rodriguez, Cyndi
Subject: Balloons and Video/Sound displays in SB

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

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Sincerely,

Catherine Robson

Santa Barbara

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:08 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: please pass on to Council Members
 fyi

Cyndi Rodriguez, CMC
 City Clerk Services Manager
 City of Santa Barbara
 (805) 564-5309
 cmrodriguez@SantaBarbaraCa.gov

From: Sue Sadler-Pare' [mailto:slsp2@hotmail.com]
Sent: Wednesday, March 30, 2011 2:18 PM
To: Rodriguez, Cyndi
Subject: please pass on to Council Members

Dear Council members,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

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- Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

I urge you to rethink this ordinance and think first about the effects this will have on our precious environment, its creatures and noise pollution within SB! We don't need to turn into LA!

Sincerely,

Sue Sadler-Pare'
Goleta Ca

I work in downtown SB

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:07 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: Helium Ballons & Gas Station Videos
fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Kantamac [mailto:kantamac@aol.com]
Sent: Wednesday, March 30, 2011 4:05 PM
To: Rodriguez, Cyndi
Subject: Helium Ballons & Gas Station Videos

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

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- Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

Please respect that we pay higher rents and higher prices for property in Santa Babara than many places in California. We do this because we value the quality of life, including the unique charming urban environment, that Santa Barbara offers. Please respect our substantial personal investments and sacrifices we have made to live in a beautiful and sustainable environment, reverse your votes regarding helium balloon and gas station video displays. Also, please direct city staff to enforce removal of the four existing gas station video screens and helium balloons currently illegally on display on display in town.

Sincerely,
Anne MacDermott

E-mail: kantamac@aol.com

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:06 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: Helium Balloons
fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: jinnysb@aol.com [mailto:jinnysb@aol.com]
Sent: Wednesday, March 30, 2011 4:17 PM
To: Rodriguez, Cyndi
Subject: Helium Balloons

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

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Sincerely,

Jeannette Webber

1436 Santa Rosa Avenue,

SB 93109

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:06 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: ballons and gas station video
fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Arnie [mailto:arniebrucecooper@gmail.com]
Sent: Wednesday, March 30, 2011 4:40 PM
To: Rodriguez, Cyndi
Subject: ballons and gas station video

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

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Sincerely,

PS - I just found out that twelve balloons per retailer issue is set to be heard at the April 12th afternoon City Council hearing, the gas station video screens hearin gwould be held separately on a Tuesday later in April, not scheduled yet.

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:05 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: Offensive Balloons

fyi

Cyndi Rodriguez, CMC
 City Clerk Services Manager
 City of Santa Barbara
 (805) 564-5309
 cmrodriguez@SantaBarbaraCa.gov

From: Deanna Gregg [mailto:deannamgregg@hotmail.com]
Sent: Wednesday, March 30, 2011 9:18 PM
To: Rodriguez, Cyndi
Subject: Offensive Balloons

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Sincerely,

Deanna and George Gregg

909 Calle Cortita
SB 93109

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Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:05 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: Gas Station video displays
fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Susette Warynick [mailto:susettew@earthlink.net]
Sent: Wednesday, March 30, 2011 10:45 PM
To: Rodriguez, Cyndi
Subject: Gas Station video displays

Via City Clerk at: CMRRodriguez@SantaBarbaraCA.gov

Dear Council Members,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate.

1. *Inappropriate for Santa Barbara: 12 Helium Balloons for Each Retailers Allowed Outside at Any Time*

Balloons are a known hazard to marine wildlife. Balloons on display outside at retailers are likely to get loose and drift to the ocean. Santa Barbarans cherish and value our clean beach environment and do not want to see the remains of balloons washing ashore, indicating risks to wildlife in our area. The current Sign Ordinance standards which do not allow any outdoor display of helium balloons are appropriate for our coastal locale and should remain in place. Don't allow outdoor helium balloons at businesses. For more information see: Marine Conservation Society information: <http://www.mcsuk.org/downloads/pollution/dont%20let%20go.pdf> and a thoughtful blog about balloons and ocean pollution at: <http://blog.gaiam.com/blog/balloons-party-or-pollutant/>.

2. *Inappropriate for Santa Barbara: Gas Station Video and Sound Displays on Pumps*

- Gas station video displays and sound are annoying. Santa Barbarans prefer to focus on

properly pumping their gas and to admire any nearby scenery or landscaping, and collect our thoughts in peace while pumping gas, rather than watch or listen to annoying and intrusive advertisements while pumping gas.

- Gas stations do not deserve special consideration for outdoor signage as an "outdoor business". Studies show that 70% of gas station profit is gained through sales of items such as unhealthy food, drinks, cigarettes, etc. in their on-site mini-marts. For more information please see: http://articles.cnn.com/2008-12-31/living/aa.confessions.gas.station.owner_1_gas-station-high-gas-prices-real-profits?_s=PM:LIVING In other words, gas station business, by the profit numbers, is conducted primarily INSIDE, not outside, they do not deserve special advertising considerations that other retailers in the Santa Barbara are not allowed. Legally, the city appears to illegally favoring the oil and gas industry, and, in effect, DISFAVORING other businesses, raising questions regarding basic equal protection under the law tenets. Outdoor video displays and sound advertisements are not appropriate for any retail business in Santa Barbara.
- City staff has commented that enforcing gas station video noise levels would be cumbersome. In our tightened economy, city resources should not be spent on making special considerations for gas stations. Even if your Council allows the video displays, speakers on the machines should not be allowed, or at the very least, mute buttons should be required on the machines as they are in other jurisdictions. If your Council insists on allowing annoying video and sound displays, at least charge a fee that makes the gas stations, rather than the general public, pay for enforcement staff and equipment to ensure noise levels will not reach sidewalks or adjacent properties.
- Potential public service announcements (PSAs) at gas stations are not enough to justify these intrusive advertising devices. In cases of emergency, Santa Barbarans make good use of the Reverse 911 System (<http://www.sbsheriff.org/reverse911.html>), battery operated radios and Santa Barbara Emergency Operation Center provided maps and displays at City Hall, the Mission etc. Besides, the gas industry hasn't guaranteed any particular percentage of time on the screens to be devoted to PSAs, even during a disaster, and city monitoring to enforce on such promises would also be cumbersome.
- Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

Please respect that we pay higher rents and higher prices for property in Santa Barbara than many places in California. We do this because we value the quality of life, including the unique charming urban environment, that Santa Barbara offers. Please respect our substantial personal investments and sacrifices we have made to live in a beautiful and sustainable environment, reverse your votes regarding helium balloon and gas station video displays. Also, please direct city staff to enforce removal of the four existing gas station video screens and helium balloons currently illegally on display on display in town.

Sincerely,

Arlene L. Warynick
4800 Calle Camarada
Santa Barbara, CA 93110

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:05 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: a voting issue for Santa Barbara

fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

-----Original Message-----

From: Romani Reavley [mailto:glassgirl3@yahoo.com]
Sent: Wednesday, March 30, 2011 11:52 PM
To: Rodriguez, Cyndi
Subject: a voting issue for Santa Barbara

Dear C M Rodriguez

I as a person who has lived and still work in Santa Barbara, ask that you look at this issue below. I have been in Oxnard and subject to pumping gas with a video screen , TELLIN ME WHAT I SHOULD BE COOKING, BUYING, SAVING, DRIVING.....it is VERY ANNOYING to say the least.

I never went back there.....now this issue has arisen and please take a look at it. Everything is said below.....

Thank you so much

R Reavley

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

1. Inappropriate for Santa Barbara: 12 Helium Balloons for Each Retailers Allowed Outside at Any Time

Balloons are a known hazard to marine wildlife. Balloons on display outside at retailers are likely to get loose and drift to the ocean. Santa Barbarans cherish and value our clean beach environment and do not want to see the remains of balloons washing ashore, indicating risks to wildlife in our area. The current Sign Ordinance standards which do not allow any outdoor display of helium balloons are appropriate for our coastal locale and should remain in place. Don't allow outdoor helium balloons at businesses. For more information see: Marine Conservation Society information:

<http://www.mcsuk.org/downloads/pollution/dont%20let%20go.pdf> and a thoughtful blog about balloons and ocean pollution at: <http://blog.gaiam.com/blog/balloons-party-or-pollutant/>.

2. Inappropriate for Santa Barbara: Gas Station Video and Sound Displays on Pumps Gas station video displays and sound are annoying. Santa Barbarans prefer to focus on properly pumping their gas and to admire any nearby scenery or landscaping, and collect our thoughts in peace while pumping gas, rather than watch or listen to annoying and intrusive advertisements while pumping gas.

Gas stations do not deserve special consideration for outdoor signage as an "outdoor business". Studies show that 70% of gas station profit is gained through sales of items such as unhealthy food, drinks, cigarettes, etc. in their on-site mini-marts. For more information please see:

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City staff has commented that enforcing gas station video noise levels would be cumbersome. In our tightened economy, city resources should not be spent on making special considerations for gas stations. Even if your Council allows the video displays, speakers on the machines should not be allowed, or at the very least, mute buttons should be required on the machines as they are in other jurisdictions. If your Council insists on allowing annoying video and sound displays, at least charge a fee that makes the gas stations, rather than the general public, pay for enforcement staff and equipment to ensure noise levels will not reach sidewalks or adjacent properties.

Potential public service announcements (PSAs) at gas stations are not enough to justify these intrusive advertising devices. In cases of emergency, Santa Barbarans make good use of the Reverse 911 System (<http://www.sbsheriff.org/reverse911.html>), battery operated radios and Santa Barbara Emergency Operation Center provided maps and displays at City Hall, the Mission etc. Besides, the gas industry hasn't guaranteed any particular percentage of time on the screens to be devoted to PSAs, even during a disaster, and city monitoring to enforce on such promises would also be cumbersome.

Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

Please respect that we pay higher rents and higher prices for property in Santa Babara than many places in California. We do this because we value the quality of life, including the unique charming urban environment, that Santa Barbara offers. Please respect our substantial personal investments and sacrifices we have made to live in a beautiful and sustainable environment, reverse your votes regarding helium balloon and gas station video displays. Also, please direct city staff to enforce removal of the four existing gas station video screens and helium balloons currently illegally on display on display in town.

Sincerely,

PS - I just found out that twelve balloons per retailer issue is set to be heard at the April 12th afternoon City Council hearing, the gas station video screens hearing would be held separately on a Tuesday later in April, not scheduled yet.

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:04 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: Please reverse your vote for gas station displays and helium baloon signage and advertising fyi

Cyndi Rodriguez, CMC
 City Clerk Services Manager
 City of Santa Barbara
 (805) 564-5309
 cmrodriguez@SantaBarbaraCa.gov

From: Mariah Moon [mailto:aquamoon42@hotmail.com]
Sent: Thursday, March 31, 2011 12:43 PM
To: Rodriguez, Cyndi
Subject: Please reverse your vote for gas station displays and helium baloon signage and advertising

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

1. *Inappropriate for Santa Barbara: 12 Helium Balloons for Each Retailers Allowed Outside at Any Time*

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information please see: http://articles.cnn.com/2008-12-31/living/aa.confessions.gas.station.owner_1_gas-station-high-gas-prices-real-profits?s=PM:LIVING

In other words, gas station business, by the profit numbers, is conducted primarily INSIDE, not outside, they do not deserve special advertising considerations that other retailers in the Santa Barbara are not allowed. Legally, the city appears to illegally favoring the oil and gas industry, and, in effect, DISFAVORING other businesses, raising questions regarding basic equal protection under the law tenets. Outdoor video displays and sound advertisements are not appropriate for any retail business in Santa Barbara.

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- Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

Please respect that we pay higher rents and higher prices for property in Santa Babara than many places in California. We do this because we value the quality of life, including the unique charming urban environment, that Santa Barbara offers. Please respect our substantial personal investments and sacrifices we have made to live in a beautiful and sustainable environment, reverse your votes regarding helium balloon and gas station video displays. Also, please direct city staff to enforce removal of the four existing gas station video screens and helium balloons currently illegally on display on display in town.

My personal experience at the Shell station on Turnpike with the displays turned onto an intolerable volume has been one of disruption, confusion and annoyance at the volume levels forced upon me while I buy the gasoline I need. I think an experience like this, especially repeated experiences like this, is unhealthy for motorists. When getting into our vehicles and leaving the gas station, we should be allowed to find a state of calm, a restful break from driving. Please, I urge careful and thoughtful consideration in this matter. I don't think the repercussions have been fully evaluated yet. I want to be able to always choose to find a station without video displays and legalizing it would encourage more stations to employ this advertising.

Furthermore, goals have already been set for Santa Barbara to become green by 2020, I believe it is. Allowing Helium balloons at businesses is completely inappropriate for the sensitive marine environment we have in our county. It really is an unsustainable and polluting advertising "solution", but truly an eyesore. Maybe the City of Santa Barbara's Green Business program can brainstorm better solutions than balloons. Remember, this community will fight to the end to preserve our precious visual landscape, treasured habitats and what peaceful environments we have left. Santa Barbara is the birthplace of environmental activism. With the approaching

celebration of Earth Day, April 16th and 17th, I urge you to respect the wishes of our community and to take extremely thoughtful actions in this matter. Please do not waste the time and money of taxpayers with unthoughtful decisions at the upcoming council meetings in April, because these inappropriate decisions regarding Signage and displays in Santa Barbara will be fought to the end.

Sincerely,

Mariah Moon

805.451.3071

aquamoon42@hotmail.com

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 9:55 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: no balloons/video displays!
fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Raylene Crawford [mailto:raylenec@cox.net]
Sent: Thursday, March 31, 2011 7:52 PM
To: Rodriguez, Cyndi
Subject: no balloons/video displays!

Via City Clerk at: CMRRodriguez@SantaBarbaraCA.gov

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

1. *Inappropriate for Santa Barbara: 12 Helium Balloons for Each Retailers Allowed Outside at Any Time*

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2. *Inappropriate for Santa Barbara: Gas Station Video and Sound Displays on Pumps*

- Gas station video displays and sound are annoying. Santa Barbarans prefer to focus on properly pumping their gas and to admire any nearby scenery or landscaping, and collect our thoughts in peace while pumping gas, rather than watch or listen to annoying and

4/4/2011

intrusive advertisements while pumping gas.

- Gas stations do not deserve special consideration for outdoor signage as an "outdoor business". Studies show that 70% of gas station profit is gained through sales of items such as unhealthy food, drinks, cigarettes, etc. in their on-site mini-marts. For more information please see: http://articles.cnn.com/2008-12-31/living/aa.confessions.gas.station.owner_1_gas-station-high-gas-prices-real-profits?_s=PM:LIVING In other words, gas station business, by the profit numbers, is conducted primarily INSIDE, not outside, they do not deserve special advertising considerations that other retailers in the Santa Barbara are not allowed. Legally, the city appears to illegally favoring the oil and gas industry, and, in effect, DISFAVORING other businesses, raising questions regarding basic equal protection under the law tenets. Outdoor video displays and sound advertisements are not appropriate for any retail business in Santa Barbara.
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- Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

Please respect that we pay higher rents and higher prices for property in Santa Babara than many places in California. We do this because we value the quality of life, including the unique charming urban environment, that Santa Barbara offers. Please respect our substantial personal investments and sacrifices we have made to live in a beautiful and sustainable environment, reverse your votes regarding helium balloon and gas station video displays. Also, please direct city staff to enforce removal of the four existing gas station video screens and helium balloons currently illegally on display on display in town.

Sincerely,

Raylene & Jon Crawford

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:00 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: City Council vote on Sign ordinance re helium balloons
fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Cheryl Rogers [mailto:cherplan2@cox.net]
Sent: Friday, April 01, 2011 10:41 AM
To: Rodriguez, Cyndi
Subject: City Council vote on Sign ordinance re helium balloons

I am writing to speak in opposition to allowing helium balloons and video displays with audio at area gas stations. The environmental impact would degrade our wonderful Santa Barbara ambience.
Cheryl Rogers

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 10:00 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: Balloons & video ads
fyi

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Susan Mellor [mailto:sbsues@earthlink.net]
Sent: Friday, April 01, 2011 1:01 PM
To: Rodriguez, Cyndi
Subject: Balloons & video ads

Aren't we bombarded enough with advertising everywhere we turn?! I hadn't heard about your vote on this matter until I received a notice. Please rescind that decision and give us citizens of this lovely city a break! Thank you. Susan Mellor

Via City Clerk at: CMRodriguez@SantaBarbaraCA.gov

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

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Don't allow outdoor helium balloons at businesses. For more information see: Marine Conservation Society information: <http://www.mcsuk.org/downloads/pollution/dont%20let%20go.pdf> and a thoughtful blog about balloons and ocean pollution at: <http://blog.gaiam.com/blog/balloons-party-or-pollutant/>.

2. Inappropriate for Santa Barbara: Gas Station Video and Sound Displays on Pumps

- Gas station video displays and sound are annoying. Santa Barbarans prefer to focus on properly pumping their gas and to admire any nearby scenery or landscaping, and collect our thoughts in peace while pumping gas, rather than watch or listen to annoying and intrusive advertisements while pumping gas.
- Gas stations do not deserve special consideration for outdoor signage as an "outdoor business". Studies show that 70% of gas station profit is gained through sales of items such as unhealthy food, drinks, cigarettes, etc. in their on-site mini-marts. For more information please see: http://articles.cnn.com/2008-12-31/living/aa.confessions.gas.station.owner_1_gas-station-high-gas-prices-real-profits?s=PM:LIVING In other words, gas station business, by the profit numbers, is conducted primarily INSIDE, not outside, they do not deserve special advertising considerations that other retailers in the Santa Barbara are not allowed. Legally, the city appears to illegally favoring the oil and gas industry, and, in effect, DISFAVORING other businesses, raising questions regarding basic equal protection under the law tenets. Outdoor video displays and sound advertisements are not appropriate for any retail business in Santa Barbara.
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Please respect that we pay higher rents and higher prices for property in Santa Babara than many places in California. We do this because we value the quality of life, including the unique charming urban environment, that Santa Barbara offers. Please respect our substantial personal investments and sacrifices we have made to live in a beautiful and sustainable environment, reverse your votes regarding helium balloon and gas station video displays. Also, please direct city staff to enforce removal of the four existing gas station video screens and helium balloons currently illegally on display on display in town.

Sincerely,

PS - I just found out that twelve balloons per retailer issue is set to be heard at the April 12th afternoon

City Council hearing, the gas station video screens hearing would be held separately on a Tuesday later in April, not scheduled yet.

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 9:58 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW: Please let us have a peaceful little town!

fyi

Cyndi Rodriguez, CMC
 City Clerk Services Manager
 City of Santa Barbara
 (805) 564-5309
 cmrodriguez@SantaBarbaraCa.gov

From: mary Zeldis [mailto:mzeldis@silcom.com]
Sent: Saturday, April 02, 2011 4:24 PM
To: Rodriguez, Cyndi
Subject: Please let us have a peaceful little town!

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

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[s=PM:LIVING](http://articles.cnn.com/2008-12-31/living/aa.confessions.gas.station.owner_1_gas-station-high-gas-prices-real-profits?s=PM:LIVING) In other words, gas station business, by the profit numbers, is conducted primarily INSIDE, not outside, they do not deserve special advertising considerations that other retailers in the Santa Barbara are not allowed. Legally, the city appears to illegally favoring the oil and gas industry, and, in effect, DISFAVORING other businesses, raising questions regarding basic equal protection under the law tenets. Outdoor video displays and sound advertisements are not appropriate for any retail business in Santa Barbara.

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- Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

Thank you sincerely,

Mary Zeldis, 3631 San Gabriel Lane, Santa Barbara, CA

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Monday, April 04, 2011 9:58 AM
To: Mayor & City Council
Cc: Armstrong, Jim; Wiley, Stephen; Casey, Paul; Brooke, Renee
Subject: FW:

fyi

Cyndi Rodriguez, CMC
 City Clerk Services Manager
 City of Santa Barbara
 (805) 564-5309
 cmrodriguez@SantaBarbaraCa.gov

From: caroline tesiorowski [mailto:ctesiorowski@hotmail.com]
Sent: Sunday, April 03, 2011 1:30 PM
To: Rodriguez, Cyndi
Subject:

Dear Councilmembers,

I ask that you reverse your vote regarding allowing gas station video displays and outdoor helium balloons. There are many reasons why allowing such "signs" is inappropriate. It's unlikely I will be able to attend the hearing on this item due to my schedule conflicts on Tuesdays, but please read my statements into the public record.

1. Inappropriate for Santa Barbara: 12 Helium Balloons for Each Retailers Allowed Outside at Any Time

Balloons are a known hazard to marine wildlife. Balloons on display outside at retailers are likely to get loose and drift to the ocean. Santa Barbarans cherish and value our clean beach environment and do not want to see the remains of balloons washing ashore, indicating risks to wildlife in our area. The current Sign Ordinance standards which do not allow any outdoor display of helium balloons are appropriate for our coastal locale and should remain in place. Don't allow outdoor helium balloons at businesses. For more information see: Marine Conservation Society information:

<http://www.mcsuk.org/downloads/pollution/dont%20let%20go.pdf> and a thoughtful blog about balloons and ocean pollution at: <http://blog.gaiam.com/blog/balloons-party-or-pollutant/>.

2. Inappropriate for Santa Barbara: Gas Station Video and Sound Displays on Pumps

Gas station video displays and sound are annoying. Santa Barbarans prefer to focus on properly pumping their gas and to admire any nearby scenery or landscaping, and collect our thoughts in peace while pumping gas, rather than watch or listen to annoying and intrusive advertisements while pumping gas.

Gas stations do not deserve special consideration for outdoor signage as an "outdoor business". Studies show that 70% of gas station profit is gained through sales of items such as unhealthy food, drinks, cigarettes, etc. in their on-site mini-marts. For more information please see:

http://articles.cnn.com/2008-12-31/living/aa.confessions.gas.station.owner_1_gas-station-high-gas-prices-real-profits?_s=PM:LIVING In other words, gas station business, by the profit numbers, is conducted primarily INSIDE, not outside, they do not deserve special advertising considerations that other retailers in the Santa Barbara are not allowed. Legally, the city appears to illegally favoring the oil and gas industry, and, in effect, DISFAVORING other businesses, raising questions regarding basic equal protection under the law tenets. Outdoor video displays and sound advertisements are not appropriate

for any retail business in Santa Barbara.

City staff has commented that enforcing gas station video noise levels would be cumbersome. In our tightened economy, city resources should not be spent on making special considerations for gas stations. Even if your Council allows the video displays, speakers on the machines should not be allowed, or at the very least, mute buttons should be required on the machines as they are in other jurisdictions. If your Council insists on allowing annoying video and sound displays, at least charge a fee that makes the gas stations, rather than the general public, pay for enforcement staff and equipment to ensure noise levels will not reach sidewalks or adjacent properties.

Potential public service announcements (PSAs) at gas stations are not enough to justify these intrusive advertising devices. In cases of emergency, Santa Barbarans make good use of the Reverse 911 System (<http://www.sbsheriff.org/reverse911.html>), battery operated radios and Santa Barbara Emergency Operation Center provided maps and displays at City Hall, the Mission etc. Besides, the gas industry hasn't guaranteed any particular percentage of time on the screens to be devoted to PSAs, even during a disaster, and city monitoring to enforce on such promises would also be cumbersome.

Our community is committed to sustainability. Electricity is a valuable resource. Video displays at gas stations are a waste of electricity which I do not support.

Please respect that we pay higher rents and higher prices for property in Santa Babara than many places in California. We do this because we value the quality of life, including the unique charming urban environment, that Santa Barbara offers. Please respect our substantial personal investments and sacrifices we have made to live in a beautiful and sustainable environment, reverse your votes regarding helium balloon and gas station video displays. Also, please direct city staff to enforce removal of the four existing gas station video screens and helium balloons currently illegally on display on display in town.

Sincerely,
Caroline Tesiorowski



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011
TO: Mayor and Councilmembers
FROM: Division, Department
SUBJECT: Records Destruction For Administrative Services 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 Administrative Services Department in the City Clerk's Office and Human 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 Administrative Services 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 Administrative Services Director requests the City Council to approve the destruction of the Administrative Services Department records in the City Clerk's Office 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 Administrative Services Department
April 12, 2011
Page 2

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

SUBMITTED BY: Marcelo A. López, Assistant City Administrator/Administrative Services 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 ADMINISTRATIVE SERVICES DEPARTMENT IN THE CITY CLERK'S OFFICE AND HUMAN 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 Administrative Services Director submitted a request for the destruction of records held by the Administrative Services 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 Administrative Services Director, or his designated representative, is authorized and directed to destroy the Records without retaining a copy.

ADMINISTRATIVE SERVICES DEPARTMENT

CITY CLERK'S OFFICE

<u>Records Series</u>	<u>Dates</u>
Advisory Group Member Information	1993 – 2008
Contracts, Agreements and Leases	1963 – 1965
Election Records, Campaign Statements	2001 – 2005
Election Records, Initiative Petitions	2008
• Measure B-2009, Building Heights	
Statements of Economic Interest	2003

HUMAN RESOURCES DIVISION

<u>Records Series</u>	<u>Dates</u>
Closed Eligibility and Examination Files	Prior to Feb. 2009
Employment Eligibility Forms (I-9)	Prior to Feb. 2008



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011
TO: Mayor and Councilmembers
FROM: Parks and Recreation Department
SUBJECT: Records Destruction For Parks And Recreation 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 Parks and Recreation Department in the Administration, Parks, and Recreation Divisions.

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 Parks and Recreation 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 Parks and Recreation Director requests the City Council to approve the destruction of the Parks and Recreation Department records in the Administration, Parks, and Recreation Divisions as 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 Parks And Recreation Department
April 12, 2011
Page 2

PREPARED BY: Karla Megill, Executive Assistant

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation 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 PARKS AND RECREATION
DEPARTMENT IN THE ADMINISTRATION, PARKS, AND
RECREATION DIVISIONS

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 Parks and Recreation Director submitted a request for the destruction of records held by the Parks and Recreation 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 Parks and Recreation Director, or her designated representative, is authorized and directed to destroy the Records without retaining a copy.

PARKS AND RECREATION DEPARTMENT**ADMINISTRATION DIVISION**

<u>Records Series</u>	<u>Date(s)</u>
Contracts and Agreements	1997 – 2005
General Administrative Files	2008
Memberships in Associations, Societies, & Committees	2005
Reports and Studies	2008
Correspondence	2005 – 2008
Special Events Files	1996 – 2000
Subject Files	2005
Training Records	2005

PARKS DIVISION

California Coastal Conservancy Grant Files	1997 – 2007
Correspondence	2007 - 2008

RECREATION DIVISION**ADMINISTRATION**

Complaints	2000 – 2008
Personnel Recruitment Files	Prior to 2006
Correspondence	2000 – 2008

ACTIVE ADULTS SECTION

Administrative Subject Files	FY 2003
Contracts and Agreements	2005
Facility Use Permit Files	FY 2003, FY 2005, FY 2008
Program Files	FY 2005, FY 2008
Tour Files	FY 2005

AQUATICS

Aquatic Facility Files	1996 – 2005
Contracts and Agreements	1993 – 2005
Program Files	1999 – 2008

COMMUNITY SERVICES (NEIGHBORHOOD AND OUTREACH SERVICES)

Calendars	2005 - 2009
Complaints	2006
General Administrative Files	1986 - 2006
Facility Use Permit Files	1994-96; 2003

CULTURAL ARTS SECTION

Arts and Crafts Show Files	2005, 2008
Facilities Use Permits	2005

FACILITIES AND PROGRAM REGISTRATION SECTION

Summer Camp Registration Files	2005
Facilities Use Permits	2005
Special Events Files	2005

TENNIS

Contracts and Agreements	2004 – 2005
Facility Management Files	2004 – 2005
Program Files	2004 – 2005

SPORTS

Sports League Files	2001 – 2005
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YOUTH ACTIVITIES

Administrative Files	2008 – 2009
Program Files	2004 – 2005 and 2008



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011
TO: Mayor and Councilmembers
FROM: Chief's Staff, Police Department
SUBJECT: Records Destruction For Police 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 Police Department in the Administrative Services, Patrol, and Chief's Staff Divisions.

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 Chief of Police 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 Chief of Police requests the City Council to approve the destruction of the Police Department records in the Administrative Services, Patrol, and Chief's Staff Divisions 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.

PREPARED BY: David Whitham, Lieutenant

SUBMITTED BY: Cam Sanchez, Chief of Police

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 POLICE DEPARTMENT IN THE ADMINISTRATIVE SERVICES, PATROL, AND CHIEF'S STAFF DIVISIONS

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 Chief of Police submitted a request for the destruction of records held by the Police 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 Chief of Police, or his designated representative, is authorized and directed to destroy the Records without retaining a copy.

POLICE DEPARTMENT

BUSINESS OFFICE

Records Series

Date(s)

Tickets	2008 and prior
Tickets on Review	2008 and prior
Unpaid Ticket Letters	2008 and prior
Credit Card Transaction Records	8/1/09 and prior
Personnel Background Files (Unsuccessful)	2005 and prior

INTERNAL AFFAIRS

Records Series

Date(s)

Internal Affairs Files	
• Administrative Complaints	3/1/09 and prior
• Citizen complaints	3/1/06 and prior

PARKING ENFORCEMENT

Records Series

Date(s)

Parking Statistics	2007 and prior
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TRAFFIC SECTION

Records Series

Date(s)

Justice Department Grant Files	2007 and prior
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PATROL ADMINISTRATION

Records Series

Date(s)

Daily Work Schedules	2008 and prior
Administrative Subject File	2005 and prior

RECORDS BUREAU

Records Series

Date(s)

Abandoned Vehicle Reports
Citation Purge Books
Citations
Criminal History Request Files
Field Interview Cards
Tickets
Pawn Files

2008 and Prior
2003 and Prior
2008 and Prior
2008 and Prior
2008 and Prior
2008 and prior
2003 and prior

SPECIAL EVENTS

Records Series

Date(s)

Special Events Files

2005 and prior

ANIMAL CONTROL

Records Series

Date(s)

Animal Bite Reports and Quarantine Notices
Dog Licenses
Kennel Cards
Veterinarian's Bills

1995 and prior
2007 and prior
2007 and prior
7/1/2002 and prior



Agenda Item No. _____

File Code No. 530.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Design For The Firestone Road Drainage Project

RECOMMENDATION:

That Council authorize the Public Works Director to execute a City Professional Services contract with Tartaglia Engineering (Tartaglia) in the amount of \$46,430 for design services for the Firestone Road Drainage Project, and authorize the Public Works Director to approve expenditures of up to \$4,600 for extra services of Tartaglia that may result from necessary changes in the scope of work.

DISCUSSION:

PROJECT DESCRIPTION

The work consists of the design of airport property drainage improvements adjacent to Firestone Road, which is parallel to Hollister Road, and bounded by Gerald Cass Place to the east and Dean Arnold Place to the west. In frequent rain events, the parking areas for Airport Buildings Nos. 311, 351, and 352 are flooded several feet deep. Parked cars sustain water damage and access to the buildings is obstructed by pooled water.

It is proposed to redesign the small parking area in front of the buildings with new grades, which will direct the water away from the buildings, and to regrade a small swale along the south side of Firestone Road, from the end of the parking area to Carneros Creek, which is about 700 feet to the west. The work will also improve drainage along the south side of Firestone Road and adjacent areas. The estimated cost of construction is \$470,000.

DESIGN PHASE CONSULTANT ENGINEERING SERVICES

Staff has negotiated a fee in the amount of \$46,430 with Tartaglia for final design of the improvements. Tartaglia was selected through a Request for Proposals process and is experienced in this type of work. This is a reasonable design fee for the complexity in construction.

FUNDING

The following summarizes all estimated Project costs:

ESTIMATED TOTAL PROJECT COST

Design (by Contract)	\$46,430
Other Design Costs - City staff (if contract), Environmental (Assessments, etc.)	\$5,000
Subtotal	\$51,430
Estimated Construction Contract w/Change Order Allowance	\$440,000
Estimated Construction Management/Inspection	\$30,000
Subtotal	\$470,000
TOTAL PROJECT COST	\$521,430

There are sufficient funds in the Airport Fund to cover the cost of this work.

PREPARED BY: Owen Thomas, Principal Engineer/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011
TO: Mayor and Councilmembers
FROM: Harbor Operations Division, Waterfront Department
SUBJECT: Berthing Policy—Designated Commercial Fishing Slips

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Slip Occupancy Policy for Designated Commercial Fishing Slips in Santa Barbara Harbor and Repealing Resolution 07-041.

BACKGROUND:

In March 2001, the Harbor Commission recommended that City Council approve policy guidelines governing specially designated commercial fishing slips in Santa Barbara Harbor. The policy designated certain slips as “commercial fishing only” (Attachment 1), and established performance standards for maintaining permits for those slips, to support commercial fishing and help protect the future of the City’s working waterfront. City Council adopted the policy by Resolution in November 2001. The Resolution required the City to review the policy every five years. Along with other amendments, the review period for the Resolution was changed to three years, as part of its re-adoption in June 2007. This staff report and its recommendations constitute that three-year review. A “showing changes” draft of proposed amendments to the current Resolution is included to this report.

DISCUSSION:

The Commercial Fishing Policy identifies and designates 42 historic fishing slips in the in Fish Float North, Fish Float South and Marina 1A. It also includes two slips in Marina One and one in Marina Four that were preferentially assigned to fishermen during expansion of those marinas in 1999. The heart of the policy is an earnings requirement (\$15,000 every two years) for vessels in Marina 1-A who forgo a “grandfather” exemption from this requirement in exchange for a “rollback” to slip rates equal to those in Fish Floats North and South (\$4.40 per foot per month in Fiscal Year 2011 - approximately 50% of rates charged for a 35’ vessel berthed elsewhere in the harbor). The earnings requirement also applies to vessels transferring into any specially designated commercial fishing slip, including slips granted “grandfather” status otherwise exempting them from earnings requirements (i.e. slips on Fish Floats North and South, plus slips on Marina 1-A whose permittees chose grandfathering over a rate roll-back).

Currently, 31 of 45 vessels berthed in designated commercial fishing slips must demonstrate fisheries earnings (\$15,000 every two years), either because they transferred into a commercial fishing slip since adoption of the policy in 2001 or because, in the case of slip permittees in Marina 1-A, they chose the earnings requirements in exchange for a partial slip fee subsidy.

In preparation for the current three-year review of the Commercial Fishermen's Berthing Policy, staff reviewed the existing Resolution, drafting proposed changes it believes will help clarify the policy and facilitate accounting of required fisheries earnings. In addition, on February 1, 2011, staff met with eight fisheries representatives who have slip permits in designated commercial fishing slips to discuss proposed staff changes to the policy and hear changes proposed by the fishermen.

Reflecting a combination of recommendations from staff and affected fishermen, the draft, amended Resolution includes the following three (substantive) proposed changes:

- **Section 4, proof of earnings.** Section 4 describes how earnings from commercial fishing shall be demonstrated. In the past, the Department has only required presentation of California Department of Fish and Game Landing Receipts as proof of earnings from commercial fishing. Because these receipt books are readily available to fishermen holding certain types of state-issued licenses, they can be manipulated and, as such, are less than adequate proof of earnings. Staff recommends adding receipt records from Cal Fish and Game's Custodian of Records (see Information Request Form - Attachment 2), as confirmed proof that copies of the earning were forwarded to Sacramento.
- **Section 5, proof of earnings.** Section 5 describes how earnings from commercial fishing shall be demonstrated for fishermen who earn up to 50% of the \$15,000 required of them on vessels other than their own. Since they may not be the licensed permittee on such vessels (e.g. crew in lobster or sea urchin fisheries, where only the license holder may make landings and obtain fish landing receipts or receipt records from Cal Fish and Game's Custodian of Records), staff recommends that earnings requirements for this 50% would be demonstrated by a combination of cancelled payroll checks or their equivalent *plus* copies of Internal Revenue Service 1099 tax forms.
- **Section 13, proof of earnings.** Section 13 provides opportunity for a fisherman who successfully meets earnings requirements during at least three successive earnings periods to lease his boat to another party for the purpose of continuing to meet those requirements. Consistent with Section 5, Section 13 has been amended to require that at least 50% (not 100%) of earnings intended to meet the requirement must be made by the lessee aboard the permitted vessel assigned to a slip in Santa Barbara Harbor. Staff recommends that up to 50% of the income requirement may derive from the lessee's employment aboard a commercial fishing vessel or vessels other than the designated vessel, demonstrated by a combination of cancelled payroll checks or their equivalent, plus copies of Internal Revenue Service 1099 tax forms.

CONCLUSION

Staff believes proposed amendments to the berthing policy for designated commercial fishing slips will help ensure that the policy remains current, providing fishermen reasonable opportunities to make required earnings without diluting the intention of the policy to ensure that boats berthed in designated commercial fishing slips continue fishing. On March 17, 2011, the Harbor Commission voted unanimously to forward the amended Resolution to Council for its approval.

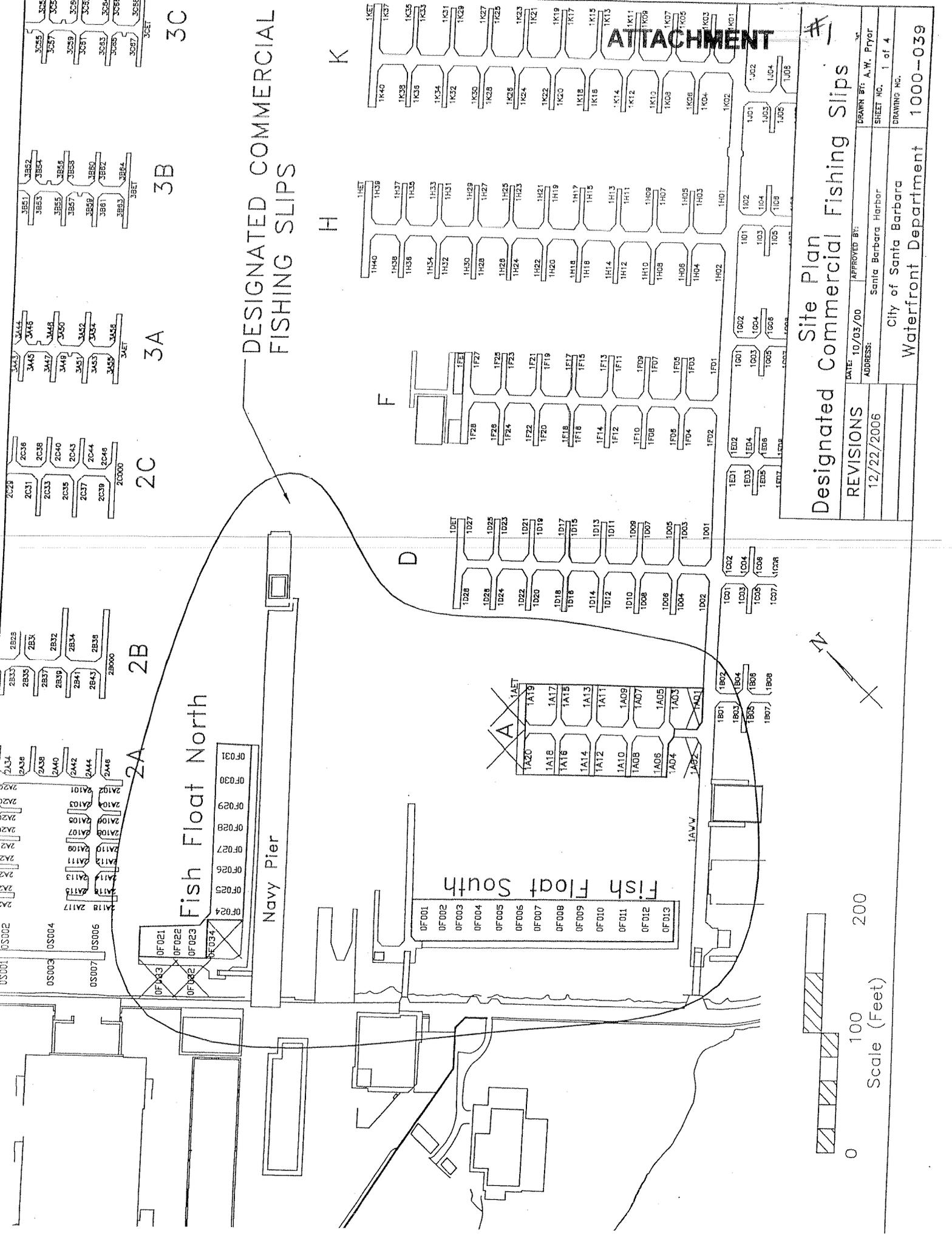
ATTACHMENTS:

1. Designated Commercial Fishing Slips—Marina 1 A, Fish Floats North and South
2. Information Request Form For Commercial Fishing Logbook Information

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office



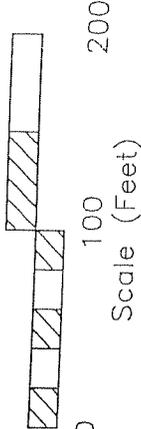
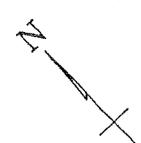
DESIGNATED COMMERCIAL FISHING SLIPS

ATTACHMENT

Designated Commercial Fishing Slips

DATE: 10/03/00 APPROVED BY: A.W. Pryor
 ADDRESS: Santa Barbara Harbor
 SHEET NO. 1 of 4
 DRAWING NO. 1000-039

City of Santa Barbara
 Waterfront Department





CALIFORNIA DEPARTMENT OF FISH AND GAME
INFORMATION REQUEST FORM
FOR COMMERCIAL LANDING/CPFV LOGBOOK INFORMATION

I, _____, request that the Dept. of Fish & Game provide me with the following information.

Part I - Fish Landing Receipt Records - I request fish landing receipt records for:

*Fish and Game Vessel or Fish Business ID# _____ Commercial Fishing License ID # L _____

Please list/check years: _____ Please list/check years: _____

- List of years from 1972 to 2010 with checkboxes for selection.

Reason for requesting records: _____

Landing/Log ID Information is confidential and released only according to applicable policy, regulations and/or laws.

Part II & *Custom Reports-(years from 1972) Include fields: []Year []Port []Origin []Species []Pounds []Value []Gear []Condition []Use

Reports - List Species and Year (s): _____ List Origin and Year (s): _____

Species (1) _____ (2) _____ (3) _____ Origin (1) _____ (2) _____ (3) _____

Year(s) (1) _____ (2) _____ (3) _____ Year(s) (1) _____ (2) _____ (3) _____

* for Custom reports indicate F&G Name and ID number

Origin = block/catch area number

Part III - Commercial Passenger Fishing Vessel (CPFV) Log Book Records - I request a copy of the CPFV records for

*Fish and Game Vessel ID # _____ Please list/check years: _____

- List of years from 2010 to 2004 with checkboxes for selection.

Landing/Log ID Information is confidential and released only according to applicable policy, regulations and/or laws.

Part IV - California Commercial Landings (Bulletin Tables 7 through 21-years from 1972):

Total Tables Ordered: _____

List Table # (s) _____ List Year(s) _____

Signature of requester: _____ Date: _____

Contact Information

Please print neatly - Name of requester: _____

(Mailing Address- number & Street/or P.O.B.) (City and State) (Zip Code)

(Area Code & Telephone Number) (Fax Number) (E-mail)

Information Delivery Preference: [] Fax [] Mail [] E-mail

Return form to: California Department of Fish and Game, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720

For questions regarding information requests, contact: Jana Robertson (562)342-7126 Fax (562)342-7137 E-mail: jroberts@dfg.ca.gov

*For fisherman license/commercial vessel registration verification, contact: Dept. of Fish & Game, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834 - Ph: (916) 928-5822 FAX: (916) 419-7586

RESOLUTION NO. ~~07-041~~

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING A SLIP OCCUPANCY POLICY FOR DESIGNATED COMMERCIAL FISHING SLIPS IN SANTA BARBARA HARBOR AND REPEALING RESOLUTION ~~07-041~~ ~~04-124~~

WHEREAS, the Santa Barbara Harbor serves a variety of functions including that of being a working harbor for commercial fishermen;

WHEREAS, it is the desire of the City Council that the harbor continue to serve the needs of commercial fishermen; and

WHEREAS, those needs can best be met if certain criteria are established to ensure that spaces are allotted to persons who are engaged in commercial fishing, while at the same time minimizing disruption to the operations of commercial fishermen who currently ~~moor~~ berth their fishing vessels at the harbor.

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

SECTION 1. This policy applies to commercial fishermen granted preferential consideration for assignment of slips in Santa Barbara Harbor off the Waterfront Department's Slip Waiting List, and to fishermen assigned slips in Fish Float North, Fish Float South and 18 slips in Marina 1-A, specially designated by the Waterfront Director.

SECTION 2. No slip in Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A shall be assigned or transferred to a permittee who does not meet the criteria for a "commercial fisherman" established by this policy. Any permittee subject to such criteria shall be required to satisfy the standards applicable to commercial fishing as long as the slip is occupied. The criteria established by this policy shall also apply to permittees identified in ~~Paragraphs~~ Sections 13 and 14 hereof.

SECTION 3. A "commercial fisherman" pursuant to this policy shall have and maintain a commercial fishing or aquaculture permit issued by the California Department of Fish and Game and shall have and maintain a Fish and Game permit for the vessel that is ~~moored~~ berthed in the harbor slip as a commercial fishing vessel.

SECTION 4. A "commercial fisherman" pursuant to this policy shall be required to document, in a manner satisfactory to the Waterfront Director, income from commercial fishing that is at least \$15,000 every two years following issuance of the slip permit. ~~This earnings requirement shall become effective the first day following completion of earnings period in effect for any designated commercial fishing slip at~~

~~the time this Resolution is adopted by City Council.~~ In some cases, as described in ~~paragraph~~ Section 12 of this Resolution, the requirement shall also be applied during the immediate two-year period preceding the issuance of the permit. Proof of income shall be provided by Fish and Game landing receipts issued to the permittee, plus landing receipt records provided by the Department of Fish and Game's Custodian of Records. Earnings pursuant to Section 6 shall be in a form acceptable to the Waterfront Director. For aquaculture operations, receipts indicating the value of product delivered or monthly aquaculture tax reports of harvest in pounds may be used to confirm earnings.

SECTION 5. Once a slip permit is issued, 50% of the income requirement must be earned aboard the vessel assigned to the designated slip. Up to 50% of the income requirement may derive from a permittee's employment aboard a commercial fishing vessel or vessels other than the designated vessel, demonstrated by a combination of cancelled payroll checks or their equivalent, plus copies of Internal Revenue Service 1099 or W2 tax forms.

SECTION 6. Earnings from sustainable-fisheries research or activities may apply to the minimum earnings requirement if authorized in writing by the Waterfront Director prior to the research.

SECTION 7. If a commercial fisherman's vessel is destroyed or ruined, by accident, damage, fire, sinking or other unintended casualty, the permittee may, upon written approval of the Waterfront Director within 30 days of that loss, be granted an extension up to one year in which to meet the earnings requirement.

SECTION 8. If a permittee believes commercial fishing in general or a specific commercial fishery in the Santa Barbara Channel region upon which he/she depends has been rendered infeasible for a significant period due to natural disaster, climatic shift, regulatory action or other reason, he/she may request that the Waterfront Director temporarily waive the time requirement for proof of earnings for a period not to exceed one year. Any request for temporary waiver must be submitted at least 60 days before expiration of the earnings period in effect at the time. The Director's decision regarding the waiver request shall be final.

SECTION 9. If illness or extended family emergency precludes a permittee's ability to demonstrate sufficient earnings during a given earnings period, he/she may request that the Waterfront Director temporarily waive the time requirement for proof of earnings for a period not to exceed one year. Any request for temporary waiver must be submitted at least 60 days before expiration of the earnings period in effect at the time. The Director's decision regarding the waiver request shall be final.

SECTION 10. Persons holding slip permits in Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A prior to July 1, 2001 need not comply with the provisions of this policy. The provisions of this policy will be applied to any person to whom a slip in these areas is transferred or assigned on or after July 1, 2001.

SECTION 11. Any slip permittee not subject to the provisions of this policy per ~~paragraph-Section~~ 10, may exchange his or her vessel for a different one (change boats) without triggering application of eligibility criteria, as long as the new vessel is and remains licensed as a commercial fishing craft, as outlined in ~~Paragraphs~~ Section 3.

SECTION 12. Slip permittees in Marina 1-A who are otherwise exempt from this policy per ~~paragraph-Section~~ 10 may elect to become subject to its provisions in exchange for a slip fee reduction to levels commensurate with monthly rates in Fish Float North and Fish Float South. To exercise this option, a permittee must meet and continue to meet criteria established by this policy for commercial fishermen. In addition, they must provide proof of earnings equaling at least \$15,000 from commercial fishing during the immediate two-year period preceding the election. Once made, this election may not be reversed.

SECTION 13. A commercial fisherman who successfully meets earnings requirements during at least three complete and successive earnings periods, beginning with the earnings period in effect on June 6, 2007, including the earnings period in effect at the time of adoption of this Resolution, may lease his/her boat to another party for the purpose of continuing to meet those requirements. The Waterfront Director must approve said lease agreement before earnings can be credited to the slip permittee and his/her vessel. Following approval of the lease agreement, 100% at least 50% of earnings intended to meet the earnings requirement must be made by the lessee aboard the vessel assigned to the permitted slip in Santa Barbara Harbor, proof of which must be demonstrated by requirements outlined in Section 4. Up to 50% of the income requirement may derive from the lessee's employment aboard a commercial fishing vessel or vessels other than the designated vessel, demonstrated by a combination of cancelled payroll checks or their equivalent, plus copies of Internal Revenue Service 1099 tax forms or W2 tax forms.

SECTION 14. A transfer of a slip permit by a person subject to this policy shall be allowed only if the new permittee agrees in writing to earn and report any required commercial fishing earnings not accrued by the current permittee for the then-current earnings period. At the completion of that earnings period, a new earnings period for earnings compliance will commence.

SECTION 15. Permittees who transfer into or who are assigned slips subject to this policy may apply for Business Activity Permits (as available) for passenger-carrying charters accommodating up to six persons per trip. Income from operations authorized by such permits may not be applied against the minimum earnings requirements. Those earnings must be satisfied from commercial fishing activities only.

SECTION 16. Any slip in areas of the harbor described in Section 1 ~~Vacant slips in Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A~~

that revert to the City will be assigned to the next qualified commercial fisherman who meets the requirements of this policy and is registered for a slip of that size on the Waterfront Department's waiting list. If no such applicant is available on the waiting list, the slip will be assigned to a commercial fisherman who in the preceding two-year period meets the income requirements of this policy, following an advertised lottery conducted by the Waterfront Department. This element of the policy applies until a future waiting-list policy for Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A, or for the overall harbor, supersedes it.

SECTION 17. Any slip permittee from any part of the harbor outside the slips designated in ~~Paragraph~~Section 1 who exchanges slips with a slip permittee within this area must comply with the provisions of this policy in the same manner as any other transferee or assignee, including meeting earnings requirements.

SECTION 18. It is the intention of the City that this policy be reviewed every three years.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011

TO: Mayor and Council members

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Adult Softball League Services Agreement With Major League Softball

RECOMMENDATION:

That Council authorize the Parks and Recreation Director to execute a two-year agreement with Major League Softball, Inc. (MLS), to perform adult softball league services.

DISCUSSION:

MLS has been under contract with the City since August 24, 2004, to provide adult softball league programs for the Parks and Recreation Department. The previous agreement was extended for two consecutive two-year terms prior to expiring on June 30, 2010. The Parks and Recreation Department determined that after six years with one service provider this would be a good opportunity to publicly request proposals for the future operation of adult softball league programs. A letter of agreement extended the relationship with MLS through March 31, 2011 to allow that process to conclude.

Although there was initial interest by several parties, the Request for Proposals resulted in only one submittal. The MLS proposal met the requirements and expectations for operating these services for the City of Santa Barbara Parks and Recreation Department. MLS has provided adult softball program administration and ball field maintenance services since 1986, and currently serves 28 cities and counties in Southern California.

Since 2004, MLS has provided the City softball program with registration services, infield maintenance, league coordination, staffing, computerized scoring, and statistics for four seasons per year, and a one-time field renovation. MLS staff has also been available to complete any additional field improvements as needed by the Parks Division. The agreement with MLS has permitted the Department to continue to provide a quality adult softball program while keeping the fees competitive and affordable for program participants. The Parks and Recreation Department has great confidence in MLS continuing to provide quality adult softball league services in this community.

MLS Performance

The chart below outlines the participation numbers in MLS programs since 2004. Competition for softball teams in the Santa Barbara area remains fierce, but MLS has made strides in increasing their team numbers over the last six years. Fiscal Year 2010 shows a four percent increase over Fiscal Year 2009; and team participation is six percent higher through third quarter Fiscal Year 2011 compared with Fiscal Year 2010. Staff is very satisfied with the performance of MLS and will work closely with MLS staff in an attempt to continue to refine the program and increase marketing efforts to further increase participation.

Adult Softball Total Team Participation:

FY 05	FY 06	FY 07	FY 08	FY 09	FY 10
241	210	194	217	226	236

MLS President Dave Johnson, his staff, and Parks and Recreation Sports and Parks staff have maintained open lines of communication and developed good working relationships over the last six years.

BUDGET/FINANCIAL INFORMATION:

Similar to the current arrangement, the proposed agreement provides for the City to receive between 26.67% - 29.41% of team participation fees, depending on the length of the season. Revenue received from MLS has helped to partially offset budgeted utility costs for lights and a portion of the outfield maintenance provided by the Parks Division. In Fiscal Year 2010, the City received \$26,550 from this agreement and is expected to receive \$30,000 in Fiscal Year 2011. The MLS agreement continues to provide a more cost effective option for the Parks and Recreation Department to implement the Adult Softball program.

PREPARED BY: Rich Hanna, Senior Recreation Supervisor
Judith Cook McCaffrey, Recreation Programs Manager

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

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 670.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Measure A Five-Year Local Program Of Projects For Fiscal Years 2012 – 2016

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2012 – 2016.

DISCUSSION:

BACKGROUND

In November 2008, Santa Barbara County voters overwhelmingly approved Measure A with 79% support. Measure A is a transportation sales tax measure estimated to provide approximately \$1 billion of local sales tax revenues for transportation projects in Santa Barbara County over the next 30 years. Measure A will be funded through a continuation of the local 1/2% sales tax that was originally initiated by Measure D, which expired on March 31, 2010. The Measure A ordinance requires the City to submit a Five-Year Local Program of Projects to the Santa Barbara County Association of Governments (SBCAG) by April 15, 2011.

A key component of Measure A is the plan to relieve traffic congestion and improve safety on Highway 101 by providing \$140 million, or 13.4%, in matching funds to widen the highway south of Santa Barbara from four to six lanes. On January 21, 2010, the SBCAG Board of Directors voted unanimously to request that all local agencies support the Highway 101 High Occupancy Vehicle (HOV) Widening Project as the County's highest regional transportation priority for federal funding. On February 2, 2010, Council adopted a Resolution supporting the HOV project as the highest priority regional project. This does not preclude the City from seeking other funding for local priorities.

MEASURE A INVESTMENT PLAN

The Measure A Investment Plan (Plan) will provide \$455 million, or 43.3%, for both the North County and South Coast for high priority transportation projects and programs to address the current and future needs of local communities. The local revenues will be supplemented by an estimated \$522 million in federal and state gas taxes, and other sources.

The Plan provides funding for local street improvements, such as pavement maintenance and synchronized traffic signals, increased senior and disabled accessibility to public transit, building safer walking and bike routes to schools, and providing increased opportunities for carpool and vanpool programs.

SBCAG has estimated that the City will receive approximately \$2,753,000 in Measure A revenues for Fiscal Year 2012. The SBCAG estimate for Measure A City revenues for Fiscal Year 2011 was approximately \$3M. Under Measure A, local agencies choose how to spend their share of funds after seeking public input and annually adopting a Five-Year Program of Projects. Measure A contains funds for Local Street and Transportation Improvements (capital projects and maintenance/operations), and Alternative Transportation (pedestrian/bicycle improvements, Safe Routes to School, and transit assistance).

It is a Measure A Ordinance requirement for local agencies to spend a minimum percentage of their Local Street and Transportation Improvement funds on eligible alternative transportation projects. The minimum percentage for the City is 10%. This requirement must be met by the fifth year of the program, and every fifth year thereafter. The City is on target to meet this requirement. The proposed Fiscal Year 2012 Program of Projects includes 46% Alternative Transportation expenditures. Under Measure D, the City contributed funds to support the Santa Barbara Metropolitan Transit District (MTD). Under Measure A, MTD now receives Measure A funds directly; however, the City will continue to provide funding support to the Easy Lift and Electric Shuttle programs.

LOCAL PROGRAM OF PROJECTS

With Council's approval of the recommended Resolution, this report will satisfy the Measure A requirement that the local agency hold an annual public hearing on its Program of Projects prior to submittal and adoption by SBCAG.

Staff held two public work sessions: one with the Transportation and Circulation Committee on October 28, 2010, regarding the proposed Fiscal Year 2011 Streets Capital Improvement Program budget and one with the Planning Commission on December 16, 2010, regarding the draft City Capital Improvement Program for Fiscal Years 2012 to 2017. Overall, positive comments were received. The majority of the comments for the Streets Capital Improvement Program reiterated that maintenance of existing public right of way infrastructure and safety should be the highest priorities for that Program.

The proposed Measure A Five-Year Local Program of Projects is separated into two categories: Local Street and Transportation Improvements, and Alternative Transportation Expenditures. Staff's proposed Measure A Local Program of Projects for Fiscal Year 2012 is consistent with the Fiscal Year 2012 Streets Program budget. See Attachment for the Measure A Proposed City of Santa Barbara Program of Projects by Category for Fiscal Years 2012 – 2016.

SUMMARY

The City must annually adopt a Resolution and submit a revised Local Program of Projects to SBCAG in accordance with the Measure A local allocation rules. The Plan is generally consistent with the City of Santa Barbara's proposed budget for Fiscal Year 2012, currently being prepared.

ATTACHMENT(S): Measure A Proposed City of Santa Barbara Program of Projects by Category for Fiscal Years 2012 – 2016

PREPARED BY: John Ewasiuk, Principal Civil Engineer/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Measure A
Proposed City of Santa Barbara Program of
Projects by Category FY 2012 - FY 2016

City Project Category	FY 12	FY 13	FY 14	FY 15	FY 16
Local Street & Transportation Improvements: Capital Improvement Projects	* \$104	\$6	\$105	\$116	\$128
Local Street & Transportation Improvements: Maintenance/Operations	\$1,373	\$1,442	\$1,463	\$1,485	\$1,507
SUBTOTAL	\$1,477	\$1,448	\$1,568	\$1,601	\$1,635
Alternative Transportation Expenditures	* \$1,276	\$1,034	\$1,126	\$1,176	\$1,226
TOTAL	\$2,753	\$2,482	\$2,695	\$2,778	\$2,862

(Figures in \$1,000)

*The Sidewalk Maintenance and Sidewalk Access Ramp projects are Streets Capital Improvement Projects that qualify as eligible Local Alternative Transportation Projects for the City's 10% Measure A Ordinance requirement.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA ADOPTING THE MEASURE
A FIVE-YEAR LOCAL PROGRAM OF PROJECTS
FOR FISCAL YEARS 2012 – 2016

WHEREAS, on November 4, 2008, the voters of Santa Barbara County approved the Santa Barbara County Road Repair, Traffic Relief and Transportation Safety measure, known as Measure A;

WHEREAS, Measure A Ordinance No. 5 provides that Santa Barbara County Local Transportation Authority shall annually approve a program of projects submitted by local jurisdictions identifying those transportation projects eligible to use Measure A funds;

WHEREAS, the City of Santa Barbara was provided with an estimate of annual Measure A local revenues for Fiscal Years 2012 through 2016; and

WHEREAS, on April 12, 2011, the City of Santa Barbara held a public hearing in accordance with the Ordinance.

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

SECTION 1. The City of Santa Barbara does hereby approve the Five-Year Program of Projects and Fiscal Year 2012 Measure A Program of Projects, to be funded in part with Measure A revenues (Exhibits A and B respectively).

SECTION 2. The City of Santa Barbara certifies that it will include in its budget an amount of local discretionary funding for local streets and roads sufficient to comply with the Maintenance of Effort requirements contained in the Ordinance.

SECTION 3. The City of Santa Barbara will not use Measure A revenues to replace private developer funding that has been committed to a transportation project or would otherwise be required under current City policies.

SECTION 4. The City of Santa Barbara has complied with all other applicable provisions and requirements of the Ordinance.

Measure A
Proposed City of Santa Barbara Program of
Projects by Category FY 2012 - FY 2016

City Project Category	FY 12	FY 13	FY 14	FY 15	FY 16
Local Street & Transportation Improvements: Capital Improvement Projects	* \$104	\$6	\$105	\$116	\$128
Local Street & Transportation Improvements: Maintenance/Operations	\$1,373	\$1,442	\$1,463	\$1,485	\$1,507
SUBTOTAL	\$1,477	\$1,448	\$1,568	\$1,601	\$1,635
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(Figures in \$1,000)

*The Sidewalk Maintenance and Sidewalk Access Ramp projects are Streets Capital Improvement Projects that qualify as eligible Local Alternative Transportation Projects for the City's 10% Measure A Ordinance requirement.

Exhibit B

City of Santa Barbara
 FY 2012 Measure A Program of Projects and Local, State and Federal Funding

Project Description	Measure A	Non-Measure A			Total Project
	FY 12	Local	State	Federal	
A. Local Street & Transportation Improvements					
1. Capital Improvement Projects					
Drainage Improvements/Maintenance		\$100,000			\$100,000
Lower Mission Creek Flood Control Channel		\$50,000			\$50,000
Cabrillo Boulevard Bridge Replacement		\$100,000		\$17,830,588	\$17,930,588
Mason Street Bridge Replacement			\$573,500	\$4,937,318	\$5,510,818
Chapala/Yanonali Bridge Replacement			\$37,760	\$291,450	\$329,210
Cota Street Bridge Replacement				\$1,040,227	\$1,040,227
Modoc at Portesuello Improvements			\$218,280		\$218,280
Pavement Maintenance	\$103,898	\$2,274,035	\$338,782		\$2,716,715
101 Operational Improvements		\$50,000			\$50,000
Traffic Signal Operational Upgrades		\$75,000			\$75,000
Traffic Signal Maintenance Program		\$75,000			\$75,000
2. Maintenance, Improvement or Construction of Roadways or Bridges					
Roadway and Sidewalk Maintenance	\$524,843	\$2,885,301			\$3,410,144
Storm Drain Repair and Maintenance	\$224,461	\$618,036			\$842,497
Engineering Services	\$623,993	\$150,000			\$773,993
Traffic Operations		\$719,009			\$719,009
Transportation Planning		\$525,201			\$525,201
Traffic Signals		\$1,174,450			\$1,174,450
Traffic Marking and Signage		\$936,498			\$936,498
B. Alternative Transportation Expenditures					
1. Alternative Transportation					
Easy Lift	\$229,417				\$229,417
Electric Shuttle	\$746,889				\$746,889
*Sidewalk Infill Program			\$64,284		\$64,284
*Sidewalk Access Ramps	\$50,000	\$50,000			\$100,000
*Sidewalk Repair/Maintenance	\$250,000				\$250,000
Alternative Transportation (Operations)		\$598,079			\$598,079
TOTALS	\$2,753,501	\$10,380,609	\$1,232,606	\$24,099,583	\$38,466,299



Agenda Item No. _____

File Code No. 530.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: State Route 225 Relinquishment Update

RECOMMENDATION: That Council:

- A. Receive an update on the State Route (SR) 225 Relinquishment; and
- B. Provide direction to staff regarding the SR 225 Relinquishment.

EXECUTIVE SUMMARY:

Pursuant to Council direction, Public Works staff and Caltrans have been working on issues to relinquish SR 225 from Caltrans to the City for several years. SR 225 consists of approximately 4.6 miles of roadway from the intersection of Castillo and Montecito Streets, west along Cliff Drive, then north along Las Positas to where it intersects US Highway 101 (Attachment 1). This report summarizes the chronological events of the relinquishment efforts to date, and further outlines the current related information staff has at this time.

City improvement projects proposed on SR 225 have been subject to the Caltrans encroachment permit process, and many projects have been delayed or canceled due to design conflicts or inconsistencies with Caltrans' priorities. Caltrans' key mission is to operate and maintain the State's highway system. Caltrans' standards are generally focused on traffic movement, with less priority on beautification, landscaping, pedestrian convenience, and neighborhood preferences. The City and Caltrans have a differing vision for future SR 225 improvements, and this has created interest by both agencies in exploring the relinquishment of SR 225 to the City.

If relinquishment occurs, future projects would be submitted through the City's discretionary review process as appropriate rather than the Caltrans Encroachment Permit review process. To reduce permit processing and to enhance local control over local streets, many cities have accepted secondary highways such as SR 225 and

associated maintenance costs and liability exposure into their local roadway system. However, should the relinquishment occur, the City would incur some one-time project improvement expenses and all ongoing infrastructure maintenance expenses. These costs and issues are explained below in more detail.

DISCUSSION:

BACKGROUND

In September 2004, staff presented a report to Council on the SR 225 relinquishment process and requested Council direction on the SR 225 relinquishment. Council's direction was to develop an appropriate scope of work for a Relinquishment Report (Report), including an in-depth analysis of the condition of the roadway, any required improvements to return the roadway to a state of good repair, and estimates of further ongoing maintenance costs.

In December 2004, the Transportation & Circulation Committee (TCC) considered the SR 225 relinquishment and its consistency with the City's Circulation Element (CE). The TCC found that the SR 255 relinquishment was consistent with the goals of the City's CE. The TCC recognized that relinquishment would allow the City to implement the goals and vision of the City's 1998 General Plan CE update by allowing improvements that are consistent with local needs and roadway standards.

In January 2005, Council directed staff to initiate the relinquishment of SR 225 from Caltrans to the City and to start the annexation of some parcels along SR 225 into the City to simplify the relinquishment process. Pursuant to Planning Commission and Council action, the Santa Barbara Local Agency Formation Commission approved the annexation in April 2008.

Relinquishment Report

In September 2005, Council approved a consultant contract to prepare the Report to provide a technical assessment of the route that included:

- Cataloging existing conditions, showing drainage, right of way, utilities, and other facilities
- Documenting existing pavement conditions and future needed maintenance
- Describing capital improvements from Caltrans to the City for a "state of good repair"
- Estimating and analyzing future maintenance costs that could be incurred by the City over the next 10 years

The Report identified City improvement needs and future City maintenance improvement objectives, and points of negotiation to draft a required co-operative agreement. Negotiation points included potential compensation for existing infrastructure deficiencies and any future route improvements. A summary of the items is included in staff's letter to Caltrans, dated January 10, 2011 (Attachment 2).

Caltrans Negotiations

In 2008, staff began negotiations with Caltrans regarding cost estimates for infrastructure upgrades to bring the SR 225 roadway to a state of good repair. Caltrans estimated their contribution to the City at approximately \$1 million to rectify drainage and bridge work deficiencies prior to relinquishment. City staff's estimated cost for these items was \$1.3 million.

In 2009, City staff and Caltrans met monthly to resolve issues associated with the relinquishment, and to develop a Cooperative Agreement. However, Caltrans' offer to the City to fund necessary upgrades to SR 225 continued to be significantly less than the amount estimated by City staff to be required for relinquishment. The City requested that Caltrans contribute to the cost of SR 225 pavement maintenance improvements prior to relinquishment. Primarily due to a restriction of available State funds in 2009, it was not feasible to come to a resolution on a Cooperative Agreement at that time. Subsequently, Caltrans and the City agreed to place the negotiations on a one-year hold.

In early summer of 2010, Caltrans and the City resumed relinquishment negotiations. In a letter dated July 22, 2010, Caltrans reiterated their offer of \$1 million to fund the relinquishment. In a follow-up conference call on December 3, 2010, Caltrans assured City staff that they are scheduled to complete SR 225 pavement maintenance prior to relinquishment. A recent update is that Caltrans is scheduled to receive construction bids for SR 225 pavement resurfacing on April 12, 2011. The work is scheduled for this summer. Caltrans also stated they could not fund what they considered improvements, such as new traffic signal controls for conversion to the City's traffic control system.

SR 225 Infrastructure Inventory

Below is a general list of the SR 225 infrastructure inventory:

Pavement:	1,330,000 square feet
Sidewalk:	28,500 lineal feet
Drainage:	6,248 feet of pipe 37 inlets 31 structures
Intersections:	29 (8 are signalized)
Viaduct adjacent to Santa Barbara City College:	500 feet
Las Positas Bridge (overcrossing at Union Pacific Railroad)	
Large retaining walls on Las Positas Road and on Cliff Drive near Loma Alta	

Additional City Improvements and Considerations

Additional future costs that are anticipated to be incurred by the City are based on two categories consisting of a) project improvements and b) ongoing maintenance.

Project Improvements

- **Traffic Signal Controller Conversion:** The Caltrans traffic signals are not connected to the City's traffic control system. It is necessary to connect these traffic signals to the City system for signalization coordination, maintenance, and liability issues. The cost to connect and convert the existing traffic control system to the City's system is estimated to be \$112,300. This is a traffic signal system improvement project.
- **Future City Enhancement/Improvement Projects:** The Las Positas/Cliff Drive intersection Improvement Project is currently in design. It is a \$750,000 construction grant funded project that is scheduled for completion in Fiscal Year 2014. Also, based on past public comment, there is an expectation that the City would provide other public improvements soon after relinquishment and as described by the 6-Year Capital Improvement Program (Fiscal Year 2012 – 2017). Potential corridor improvements may include pedestrian crossing enhancements, sidewalks, lane reconfiguration, bike lanes, and landscaping. The cost of these additional improvements is unknown, and there is currently no funding source for these improvements.

Ongoing Maintenance

- **Street Infrastructure Maintenance (excluding pavement maintenance):** Upon relinquishment, Streets crews would be required to perform maintenance of the SR 225 drainage system, vegetation, signage, pothole repair, and pavement markings, and are expected to include street sweeping for this route. The estimated annual cost for this maintenance is estimated to be approximately \$147,000.
- **Pavement Maintenance:** The 4.6 miles of SR 225 includes approximately 1.33 million square feet of pavement. This equates to an additional 3% of City roadway to maintain. The estimated annual cost to maintain the City roads at a Pavement Condition Index of 70 is approximately \$4.71 million per year. The pavement maintenance annual cost for SR 225 is estimated to be approximately \$165,000 per year. Aside from the recent one-time American Recovery and Reinvestment Act contribution in 2010, the average amount the City has funded for pavement maintenance over the past 5 years has been approximately \$2.3 million per year.

- Traffic Signal Control System Maintenance: The estimated annual cost to maintain the SR 225 traffic control system is approximately \$43,000 per year.

Las Positas Bridge (overcrossing at Union Pacific Railroad): Subsequent to the Relinquishment Report, the SR 225 relinquishment limits were modified by Caltrans at Las Positas Road to include the Union Pacific Railroad Bridge overcrossing. Caltrans has offered \$300,000 for bridge joint seal replacement and deck seal. The City's estimate for this work is \$525,000. This bridge maintenance will bring the bridge to a state of good repair and nominal future City costs are expected for continued maintenance.

Relinquishment Cost Estimate Summary

The tables below identify 1) the Caltrans offer for one-time repairs as compared to the City's estimated costs, 2) one-time project improvements, and 3) ongoing City annual maintenance costs.

Caltrans Offer vs. City Estimate		
Description	Caltrans Funding Offer	City Estimate
Drainage Repairs	\$558,000	\$618,775
Bridge Overcrossing Maintenance	\$300,000	\$525,000
Subtotal	\$858,000	\$1,143,775
Contingency	\$139,000	\$185,300
Total	\$997,000	\$1,329,075
Difference		\$332,075

Project Improvements (Currently Unfunded)	
Description	Estimated Cost
Drainage Repairs, Bridge Overcrossing Maintenance (from above)	\$332,075
Traffic Signal Conversion	\$112,300
Project Improvements Total	\$444,375

Ongoing City Maintenance Cost (Currently Unfunded)	
Description	Estimated Annual Cost
Street Infrastructure Maintenance	\$147,000
Pavement Maintenance	\$165,000
Traffic Signal Maintenance	\$43,000
Total Ongoing City Maintenance Cost	\$355,000/yr

POTENTIAL LEGAL AND LIABILITY CONCERNS:

The City Attorney's office has also expressed some concern with the City accepting the relinquishment of SR 225 from Caltrans without first having some written understanding between the City and the State regarding potential liability for accidents allegedly caused by design defects or by a past failure to properly maintain SR 225 in a safe condition. This concern is particularly true in view of the serious accident history for SR 225 at certain intersections, especially those accidents involving pedestrians and vehicles. In light of these concerns, the City Attorney's office is suggesting that the relinquishment of SR 225 to the City be expressly conditioned upon the State agreeing to defend and indemnify the City with respect to those accidents which involve claims of a "dangerous condition of public property" as a result of an alleged "design defect." In addition, staff and the Attorney's office believes that Caltrans and the State should expressly agree to cooperate with the City in the future in preserving and maintaining the proper design and maintenance records necessary to support any design immunity defenses which may apply to future liability claims relating to accidents occurring on SR 225.

BUDGET/FINANCIAL INFORMATION:

Caltrans has offered approximately \$1 million as payment to the City in consideration of maintenance work that the City would perform to bring the SR 225 roadway and infrastructure to a state of good repair. The City will not receive any additional ongoing funding if this route is relinquished. Should the City accept SR 225, the cost for rectifying existing infrastructure deficiencies and additional ongoing repair, maintenance, and liability responsibilities will be incurred by the City. Any additional proposed City improvements will compete with other City funding priorities. Future improvements would be implemented over time, as funding is identified.

NEXT STEPS

If the Council desires to proceed with the relinquishment process, the next steps include the following:

- Caltrans initiates the Project Study Report (PSR)
- Caltrans submits the PSR outlining relinquishment agreement terms
- Present draft PSR to TCC including request for public comment
- TCC reviews final PSR with public comment
- Council considers PSR recommendations
- City and Caltrans negotiate final agreement terms
- Request state legislator to sponsor legislation for California Transportation Committee (CTC) to relinquish SR 225 subject to the City's acceptance
- State passes legislation to relinquish SR 225
- CTC approves relinquishment
- City passes resolution accepting SR 225

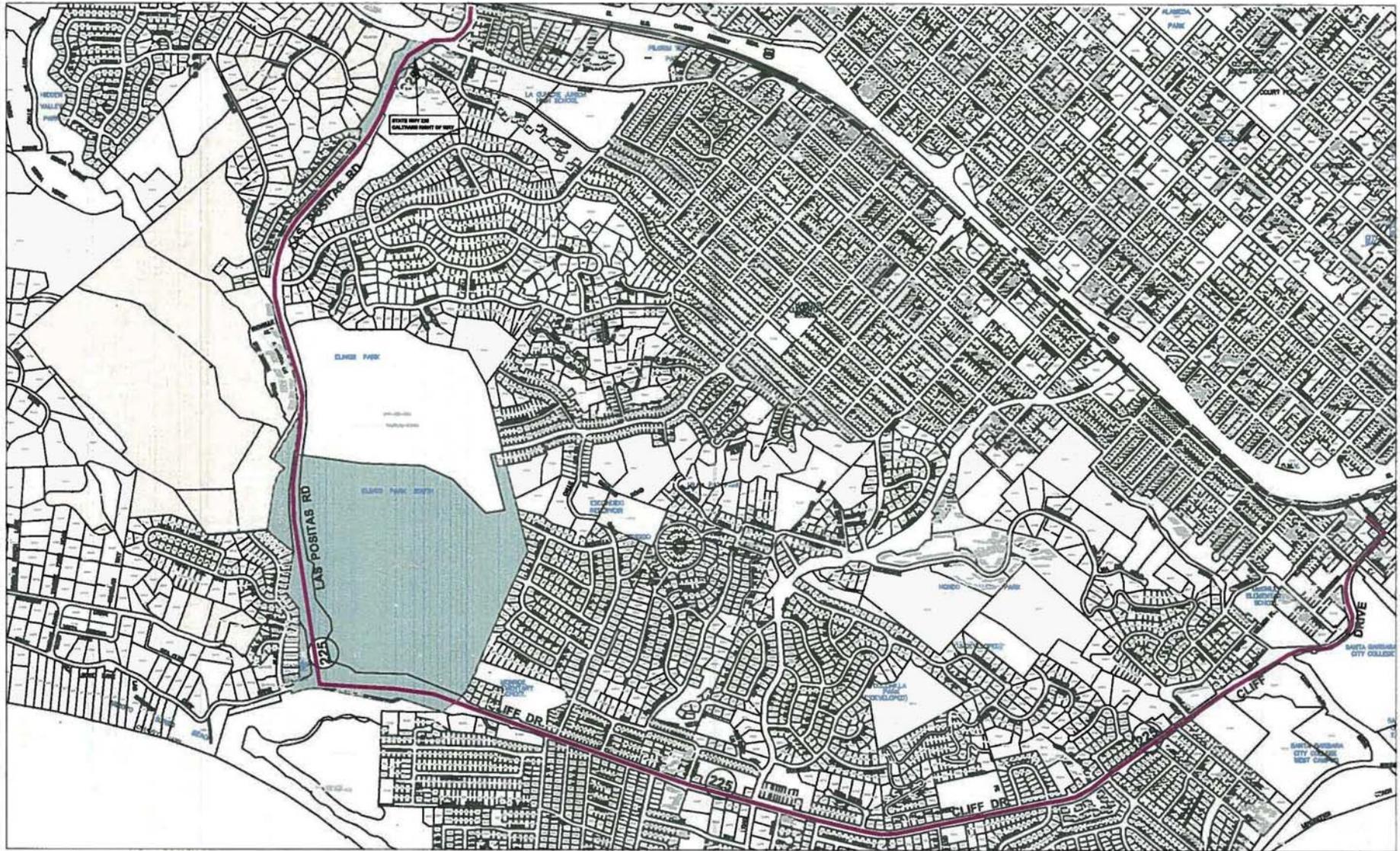
Caltrans has acknowledged that these steps can be completed in one to two years, upon the City and Caltrans mutually agreeing to continue with the relinquishment process.

ATTACHMENT(S) 1. Highway SR 225 Vicinity Map
 2. Letter to Caltrans dated January 20, 2011

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

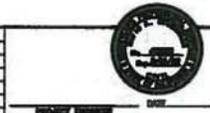
SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



COUNTY JURISDICTION
 PROPOSED ANNEXATION

NO.	DESCRIPTION	DATE APPROVED	APPROVED BY



COUNTY ANNEXATION - OPTION B
SR-225 RELINQUISHMENT
LAS POSITAS ROAD AND CLIFF DRIVE



CITY OF SANTA BARBARA
 PUBLIC WORKS DEPARTMENT-ENGINEERING DIVISION
 APPROVED: _____ DATE: _____

SCALE:		FORM NO. 7353
VERT.:		
HOR.:		



City of Santa Barbara

Public Works Department

ATTACHMENT 2

www.SantaBarbaraCA.gov

January 10, 2011

Main Office

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

Administration

Tel: 805.564.5377
Fax: 805.897.2613

Engineering

Tel: 805.564.5363
Fax: 805.564.5467

Facilities

Tel: 805.564.5415
Fax: 805.897.2577

Street Maintenance

Tel: 805.564.5413
Fax: 805.897.1991

Transportation

Tel: 805.564.5385
Fax: 805.564.5467

Water Resources

Tel: 805.564.5387
Fax: 805.897.2613

Ms. Aileen K. Loe
Deputy District Director
Planning and Local Programs
Caltrans District 5
50 Higuera Street
San Luis Obispo, CA 93401-5415

SUBJECT: State Route 225 Relinquishment

Dear Ms. Loe:

We appreciate the time Director Richard Krumholz, Chief Steve Price, and you gave to our conference call on December 3, 2010, to discuss specifics on State Route 225 (SR 225). The City and Caltrans have expended significant effort towards this relinquishment, and after discussing the details of the relinquishment funding, it now appears that we may still be able to reach a consensus, subject to our City Council passing the appropriate Resolution to move forward with relinquishment.

We discussed your July 22, 2010, letter, where a total of \$997,000 was identified for payment to the City in consideration of maintenance work that the City would perform to bring the roadway into a reasonable condition of good repair. This includes \$697,000 for drainage work and \$300,000, primarily for bridge work.

At the time, what appeared to be missing from the City's perspective, was sufficient funding for pavement maintenance. However, it was realized in our discussion that Caltrans is already programmed to perform a significant amount of maintenance work in 2011.

The City and Caltrans agree that there is an immediate need for a surface seal on the roadway's pavement. It has been more than 5 years since the roadway overlay, and it is beginning to show localized distress. Caltrans is scheduling for this fiscal year a "Micro-surfacing" Pavement Maintenance Project that is anticipated to meet the intent of the approximately \$1.9M programmed in the 2006 Caltrans maintenance budget documents.

If the above-referenced understanding is mutual, then we will proceed to schedule the appropriate Council Resolution at the February 15, 2011, Council meeting for their consideration and approval. Upon approval, we will continue to work with Caltrans on arrangements to have the necessary legislative bill sponsored through the state legislature to move forward with the relinquishment.

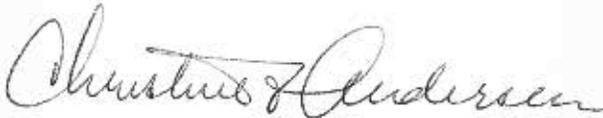
An item we didn't discuss on our conference call was the Caltrans review of the City's Los Positas/Cliff Drive Improvement project, whose construction is grant

State Route 225 Relinquishment
January 6, 2011
Page 2 of 2

funded through the State Transportation Improvement Program. The timing of the potential relinquishment will affect the scheduling of the project review and construction, significantly. Your support to expedite your project reviews while the anticipated relinquishment is in process will be appreciated.

We look forward to working out some of these details in the near future and completing the necessary Cooperative Agreement.

Sincerely,



Christine F. Andersen
Public Works Director

PK/TC/sk

cc: Richard Krumholz, District Director, Caltrans, District 5, 50 Higuera Street,
San Luis Obispo, CA 93401-5415
Steve Price, Division Chief, Caltrans, District 5, 50 Higuera Street, San Luis
Obispo, CA 93401-5415
Brittany Odermann, Senior Transportation Planner, SBCAG, 260 North San
Antonio Road, Suite B, Santa Barbara CA 93110



Agenda Item No. _____

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Planning Commission Denial Of A Storefront
Collective Dispensary Permit For 2915 De La Vina Street

RECOMMENDATION:

That Council deny the appeal and uphold the decision of the Planning Commission to deny a Storefront Dispensary Permit for the existing dispensary at 2915 De la Vina Street.

EXECUTIVE SUMMARY:

On December 15, 2010, the Staff Hearing Officer held a public hearing and denied the subject Storefront Collective Dispensary Permit application. The Applicant appealed the Staff Hearing Officer denial. On February 3, 2011, the Planning Commission held a public hearing and denied the appeal on a 4-2 vote, upholding the decision of the Staff Hearing Officer. The Applicant has appealed the Planning Commission action (see appeal letter, Attachment 1).

DISCUSSION:

The Medical Marijuana Dispensary Ordinance provides 12 criteria for decisionmakers to consider when determining whether to approve or deny a Dispensary Permit.

The Planning Commission denied the requested permit in consideration of Issuance Criteria 8 through 12 (see PC Minutes, Attachment 2, and PC Resolution, Attachment 3) based, in part, on the following conclusions: the Applicant operated the subject dispensary without the required permit, the Applicant opened another dispensary located at 3532 State Street without the required permit, and the Applicant stored a substantial amount of marijuana off site in an insecure manner. Each of these items is discussed in detail below.

Criteria 8 through 12 from Medical Marijuana Dispensary Ordinance Section 28.80.070 read as follows:

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

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

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

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

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

Legal Status of the 2915 De la Vina Dispensary

As discussed in the Planning Commission Staff Report (see Attachment 4), the legal status of the subject dispensary has been under dispute. According to the Applicant, the subject dispensary has operated at this location continuously since April 2006. However, it appears that the subject dispensary ceased operations for an extended period between November 1, 2007 and April 2009 prior to reopening, thus losing its legal, non-conforming status.

City staff have encouraged the Applicant to provide sufficient evidence demonstrating continuous dispensary operation at this location and advised the Applicant as to what kinds of evidence could be included as sufficient proof of operation. The supporting information provided by the Applicant to date (including the letters from Total Pharmacy Supply, Pacific Paper Products, and Wescom Credit Union, attached to the appellant's letter and the declarations, statements, and City business license referenced in the

Planning Commission Staff Report) has been reviewed by the City Attorney's office and is not considered to conclusively prove continuous dispensary operations during the time period in question.

The City Attorney's office filed a Complaint for Injunctive Relief and Civil Penalties in Santa Barbara Superior Court against the Applicant in June 2010. The Complaint alleges that, based on site inspections by City Zoning Enforcement staff and the federal Drug Enforcement Agency, the dispensary discontinued operations for a period exceeding 30 days between November 1, 2007 and April 2009 and the dispensary has therefore been operating in violation of Municipal Code Section 28.80. A trial is set for June 2011 in Santa Barbara Superior Court.

Additionally, at the Planning Commission hearing and through written correspondence submitted to the City, the Applicant stated that he and his brother operated a music store (Harmonic Alliance) in the storefront portion the subject building between November 2007 and April 2009 and that he opened and operated a separate dispensary at 3532 State Street in 2008 (discussed further below).

Based on this information, the Planning Commission concluded that the Applicant's attempt to conceal and obscure the nature of the dispensary at 2915 De la Vina brought into question that the Applicant would fully and appropriately comply with any dispensary permit conditions for lawful dispensary operations and that the Planning Commission was, therefore, unable to find that Criteria 9 (adverse effects of a dispensary) and 11 (false statement or omitted statement of fact) were satisfied by the application and the Applicant's proposed dispensary operations. In addition, the Planning Commission found that the inability and unwillingness of the Applicant to present the City with adequate non-confidential records to support the Applicant's claim of continuous operation led the Planning Commission to question the Applicant's trustworthiness and credibility.

Dispensary at 3532 State Street

At the Planning Commission hearing, the Applicant admitted to opening and operating a separate storefront collective dispensary location at 3532 State Street in 2008 without the benefit of a valid City permit. At that time, a dispensary permit was required to open a new dispensary location.

Due to the Applicant's illegal operation of the dispensary at 3532 State Street, the Planning Commission questioned whether the Applicant would fully and consistently comply with the law and any permit conditions of approval. The Planning Commission concluded that the Applicant did not properly satisfy Criteria 10 (future compliance with laws and permit conditions) or Criteria 12 (Applicant's past business practices).

Negligent Storage

The Applicant stored a substantial amount of medical marijuana in a locked container constructed of wood and chicken wire in a downtown public storage facility and, as a result of this insecure storage, approximately 50 pounds of marijuana (worth approximately \$400,000, according to the Applicant) was stolen, presumably becoming available for illegal use contrary to State Law. The negligent storage and theft of this substantial amount of medical marijuana caused the Planning Commission to question whether the Applicant would properly secure medical marijuana in a permitted dispensary in order to prevent unintended and unlawful diversion of medical marijuana in the future. For this reason, the Planning Commission stated concerns that the Applicant and his proposed dispensary operation would not be able to and did not properly satisfy Criteria 8 (control of dispensary patron's conduct), Criteria 10 (future compliance with laws and permit conditions), or Criteria 12 (Applicant's past business practices).

Conditions of Approval

If the City Council chooses to approve the permit, staff recommends that the permit be subject to the conditions in Attachment 5. The recommended conditions include: required changes to the Operations Plan to reflect the ordinance and current proposal, timing to obtain a building permit and complete the tenant improvements, a requirement for an alarm system permit, and a requirement for marijuana storage in the subject building.

CONCLUSION:

Staff recommends that City Council deny the appeal and uphold the decision of the Planning Commission to deny the project, making the findings for denial contained in Planning Commission Resolution No. 011-10 (Attachment 3).

- ATTACHMENTS:**
1. Appeal Letter dated February 14, 2011
 2. Planning Commission Minutes of February 3, 2011
 3. Planning Commission Resolution No. 001-11
 4. Planning Commission Staff Report dated January 27, 2011
(Exhibits located in the City Clerk's Office reading file)
 5. Recommended Conditions of Approval

PREPARED BY: Daniel Gullett, Associate Planner

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

APPROVED BY: City Administrator's Office

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LAW OFFICE OF GILBERT GAYNOR

820 Arguello Road
Santa Barbara, CA 93103-1816
TEL: (805) 962-5842 FAX: (805) 962-5783

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

February 14, 2011

Mayor Helene Schneider
Council Member Grant House
Council Member Bendy White
Council Member Dale Francisco
Council Member Frank Hotchkiss
Council Member Randy Rowse
Council Member Michael Self
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

**RE: Letter of Appeal From Denial of Application for a
Medical Marijuana Dispensary Permit by Patrick Fourmy
for the Compassion Center of Santa Barbara County --
Staff Hearing Officer Resolution No. 062-10
(December 15, 2010); Planning Commission Decision
(February 3, 2011)**

Dear Mayor Schneider and Members of the City Council:

This is an appeal from the decision of the Planning Commission on February 3, 2011, denying an appeal from the decision of a staff hearing officer on December 15, 2010 which denied to the Compassion Center of Santa Barbara County – the oldest medical marijuana dispensary in Santa Barbara, and the only dispensary in California to have registered nurses on staff to meet the needs of seriously ill patients – a permit to continue its operations. .

I. INTRODUCTION.

The Compassion Center of Santa Barbara County is the oldest medical marijuana collective in Santa Barbara, and operates the only medical marijuana

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dispensary in California that has licensed medical professionals as collective staff members. The Compassion Center has an 11-year record of serving seriously ill members of the community, many with conditions such as cancer and AIDS. The Compassion Center has the support of medical doctors and the good will of its long-term neighbors. It is the very opposite of a nuisance.

It is undisputed that the continued operation of the Compassion Center serves the public interest and the needs of the community.

Despite the uncontested reality that the Compassion Center is beneficial to the community, the staff hearing officer denied the Compassion Center's application for a Medical Marijuana Storefront Collective Dispensary permit under Santa Barbara Municipal Code section 28.80.070. That section sets forth twelve criteria that the staff hearing officer shall "consider" in making her decision. Here, the staff hearing officer based her decision erroneously on a single criterion, denying the application solely "in consideration of Issue [criterion] 12." That issue relates to whether, as the City Attorney has asserted, the Compassion Center had discontinued its operations for more than 30 days in 2007-2008, allegedly in violation of a prior ordinance.

It should be noted that, although this is an appeal from a decision of the Planning Commission on February 3, 2011, and the due date of this letter of appeal is February 14, 2011, as of the day before that due date, no written decision of the Planning Commission had been issued. Accordingly, this letter will address the basis for the staff hearing officer's decision, which forms the basis for the Planning Commission's decision.

As this letter will show, the staff hearing officer's determination that the permit should be denied based on the Compassion Center's supposed discontinuance of operations at some point in the past is without any factual basis, and legally erroneous, for several independent reasons. These include:

1. The staff hearing officer erroneously denied the permit despite the complete absence of any evidence that the Compassion Center actually had discontinued operations for more than 30 days.

2. Because the alleged violation of the prior ordinance assertedly took place *before* the effective date of the prior ordinance, that ordinance cannot be applied to deny a permit to the Compassion Center.
3. Criterion 12 was plainly misapplied by the staff hearing officer.
4. The staff hearing officer misunderstood and misapplied Section 28.80.070.
5. The Compassion Center did not discontinue operations for 30 days or more between November 2007 and March 2008, as erroneously alleged, and has remained in continuous operation at the De La Vina Street location since April 2006.
6. The proposed alternative condition that the Compassion Center cease operations until there are no more than two other dispensaries operating in the City, if imposed, would violate the Compassion Center's federal constitutional rights to due process of law and just compensation.

Because it is supported neither by the facts nor by the law, the staff hearing officer's decision cannot be sustained. For the same reasons, the Planning Commission's decision cannot be sustained. The City Council should grant the permit. Doing so is the only result consistent with due process, and with the public interest.

II. ABOUT THE COMPASSION CENTER OF SANTA BARBARA COUNTY.

The Compassion Center of Santa Barbara County, located at 2915 De La Vina Street, is a medical marijuana collective legally entitled to operate under California law. See Cal. Health & Saf. Code section 11362.775. The Compassion Center began operations in February 2000, and is the oldest medical marijuana collective in Santa Barbara. It has served the members of our community continuously since its inception. Declaration of Patrick Fourmy (Jan. 6, 2011).

The Compassion Center serves a mature patient base with needed medications. Many patients who belong to the Compassion Center collective are seriously ill members of the community, with conditions including AIDS, cancer,

and a variety of other painful and chronic diseases, including Alzheimer's disease, anorexia, Crohn's disease, glaucoma, post-traumatic stress disorder arising from war-time military service in Vietnam and Iraq, epilepsy, and multiple sclerosis. Fourmy Declaration (Jan. 6, 2011).

More than 1,000 members of the Compassion Center collective are patients over the age of 50. Supplemental Fourmy Declaration (Jan. 31, 2011).

To address the needs of the many seriously ill individuals who rely on it, the Compassion Center is the only collective in California to have, as collective members on staff, licensed registered nurses, who are available to advise patients on the proper medicinal use of marijuana to alleviate their symptoms. Fourmy Declaration (Jan. 6, 2011).

The Compassion Center has earned the strong support of the Santa Barbara medical community, as submissions in the file reflect. Dr. David Bearman, M.D., attests in a letter of support, that the Compassion Center "has proven to be an excellent resource for mature patients," notes that "the nurses who work there provide advice and support to clients regarding choices and options for medical cannabis," affirms that "the environment [at Compassion Center] is as professional as any physician's office," and observes that closing the Compassion Center would have the effect of encouraging illegal drug activity. See also, to the same effect, the Declaration of Dr. David Bearman (Jan. 31, 2011).

Dr. William Edelstein, M.D., praises the Compassion Center in his letter as "the most professional & efficient provider of medical marijuana" in the Santa Barbara area, noting they always properly call to verify prescriptions, and states that "this excellent service may be due to their employment of R.N.s, which I believe differentiates them from other marijuana providers." See also, to the same effect, the Declaration of Dr. William Edelstein (Jan. 27, 2011).

Dr. Stephen W. Hosea, M.D., the Director of Clinical Care at nearby Cottage Hospital, and a specialist in AIDS and infectious diseases, states in his letter that the Compassion Center:

"has proven to be *an indispensable resource* for the Santa Barbara community. One of the unique characteristics of the Compassion Center is that it is staffed with Registered Nurses. The atmosphere is comfortable,

professional and educational. ...The expertise of the staff is important in maximizing the therapeutic benefits of medical cannabis. *The Center is a model organization for a dispensary.*" (Emphasis added.)

Because of the critical services provided by the Compassion Center, Dr. Hosea and Dr. Bearman took time from their busy medical practices to appear at the initial hearing on Compassion Center's application for a permit on December 15, 2010. Dr. Hosea's statements are found at pages 44-45 of the transcript of the December 15 hearing that was submitted with the letter of appeal to the Planning Commission; Dr. Bearman's comments are at pages 33-36 of that transcript. Additionally, Dr. Hosea and Dr. Bearman both again took time from their practices to appear at the Planning Commission hearing on February 3, 2011 and to speak on behalf of the Compassion Center.

The Compassion Center has on staff a total of nine members of the collective, who are, of course, also members of the Santa Barbara community. Fourmy Declaration (Jan. 6, 2011).

During its 11 years of service to the community, the Compassion Center has worked closely with the Attorney General's Office, the Santa Barbara Police Department, and the Santa Barbara County Sheriff's Department to ensure that its activities have conformed fully to the letter and spirit of California law, and to the standards of the Santa Barbara community. Fourmy Declaration (Jan. 6, 2011).

It is significant that the Compassion Center has received nothing but support from its neighbors, a number of whom have submitted letters in support of the application. Smart Marketing, which shares a parking lot with the Compassion Center, states it has had "no troubles" and that the Compassion Center members are "respectful." Happy Little Hippo, a children's clothing shop, states that the Compassion Center's people "have always been polite and courteous." Dr. John Craviotto, the 101 Dental Laboratory and Madame Tailor Custom Alterations confirm in their letters that the Compassion Center has not caused any problems, and its members are, in the words of Madame Tailor, "nice and respectful." The Compassion Center's staff are, in the words of Plaza Liquors, "good neighbors." Iyengar Yoga Studio of Santa Barbara, a neighbor for the last three years situated less than a block away, commends the Compassion Center as

“a great neighbor; a civilized establishment that ...is a part of our neighborhood.”

III. THE STAFF HEARING OFFICER’S DECISION.

At the conclusion of a hearing held on December 15, 2010, the staff hearing officer denied the Compassion Center’s application for a permit. The staff hearing officer denied the Compassion Center’s application

“without prejudice making the findings contained in Section X of the written Staff Report dated December 7, 2010, and in consideration of Issue 12.”

Staff Hearing Officer Resolution No. 062-10, at p. 2 (December 17, 2010).¹

¹ On January 27, 2011, the Planning Division issued a staff report that recommended denial of the appeal by Patrick Fourmy on behalf of the Compassion Center. This staff report erroneously indicates the basis for the decision appealed from. At page 3, in its discussion of the staff hearing officer’s decision, the January 27, 2011 staff report states:

“At [the] hearing, planning staff and the Police Department staff expressed concerns regarding the applicant’s past negligence with regard to security, and therefore determined that the Storefront Collective Dispensary could have a potentially adverse affect relative to the safety of persons living in the surrounding area due to crime and nuisance activities (refer to Criterion 9).”

This is misleading. As reflected in the original staff report of December 15, 2010, there was only a single incident in the Compassion Center’s 11-year history, a burglary of an off-site storage unit that the applicant reported to the police. As also further shown in the original staff report, the recommendation is that the Operations Plan be amended to provide that Management Members of the Compassion Center be required to take all reasonable steps to discourage and correct objectionable conditions relating to this incident. Applicant has no objection to this condition, and has already addressed the issue of secure storage, agreeing to store all cannabis turned over to the dispensary at its location. Indeed, the December 15, 2010 staff report itself concluded, at page 6:

The staff report itself addresses the twelve criteria that SBMC section 28.80.070 specifies the hearing officer “shall consider.” The twelfth and final criterion is

“12. That the Applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the *operation of another business within the City.*” (Emphasis added)

The staff report states, regarding this factor:

“The applicant has passed the requisite background check. Per the applicant’s signed statement, the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City. As stated in Section VI of this Staff Report, the legal status of this dispensary is under dispute. If the dispensary discontinued operations for a period of more than 30 days since the adoption of the Medical Cannabis Dispensary Ordinance, it re-opened illegally and this criterion is not met. If the dispensary is currently legal non-conforming, this criterion is met.”

Staff Report, at pp. 7-8 (Dec. 15, 2010). Section VI of the December 15, 2010 staff report, referenced in the preceding paragraph, states:

“The legal status of the existing dispensary at 2915 De la Vina is currently under dispute. The City Attorney’s office *contends* that the dispensary discontinued operation for a period of time exceeding 30 days at some point between November 2007 and January 2009, thus losing its status as a legal non-conforming dispensary (see Exhibit C [letter from City Attorney’s

“The submitted security plan, operations plan, site plan, floor plan, hours of operation and were reviewed by the Police Department and determined to have incorporated features necessary in reducing crime related problems.”

Accordingly, this single instance in which applicant was a victim of a crime – which has been resolved with the conviction of the perpetrator, achieved with applicant’s assistance – cannot rationally be the basis for a permit denial, and was not, in fact, the basis for the staff hearing officer’s denial of the permit.

office]). The Attorney's office [sic] indicated what types of evidence could serve as proof that the dispensary operated continuously during that time. Adequate evidence showing continuous operation to the satisfaction of the City Attorney's office was not submitted and a Complaint for Injunctive Relief and Civil Penalties was filed against the applicant in the Santa Barbara Superior Court on June 30, 2010. The complaint *alleges* that the dispensary discontinued operations for a period of more than 30 days, and as such, is presently operating in violation of Municipal Code Chapter 28.80. Trial has been set for June 9, 2011." (Emphasis added.)

As noted above, there is as yet no written decision of the Planning Commission.

IV. THE COMPASSION CENTER'S PERMIT APPLICATION SHOULD BE GRANTED.

- 1. The staff hearing officer erroneously denied the permit despite the complete absence of any evidence that the Compassion Center actually had discontinued operations for more than 30 days.**

Both the Due Process Clause of the United States Constitution and California Code of Civil Procedure section 1094.5, authorizing judicial review of local agency decisions, require that a decision to deny a permit must be supported by substantial evidence. A decision not supported by substantial evidence is unconstitutional and statutorily invalid. Substantial evidence is defined as evidence of "ponderable legal significance ... reasonable in nature, credible, and of solid value." *H.N. & Frances C. Berger Foundation v. City of Escondido*, 127 Cal.App.4th 1, 7 (2005); *Valenzuela v. State Personnel Bd.*, 153 Cal.App.4th 1179, 1185 (2007).

The hearing officer's decision to deny the permit in this case was not supported by substantial evidence.

As shown above, the hearing officer's decision was based on "consideration of Issue 12" in the staff report. Staff Hearing Officer Resolution No. 062-10, at p. 2. The discussion of Issue 12 in the staff report in turn refers to Section VI of the staff report. Section VI, quoted above, states that the City Attorney's office "*contends that*" the Compassion Center discontinued operations for a period of

more than 30 days, that the City Attorney's office has filed a civil lawsuit against the Compassion Center based on this allegation, and that trial is scheduled for June 2011.

The staff report itself did not substantiate in any way the contention that the Compassion Center had discontinued operations for more than 30 days.

Section VI of the staff report did refer to Exhibit C, a letter from the City Attorney's office to the Compassion Center's managing member, Patrick Fourmy, dated April 7, 2010. The letter states:

"Inspections performed at the Real Property on November 21, 2007 and January 9, 2008, revealed that Compassion Center had ceased operation at that location [on De La Vina St.]. The city is also informed that after closing its location at 2915 De La Vina Street, Compassion Center reopened and began doing business at 3532 State Street in March 2008. Based on this information the City has determined that Compassion Center ceased operations at the Real Property for a period over thirty (30) days."

City Attorney's letter, April 7, 2010, p. 1.

This letter was the only submission before the staff hearing officer that related to the assertion that the Compassion Center had discontinued operations.

Under federal and California law, this lawyers' letter simply does not rise to the level of "evidence," let alone substantial evidence. The City Attorney has *alleged* that the Compassion Center discontinued operations for more than 30 days, making this claim in the letter, and in a civil lawsuit that is currently pending -- unresolved -- before the Santa Barbara Superior Court. But under California law, an attorney's signature "cannot transform" allegations into evidence, and "allegations [are] not 'evidence.'" *Zavala v. Board of Trustees*, 16 Cal.App.4th 1755, 1761 (1993).

Even if the City Attorney's signature on a letter could somehow transform allegations into evidence, the evidence would, in any event, be legally insufficient to support the adverse decision by the hearing officer. The allegation that two inspections were performed and the City "was informed" that the Compassion

Center “reopened” at a later date are, at best, vague and unsubstantiated hearsay.² And that is not enough:

“Even if admissible, hearsay evidence alone ‘is insufficient to satisfy the requirement of due process of law, and mere uncorroborated hearsay does not constitute substantial evidence. [Citation.]’ (*Dyer v. Watson* (1953) 121 Cal. App. 2d 84, 92; *Martin v. State Personnel Bd.* (1972) 26 Cal. App. 3d 573, 583 citing *Consolidated Edison Co. v. National Labor Relations Bd.* (1938) 305 U.S. 197, 229-230 [59 S. Ct. 206, 216-217, 83 L. Ed. 126]; *Kinney v. Sac. etc. Retirement System* (1947) 77 Cal. App. 2d 779, 782.)”

Gregory v. State Bd. of Control, 73 Cal.App.4th 584, 597 (1999); accord, *Walker v. City of San Gabriel*, 20 Cal.2d 879, 881.

Accordingly, since the hearing officer’s factual determination that the Compassion Center had discontinued operations at some time for a period of more than 30 days is not supported by any evidence, let alone substantial evidence, the decision is legally unsupportable. It is a violation of due process, arbitrary and capricious, and clearly erroneous to deny a permit to continue an 11-year established operation in the complete absence of any evidence that the facts alleged in a lawyer’s letter are anything more than allegations.³

2. Because the alleged violation of the prior ordinance assertedly took place *before* the effective date of the prior ordinance, that ordinance cannot be applied to deny a permit to the Compassion Center.

The hearing officer denied the permit based on the staff report’s representation that the City Attorney’s office had contended that the Compassion Center discontinued operations for a period of more than 30 days, and therefore was operating in violation of Municipal Code Chapter 28.80. The factual

² Under California Evidence Code section 1200, “[h]earsay evidence’ is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated.”

³ Moreover, it must be stressed that this is an *unproven* allegation. The City Attorney filed suit against the Compassion Center based on this allegation and the case is set for trial on June 9, 2011. The permit process should not serve as an “end-run” around the judicial system for local officials.

contention consists of the assertion, in the City Attorney's letter of April 7, 2010, that

“[i]nspections performed at the Real Property on November 21, 2007 and January 9, 2008, revealed that Compassion Center had ceased operation at that location. The city is also informed that after closing its location at 2915 De La Vina Street, Compassion Center reopened and began doing business at 3532 State Street in March 2008.”

Thus, the essence of the City Attorney's factual contention is that the Compassion Center discontinued operations at some point for 30 days or more between November 20, 2007 – the day before the first inspection -- and some unspecified date in March 2008. Based on this unproven factual contention, the City Attorney contends that the Compassion Center is no longer a pre-existing legal use that was authorized under former Chapter 28.80, Ordinance No 5449, Section Three. City Attorney's Letter, April 7, 2010, pp. 1-2.⁴

The City Attorney has misread the City's ordinances, and in particular Ordinance No 5449, Section Three. Even if the Compassion Center *had* discontinued operations for more than 30 days between November 2007 and March 2008 – and it did not – *that would not, under the plain language of the City's ordinances, disqualify it as a pre-existing use* or show that its operations were in violation of municipal law.

Ordinance No. 5449 was enacted on March 26, 2008, and added a new chapter to the Santa Barbara Municipal Code, Chapter 28.80. Under Section 514 of the City Charter, the new Chapter 28.80 did not become effective until 30 days

⁴ In the letter of April 10, 2007, the City Attorney demanded proof of continuous operations be provided for the period October 1, 2007 to January 1, 2009. But the City Attorney's factual contention in its letter is limited to an alleged discontinuance of operations between November 20, 2007 and March 2008. The City Attorney offers not a shred of justification for this far broader demand, which exceeds the four-month scope of the factual contention of discontinued operation by almost a year.

later, on April 25, 2008.⁵ Section Three of this Chapter, relied on by the City Attorney in its letter, states in pertinent part:

“SECTION THREE. Those Dispensaries which were authorized pursuant to the Santa Barbara Municipal Code Chapter 28.80 prior to the date of the adoption of the ordinance enacting this Chapter⁶ shall be deemed pre-existing legal uses of real property upon which they are situated for a period of three (3) years from the date of the adoption of this Ordinance, provided the following operational conditions are complied with:

“1. *the dispensary shall not be relocated nor shall it be discontinued for a period of time in excess of thirty (30) days without obtaining a dispensary permit pursuant to this Chapter; . . .*” (Emphasis added.)”

The italicized language of Section Three plainly shows its application is *prospective only*. Section Three does not state that to be a preexisting use, the dispensary “shall not *have been* relocated” or “shall not *have been* discontinued” for more than 30 days – it says a dispensary “*shall not be* relocated nor *shall it be* discontinued.” This is future-oriented language that, indisputably, indicates prospective application only.

As noted above, the City Attorney’s factual contention is that the Compassion Center discontinued operations for a period of more than 30 days at some time between November 20, 2007 and some unspecified date in March 2008. But since the application of Section Three of Ordinance 5449 is plainly prospective only, and since the Ordinance did not become effective until April 25, 2008, the allegation, *even if true*, would not show a violation of the former ordinance.

⁵ Section 514 of the Charter provides that, subject to certain exceptions not applicable here, “Every ordinance shall become effective thirty (30) days from and after the date of its adoption”

⁶ Since Section Two of Ordinance No. 5449 expressly created a *new* Chapter 28.80 of the Santa Barbara Municipal Code, this reference makes no sense. No dispensaries were authorized by Chapter 28.80 the Santa Barbara Municipal Code prior to its enactment, nor could they have been. Any attempt to apply this nonsensical provision to the Compassion Center would violate due process.

Ordinance 5449, on its face, has no application to conduct that occurred before its effective date.

The denial of a permit to the Compassion Center because it allegedly discontinued operations for 30 days at some point prior to March 2008, and therefore assertedly violated an ordinance that is, on its face, prospective only, and that did not come into effect until April 2008, is arbitrary, irrational, and a violation of due process, in addition to violating local law.

3. Criterion 12 was plainly misapplied by the staff hearing officer.

As we have seen, the staff hearing officer denied a permit to the Compassion Center based on “consideration of Issue 12.” Staff Hearing Officer Resolution No. 062-10, at p. 2 (December 17, 2010). Issue 12 applies Criterion 12 of Section 28.80.070, which provides that the hearing officer shall consider, in pertinent part:

“12. That the Applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to *the operation of another business* within the City. (Ord. 5526, 2010.)”

(Emphasis added.) Here, the allegation was that the Compassion Center *itself* had discontinued operations for a period of more than 30 days, and thus was not operating lawfully under the prior ordinance. The hearing officer denied the permit on this basis.

Plainly, the hearing officer misread the ordinance. Even assuming that a non-profit medical marijuana dispensary can be properly regarded as a “business,” Criterion 12, on its face, applies solely to the operation of *another business* -- not the dispensary business itself.

For this reason alone, the decision cannot be sustained.

4. The staff hearing officer misunderstood and misapplied Section 28.80.070.

Section 28.80.070 of the ordinance provides that the hearing officer, in deciding whether to grant or deny a permit, shall “consider” each of twelve criteria. Criteria, of course, are standards of judgment to be used in evaluating or testing.

The ordinance does not provide that the hearing officer must find that each criteria is met or the permit shall be denied – instead, it mandates that the hearing officer “consider” each of the criteria.

Here, the staff hearing officer’s rigid approach erroneously led her to use the criteria, not as standards to be “considered” as part of a reasoned evaluation, as plainly intended, but instead as a simple, inflexible checklist.

The staff hearing officer expressly adopted the findings contained in Section X of the December 15, 2010 staff report as to the twelve criteria of Section 28.80.070. Staff Hearing Officer Resolution No. 062-10, at p. 2. Those findings deserve attention. They include findings that:

- the operation of the Compassion Center is consistent with California law and the Municipal Code.
- the location is not identified as an area of increased or high crime.
- there have not been a significant number of police calls or arrests in the dispensary’s former location.
- issuance of a dispensary permit to the Compassion Center is appropriate to meet the needs of the community for access to medical marijuana.
- issuance of the permit would serve the needs of City residents near the location.

Staff Report, at pp. 4-6 (Dec. 15, 2010).⁷

However, the staff hearing officer gave *no* effective weight to those factors that she was also required to consider – she gave effective weight to only one, Criterion 12.

⁷ As to Criteria 1, 2, 3, 4, 5 and 8, the findings conclude that these criteria have been fully satisfied. As to Criteria 7 and 9, the staff report has proposed conditions that are, in the event the permit is promptly granted in this proceeding, acceptable to the Compassion Center.

Thus, the staff hearing officer's approach led to the anomaly that a dispensary that is – unquestionably -- operating in the public interest, that has never been a nuisance in 11 years of operation, that has the strong endorsement of physicians, that meets an important need of ill members of the community, many of them older, that operates in a medically-appropriate manner, and that has the support of neighbors and the community – is denied a permit, because of a hyper-technical reason relating to a supposed discontinuance of operations.

Zoning laws should be administered with an awareness of context and common-sense. This is especially true of zoning laws that affect vulnerable segments of the population, such as the chronically ill.

Denying a permit in this case, in the unlikely event a permit denial would be ultimately upheld in court, would have the perverse result of driving out of operation a collective which has, beyond question, been dedicated to lawful operation, high standards, and community well-being.

This serves no one's interest.

- 5. The Compassion Center did not discontinue operations for 30 days or more between November 2007 and March 2008, as erroneously alleged, and has remained in continuous operation at the De La Vina Street location since April 2006.**

As discussed above, the staff hearing officer's denial of a permit to the Compassion Center was ultimately based upon the City Attorney's factual contention, in its letter of April 7, 2010, that the Compassion Center discontinued operations at some point for 30 days or more between November 20, 2007 and some unspecified date in March 2008. This assertion is based on alleged inspections performed on November 21, 2007 and January 9, 2008 that allegedly "revealed that Compassion Center had ceased operation at that location" on De La Vina Street. City Attorney's Letter, April 7, 2010, pp. 1-2.

This factual contention is incorrect. As explained in the sworn Declaration of Patrick Fourmy (Jan 6, 2011):

“5. The Compassion Center has operated our dispensary at 2915 De La Vina Street continuously, without a break in operations, from April 2006 through the present date. It is currently our only location.

“6. In the Fall of 2007, the Drug Enforcement Agency attempted to exert pressure on our 2915 De La Vina Street landlord, Dr. Bernard Friedman. Exhibit A to this declaration is a true and correct copy of a letter from the DEA to Dr. Friedman dated September 19, 2007. In response, the Compassion Center decided to adopt a somewhat lower profile at this location. At the same time, together with my brother Christian Fourmy, also a member of the Compassion Center collective, we decided to open Harmonic Alliance, a music store. Harmonic Alliance opened its doors at 2915 De La Vina Street in November 1, 2007. It occupied the front of the 2915 De La Vina Street building. When Harmonic Alliance opened for business, we placed signage on the building making it identifiable from the street as housing Harmonic Alliance *only*.

“7. Harmonic Alliance continued to operate at the front of the building at 2915 De La Vina Street from November 1, 2007 until April 2009, when my brother and I closed the business.

“8. Since, during the period of November 1, 2007 until April 2009, the front of the building was occupied by Harmonic Alliance, and the building’s signage identified only Harmonic Alliance, it is possible to understand how a visitor might mistakenly have concluded that the Compassion Center no longer operated at the location.

“9. But the Compassion Center did continue to operate at the 2915 De La Vina Street location during, before and after the entire period of occupancy of Harmonic Alliance. During the period of Harmonic Alliance’s operations in the front of the building, the Compassion Center continued its operations *in the rear of the building*. Patients and collective members entered and exited through the door at the rear of the building.

“10. In its letter of April 7, 2010, the City Attorney’s office demanded proof of continuous operation from the period October 1, 2007 to January 1, 2009. Since the City Attorney has only made the claim that the Compassion Center discontinued operations at some time between November 2007 and

March 2008, it is difficult to understand the justification for this broad demand. Nevertheless, the Compassion Center submits as Exhibit B to this declaration a true and correct copy of signed statements -- by a total of 103 patients -- affirming that

‘during the period of January 1 2007 to October 2009, I received my medicine from 2915 De La Vina St.’

“11. The Compassion Center has maintained current business licenses for its location at 2915 De La Vina Street at all applicable times. Exhibit C is a certified statement from the Finance Department-Treasury Division of the City of Santa Barbara, dated July 9, 2009, stating that the Compassion Center

‘has held a City of Santa Barbara Business License Tax Certificate since April 7, 2006, and is licensed through March 31, 2010. The Compassion Center . . . has always been located and is currently conducting business at 2915 De La Vina St., Santa Barbara, CA 93105.’”

Mr. Fourmy’s January 6th, 2010 declaration is further corroborated by the Declaration of Sol Levitt, Esq., also submitted to the Planning Commission. Mr. Levitt, who is the attorney for the landlord of the Compassion Center at 2915 De La Vina Street, corroborates the Compassion Center’s long term, uninterrupted tenancy of the building, and further affirms that the Compassion Center remained in operation at the location during the very period the City Attorney erroneously claims it discontinued operations.

Additionally, applicant submits with this letter of appeal several additional documents that offer even more corroboration that the Compassion Center did not discontinue operations at 2915 De La Vina St. These include:

- A letter from Total Pharmacy Supply, one of the Compassion Center’s medical container suppliers based in Arlington, Texas, indicating the Compassion Center’s continued purchases of pharmaceutical supplies beginning in March of 2006 to the present.

- A letter from Pacific Paper Products as well as invoices confirming product deliveries to the Compassion Center located at 2915 De La Vina Street, Santa Barbara, CA 93105 during the time in question.
- A letter from Wescom Credit Union showing continuous banking operations for the time in question and specifically banking records for the date of November 21st, 2007, an alleged date of a site visit as noted in the City Attorney's letter to Patrick Fourmy dated April 7, 2010.
- A letter from Wescom Credit Union showing continuous banking operations for the time in question and specifically banking records for the date of January 9th, 2008, another alleged date of a site visit as noted in the City Attorney's letter to Patrick Fourmy dated April 7, 2010.

True and correct copies of these materials are included as exhibits to the Second Supplemental Declaration of Patrick Fourmy, submitted with this letter of appeal.

It must be noted that the applicant is under no legal obligation to provide the City Attorney or the Planning Commission staff with any documents whatsoever. No subpoena has ever been issued to applicant or the Compassion Center, nor is there any court order or other process that might place the applicant under any legal obligation to provide documentation proving that it continued in operation during the period in question.

Nevertheless, the applicant has voluntarily come forward with considerable documentation, summarized above, demonstrating that, in fact, the Compassion Center continued operations during the four-month period in question.

This documentation unquestionably amounts to substantial, legally sufficient evidence proving the point in dispute. We respectfully suggest that no reasonable person -- considering this evidence in a fair and unbiased manner -- could come to any conclusion other than that the Compassion Center remained in operation at all relevant times.

6. The proposed alternative condition that the Compassion Center cease operations until there are no more than two other dispensaries operating in the City, if imposed, would violate the Compassion Center's federal constitutional rights to due process of law and just compensation.

As noted above, the staff hearing officer denied the Compassion Center's permit application based on Criterion 12, in accordance with the staff report's recommendation. The staff report alternatively recommended that if the Compassion Center's permit was granted, the permit be subject to certain conditions. One of those conditions would require that the Compassion Center cease its operations.

As explained in Section VIII.A of the staff report, the ordinance limits to total number of dispensaries in the City to three. Seven are currently operating, with all but one required to close, under the City Attorney's interpretation of the law, by January 26, 2011. One dispensary has since obtained a permit. Another obtained an injunction issued by the federal district court for the Central District of California on November 24, 2010, and an injunction is expected to be issued on behalf of yet another. Staff Report at pp. 3-4 (Dec. 15, 2010).

The proposed Staff Hearing Officer Conditions of Approval (Dec. 15, 2010) provided, as Condition A:

"The operation of this dispensary shall not commence and no building permit may be issued for the tenant improvement associated with this use until such time that, including the subject dispensary, no more than the maximum number of Storefront Collective Dispensaries allowed by the Medical Marijuana Storefront Collective Dispensary Ordinance in the City are in operation."

This condition was apparently *erroneously included in the staff report*. Another applicant for a dispensary permit was also heard by the staff hearing officer on December 15, 2010, immediately before the hearing on the Compassion Center's application. (A partial transcript of the recorded proceedings on the Application of Heather Poet for the Santa Barbara Patients Group, 16 South La Cumbre Road, has been included with the filing of the appeal before the Planning Commission, and should be included with the materials before the Council.) At

that hearing, the applicant's attorney raised the issue whether the operation of dispensaries that had not received permits would count toward the total of three dispensaries allowed under the ordinance. The City's representative at the hearing clearly stated that they would not:

"MR. KATO: As far as your concern goes, we have been in contact with the City Attorney's Office, and their opinion is *the two dispensaries that are replanned into the previous ordinance* that are supposed to -- that were supposed to close by January 29, *if they are allowed to remain*, they're -- the City Attorney's Office does not consider them to be permitted under the new ordinance, so they're -- *don't count towards the three*.

"So there's still two open spots, 331 North Milpas being -- taking one of the -- one of the spots, and then two open spots." (Emphasis added.)

Application of Heather Poet, etc., Partial Transcription of Recorded Proceedings (Dec. 15, 2010) at p. 7, lines 7-18.

Accordingly, the staff's inclusion of this condition in the staff report appears to be unintended and contrary to City policy.

If it *were* applied to the Compassion Center, however, this proposed condition would be unconstitutional. As the California Supreme Court has noted,

"if the law effects an unreasonable, oppressive, or unwarranted interference with an existing use, or a planned use for which a substantial investment in development costs has been made, the ordinance may be invalid as applied to that property unless compensation is paid. (*Beverly Oil Co. v. City of Los Angeles, supra*, 40 Cal. 2d 552, 559; *Village of Terrace Park v. Errett* (2d Cir. 1926) 12 F.2d 239.) Zoning ordinances and other land-use regulations customarily exempt existing uses to avoid questions as to the constitutionality of their application to those uses."

Hanson Bros. Enterprises, Inc. v. Board of Supervisors, 12 Cal.4th 533, 551-552 (1996). As stated in *Tahoe Regional Planning Agency v. King*, 233 Cal.App.3d 1365, 1394 (1991):

“A jurisdiction may eliminate nonconforming uses by either of two constitutionally equivalent alternatives: it can eliminate the use immediately by payment of just compensation, or it can require removal of the use without compensation following a reasonable amortization period.”

Here, the City has offered no compensation. The ordinance itself provides for a six-month amortization period, but this is clearly constitutionally insufficient. In any event, under the proposed condition, the Compassion Center would be required to *immediately* go out of business upon the issuance of a permit containing the condition, without *any* period of amortization. The period of non-operation would be indefinite, and could last for the imaginable future. Accordingly, under *Tahoe Regional Planning Agency* and similar authorities, proposed Condition A, as applied to the Compassion Center, would be clearly unconstitutional.

The same is true under the approach of federal cases. The United States Court of Appeals for the Ninth Circuit has ruled that an amortization of a nonconforming land use is constitutionally impermissible

“if it puts a business in an impossible position due to a shortage of relocation sites.”

World Wide Video of Wash., Inc. v. City of Spokane, 368 F.3d 1186, 1200 (9th Cir. 2004). Here, the ordinance *itself*, at Section 28.80.050, creates such a “shortage of relocation sites” by limiting the number of dispensaries in the City to a total of three. The application of Condition A would put the Compassion Center in what the federal court of appeals described as “an impossible position,” and thus establish a constitutional violation.

Accordingly, Condition A could not constitutionally be imposed on the Compassion Center.

Proposed alternative Conditions E and F are also unacceptable. Condition E requires that the tenant improvements in conformance with plans submitted on November 22, 2010 shall be completed and have received final building inspection “[p]rior to commencement of business operations.” Similarly, Condition F might be interpreted to require that an alarm system permit be issued and an alarm system be installed before operation is allowed. On the face of it, these requirements

would be rational if applied to a new business – but the Compassion Center is an ongoing, pre-existing use. The Compassion Center has no objection whatsoever to promptly obtaining the requested permits and completing installation of the improvements and alarm system on the issuance of a permit. However, if these conditions are interpreted to mean that the Compassion Center must cease its ongoing operations as a nonconforming use until they are satisfied, then the conditions would be arbitrary, irrational, and a violation of due process, as well as inimical to the public interest.

V. ADDITIONAL CONSTITUTIONAL DEFECTS OF THE SANTA BARBARA ORDINANCE, AND OBJECTIONS THERETO.

A review of Chapter 28.80 reveals other serious constitutional defects in this ordinance. These constitutional flaws include, but are not limited to, the following:

- Section 28.80.080, subdivision D.1 effectively prohibits medical marijuana dispensaries from operating on Sundays. The Santa Barbara Municipal Code singles out only one other class of business for mandatory closure on Sundays – pawnbrokers and junk dealers. See Municipal Code section 5.44.210. Other retail operations that are much more analogous and are, in equal protection terminology, similarly situated to marijuana dispensaries, are allowed to operate on Sundays without municipal interference – including, for example, pharmacies, liquor stores, restaurants, doctor’s offices, and the like, without limitation. This entirely disparate treatment of retail operations that are similarly situated lacks any rational basis, and therefore violates the equal protection guarantees of the federal and California constitutions.

- Section 28.80.080, subdivision F.2 prohibits the sale by a dispensary of any means by which to administer medical marijuana, and subdivision F.1 gives a staff hearing officer uncontrolled discretion to allow or prohibit the sale of other items by dispensaries. By comparison, pharmacies, the businesses most similarly situated, for equal protection purposes, suffer no such municipal restriction – pharmacies can sell a wide variety of items ancillary to the primary purpose of dispensing medications, such as colostomy bags, canes, pill bottles, etc. The ordinance bans the sale of items by dispensaries which will be beneficial to patients in just the same way that items sold by pharmacies are beneficial – for example, the sale of vaporizers, which are helpful to patients who cannot tolerate

smoke. This distinction between dispensaries and pharmacies is arbitrary, and because it lacks any rational basis, violates the constitutional guarantees of equal protection. Moreover, the grant of entirely unlimited discretion to staff hearing officers to decide which other items a given dispensary will be permitted to sell, because of the absence of standards to guide the decision-maker's discretion, violates the constitutional guarantees of due process of law.

- Section 28.80.090 authorizes the police department and community development department to obtain dispensary documents without a warrant, subpoena or other court process. With the exception of private medical records, City employees can, at will, inspect a collective's records. Those records include the names and personal identifying information of all members of the collective, including dates of birth, addresses and telephone numbers. There is no limitation in place with respect to what City employees may do with this information. This section is virtually identical in purpose and effect to Los Angeles Municipal Code section 45.19.6.4. On December 10, 2010, the Los Angeles Superior Court ruled that this provision of the City of Los Angeles medical marijuana ordinance violated the privacy rights guaranteed by Article I Section 1 of the California Constitution, and issued an injunction against its enforcement. *Medical Marijuana Collective Litigation*, L.A.S.C. Case No. BC433942 (Dec. 10, 2010).

Applicant objects to these unconstitutional provisions, and requests that the permit that should be issued specifically exempt the applicant and the Compassion Center from any obligation of compliance with these unconstitutional provisions.⁸

VI. RESERVATION OF RIGHTS.

In the event of an adverse outcome on its application for a permit, applicant and the Compassion Center reserve all of their legal rights in this matter, including the right to bring a civil action in the appropriate forum for injunctive and

⁸ Generally, a facial challenge to a zoning ordinance must be brought within ninety days of the ordinance's effective date. But there is an important exception to this rule. Under California Supreme Court precedent, facial constitutional challenges to Chapter 28.80 would not be time-barred if they are brought in connection with a challenge to the denial of a permit application by the Compassion Center, or the imposition of unlawful conditions on such a permit. *Travis v. County of Santa Cruz*, 33 Cal.4th 757, 767 (2004).

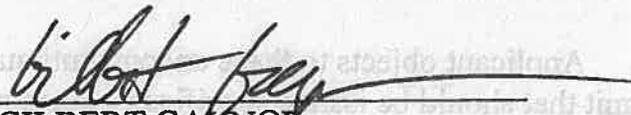
declaratory relief, a writ of administrative mandamus and/or mandate, damages, attorney fees pursuant to Code of Civil Procedure section 1021.5 and 42 U.S.C. section 1988, and such other and further relief as a court of competent jurisdiction may deem appropriate.

VII. CONCLUSION.

For the foregoing reasons, as well as those adduced at or before the hearing on the matter, the City Council should grant the appeal of the Compassion Center of Santa Barbara County, and order the issuance of a permit allowing its continued operation.

DATED: February 14, 2011 Yours very truly,

Gilbert Gaynor
Attorney for Applicant Patrick Fourmy for
the Compassion Center of Santa Barbara
County


GILBERT GAYNOR
Cal. Bar No. 107109

Enclosures:

Second Supplemental Declaration of Patrick Fourmy
and Exhibits thereto

SECOND SUPPLEMENTAL DECLARATION OF PATRICK FOURMY

RECEIVED

I, Patrick Fourmy, declare as follows:

2011 FEB 14 PM 3:50

I am a resident of Santa Barbara, California, and over the age of eighteen. If called upon to do so, I could and would testify competently and upon my personal knowledge as follows:

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

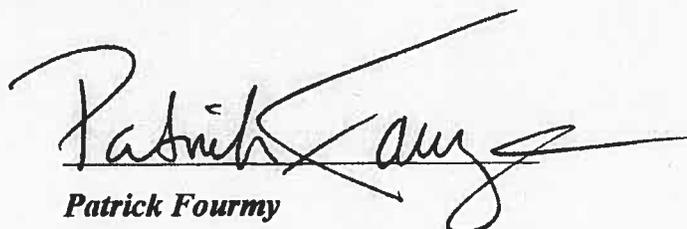
1. Attached as Exhibit 1 is a letter from Total Pharmacy Supply, one of our medical container suppliers based in Arlington, Texas, indicating our continued purchases of pharmaceutical supplies beginning in March of 2006 to the present.

2. Attached as Exhibit 2 is a letter from Pacific Paper Products as well as invoices for product deliveries to the Compassion Center located at 2915 De La Vina Street, Santa Barbara, CA 93105 during the time in question.

3. Attached as Exhibit 3 is a letter from Wescom Credit Union showing continuous banking operations for the time in question and specifically banking records for the date of November 21st, 2007, an alleged date of a site visit as noted in the City Attorney's letter to Patrick Fourmy dated April 7, 2010.

4. Attached as Exhibit 4 is a letter from Wescom Credit Union showing continuous banking operations for the time in question and specifically banking records for the date of January 9th, 2008, another alleged date of a site visit as noted in the City Attorney's letter to Patrick Fourmy dated April 7, 2010.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of February 2011 at Santa Barbara, California.


Patrick Fourmy

2011 FEB 14 PM 3:50

I, Patrick Founry, declare as follows:

I am a resident of Santa Barbara, California, and over the age of 18 years. I call upon to do so, I could and would testify competently and upon my personal knowledge as follows:

1. Attached as Exhibit 1 is a letter from Total Pharmacy Supply, one of our medical container suppliers based in Arlington, Texas, indicating our continued purchases of pharmaceutical supplies beginning in March of 2006 to the present.

2. Attached as Exhibit 2 is a letter from Pacific Paper Products as well as invoices for product deliveries to the Compassion Center located at 2915 De La Vina Street, Santa Barbara, CA 93103 during the time in question.

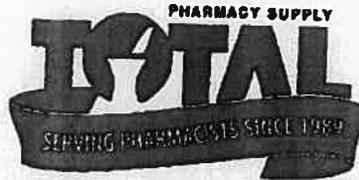
EXHIBIT 1

3. Attached as Exhibit 3 is a letter from Wells Fargo Bank showing continuous banking operations for the time in question and specifically banking records for the date of November 21st, 2007, an alleged date of a site visit as noted in the City Attorney's letter to Patrick Founry dated April 7, 2010.

4. Attached as Exhibit 4 is a letter from Western Credit Union showing continuous banking operations for the time in question and specifically banking records for the date of January 9th, 2008, another alleged date of a site visit as noted in the City Attorney's letter to Patrick Founry dated April 7, 2010.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of February 2011 at Santa Barbara, California.


Patrick Founry



February 9, 2011

To Whom It May Concern:

This letter is in reference to the Compassion Center located at 2915 De La Vina St. Santa Barbara, CA 93105, the Compassion Center has purchased pharmacy supplies from us beginning in March 2006. They have placed orders with us every couple of months, up until the present and continue to be a loyal customer of Total Pharmacy Supply.

Sincerely,

Miriam Webster

Miriam Webster
Accounting Supervisor
Total Pharmacy Supply
800-878-2822 ext. 127
miriam@tps-online.com



February 9, 2011

To Whom It May Concern:

This letter is in reference to the Commission Center located at 2915 De La Vina St. Santa Barbara, CA 93103. The Commission Center has purchased pharmacy supplies from us beginning in March 2006. They have placed orders with us every couple of months up until the present and continue to be a loyal customer of Total Pharmacy Supply.

Sincerely,

EXHIBIT 2

Maura Webster
Accounting Supervisor
Total Pharmacy Supply
800-878-2822 ext. 137
mwebster@totalpharmacy.com

PACIFIC PAPER PRODUCTS

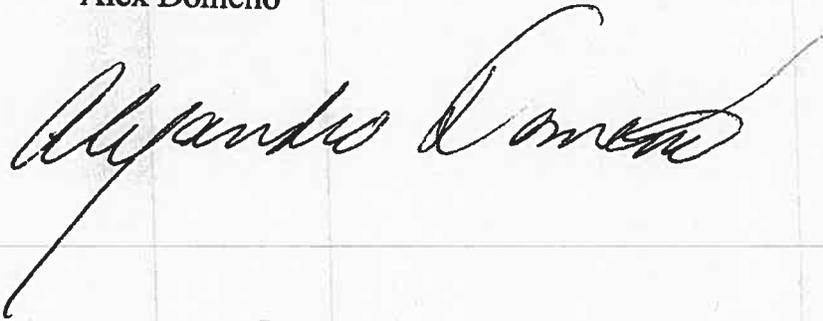
Manufacturers/Distributors of Packaging Supplies

To whom it may concern,

January 17th, 2011

The Compassion Center of Santa Barbara County has been a customer of Pacific Paper Products since 2004. We have been making deliveries without interruption to the Center's 2915 De La Vina Street location since 2006. They continue to be a great customer and always pay there bills on time.

Pacific Paper Products
Alex Domeno



WAREHOUSE: 132 Garden Street, Santa Barbara, CA 93101
Tel. (805) 957-1144 ☐ Toll (800) 750-1200 ☐ FAX (805) 957-1033

20.11.18

TOTAL

Pacific Paper, Inc
 132 Garden Street #39
 Santa Barbara, CA 93101

INVOICE

Phone: 805) 957-1144
 Fax: 805) 957-1033

DATE	INVOICE #
12/3/07	68756

BILL TO
Compassion Center 2915 De La Vina Santa Barbara, CA 93105

SHIP TO
SAME

PO NUMBER	TERMS	DUE DATE	REP	SHIP DATE	SHIP VIA	DRIVER SIGNATURE
Verbal/ Patrick	Net 30	1/4/08	HA	12/3/07	Delivered	
PULLED BY__	QUANTITY	ITEM CODE	PRODUCT DESCRIPTION		PRICE EACH	AMOUNT
	6	ST4-2503	Poly Bag, Seal Top 2.5 x 3 4.0M (100 pk)		3.49	20.94T
	8	ST4-0604-RT	Poly Bag, Seal Top 6 x 4 4.0M (100/PK)		6.99	55.92T
	2	NEW	PVNP-0608 (250 ct)		13.95	27.90T
			Sales Tax		8.75%	9.17
					TOTAL	\$113.93

E-mail: accounting@pacificpaperproducts.com

Pacific Paper, Inc
 132 Garden Street #39
 Santa Barbara, CA 93101

Phone: 805) 957-1144
 Fax: 805) 957-1033

INVOICE

DATE	INVOICE #
1/2/08	70342

BILL TO
Compassion Center 2915 De La Vina Santa Barbara, CA 93105

SHIP TO
SAME

PO NUMBER	TERMS	DUE DATE	REP	SHIP DATE	SHIP VIA	DRIVER SIGNATURE
Verbal/ Patrick	Net 30	2/3/08	HA	1/3/08	Delivered	
PULLED BY__	QUANTITY	ITEM CODE	PRODUCT DESCRIPTION		PRICE EACH	AMOUNT
	400	NEW	36 x 48 OD-BF48 Foil Bag (EA)		3.45	1,380.00T
	1	FRT CHG	Freight Charge		83.35	83.35
			Sales Tax		8.75%	120.75
Payment due 30 days after date of invoice. Thank You					TOTAL	\$1,584.10

E-mail: accounting@pacificpaperproducts.com

INVOICE

INVOICE #	DATE
13-08	10-08


Pacific Paper, Inc.
 132 Garden Street #30
 Santa Barbara, CA 93101
 Phone: (805) 961-1111
 Fax: (805) 961-1111

SHIP TO

SHIP TO

PO NUMBER	TERMS	DUE DATE	ISS	SHIP DATE	SHIP VIA	DRIVER SIGNATURE
Quantity	ITEM CODE	PRODUCT DESCRIPTION	PRICE EACH	AMOUNT		
400	NEW	36 x 48 0.18 1000 Roll Bag (2.7)	2.70	1080.00		
1	FRS CHG	Freight Charge	83.31	83.31		
		Sales Tax	8.72	8.72		
				TOTAL	1172.03	

EXHIBIT 3



February 3, 2011

Re: The Compassion Center
Account#703367

To Whom It May Concern:

The Compassion Center located at 2915 De La Vina Street, Santa Barbara CA 93105 had an account with Wescom Credit Union from May 25, 2006 until September 12, 2009. This account never closed during that time period. The account activity is presently being order for the Compassion Center and will be available for pick up within two business days. We appreciate your patience during this time.

If you have any questions, please contact us at 1-888-4WESCOM (1-888-493-7266)

Sincerely,

Alex Soto
Wescom Credit Union
Branch Manager

Account Number 703367	Statement Period 11-01-07 thru 11-30-07	Page 1 of 4
------------------------------	--	--------------------

THE COMPASSION CENTER OF SB CO
2915 DE LA VINA ST
SANTA BARBARA CA 93105

For questions contact us:
Signature Member Line: 1-866-2-WESCOM (1-866-293-7266)
Teller#Phone: 1-877-4-TELLER (1-877-483-5537)
Signature Member E-mail: signaturemember@wescom.org
Web Site: www.wescom.org

P.O. Box 7058
Pasadena, CA 91109-7058

Refer-a-Friend Sundays

When your friend opens a new Checking Account with a minimum deposit of \$250 on any Sunday in 2007, you'll both get \$25 and a fun picture game.

It's easy. Fill out the front side of a Refer-a-Friend coupon and hand it to a friend.

Visit us at www.wescom.org to print a Refer-a-Friend coupon or to email this offer directly to as many friends as you'd like.

Hurry! There are less than five Sundays to go. Offer ends December 31, 2007. Refer a Friend today and let Wescom bring a little more enjoyment to your friendly gatherings with a fun picture game.

Certain restrictions and conditions may apply. Visit www.wescom.org for details.

ACCOUNT SUMMARY

	BALANCE
SAVINGS/ CHECKING	
Savings (1)	██████████
Checking (1)	██████████
TOTAL BALANCES (2)	██████████
AVERAGE DAILY BALANCE	██████████
YTD DIVIDENDS EARNED	██████
TAXABLE DIVIDENDS EARNED	██████

HELOC Introductory Rates
as low as **3.99%**

Wescom has reduced the introductory rates on our Home Equity Lines of Credit (HELOC).

Now is the perfect time to open a new, low-rate HELOC with Wescom. Call 1-888-4WESCOM (1-888-493-7266) to open yours today!

Annual Percentage Rate (APR) is 7.50%. Certain terms and conditions apply. Introductory rates apply for the first four months of the loan.

WFS Asset Maximizer Account
Offers Higher Rates!

Earn as high as a 3.80% APY on a WFS Asset Maximizer Account. To open an AMA call 1-888-4WESCOM today.

Conditions apply. Please ask for details.

Investment products and services offered through Wescom Financial Services, LLC (WFS), a Registered Investment Advisor, broker-dealer, and a wholly owned subsidiary of Wescom Credit Union. Registered Representatives are employed by Wescom Credit Union and registered through WFS (Member FINRA/SIPC).

Investments are not NCUA/CUSIF Insured, not Credit Union Guaranteed, and may lose value.

REGULAR SAVINGS 00

Dividends Earned In 2007: \$1.37

Account Ownership: PATRICK FOURMY / Authorized Signer, SHARON PALMER / Authorized Signer

Beginning Balance + Deposits & Other Credits (1) - Withdrawals & Other Debits (0) = New Balance
 \$0.12 \$0.00

Trans Date	Effective Date	Transaction Description	Amount	New Balance
11/30		Beginning Balance		
		Dividend Earned	0.12	
		Annual Percentage Yield Earned (APYE) For Period: 0.730%		

FREE CHECKING 01

Dividends Earned In 2007: \$0.00

Account Ownership: PATRICK FOURMY / Authorized Signer, SHARON PALMER / Authorized Signer

Beginning Balance + Deposits & Other Credits (7) - Checks Cleared (32) - Withdrawals & Other Debits (6) = New Balance

Trans Date	Effective Date	Transaction Description	Amount	New Balance
11/01		Beginning Balance		
11/01		Deposit ACH AMERICAN EXPRESS TYPE: SETTLEMENT CO: AMERICAN EXPRESS	675.54	
11/01		Deposit ACH BANKCARD ACH1 TYPE: MTOT DEP CO: BANKCARD ACH1	4,262.09	
11/01		Check # 001382	-1,200.00	
11/02		Deposit ACH AMERICAN EXPRESS TYPE: SETTLEMENT CO: AMERICAN EXPRESS	251.75	
11/02		Deposit ACH BANKCARD ACH1 TYPE: MTOT DEP CO: BANKCARD ACH1	5,244.58	
11/02		Withdrawal ACH DISCOVER NETWORK TYPE: SETTLEMENT CO: DISCOVER NETWORK	-49.08	
11/05		Deposit ACH AMERICAN EXPRESS TYPE: SETTLEMENT CO: AMERICAN EXPRESS	183.71	
11/05		Deposit ACH AMERICAN EXPRESS TYPE: SETTLEMENT CO: AMERICAN EXPRESS	200.23	
11/05		Withdrawal ACH BANKCARD ACH1 TYPE: MTOT DISC CO: BANKCARD ACH1	-35.00	
11/05		Withdrawal ACH BANKCARD ACH1 TYPE: MTOT DISC CO: BANKCARD ACH1	-444.63	
11/06		Deposit ACH BANKCARD ACH1 TYPE: MTOT DEP CO: BANKCARD ACH1	304.57	
11/06		Withdrawal ACH AMERICAN EXPRESS TYPE: COLLECTION CO: AMERICAN EXPRESS	-4.50	
11/06		Check # 001325	-11,469.22	
11/06		Check # 001118	-9,962.77	
11/06		Check # 001115	-7,000.00	
11/06		Check # 001114	-5,000.00	
11/07		Check # 001116	-5,000.00	
11/07		Check # 001117	-2,800.00	
11/07		Check # 001113	-1,220.00	
11/07		Check # 001384	-80.86	
11/13		Check # 001118	-320.00	



FREE CHECKING 01 (CONTINUED)

Trans Date	Effective Date	Transaction Description	Amount	New Balance
11/14	11/13	Check # 001383		
11/14	11/13	Check # 001385	-750.00	
11/14		Withdrawal ACH NEOS MERCHANT SO	-555.00	
		TYPE: FEES CO: NEOS MERCHANT SO	-50.45	
11/14		Withdrawal ACH NEOS MERCHANT SO		
		TYPE: FEES CO: NEOS MERCHANT SO	-50.45	
11/14		Check # 001390	-934.00	
11/14		Check # 001386	-497.00	
11/15		Check # 001119	-1,164.01	
11/16	11/15	Check # 001405	-2,750.00	
11/16		Check # 001393	-1,761.72	
11/16		Check # 001402	-89.54	
11/17	11/16	Check # 001408	-800.00	
11/17	11/16	Check # 001407	-465.00	
11/19		Check # 008710	-298.50	
		Processed Check - SO CAL EDISON		
		TYPE: MAILED PMT		
11/19		Check # 001388	-425.00	
11/20		Check # 001411	-87.33	
		Processed Check - VERIZON WEST ARC		
		TYPE: VERIZONCA		
11/21		Check # 001406	-480.00	
11/21		Check # 001404	-29.95	
11/24	11/23	Check # 001414	-910.00	
11/24	11/23	Check # 001413	-392.50	
11/26		Check # 001410	-667.00	
11/27		Check # 001409	-345.00	
11/27		Check # 001416	-140.00	
11/28		Check # 001412	-180.00	
11/30		Check # 001415	-580.00	

Summary of Cleared Checks

Check #	Date Cleared	Amount	Check #	Date Cleared	Amount	Check #	Date Cleared	Amount
001113	11/07	1,220.00	001114	11/06	5,000.00	001115	11/06	7,000.00
001116	11/07	5,000.00	001117	11/07	2,800.00	001118	11/06	9,962.77
001118*	11/13	320.00	001119	11/15	1,164.01	001325*	11/06	11,469.22
001382*	11/01	1,200.00	001383	11/14	750.00	001384	11/07	80.86
001385	11/14	555.00	001386	11/14	497.00	001388*	11/19	425.00
001390*	11/14	934.00	001393*	11/16	1,761.72	001402*	11/16	89.54
001404*	11/21	29.95	001405	11/16	2,750.00	001406	11/21	480.00
001407	11/17	465.00	001408	11/17	800.00	001409	11/27	345.00
001410	11/26	667.00	001411	11/20	67.33	001412	11/28	180.00
001413	11/24	392.50	001414	11/24	910.00	001415	11/30	580.00
001416	11/27	140.00	008710*	11/19	298.50			

* Asterisk next to number indicates skip in number sequence.





February 2, 2011

Re: The Companies (West
Account #100007

To: When I May Contact

GA 97132 pd
13 3708
currently pay
business

EXHIBIT 4

The Company's
an account
This account
order for the
date. We request

If you have any questions, please contact us at 1-888-WESTCOAST (1-888-401-1285)

Respectfully,

Alan Zain
Westcoast Credit Union
Branch Manager



February 3, 2011

Re: The Compassion Center
Account#703367

To Whom It May Concern:

The Compassion Center located at 2915 De La Vina Street, Santa Barbara CA 93105 had an account with Wescom Credit Union from May 25, 2006 until September 12, 2009. This account never closed during that time period. The account activity is presently being order for the Compassion Center and will be available for pick up within two business days. We appreciate your patience during this time.

If you have any questions, please contact us at 1-888-4WESCOM (1-888-493-7266)

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Soto". The signature is stylized and somewhat cursive.

Alex Soto
Wescom Credit Union
Branch Manager

Account Number 703367	Statement Period 01-01-08 thru 01-31-08	Page 1 of 3
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THE COMPASSION CENTER OF SB CO
2915 DE LA VINA ST
SANTA BARBARA CA 93105

For questions contact us:
Signature Member Line: 1-866-2-WESCOM (1-866-293-7266)
Teller#Phone: 1-877-4-TELLER (1-877-483-5537)
Signature Member E-mail: signaturemember@wescom.org
Web Site: www.wescom.org

P.O. Box 7058
Pasadena, CA 91109-7058

The New Retirement Mentality Seminar

Join Wescom Financial Services for a special complimentary, no-obligation seminar. The New Retirement Mentality looks at planning your life before and after retirement with an emphasis on finding balance and contentment. Participants are introduced to ways that they can plan their lives and live their dreams regardless of age. Mitch Anthony, author of *The New Retirementality*, will discuss how to achieve the direction and financial security necessary to live the lives we really want.

WHEN: Saturday, March 8, 2008, 9:00 a.m.
WHERE: Wescom Operations Center, 5601 E. La Palma Ave., Anaheim, CA 92807
To register, visit www.wescom.org or call 1-888-4WESCOM (1-888-493-7266), ext. 8003.

ACCOUNT SUMMARY

	BALANCE
SAVINGS/CHECKING	
Savings (1)	██████████
Checking (1)	██████████
TOTAL BALANCES (2)	██████████
AVERAGE DAILY BALANCE	██████████
YTD DIVIDENDS EARNED	██████████
TAXABLE DIVIDENDS EARNED	██████████

Enterprise Used Auto Sales Event

Rates as low as
6.49% APR*

Get a great deal on a used car! Special rate available on Enterprise purchases made February 2-16, 2008

Enterprise Used Auto Sales Event
Saturday, February 9, 2008
Angel Stadium of Anaheim
9:00 a.m. - 5:00 p.m.

*Annual Percentage Rate (APR). Loan approval subject to income and credit evaluation. Certain terms and conditions apply. Rate includes 1% discount for automatic payment.

WFS Asset Maximizer Account Offers Higher Rates!

Earn as high as a 3.50% APY on a WFS Asset Maximizer Account. To open an AMA call 1-888-4WESCOM today.

Conditions apply. Please ask for details.

Investment products and services offered through Wescom Financial Services, LLC (WFS), a Registered Investment Advisor, broker-dealer, and a wholly owned subsidiary of Wescom Credit Union. Registered Representatives are employed by Wescom Credit Union and registered through WFS (Member FINRA/SIPC).

Investments are not NCUA/NCUSIF insured, not Credit Union guaranteed, and may lose value.

REGULAR SAVINGS 00

Dividends Earned In 2008: \$0.09

Dividends Earned In 2007: \$1.50

Account Ownership: PATRICK FOURMY / Authorized Signer, SHARON PALMER / Authorized Signer

Beginning Balance	+	Deposits & Other Credits (1)	-	Withdrawals & Other Debits (0)	=	New Balance
██████████		\$0.09		\$0.00		██████████

Trans Date	Effective Date	Transaction Description	Amount	New Balance
01/31		Beginning Balance		██████████
		Dividend Earned	0.09	██████████

REGULAR SAVINGS 00 (CONTINUED)

Trans Date	Effective Date	Transaction Description	Amount	New Balance
Annual Percentage Yield Earned (APYE) For Period: 0.530%				

FREE CHECKING 01

Dividends Earned In 2008: \$0.00 Dividends Earned In 2007: \$0.00

Account Ownership: PATRICK FOURMY / Authorized Signer, SHARON PALMER / Authorized Signer

Beginning Balance + Deposits & Other Credits (0) - Checks Cleared (20) - Withdrawals & Other Debits (4) = New Balance

Trans Date	Effective Date	Transaction Description	Amount	New Balance
01/01		Beginning Balance		
01/01		Check # 001456	-150.00	
01/02		Check # 001454	-105.00	
01/03	01/02	Check # 001449	-575.00	
01/03	01/02	Check # 001457	-2,400.00	
01/03		Check # 001120	-500.00	
01/03		Withdrawal ACH BANKCARD ACH1 TYPE: MTOT DISC CO: BANKCARD ACH1	-130.00	
01/03		Withdrawal ACH BANKCARD ACH1 TYPE: MTOT DISC CO: BANKCARD ACH1	-130.00	
01/03		Check # 001123		
01/03		Check # 001124	-5,000.00	
01/04	01/03	Check # 001448	-2,800.00	
01/04	01/03	Check # 001434	-150.00	
01/04	01/03	Check # 001434	-90.00	
01/04	01/03	Check # 001453	-85.00	
01/09		Check # 001452	-35.00	
01/10		Check # 001459	-153.00	
01/14		Withdrawal ACH NEOS MERCHANT SO TYPE: FEES CO: NEOS MERCHANT SO	-50.45	
01/14		Withdrawal ACH NEOS MERCHANT SO TYPE: FEES CO: NEOS MERCHANT SO	-50.45	
01/14		Check # 001458	-29.95	
01/17		Check # 001398	-8,000.00	
01/19		Check # 001464	-1,000.00	
01/22		Check # 001461	-51.67	
01/22		Check # 001463	-12.21	
01/23		Check # 001462	-59.90	
01/28		Check # 001359	-5,000.00	
01/28		Check # 001360	-2,800.00	

Summary of Cleared Checks

Check #	Date Cleared	Amount	Check #	Date Cleared	Amount	Check #	Date Cleared	Amount
001120	01/03	500.00	001123*	01/03	5000.00	001124	01/03	2800.00
001359*	01/28	5000.00	001360	01/28	2800.00	001398*	01/17	8000.00
001434*	01/04	90.00	001448*	01/04	150.00	001449	01/02	575.00
001452*	01/09	35.00	001453	01/04	85.00	001454	01/01	105.00
001456*	01/01	150.00	001457	01/03	2400.00	001458	01/14	29.95
001459	01/10	153.00	001461*	01/22	51.67	001462	01/23	59.90
001463	01/22	12.21	001464	01/19	1000.00			

* Asterisk next to number indicates skip in number sequence.





City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

February 3, 2011

CALL TO ORDER:

Chair Bartlett called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair Bruce Bartlett, Vice-Chair John Jostes, Commissioners Charmaine Jacobs, Mike Jordan, Stella Larson, Sheila Lodge, and Deborah L. Schwartz.

STAFF PRESENT:

Danny Kato, Senior Planner
 Susan Reardon, Senior Planner and Staff Hearing Officer
 N. Scott Vincent, Assistant City Attorney
 Dan Gullett, Associate Planner
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Nominations and election of Chair and Vice Chair.

MOTION: Schwartz/Larson

Nomination of Commissioner John Jostes as Chair and Commissioner Sheila Lodge as Vice Chair.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

The Commission thanked Chair Bartlett for his year of service.

B. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of December 16, 2010

2. Resolution 019-10
 1032 E. Mason Street

MOTION: Lodge/Bartlett

Approve the minutes as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

MOTION: Lodge/Larson

Approve resolution 019-10 as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

- C. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- D. Announcements and appeals.

None.

- E. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 1:04 P.M. and, with no one wishing to speak on matters not on the agenda, closed the hearing at 1:07 P.M.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:07 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself from hearing this item due to owning commercial property within 500' of the project.

Commissioner Bartlett left the dais at 1:07 P.M.

APPEAL BY PATRICK FOURMY OF THE STAFF HEARING OFFICER'S DENIAL OF THE APPLICATION OF PATRICK FOURMY FOR COMPASSION CENTER OF SANTA BARBARA COUNTY, 2915 DE LA VINA STREET, APN 051-202-007, C-2 AND SD-2 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/BUFFER (MST2009-00497)

The proposed project involves permitting of an existing Medical Marijuana Storefront Collective Dispensary within a 1,060 square foot commercial building located at 2915 De la Vina Street.

The discretionary application required for this project is a Medical Marijuana Storefront Collective Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (Existing Facilities).

Case Planner: Daniel Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4559

Daniel Gullett, Associate Planner, gave the Staff presentation. Susan Reardon, Staff Hearing Officer and Captain Armando Martel, Santa Barbara Police Department were also available to answer any Planning Commission questions.

Gilbert Gaynor, Attorney for Appellant/Applicant Patrick Fourmy for the Compassion Center of Santa Barbara County, gave the appellant presentation.

Chair Jostes opened the public hearing at 2:07 P.M.

The following people spoke in support of the appeal:

1. Austin MacRae submitted a speaker slip but had to leave early.
2. Mona Mansfield-Erhardt submitted a speaker slip but had to leave early
3. Ruth Hammett
4. Jim Coleman
5. Paul Noleman
6. David Bearman, M.D.
7. Gregory Franks
8. Stephen Hosea, M.D.
9. Bill Dods

With no one else wishing to speak, the public hearing was closed at 2:26 P.M.

A majority of Commissioners indicated that the application did not meet the Criteria for Issuance for a dispensary permit. With regard to Issuance Criterion 12, a majority of Commissioners stated that sufficient information was not provided by the applicant in support of applicant's claim that the dispensary was currently operating legally, as provided in the Municipal Code.

MOTION: Jordan/Jacobs

Assigned Resolution No. 001-11

Denied the appeal and upheld the decision of the Staff Hearing Officer.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Lodge, Schwartz) Abstain: 0 Absent: 1(Bartlett)

Chair Jostes announced the ten calendar day appeal period.

Commissioner Schwartz left the dais at 2:47 P.M.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:48 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on January 26, 2011.

2. Other Committee and Liaison Reports

a. Commissioner Larson reported on the Historic Landmarks Commission meeting of February 2, 2011.

b. Commissioner Lodge reported on the Water Committee meeting of January 10, 2011.

c. Commissioner Lodge reported on the Airport Commission meeting of January 19, 2011.

d. Commissioner Jacobs reported on the Highway 101 Improvements Design Subcommittee.

e. Commissioner Jordan reported on the Creeks Committee meeting of January 19, 2011.

f. Commissioner Jordan announced First Thursday events taking place.

B. Appointment of 2011 Primary and Alternate Liaisons to the City Boards and Commissions made in B.1 of this agenda.

Airport Commission

Sheila Lodge

Stella Larson – Alternate

Architectural Board of Review

Bruce Bartlett

Stella Larson – Alternate

Creeks Restoration & Water Quality Improvement

Program Citizen Advisory Committee

Mike Jordan

Deborah L. Schwartz. – Alternate

Downtown Parking Committee

Deborah L. Schwartz

Mike Jordan- Alternate

Harbor Commission

Mike Jordan.

Deborah L. Schwartz – Alternate

Highway 101 Improvements Design Subcommittee

Bruce Bartlett
Charmaine Jacobs
Deborah L. Schwartz - Alternate

Historic Landmarks Commission

Stella Larson
Sheila Lodge – Alternate

Housing Policy Steering Committee

Bruce Bartlett
John Jostes
Charmaine Jacobs– Alternate

Mission Creek Design Subcommittee

John Jostes
Sheila Lodge
Stella Larson – Alternate

Park and Recreation Commission

Charmaine Jacobs
Deborah L. Schwartz - Alternate

Plan Santa Barbara Subcommittee*

(*Subcommittee appointments deferred pending further discussion)

Single Family Design Board

Mike Jordan
Charmaine Jacobs - Alternate

Staff Hearing Officer/ Modification Liaison

Stella Larson
Sheila Lodge – Alternate

Sustainability Council Committee

Stella Larson
Mike Jordan – Alternate

Transportation and Circulation Committee

Deborah L. Schwartz
Bruce Bartlett – Alternate

Water Commission

Sheila Lodge
John Jostes – Alternate

MOTION: Larson/Jordan
Approved the 2011 Planning Commission Liaison Appointments

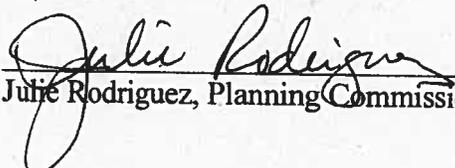
This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Bartlett, Schwartz)

VII. ADJOURNMENT

Chair Jostes adjourned the meeting at 3:01 P.M.

Submitted by,


Julie Rodriguez, Planning Commission Secretary

Historic Landmarks Commission
Bruce Bartlett
Chairman Jacobs - Alternate
Deborah L. Schwartz - Alternate
Historic Landmarks Commission
Shella Lodge - Alternate
Housing Policy Planning Committee
Bruce Bartlett
John Jostes
Chairman Jacobs - Alternate
Historic Creek Design Subcommittee
John Jostes
Shella Lodge
Stella Larson - Alternate
Park and Recreation Commission
Chairman Jacobs
Deborah L. Schwartz - Alternate
Plan Santa Barbara Subcommittee
(* Subcommittee appointments deferred pending further discussion)
Single Family Design Board
Mike Jostes
Chairman Jacobs - Alternate
Staff Liaison Officer / Medication Liaison
Stella Larson
Shella Lodge - Alternate
Sustainability Council Committee
Stella Larson
Mike Jostes - Alternate
Transportation and Circulation Committee
Deborah L. Schwartz
Bruce Bartlett - Alternate
Water Commission
Shella Lodge
John Jostes - Alternate



City of Santa Barbara California

ATTACHMENT 3

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 001-11

2915 DE LA VINA STREET

MEDICAL MARIJUANA STOREFRONT COLLECTIVE DISPENSARY PERMIT

FEBRUARY 3, 2011

APPEAL BY PATRICK FOURMY OF THE STAFF HEARING OFFICER'S DENIAL OF THE APPLICATION OF PATRICK FOURMY (HEREINAFTER THE "APPLICANT" OR THE "APPELLANT") FOR A PERMIT TO OPERATE THE "COMPASSION CENTER OF SANTA BARBARA COUNTY" AT 2915 DE LA VINA STREET, APN 051-202-007, C-2 AND SD-2 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/BUFFER (CITY APPLICATION MST2009-00497)

The proposed storefront medical marijuana dispensary project involves the permitting of an existing Medical Marijuana Storefront Collective Dispensary within a 1,060 square foot commercial building located at 2915 De la Vina Street under the authority of Santa Barbara Municipal Code Chapter 28.80;

The discretionary application required for this project is a Medical Marijuana Storefront Collective Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (Existing Facility).

WHEREAS, the Planning Commission conducted a site visit at the Applicant's existing dispensary facility on Monday, January 31, 2011 and viewed both the exterior of the premises upon which the existing dispensary is located and the interior of the Facility.

WHEREAS, the Planning Commission has held the required public hearing on the above application on February 3, 2011, where the Applicant/Appellant and his attorney, Gilbert Gaynor, were present and allowed the opportunity to make a comprehensive Powerpoint and video presentation to the Commission in support of and to explain the application.

WHEREAS, seven people appeared at the Commission hearing in order to speak in favor of the appeal, and no one appeared to speak in opposition to the appeal, and the following documents and exhibits were presented for the record:

1. Staff Report with Attachments, January 27, 2011.
2. Site Plans for the Application
3. Correspondence received in support of the appeal:
 - a. Gilbert Gaynor, Santa Barbara, CA attorney for the Appellant
 - b. Dr. David Bearman, Goleta, CA
4. Correspondence received in opposition to the appeal:
 - a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the Santa Barbara City Planning Commission finds and determines as follows with respect to the subject appeal by the Applicant:

- I. The Commission denies the subject appeal and upholds the decision of the Staff Hearing Officer to not issue the requested storefront dispensary permit under SBMC Chapter 28.80 based on the following evidentiary findings and land use determinations and considerations:
 - a. The Applicant has apparently engaged in the improper operation of a storefront collective medical marijuana dispensary at 2915 De La Vina Street in violation of the Santa Barbara Municipal Code since April 2009 after the Applicant's dispensary at De La Vina Street location ceased to be a pre-existing legal nonconforming dispensary under section three of City Ordinance No. 5449 because it was discontinued in operation during 2008 for a period of time well in excess of thirty (30) days.
 - b. The loss of pre-existing legal non-conforming status for Applicant's 2915 De La Vina dispensary is established; in part, by the Applicant's own written admission under penalty of perjury that, between November 1, 2007 and April 2009, he and his brother operated a music store known as the "Harmonic Alliance" at the 2915 De La Vina store location and, as a result, the Commission concludes that the Applicant apparently discontinued the dispensary operation at the De La Vina Street location for a substantial period of time and, instead, operated a music store at the De La Vina location.
 - c. The discontinuance of the Applicant's dispensary operation at 2915 De La Vina location between November 1, 2007 and April 2009 is, in the Commission's view, further supported by the Applicant's admission to the Commission during the February 3, 2011 public hearing (as well as in written materials the Applicant submitted to the Staff Hearing Officer in support of his application), that, during this same period of time, he opened and operated a medical marijuana dispensary located at 3532 State Street, which dispensary was also not operated pursuant to the required City dispensary permit and, thus, in apparent violation of Santa Barbara City Ordinance No. 5436 and Ordinance No. 5449.
 - d. The apparent discontinuance of the Applicant's dispensary operation at 2915 De La Vina location between November 1, 2007 and April 2009 is, in the Commission's view, further supported by evidence provided to the City by representatives of the federal Drug Enforcement Administration indicating that the DEA personally inspected the Applicant's De La Vina dispensary location on two occasions (November 21, 2007 and January 9, 2008) and did not find the dispensary to be in operation at that location during those inspections and by an inspection by conducted by a City Code Enforcement officer on September 22, 2008 who only found a music store operating at the 2915 De La Vina location.
 - e. The Commission also believes that the Applicant, when questioned by Planning Commissioners Schwartz and Jacobs at the Commission's public hearing about his asserted continuous operation of the De La Vina Street dispensary during 2008, did not provide credible or believable explanations for why he was, by his own admission, operating a music store at the De La Vina location or why, by his own admission, he also opened a dispensary at 3532 State Street during this same 2008 period of time. In addition, the Applicant provided no good explanation for why he opened a dispensary at 3532 State Street without having obtained a City permit to do so.
 - f. The Commission also finds that the Applicant failed to provide any good or reasonable explanation of why he apparently negligently stored a substantial amount of medical marijuana

in a locked container made of wood and chicken wire within a public storage facility on Carrillo Street and, as a result, of the Applicant's apparent negligent storage, approximately 50 pounds of this marijuana (worth, according to the Applicant, approximately \$400,000) was easily stolen and presumably then became available to others for illegal use in a manner contrary to state law.

- g. The Commission also finds that the Applicant's inability and unwillingness to present the City with adequate non-confidential dispensary business or "qualified patient" records in support of his claim of he did not discontinue the operation of a storefront dispensary at 2915 De La Vina Street during 2008 leads the Commission to conclude that the operation was, in fact, discontinued and leads the Commission to further question the Applicant's trustworthiness and credibility. It also bring into question the Applicant's ability and willingness to maintain appropriate collective dispensary records in future as would be required pursuant to Subsection 28.80.080.H of the Santa Barbara Municipal Code.

Consequently, based on the above-stated evidentiary findings, the Planning Commission upholds the decision of the Staff Hearing Officer on this application, denies the Applicant the requested storefront dispensary permit and concludes that the Applicant and his Application does not merit the issuance of a City dispensary permit under the SBMC Section 28.80.070 subsection (B) criteria as follows:

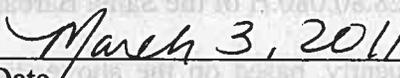
1. The Applicant's apparently willful attempt to conceal and obscure the true nature of the dispensary business operations at the 2915 De La Vina Street location and his operations at the 3532 State Street location in the past brings into serious question whether he would fully and appropriately comply with any dispensary permit conditions which might be imposed by City on a permit to be issued under SBMC Chapter 28.80 for the lawful operation of a storefront collective dispensary and this conclusion results in the Commission not being able to find that Criteria No. 11 and Criteria No. 9 are properly satisfied by this Application and by the Applicant's proposed dispensary operation.
2. The negligent storage and theft of a substantial amount of marijuana in the possession of the Applicant causes the Planning Commission to seriously question whether the Applicant would properly secure medical marijuana in a permitted dispensary in order to prevent unintended and unlawful diversion of medical marijuana in the future and this causes the Commission to be concerned that this Applicant and his proposed dispensary operation will not be able to and does not properly satisfy Criteria No. 8, Criteria No. 10 and Criteria No. 12 of the City's Ordinance.
3. The Applicant's admitted opening and operation of a second storefront collective dispensary at 3532 State Street, without the benefit of a valid City permit at a time when such a permit was required, also causes the Planning Commission to question whether the Applicant would comply with the City's prohibition against transferring a permit location (as specified in Subsection 28.80.130.A of the Santa Barbara Municipal Code) and whether the Applicant would fully and consistently comply with other permit conditions of approval. For these reasons, the Commission finds this Application also does not meet Criteria No. 10 and Criteria No. 12.

This motion was passed and adopted on the 3rd day of February, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Lodge, Schwartz) ABSTAIN: 0 ABSENT: 1 (Bartlett)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.


Julie Rodriguez, Planning Commission Secretary


Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: January 27, 2011

AGENDA DATE: February 3, 2011

PROJECT ADDRESS: 2915 De la Vina Street (MST2009-00497)
"Compassion Center of Santa Barbara County"

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner *DJK*
Allison De Busk, Project Planner *AD*
Daniel Gullett, Associate Planner

I. PROJECT DESCRIPTION

The project consists of an application to permit a Storefront Medical Marijuana Dispensary in a commercial building located at 2915 De la Vina Street. This is an appeal of a Staff Hearing Officer denial of the requested Dispensary permit on December 15, 2010. The appellant/applicant, Patrick Fourmy, requests that the Planning Commission approve the project (refer to Exhibit A – Appellant's Letter).

Pursuant to the recently updated SBMC Chapter 28.80 (the "Medical Marijuana Storefront Collective Dispensary Ordinance,") the Planning Commission's decision on this appeal may be appealed to the City Council (SBMC §28.80.110).

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Medical Marijuana Storefront Collective Dispensary Permit (SBMC §28.80.030).

III. RECOMMENDATION

Staff's position is that the findings to support approval of the Dispensary cannot be made because the proposed Dispensary does not meet some of the criteria for granting a Storefront Collective Dispensary permit. Therefore, Staff recommends that the Planning Commission deny the appeal, making the finding contained in Section VIII of this report.

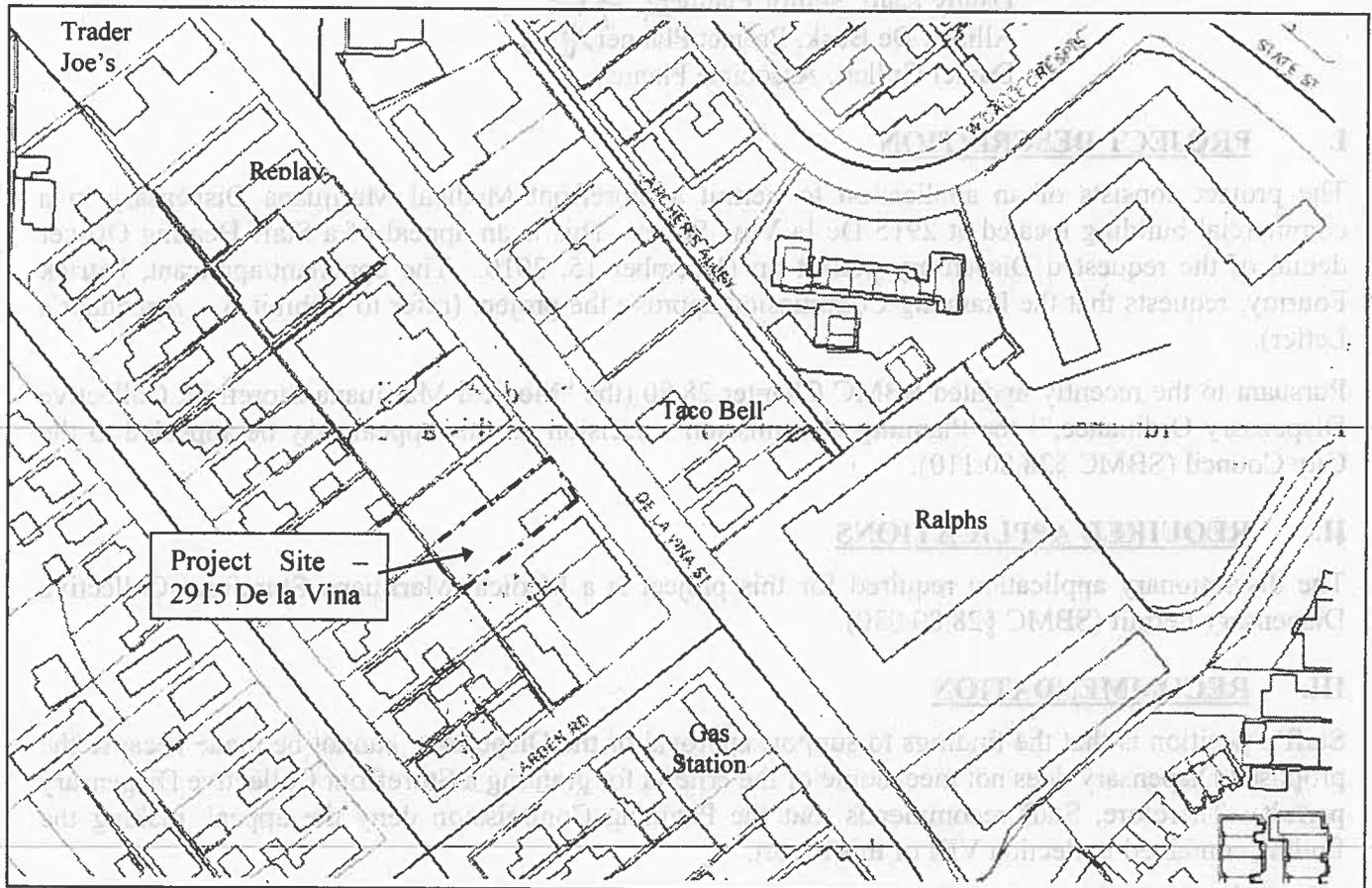
Should the Planning Commission find that the dispensary conforms to the required issuance criteria and vote to approve the Storefront Collective Dispensary Permit, staff has included recommended conditions of approval as Exhibit D.

City of Santa Barbara
 California

IV. SITE INFORMATION

Applicant: Compassion Center of Santa Barbara County	Property Owner: Bernard Friedman
Parcel Number: 051-202-007	Lot Area: 7,500 sf
General Plan: General Commerce/Buffer	Zoning: C-2/SD-2
Existing Use: Storefront Collective Dispensary	Topography: 6% average slope
Adjacent Land Uses:	
North - Commercial South - Commercial	East -- Commercial West -- Single Family Residential

VICINITY MAP



V. ENVIRONMENTAL REVIEW

Should the Planning Commission overturn the Staff Hearing Officer's decision and approve the Dispensary Permit, staff has determined that the project would qualify for a categorical exemption

from environmental review under Section 15301 (Existing Development) of the California Environmental Quality Act (CEQA) Guidelines. The project involves a tenant improvement in an existing commercial building and, as such, will clearly not have a significant effect on the environment.

VI. STAFF HEARING OFFICER DECISION

On December 15, 2010, the Staff Hearing Officer reviewed and denied the appellant's request for a Medical Marijuana Storefront Collective Dispensary Permit. At that hearing, planning staff and the Police Department staff expressed concerns regarding the applicant's past negligence with regard to security, and therefore determined that the Storefront Collective Dispensary could have a potentially adverse affect relative to the safety of persons living in the surrounding area due to crime and nuisance activities (refer to Criterion 9). The Staff Hearing Officer also determined that the appellant's business practices in regards to the legal status of the applicant's existing dispensary meant that the findings for Criterion 12 could not be made. The Staff Hearing Officer Minutes are attached as Exhibit C.

Please refer to the Staff Hearing Officer Staff Report (Exhibit B) for a complete analysis and history of the project. This staff report discusses the issues most relevant to the appeal.

VII. APPEAL ISSUES

The appellant claims that the Staff Hearing Officer's denial of the Permit was erroneous because Criterion 12 of SBMC §28.80.070.B was inappropriately applied to his previous operation of a dispensary since this dispensary began operation prior to the effective date of the City's March 2008 ordinance (the "Original Ordinance.") The appellant also claims that requiring the Dispensary to close now would violate his constitutional rights.

A. CRITERION 12

SBMC §28.80.070.B.12: That the Applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

As identified in the Staff Hearing Officer Staff Report (Exhibit B), the primary concern associated with this criterion relates to whether or not the dispensary discontinued operations for more than 30 days: "If the dispensary discontinued operations for a period of more than 30 days since the adoption of the Medical Cannabis Dispensary Ordinance, it re-opened illegally and this criterion is not met. If the dispensary is currently legal non-conforming, this criterion is met."

The appellant contends that substantial evidence has not been provided by the City to confirm that the Dispensary closed for more that 30 days.

As proof that the dispensary did not close for more than 30 days, the appellant has provided the following:

- The declaration of Patrick Fourmy (attached to Exhibit A - Appellant's Letter), which states that the dispensary operated in its current location continuously from April 2006

through present and that the dispensary operated at the rear of the building with a lower profile from November 2007 until April 2009.

- The declaration of Sol Levitt, the property owner's attorney, corroborating the dispensary's long-term, uninterrupted tenancy for the 2915 De La Vina Street building (attached to Exhibit A - Appellant's Letter).
- Signed statements from 103 patients affirming that "During the period of January, 2007 to October, 2009, I received my medicine from 2915 De La Vina St."
- Evidence of having obtained a City Business License at 2915 De la Vina Street in April 7, 2006.

The City Attorney's office has reviewed the information submitted by the appellant and did not consider it conclusive proof that the Dispensary did not close for a period of more than 30 days. The City Attorney's office, in a letter dated April 7, 2010, indicated the types of evidence which could be considered as potentially sufficient proof that the Dispensary had operated continuously from October 1, 2007 through January 1, 2009. These included the following: 1. patient statements that individual patients purchased marijuana at 2915 De la Vina within a particular month during the specified period 2. dated cash register receipts, dated payroll tax payments, workers compensation payments, utility bills, bank statements, and delivery/shipping receipts. To date, this sort of evidence has not been submitted to the City.

The appellant also claims that because the criterion relates only to the "operation of *another* business within the City" (emphasis added), any allegations against the dispensary itself are not applicable relative to the criterion for the issuance of a new permit to Mr. Fourmy. However, staff believe that the intent of criterion 12 is to determine whether there is a known history of code compliance concerns with a proposed applicant.

B. VIOLATION PRIOR TO ORDINANCE ADOPTION

The appellant claims that the alleged violation (closing for more than 30 days) took place before the effective date of the Original Ordinance. The City contends that the Dispensary ceased operation as a storefront dispensary for an unknown but extended period of time between October 2007 and January 2009. Ordinance 5449 (Original Ordinance) was adopted by the City Council on March 25, 2008 and became effective 30 days later, on April 24, 2008; however, Ordinance 5436 (the "Interim Ordinance") was adopted on October 2, 2007, and was effectively retroactive to August 14, 2007.

The Interim Ordinance prohibited the establishment, operation or maintenance of a Medical Marijuana Dispensary unless the following was true: 1. it complied with all applicable requirements of state law; 2. it obtained a valid business tax certificate prior to August 14, 2007, and it was actually open and continuously operating prior to August 24, 2007 and was thereafter continuously providing assistance to "qualified patients" in a manner consistent with the requirements of state law. If the dispensary closed and then re-opened between October 2007 and April 24, 2008, it would have lost its nonconforming status under the Interim Ordinance. If it had closed and re-opened after April 24, 2008, it would be in violation of Ordinance 5449 (the Original Ordinance, adopted in March 2008), which stated that if a

nonconforming dispensary was closed for a period of more than 30 days, it then loses its nonconforming status, and must close and obtain a new permit.

C. DUE PROCESS

The appellant also claims that requiring his business to close after the six-month amortization period identified by the Revised (Current) Ordinance is insufficient.¹ However, the applicant was aware that the Original Ordinance provided for a three-year amortization period, which would have ended on March 24, 2011. As a result, the Current Ordinance's six-month amortization period, which requires the dispensary to close on January 24, 2011, really only reduced the previous three year amortization period by a period of 58 days.

From an enforcement standpoint, on October 30, 2009, the subject Dispensary was given notice by Community Development Code Enforcement Staff to cease operating a dispensary without a permit. On April 7, 2010, the City Attorney sent another letter noting that the Dispensary was apparently operating in violation of the Municipal Code and requested that they cease operations or provide adequate written documentation to the City to confirm that it was open and operating throughout the relevant period.

VIII. FINDINGS

The Planning Commission finds the following:

A. STOREFRONT COLLECTIVE DISPENSARY PERMIT (SBMC §28.80.070)

The proposed dispensary applicant does not comply with the criteria set forth in Section 28.80.070 (Criteria for Review of Collective Dispensary Applications by the City Staff Hearing Officer) of the Zoning Ordinance, in that the applicant has been apparently operating a nonconforming dispensary without the required City permits and in violation of the Municipal Code.

WJS

Exhibits:

- A. Appellant's Letter
- B. Staff Hearing Officer Staff Report, December 15, 2010
- C. Staff Hearing Officer Minutes, December 15, 2010
- D. Draft Conditions of Approval
- E. Ordinance 5436 (Interim Ordinance)
- F. Ordinance 5449 (Original Ordinance)
- G. Ordinance 5526 (Current Ordinance)

¹ Ordinance No. 5526 ("Current Ordinance"), approved by City Council on June 29, 2010, revised the City's Medical Cannabis Dispensaries Ordinance (Ordinance 5449) and changed the permitted locations for dispensaries. This Ordinance also established a 180-day amortization period for those dispensaries that were open and operating in a manner consistent with state law and the SBMC prior to the effective date of the Ordinance 5526.

RECOMMENDED CONDITIONS OF APPROVAL

2915 DE LA VINA STREET

MEDICAL MARIJUANA STOREFRONT COLLECTIVE DISPENSARY PERMIT

APRIL 12, 2011

In consideration of the project approval granted by City Council and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Approved Dispensary.** The applicant shall operate the dispensary in accordance with the application information and plans submitted to the Planning Division November 22, 2010, as updated by the plans submitted on January 6, 2011 and revised in accordance with the conditions below.
- B. **Operations Plan Revisions.** The Operations Plan shall be revised to incorporate the following requirements of Municipal Code Subsection 28.80.060.E to the satisfaction of the Planning Division prior to issuance of a building permit:
1. **Public Nuisance.** The Operations Plan shall provide for the Management Members of the Collective Dispensary to take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject Storefront Collective Dispensary.
 2. **Loitering Adjacent to a Dispensary.** The Operations Plan shall provide that the Management Members will take all reasonable steps to reduce loitering by Collective members in public areas, sidewalks, alleys and areas surrounding the Property and adjacent premises during the business hours of the Storefront Collective Dispensary.
 3. **Trash, Litter, Graffiti.** The Operations Plan shall provide that the Management Members will keep an area which includes the sidewalks adjoining the Dispensary plus ten (10) feet beyond property lines (as well as any parking lots under the control of the Dispensary) clear of litter, debris, and trash.
 4. **Security Cameras.** The text of the Operations Plan shall be updated to reflect the provision of 13 security cameras (as shown on Sheet A-5 of the Security Plan submitted January 6, 2011).
- C. **Building Permit Required.** Within 60 days of approval, the applicant shall obtain a building permit for the tenant improvements in conformance with the plans submitted January 6, 2011, as modified by the City Building Official. Within 60 days of building permit issuance, these improvements shall be completed and shall have cleared final building inspection.
- D. **Alarm System Permit.** Applicant shall apply for an alarm system permit. Said alarm system shall be installed and registered per Municipal Code Chapter 9.100 and shall meet the requirements of the Santa Barbara Police Department.

E. **Management Requirements.** The Storefront Collective Dispensary operations shall be maintained and managed on a day-to-day basis in compliance with the operational standards and requirements of Municipal Code Section 28.80.080.

F. **Medical Marijuana Storage.** All marijuana provided to the Storefront Collective Dispensary by the Collective shall be stored in the building on site.

G. **Litigation Indemnification Agreement.** The Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.



Agenda Item No. _____

File Code No. 440.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General, Treatment and Patrol, and Supervisory bargaining units and regarding discussions with unrepresented management about salaries and fringe benefits.

SCHEDULING: Duration, 30 minutes; anytime

REPORT: None anticipated

PREPARED BY: Kristy Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office