



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 15, 2012

TO: Finance Committee

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Andrée Clark Bird Refuge Vegetation Maintenance And Restoration Project Funding

RECOMMENDATION: That the Finance Committee:

- A. Receive a report on the Creeks Advisory Committee's recommendation related to providing Measure B funds for the Andrée Clark Bird Refuge Vegetation Maintenance and Restoration (Bird Refuge) Project; and
- B. Provide a recommendation to City Council.

DISCUSSION:

Background

The Bird Refuge is a 42-acre open space park that includes a 29-acre lake, trails, a small parking lot and a section of the multi-modal beach way. The park is popular with Santa Barbara residents and visitors, including bicyclists, runners, walkers, and bird watchers. Current conditions in the Bird Refuge support high summer populations of mosquitoes and a corresponding increased threat of West Nile Virus. During significant storm events, flooding can occur on Old Coast Highway, Highway 101 and Cabrillo Boulevard. In addition, poor water quality and lack of conveyance contribute to algal blooms that cause water discoloration and noxious odors.

The purpose of the Bird Refuge Project is to restore water flow and conveyance for the purpose of reducing mosquito production and potential for flooding. Project construction began in January 2012 and will continue over a five-year period. The project includes the removal of approximately 0.93 acres of emergent vegetation, maintenance of those areas over a five-year period, and restoration of 0.86 acres of habitat. Restoration is required by the various permitting agencies as mitigation for the habitat that is removed.

On December 6, 2011, the City Council allocated \$286,352 to fully fund the Bird Refuge Project. The initial Capital Improvement Program (CIP) allocation was \$117,000. Once project design and permitting were complete, the Parks and Recreation Department determined that the total project cost would be \$403,352. As outlined in the table below, Council approved allocating \$236,900 from the Fiscal Year 2012 Park Restroom Renovation Program and a transfer of \$49,452 from an increase in estimated General Fund transient occupancy tax revenues.

Funding Source	Amount
Bird Refuge CIP Account	\$117,000
Allocation from Park Restroom CIP Account	\$236,900
Allocation from the General Fund	\$49,452
Total	\$403,352

As part of its approval, Council also requested that staff refer the project to the Creeks Advisory Committee to consider whether it would be appropriate to use Measure B funds to backfill the General Fund for project costs of \$49,452.

Creeks Advisory Committee Review and Recommendation

Staff presented the project to the Creeks Advisory Committee (Committee) on March 14, 2012. Committee discussion included the purpose of the project, the guiding language of Measure B, and the Creeks Funding Guidelines, developed in 2003. As outlined in the attached memorandum, the Creeks Advisory Committee voted that funding the Bird Refuge Project with Measure B funds would not be appropriate for a number of reasons. The attachment also includes the Creeks Program Funding Guidelines, submitted to Council in 2003, and Municipal Code Chapter 4.09 which outlines the use of the additional transient occupancy tax collected for creeks and water quality improvements.

The Committee did also recognize that separate from Parks Division operations and maintenance activities, there are likely to be significant opportunities for long-term water quality improvement and habitat restoration in and around the Bird Refuge. The Creeks Division's Six-Year Capital Improvement Program does include funding to pursue a water quality and habitat restoration project at the Bird Refuge in future years.

ATTACHMENT: Creeks Advisory Committee Memorandum to Council

PREPARED BY: Jill E. Zachary, Assistant Parks and Recreation Director

SUBMITTED BY: Nancy Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



City of Santa Barbara
Parks and Recreation Department

Memorandum

DATE: March 14, 2012

TO: City Council

FROM: Creeks Restoration and Water Quality Improvement Program
Citizens Advisory Committee

**SUBJECT: RECOMMENDATION REGARDING THE USE OF MEASURE B
FUNDS FOR THE ANDREE CLARK BIRD REFUGE
VEGETATION MAINTENANCE AND RESTORATION PROJECT**

On March 14, 2012, the Creeks Restoration and Water Quality Improvement Program Citizens Advisory Committee (Creeks Advisory Committee) conducted a public meeting to discuss and make recommendations to the City Council regarding whether Measure B is an appropriate source of funding for the Andree Clark Bird Refuge Vegetation Maintenance and Restoration Project. In addition to receiving public comment from three individuals (including one Committee member who was unable to attend the meeting), the Creeks Advisory Committee undertook a discussion of the proposed project and took action on a series of recommendations. The purpose of this memorandum is to advise the City Council of the Creeks Advisory Committee's recommendations.

The Creeks Advisory Committee unanimously recommends that:

1. The Bird Refuge Vegetation Maintenance Project is not an appropriate use of Measure B Funds.
2. Measure B is a special fund to be used for water quality improvement and creeks restoration projects. While this project is important to the City for other reasons, it is not a water quality project. It is a flood control and vector control project and doesn't fit within the letter, or the spirit, of Measure B.
3. When Measure B was on the ballot, City voters were told that the newly generated revenues would supplement existing City operations and not just provide a new revenue stream to supplant the old revenue for ongoing operations. The Creeks Program Funding Guidelines clearly reflect this and point out that even when a project has some water quality benefit (which this project may or may not have), it is not appropriate to use Measure B funds for

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projects that would be funded by any other similarly situated municipality that doesn't have a Measure B. Indeed the Bird Refuge maintenance, and the flood control and vector control maintenance in particular, would be funded by another City and has been funded by our City's General Fund for many years both before and after Measure B was passed. The City Council should keep the City's word to the voters and not use Measure B funds to backfill General Fund obligations.

4. The Funding Guidelines clearly state that Measure B funds should not be used to pay for regulatory compliance that is required for cities similar to Santa Barbara. In this case, all of the planting being performed is mitigation required by permitting agencies for the removal of existing wetland vegetation. Measure B funds should not be used to pay for legally required mitigation.

Attachments: Creeks Program Funding Guidelines
Municipal Code Chapter 4.09 (Measure B)

cc: Jim Armstrong, City Administrator
Paul Casey, Assistant City Administrator/Community Development Director
Nancy L. Rapp, Parks and Recreation Director
Jill E. Zachary, Assistant Parks and Recreation Director
Cameron Benson, Creeks Restoration/Clean Water Manager



City of Santa Barbara
Parks and Recreation Department

Memorandum

DATE: February 12, 2003

TO: Mayor and Council

FROM: Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee

SUBJECT: Creeks Program Funding Guidelines

The Creeks Citizens Advisory Committee has focused considerable attention on articulating the need to have clear and precise methods for determining the proper use of Measure B Funds. After much discussion, we are pleased to have arrived at our "Recommended Creeks Program Funding Guidelines." We believe that they accurately reflect the spirit of the Measure. If used consistently, they will ensure that the restricted funds are used appropriately and as articulated by the goals and objectives adopted by the Committee and Council. These guidelines provide clear direction to Council for determining the appropriate use of Measure B funds. Their purpose is to be used as a checklist against which one would compare future funding requests. If the project is not consistent with the guidelines, or fails to meet the "Threshold Funding Criteria," contained within, we would ask that such a project not be funded from Measure B.

However, there may be instances when a project meets these standards and criteria, which may indeed have direct water quality benefits, but still are not appropriate uses of Measure B funds. The Threshold Funding Criteria speak to the issue of existing programs, and that they should not be supplanted by new initiatives to use Measure B funds. What are not addressed are the many future projects that will appear before Council for funding that should not be funded by the Creeks Program. Some clear examples would be programs that are required for regulatory compliance by cities similar to Santa Barbara. A current example of this would be the permit fees for the NPDES permit, which will not be paid out of Measure B funds.

Other projects that we believe should not be funded by the Creeks Program include those that other municipalities would still fund without a program such as Measure B. One example would be litter reduction and trash collection in our City parks, which are adjacent to creeks. Clearly, removing litter from the park itself would lessen the chance that the litter would end up in the creek. Some might see this as a direct influence on water quality. However, even if it were seen as a direct benefit to the creek itself, the fact remains that cities have a duty to keep their parks clean, regardless of their proximity to a creek.

The Creeks Citizens Advisory Committee is dedicated to the task of enhancing our city's beauty and its value to our citizens and tourists by addressing the issues of water quality in our onshore and offshore flows, as well as by restoring our creeks to their natural beauty and function. We provide these guidelines to address the mandate given us by the citizens who voted for the Measure, and our primary source of funding, the Hotel/Lodging industry.

We encourage you to adopt and apply these funding guidelines as submitted. We would also urge you to watch for future programs that may pass the guidelines, but still may not be appropriate for Measure B funding. We look forward to working with you in keeping our water clean and our creeks beautiful.

**RECOMMENDED
CREEKS PROGRAM FUNDING GUIDELINES
February 12, 2003**

Purpose

To determine whether a project or program is eligible for Creeks Program funds.

Application

City projects and programs
City/County/Community organization cooperative efforts

General Areas

Water Quality Improvement- To improve creek and ocean water quality through reduction of pollution in storm water and urban runoff that enters City creeks.

Creek Restoration -To restore riparian and aquatic habitat to improve the condition and function of City creeks and to increase open space and passive recreation opportunities on City parcels

Policy and Planning- To undertake planning and policy studies to assist in the achievement of creek restoration and water quality improvement objectives.

Public Information and Education- The development of materials and implementation of programs that support the City's creek restoration and water quality improvement objectives.

Projects/Programs

Water Quality

1. Pilot programs to evaluate the effectiveness of BMPs such as storm water interceptors, catch basin filters, oil/water separators and nonstructural BMPs such as biofilters, detention basins, etc.
2. Maintenance of infrastructure such as storm water interceptors and catch basin filters and other nonstructural BMPs that prove to be effective in improving water quality
3. Creek water quality monitoring
4. Creek Clean-ups
5. Enforcement of City storm water ordinances
6. Technical assistance and training for businesses, construction industry and landowners regarding codes and BMPs
7. Research related to methods to measure sources of bacterial water pollution

Restoration

1. Riparian and aquatic habitat restoration on City-owned parcels-including bank modification/stabilization, removal of non-natives and revegetation, removal of fish passage barriers, etc
2. Native plant nursery
3. Technical assistance for landowners interested in native plant revegetation
4. Collaborative support for projects and programs of other agencies and organizations

Policy and Planning

1. Revision of City codes, standards and policies related to storm water, urban runoff and protection of creek resources
2. Technical assistance to developers, construction companies, architects, etc regarding appropriate methods and policy compliance
3. Preparation of watershed plans
4. Special studies to determine appropriate approach to selection and implementation of structural and nonstructural water quality improvement projects
5. Preparation of NPDES Storm Water Management Program

Public Information and Education

1. Media efforts to inform the community about City projects and programs
2. Media efforts to educate the community about pollution reduction
3. Interpretive programs for restoration project sites (signage, field days)
4. Demonstration sites for water quality improvement and restoration projects
5. Technical assistance to landowners with interest in restoring private property
6. Educational materials and programs for school children
7. Educational materials and programs for businesses
8. Neighborhood outreach programs for residents
9. Public presentation materials- displays, maps, etc.

Unsolicited Project Idea Consideration Process

1. Any individual, organization, business, City department or other public agency may attend a regular CAC meeting to present a project proposal to the Committee during the public comment period.
2. A proposal presented during public comment that warrants further discussion would be placed on the agenda of a future regularly notice public meeting. The Creeks Restoration/Clean Water Manager and the Chair will determine the appropriate meeting in which to consider the proposal.
3. At the meeting in which the proposal is considered, the CAC could take any of the following actions:
 - Recommend that the proposal not receive further consideration

- Request that the Creeks Restoration/Clean Water Manager further consider the concept, gather additional information, determine whether there are funds available for the proposal, and provide the Committee with a recommendation
 - Form a sub-committee to investigate the concept further
 - Recommend the delay of further discussion of the proposal until a future time which could include a new budget cycle or related agenda item
 - If it is determined that funds may be available, recommend that a process for funding the proposal be initiated
4. A proposal that is recommended by the Advisory Committee and City Staff would be forwarded to the Parks and Recreation Director, City Administrator and City Council for approval and in accordance with City appropriate policy.

Threshold Funding Criteria-

1. Project, program or service must be new or an expansion of a program, neither of which replaces funds otherwise available.
2. Project or program must demonstrate direct link to water quality improvement or creek restoration in a cost effective manner.
3. Project or program must identify specific benefits, costs, desired outcomes and methods of gauging project success.
4. Project could include a public information component. where feasible.
5. Project must include a budget detailing all proposed expenditures and minimize administrative costs.
6. Project must be responsive to the Creek Restoration/Clean Water goals and objectives.
7. Project must show funding efficiencies, collaboration and other resources in addition to Measure B funds.

Chapter 4.09

ADDITIONAL TRANSIENT OCCUPANCY TAX
OR IMPROVEMENT OF WATERS AND CREEKS**Sections:**

4.09.010 Tax Imposed, Payment, Debt.

4.09.020 Use of Tax Proceeds.

4.09.030 Applicable Definitions and Procedures.

4.09.010 Tax Imposed, Payment, Debt.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax, in addition to the tax imposed by Chapter 4.08 of the Santa Barbara Municipal Code, in the amount of two percent (2%) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City, which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Director of Finance may require that such tax shall be paid directly to the Director of Finance. (Ord. 5173, 2000.)

4.09.020 Use of Tax Proceeds.

From and after the effective date of the ordinance adding this chapter to the Municipal Code, the revenues collected under this chapter shall be deposited in a special fund and shall be appropriated therefrom and used to fund programs to improve the quality of storm waters and other surface waters discharged into the Pacific Ocean. **to carry out creek restoration improvements, and for projects or programs to improve the quality of onshore or offshore waters.** (Ord. 5173, 2000)

4.09.030 Applicable Definitions and Procedures.

All terms used herein shall be as defined in Chapter 4.08 of the Santa Barbara Municipal Code and all procedures for the imposition, registration, reporting, calculation of interest and penalties, collection, refund and appeals shall be as provided in Chapter 4.08. The definitions of such terms and the procedures for imposition, registration, reporting, calculation of interest and penalties, collection, refund and appeals may be modified, expanded or otherwise amended from time to time by the City Council of the City of Santa Barbara taking action by ordinance as provided by the City Charter or otherwise provided by law. (Ord. 5173, 2000.)