

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**NOVEMBER 6, 2012
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: Purchase Of A New Financial Management System

Recommendation: That the Finance Committee recommend that Council:

- A. Approve a professional services agreement with Tyler Technologies, Inc., for the acquisition and implementation of the Munis Financial Management System (FMS), in an amount not to exceed \$1,393,470;
- B. Approve additional services that may be identified during the implementation of Munis, in an amount not to exceed \$250,275; and
- C. Approve a Munis technical support and maintenance agreement for up to five years.

(See Council Agenda Item No. 10)

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through November 30, 2012.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of October 22, 2012 and the regular meetings of October 23 and October 30, 2012.

3. Subject: Adoption Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Department Operations (570.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17, Sections 17.12.150 and 17.20.010 of the Santa Barbara Municipal Code Pertaining to Operations at the Waterfront.

4. Subject: Adoption Of Ordinance For Confidential Employees Salary Plan Amendment (440.02)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the 2012-2013 Salary Plan Applicable to Unrepresented Non-supervisory Confidential Employees to Include Omitted Provisions.

5. Subject: Acquisition Of Easements For The Chapala Street Bridge Replacement Project (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept A Permanent Easement and Various Temporary Construction Easement Interests Located at 134 Chapala Street, 203 Chapala Street, and 104 Los Aquajes Avenue Relating to the Chapala Street Bridge Replacement Project, and Authorize the Public Works Director to Execute Such Agreements and Related Documents as Necessary for the Acquisition and Acceptance of Said Permanent Easement and Temporary Construction Easements, and Record Said Permanent Easement Deed and Memorandums of Agreement for the Temporary Construction Easements in the Official Records of the County of Santa Barbara.

CONSENT CALENDAR (CONT'D)

6. Subject: Contract For Update To Operations And Maintenance Manual With Related Standard Operating Procedures (540.13)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Agreement with Kennedy/Jenks Consultants, in the amount of \$365,891 to update the El Estero Wastewater Treatment Plant Operation and Maintenance Manual and related documentation, including the development and update of the facility's Standard Operating Procedure documentation, with new electronic documentation management software and authorize the Public Works Director to approve expenditures of up to \$36,589 for extra services of Kennedy/Jenks Consultants that may result from necessary changes in the scope of work.

7. Subject: Cancellation Of Certain Council Meetings In 2013 (120.09)

Recommendation: That Council cancel the regular Council Meetings on the following dates: January 22, February 19, April 2, May 28, July 9, August 27, September 3, November 5, December 3, December 24, December 31, 2013.

SUCCESSOR AGENCY

8. Subject: Proposed Amended And Restated Grant Agreement With Ensemble Theatre Company (620.06)

Recommendation: That the Successor Agency approve, subject to approval as to form by the Successor Agency counsel, and recommend to the Oversight Board approval of the Ensemble Theatre's request for approval of an Amended and Restated Grant Agreement No. 540, originally approved by the Redevelopment Agency of the City of Santa Barbara on June 11, 2011.

NOTICES

9. The City Clerk has on Thursday, November 1, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

10. Subject: Purchase Of A New Financial Management System (210.01)

Recommendation: That Council:

- A. Approve a professional services agreement with Tyler Technologies, Inc., for the acquisition and implementation of the Munis Financial Management System (FMS), in an amount not to exceed \$1,393,470;
- B. Approve additional services that may be identified during the implementation of Munis, in an amount not to exceed \$250,275; and
- C. Approve a Munis technical support and maintenance agreement for up to five years in an annual amount not to exceed \$121,775 beginning in year two (year one fees have been waived) and increasing by 3% in year three and by 5% in years four and five.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT

CITY OF SANTA BARBARA

FINANCE COMMITTEE

MEETING AGENDA

DATE: November 6, 2012

Dale Francisco, Chair

TIME: 12:30 P.M.

Bendy White

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Cathy Murillo

James L. Armstrong
City Administrator

Robert Samario
Finance Director

ITEM TO BE CONSIDERED:

Subject: Purchase Of A New Financial Management System

Recommendation: That the Finance Committee recommend that Council:

- A. Approve a professional services agreement with Tyler Technologies, Inc., for the acquisition and implementation of the Munis Financial Management System (FMS), in an amount not to exceed \$1,393,470;
- B. Approve additional services that may be identified during the implementation of Munis, in an amount not to exceed \$250,275; and
- C. Approve a Munis technical support and maintenance agreement for up to five years in an annual amount not to exceed \$121,775 beginning in year two (year one fees have been waived) and increasing by 3% in year three and by 5% in years four and five..

(See Council Agenda Item No. 10)



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 6, 2012

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 November 30, 2012.

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 November 30, 2012.

ATTACHMENT: November 2012 Service Awards

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office

NOVEMBER SERVICE AWARDS
NOVEMBER 6, 2012 Council Meeting

5 YEARS

David B. Field, Librarian II, Library Department
George Thomson, Project Planner, Parks and Recreation Department
Dave Elliott, Tree Trimmer I, Parks and Recreation Department

10 YEARS

Erin Wojciechoski, Police Records Specialist, Police Department
Jaime Herrera, Maintenance Worker II, Public Works Department
Catherine Pare, Water Resources Specialist, Public Works Department

15 YEARS

Kristine Schmidt, Employee Relations Manager, City Administrator's Office
Suzanne Riegle, Assistant Planner, Community Development Department
Scott Riedman, Waterfront Director/Harbormaster, Waterfront Department

20 YEARS

Kristin Barrera, Public Safety Dispatch Supervisor, Police Department
Frank Gomez, Streets Maintenance Crew Leader, Public Works Department

25 YEARS

Hazel Johns, Assistant Airport Director, Airport Department

30 YEARS

Jon Rocky Peebles, Water Distribution Superintendant, Public Works
Department



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING October 22, 2012 40 EAST ANAPAMU STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:30 p.m.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House (1:40 p.m.), Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

Staff present: City Administrator James L. Armstrong, Assistant City Administrator/Community Development Director Paul Casey.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, October 18, 2012, 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: 40 East Anapamu Street

Recommendation: That Council make a site visit to the property located at 40 East Anapamu Street, which is the subject of a public hearing for designation as a City landmark scheduled for October 23, 2012, at 2:00 p.m.

Discussion:

Staff presented an overview of the proposal to designate the Central Library building, the Faulkner Gallery, and the Eucalyptus trees situated on the Library site as City landmarks.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 1:40 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING October 23, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Grant House.

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

CEREMONIAL ITEMS

- Subject: Proclamation Declaring October 22-31, 2012, As National Red Ribbon Week (120.04)**

Action: Proclamation presented to Shereen Khatapoush.

Councilmember House arrived at the meeting at 2:04 p.m.

PUBLIC COMMENT

Speakers: Ralph Fertig, Phil Walker, Wayne Scoles, Kenneth Loch, Karl Wagner, Richard Robinson.

CONSENT CALENDAR (Item Nos. 2 – 5)

The title of the ordinance related to Item No. 4 was read.

Motion:

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

Vote:

Unanimous voice vote.

2. Subject: Approval Of Final Map And Execution Of Agreements For 822 And 824 East Canon Perdido Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,804 and standard agreements relating to the approved subdivision at 822 and 824 East Canon Perdido, 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 and accepted by the City.

Action: Approved the recommendation; Agreement Nos. 24,278 – 24,280 (October 23, 2012, report from the Public Works Director).

3. Subject: Contract For Construction Of The Community Development Block Grant 2012/2013 Sidewalk Access Ramp Project (530.04)

Recommendation: That Council:

- A. Award a contract with Tomar Construction, Inc., waiving minor irregularities, in their low bid amount of \$89,535 for construction of the Community Development Block Grant 2012/2013 Sidewalk Access Ramp Project, Bid No. 3671; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$13,430 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; Contract No. 24,281 (October 23, 2012, report from the Public Works Director).

4. Subject: Introduction Of Ordinance For A Lease Agreement With Reson, Inc. (330.04)

Recommendation: That Council 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 Agreement with One Five-Year Option with Reson, Inc., dated as of November 29, 2012, at a Monthly Rental of \$24,313 for 4,800 Square Feet of Building 223 and 4,020 Square Feet of Adjacent Yard at 94 Frederick Lopez Road, and 10,800 Square Feet of Building 114 at 100 Frederick Lopez Road, at the Santa Barbara Airport, for Operation of an Acoustical Research and Design Facility.

Action: Approved the recommendation (October 23, 2012, report from the Airport Director; proposed ordinance).

NOTICES

5. The City Clerk has on Thursday, October 18, 2012, 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 ORDINANCE COMMITTEE

Ordinance Committee Chair Grant House reported that the Committee met to consider a proposed amendment to Santa Barbara Municipal Code Section 28.87.300 to extend the time limit for regulations pertaining to nonresidential construction projects. The Committee approved the amendment, which will be forwarded to the Council for introduction and subsequent adoption.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

6. Subject: Central Coast Collaborative On Homelessness (C³H) (660.04)

Recommendation: That Council:

- A. Authorize the City Administrator, subject to City Attorney approval as to form, to execute a Memorandum of Understanding with the Northern Santa Barbara County United Way (NSBCUW) for the Central Coast Collaborative on Homelessness (C³H) effort;
- B. Appoint two members of Council to the C³H Policy Council; and
- C. Withdraw City Council and staff participation in the South Coast Homeless Advisory Committee concurrent with the formation of the C³H Policy Council.

(Cont'd)

6. (Cont'd)

Documents:

- October 23, 2012, report from the Assistant City Administrator/Community Development Director.
- Draft Memorandum of Understanding.

Speakers:

- Staff: Community Development Business Manager Sue Gray, City Administrator James Armstrong, City Attorney Stephen Wiley.
- Housing Authority of the City of Santa Barbara: Executive Director Robert Pearson.

Motion:

Councilmembers White/Rowse to:

- 1) Approve Recommendation A, directing Staff to revise language of the Draft Memorandum of Understanding, as follows, and to submit the revised Draft MOU to the Executive Oversight Committee of the Collaborative for its approval:
 - a) Attachment B, first sentence: "The vision of C³H is to promote more efficient and effective use of resources to reduce homelessness and to meet both the needs of the most vulnerable as well as the needs of the community-in order to house vulnerable people living on the street." Also, the bulleted paragraph appearing below is to be finalized; and
 - b) Attachment C, Duties of Community Coordinator, under National Efforts to End Homelessness: Revise "Maintains continuous communication with Community Solutions/100khomes" to include other programs;
- 2) Appoint Mayor Schneider and Councilmember Francisco to the C³H Policy Council and Councilmembers Murillo and Hotchkiss as alternates (Recommendation B); and
- 3) Approve Recommendation C.

Vote:

Majority voice vote (Noes: Councilmembers House, Murillo).

The final Memorandum of Understanding will be filed by the City as its Agreement No. 24,282.

MAYOR AND COUNCIL REPORTS

7. **Subject: Request From Mayor Schneider And Councilmember Hotchkiss Regarding Economic Forecast Presentation (150.04)**

Recommendation: That Council consider the request from Mayor Schneider and Councilmember Hotchkiss regarding the local economic forecast and any economic impacts the Chumash Camp 4 Project would have on the City of Santa Barbara.

(Cont'd)

7. (Cont'd)

Documents:

- October 23, 2012, report from the City Administrator.
- October 15, 2012, letter from the Santa Ynez Valley Alliance, with attachments.

Speakers:

Members of the Public: Mark Schniepp, Director of the California Economic Forecast in Santa Barbara; Lansing Duncan, Santa Ynez Valley Alliance.

Discussion:

Mr. Schniepp's presentation included statistics related to Santa Barbara County's recovery from the recent recession, such as employment in various sectors, housing unit production, the value of exports, the home resale market, and hotel occupancy rates. He also provided a forecast of the economic impacts of the proposed Chumash Camp 4 project. Councilmembers' questions were answered.

PUBLIC HEARINGS

8. **Subject: Proposed Landmark Designation Of The Central Library, Faulkner Gallery And The Corymbia (Eucalyptus) Citriodora Trees At 40 East Anapamu Street (640.06)**

Recommendation: That Council:

- Consider recommendations of the Historic Landmarks Commission, the Library and Parks and Recreation Department Heads, the Library Board of Trustees and comments from the Parks and Recreation Commission on the proposed designation of the Central Library, Faulkner Gallery and the thirteen (13) Corymbia (Eucalyptus) Citriodora trees;
- Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Central Library and Faulkner Gallery at 40 East Anapamu as a City Landmark;
- Provide direction to revise resolution if changes are desired regarding designating the thirteen (13) Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street as a City Landmark; and
- Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Corymbia (Eucalyptus) Citriodora Trees at 40 East Anapamu Street as a City Landmark.

(Cont'd)

8. (Cont'd)

Documents:

- October 23, 2012, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolutions.
- October 9, 2012, letter from Sydney Baumgartner.
- October 16, 2012, letter from Peter Winn.
- October 17, 2012, letter from Santa Barbara Beautiful.
- October 19, 2012, letter from Bob Cunningham.
- October 23, 2012, letter from William Wittausch.

The titles of the resolutions were read.

Public Comment Opened:

3:43 p.m.

Speakers:

- Staff: Senior Planner Jaime Limón, Urban Historian Nicole Hernandez, Parks and Recreation Director Nancy Rapp, Library Director Irene Macias, City Attorney Stephen Wiley.
- Historic Landmarks Commission: Commissioner Fermina Murray, Chair Philip Suding.
- Parks and Recreation Commission: Chair Lesley Wiscomb, Commissioner Beebe Longstreet.
- Library Board: Member Eric Friedman.
- Members of the Public: Bob Cunningham, Susan Chamberlin, Fred Sweeney, Ginny Brush, W. Scott Burns, Robert Burke.

Public Comment Closed:

5:25 p.m.

Motion:

Councilmembers Murillo/Rowse to designate the Central Library (except the 1980 addition) and the Faulkner Gallery as a City Landmark; Resolution No. 12-071.

Vote:

Unanimous roll call vote.

Motion:

Councilmember Hotchkiss to designate the three Corymbia (Eucalyptus) Citriodora trees located at the center bay of the Library's west elevation as a City Landmark.

This motion died for lack of a second.

(Cont'd)

8. (Cont'd)

Motion:

Councilmembers White/Rowse to designate the three Corymbia (Eucalyptus) Citriodora trees located at the center bay of the Library's west elevation as well as the two Eucalyptus trees located on the Anacapa elevation of the Library building as a City Landmark; Resolution No. 12-072.

Vote:

Majority roll call vote (Noes: Councilmember Murillo, Mayor Schneider).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss commented on his attendance at the 75th anniversary celebration of the Santa Barbara Lawn Bowls Club as well as the recent meeting of the Riviera Association.
- Councilmember Rowse mentioned the status of the solid waste franchise agreement.
- Councilmember Murillo reported on the recent Youth Council Leadership Retreat, and she extended her appreciation to the Gay and Lesbian Business Association for its support of the community's youth.
- Mayor Schneider spoke about the recent meeting of the Leadership Council of the South Coast Gang Task Force, in particular of progress achieved by the Task Force and the improvement in communication between the stakeholders.

RECESS

The Mayor recessed the meeting at 6:05 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 9 and 10, and she stated that no reportable action is anticipated.

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Citizens Planning Association, et al., v. Peak-Las Positas Partners, et al.*, SBSC Case No. 1301176.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

10. (Cont'd)

Documents:

October 23, 2012, report from the City Attorney.

Time:

6:10 p.m. – 6:15 p.m.

No report made.

9. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Firefighters Association, the Police Management Association, and the new Fire Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

October 23, 2012, report from the Assistant City Administrator.

Time:

6:15 p.m. – 7:17 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:17 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING October 30, 2012 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., and 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, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Gwen Peirce.

PUBLIC COMMENT

Speakers: David Daniel Diaz, Kenneth Loch, Richard Robinson, Dr. Robert Johns, k8 longstory.

CONSENT CALENDAR (Item Nos. 1 – 7)

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

Motion:

Councilmembers Hotchkiss/White 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 October 16, 2012.

Action: Approved the recommendation.

2. Subject: September 30, 2012, Investment Report And September 30, 2012, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the September 30, 2012, Investment Report; and
- B. Accept the September 30, 2012, Fiscal Agent Report.

Action: Approved the recommendations (October 30, 2012, report from the Finance Director).

3. Subject: Adoption Of Ordinance For A Lease Agreement With Reson, 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 Agreement with One Five-Year Option with Reson, Inc., at a Monthly Rental of \$24,313, for 4,800 Square Feet of Building 223 and 4,020 Square Feet of Adjacent Yard at 94 Frederick Lopez Road, and 10,800 Square Feet of Building 114 at 100 Frederick Lopez Road, at the Santa Barbara Airport, for Operation of an Acoustical Research and Design Facility, Effective November 29, 2012.

Action: Approved the recommendation; Ordinance No. 5601; Agreement No. 24,284.

4. Subject: Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Department Operations (570.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17, Sections 17.12.050 and 17.20.010 of the Santa Barbara Municipal Code Pertaining to Operations at the Waterfront.

Action: Approved the recommendation (October 30, 2012, report from the Waterfront Director; proposed ordinance).

5. Subject: Records Destruction For The City Administrator's Office (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 City Administrator's Office.

(Cont'd)

5. (Cont'd)

Action: Approved the recommendation; Resolution No. 12-073 (October 30, 2012, report from the City Administrator; proposed resolution).

6. Subject: Confidential Employees Salary Plan Amendment (440.02)

Recommendation: That Council introduce and subsequent adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the 2012-2013 Salary Plan Applicable to Unrepresented Non-supervisory Confidential Employees to Include Omitted Provisions.

Action: Approved the recommendation (October 30, 2012, report from the Assistant City Administrator; proposed ordinance).

NOTICES

7. The City Clerk has on Thursday, October 25, 2012, 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 received a presentation from staff regarding the September 30, 2012, Investment Report and the September 30, 2012, Fiscal Agent Report, which were approved as part of the Consent Calendar (Agenda Item No. 2).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

AIRPORT DEPARTMENT

8. Subject: Potential Naming Of The New Santa Barbara Airport Airline Terminal (560.01)

Recommendation: That Council consider all requests and recommendations received to date regarding naming the new airline terminal building and direct staff what actions to take, if any, in that regard.

Documents:

- October 30, 2012, report from the Airport Director.
- October 30, 2012, binder of correspondence and articles compiled by Staff.

(Cont'd)

8. (Cont'd)

Speakers:

- Staff: Airport Director Karen Ramsdell.
- Members of the Public: Anthony Guntermann, Mary Ann Partridge, Erin Graffy, Lanc Goerner, Mack Staton, William Redding, Pedro Nava, Robert Burke, Ed Hartfeld.

Motion:

Councilmembers White/House to approve naming the new airline terminal building after John T. Rickard.

Vote:

Majority voice vote (Noes: Councilmembers Francisco and Hotchkiss).

RECESS

3:15 p.m. – 3:22 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT

9. Subject: Technology Selection For Recycled Water Treatment Plant (540.13)

Recommendation: That Council hear a report from staff on the proposed technology for treating recycled water and provide policy direction regarding the preferred project.

Documents:

- October 30, 2012, report from the Public Works Director.
- PowerPoint Presentation prepared and made by Staff.

Speakers:

Staff: Water Resources Manager Rebecca Bjork.

Motion:

Councilmembers White/Murillo to approve staff's recommendation on the proposed microfiltration technology for the Recycled Water Treatment Plant.

Vote:

Unanimous voice vote.

MAYOR AND COUNCIL REPORTS

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

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 13, and November 20, 2012.

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

Documents:

October 30, 2012, report from the Assistant City Administrator/
Administrative Services Director.

Speakers:

The following applicants were interviewed:

Airport Commission:

Karen M. Kahn

Carl L. Hopkins

Architectural Board of Review:

Steven Dowty

Donald Polk

Civil Service Commission:

Gabriel Garcia

Community Development and Human Services Committee:

James Cook

Greg Gorga

Frank Quezada

Downtown Parking Committee:

Matt W. LaBrie

Harbor Commission:

Bill Cordero Sr.

Historic Landmarks Commission:

Fermina B. Murray

Library Board:

Susette Naylor

Metropolitan Transit District Board:

Keith Coffman-Grey

Planning Commission:

Sheila Lodge

Rental Housing Mediation Task Force:

Richard Axilrod

Sister Cities Board:

Barbara Ellis

Transportation and Circulation Committee:

Robert Burnham

By consensus, the Council continued the interviews to November 13, 2012, at 6:00 p.m.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo stated that she was appointed Vice Chair of the Joint Cities/County Affordable Housing Task Force at a recent meeting and discussed items that were covered at the meeting; she also reported on a Parks & Recreation Commission meeting where they discussed tree removal issues.
- Councilmember Hotchkiss reported on a recent Airline briefing; and he also spoke about his attendance at a recent United Nations/Sister Cities celebration at the Cabrillo Arts Pavilion.
- Councilmember White reported that he attended the opening of the Scranton Overlook at the Santa Barbara Bowl.

RECESS

Mayor Schneider recessed the meeting at 5:18 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 11, with no reportable action anticipated.

CLOSED SESSIONS

11. Subject: Conference With Real Property Negotiator - 3732 Unit No. 2 Gregory Way, Santa Barbara (330.03)

Recommendation: That Council hold a closed session, pursuant to the authority of Government Code Section 54956.8, to consider instructions to its negotiators regarding a possible sale or relinquishment of a real property interest owned by the City of Santa Barbara on property located at 3732 Unit No. 2 Gregory Way, in the City of Santa Barbara.

Property: 3732 Unit No. 2 Gregory Way, Santa Barbara.

City Negotiator: Paul Casey, Assistant City Administrator, Deidre Randolph, Community Development Programs Supervisor, Stephen Wiley, City Attorney, Sarah Knecht, Assistant City Attorney.

Negotiating Party: Paul R. Burns, Esq., legal counsel for Franciscan Villas Homeowners Association.

Under Negotiation: Price and terms of possible sale or relinquishment of City-owned interest in real property.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

October 30, 2012, report from the City Attorney.

Time:

5:22 p.m. – 5:43 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:43 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 17, SECTIONS 17.12.150 AND 17.20.010 OF THE SANTA BARBARA MUNICIPAL CODE PERTAINING TO OPERATIONS AT THE WATERFRONT

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

SECTION 1. Section 17.12.150 of Chapter 17.12 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

17.12.150 Operation of Vessels in Harbor.

It is unlawful for any person to operate a vessel within the Harbor:

1. at a speed greater than five (5) nautical miles per hour;
2. in a manner that creates a wake that causes docks, floating structures or vessels secured to docks or floating structures to move in a way that threatens safety, or damages floating structures or vessels; or
3. in a manner that fails to account for visibility, weather conditions, other vessels, property or for the safety of all persons.

This section shall not apply to public officers in the performance of their official duties or persons issued a special permit by the Waterfront Director.

SECTION 2. Section 17.20.010 of Chapter 17.20 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

17.20.010 Permission to Moor, Anchor, Berth or Dock Required.

It is unlawful for any person to Moor, Berth, Dock or Anchor any vessel or to allow a vessel under their command and control to remain Moored, Berthed, Docked or Anchored in any part of the Harbor District, except anchoring in the Seasonal and Year-Round Anchorage areas depicted in Exhibit "A" attached hereto, without first obtaining permission to do so from the Waterfront Director. The Waterfront Director may refuse permission to Moor, Berth, Dock, or Anchor a vessel in the Harbor District when the Waterfront Director determines it is in the interest of public health, safety or the protection of the environment, assets or resources of the City to do so.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE 2012-2013 SALARY PLAN APPLICABLE TO UNREPRESENTED NON-SUPERVISORY CONFIDENTIAL EMPLOYEES TO INCLUDE OMITTED PROVISIONS.

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

SECTION 1. The 2012-2013 Salary Plan Applicable to Unrepresented Non-supervisory Confidential Employees, originally adopted by Ordinance No. 5598, is hereby amended as attached hereto and incorporated herein by reference as Exhibit "A".

**2012-2013 SALARY PLAN APPLICABLE TO
UNREPRESENTED NON-SUPERVISORY CONFIDENTIAL EMPLOYEES**

1. This plan will apply to positions classified as non-supervisory Confidential employees effective July 1, 2012.
2. The City Administrator is authorized to provide Confidential employees with salaries and benefits under the same terms and conditions as General Unit employees, except as detailed herein.
3. Vacation Cash Out
 - a. Effective July 1, 2012, there shall be no longer be an annual option to receive cash payment in lieu of vacation time (vacation cash-in);
 - b. On a one-time basis, on or before October 30, 2012, employees will be given the option to receive cash in lieu of up to forty (40) hours of accrued vacation time. Following the designated cash out, an amount equivalent to \$42,450 less the actual City cost of the cash out will be will be distributed per capita among all confidential employees as a one-time payment. This payment shall be made on or before December 24, 2012. This payment will not be considered or reported as special compensation for purposes of retirement contributions
 - c. **The maximum vacation accrual cap will be increased by 40 hours, to 296 hours.**
4. Medical Insurance: Effective January 1, 2013, the maximum City medical contribution will be increased by \$65 per employee per month, to \$1055.01 per employee per month.
5. **Employees will not be eligible for the \$383.44 one-time payment that General Unit employees were provided under the applicable labor agreement.**



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 06, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Acquisition Of Easements For The Chapala Street Bridge Replacement Project

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept A Permanent Easement and Various Temporary Construction Easement Interests Located at 134 Chapala Street, 203 Chapala Street, and 104 Los Aquajes Avenue Relating to the Chapala Street Bridge Replacement Project, and Authorize the Public Works Director to Execute Such Agreements and Related Documents as Necessary for the Acquisition and Acceptance of Said Permanent Easement and Temporary Construction Easements, and Record Said Permanent Easement Deed and Memorandums of Agreement for the Temporary Construction Easements in the Official Records of the County of Santa Barbara.

DISCUSSION:

The Chapala Street Bridge Replacement Project (Project) will replace the structurally deficient bridge over Lower Mission Creek (LMC). The new bridge will continue to accommodate the same number and sizes of traffic lanes and pedestrian access. The Project is an approved Federal Highway Administration (FHWA) Bridge Program project with oversight provided through the State of California Department of Transportation (Caltrans). The design of the Project is 95% complete, and staff is currently working to acquire the necessary property interests.

The permanent and temporary construction easements identified below are associated with the Project and must be purchased by the City in order for the bridge to be constructed. The acquisition of these particular real property interests is on the critical path schedule for construction to begin as scheduled in the spring of 2013.

The Project will require the acquisition of a permanent easement at 134 Chapala Street for street, bridge, and flood control purposes. Additionally, due to the close proximity to the Project area of the properties located at 134 Chapala Street, 203 Chapala Street, and 104 Los Aquajes Avenue, temporary construction easements are needed in order to facilitate construction of the new bridge.

To date, the agreements necessary for the acquisition of the permanent and temporary construction easements identified below, and as more particularly described in Attachments 1, 2, and 3, have been executed by the respective property owners and delivered to the City. These agreements require authorization and approval by Council, and the pertinent real property interests must be accepted by the City.

The proposed Resolution will authorize the Public Works Director to execute the agreements necessary to purchase the easements identified in the chart below (and as more particularly described in Attachments 1, 2, and 3.)

The easements to be acquired and accepted for the Project are as follows:

APN	Site Address	Type of Easement	Owner
033-074-001	134 Chapala Street	Permanent (See Attachment 1)	John Celmins & Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000
033-074-001	134 Chapala Street	Temporary Construction (See Attachment 1)	John Celmins & Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000
033-041-001	203 Chapala Street	Temporary Construction (See Attachment 2)	Urban Pacific, LLC, a California limited liability company
033-041-002	104 Los Aquajes Avenue	Temporary Construction (See Attachment 3)	Dario Pini

BUDGET/FINANCIAL INFORMATION:

The written offers provided to the property owners to purchase the easements required for the Project were based on valuations approved by Caltrans.

The total amount of compensation being paid to acquire the easements authorized by the Council action is as follows:

APN	Owner	Total Compensation
033-074-001	John Celmins & Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000	\$1,300
033-041-001	Urban Pacific, LLC, a California limited liability company	\$5,875
033-041-002	Dario Pini	\$500

100 per cent of costs for all eligible right of way and construction activities are reimbursed to the City. The FHWA Bridge Program pays 88.53 percent and the State Toll Credit Program pays 11.47 percent. Therefore, no City cost is incurred for the acquisition of these easements.

ATTACHMENT(S): 1. Permanent & Temporary Construction Easement for 033-074-001
2. Temporary Construction Easement for 033-041-001
3. Temporary Construction Easement for 033-041-002

PREPARED BY: John Ewasiuk, Principal Civil Engineer/MAW/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

JOHN & EMILY CELMINS
134 CHAPALA STREET
APN-033-074-001
SANTA BARBARA TOURIST HOSTEL

GRAPHIC SCALE



(IN FEET)

1 IN = 20 FT

W. YANOLALI STREET

BRIDGE

5'

22'

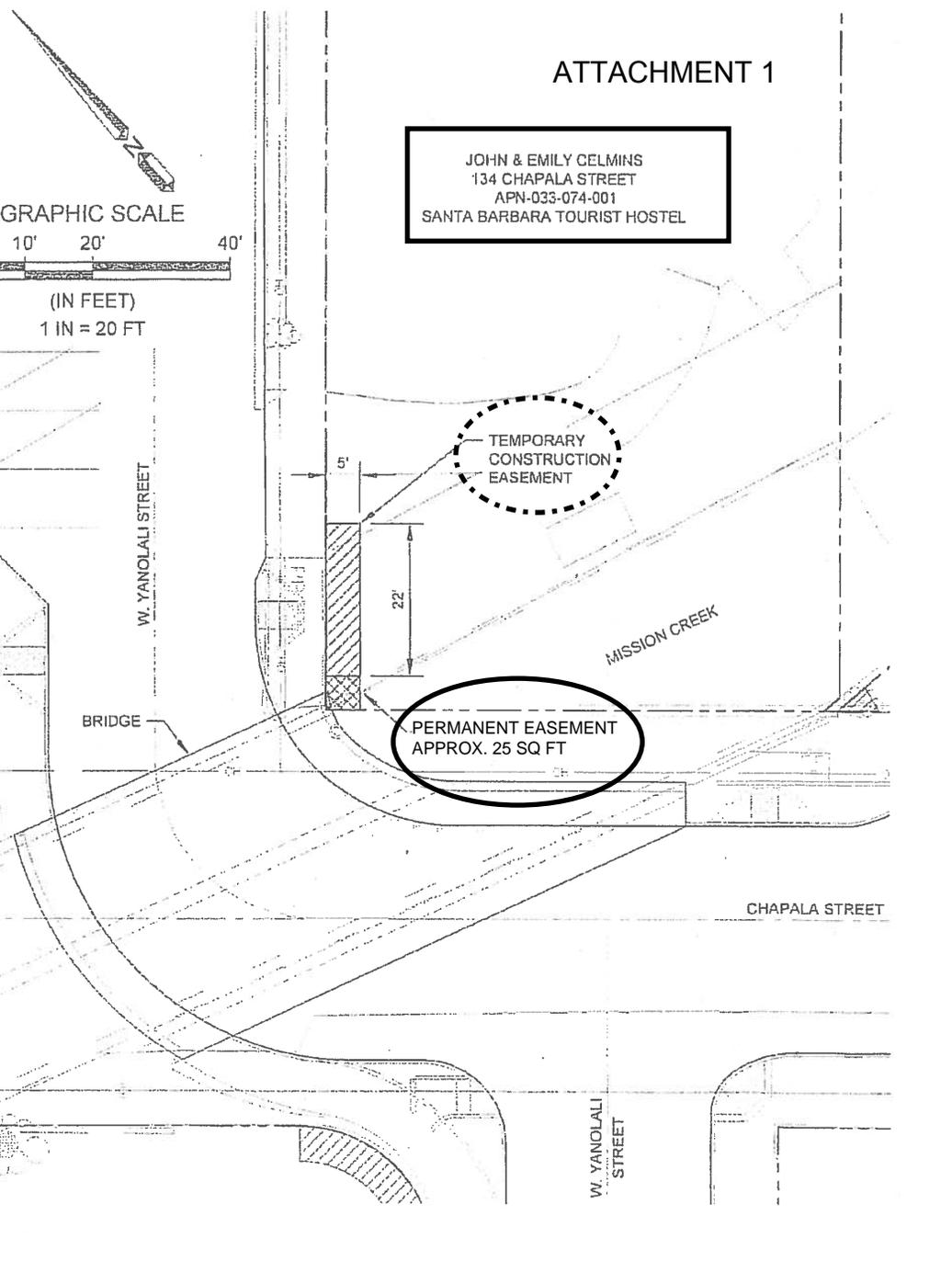
TEMPORARY
CONSTRUCTION
EASEMENT

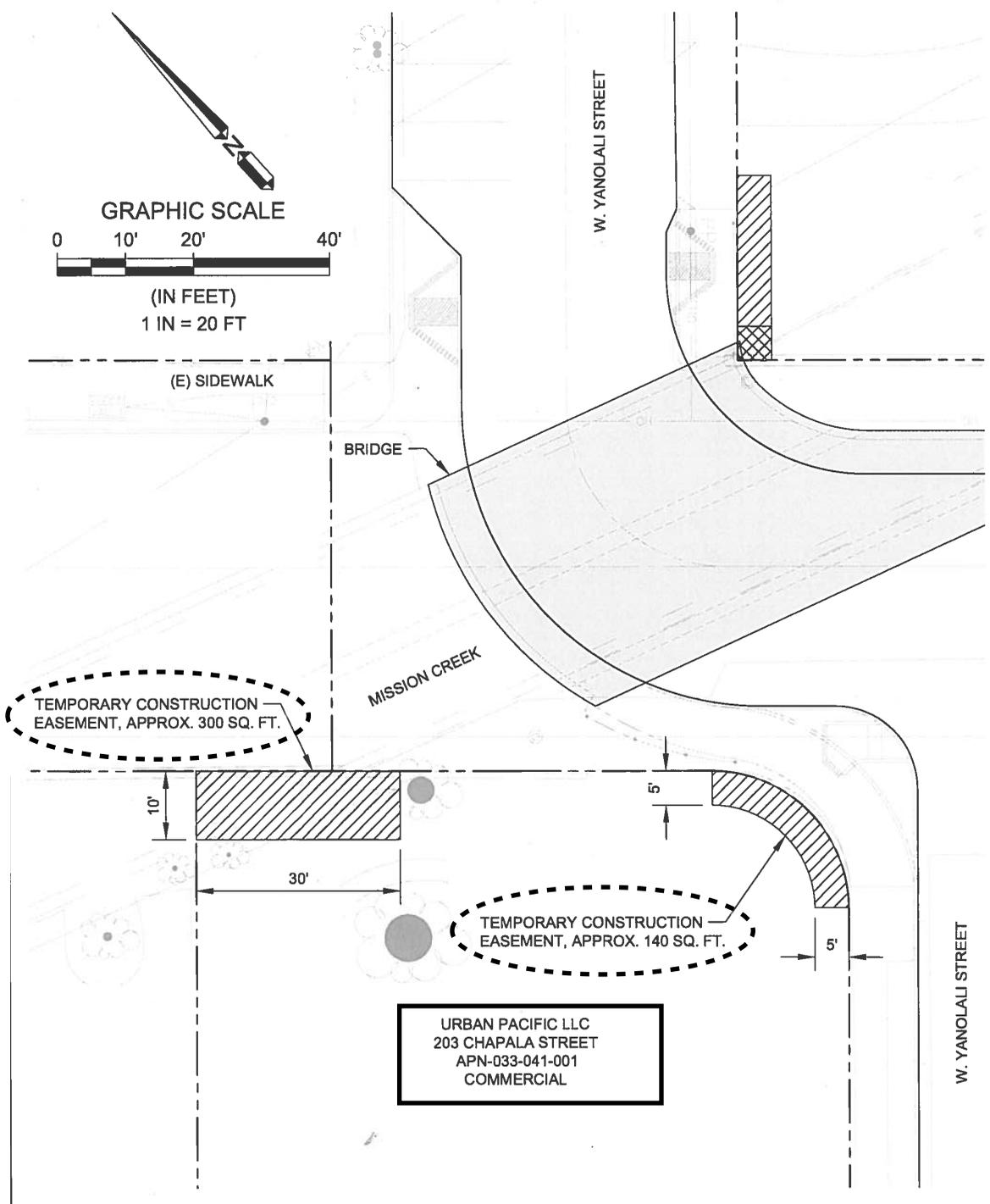
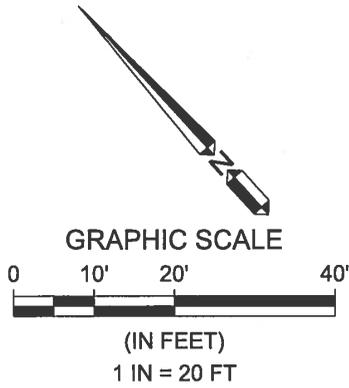
PERMANENT EASEMENT
APPROX. 25 SQ FT

MISSION CREEK

CHAPALA STREET

W. YANOLALI
STREET





URBAN PACIFIC LLC
203 CHAPALA STREET
APN-033-041-001
COMMERCIAL

ATTACHMENT 3

GRAPHIC SCALE



(IN FEET)
1 IN = 20 FT

(E) SIDEWALK

TEMPORARY CONSTRUCTION
EASEMENT, APPROX. 50 SQ. FT.

10'

5'

MISSION CREEK

BRIDGE

DARIO PINI
104 LOS AGUALES AVENUE
APN-033-041-002
MULTI. FAMILY RESIDENCE

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT A PERMANENT EASEMENT AND VARIOUS TEMPORARY CONSTRUCTION EASEMENT INTERESTS LOCATED AT 134 CHAPALA STREET, 203 CHAPALA STREET, AND 104 LOS AQUAJES AVENUE RELATING TO THE CHAPALA STREET BRIDGE REPLACEMENT PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE SUCH AGREEMENTS AND RELATED DOCUMENTS AS NECESSARY FOR THE ACQUISITION AND ACCEPTANCE OF SAID PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS, AND RECORD SAID PERMANENT EASEMENT DEED AND MEMORANDUMS OF AGREEMENT FOR THE TEMPORARY CONSTRUCTION EASEMENTS IN THE OFFICIAL RECORDS OF THE COUNTY OF SANTA BARBARA

WHEREAS, a proposed project is currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing Chapala Street Bridge at Mission Creek under the Chapala Street Bridge Replacement Project (Project) due to the bridge's age, increasingly deteriorated condition, and limited flood control capacity;

WHEREAS, it is anticipated that a significant portion of the City's associated costs for the Project will be reimbursed through funding provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the Project requires the purchase by the City of a permanent easement for street, bridge, and flood control purposes, along with a temporary construction easement, on a portion of the real property commonly known as 134 Chapala Street, Santa Barbara County Assessor's Parcel Number (APN) 033-074-001, owned by John Celmins and Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000, due to the property's location immediately adjacent to the existing bridge and the proposed new Chapala Street Bridge at Mission Creek, for total compensation in the amount of \$1,300, plus related escrow and title costs;

WHEREAS, the Project also requires the purchase by the City of a temporary construction easement, on a portion of the real property commonly known as 203 Chapala Street, APN: 033-041-001, owned by Urban Pacific, LLC, a California limited liability company, due to the property's location immediately adjacent to the existing bridge and the proposed new Chapala Street Bridge at Mission Creek, for total compensation in the amount of \$5,875;

WHEREAS, the Project also requires the purchase by the City of a temporary construction easement on a portion of the real property commonly known as 104 Los Aquajes Avenue, APN: 033-041-002, owned by Dario Pini, due to the property's location immediately adjacent to the existing bridge and the proposed new Chapala Street Bridge at Mission Creek, for total compensation in the amount of \$500;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent easement and temporary construction easements have been valued, and in accordance with applicable laws and guidelines, and subject to final approval by Council, written offers and required valuation summaries and agreements have been delivered to the respective owners;

WHEREAS, the written purchase offers have been accepted by the respective owners and agreements have been signed voluntarily to allow the City to purchase the real property interests, subject to final approval by Council;

WHEREAS, this Resolution will provide authorization from the Santa Barbara City Council to the Public Works Director to execute the purchase agreements with the affected property owners at 134 Chapala Street, 203 Chapala Street, and 104 Los Aquajes Avenue, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by Council to the Public Works Director to subsequently execute any other documents that may become necessary to accomplish such purchases by the City of the various interests in the real properties, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, Memorandums of Agreement and escrow and title instructions; and

WHEREAS, this Resolution will demonstrate intent by Council to accept the permanent easement and temporary construction easement interests particularly described in the respective documents delivered for such purpose, without further action or subsequent Resolution.

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

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement and Joint Escrow Instructions with John Celmins and Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000, to accomplish the purchase by the City of the permanent easement for street, bridge, and flood control purposes, along with the purchase of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 134 Chapala Street, Santa Barbara County Assessor's Parcel Number 033-074-001, for total compensation in the amount of \$1,300, plus related escrow and title costs.

SECTION 2. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement with Urban Pacific, LLC, a California limited liability company, and its related Memorandum of Agreement for Temporary Construction Easement, to accomplish the purchase by the City of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 203 Chapala Street, Santa Barbara County Assessor's Parcel Number 033-041-001, for total compensation in the amount of \$5,875.

SECTION 3. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement with Dario Pini and its related Memorandum of Agreement for Temporary Construction Easement, to accomplish the purchase by the City of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 104 Los Aquajes Avenue, Santa Barbara County Assessor's Parcel Number 033-041-002, for total compensation in the amount of \$500.

SECTION 4. The City of Santa Barbara hereby accepts the interests on the real property mentioned above, as more particularly described in the Chapala Street Bridge Permanent Easement and Temporary Construction Easement Deed signed by John Celmins and Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000, and as particularly described in the Easement Purchase Agreement and Joint Escrow Instructions with John Celmins and Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000, which has been executed and delivered hereunder.

SECTION 5. The City of Santa Barbara hereby accepts the interest on the real property mentioned above, as more particularly described in the Easement Purchase Agreement with Urban Pacific, LLC, a California limited liability company, which has been executed and delivered hereunder.

SECTION 6. The City of Santa Barbara hereby accepts the interest on the real property mentioned above, as more particularly described in the Easement Purchase Agreement with Dario Pini, which has been executed and delivered hereunder.

SECTION 7. The City of Santa Barbara hereby consents to the recordation by the City Clerk of the Chapala Street Bridge Permanent Easement and Temporary Construction Easement Deed and the two Memorandums of Agreement for Temporary Construction Easement, in the Official Records, County of Santa Barbara.

SECTION 8. This Resolution shall become effective immediately upon its adoption.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 6, 2012

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Contract For Update To Operations And Maintenance Manual With Related Standard Operating Procedures

RECOMMENDATION:

That Council authorize the Public Works Director to execute a Professional Services Agreement with Kennedy/Jenks Consultants, in the amount of \$365,891 to update the El Estero Wastewater Treatment Plant Operation and Maintenance Manual and related documentation, including the development and update of the facility's Standard Operating Procedure documentation, with new electronic documentation management software and authorize the Public Works Director to approve expenditures of up to \$36,589 for extra services of Kennedy/Jenks Consultants that may result from necessary changes in the scope of work.

DISCUSSION:

Background

The City owns and operates an activated sludge wastewater treatment plant (El Estero). This plant includes preliminary treatment, primary treatment, secondary treatment, chlorination and dechlorination facilities, ocean outfall, and solids handling unit processes. Currently, El Estero treats an average of eight million gallons per day of wastewater.

The City's wastewater system operates under National Pollutant Discharge Elimination System (NPDES) Permit No. CA0048143, issued by the California Regional Water Quality Control Board (RWQCB), which contains Clean Water Act requirements administered by the United States Environmental Protection Agency (EPA). A requirement of both the Clean Water Act and the NPDES Permit is that the City periodically update the El Estero Operations and Maintenance (O&M) Manual and related Standard Operating Procedures (SOPs) to reflect current facility unit process information.

The original O&M Manual was written in the 1970's when the treatment plant was built; it has not been comprehensively revised since that time. The standard operating procedures were revised in 2003, but they are not comprehensive and need to be updated to reflect current practices and regulations.

Project Description

This project is intended to:

- Update the O&M Manual for the facility to reflect current conditions;
- Update and develop necessary SOPs for the facility;
- Provide electronic documentation management software for City staff to update the new O&M Manual and associated SOPs on an on-going, as-needed basis as a result of staff-initiated facility improvements;
- Provide for publication and document control of above updated documentation in an electronic, on-line format; and
- Develop policies and procedures for electronic documentation-related mechanisms that allow City staff to update the new O&M Manual and associated SOPs to reflect changes in the facility or operations section activities as a result of staff initiated facility improvements, Capital Improvement Program project work, process optimization work, or changes in City policies or regulatory agency requirements.

After mailing Requests for Proposals to twenty-one consulting firms, the City received a total of six proposals from firms interested in performing the requested updates. All six firms were interviewed by a team consisting of staff and a number of members from the City's Board of Water Commissioners. Kennedy/Jenks Consultants was selected to perform this work.

The Kennedy/Jenks Consultants team provided the most comprehensive strategy and resources to accomplish the necessary scope of work in a timely manner. Kennedy/Jenks Consultants will provide the following services:

- Assessment of existing documentation and current work processes;
- Updating El Estero detailed operational activities and processes through workshop reviews of all wastewater unit process operations with City staff and recommending procedural improvements;
- Development of a complete and updated O&M Manual using current USEPA Guidance For Preparing Standard Operating Procedures (EPA Qs/G-6) guidelines and procedures;
- Provision of new document management software for use on existing City information system hardware to allow City staff to continually update the new O&M Manual work products; and
- Coordination with El Estero and Information Systems staff to finalize procedures and related activities to ensure successful installation and operational implementation of final O&M Manual documentation with the consultant software on existing City information system hardware/software.

At its meeting on October 8, 2012, the Board of Water Commissioners voted 3-0-0 to approve staff's recommendation.

BUDGET/FINANCIAL INFORMATION:

This project was anticipated, and there are adequate appropriated funds in the Wastewater Capital Budget for these professional assessment and updating services.

PREPARED BY: Christopher J. Toth, Wastewater System Manager/avb

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 6, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Cancellation Of Certain Council Meetings In 2013

RECOMMENDATION:

That Council cancel the regular Council Meetings on the following dates: January 22, February 19, April 2, May 28, July 9, August 27, September 3, November 5, December 3, December 24, December 31, 2013.

DISCUSSION:

Each year we review the calendar for the regular City Council Meeting dates.

The Council meeting schedule has been established based on cancelling the Council meetings on the Tuesdays following a holiday, providing for a summer break, on Election Day, and on Christmas Eve. Council canceled these same Council meetings in 2012.

We are now proposing the cancellation of 11 meetings for the next year.

Using this criteria, the following meetings would be cancelled:

- Tuesday, January 22, 2013 (Tuesday after Martin Luther King, Jr. Holiday);
- Tuesday, February 19, 2013 (Tuesday after Presidents Day Holiday);
- Tuesday, April 2, 2013 (Tuesday after Cesar Chavez Day Holiday);
- Tuesday, May 28, 2013 (Tuesday after Memorial Day Holiday);
- Tuesday, July 9, 2013 (Tuesday after 4th of July Holiday);
- Tuesday, August 27, 2013 (Break for Summer Holiday);
- Tuesday, September 3, 2013 (Tuesday after Labor Day Holiday);
- Tuesday, November 5, 2013 (Election Day)
- Tuesday, December 3, 2013 (Tuesday after Thanksgiving Holiday);
- Tuesday, December 24, 2013 (Christmas Holiday); and
- Tuesday, December 31, 2013 (Tuesday after Christmas Day Holiday)

Council Agenda Report
Cancellation of Certain Council Meetings in 2013
November 6, 2012
Page 2

PREPARED BY: Jennifer Jennings, Administrator's Office Supervisor

SUBMITTED BY: Marcelo Lopez, Assistant City Administrator

APPROVED BY: City Administrator's Office



SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

SUCCESSOR AGENCY AGENDA REPORT

AGENDA DATE: November 6, 2012

TO: Successor Agency Members

FROM: Successor Agency Staff

SUBJECT: Proposed Amended And Restated Grant Agreement With Ensemble Theatre Company

RECOMMENDATION:

That the Successor Agency approve, subject to approval as to form by the Successor Agency counsel, and recommend to the Oversight Board approval of the Ensemble Theatre's request for approval of an Amended and Restated Grant Agreement No. 540, originally approved by the Redevelopment Agency of the City of Santa Barbara on June 11, 2011.

BACKGROUND:

In June 2011, the former Redevelopment Agency of the City of Santa Barbara ("RDA") entered into a Grant Agreement with the Ensemble Theatre wherein the RDA agreed to grant Ensemble up to \$1,000,000 to fund certain improvements to the Victoria Theater. The Grant Agreement requires that the theater be used for performing arts purposes and that it be made available for community and non-profit performing arts groups for at least six-years after completion of the theater restoration. As security for the performance covenants provided in the Agreement, RDA funds would not be used until after substantial completion of the restoration project and funding would be secured by a deed of trust recorded against the Ensemble leasehold.

DISCUSSION:

After dissolution of the RDA in February 2012 and formation of the Oversight Board, the Oversight Board approved the Ensemble Grant on the first Recognized Obligation Payment Schedule as an enforceable obligation payable from the 2003 RDA bonds proceeds. Due to timing requirements in the Grant, the Grant has not been scheduled for payment.

As discussed in detail in the letter submitted by Ensemble to the Oversight Board (attached), Ensemble has recently been in negotiations with the three owners of the Victoria building whereby Ensemble could acquire long-term ownership of the Victoria Theater building through a 99-year lease with the remaining property owner after a buy-out of the other owners' interests. Change to the ownership structure would allow for

the redevelopment funds to be used to assist Ensemble with the theater purchase instead of the purchase of theater equipment at the conclusion of the restoration project.

Benefits to Ensemble from such an ownership structure would include access to the RDA grant funding sooner and the possibility that the new structure would not trigger a prevailing wage requirement. Successor Agency staff is still reviewing the prevailing wage issue and approval of the Amended and Restated Grant will be conditioned upon resolution of this issue to the satisfaction of Successor Agency counsel. Ensemble has proposed that the grant funding be reduced by \$50,000 from \$1,000,000 to \$950,000.

As part of the proposed Amended and Restated Grant Agreement, staff will require, among other standard grant terms and conditions, the following:

- The grant funds will be placed into an escrow account and will be available for distribution only when Ensemble closes escrow to acquire the 99-year lease interest in the Theatre building.
- That Ensemble Theatre Company will continue to work with City Staff in an effort to clarify any prevailing wage issues regarding the proposed Amended and Restated Grant.
- The Successor Agency will be granted a trust deed in Ensemble's ownership of the Victoria Theatre.
- Ensemble will provide proof of the appropriate insurance in accordance with City of Santa Barbara standards.
- The Victoria Theatre must serve as a community arts facility by regularly offering the Theatre to non-profit organizations at favorable rates which allow for the widest variety of non-profits to utilize the facility.
- That the Victoria Theatre be opened for business as a community theater by January 1, 2014.

Assembly Bill No. X1 26, as amended by Assembly Bill No. 1484, authorizes the Oversight Board to direct the Successor Agency to renegotiate agreements between the former Redevelopment Agency and a private party to "reduce liabilities and increase net revenues to the taxing entities" and, once renegotiated, present the proposed amendment to the Oversight Board for approval. The Oversight Board may approve such an agreement if it finds that the agreement would be in the best interests of the taxing entities.

At its September 20, 2012 meeting, the Oversight Board directed the Successor Agency to renegotiate the grant in a reduced amount of \$950,000.

If approved by the Successor Agency, the Oversight Board will consider approval of the Amended and Restated Grant Agreement at its meeting on November 8, 2012.

ATTACHMENT: Ensemble Theatre Company request letter to Oversight Board dated September 13, 2012.

PREPARED BY / SUBMITTED BY: Brian J. Bosse, Waterfront Business Manager

APPROVED BY: City Administrator's Office



DEREK A. WESTEN
ATTORNEY AT LAW
1800 JELINDA DRIVE
SANTA BARBARA, CALIFORNIA 93108

EMAIL: DEREK@WESTENLAW.COM
FACSIMILE: (805) 456-0409
TELEPHONE: (805) 963-7130

September 13, 2012

Chair Brian Fahnestock, and
Members of the Oversight Board of Santa Barbara
c/o Mark S. Manion Esq.
Price, Postel & Parma, LLP
200 East Carrillo Street
Suite 400
Santa Barbara CA 93101

Re: Proposed Modification of Ensemble Theatre Company Redevelopment
Agency Grant Agreement

Dear Chair Fahnestock and Members of the Oversight Board:

I write on behalf of Ensemble Theatre Company, Inc., a California non-profit corporation (“Ensemble”), to request that the Oversight Board direct the Successor Agency to the Redevelopment Agency of the City of Santa Barbara to negotiate an amendment and restatement of the existing Grant Agreement between Ensemble and the Redevelopment Agency of the City of Santa Barbara, of which the Successor Agency is the successor.

The proposed amendment, which is made possible by recent agreements among Ensemble and all three Co-Owners of the Victoria Street property, will benefit the taxing agencies, increase the benefits to the City, greatly simplify the Grant Agreement, and accelerate completion of the grant disbursement.

Ensemble, CALM, Unity, RSVP Purchase and Sale Agreements

We are very pleased that Ensemble and all three owners of the Victoria Street property—Child Abuse Listening and Mediation, Inc. (“CALM”); Unity Shoppe, Inc. (“Unity”); and Retired Senior Programs, Inc. (“RSVP”)—have entered into mutually-beneficial purchase and sale agreements pertaining to the Victoria Street property. CALM will acquire the entire interest of Unity and RSVP in the Property, and Ensemble will purchase the Victoria Theater portion, replacing its 30-year lease with permanent ownership.

All four affected non-profits strongly support the agreements. The agreements will provide Unity and RSVP needed capital to consolidate and strengthen their operations, resolve problematic past governance issues that have arisen from shared ownership of the Victoria Street property, add to the property’s value for CALM, and allow Ensemble both to secure permanent ownership and add value to the Victoria Theater. Unity will lease back from CALM the same important basement space it now uses and that it has long used for its operations,



while simultaneously acquiring capital that is very important to Unity's completion of acquisition of its Sola Street (Magellen's) property.

The four organizations are working cooperatively to effectuate close of these important transactions as soon as possible—hopefully within 45 days. All four organizations are extremely pleased with the mutually-beneficial agreements and trust that the City and Oversight Board will appreciate the benefits that the anticipated transaction will have for the organizations themselves and the community.

Ensemble Grant Agreement

On May 11, 2012, by placing the Ensemble Grant Agreement on the approved Recognized Obligation Payment Schedule, the Oversight Board determined that the Ensemble Grant Agreement approved by the Redevelopment Agency in 2011 is an enforceable obligation. The Grant Agreement provides for a grant to Ensemble of not to exceed \$1,000,000 to assist Ensemble with lease improvements, in exchange for operational covenants that assure the City of qualifying benefits under applicable redevelopment law. In reliance on the Grant Agreement Ensemble has entered into a binding construction contract for the renovations of the Victoria Theater, and construction is well underway. The grant is extremely important to Ensemble.

Although the Grant Agreement currently would not allow application of grant funds for acquisition of the Victoria Theater, Ensemble's purchase of the property means that the grant funds can be applied to reimburse costs of purchase.

The fact that Ensemble will be purchasing the Victoria Theater allows great simplification of the Grant Agreement.

Proposed Amendment of Grant Agreement

The Oversight Board has certain authority to direct the Successor Agency to renegotiate Enforceable Obligations, such as the Grant Agreement, provided that there is benefit to the taxing agencies.

Now that purchase of the Victoria Theater is possible, Ensemble proposes amendments that will not only benefit the taxing agencies, but that will increase benefit to the City, to Ensemble, to the performing arts community, and to the downtown. Ensemble proposes that the already-enforceable Grant Agreement be amended and restated to provide:

1. The amount to be disbursed will be *reduced* from \$1,000,000 to \$950,000;
2. The Grant Agreement will require that the grant funds be disbursed only to reimburse Ensemble for a portion of the purchase price of the Victoria Theater;



3. The Grant Agreement will specify that the grant funds may only be used for purchase of the Victoria Theater and for no other purpose;
4. As the principal consideration to the City for the Grant Agreement, Ensemble will continue to covenant to fulfill the same Operating Covenants now contained in the Grant Agreement that ensure benefit to the City, to performing arts, and to the downtown business community; Ensemble's performance of those operating covenants will continue to be secured by a deed of trust encumbering Ensemble's interest in the property, as now provided by the Grant Agreement. No new interests in real property will be created.

Benefits

The proposed Grant Agreement modifications have at least the following cardinal benefits:

- A. There will be an immediate \$50,000 benefit to the taxing agencies from reduction of the grant amount. Ensemble's agreement to reduce the grant amount from \$1,000,000 to \$950,000 means that an additional \$50,000 that would otherwise be disbursed pursuant to an existing enforceable obligation will, instead, allow the bond proceeds to be used for other purposes and perhaps reduce the over-all debt obligation of the former Redevelopment Agency;
- B. Application of grant funds to reimburse Ensemble for a portion of the cost of purchase of the Victoria Theater will greatly simplify the structure, implementation, and enforcement of the Grant Agreement;
- C. Application of grant funds to purchase will further increase the stability and financial security of Ensemble, which in turn promises longer-term benefits to the City and the performing arts community;
- D. Application of grant funds to purchase will benefit Ensemble by helping to ensure that it will be able to use and operate the Victoria Theater within its current capital and campaign budget; and
- E. Application of the grant funds to purchase will benefit CALM, Unity, and RSVP—the three co-owners of the property—by facilitating the purchase and sale transaction that all four organizations support.

Procedural Steps

We have prepared a draft amended and restated Grant Agreement and reviewed it with the City Attorney, and key City leadership, as well as with Counsel for the Oversight Board.



DEREK A. WESTEN
ATTORNEY AT LAW

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September 13, 2012

If the Oversight Board directs the Successor Agency to negotiate the suggested amendment and restatement to the Grant Agreement, we will work with the Successor Agency pursuant to Health and Safety Code Section 34181 to finalize the modifications and return to the Oversight Board for approval of a restated agreement.

Conclusion

Ensemble and all three co-owners of the Victoria Street property are pleased to be able to report this important, mutually-beneficial agreement among Ensemble, CALM, Unity, and RSVP.

Ensemble looks forward to working with the Oversight Board toward finalization of the proposed Grant Agreement modifications.

Sincerely,

Derek A. Westen
Attorney at Law

cc. Sarah Knecht, Esq.
Steve Wiley, Esq.
James D. Armstrong, City Administrator
Paul Casey, Assistant City Administrator
Cecilia Rodriguez, Executive Director CALM
Tom Reed, Executive Director Unity
Frank Newton, Ph.D., Executive Director RSVP
Jonathan Fox, Executive Artistic Director Ensemble
Diana Jessup-Lee, Esq.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 6, 2012

TO: Mayor and Councilmembers

FROM: Finance Department and Information Systems Division of
Administrative Services Department

SUBJECT: Purchase Of A New Financial Management System

RECOMMENDATION: That Council:

- A. Approve a professional services agreement with Tyler Technologies, Inc., for the acquisition and implementation of the Munis Financial Management System (FMS), in an amount not to exceed \$1,393,470;
- B. Approve additional services that may be identified during the implementation of Munis, in an amount not to exceed \$250,275; and
- C. Approve a Munis technical support and maintenance agreement for up to five years in an annual amount not to exceed \$121,775 beginning in year two (year one fees have been waived) and increasing by 3% in year three and by 5% in years four and five.

EXECUTIVE SUMMARY:

The City's Financial Management System (FMS) is one of the most important computer systems that the City uses, playing a significant role in many key financial and administrative functions Citywide. The current system was implemented twenty-two years ago. Plans have been underway for many years to replace this functional, but technologically obsolete, system. In Fiscal Year 2012, the project was assigned a high priority and an extended effort was undertaken to update and conduct a comprehensive review of proposals received in response to an earlier Request For Proposals (RFP). The project team unanimously chose Tyler Technologies' Munis (Tyler Munis) for the City's new FMS. Tyler Munis software not only addresses the limitations of the current FMS, but provides many new features needed by the City to better conduct its business. The price of the new system hardware and software acquisition and implementation, including a contingency allowance, is \$1,643,745. This is less than the amount estimated and budgeted for this portion of the FMS replacement project. The technical support and maintenance agreement will become effective following installation for one year at no cost and for \$121,775 in the second year, with modest increases of 3-5% in the third through fifth years of the agreement.

DISCUSSION:

Background

The City of Santa Barbara uses an in-house developed Financial Management System (FMS) that was implemented between 1990 and 1991. The FMS consists of the following modules: Accounts Payable, Accounts Receivable, Budgeting, Business License, Cashiering, Central Stores Inventory, General Ledger, Human Resources, Payroll, Purchasing, and Utility Billing.

Ten years ago, the City realized that its Financial Management System (FMS) was not adequately meeting its needs. While the current FMS is functional, it has a number of issues: (1) few technical staff are available to support it; (2) it is programmed in a now obsolete programming language; (3) it runs under an archaic computer operating system; (4) it provides only the basic financial business functions; (5) it has a “clunky” non-windows interface; and (6) it lacks easy-to-use reporting tools. Due to these deficiencies, the City decided to replace the FMS. However, due to City budget funding limitations at that time, it was decided to extend the life of the FMS for a few years by enhancing its functionality and by implementing a Windows based data warehouse with advanced reporting abilities.

Last year, the project was prioritized and funding was approved to replace the entire FMS. The first step was to reform the project team. It consists of a Steering Committee of representatives from every City department and the managers, supervisors and senior staff in charge of the current financial and human resource FMS modules.

The project team reviewed and updated a previously completed RFP document, which was issued to 10 pre-qualified vendors; four proposals were received. The proposals were reviewed, references checked, and Tyler Munis and SunGard OneSolution were chosen as the semi-finalists.

The two vendors were invited and they both conducted three days of presentations and demonstrations of their company’s viability and software functionality to the project team. Based on this initial assessment, the project team concluded that Tyler’s Munis System was the best product to move forward with additional evaluation.

In verifying that Tyler Munis is the company and product that best meets the City’s needs, eight reference checks were conducted, multiple software demonstrations viewed, and two site visits were made. At the conclusion of this significant effort, the project team unanimously chose Tyler Munis for the City’s new FMS.

Selection of Tyler Technologies Munis Financial Management System

Tyler Technologies' Munis financial and human resource management software not only addresses the limitations of the current FMS, but provides many new features needed by the City to better conduct its business. Some of these are:

- It is vendor developed, maintained, enhanced, and supported.
- It provides the functionality of all current FMS modules and more. In addition to increased functionality, additional modules the City is purchasing are: Project Accounting, Fixed Assets, and Vendor and Employee self-service. Other modules available that could be of benefit in the future include: Risk Management, Parking Tickets, Animal Licenses, and Citizen Response Management.
- It provides a familiar and easy to use Windows' Internet browser interface.
- It provides "dashboards" that deliver personalized business functionality and information to specified staff.
- It provides easy-to-use reporting tools for non-technical staff.
- Information is easily transferred to Microsoft Word and Excel for custom reporting and analysis.
- It provides electronic workflow that improves productivity by reducing time spent waiting for status and approvals for processing vendor invoices, requisitions, personnel actions, and timecards.
- It provides a Content Management System (CMS) that stores and easily retrieves electronic copies of paper documents such as reports, forms, vendor invoices, bids, and other financial transaction supporting documents. These documents are easily found, displayed, printed, and e-mailed.

It is important to note that, during contract negotiations, Tyler agreed to discount the software by 20% and waived the first year's annual software maintenance and support cost at an additional value of \$118,228. The contract allows for up to four additional years of maintenance and support with an annual increase to the undiscounted price of \$118,228. This increase is not to exceed 3% in the second and third years, and 5% in the fourth and fifth years.

Project Implementation Timeline

The project is scheduled to begin in December 2012 with the financial modules going live in January 2014 and the Payroll / Human Resources modules in July 2014.

Summary of Exhibits

The professional services agreement contains a number of exhibits which are an integral part of the contract. A listing of exhibits is provided below.

Exhibit 1 – Investment Summary – Lists all of the software, services, third party hardware and software, sales taxes, maintenance and support being purchased (and optional) with any associated discounts. The estimated travel costs and project contingency funds are also listed. Services consist of consulting, implementation (training), data conversion, forms creation, interface development, and report writing.

Exhibit 2 – Verification Test – List of the software tests to verify the Munis software was correctly installed on the City's servers.

Exhibit 3 – Support Call Process – Technical support contact information, hours available, process and escalation steps.

Exhibit 4 – Business Travel Policy – Tyler's policy and estimated costs for their staff covering travel to and working in Santa Barbara.

Exhibit 5 – Adobe End User License Agreement – Required by Adobe Systems Inc. because the City will be using their software.

Exhibit 6 – Living Wage Certification – A required certification per City Code.

Exhibit 7 – Contractor's Nondiscriminatory Employment Certificate – City's document.

Exhibit 8 – Statement of Work - Description of the City's and Tyler's project teams and their names, if known, and their responsibilities. Also, a detailed list of the project tasks to be accomplished.

Exhibit 9 – Updated Proposal Checklist – City's Request For Proposal Business Functions checklist with Tyler's acknowledgement that their software satisfies the business functions fully, partially, or not at all.

Exhibit 10 – Proposal – A copy of Tyler's original RFP proposal.

Exhibit 11 – Modifications/Interfaces – List of the software interfaces with other agencies and companies the City needs and Tyler is providing.

Exhibit 12 – Milestone Payment Schedule – For each project milestone the following is listed: a description of the fee, the type and amount of the fee, and the date or conditions for when it is due.

BUDGET/FINANCIAL INFORMATION:

In Fiscal Year 2012, the City budgeted approximately \$3 million in the Information Systems Capital Fund for this project, of which the General Fund's portion was forty percent of the total, with special and enterprise funds paying the remaining sixty percent.

The \$3 million included an estimate for the purchase and implementation of the software, the purchase of hardware, and the cost to hire temporary staff to backfill existing Human Resource, Finance and Information System staff that will need to devote a considerable amount of time and effort during the almost 2-year implementation period. The breakdown of the approximate \$3 million budget is shown below.

<u>Cost Item</u>	<u>Amount</u>
Hardware, Software, & Services	\$1,600,000
Contingency	320,000
Backfill Staff (est. 3 year need)	1,049,000
Total	<u><u>\$2,969,000</u></u>

As shown above, a total of \$1,920,000 was budgeted for hardware, software and implementation, including a \$320,000 contingency; the actual cost, based on the agreement subject to Council approval, is \$1,643,745, including the \$250,275 contingency. The funds needed for backfilling staff will likely also be less than budgeted, since Tyler estimates the implementation will be accomplished in less than 3 years. Therefore, we expect that the overall project cost will be less than the \$3 million budgeted. However, it is premature to provide an estimate of the final costs.

In addition to the acquisition and implementation costs, the City will be required to pay an annual support and maintenance fee. City staff has negotiated a waiver of fees in the first year of the contract. The fees in subsequent years will not exceed the amounts shown below:

Year 2	\$121,775
Year 3	125,428 (3% Increase)
Year 4	131,700 (5% Increase)
Year 5	138,285 (5% Increase)

Maintenance fees are not included in the project budget and will have to be factored in to the City's budget beginning in Fiscal Year 2014.

SUSTAINABILITY IMPACT:

Munis includes a Content Management System that will store electronic copies of the documents it generates, such as reports and forms, and associated financial documents, such as vendor invoices and bids; thereby reducing the need to print them on paper, distribute multiple copies, or store them in file cabinets.

The Tyler Technologies Professional Services Agreement and Exhibits are available for review in the Council Reading File and the City Clerk's Office.

PREPARED BY: Rob Badger, IT Project Manager

SUBMITTED BY: Bob Samario, Finance Director

APPROVED BY: City Administrator's Office