

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

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*City Administrator/
Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

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

**SEPTEMBER 29, 2009
AGENDA**

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

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

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

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

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

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

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

ORDER OF BUSINESS

- 11:00 a.m. - Special Ordinance Committee Meeting, Council Chamber
- 1:00 p.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Special Redevelopment Agency Meeting

SPECIAL ORDINANCE COMMITTEE MEETING - 11:00 A.M. IN THE COUNCIL CHAMBER (120.03)

Subject: Medical Cannabis Dispensary Ordinance Revision

Recommendation: That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.

(Continued from September 15, 2009, Item No. 2)

SPECIAL FINANCE COMMITTEE MEETING - 1:00 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

1. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009

Recommendation: That the Finance Committee recommend that the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

(See Council/Redevelopment Agency Agenda Item No. 10)

2. Subject: Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009

Recommendation: That the Finance Committee recommend that Council accept the Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

(See Council/Redevelopment Agency Agenda Item No. 3)

3. Subject: August 2009 Investment Report

Recommendation: That the Finance Committee recommend that Council accept the August 2009 Investment Report.

(See Council/Redevelopment Agency Agenda Item No. 4)

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

- 1. Subject: Proclamation Declaring September 28, 2009, As Family Day (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

- 2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the special meeting of September 8, 2009, the regular meeting of September 8, 2009 (cancelled), and the regular meeting of September 15, 2009.

- 3. Subject: Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009 (250.02)**

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

- 4. Subject: August 2009 Investment Report (260.02)**

Recommendation: That Council accept the August 2009 Investment Report.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

5. Subject: Adoption Of Mills Act Historic Preservation Incentive Ordinance (640.06)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 22.22 of the Municipal Code to Establish a Process for Historic Property Preservation Contracts Between the Owners of City Historic Properties and the City Pursuant to the Authority of the State Mills Act.

6. Subject: Introduction Of Ordinance And Resolutions For The 2030 Las Canoas Road Annexation (680.04)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 located at 730 Las Canoas Place;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara, and Detachment from the Santa Barbara County Fire Protection District, for Certain Real Property Presently Located at 2030 Las Canoas Road, Assessor's Parcel Number 021-010-061;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to the Designation of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 Located at 730 Las Canoas Place; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the Hillside Design District Map of the City of Santa Barbara Pertaining to the Designation of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 Located at 730 Las Canoas Place.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

7. Subject: Fiscal Year 2009 Community Development Block Grant Reprogrammed Capital Funding Recommendations (610.05)

Recommendation: That Council:

- A. Approve the funding recommendations of the Community Development and Human Services Committee (CDHSC) for Fiscal Year 2009 Community Development Block Grant (CDBG) reprogrammed capital funds in the amount of \$150,000; and
- B. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney.

8. Subject: State Of California Office Of Traffic Safety Grant (520.04)

Recommendation: That Council:

- A. Accept the State of California Office of Traffic Safety Grant of \$194,855 for a driving under the influence (DUI) alcohol enforcement and education program, and authorize the Chief of Police to execute the grant agreement; and
- B. Appropriate the grant allocation of \$194,855 to the Miscellaneous Grants Fund.

REDEVELOPMENT AGENCY

9. Subject: Minutes

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meeting of September 15, 2009.

10. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009

Recommendation: That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

CONSENT CALENDAR (CONT'D)

NOTICES

11. The City Clerk has on Thursday, September 24, 2009, 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.
12. Receipt of correspondence advising of the resignation of Access Advisory Committee member James Marsten and Historic Landmarks Commissioner Kenneth Curtis; the vacancies will be included in the current advisory group recruitment.
13. City Advisory Groups Recruitment
 - A. The City Clerk's Office will accept applications through Friday, October 23, 2009, at 5:00 p.m., to fill scheduled vacancies on various City Advisory Groups, and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Wednesday, October 7, 2009;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, November 10, 2009, at 4:00 p.m. (Estimated Time), Tuesday, November 17, 2009, at 6:00 p.m., and Tuesday, November 24, 2009, at 4:00 p.m.;
 - C. The City Council Subcommittee will conduct interviews of applicants for the Franklin Center, Lower Westside Center and Westside Center Advisory Committees, and applicants for the Downtown Neighborhood position on the Community Development & Human Services Committee on Thursday, November 12, 2009, at 7:00 p.m. at the Westside Community Center, 423 W. Victoria Street; and
 - D. The City Council will make appointments to fill vacancies on various City Advisory Groups on Tuesday, December 15, 2009.
14. A City Council site visit is scheduled for Monday, October 5, 2009, at 1:30 p.m. to the property located at 2105 Anacapa Street, which is the subject of an appeal hearing set for October 6, 2009, at 2:00 p.m.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

REPORT FROM THE FINANCE COMMITTEE

REDEVELOPMENT AGENCY REPORTS

15. Subject: Redevelopment Agency Fiscal Year 2010 Capital Program

Recommendation: That the Redevelopment Agency Board:

- A. Consider funding allocations to the Redevelopment Agency Capital Program totaling \$4,611,600 and approve the proposed Fiscal Year 2010 Capital Program;
- B. Reprogram \$1,880,000 from the Agency's 2003A Bond Fund Transit Village Project as outlined in the attached Capital Projects and Staff-Recommended Funding;
- C. Reprogram \$1,460,000 from the Agency's 2003A Bond Fund Waterfront Property Project as outlined in the attached Capital Projects and Staff-Recommended Funding; and
- D. Remove existing appropriations of \$2,000,000 in the Housing Set-Aside Fund established for the Transit Village Use Project, freeing up these funds for future affordable housing opportunities.

16. Subject: Contract For Construction For The Carrillo Recreation Center Rehabilitation Project (570.07)

Recommendation:

- A. That the Redevelopment Agency (Agency) Board authorize the expenditure of \$4,736,970 from the Agency's Carrillo Recreation Center Rehabilitation Project accounts in the 2001A Bond Fund, 2003A Bond Fund, and the Agency's General Capital Projects Fund, to fund the construction of the Carrillo Recreation Center Rehabilitation Project (Project), including construction, construction support, Leadership in Energy and Environmental Design (LEED) commissioning, inspection, materials testing, furniture allocation, staff time, and other items;
- B. That Council reject the bid protests of McGillivray Construction, Inc. (McGillivray), and Frank Schipper Construction (Schipper), and award a contract to TASCOC Construction, Inc. (TASCOC), in their low bid amount for the base bid of \$3,060,905, for construction of the Project, Bid No. 3503;
- C. That Council authorize the Public Works Director to execute the contract for the base bid, and approve expenditures of up to \$612,181 to cover any cost increases from contract change orders;
- D. That Council authorize the Public Works Director to execute a contract with Kruger Bensen Ziemer Architects, Incorporated (KBZ), in the amount of \$196,000, for construction support and LEED administrative services, and approve expenditures of up to \$20,000 for extra services;

(Cont'd)

REDEVELOPMENT AGENCY REPORTS (CONT'D)

16. (Cont'd)

- E. That Council authorize the Public Works Director to execute a contract with AG Mechanical, Inc. (AG Mechanical), in the amount of \$62,800 to provide Enhanced LEED Commissioning, and approve expenditures of up to \$6,280 for extra services;
- F. That Council authorize the General Services Manager to issue a Purchase Order to Penfield & Smith (P&S), in the amount of \$229,625, to provide construction inspection services, and approve expenditures of up to \$23,000 for extra services;
- G. That Council authorize the General Services Manager to issue a Purchase Order to Fugro West, Inc. (Fugro), in the amount of \$37,899, to provide materials testing and special inspection services, and to approve expenditures of up to \$3,790 for extra services;
- H. That Council authorize the General Services Manager to issue a Purchase Order to Criterion Environmental (Criterion), in the amount of \$11,340, to monitor asbestos and lead paint abatement, and to approve expenditures of up to \$1,150 for extra services; and
- I. That Council authorize the General Services Manager to issue a Purchase Order to a contractor selected from a bid process in an amount not to exceed \$100,000 to complete landscaping for the Project.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

17. **Subject: Amendments To Ordinance Concerning Undergrounding Utilities And Time Limits To Rebuild Nonconforming Properties Damaged Or Destroyed In Natural Disasters (530.07)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.38.050 of Santa Barbara Municipal Code Regarding Utility Undergrounding Requirements in Connection with Construction Projects and Amending Section 28.87.038 of the Municipal Code Regarding the Reconstruction of Nonconforming Buildings Damaged or Destroyed by Natural Disasters.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

18. Subject: Conference With Real Property Negotiators Regarding 319 West Haley Street (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible sale of property owned by the City, commonly known as 319 West Haley Street. Instructions to negotiators will direct staff regarding the price and terms of a possible sale of the City-owned parcel. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. City Negotiators: Browning Allen, Transportation Manager; Don Irelan, Senior Real Property Agent; and Stephen P. Wiley, City Attorney, on behalf of the City of Santa Barbara, pursuant to the authority of Government Code Section 54956.8. Negotiating Parties: Pathpoint, Inc., which holds a right of first refusal over the parcel. Under Negotiation: Price and terms of payment of a possible sale.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

ADJOURNMENT

To Monday, October 5, 2009, at 1:30 p.m. at 2105 Anacapa Street. (See Agenda Item No. 14)

CITY OF SANTA BARBARA

SPECIAL ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: September 29, 2009
TIME: 11:00 a.m.
PLACE: Council Chambers

Das Williams, Chair
Dale Francisco
Grant House

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Stephen P. Wiley
City Attorney

ITEMS FOR CONSIDERATION

Subject: Medical Cannabis Dispensary Ordinance Revision

Recommendation: That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.

(Continued from September 15, 2009, Item No. 2)



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: September 15, 2009

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Medical Cannabis Dispensary Ordinance Revision

RECOMMENDATION:

That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.

EXECUTIVE SUMMARY:

On July 28, 2009, the City Council referred the Medical Cannabis Dispensary Ordinance, SBMC Chapter 28.80, to the Ordinance Committee, with direction to review the ordinance, discuss options, and make recommendations to Council. Several subject areas were specifically mentioned by the Council, and others have been added by staff, based on experience processing recent applications. Each subject area is discussed briefly in this Ordinance Committee report.

BACKGROUND:

On July 28, 2009, the City Council referred the Medical Cannabis Dispensary Ordinance to the Ordinance Committee, with direction to review the following nine subject areas, discuss options, and make recommendations to Council on revisions to the ordinance.

1. Police Department statistics surrounding the existing dispensaries in order to tighten up the ordinance;
2. Cap on the number of dispensaries per area or citywide;
3. Security requirements;
4. Milpas Street recovery zone and how it interacts with the dispensaries;
5. Locational requirements of dispensaries in proximity of schools and educational enterprises;
6. Reducing the amortization period for nonconforming dispensaries;
7. Impacts on neighborhoods;
8. Re-establishing a moratorium or interim ordinance, and the applicability of new regulations to existing and pending dispensaries; and
9. Information about neighboring jurisdictions' medical cannabis regulations.

Additionally, based on recent experience processing Medical Cannabis Dispensary Permits (MCDPs) and recent public input, staff suggests that the Ordinance Committee also discuss the following subject areas:

10. Criteria for Issuance;
11. Permit discretion given to the Staff Hearing Officer;
12. Whether permit decisions should be appealable to the City Council;
13. Allowing Dispensaries in the C-O and/or C-1 Zones.
14. Full cost recovery for application review.

Known Medical Cannabis Dispensaries

The following is a summary of known medical cannabis dispensaries by category:

PERMITTED BY CITY AND OPERATING

331 N. Milpas St. (compliance with approved permit is under investigation)

PERMIT APPROVED APPLICATIONS

500 N. Milpas St.

PENDING APPLICATIONS

631 Olive St. Commission	Approved by Staff Hearing Officer, on appeal to Planning
741 Chapala St	Pending
2 W. Mission	Pending
234 E. Haley	Pending
302 E. Haley	Pending
826 De la Vina	Pending

NONCONFORMING

These dispensaries were found to be legal under the City's Interim Ordinance, and are allowed to remain in their current locations for three years from the effective date of the current ordinance (until April 25, 2011). If they meet the locational requirements of the current ordinance, they can apply for a Medical Cannabis Dispensary Permit, otherwise they must close or obtain a City Zoning Variance. See Subject #6 below. A nonconforming status under investigation means that at the time of application, they were found to be nonconforming, but it is uncertain whether those conditions still exist.

3128 State Does not meet locational requirements, too close to MacKenzie Park

3516 State	Meets locational requirements (continuing legal Nonconforming status under investigation).
27 Parker Way	Does not meet locational requirements, but may qualify for a variance. Too close to Moreton Bay Fig Tree Park, which is across US101. (Nonconforming status under investigation)
100 E. Haley	Does not meet locational requirements, too close to Vera Cruz Park. (continuing legal Nonconforming status under investigation).

ILLEGALLY OPERATING – The following are under investigation and enforcement:

2915 De la Vina	(Currently the subject of a City Zoning Enforcement Action)
336 Anacapa	(Currently the subject of a City Zoning Enforcement Action)

There are other dispensaries that are currently under investigation by the Police Department.

DISCUSSION:

The current Medical Marijuana Dispensary ordinance includes locational requirements for permitted dispensaries. They are allowed in the C-2 and C-M zones, as well as on Upper State Street, Milpas Street, and the Mesa, but not within 500 feet of schools, parks or another dispensary. The ordinance's operational requirements include: a security plan, cameras, floor plan, consumption prohibition within 200 feet, etc. The existing ordinance does not place a cap on the number of dispensaries within the City or a limit on the hours of operation.

1. Police Department Statistics

The Police Department staff will be present at the Ordinance Committee meeting to present crime statistics concerning existing dispensaries.

2. Cap on the Number of Dispensaries per Area

The Council discussed both a citywide cap and a cap per geographic area. Currently, the areas (Downtown, Upper State, Milpas, Mesa) are not delineated by boundaries within the ordinance. If the Ordinance Committee would like geographic area caps, staff will return with boundaries, to facilitate the discussion. An alternative to a cap would be to increase the minimum distance between dispensaries from 500 feet (1 block).

3. Security Requirements

The existing ordinance, SBMC Chapter 28.80, has quite a number of security requirements, which seem adequate to staff; however, it may be appropriate to consider adding two additional requirements: 1) a limitation on the hours of operation, such as from 10 am to 7pm; and 2) a requirement that the security personnel be licensed by the State (Department of Consumer Affairs, Bureau of Security and Investigative Services). Both of

these requirements have been added as conditions of approval of recently approved dispensaries.

The current ordinance requires a separate, secure area designated for dispensing cannabis. A pending dispensary at 741 Chapala Street originally proposed a very open floor plan, with cannabis dispensing taking place at a counter in the general retail area, rather than a separate dispensing area. The operator of this proposed dispensary operates several dispensaries of a similar configuration in the Los Angeles area, and according to them, has had no problems with security. Staff would like the Ordinance Committee's confirmation that a separate, secure dispensing area is appropriate.

4. Milpas Recovery Zone

The Milpas Recovery Zone is a proposal by the Milpas Action Task Force to create a space where those seeking recovery from substance abuse, mental illness and physical ailments can be free from negative illegal influences. The area suggested by the Milpas Action Task Force is bounded by Milpas Street, the beach, Garden Street, and Gutierrez Street. Although the City has agreed on the implementation of a Recovery Zone concept, definitive boundaries have not yet been determined. Medical Cannabis Dispensaries could be excluded from the Recovery Zone.

5. Siting Requirements of Dispensary in Proximity to Schools and Parks

The current ordinance prohibits dispensaries within 500 feet of parks and schools (pre-schools, day care centers, colleges, universities, trade schools, and vocational schools are not considered "schools" under the existing ordinance). This 500-foot radius could be increased, which would reduce the number of viable locations, perhaps severely, if the radius is much larger. Pre-schools and day care centers were specifically excluded from this radius requirement since most attendees are in parental control during pick-up and drop-off. At a Downtown Organization meeting, a representative of the SB School Board requested a limitation on dispensaries on or near safe routes to schools or around bus stops where school age children congregate. One concern with more siting restrictions around private schools and day care centers is that such operations come and go, so a dispensary may start up, and later, a child care center is proposed. Does the dispensary become nonconforming?

Additionally, the current ordinance does not contain a prohibition of dispensaries within a certain distance of residential zones. Such a prohibition was discussed, but not recommended. In recent hearings, concern was raised by the public about the proximity of dispensaries to residential zones. Depending on the distance, this requirement could eliminate large portions of Milpas Street and Outer State Street from the areas where dispensaries are allowed.

6. Reducing the Amortization Period for Nonconforming Dispensaries

SBMC Chapter 28.80 allows dispensaries that were in compliance with the Interim Ordinance to continue operation for three years from the effective date of the current ordinance (April 25, 2008), under certain conditions. Three years was considered reasonable by the Council in 2008, as it gave operators time to amortize their tenant improvement expenses. Additionally, for those dispensaries that could be legalized, the three years gave adequate time to do so. The nonconforming dispensaries must either get a Medical Cannabis Dispensary Permit or relocate before April 25, 2011 (about 19 months). The Ordinance Committee could recommend a shorter amortization period.

7. Impacts on Neighborhoods

Staff has heard about the following types of neighborhood impacts from the public in meetings and correspondence: loitering, such that passers-by or nearby business owners or residents are uncomfortable or fearful; smoking near dispensaries, either in public or in cars; marijuana odors (both from smoking and from the raw material); dispensary patients selling marijuana to non-patients (including children) outside the dispensary; robberies and violence. The Police Department staff will discuss this issue at the Ordinance Committee hearing.

8. Re-establishing an Interim Ordinance, and the applicability of new regulations to existing and pending dispensaries

After the issue of Medical Cannabis Dispensaries first arose in August 2007, the City passed an Interim Ordinance which prohibited the opening of new dispensaries for one year, while the permanent ordinance was being drafted. We have a request to do this again, and depending on the extent of changes that the Council may be considering, it may be appropriate to impose a new moratorium/interim ordinance.

The subject of applicability of new regulations to existing and pending dispensaries must be addressed in the ordinance revision. Normally, new regulations do not apply to existing, legal land uses, at least not without an appropriate amortization period. For example, if a land use zone changes from industrial to residential, the industrial use is allowed to remain as long as certain criteria are met for not expanding the non-conforming use. Another methodology is to allow an amortization period, similar to the current Medical Cannabis Dispensary Ordinance, which allows pre-existing, nonconforming dispensaries three years to seek approval of a MCDP under the current code, relocate, or close operations. For pending dispensaries, any number of points in the process (building occupancy, building permit issuance, project approval, application completeness, etc.), could be the point at which the revised regulations would apply.

9. Information about Neighboring Jurisdictions' Medical Cannabis Regulations

Staff has researched neighboring jurisdictions on the South Coast, and found that virtually all jurisdictions (Lompoc, Santa Maria, Buellton, Solvang, Goleta, Carpinteria, Ventura, Oxnard, Camarillo and Guadalupe) have either an outright ban on dispensaries or a temporary moratorium on new dispensaries. Both Goleta's and Ventura's moratoriums are to consider allowing dispensaries pursuant to an ordinance in the future. It appears that the city and County of Santa Barbara are the only local jurisdictions that currently allow medical cannabis dispensaries.

10. Criteria for Issuance

SBMC Chapter 28.80 establishes 13 criteria for issuance that must be considered by the decision making body in determining whether to grant or deny a dispensary permit. After processing several dispensary permit applications, Staff believes that it is appropriate to revise or eliminate some of these criteria.

- A. Criterion #2 requires that the location of the dispensary is not identified by the City Chief of Police as an area of high crime activity. The Police Department has not currently identified any areas of high crime activity in the City, so the value of this criterion is questionable. Staff recommends changing the language so that it can better reflect when the Police Department has concerns over criminal activity at the potential location of a dispensary.
- B. Criterion #4 refers to "reporting requirements." This is a remnant from when the Ordinance contained language requiring periodic reporting or permit renewal. Staff proposes to delete this phrase.

11. Amount of discretion given to the Staff Hearing Officer

The Medical Cannabis Dispensary Permit is set up as a Performance Standard Permit (PSP), which is a discretionary action partway between a ministerial action (no discretion) and a Conditional Use Permit (total discretion). A PSP allows the decision making body only a limited amount of discretion, and if the Criteria for Issuance are met, then the permit is approved. This was done because it seemed that the location and operational requirements would prevent the type of neighborhood concerns that caused the drafting of the current ordinance. It was to be the Staff Hearing Officer's responsibility to review the project to ensure that the requirements were met, and to give the public a forum to speak to the project.

Of the current 13 criteria for issuance, there are two criteria for issuance that give the decision making bodies some discretion: #7 and #10. Criterion #7 states, "...no significant nuisance issues or problems are anticipated..." Criterion #10 states, "That the

dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area...”

A question that has arisen from the Staff Hearing Officer is: how much discretion does the Staff Hearing Officer have to deny a dispensary permit, if all locational and operational requirements are met. Staff would like to discuss this issue with the Ordinance Committee for possible amendments to these criteria.

12. Lack of Appeal to City Council

The current ordinance allows the Staff Hearing Officer’s decision to be appealed to the Planning Commission, but the Planning Commission is the final review body. The Planning Commission’s decision cannot be appealed to City Council. Planning Commissioners, appellants and some interested parties have questioned this lack of appeal rights, and Staff would appreciate a discussion of this subject by the Ordinance Committee.

13. Allowing Dispensaries in the C-O and/or C-1 Zones

During the City Council meeting on July 28, 2009, several public speakers commented that Medical Cannabis Dispensaries should be located near hospitals or in doctors’ offices, and that the current ordinance targets certain areas of the City for dispensaries. Hospitals and doctors’ offices are located, for the most part, in the C-O Zone, which is centered around Cottage Hospital and the old St. Francis Hospital on East Micheltorena Street. Staff does not believe that dispensaries should be located in the East Micheltorena C-O Zone, as it’s very small, is surrounded by residential uses, and the hospital is no longer in operation. However, dispensaries could be found to be appropriate in the C-O Zone surrounding Cottage Hospital. Additionally, perhaps dispensaries should be allowed in the C-1 zone (Coast Village Road), in order to have a more even distribution of dispensaries in the city.

14. Full Cost Recovery for Application Processing

The City Council directed the Finance Committee to review a cost recovery fee, and staff would like the Ordinance Committee’s input on this issue as well. Although several Councilmembers have expressed interest in fees that would recover the cost of all aspects of City involvement with dispensaries, including policing, staff does not believe that all such fees are lawful. However, it would be appropriate to charge full cost for application processing. Currently, Planning Staff charges its hourly rate for application processing. The current rate is \$200/hr. Planning Staff collects \$2000 as a deposit (10 hrs) and charges additionally if the processing takes more than 10 hours of the case planner’s time. There are several issues we would like the Ordinance Committee to discuss:

A. The other major participants in the review of Medical Cannabis Dispensaries are the Police Department and the Building & Safety Division. We have not been charging the

applicants for the time spent by these participants, but will do so from this point forward. Another issue here is that we will be re-examining whether \$200/hr represents the full hourly rate (including overhead), of the Community Development Department and Police Departments.

- B. The appeal fees in the City are very low and only cover a small percentage of the costs involved with appeals. Currently, appellants (usually neighbors) pay the appeal fee of \$300.00, but we do not charge applicants the hourly fee. Should the applicants be charged hourly for the time spent on an appeal?

ATTACHMENTS:

1. Current Medical Marijuana Dispensary Ordinance
2. Maps of Allowed Locations for Medical Marijuana Dispensaries

PREPARED BY: Danny Kato, Senior Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. 5449

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE MUNICIPAL CODE
BY ADDING CHAPTER 28.80 ESTABLISHING
REGULATIONS AND PROCEDURES FOR MEDICAL
CANNABIS DISPENSARIES

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

SECTION ONE. The City Council adopts the ordinance codified in this chapter based upon the following findings and determinations:

- A. The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq.) entitled "The Compassionate Use Act of 1996" (Act).
- B. The intent of Proposition 215 was to enable persons residing in the State of California who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.
- C. The State enacted SB 420 in 2004, being Sections 11362.7 et seq., of the Health and Safety Code, being identified as the Medical Cannabis Program (Program), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the Program.
- D. To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code consistent with the Program, regarding the location and operation of medical cannabis dispensaries.
- E. It is the City Council's intention that nothing in this chapter shall be construed to do any of the following: 1. to allow persons to engage in conduct that endangers others or causes a public nuisance; 2. to allow the use of cannabis for non-medical purposes; or 3. to allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal and not permitted by state law.
- F. Pursuant to California Health and Safety Code Section 11362.71 et seq., the State Department of Health, acting by and through the state's counties, is to be responsible for establishing and maintaining a voluntary medical cannabis identification card program for qualified patients and primary caregivers.

G. California Health and Safety Code Section 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the matters set forth in Section 11362.71 et seq.

H. This chapter is found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in this chapter or its implementation that could foreseeably have any significant effect on the environment.

I. This chapter is compatible with the general objectives of the general plan and any applicable specific plan, in that this use would be conditionally permitted in commercial and industrial districts, being similar to other permitted and conditionally permitted uses, such as pharmacies and medical clinics, and in that the use will be subject to strict review and conditions.

J. This chapter is compatible with the public convenience, general welfare and good land use practice, in that medical marijuana dispensaries address a medical need in the community, and in that the use will be subject to rigorous review and conditions.

K. This chapter will not adversely affect the orderly development of property, in that dispensaries would be subject to a careful review process, and strict operating requirements would be imposed.

SECTION TWO. Title 28 of the Santa Barbara Municipal Code is amended by adding a new chapter, Chapter 28.80 entitled "Medical Cannabis Dispensaries," which reads as follows:

28.80.010 Purpose and Intent.

It is the purpose and intent of this chapter to regulate the locations of medical cannabis dispensaries in order to promote the health, safety, and general welfare of residents and businesses within the City. It is neither the intent nor the effect of this chapter to condone or legitimize the use or possession of cannabis except as allowed by California law.

28.80.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

A. Applicant. A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a dispensary.

B. Drug Paraphernalia. As defined in California Health and Safety Code Section 11362.5, and as may be amended from time to time.

C. Identification Card. As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended from time to time.

D. Medical Cannabis Dispensing Collective or Dispensary. Any association, cooperative, affiliation, or collective of persons where multiple qualified patients or primary care givers are organized to provide education, referral, or network services, and facilitation or assistance in the lawful retail distribution of medical cannabis. "Dispensary" shall include any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by a physician, and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with California Health and Safety Code Section 11362.5 et seq. A dispensary shall not include dispensing by primary caregivers to qualified patients in the following locations, so long as the location of the clinic, health care facility, hospice, or residential care facility is otherwise permitted by the Municipal Code or by applicable state laws:

1. a clinic licensed pursuant to Chapter 1 of Division 2 of the state Health and Safety Code;

2. a health care facility licensed pursuant to Chapter Two of Division 2 of the state Health and Safety Code;

3. a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the state Health and Safety Code;

4. a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the state Health and Safety Code;

5. a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the state Health and Safety Code;

provided that any such clinic, health care facility, hospice or residential care facility complies with applicable laws, including, but not limited to, Health and Safety Code Section 11362.5.

E. Permittee. The person to whom either a dispensary permit is issued by the City and who is identified in California Health and Safety Code Section 11362.7, subdivision (c) or (d), or (e) or (f).

F. Person. An individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company, or combination of the above in whatever form or character.

G. Person with an Identification Card. As set forth in California Health and Safety Code Section 11362.5 et seq., and as amended from time to time.

H. Physician. A licensed medical doctor, including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

I. Primary Caregiver. As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended.

J. Qualified Patient. As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time.

K. School. An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.

28.80.030 Dispensary Permit Required to Operate.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a dispensary, unless the person first obtains and continues to maintain in full force and effect a Dispensary Use Permit issued by the City Staff Hearing Officer pursuant to this Chapter, or by the Planning Commission on an appeal from a decision by the Staff Hearing Officer.

28.80.040 Business License Tax Liability.

An operator of a dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04 as a prerequisite to obtaining a permit pursuant to the terms of this Chapter, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.

28.80.050 Imposition of Dispensary Permit Fees.

Every application for a dispensary permit or renewal shall be accompanied by an application fee, in an amount established by resolution of the City Council from time to time. This application or renewal fee shall not include the standard City fees for

fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies.

28.80.060 Limitations on the Permitted Location of a Dispensary.

A. Permissible Zoning for Dispensaries. A dispensary may only be located within the C-2 or C-M zoned areas of the City as so designated in the General Plan, Title 28 of the Municipal Code, and City Zoning map, provided, however, that dispensaries may also be located on parcels situated as follows:

1. any parcel fronting on State Street between Calle Laureles and the westerly boundary of the City at the intersection of State Street and Calle Real;
2. any parcel fronting on Milpas between Canon Perdido Street and Carpinteria Street;
3. any C-P zoned parcel fronting on Cliff Drive within 1000 feet of the intersection of Cliff Drive and Meigs Road;

B. Storefront Locations. A dispensary shall only be located in a visible store-front type location which provides good public views of the dispensary entrance, its windows, and the entrance to the dispensary premises from a public street.

C. Areas and Zones Where Dispensaries Not Permitted. Notwithstanding subparagraph (A) above, a dispensary shall not be allowed or permitted in the following locations or zones:

1. On a parcel located within 500 feet of a school or a park; or
2. On a parcel located within 500 feet of a permitted dispensary; or
3. On a parcel fronting on State Street between Cabrillo Boulevard and Arrellaga Street; or
4. On a parcel zoned R-O or zoned for residential use.

D. Locational Measurements. The distance between a dispensary and the above-listed uses shall be made in a straight line from any parcel line of the real property on which the dispensary is located to the parcel line of the real property on which the facility, building, or structure, or portion of the building or structure, in which the above-listed use occurs or is located.

28.80.070 Operating Requirements for Dispensaries.

Dispensary operations shall be permitted and maintained only in compliance with the following day-to-day operational standards:

A. Criminal History. A dispensary permit applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority over a dispensary on behalf of the applicant shall not have been convicted of a felony or be on probation or parole for the sale or distribution of a controlled substance.

B. Minors. It is unlawful for any dispensary permittee, operator, or other person in charge of any dispensary to employ any person who is not at least 18 years of age. Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

C. Dispensary Size and Access. The following dispensary and access restrictions shall apply to all dispensaries permitted by the Chapter:

1. A dispensary shall not be enlarged in size (i.e., increased floor area) without a prior approval from the Staff Hearing Officer amending the existing dispensary permit pursuant to the requirements of this Chapter.

2. The entrance area of the dispensary building shall be strictly controlled. A viewer or video camera shall be installed in the door that allows maximum angle of view of the exterior entrance.

3. Dispensary personnel shall be responsible for monitoring the real property of the dispensary site activity (including the adjacent public sidewalk and rights-of-way) for the purposes of controlling loitering.

4. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted within a dispensary.

5. Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.

6. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area along with dispensary personnel.

7. Restrooms shall remain locked and under the control of Dispensary management at all times.

D. Dispensing Operations. The following restrictions shall apply to all dispensing operations by a dispensary:

1. A dispensary shall only dispense to qualified patients or primary caregivers with a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card.

2. Prior to dispensing medical cannabis, the dispensary shall obtain a verification from the recommending physician's office personnel that the individual requesting medical cannabis is or remains a qualified patient pursuant to state Health & Safety Code Section 11362.5.

3. A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation or prescription for the use of medical cannabis.

E. Consumption Restrictions. The following medical marijuana consumption restrictions shall apply to all permitted dispensaries:

1. Cannabis shall not be consumed by patients on the premises of the dispensary.

The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees who are qualified patients may consume cannabis within the enclosed building area of the premises, provided such consumption occurs only via oral consumption (i.e., eating only) but not by means of smoking or vaporization.

2. Dispensary operations shall not result in illegal re-distribution of medical cannabis obtained from the dispensary, or use or distribution in any manner which violates state law.

F. Retail Sales of Other Items by a Dispensary. The retail sales of dispensary-related or marijuana use items may be allowed under the following circumstances:

1. With the approval of the Staff Hearing Officer, a dispensary may conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.

2. No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.

3. A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.

G. Operating Plans. In connection with a permit application under this Chapter, the applicant shall provide, as part of the permit application, a detailed Operations Plan and, upon issuance of the dispensary permit, shall operate the dispensary in accordance with the Operations Plan, as such plan is approved by the Staff Hearing Officer.

1. **Floor Plan.** A dispensary shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

2. **Storage.** A dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical cannabis.

3. **Security Plans.** A dispensary shall provide adequate security on the premises, in accordance with a security plan approved by the Chief of Police and as reviewed by the Staff Hearing Officer, including provisions for adequate lighting and alarms, in order to ensure the safety of persons and to protect the premises from theft.

4. **Security Cameras.** Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage and to report loitering, crime, illegal or nuisance activities. Security video shall be maintained for a period of not less than 72 hours.

5. **Alarm System.** Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the dispensary at all times.

6. **Emergency Contact.** A dispensary shall provide the Chief of Police with the name, cell phone number, and facsimile number of an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the dispensary.

H. Dispensary Signage and Notices.

1. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

2. Signs on the premises shall not obstruct the entrance or windows.

3. Address identification shall comply with Fire Department illuminated address sign requirements.

4. Business identification signage shall comply with the City's Sign Ordinance (SBMC Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.

I. Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official, but only for the purposes of determining compliance with the requirements of this chapter.

J. Patient Records. A dispensary shall maintain confidential health care records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis under state Health & Safety Code Section 11362.5.

K. Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and properly trained or professionally-hired security personnel.

L. Site Management.

1. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject dispensary.

2. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

3. The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

M. Trash, Litter, Graffiti.

1. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street, as well as any parking lots under the control of the operator, as needed to control litter, debris and trash.

2. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

N. Compliance with Other Requirements. The dispensary operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

O. Display of Permit. Every dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

P. Alcoholic Beverages. No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

Q. Parking Requirements. Dispensaries shall be considered office uses relative to the parking requirements imposed by Section 28.90.100(l).

28.80.080 Dispensary Permit Application – Preparation and Filing.

A. Application Filing. A complete Performance Standard Permit use permit application submittal packet shall be submitted, including all necessary fees and all other information and materials required by the City and this chapter. All applications for permits shall be filed with the Community Development Department, using forms provided by the City, and accompanied by the applicable filing fee. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

B. Eligibility for Filing. Applications may only be filed by the owner of the subject property, or by a person with a lease signed by the owner or duly authorized agent of the owner allowing them the right to occupy the property for the intended use.

C. Filing Date. The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

D. Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall be granted an extension of time to submit all materials required to complete the application within 30 days. If the application remains incomplete in excess of 30 days, the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request. The

time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

E. Effect of Other Permits or Licenses. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a dispensary permit.

28.80.090 Criteria for Review of Dispensary Applications by Staff Hearing Officer.

A. Decision on Application. Upon an application for a Dispensary permit being deemed complete, the Staff Hearing Officer, or the Planning Commission on appeal of a decision of the Staff Hearing Officer, shall either issue a Dispensary permit, issue a Dispensary permit with conditions in accordance with this chapter, or deny a Dispensary permit.

B. Criteria for Issuance. The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:

1. That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.

2. That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).

3. For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area, or to the applicant's existing dispensary location.

4. That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.

5. That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of community.

6. That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.

7. That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or

problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.

8. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

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

10. That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

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

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

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

28.80.100 Appeal from Staff Hearing Officer Determination.

A. Appeal to the Planning Commission. An applicant or any interested party who disagrees with the Staff Hearing Officer's decision to issue, issue with conditions, or to deny a dispensary permit may appeal such decision to the City Planning Commission by filing an appeal pursuant to the requirements of subparagraph (B) of Section 28.05.020 of the Municipal Code.

B. Notice of Planning Commission Appeal Hearing. Upon the filing of an appeal pursuant to subparagraph (A) above, the Community Development Director shall provide public notice in accordance with the notice provisions of SBMC Section 28.87.380.

C. Planning Commission Appeal. Notwithstanding subparagraph (C) of Section 28.05.020, Section 28.87.360, and Section 1.30.050, a decision by the Planning Commission on appeal of the Staff Hearing Officer pursuant to this Chapter shall be final and may not be appealed to the City Council.

28.80.110 Suspension and Revocation by Planning Commission.

A. Authority to Suspend or Revoke a Dispensary Permit. Consistent with Section 28.87.360, any dispensary permit issued under the terms of this chapter may be suspended or revoked by the Planning Commission when it shall appear to the Commission that the permittee has violated any of the requirements of this chapter, or the dispensary is operated in a manner that violates the provisions of this chapter, including the operational requirements of this Chapter, or in a manner which conflicts with state law.

B. Suspension or Revocation – Written Notice. Except as otherwise provided in this chapter, no permit shall be revoked or suspended by virtue of this chapter until written notice of the intent to consider revocation or suspension of the permit has been served upon the person to whom the permit was granted at least ten (10) days prior to the date set for such review hearing, and the reasons for the proposed suspension or revocation have been provided to the permittee in writing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the permittee, or by depositing such notice in the U.S. mail in a sealed envelope, postage prepaid (via regular mail and return receipt requested), addressed to the person to be notified at his or her address as it appears in his or her application for a dispensary permit.

C. Appeal of Planning Commission Decision. Notwithstanding subparagraph (C) of Section 28.05.020, Section 28.87.360, and Section 1.30.050, a decision by the Planning Commission to suspend or revoke a permit issued pursuant to this Chapter shall be final and may not be appealed to the City Council.

28.80.120 Transfer of Dispensary Permits.

A. Permit – Site Specific. A permittee shall not operate a dispensary under the authority of a dispensary permit at any place other than the address of the dispensary stated in the application for the permit. All dispensary permits issued by the City pursuant to this chapter shall be non-transferable.

B. Transfer of a Permitted Dispensary. A permittee shall not transfer ownership or control of a dispensary or attempt to transfer a dispensary permit to another person, unless and until the transferee obtains an amendment to the permit from the Staff Hearing Officer pursuant to the permitting requirements of this chapter, stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development Department in accordance with all provisions of this chapter accompanied by the required application fee.

C. Request for Transfer with a Revocation or Suspension Pending. No dispensary permit may be transferred (and no permission for a transfer may be issued) when the Community Development Department has notified the permittee in writing that the permit has been or may be suspended or revoked, and a notice of such suspension or revocation has been provided.

D. Transfer Without Permission. Any attempt to transfer a permit either directly or indirectly in violation of this section is declared void, and the permit shall be deemed revoked.

28.80.130 Medical Marijuana Vending Machines.

No person shall maintain, use, or operate a vending machine which dispenses marijuana to a qualified patient or primary caregiver unless such machine is located within the interior of a duly permitted dispensary.

SECTION THREE. Those Dispensaries which were authorized pursuant to the Santa Barbara Municipal Code Chapter 28.80 prior to the date of the adoption of the ordinance enacting this Chapter shall be deemed pre-existing legal uses of real property upon which they are situated for a period of three (3) years from the date of the adoption of this Ordinance, provided the following operational conditions are complied with:

1. the dispensary shall not be relocated nor shall it be discontinued for a period of time in excess of thirty (30) days without obtaining a dispensary permit pursuant to this Chapter;
2. the dispensary shall comply with all portions of Chapter 28.80 (as enacted by this Ordinance) except for the locational provisions of Section 28.80.060; and
3. the dispensary shall be subject to the requirements for nonconforming uses of SBMC Section 28.87.030 until such time that they have been permitted under this Ordinance.

Prior to the expiration of the three (3) year nonconforming period, all medical marijuana dispensaries operating as allowed dispensaries which pre-date the adoption

of this Ordinance shall either obtain a dispensary permit (as required by and in full accord with this Ordinance) or shall discontinue such use not later than the end of the three (3) year amortization period. No such pre-existing legal dispensary shall be assigned or otherwise transferred to a new owner or owners, whether voluntarily or by operation of law, without having obtained a permit pursuant to this ordinance.

SECTION FOUR. The requirements of this Chapter shall apply to all dispensaries which are not permitted or authorized by the Municipal Code prior to the date of the adoption of the ordinance enacting this chapter.

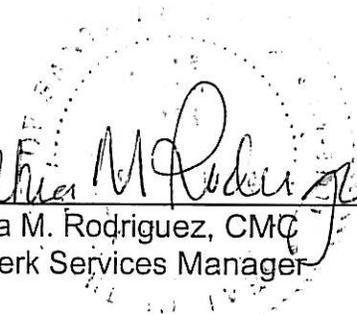
ORDINANCE NO. 5449

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on March 18, 2008, and was adopted by the Council of the City of Santa Barbara at a meeting held on March 25, 2008, by the following roll call vote:

- AYES: Councilmembers Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider
- NOES: Mayor Marty Blum
- ABSENT: Councilmember Das Williams
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on March 26, 2008.

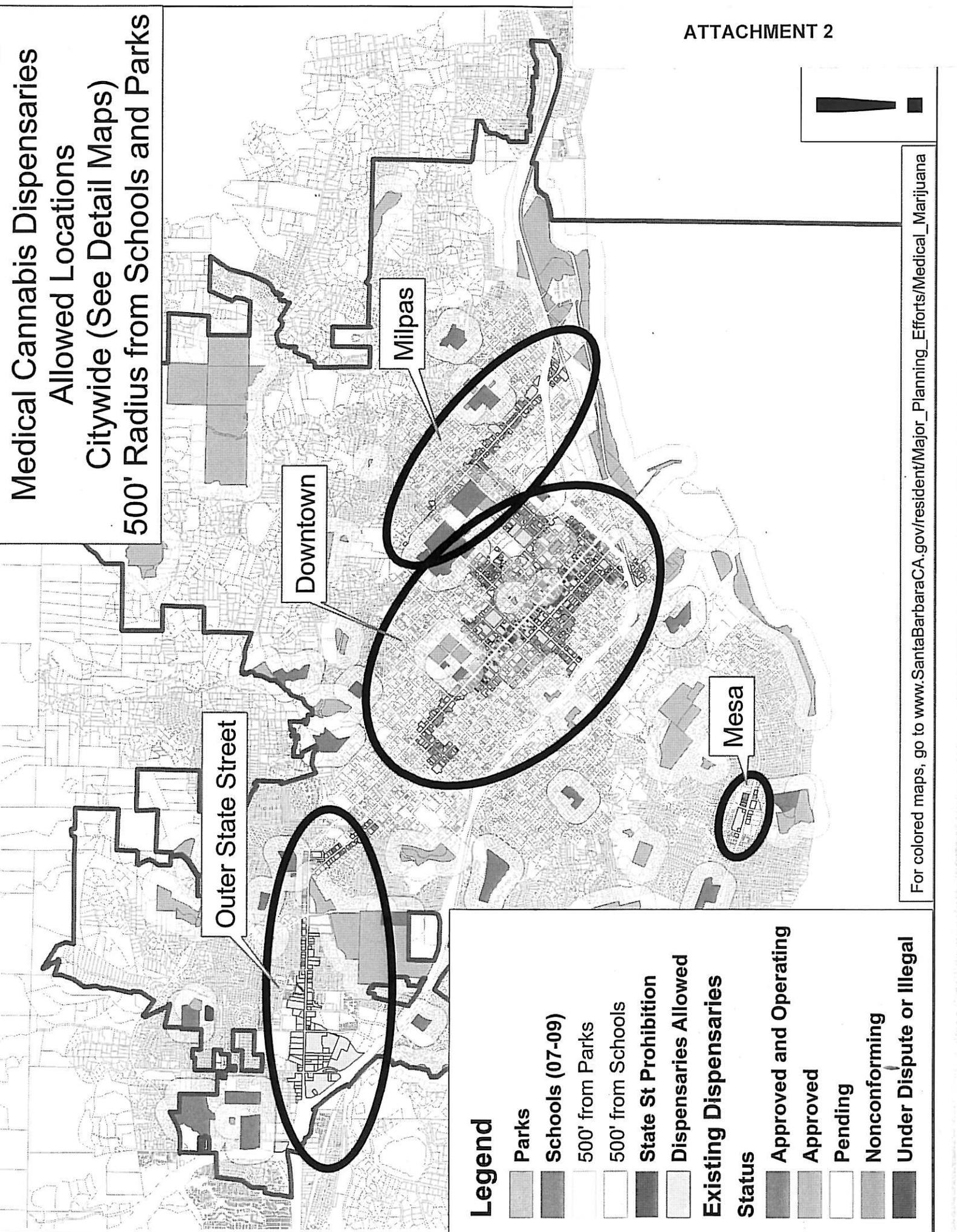


Cynthia M. Rodriguez
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

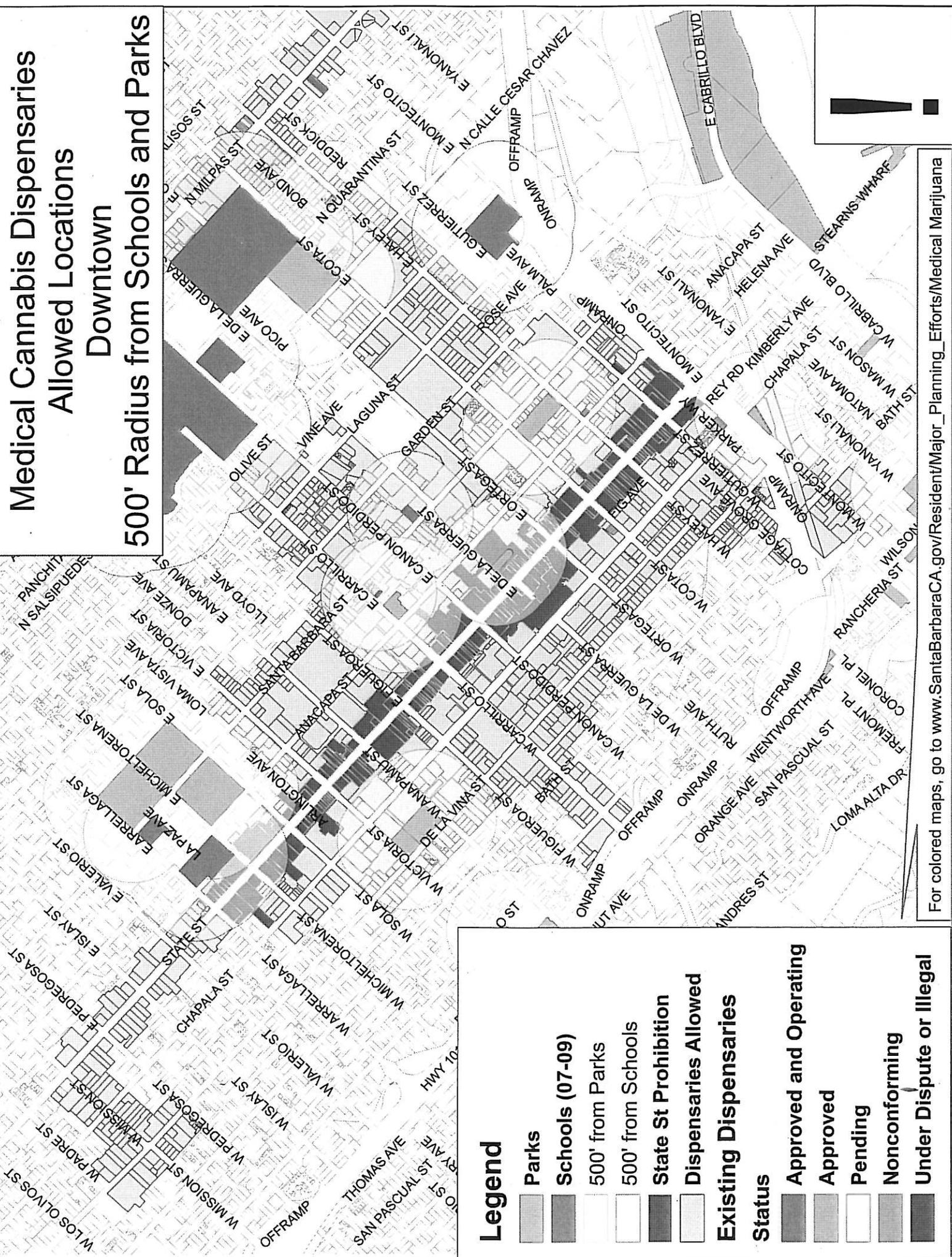
I HEREBY APPROVE the foregoing ordinance on March 26, 2008.

Marty Blum
Marty Blum
Mayor

**Medical Cannabis Dispensaries
Allowed Locations
Citywide (See Detail Maps)
500' Radius from Schools and Parks**



Medical Cannabis Dispensaries Allowed Locations Downtown 500' Radius from Schools and Parks



Legend

- Parks
- Schools (07-09)
- 500' from Parks
- 500' from Schools
- State St Prohibition
- Dispensaries Allowed

Existing Dispensaries

Status

- Approved and Operating
- Approved
- Pending
- Nonconforming
- Under Dispute or Illegal

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

Medical Cannabis Dispensaries Allowed Locations Milpas

500' Radius from Schools and Parks

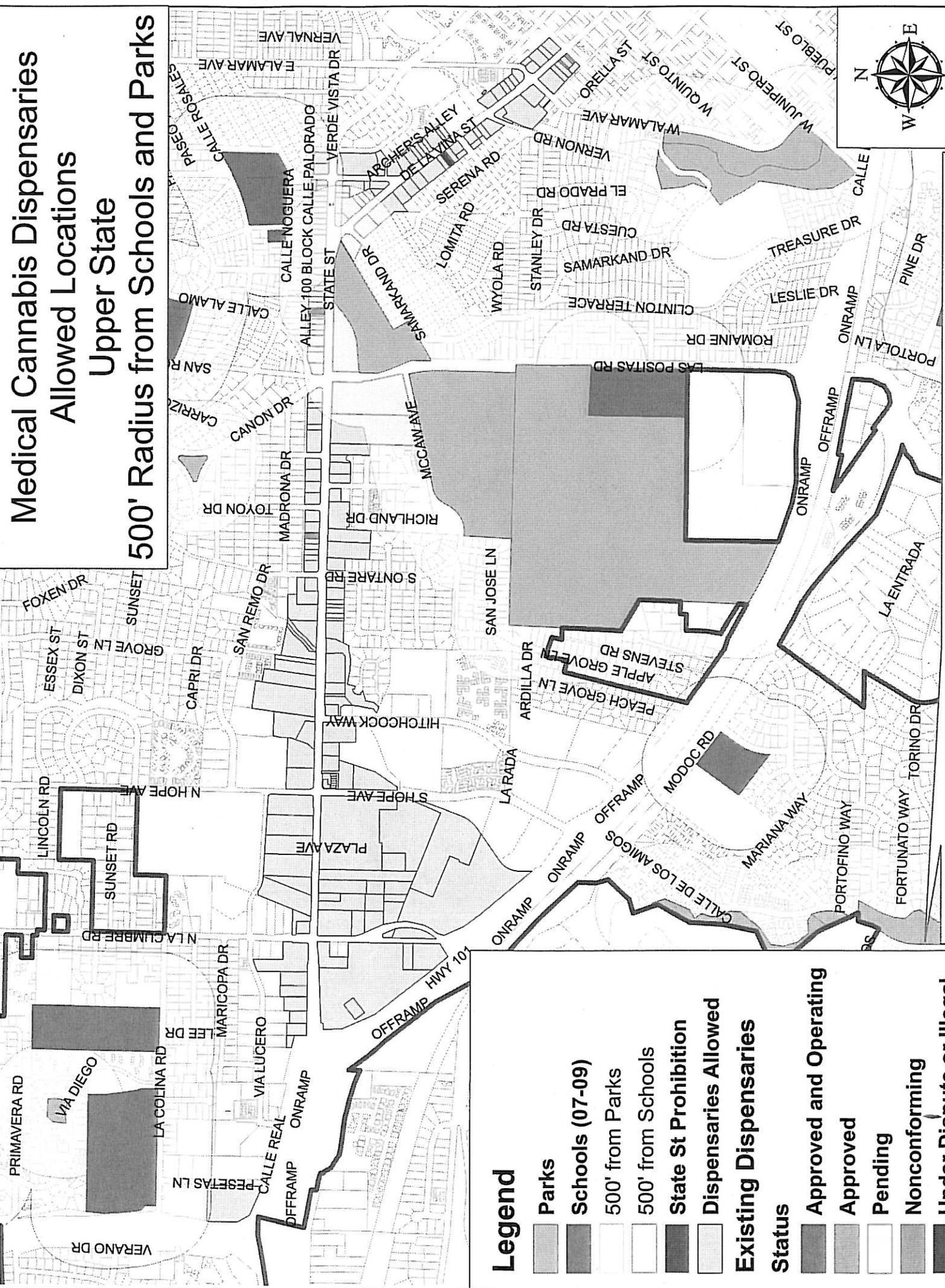


Legend

-  Parks
 -  Schools (07-09)
 -  500' from Parks
 -  500' from Schools
 -  State St Prohibition
 -  Dispensaries Allowed
- ### Existing Dispensaries
- Status**
-  Approved and Operating
 -  Approved
 -  Pending
 -  Nonconforming
 -  Under Dispute or Illegal

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

Medical Cannabis Dispensaries Allowed Locations Upper State 500' Radius from Schools and Parks



Legend

- Parks
 - Schools (07-09)
 - 500' from Parks
 - 500' from Schools
 - State St Prohibition
 - Dispensaries Allowed
- ## Existing Dispensaries
- ### Status
- Approved and Operating
 - Approved
 - Pending
 - Nonconforming
 - Under Dispute or Illegal

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

Medical Cannabis Dispensaries Allowed Locations Mesa 500' Radius from Schools and Parks

RED ROSE LN
RED ROSE WAY

COLORES DR

CAMINO CALMA

CLIFF DR

MEIGS RD

EL FARO

WIGHTHOUSE RD

ELISE WAY

REEF CT



Legend

- Parks
 - Schools (07-09)
 - 500' from Parks
 - 500' from Schools
 - State St Prohibition
 - Dispensaries Allowed
- ## Existing Dispensaries
- ### Status
- Approved and Operating
 - Approved
 - Pending
 - Nonconforming
 - Under Dispute or Illegal

For colored maps, go to www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana/

RECEIVED

To: Santa Barbara City Council
From: David Bearman, M.D.
Re: Marijuana Dispensary Ordinance

SEP 08 2009

CITY CLERK'S OFFICE
SANTA BARBARA, CA

CITY ADMINISTRATOR'S OFFICE
SANTA BARBARA

• **Recommendations**

Cannabis should be dispensed from pharmacies under local and state regulations. My study of history reveals little evidence of problems with distribution of cannabis via pharmacies. From 1854 to 1941 cannabis was in the USP (United States Pharmacopeia), produced by well-known pharmaceutical companies and dispensed through pharmacies in both cannabis containing OTC medication and prescription medication. This is why in 1937 the AMA vigorously testified against the Marijuana Tax Act and why in 1944 the New York Academy of Medicine (as part of the LaGuardia Crime Commission Report) endorsed use of recreational marijuana should be legal.

At any rate, until the federal government takes its head out of the sand, recognizes science, and places cannabis in the appropriate schedule or even better, recognizes that the Controlled Substances Act of 1970 violates the Constitution, we are not going to have pharmacies dispensing cannabis. The next best thing is to apply similar regulations and zoning ordinances to cannabis dispensaries as those which presently govern pharmacies. In addition a couple of my suggestions are that you consider requiring nurses or pharmacists to dispense cannabis, not allowing anyone under the age of 23 in a cannabis dispensary, and requiring that you must be 25 or over to be allowed to work there. It also strikes me that some small but meaningful special tax would be useful to the City of Santa Barbara.

Background

What follows is some background information on this topic which may prove helpful. There is almost unanimous agreement that California's medical marijuana dispensary system should be regulated. Furthermore if the regulations are reasonable and responsible people in the dispensary field will support closing down any major offenders.

The focus needs to be on the patient. We need to recognize that it is a matter of access. The 1996 Proposition 215 that began California's approval of Medical Marijuana laid out that this was done for the benefit of people who are ill. Prop 215 said in Section (A) that the initiative was *"To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief."* This wide use (e.g., "for any other illness for which marijuana provides relief") is consistent with FDA rules for prescription pharmaceuticals. Under FDA guidelines, any pharmaceutical which has been approved for use for one disease can be prescribed ("off-label") by doctors for "any other illness for which" the doctor thinks it "provides relief." In that key regard, California does treat medical marijuana "like every other drug."

That said, most of the problems in regulating dispensaries have been caused by the federal government and the Supreme Court by ignoring the 9th and 10th Amendments to the Constitution, as well as the 1925 Supreme Court decision in the Lindner case which affirmed that it is the State's sole responsibility to regulate the practice of medicine.

There are two basic reasons why marijuana is not available “through a legitimate pharmacy” and is not “regulated like every other drug.” It is not the supporters of medical marijuana who are responsible for keeping cannabis out of the FDA “system”. One is the reluctance of the FDA to follow the law, be it the 1938 Food Cosmetic and Drug Act or the Controlled Substances Act of 1970. For decades supporters of medicinal cannabis have attempted to work through the government bureaucracy and been thwarted. For instance in 1972 NORML sued unsuccessfully to get it rescheduled, so it might be prescribed. The government stalled until 1986. In 1988 the FDA’s Chief Administrative Law Judge, Francis Young, issued his recommendation based on 15 days of hearings, that marijuana should be rescheduled. This opinion was rejected by George H.W. Bush’s head of the FDA, John Lawn.

Secondly, it can cost huge sums to try to get any “drug” through the FDA process which was not set up to analyze a complex plant. In 1993, NORML was told by the Clinton Administration that it would cost \$1.5 million to get the FDA to review marijuana and move it from Schedule I to Schedule II. NORML did not have the \$1.5 million, and the Clinton Administration did not have the courage to do even what it had promised patients that it would do so. They had also pledged to reopen the so-called “Compassionate IND” program, but in the end these promises came to nothing.

In fact cannabis should be lower than Schedule II. In 1998, after a number of states passed medical marijuana laws, Marinol, synthetic THC, was quickly moved from Schedule II to Schedule III with the full support of the DEA, while marijuana remains absurdly in Schedule I.) Of historical note is a 1971 letter from Dr. Rodger Egeberg, then Under Secretary for Health for HEW and former dean of USC Medical School who pointed out that cannabis was only temporarily in Schedule I until the Report of the Nixon Marijuana Commission came out. The Commission recommended legalization of marijuana for recreational use, yet marijuana still languishes as a Schedule I drug.

• Discussion

Feds Have Created the Problem

One justification for the dispensary system is that the federal government has made it difficult for pharmacies to dispense cannabis. Another is that dispensaries keep medical cannabis users from having to go to “street dealers” in order to get their medicine. So while we would be better served by the system which existed from 1854-1941, dispensaries are an improvement over the previous distribution system.

Dispensary System Decreases Substance Abuse

In the broader context of drug policy, the California medical marijuana dispensary system has the same beneficial effect as the Dutch cannabis “coffee shop” system. The Dutch call it the “separation of the markets for soft and hard drugs.” The Dutch have a much lower use of hard drugs, especially heroin, among young people than does the U.S. This is very likely a consequence of this “separation of the markets.”

Dispensaries Have Some Controls

Dispensaries are not selling to just anyone. Dispensaries do provide some limited controls as well as safe access. They require a special form of identification that establishes the fact that a doctor has approved of the patient’s use of cannabis. (That is all that is required by state law, and – critically – all that is allowed by Federal law.)

This zoning issue would disappear if the federal government respected the 9th and 10th Amendments to the Constitution. Then cannabis would be available in a pharmacy by prescription. Since the federal government only grudgingly changing on this matter, the ordinance should look to zoning and licensing requirements of commercial pharmacies.

No control system is perfect. Any “control” system devised by humans will be either “too tight” or “too loose.” If it is too tight, then some sick and probably a few dying people will not be able to get their medical marijuana. Second, healthy young people can always find “weed” on the “streets.” I am trying to use the AACM to marginalize those physicians who are practicing minimalist medicine.

We need to figure out if there is a way to prevent filling the approval several times. We need to recognize that while this will be very useful it won't be perfect. Even with the laws we have regulating pharmacies the “prescription” drug control system does not keep prescription drugs from all teens or prescription drugs out of the illicit market. The dispensary system also has that deficiency. One of the loopholes in the current system is that people can go to several dispensaries. This needs to be addressed, but we must also recognize that no regulatory system in a free society is perfect.

Diversion of Prescription Drugs

On June 14, 2008 the New York Times reported that the “Florida Medical Examiners Commission found that the rate of deaths caused by prescription drugs was three times the rate of deaths caused by all illicit drugs combined.”

Whereas cannabis does not cause death and has relatively benign consequences, there is a big problem with diversion of prescription drugs. Nevertheless we continue to allow the pharmaceutical industry to stay in business.

“The Florida report analyzed 168,000 deaths statewide. Cocaine, heroin and all methamphetamines caused 989 deaths, it found, while legal opioids – strong painkillers in brand-name drugs like Vicodin and OxyContin – caused 2,328.

Drugs with benzodiazepine, mainly depressants (sic) like Valium and Xanax, led to 743 deaths. Alcohol was the most commonly occurring drug, appearing in the bodies of 4,179 of the dead and judged the cause of death of 466 – fewer than cocaine (843) but more than methamphetamine (25) and marijuana (0).” (emphasis added) See Guess Who Said, “The decrease in the abuse of cannabis among youth in the United States may be offset by an increase in the abuse of prescription drugs.” Iron Law of Prohibition” & Czar’s Strategy 3.”

Conclusion:

I am confident that you will craft a good functional ordinance. Your staff should be able to incorporate the best features of the many ordinances that have already been instituted. I think that if you keep in mind that these dispensaries serve some very ill people and that the ordinance won't be perfect, you won't drive yourself to distraction trying to escape the legal straightjacket created by the federal government. You might read Sandra Day O'Connor's dissent in *Gonzales v. Raich* for a good assessment of state's rights in this matter.

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: September 29, 2009
TIME: 1:00 p.m.
PLACE: David Gebhard Public Meeting Room
630 Garden Street

Roger L. Horton, Chair
Helene Schneider
Iya Falcone

James L. Armstrong
City Administrator

Robert Samario
Interim Finance Director

ITEMS TO BE CONSIDERED:

1. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009

Recommendation: That the Finance Committee recommend that the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

(See Council/Redevelopment Agency Agenda Item No. 10)

2. Subject: Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009

Recommendation: That the Finance Committee recommend that Council accept the Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

(See Council/Redevelopment Agency Agenda Item No. 3)

3. Subject: August 2009 Investment Report

Recommendation: That the Finance Committee recommend that Council accept the August 2009 Investment Report.

(See Council/Redevelopment Agency Agenda Item No. 4)



PROCLAMATION

Family Day
September 28, 2009

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, fourteen years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink, and use illegal drugs; and

WHEREAS, frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse; and

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol, and cigarettes; and

WHEREAS, the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS, parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE, I, MARTY BLUM, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim the fourth Monday of September as **FAMILY DAY** and encourage members of our community to recognize and participate in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California to be affixed this 28th day of September, 2009.

MARTY BLUM, MAYOR





CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING September 8, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 1:01 p.m.

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, Acting City Attorney Sarah Knecht, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, September 3, 2009, 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.

WORK SESSIONS

Subject: Fiscal Year 2010 Special Budget Work Session (230.05)

Recommendation: That Council hear a report from staff covering preliminary revenue and expenditure estimates for Fiscal Year 2011, and alternative strategies for addressing the projected deficit in the General Fund.

(Cont'd)

Subject: Fiscal Year 2010 Special Budget Work Session (Cont'd)

Documents:

- September 8, 2009, report from the Interim Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: City Administrator James Armstrong, Interim Finance Director Robert Samario, Administrative Services Director Marcelo López, Acting City Attorney Sarah Knecht, Community Development Director Paul Casey, Interim Fire Chief Andy DiMizio.

Councilmember Falcone left the meeting at 1:16 p.m. and returned at 1:23 p.m.; Councilmember Francisco left the meeting at 2:21 p.m. and returned at 2:28 p.m.

Recess: 3:00 p.m. - 3:10 p.m.

Speakers (Cont'd):

Staff (Cont'd): Library Director Irene Macias, Parks and Recreation Director Nancy Rapp, Police Chief Camarino Sanchez, Deputy Police Chief Frank Mannix, Water Resources Manager Rebecca Bjork.

Discussion:

Staff's presentation included an explanation of the General Fund's revenue and cost structure as well as preliminary projections of a \$5.8 million deficit in the General Fund for Fiscal Year 2011. Potential strategies for closing that gap include negotiated labor concessions, additional departmental cuts, and revenue enhancement measures. Staff of each General Fund department discussed the impact on the department of its share of the estimated shortfall. Councilmembers' questions were answered.

Councilmember Francisco left the meeting at 3:58 p.m. and returned at 4:10 p.m. Councilmember Williams left the meeting at 4:48 p.m.

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:57 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
September 8, 2009
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on September 8, 2009, was cancelled by the Council on November 18, 2008.

The next regular meeting of the City Council is scheduled for September 15, 2009, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 15, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:09 p.m. (The Ordinance Committee met at 12:00 noon, and the Finance Committee met at 1:00 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone, Dale Francisco.

Staff present: Acting City Administrator Joan M. Kent, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring September 2009 As National Alcohol And Drug Addiction Recovery Month (120.04)

Action: Proclamation presented to Shereen Khatapoush, representing The Council on Alcoholism and Drug Abuse/Fighting Back.

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2009.

(Cont'd)

2. (Cont'd)

Documents:

September 15, 2009, report from the Administrative Services Director.

Speakers:

Staff: Acting City Administrator Joan Kent.

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

5-Year Pin

John Martony, Finance
Elizabeth Scott, Police
Cheryle Pearson, Library
Frederick Fulmer, Public Works

10-Year Pin

Jeffrey Burns, Fire
Kell Hardin, Fire
Kevin Hokom, Fire
Justin Williams, Fire
Jose Delgado, Public Works
Joaquin Ortega, Public Works
Jose Rodriguez, Airport

20-Year Pin

Daniel Kato, Community Development
Timothy Gaasch, Public Works

25-Year Pin

Owen Thomas, Public Works

30-Year Pin

Thomas Haines, Fire

PUBLIC COMMENT

Speakers: Kate Smith; Ruth Wilson; Judy Cardinal, Daughters of American Revolution.

Councilmember Francisco arrived at the meeting at 2:24 p.m.

Speakers (Cont'd): Cruzito Herrera Cruz; David Daniel Diaz; Bonnie Raisin; Dave Homeless; Bob Hansen; Daniel Knapp.

CONSENT CALENDAR (Item Nos. 3 – 13 and 15 – 18)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Council/Agency member Falcone).

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of August 12, 2009, the regular meetings of August 18, and August 25, 2009, and the regular meeting of September 1, 2009 (cancelled).

Action: Approved the recommendation.

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

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

Action: Approved the recommendation; Resolution No. 09-074 (September 15, 2009, report from the Public Works Director; proposed resolution).

5. Subject: Mooring Regulations In The Harbor District (570.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Rules and Regulations for Issuing Mooring Permits in the City of Santa Barbara Mooring Area, Setting Minimum Specifications for Installing, Inspecting, and Repairing Such Moorings, and Repealing Resolution No. 06-027.

Action: Approved the recommendation; Resolution No. 09-075 (September 15, 2009, report from the Waterfront Director; proposed resolution).

6. Subject: Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Policies (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 17.20.005, 17.20.220, and 17.20.265 Pertaining to Operations at the Waterfront.

Action: Approved the recommendation (September 15, 2009, report from the Waterfront Director; proposed ordinance).

7. Subject: Community Promotion Contract With Summer Solstice Celebration, Inc. (230.02)

Recommendation: That Council authorize the Interim Finance Director to execute a Community Promotion contract with Summer Solstice Celebration, Inc., in an amount of \$42,057 to support year-round salary and production expenses.

Action: Approved the recommendation; Contract No. 23,191 (September 15, 2009, report from the Interim Finance Director).

8. Subject: Catch Basin Inlet Storm Drain Screens Project (540.14)

Recommendation: That Council increase the appropriation and estimated revenue by \$1,789,388 in the Fiscal Year 2010 Creeks Capital Fund for the Catch Basin Inlet Storm Drain Screens Project.

Action: Approved the recommendation (September 15, 2009, report from the Parks and Recreation Director).

9. Subject: Upper Las Positas Creek Restoration And Storm Water Management Project (540.14)

Recommendation: That Council increase appropriations and estimated revenues by \$1,652,197 in the Creeks Capital Fund for the Upper Las Positas Creek Restoration and Storm Water Management Project.

Action: Approved the recommendation (September 15, 2009, report from the Parks and Recreation Director).

10. Subject: Purchase Order For Water Treatment Sludge Disposal (540.10)

Recommendation: That Council:

- A. Waive the formal bidding process, as authorized by Municipal Code Section 4.52.080(k), and authorize the City General Services Manager to issue a Purchase Order to the Ventura Regional Sanitation District (VRSD) in the amount of \$200,000 for the disposal of up to 6,500 tons of water treatment sludge in Fiscal Year 2010;
- B. Authorize the City General Services Manager to renew the Purchase Order to the VRSD annually through Fiscal Year 2012, subject to Council approval of the annual Water Fund budget; and
- C. Authorize the City General Services Manager to execute an agreement with the VRSD for delivery of water treatment sludge to the Toland Road Landfill for a three-year period.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork.
- Member of the Public: John Ackerman, M.D.

Action: Approved the recommendations; Agreement No. 23,192 (September 15, 2009, report from the Public Works Director; e-mail communications submitted by John Ackerman).

11. Subject: Approve Cost Sharing For The Jesusita Fire Flood Protection And Mitigation Projects (520.02)

Recommendation: That Council:

- A. Approve an agreement for cost sharing of the Jesusita Fire Flood Protection and Mitigation Projects between the City of Santa Barbara and the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), and authorize the Public Works Director to execute the agreement;
- B. Waive the formal bid process, as authorized by Municipal Code Section 4.52.080 (Emergency Purchases), and authorize the City General Services Manager to issue a Purchase Order to AIS Construction in an amount not to exceed \$315,000 for the construction of debris barriers, and Purchase Orders not to exceed \$115,500 for additional Jesusita Fire mitigation work, including the installation of storm drain riser pipes, k-rail, and sandbags;
- C. Approve an agreement for cost sharing of the Jesusita Fire Flood Protection and Mitigation Project: Aerial Hydromulching between the City of Santa Barbara and Santa Barbara County Flood Control and Water Conservation District, and authorize the Public Works Director to execute the agreement; and

(Cont'd)

11. (Cont'd)

- D. Approve the expenditure of \$50,000 from the Streets Fund to County Flood Control to support aerial hydromulching.

Speakers:

Staff: Principal Civil Engineer John Ewasiuk, Supervising Engineer Brian D'Amour, Public Works Director Christine Andersen.

Action: Approved the recommendations; Agreement Nos. 23,193 and 23,194 (September 15, 2009, report from the Public Works Director).

12. Subject: Set A Date For Public Hearing Regarding Single Family Design Board Preliminary Approval Of 2105 Anacapa Street (640.07)

Recommendation: That Council:

- A. Set the date of October 6, 2009, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney representing Friends of Upper-Anacapa, of the Preliminary Approval of an application for property owned by Barbara E. Matthews Trust and located at 2105 Anacapa Street, Assessor's Parcel No. 025-242-011, E-1 Single Family Residence Zone, General Plan Designation: 3 Units per acre. The project proposes the demolition of an existing 1,752 square foot single-family residence and detached 340 square foot garage, and construction of a new 4,183 square foot three-story single-family residence and attached 410 square foot two-car garage. Floor to lot area ratio square footage deductions for full and partial basements result in a total of 3,375 square feet on a 9,372 square foot lot in the Mission Area Special Design District; and
- B. Set the date of October 5, 2009, at 1:30 p.m. for a site visit to the property located at 2105 Anacapa Street.

Action: Approved the recommendations (July 30, 2009, letter of appeal).

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Denial For 1642 And 1654 Calle Canon And 2418 Calle Montilla (640.07)

Recommendation: That Council:

- A. Set the date of October 13, 2009, at 2:00 p.m. for hearing the appeal filed by Joseph and Carolyn Maguire of the Planning Commission denial of an application for property located at 1642 and 1654 Calle Canon and 2418 Calle Montilla, Assessor's Parcel Nos. 041-140-006, -008, and -009, A-2 and E-1 One-Family Residence Zones, General Plan Designation: Major Hillside. The proposal is for the subdivision of two lots into six lots.

(Cont'd)

13. (Cont'd)

A. (Cont'd)

Due to slope density requirements, each lot must provide more than the minimum lot area for the zone. Three existing single-family residences are proposed to remain. The discretionary applications required for the project are a Lot Area Modification, Street Frontage Modifications, a Wall Height Modification, a Tentative Subdivision Map, and Public Street Waivers; and

B. Set the date of October 12, 2009, at 1:30 p.m. for a site visit to the property located at 1642 and 1654 Calle Canon and 2418 Calle Montilla.

Action: Approved the recommendations.

Agenda Item No. 14 appears in the Redevelopment Agency minutes.

15. Subject: Chase Palm Park Easement And Adjacent Recycled Water Easement (330.03)

A. That the Redevelopment Agency (Agency) Board approve and authorize the Agency's Executive Director to execute, subject to approval by the Agency's Counsel, an amendment to the Declaration of Construction and Operating Covenants and Reciprocal Easements (Declaration), to extend the termination date to January 15, 2015, and to provide for a reciprocal underground utility easement in Chase Palm Park; and

B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Recycled Water Pipeline Easement Located on a Portion of the Real Property Commonly Known as 103 South Calle Cesar Chavez, Santa Barbara County Assessor's Parcel No. 017-113 020.

Action: Approved the recommendations; Resolution No. 09-076; Deed No. 61-344 (September 15, 2009, report from the Public Works Director and the Community Development/Agency Deputy Director; proposed resolution).

NOTICES

16. The City Clerk has on Thursday, September 10, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

17. Received letters of resignation from Community Development and Human Services Committee Member Alice O'Connor and Westside Center Advisory Committee Member Carlos Guerrero; the vacancies will be part of the next advisory group recruitment.

18. The Redevelopment Agency of the City of Santa Barbara will hold a public hearing on October 20, 2009, at 2:00 p.m. to review the Draft Implementation Plan 2010-2014 for the Central City Redevelopment Project Area.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to consider proposed ordinance amendments related to the reconstruction of nonconforming properties damaged or destroyed by natural disasters; these amendments will be submitted to the full Council for introduction and subsequent adoption. The Committee also held a hearing to discuss and receive public comment regarding possible revisions to the ordinance regulating medical cannabis dispensaries; a second hearing on this issue will be held by the Committee on September 29, 2009.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee reviewed and forwarded to Council recommendations by the Arts Advisory Committee for the allocation of community promotion grants for Fiscal Year 2010.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

19. Subject: Upper State Street Area Design Guidelines (640.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Updated Design Guidelines for the Upper State Street Area.

Documents:

- September 15, 2009, report from the Community Development Director.
- Proposed Resolution.
- Upper State Street Study Report, dated March 2007, and City Council Resolution No. 07-032, adopted May 8, 2007.
- September 14, 2009, letter from Citizens Planning Association of Santa Barbara County, Inc.
- September 14, 2009, e-mail from Chihoko and Richard Solomon.

The title of the resolution was read.

(Cont'd)

19. (Cont'd)

Speakers:

- Staff: City Planner Bettie Weiss, Project Planner Heather Baker.
- Members of the Public: Paul Hernadi, Citizens Planning Association; Connie Hannah, Santa Barbara League of Women Voters; Cathie McCammon.

Motion:

Councilmember House/Mayor Blum to approve the recommendation, directing Staff to include a revision to Guideline No. 30 requested by the Citizens Planning Association; Resolution No. 09-077.

Vote:

Majority roll call vote (Noes: Councilmember Francisco; Absent: Councilmember Falcone).

MAYOR AND COUNCIL REPORTS

20. Subject: Request From Councilmembers Schneider And Williams Regarding A Letter Opposing New Federal Offshore Oil Drilling (630.10)

Recommendation: That Council consider the request of Councilmembers Schneider and Williams to send a letter opposing new federal offshore oil drilling.

Documents:

September 15, 2009, report from the City Administrator.

Speakers:

Members of the Public: Dr. Lee Heller, Get Oil Out; Jim Childress, Los Padres Chapter of the Sierra Club; Connie Hannah, Santa Barbara League of Women Voters; Bruce Allen, Save Our State California; Rudy Mangue; Lad Handleman; Nathan Alley, Environmental Defense Center; Abe Powell, Get Oil Out.

Motion:

Councilmembers Schneider/House to approve the proposed letter.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember Falcone).

RECESS

The Mayor recessed the meeting at 4:33 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 21 - 23, and she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

21. 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 *Rudy Munoz v. City of Santa Barbara, et al.*, SBSC Case Number 1302638.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

September 15, 2009, report from the City Attorney.

Time:

4:40 p.m. - 5:00 p.m.

No report made.

22. 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 *Christine A. Kravetz v. City of Santa Barbara, et al.*, SBSC Case Number 1303351.

Scheduling: Duration. 15 minutes; anytime

Report: None anticipated

Documents:

September 15, 2009, report from the City Attorney.

Time:

5:00 p.m. - 5:20 p.m.

No report made.

23. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

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

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

23. (Cont'd)

Documents:

September 15, 2009, report from the City Attorney.

Time:

5:20 p.m. - 5:40 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 5:40 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2009

TO: Mayor and Councilmembers

FROM: Accounting Division, Finance Department

SUBJECT: Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009

RECOMMENDATION:

That Council accept the Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

DISCUSSION:

The Interim Financial Statements for the Month Ended July 31, 2009 (8.3% of the fiscal year) are attached. The Interim Financial Statements include budgetary activity in comparison to actual activity for the General Fund, Enterprise Funds, Internal Service Funds, and select Special Revenue Funds.

ATTACHMENT: Interim Financial Statements for the Month Ended July 31, 2009

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
GENERAL FUND					
Revenue	104,597,127	6,006,221	-	98,590,906	5.7%
Expenditures	104,761,646	7,860,116	1,522,241	95,379,289	9.0%
<i>Addition to / (use of) reserves</i>	<u>(164,519)</u>	<u>(1,853,895)</u>	<u>(1,522,241)</u>		
WATER OPERATING FUND					
Revenue	34,152,198	2,799,500	-	31,352,698	8.2%
Expenditures	37,352,024	1,882,972	3,764,739	31,704,313	15.1%
<i>Addition to / (use of) reserves</i>	<u>(3,199,826)</u>	<u>916,528</u>	<u>(3,764,739)</u>		
WASTEWATER OPERATING FUND					
Revenue	14,770,000	1,219,346	-	13,550,653	8.3%
Expenditures	16,070,288	882,665	1,649,816	13,537,807	15.8%
<i>Addition to / (use of) reserves</i>	<u>(1,300,288)</u>	<u>336,682</u>	<u>(1,649,816)</u>		
DOWNTOWN PARKING					
Revenue	6,762,290	612,485	-	6,149,805	9.1%
Expenditures	8,195,457	536,001	656,632	7,002,824	14.6%
<i>Addition to / (use of) reserves</i>	<u>(1,433,167)</u>	<u>76,484</u>	<u>(656,632)</u>		
AIRPORT OPERATING FUND					
Revenue	12,440,678	973,210	-	11,467,468	7.8%
Expenditures	12,723,593	667,863	871,803	11,183,927	12.1%
<i>Addition to / (use of) reserves</i>	<u>(282,915)</u>	<u>305,347</u>	<u>(871,803)</u>		
GOLF COURSE FUND					
Revenue	2,380,438	208,461	-	2,171,977	8.8%
Expenditures	2,830,287	105,601	637,451	2,087,235	26.3%
<i>Addition to / (use of) reserves</i>	<u>(449,849)</u>	<u>102,859</u>	<u>(637,451)</u>		
INTRA-CITY SERVICE FUND					
Revenue	5,601,878	434,381	-	5,167,497	7.8%
Expenditures	5,863,705	298,689	888,966	4,676,050	20.3%
<i>Addition to / (use of) reserves</i>	<u>(261,827)</u>	<u>135,692</u>	<u>(888,966)</u>		

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
FLEET REPLACEMENT FUND					
Revenue	1,779,868	150,130	-	1,629,738	8.4%
Expenditures	4,273,482	63,137	331,988	3,878,357	9.2%
<i>Addition to / (use of) reserves</i>	<u>(2,493,614)</u>	<u>86,993</u>	<u>(331,988)</u>		
FLEET MAINTENANCE FUND					
Revenue	2,565,663	209,639	-	2,356,024	8.2%
Expenditures	2,656,503	136,774	265,068	2,254,661	15.1%
<i>Addition to / (use of) reserves</i>	<u>(90,840)</u>	<u>72,865</u>	<u>(265,068)</u>		
SELF INSURANCE TRUST FUND					
Revenue	6,073,674	508,144	-	5,565,530	8.4%
Expenditures	6,219,840	2,413,013	352,708	3,454,119	44.5%
<i>Addition to / (use of) reserves</i>	<u>(146,166)</u>	<u>(1,904,869)</u>	<u>(352,708)</u>		
INFORMATION SYSTEMS ICS FUND					
Revenue	2,435,147	204,002	-	2,231,145	8.4%
Expenditures	2,635,280	194,594	283,131	2,157,555	18.1%
<i>Addition to / (use of) reserves</i>	<u>(200,133)</u>	<u>9,407</u>	<u>(283,131)</u>		
WATERFRONT FUND					
Revenue	11,522,348	1,282,500	-	10,239,848	11.1%
Expenditures	12,061,259	695,342	772,084	10,593,834	12.2%
<i>Addition to / (use of) reserves</i>	<u>(538,911)</u>	<u>587,158</u>	<u>(772,084)</u>		
TOTAL FOR ALL FUNDS					
Revenue	205,081,309	14,608,018	-	190,473,291	7.1%
Expenditures	215,643,364	15,736,768	11,996,626	187,909,971	12.9%
<i>Addition to / (use of) reserves</i>	<u>(10,562,055)</u>	<u>(1,128,750)</u>	<u>(11,996,626)</u>		

**** It is City policy to adopt a balanced budget. In most cases, encumbrance balances exist at year-end. These encumbrance balances are obligations of each fund and must be reported at the beginning of each fiscal year. In addition, a corresponding appropriations entry must be made in order to accommodate the 'carried-over' encumbrance amount. Most differences between budgeted annual revenues and expenses are due to these encumbrance carryovers.**

CITY OF SANTA BARBARA
General Fund
Interim Statement of Budgeted and Actual Revenues
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	Annual Budget	YTD Actual	Remaining Balance	Percent Received	Previous YTD
TAXES					
Sales and Use	18,479,524	871,696	17,607,828	4.7%	1,123,266
Property Taxes	23,860,000	-	23,860,000	0.0%	-
Utility Users Tax	7,242,000	567,313	6,674,687	7.8%	584,803
Transient Occupancy Tax	12,027,000	1,011,111	11,015,889	8.4%	1,268,784
Franchise Fees	2,976,000	78,898	2,897,102	2.7%	174,227
Business License	2,273,300	148,396	2,124,904	6.5%	135,227
Real Property Transfer Tax	325,800	31,882	293,918	9.8%	37,837
<i>Total</i>	<u>67,183,624</u>	<u>2,709,296</u>	<u>64,474,328</u>	<u>4.0%</u>	<u>3,324,144</u>
LICENSES & PERMITS					
Licenses & Permits	179,000	14,467	164,533	8.1%	17,591
<i>Total</i>	<u>179,000</u>	<u>14,467</u>	<u>164,533</u>	<u>8.1%</u>	<u>17,591</u>
FINES & FORFEITURES					
Parking Violations	2,582,774	268,807	2,313,967	10.4%	258,866
Library Fines	110,000	9,404	100,596	8.5%	10,524
Municipal Court Fines	150,000	7,535	142,465	5.0%	23,508
Other Fines & Forfeitures	100,000	11,825	88,175	11.8%	-
<i>Total</i>	<u>2,942,774</u>	<u>297,571</u>	<u>2,645,203</u>	<u>10.1%</u>	<u>292,898</u>
USE OF MONEY & PROPERTY					
Investment Income	941,951	96,194	845,757	10.2%	250,927
Rents & Concessions	406,436	30,890	375,546	7.6%	28,961
<i>Total</i>	<u>1,348,387</u>	<u>127,085</u>	<u>1,221,302</u>	<u>9.4%</u>	<u>279,888</u>
INTERGOVERNMENTAL					
Grants	2,145,577	-	2,145,577	0.0%	-
Vehicle License Fees	200,000	71,978	128,022	36.0%	22,638
<i>Total</i>	<u>2,345,577</u>	<u>71,978</u>	<u>2,273,599</u>	<u>3.1%</u>	<u>22,638</u>
FEEES & SERVICE CHARGES					
Finance	858,930	-	858,930	0.0%	68,803
Community Development	4,425,717	436,419	3,989,298	9.9%	443,062
Recreation	2,412,579	231,899	2,180,680	9.6%	225,316
Public Safety	550,543	44,562	505,982	8.1%	45,859
Public Works	4,608,873	467,094	4,141,779	10.1%	369,643
Library	775,452	2,717	772,735	0.4%	3,105
Reimbursements	5,809,367	421,122	5,388,245	7.2%	393,559
<i>Total</i>	<u>19,441,461</u>	<u>1,603,812</u>	<u>17,837,649</u>	<u>8.2%</u>	<u>1,549,346</u>
OTHER MISCELLANEOUS REVENUES					
Miscellaneous	1,512,487	362,316	1,150,171	24.0%	1,756,795
Indirect Allocations	7,238,105	701,261	6,536,844	9.7%	637,995
Operating Transfers-In	2,405,712	118,437	2,287,275	4.9%	79,635
<i>Total</i>	<u>11,156,304</u>	<u>1,182,013</u>	<u>9,974,291</u>	<u>10.6%</u>	<u>2,474,425</u>
TOTAL REVENUES	<u>104,597,127</u>	<u>6,006,221</u>	<u>98,590,906</u>	<u>5.7%</u>	<u>7,960,929</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>** Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
GENERAL GOVERNMENT						
<u>Mayor & City Council</u>						
MAYOR	747,750	56,152	2,969	688,630	7.9%	
<i>Total</i>	<u>747,750</u>	<u>56,152</u>	<u>2,969</u>	<u>688,630</u>	7.9%	<u>67,082</u>
<u>City Attorney</u>						
CITY ATTORNEY	2,099,358	163,839	-	1,935,519	7.8%	
<i>Total</i>	<u>2,099,358</u>	<u>163,839</u>	<u>-</u>	<u>1,935,519</u>	7.8%	<u>180,283</u>
<u>Administration</u>						
CITY ADMINISTRATOR	1,351,840	101,465	12,333	1,238,042	8.4%	
LABOR RELATIONS	228,570	15,118	33,851	179,601	21.4%	
CITY TV	440,943	27,008	57,488	356,447	19.2%	
<i>Total</i>	<u>2,021,353</u>	<u>143,591</u>	<u>103,672</u>	<u>1,774,090</u>	12.2%	<u>165,721</u>
<u>Administrative Services</u>						
CITY CLERK	773,167	35,825	190,528	546,814	29.3%	
HUMAN RESOURCES	1,190,764	76,109	34,775	1,079,880	9.3%	
ADMIN SVCS-EMPLOYEE DEVELOPMENT	182,921	10,534	-	172,387	5.8%	
<i>Total</i>	<u>2,146,852</u>	<u>122,468</u>	<u>225,303</u>	<u>1,799,081</u>	16.2%	<u>138,040</u>
<u>Finance</u>						
ADMINISTRATION	682,555	106,586	11,070	564,898	17.2%	
TREASURY	384,702	29,110	3,600	351,992	8.5%	
CASHIERING & COLLECTION	427,287	30,462	-	396,825	7.1%	
LICENSES & PERMITS	387,383	34,918	-	352,465	9.0%	
BUDGET MANAGEMENT	353,511	29,021	-	324,490	8.2%	
ACCOUNTING	405,390	25,593	32,187	347,610	14.3%	
PAYROLL	273,371	19,759	54	253,558	7.2%	
ACCOUNTS PAYABLE	210,859	15,269	-	195,590	7.2%	
CITY BILLING & CUSTOMER SERVICE	560,542	26,020	-	534,522	4.6%	
PURCHASING	653,082	47,412	1,168	604,502	7.4%	
CENTRAL STORES	183,803	14,116	-	169,687	7.7%	
MAIL SERVICES	96,326	6,222	3,424	86,680	10.0%	
<i>Total</i>	<u>4,618,811</u>	<u>384,490</u>	<u>51,503</u>	<u>4,182,818</u>	9.4%	<u>416,161</u>
TOTAL GENERAL GOVERNMENT	11,634,124	870,540	383,447	10,380,137	10.8%	967,287
PUBLIC SAFETY						
<u>Police</u>						
CHIEF'S STAFF	1,160,176	88,024	-	1,072,152	7.6%	
SUPPORT SERVICES	575,931	38,949	5,438	531,544	7.7%	
RECORDS	1,396,802	93,971	16,345	1,286,486	7.9%	
COMMUNITY SVCS	1,063,530	92,553	6,952	964,025	9.4%	
CRIME ANALYSIS	90,584	6,482	-	84,102	7.2%	
PROPERTY ROOM	125,326	9,640	1,265	114,421	8.7%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
PUBLIC SAFETY						
<u>Police</u>						
TRNG/RECRUITMENT	381,881	27,249	-	354,632	7.1%	
RANGE	879,439	101,214	31,349	746,876	15.1%	
BEAT COORDINATORS	801,812	39,542	-	762,270	4.9%	
INFORMATION TECHNOLOGY	1,118,502	62,479	7,515	1,048,508	6.3%	
INVESTIGATIVE DIVISION	4,513,258	300,355	5,300	4,207,603	6.8%	
CRIME LAB	222,370	8,853	-	213,517	4.0%	
PATROL DIVISION	12,629,310	906,743	197,327	11,525,240	8.7%	
TRAFFIC	1,330,706	85,963	1,650	1,243,093	6.6%	
SPECIAL EVENTS	986,472	143,680	15,394	827,398	16.1%	
TACTICAL PATROL FORCE	1,131,685	86,725	-	1,044,960	7.7%	
STREET SWEEPING ENFORCEMENT	236,362	16,206	-	220,156	6.9%	
NIGHT LIFE ENFORCEMENT	458,400	33,725	-	424,675	7.4%	
PARKING ENFORCEMENT	902,337	59,206	27,800	815,331	9.6%	
CCC	2,383,022	155,276	3,270	2,224,476	6.7%	
ANIMAL CONTROL	462,772	32,154	-	430,618	6.9%	
<i>Total</i>	<u>32,850,677</u>	<u>2,388,989</u>	<u>319,605</u>	<u>30,142,083</u>	8.2%	<u>2,782,737</u>
<u>Fire</u>						
ADMINISTRATION	1,096,276	61,650	41,725	992,901	9.4%	
EMERGENCY SERVICES AND PUBLIC ED	216,586	25,887	6,366	184,332	14.9%	
PREVENTION	1,187,985	84,053	3,086	1,100,846	7.3%	
WILDLAND FIRE MITIGATION PROGRAM	191,083	10,788	38,933	141,362	26.0%	
OPERATIONS	17,188,401	1,167,070	87,419	15,933,913	7.3%	
ARFF	1,623,165	113,968	-	1,509,197	7.0%	
<i>Total</i>	<u>21,503,496</u>	<u>1,463,416</u>	<u>177,529</u>	<u>19,862,551</u>	7.6%	<u>2,142,146</u>
TOTAL PUBLIC SAFETY	<u>54,354,173</u>	<u>3,852,405</u>	<u>497,135</u>	<u>50,004,634</u>	8.0%	<u>4,924,883</u>
PUBLIC WORKS						
<u>Public Works</u>						
ADMINISTRATION	862,361	56,488	12,546	793,327	8.0%	
ENGINEERING SVCS	4,305,474	303,138	22,597	3,979,739	7.6%	
PUBLIC RT OF WAY MGMT	1,011,589	66,907	2,869	941,813	6.9%	
ENVIRONMENTAL PROGRAMS	514,158	29,166	39,627	445,365	13.4%	
<i>Total</i>	<u>6,693,582</u>	<u>455,698</u>	<u>77,639</u>	<u>6,160,244</u>	8.0%	<u>496,936</u>
TOTAL PUBLIC WORKS	<u>6,693,582</u>	<u>455,698</u>	<u>77,639</u>	<u>6,160,244</u>	8.0%	<u>496,936</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
PRGM MGMT & BUS SVCS	524,868	48,265	-	476,603	9.2%	
FACILITIES	407,356	31,364	11,445	364,547	10.5%	
CULTURAL ARTS	429,832	33,679	39,582	356,571	17.0%	
YOUTH ACTIVITIES	752,636	86,184	14,038	652,414	13.3%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
SR CITIZENS	722,733	59,617	1,212	661,904	8.4%	
AQUATICS	1,097,052	171,096	59,458	866,498	21.0%	
SPORTS	488,962	27,787	10,466	450,709	7.8%	
TENNIS	275,753	16,067	22,819	236,867	14.1%	
NEIGHBORHOOD & OUTREACH SERV	1,263,260	88,553	-	1,174,707	7.0%	
ADMINISTRATION	528,293	38,686	-	489,607	7.3%	
PROJECT MANAGEMENT TEAM	247,538	45,586	-	201,952	18.4%	
BUSINESS SERVICES	520,527	25,529	20,293	474,706	8.8%	
FACILITY & PROJECT MGT	1,012,354	211,361	9,035	791,959	21.8%	
GROUND MANAGEMENT	4,174,069	327,172	135,560	3,711,336	11.1%	
FORESTRY	1,182,344	91,627	39,164	1,051,554	11.1%	
BEACH MAINTENANCE	170,234	9,202	12,063	148,969	12.5%	
<i>Total</i>	<u>13,797,811</u>	<u>1,317,711</u>	<u>381,885</u>	<u>12,098,215</u>	12.3%	<u>1,446,821</u>
<u>Library</u>						
ADMINISTRATION	416,148	27,399	-	388,749	6.6%	
PUBLIC SERVICES	2,264,920	151,212	12,610	2,101,098	7.2%	
SUPPORT SERVICES	1,650,602	97,938	32,716	1,519,948	7.9%	
<i>Total</i>	<u>4,331,670</u>	<u>276,550</u>	<u>45,325</u>	<u>4,009,795</u>	7.4%	<u>310,910</u>
TOTAL COMMUNITY SERVICES	<u>18,129,481</u>	<u>1,594,261</u>	<u>427,210</u>	<u>16,108,010</u>	11.2%	<u>1,757,731</u>
COMMUNITY DEVELOPMENT						
<u>Community Development</u>						
ADMINISTRATION	491,949	31,751	900	459,298	6.6%	
ECON DEV	62,919	4,106	-	58,813	6.5%	
CITY ARTS ADVISORY PROGRAM	540,483	-	-	540,483	0.0%	
HUMAN SVCS	818,612	2,718	-	815,894	0.3%	
RDA	730,700	43,342	-	687,358	5.9%	
RDA HSG DEV	711,639	50,677	-	660,962	7.1%	
LR PLANNING/STUDIES	742,833	52,602	5,972	684,259	7.9%	
DEV & DESIGN REVIEW	1,035,162	69,618	37,202	928,343	10.3%	
ZONING	854,297	58,302	1,120	794,875	7.0%	
DESIGN REV & HIST PRESERVATN	957,682	61,020	43,795	852,867	10.9%	
SHO/ENVIRON REVIEW/TRAINING	704,462	48,011	8,732	647,719	8.1%	
BLDG PERMITS	1,018,740	69,694	4,350	944,696	7.3%	
RECORDS & ARCHIVES	593,922	38,640	24,340	530,942	10.6%	
PLAN CK & COUNTER SRV	1,268,494	116,099	10,400	1,141,995	10.0%	
<i>Total</i>	<u>10,531,894</u>	<u>646,580</u>	<u>136,810</u>	<u>9,748,504</u>	7.4%	<u>831,419</u>
TOTAL COMMUNITY DEVELOPMENT	<u>10,531,894</u>	<u>646,580</u>	<u>136,810</u>	<u>9,748,504</u>	7.4%	<u>831,419</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
NON-DEPARTMENTAL						
<i>Non-Departmental</i>						
DUES, MEMBERSHIPS, & LICENSES	22,272	-	-	22,272	0.0%	
COMMUNITY PROMOTIONS	1,706,580	390,866	-	1,315,714	22.9%	
SPECIAL PROJECTS	21,000	2,100	-	18,900	10.0%	
TRANSFERS OUT	43,500	43,500	-	-	100.0%	
DEBT SERVICE TRANSFERS	353,568	-	-	353,568	0.0%	
CAPITAL OUTLAY TRANSFER	573,170	4,167	-	569,003	0.7%	
APPROP. RESERVE	698,302	-	-	698,302	0.0%	
<i>Total</i>	<u>3,418,392</u>	<u>440,632</u>	<u>-</u>	<u>2,977,760</u>	12.9%	<u>1,122,201</u>
TOTAL NON-DEPARTMENTAL	<u>3,418,392</u>	<u>440,632</u>	<u>-</u>	<u>2,977,760</u>	12.9%	<u>1,122,201</u>
TOTAL EXPENDITURES	<u>104,761,646</u>	<u>7,860,116</u>	<u>1,522,241</u>	<u>95,379,289</u>	9.0%	<u>10,100,458</u>

*** The legal level of budgetary control is at the department level for the General Fund. Therefore, as long as the department as a whole is within budget, budgetary compliance has been achieved. The City actively monitors the budget status of each department and takes measures to address potential over budget situations before they occur.*

For Enterprise and Internal Service Funds, the legal level of budgetary control is at the fund level. The City also monitors and addresses these fund types for potential over budget situations.

CITY OF SANTA BARBARA
Special Revenue Funds
Interim Statement of Revenues and Expenditures
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
TRAFFIC SAFETY FUND					
Revenue	515,000	34,010	-	480,990	6.6%
Expenditures	515,000	71,836	-	443,164	13.9%
<i>Revenue Less Expenditures</i>	-	(37,827)	-	37,827	
CREEK RESTORATION/WATER QUALITY IMPRVMT					
Revenue	2,610,100	227,804	-	2,382,296	8.7%
Expenditures	3,386,420	181,915	467,981	2,736,524	19.2%
<i>Revenue Less Expenditures</i>	(776,320)	45,889	(467,981)	(354,227)	
SOLID WASTE PROGRAM					
Revenue	18,614,209	1,509,263	-	17,104,946	8.1%
Expenditures	19,123,120	1,369,717	139,963	17,613,440	7.9%
<i>Revenue Less Expenditures</i>	(508,911)	139,546	(139,963)	(508,494)	
COMM.DEVELOPMENT BLOCK GRANT					
Revenue	1,327,325	234,368	-	1,092,957	17.7%
Expenditures	2,831,738	31,002	68,449	2,732,287	3.5%
<i>Revenue Less Expenditures</i>	(1,504,413)	203,366	(68,449)	(1,639,330)	
COUNTY LIBRARY					
Revenue	1,703,932	12,571	-	1,691,361	0.7%
Expenditures	1,765,938	114,534	20,762	1,630,642	7.7%
<i>Revenue Less Expenditures</i>	(62,006)	(101,963)	(20,762)	60,719	
STREETS FUND					
Revenue	9,570,982	613,218	-	8,957,764	6.4%
Expenditures	14,154,458	568,082	1,960,574	11,625,802	17.9%
<i>Revenue Less Expenditures</i>	(4,583,476)	45,137	(1,960,574)	(2,668,038)	
MEASURE "D"					
Revenue	4,884,000	269,800	-	4,614,200	5.5%
Expenditures	9,180,455	114,767	3,239,580	5,826,108	36.5%
<i>Revenue Less Expenditures</i>	(4,296,455)	155,033	(3,239,580)	(1,211,908)	

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

WATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Water Sales - Metered	29,850,000	2,668,826	-	27,181,174	8.9%	3,012,080
Service Charges	385,000	27,301	-	357,699	7.1%	28,080
Cater JPA Treatment Charges	2,200,000	-	-	2,200,000	0.0%	688,118
Licenses & Permits	(2,500)	-	-	(2,500)	0.0%	-
Investment Income	1,008,000	98,193	-	909,807	9.7%	132,197
Grants	-	-	-	-	100.0%	-
Reimbursements	18,000	-	-	18,000	0.0%	-
Miscellaneous	693,698	5,180	-	688,518	0.7%	139,014
TOTAL REVENUES	<u>34,152,198</u>	<u>2,799,500</u>	<u>-</u>	<u>31,352,698</u>	<u>8.2%</u>	<u>3,999,489</u>
EXPENSES						
Salaries & Benefits	7,599,922	517,490	-	7,082,432	6.8%	554,597
Materials, Supplies & Services	10,540,950	478,524	3,630,466	6,431,960	39.0%	360,164
Special Projects	580,163	2,139	29,413	548,611	5.4%	1,126
Water Purchases	7,776,465	343,433	65,918	7,367,114	5.3%	316,583
Debt Service	5,094,672	95,511	-	4,999,161	1.9%	95,354
Capital Outlay Transfers	5,302,492	441,874	-	4,860,618	8.3%	795,382
Equipment	197,459	4,001	35,942	157,517	20.2%	-
Capitalized Fixed Assets	109,900	-	3,000	106,900	2.7%	6,786
Other	-	-	-	-	100.0%	-
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>37,352,024</u>	<u>1,882,972</u>	<u>3,764,739</u>	<u>31,704,313</u>	<u>15.1%</u>	<u>2,129,993</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

WASTEWATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service Charges	14,010,000	1,182,663	-	12,827,337	8.4%	1,200,835
Fees	410,000	-	-	410,000	0.0%	-
Investment Income	325,000	34,384	-	290,616	10.6%	46,298
Miscellaneous	25,000	2,300	-	22,700	9.2%	91,402
TOTAL REVENUES	<u>14,770,000</u>	<u>1,219,346</u>	<u>-</u>	<u>13,550,653</u>	<u>8.3%</u>	<u>1,338,535</u>
EXPENSES						
Salaries & Benefits	5,125,324	365,668	-	4,759,656	7.1%	380,487
Materials, Supplies & Services	5,733,089	239,775	1,629,095	3,864,219	32.6%	256,057
Special Projects	711,367	34,577	11,367	665,423	6.5%	153,594
Transfers-Out	65,000	5,417	-	59,583	8.3%	-
Debt Service	1,354,888	1,630	-	1,353,258	0.1%	-
Capital Outlay Transfers	2,827,188	235,599	-	2,591,589	8.3%	275,857
Equipment	50,167	-	6,489	43,678	12.9%	-
Capitalized Fixed Assets	53,265	-	2,865	50,400	5.4%	20
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>16,070,288</u>	<u>882,665</u>	<u>1,649,816</u>	<u>13,537,807</u>	<u>15.8%</u>	<u>1,066,015</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)
DOWNTOWN PARKING

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Improvement Tax	875,000	145,429	-	729,571	16.6%	150,504
Parking Fees	5,552,550	403,953	-	5,148,597	7.3%	409,803
Investment Income	202,500	19,814	-	182,686	9.8%	32,097
Reimbursements	50,000	-	-	50,000	0.0%	-
Miscellaneous	15,000	(211)	-	15,211	-1.4%	56,541
Operating Transfers-In	67,240	43,500	-	23,740	64.7%	43,500
TOTAL REVENUES	<u>6,762,290</u>	<u>612,485</u>	<u>-</u>	<u>6,149,805</u>	<u>9.1%</u>	<u>692,445</u>
EXPENSES						
Salaries & Benefits	3,724,389	262,415	-	3,461,974	7.0%	270,804
Materials, Supplies & Services	1,978,278	96,263	128,940	1,753,074	11.4%	115,747
Special Projects	846,410	41,516	521,391	283,502	66.5%	52,727
Transfers-Out	312,621	26,052	-	286,569	8.3%	-
Capital Outlay Transfers	1,258,760	104,897	-	1,153,863	8.3%	34,078
Equipment	25,000	-	2,800	22,200	11.2%	-
Capitalized Fixed Assets	-	4,858	3,500	(8,358)	100.0%	15,708
Appropriated Reserve	50,000	-	-	50,000	0.0%	-
TOTAL EXPENSES	<u>8,195,457</u>	<u>536,001</u>	<u>656,632</u>	<u>7,002,824</u>	<u>14.6%</u>	<u>489,063</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)
AIRPORT OPERATING FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Leases - Commercial / Industrial	3,893,750	337,464	-	3,556,286	8.7%	353,505
Leases - Terminal	4,853,050	340,206	-	4,512,844	7.0%	393,337
Leases - Non-Commerical Aviation	1,075,875	94,184	-	981,691	8.8%	113,726
Leases - Commerical Aviation	2,113,451	168,492	-	1,944,959	8.0%	198,607
Investment Income	310,000	30,979	-	279,021	10.0%	50,292
Miscellaneous	194,552	1,886	-	192,666	1.0%	60,945
TOTAL REVENUES	12,440,678	973,210	-	11,467,468	7.8%	1,170,411
EXPENSES						
Salaries & Benefits	4,780,946	326,542	-	4,454,404	6.8%	356,123
Materials, Supplies & Services	6,211,961	287,065	853,905	5,070,990	18.4%	360,870
Special Projects	742,838	-	-	742,838	0.0%	-
Transfers-Out	7,351	-	-	7,351	0.0%	-
Capital Outlay Transfers	675,240	54,256	-	620,984	8.0%	212,566
Equipment	34,212	-	17,897	16,315	52.3%	-
Capitalized Fixed Assets	-	-	-	-	100.0%	28,777
Appropriated Reserve	271,045	-	-	271,045	0.0%	-
TOTAL EXPENSES	12,723,593	667,863	871,803	11,183,927	12.1%	958,335

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

GOLF COURSE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Fees & Card Sales	1,802,397	175,396	-	1,627,001	9.7%	188,388
Investment Income	28,300	3,708	-	24,592	13.1%	5,283
Rents & Concessions	299,741	29,809	-	269,932	9.9%	30,945
Miscellaneous	250,000	(452)	-	250,452	-0.2%	22,017
TOTAL REVENUES	<u>2,380,438</u>	<u>208,461</u>	<u>-</u>	<u>2,171,977</u>	<u>8.8%</u>	<u>246,632</u>
EXPENSES						
Salaries & Benefits	1,137,368	81,002	-	1,056,366	7.1%	97,440
Materials, Supplies & Services	577,822	22,575	140,900	414,347	28.3%	65,338
Special Projects	31,190	-	11,190	20,000	35.9%	5,310
Debt Service	219,058	-	-	219,058	0.0%	-
Capital Outlay Transfers	303,553	46	-	303,507	0.0%	17,070
Equipment	8,400	-	-	8,400	0.0%	-
Capitalized Fixed Assets	552,896	1,978	485,361	65,557	88.1%	284
TOTAL EXPENSES	<u>2,830,287</u>	<u>105,601</u>	<u>637,451</u>	<u>2,087,235</u>	<u>26.3%</u>	<u>185,441</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

INTRA-CITY SERVICE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
	2,321,711	194,897	-	2,126,814	8.4%	-
Vehicle Maintenance Charges	-	-	-	-	100.0%	186,002
Work Orders - Bldg Maint.	1,486,448	90,008	-	1,396,440	6.1%	241,600
Service Charges	1,728,719	144,060	-	1,584,659	8.3%	95,357
Miscellaneous	65,000	-	-	65,000	0.0%	93,188
Operating Transfers-In	-	5,417	-	(5,417)	100.0%	-
TOTAL REVENUES	<u>5,601,878</u>	<u>434,381</u>	<u>-</u>	<u>5,167,497</u>	7.8%	<u>616,147</u>
EXPENSES						
Salaries & Benefits	3,208,250	213,818	-	2,994,432	6.7%	328,128
Materials, Supplies & Services	919,270	71,853	105,487	741,930	19.3%	124,648
Special Projects	1,686,832	12,950	780,755	893,127	47.1%	16,247
Capital Outlay Transfers	829	69	-	760	8.3%	1,603
Equipment	23,000	-	-	23,000	0.0%	-
Capitalized Fixed Assets	25,524	-	2,724	22,800	10.7%	15,000
TOTAL EXPENSES	<u>5,863,705</u>	<u>298,689</u>	<u>888,966</u>	<u>4,676,050</u>	20.3%	<u>485,626</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

FLEET REPLACEMENT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Rental Charges	1,343,020	111,918	-	1,231,102	8.3%	154,358
Investment Income	194,000	17,975	-	176,025	9.3%	25,873
Rents & Concessions	242,848	20,237	-	222,611	8.3%	22,353
Miscellaneous	-	-	-	-	100.0%	2,133
TOTAL REVENUES	<u>1,779,868</u>	<u>150,130</u>	<u>-</u>	<u>1,629,738</u>	<u>8.4%</u>	<u>204,717</u>
EXPENSES						
Salaries & Benefits	162,092	11,370	-	150,722	7.0%	8,542
Materials, Supplies & Services	1,120	93	-	1,027	8.3%	91
Capitalized Fixed Assets	4,110,270	51,674	331,988	3,726,608	9.3%	29,829
TOTAL EXPENSES	<u>4,273,482</u>	<u>63,137</u>	<u>331,988</u>	<u>3,878,357</u>	<u>9.2%</u>	<u>38,463</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

SELF INSURANCE TRUST FUND

	** Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Insurance Premiums	2,950,613	245,884	-	2,704,729	8.3%	266,453
Workers' Compensation Premiums	2,482,928	206,911	-	2,276,017	8.3%	(53,542)
OSH Charges	302,518	25,210	-	277,308	8.3%	24,302
Investment Income	337,615	29,624	-	307,991	8.8%	43,466
Miscellaneous	-	515	-	(515)	100.0%	7,606
TOTAL REVENUES	6,073,674	508,144	-	5,565,530	8.4%	288,285
EXPENSES						
Salaries & Benefits	600,672	36,413	-	564,259	6.1%	39,152
Materials, Supplies & Services	5,590,392	2,376,508	352,708	2,861,176	48.8%	325,968
Transfers-Out	-	-	-	-	100.0%	1,589,853
Capital Outlay Transfers	1,105	92	-	1,013	8.3%	2,137
Equipment	4,000	-	-	4,000	0.0%	-
Appropriated Reserve	23,671	-	-	23,671	0.0%	-
TOTAL EXPENSES	6,219,840	2,413,013	352,708	3,454,119	44.5%	1,957,110

*** The Self Insurance Trust Fund is an internal service fund of the City, which accounts for the cost of providing workers' compensation, property and liability insurance as well as unemployment insurance and certain self-insured employee benefits on a city-wide basis. Internal Service Funds charge other funds for the cost of providing their specific services.*

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

INFORMATION SYSTEMS ICS FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service charges	2,435,147	203,956	-	2,231,191	8.4%	147,780
Miscellaneous	-	45	-	(45)	100.0%	3,797
TOTAL REVENUES	<u>2,435,147</u>	<u>204,002</u>	<u>-</u>	<u>2,231,145</u>	<u>8.4%</u>	<u>151,577</u>
EXPENSES						
Salaries & Benefits	1,537,067	105,791	-	1,431,276	6.9%	129,018
Materials, Supplies & Services	603,350	92,914	103,471	406,964	32.5%	37,865
Special Projects	1,700	-	4,000	(2,300)	235.3%	-
Capital Outlay Transfers	-	-	-	-	100.0%	7,083
Equipment	408,269	(4,111)	175,659	236,720	42.0%	-
Appropriated Reserve	84,895	-	-	84,895	0.0%	-
TOTAL EXPENSES	<u>2,635,280</u>	<u>194,594</u>	<u>283,131</u>	<u>2,157,555</u>	<u>18.1%</u>	<u>173,966</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

WATERFRONT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases - Commercial	1,482,056	124,893	-	1,357,163	8.4%	138,057
Leases - Food Service	2,393,380	196,516	-	2,196,864	8.2%	198,988
Slip Rental Fees	3,676,785	302,111	-	3,374,674	8.2%	293,473
Visitors Fees	700,000	54,699	-	645,302	7.8%	48,197
Slip Transfer Fees	250,000	81,775	-	168,225	32.7%	23,400
Parking Revenue	1,885,098	268,134	-	1,616,964	14.2%	196,688
Wharf Parking	268,749	28,164	-	240,585	10.5%	24,506
Other Fees & Charges	364,909	29,070	-	335,839	8.0%	28,748
Investment Income	125,000	16,480	-	108,520	13.2%	25,397
Rents & Concessions	279,322	121,436	-	157,886	43.5%	24,773
Miscellaneous	97,049	59,221	-	37,828	61.0%	123,559
TOTAL REVENUES	<u>11,522,348</u>	<u>1,282,500</u>	<u>-</u>	<u>10,239,848</u>	<u>11.1%</u>	<u>1,125,785</u>
EXPENSES						
Salaries & Benefits	5,530,336	407,787	-	5,122,549	7.4%	418,939
Materials, Supplies & Services	3,416,967	176,736	765,449	2,474,781	27.6%	213,067
Special Projects	122,559	14,957	3,690	103,912	15.2%	-
Debt Service	1,673,572	-	-	1,673,572	0.0%	123,503
Capital Outlay Transfers	1,131,381	94,282	-	1,037,099	8.3%	135,916
Equipment	86,445	1,579	2,945	81,921	5.2%	163
Appropriated Reserve	100,000	-	-	100,000	0.0%	-
TOTAL EXPENSES	<u>12,061,259</u>	<u>695,342</u>	<u>772,084</u>	<u>10,593,834</u>	<u>12.2%</u>	<u>891,588</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2009
TO: Mayor and Councilmembers
FROM: Treasury Division, Finance Department
SUBJECT: August 2009 Investment Report

RECOMMENDATION:

That Council accept the August 2009 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of August 31, 2009.

ATTACHMENT: August 2009 Investment Report
PREPARED BY: Jill Taura, Treasury Manager
SUBMITTED BY: Robert Samario, Interim Finance Director
APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
August 31, 2009

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

08/04	LAIF Deposit/City	\$ 1,500,000
08/10	LAIF Deposit/City	1,000,000
08/12	LAIF Deposit/City	1,000,000
08/17	LAIF Deposit/City	2,000,000
08/18	LAIF Deposit/City	3,500,000
08/20	Federal National Mortgage Assn. (FNMA)	2,000,000
08/26	Federal Home Loan Mortgage Corp. (FHLMC)	2,000,000
	Total	\$ 13,000,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

08/13	LAIF Withdrawal/City	\$ (6,000,000)
08/17	Federal Farm Credit Bank (FFCB) Maturity	(2,000,000)
08/18	Federal Home Loan Bank (FHLB) Maturity	(2,000,000)
08/20	LAIF Withdrawal/City	(1,500,000)
08/26	LAIF Withdrawal/City	(1,000,000)
08/27	LAIF Withdrawal/City	(4,000,000)
08/31	LAIF Withdrawal/RDA	(1,000,000)
	Total	\$ (17,500,000)

ACTIVITY TOTAL **\$ (4,500,000)**

INTEREST REVENUE

POOLED INVESTMENTS

Interest Earned on Investments	\$ 372,734
Amortization	12,104
SBB&T Sweep Account Interest	165
Total	\$ 385,004

RDA INVESTMENTS

Interest Earned on Investments (LAIF)	\$ 18,908
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TOTAL INTEREST EARNED **\$ 403,912**

CITY OF SANTA BARBARA
Investment Portfolio
August 31, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.925	0.925	22,500,000.00	22,500,000.00	22,500,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.925	0.925	23,100,000.00	23,100,000.00	23,100,000.00	0.00	
Subtotal, LAIF							45,600,000.00	45,600,000.00	45,600,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/08	11/18/09	-	-	2.500	2.500	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,006,640.59	2,027,820.00	21,179.41	
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,018,413.01	2,136,880.00	118,466.99	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,993,564.14	2,083,440.00	89,875.86	
FEDERAL FARM CREDIT BANK	02/01/08	02/01/13	Aaa	AAA	3.790	3.790	2,000,000.00	2,000,000.00	2,025,620.00	25,620.00	Callable 2/01/10, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	03/02/12	Aaa	AAA	2.370	2.370	2,000,000.00	2,000,000.00	2,012,190.00	12,190.00	Callable 3/02/10, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,021,250.00	21,250.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,026,250.00	26,250.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	1,995,320.00	(4,680.00)	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,013,440.00	13,440.00	
FEDERAL HOME LOAN BANK	10/25/06	02/12/10	Aaa	AAA	3.875	5.117	1,000,000.00	994,940.78	1,015,785.00	20,844.22	
FEDERAL HOME LOAN BANK	12/18/06	11/03/09	Aaa	AAA	3.500	4.834	2,000,000.00	1,995,752.85	2,010,620.00	14,867.15	
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,007,757.41	2,144,690.00	136,932.59	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,965,713.58	2,093,750.00	128,036.42	
FEDERAL HOME LOAN BANK	07/09/07	03/12/10	Aaa	AAA	5.000	5.268	1,000,000.00	998,665.18	1,024,535.00	25,869.82	
FEDERAL HOME LOAN BANK	02/26/09	02/24/14	Aaa	AAA	3.250	3.261	2,000,000.00	1,999,516.76	2,013,440.00	13,923.24	Callable 2/24/10, then qtrly
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,802,488.03	1,819,799.00	17,310.97	
FEDERAL HOME LOAN BANK	06/30/09	06/30/14	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,012,820.00	12,820.00	StrNt, Callable 6/30/11, once
FEDERAL HOME LOAN BANK	07/16/09	07/16/12	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,003,120.00	3,120.00	Callable 10/16/09, once
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,501.33	1,047,815.00	47,313.67	
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,986,754.00	2,067,190.00	80,436.00	
FEDERAL HOME LOAN BANK	10/18/06	09/11/09	Aaa	AAA	5.250	5.060	1,000,000.00	1,000,047.08	1,001,250.00	1,202.92	
FEDERAL HOME LOAN BANK	11/07/06	10/26/09	Aaa	AAA	5.000	5.000	2,345,000.00	2,344,997.59	2,361,860.55	16,862.96	
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,794.07	2,082,500.00	82,705.93	
FEDERAL HOME LOAN BANK	12/18/06	06/22/10	Aaa	AAA	4.500	4.825	2,000,000.00	1,995,216.00	2,065,310.00	70,094.00	
FEDERAL HOME LOAN BANK	06/18/07	03/12/10	Aaa	AAA	4.875	5.382	2,000,000.00	1,995,030.89	2,047,810.00	52,779.11	
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,986,692.08	2,064,380.00	77,687.92	
FEDERAL HOME LOAN BANK	09/25/08	09/25/09	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,003,760.00	3,760.00	
FEDERAL HOME LOAN MTG CORP	04/08/09	04/08/13	Aaa	AAA	2.500	2.526	2,000,000.00	1,998,397.22	2,009,240.00	10,842.78	Callable 4/08/11, once

CITY OF SANTA BARBARA
Investment Portfolio
August 31, 2009

DESCRIPTION	PURCHASE	MATURITY	QUALITY RATING		STATED	YIELD AT	FACE	BOOK	MARKET	BOOK	COMMENTS
	DATE	DATE	MOODY'S	S & P	RATE	365	VALUE	VALUE	VALUE	GAIN/(LOSS)	
FEDERAL HOME LOAN MTG CORP	05/19/09	11/19/12	Aaa	AAA	2.170	2.170	2,000,000.00	2,000,000.00	2,007,440.00	7,440.00	Callable 5/19/11, once
FEDERAL HOME LOAN MTG CORP	03/24/09	03/24/14	Aaa	AAA	3.500	3.500	2,000,000.00	2,000,000.00	2,003,560.00	3,560.00	Callable quarterly
FEDERAL HOME LOAN MTG CORP	05/13/09	05/13/13	Aaa	AAA	2.400	2.400	2,000,000.00	2,000,000.00	2,012,400.00	12,400.00	Callable 5/13/11, once
FEDERAL HOME LOAN MTG CORP	08/26/09	08/26/14	Aaa	AAA	3.625	3.625	2,000,000.00	2,000,000.00	2,015,100.00	15,100.00	Callable 2/26/10, then qtrly
FEDERAL HOME LOAN MTG CORP	09/14/06	09/01/09	Aaa	AAA	4.125	5.070	1,000,000.00	1,000,000.00	1,000,000.00	0.00	
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,991,136.71	2,065,900.00	74,763.29	
FEDERAL HOME LOAN MTG CORP	10/15/07	10/15/12	Aaa	AAA	5.050	5.050	2,000,000.00	2,000,000.00	2,010,880.00	10,880.00	Callable 10/15/09, once
FEDERAL HOME LOAN MTG CORP	07/30/09	01/30/13	Aaa	AAA	2.350	2.350	2,000,000.00	2,000,000.00	2,000,220.00	220.00	Callable 7/30/10, once
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,919,511.43	1,949,280.00	29,768.57	
FEDERAL HOME LOAN MTG CORP	01/29/07	01/25/10	Aaa	AAA	4.375	5.122	2,000,000.00	1,994,523.72	2,031,660.00	37,136.28	
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,978,371.35	2,067,680.00	89,308.65	
FEDERAL HOME LOAN MTG CORP	04/29/09	10/29/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,015,580.00	15,580.00	Callable 10/29/10, once
FEDERAL NATL MORTGAGE ASSN	03/18/09	09/18/12	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,033,130.00	33,130.00	Callable 3/18/11, once
FEDERAL NATL MORTGAGE ASSN	03/23/09	03/23/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,015,310.00	15,310.00	StrNt, Callable 9/23/10, once
FEDERAL NATL MORTGAGE ASSN	05/04/09	05/04/12	Aaa	AAA	2.150	2.185	2,000,000.00	1,998,650.00	2,010,310.00	11,660.00	Callable 5/04/10, once
FEDERAL NATL MORTGAGE ASSN	04/27/06	04/20/10	Aaa	AAA	4.750	5.270	2,000,000.00	1,994,096.82	2,053,440.00	59,343.18	
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,025,630.00	25,630.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	05/20/09	11/20/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,003,130.00	3,130.00	Callable 5/20/10, once
FEDERAL NATL MORTGAGE ASSN	08/20/09	08/20/14	Aaa	AAA	3.625	3.636	2,000,000.00	1,999,061.11	2,010,000.00	10,938.89	Callable 11/20/09, then qtrly
FEDERAL NATL MORTGAGE ASSN	03/05/08	03/05/13	Aaa	AAA	4.100	4.100	2,000,000.00	2,000,000.00	2,038,440.00	38,440.00	Callable 3/05/10, once
Subtotal, Federal Agencies							91,045,000.00	90,966,233.73	92,600,974.55	1,634,740.82	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN	01/15/08	01/15/10	Aa2	AAA	4.125	3.630	2,250,000.00	2,253,961.37	2,284,065.00	30,103.63	
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aa2	AA+	6.125	5.100	2,000,000.00	2,026,915.47	2,113,820.00	86,904.53	
GENERAL ELECTRIC CAPITAL CORP	08/15/06	09/15/09	Aa2	AA+	4.625	5.300	2,000,000.00	1,999,520.47	2,002,460.00	2,939.53	
TOYOTA MOTOR CREDIT	10/19/06	03/15/10	Aa1	AA	4.250	5.140	2,000,000.00	1,991,287.41	2,029,000.00	37,712.59	
WELLS FARGO & CO.	05/30/07	01/12/11	A1	AA-	4.875	5.260	2,000,000.00	1,990,504.32	2,075,000.00	84,495.68	
WELLS FARGO & CO.	10/10/06	08/09/10	A1	AA-	4.625	5.000	2,000,000.00	1,993,631.86	2,067,200.00	73,568.14	
Subtotal, Corporate Securities							12,250,000.00	12,255,820.90	12,571,545.00	315,724.10	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	7,300,000.00	7,300,000.00	7,300,000.00	0.00	
Subtotal, SBA Note							7,300,000.00	7,300,000.00	7,300,000.00	0.00	
TOTALS							158,195,000.00	158,122,054.63	160,072,519.55	1,950,464.92	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 22.22 OF THE MUNICIPAL CODE TO ESTABLISH A PROCESS FOR HISTORIC PROPERTY PRESERVATION CONTRACTS BETWEEN THE OWNERS OF CITY HISTORIC PROPERTIES AND THE CITY PURSUANT TO THE AUTHORITY OF THE STATE MILLS ACT

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

Section One: Chapter 22.22 of Title 22 of the Santa Barbara Municipal Code is hereby amended to add a new section, Section 22.22.160 (entitled "Incentives for Preserving Historic Resources"), which reads as follows:

Section 22.22.160 Incentives for Preserving Historic Resources

A. Legislative Intent; Administrative Regulations. In enacting this section, the City Council seeks to adopt a City program of incentives to encourage the maintenance and preservation of historic resources within the city of Santa Barbara. In order to carry out this program more effectively and equitably and to further the purposes of this section, the Council may also, by resolution, supplement these provisions by adopting administrative regulations and standardized forms for a broad City program of economic and other incentives intended to support the preservation, maintenance, and appropriate rehabilitation of the City's significant historic resources.

B. Preservation Incentives under the State Mills Act- Government Code Sections 50280-50290. Preservation incentives may be made available by the City to owners of properties that are "Qualified Historic Properties" (as that term is used by Government Code section 50280.1) such as individually designated City landmarks or structures of merit or those properties that are deemed to contribute to designated City Historic Districts (or Districts listed in the National Register) as determined appropriate by the City Council.

C. Qualified Historic Property Mills Act Contracts.

1. Purpose.

a. The purpose of this Section is to implement state Government Code Sections 50280 through 50290 in order to allow the City approval of Qualified Historic Property Contracts by establishing a uniform City process for the owners of qualified historic resource properties within the City to enter into Mills Act contracts with the City.

b. The City Council finds and determines that entering into Qualified Historic Property Contracts, as hereinafter provided, is an incentive for owners of designated historic resources to rehabilitate, maintain, and preserve those properties.

c. The City Council further finds that, in some instances, the preservation of these properties will assist in restoring, maintaining, and preserving the City's existing stock of affordable housing and support the goals and objectives in the Land Use Element of the City General Plan concerning the preserving of historically and architecturally significant residential structures.

2. Limitations on Eligibility For a Mills Act Contract.

a. In approving this program, it is the intent of the City Council that unrealized revenue to the City from property taxes not collected due to executed Qualified Historic Property Contracts shall not exceed a total annual amount, (including total individual amounts for any one historic property) as such amounts are established by a resolution of the City Council adopted concurrently with the enactment of this Chapter, unless exceeding this limit is specifically approved by the Council.

b. In furtherance of this policy, Qualified Historic Property Contracts shall be limited to a maximum number of contracts each year consisting of a certain number of residential properties each year and a certain number of commercial or industrial properties each year, unless the City Council approves additional contracts beyond the established limits as such amounts are established by a resolution of the City Council adopted concurrently with the enactment of this Chapter. In addition, no single-family residence approved for a City contract pursuant to

this section may have an assessment value in excess of an amount established by the City Council nor may the assessed value of any non-single family home property (i.e., a multi-family residential, commercial, or industrial property) exceed an amount established in the City Council's concurrent resolution.

c. For the purpose of this Subparagraph (2), "assessed valuation" does not include any portion of the value of a mixed-use structure which is already exempt from payment of property taxes by a determination of the County Assessor in compliance with Sections 4(b) and 5 of Article XIII of the California Constitution and Sections 214, 254.5, and 259.5 of the Revenue and Taxation Code.

3. Required provisions of Qualified Historic Property Contracts.

Mills Act Provisions Required.

a. The required provisions of a Qualified Historic Property Contract between the City and the property owner shall be those required by State law (Government Code Sections 50281 and 50286) expressly including the following specifications:

Term.

(i) The contract shall be for the minimum ten (10) year term, with automatic renewal yearly by either the City or the property owner on the anniversary of the contract date in the manner provided in Government Code section 50282.

Restoration and Maintenance Plan; Standards

(ii) The fundamental purpose of the contract will be an agreement to assist the property owner in the owner's restoration, maintenance, and preservation of the qualified historic resource; therefore, the plan for restoration and maintenance of the property required by the contract shall conform to the rules and regulations of the State of California Office of Historic Preservation (California Department of Parks and Recreation), the Secretary of the Department of the Interior's Standards, and the State Historical Building Code.

Verification of Compliance with Plan.

(iii) The real property owner will expressly agree in the contract to permit periodic examination of the interior and exterior of the premises by the County Assessor, the City Community Development Director (or his or her designee), the State Department of Parks and Recreation, and the State Board of Equalization, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.

Property Visible from Street.

(iv) The real property owner will expressly agree and the plan shall provide that any fencing or landscaping along the public right-of-way frontages of the real property will such that it allows the home or building to be visible to the public from the public rights-of-way.

Recordation of Contract.

(v) The contract shall be recorded by the Santa Barbara County Recorder's office and shall be binding on all successors-in-interest of the owner with respect to both the benefits and burdens of the contract.

Notice to State.

(vi) The City shall provide written notice of the contract to the State of California Office of Historic Preservation within 180 days of entering into the contract.

Procedure for Non-Renewal.

(vii) The procedure for notice of non-renewal by the owner or the City, shall be as identified in State law [Government Code Section 50282 (a), (b), and (c) and Section 50285.]

Annual Report Required.

(viii) The contract shall require the real property owner to file an annual report, initially, on the program of implementing the plan or restoration or rehabilitation until that has been completed to the satisfaction of the Community Development Director, and thereafter, on the annual maintenance of the property which report may require documentation of the

owner's expenditures in restoring, rehabilitating, and maintaining the Qualified Historic Property.

Cancellation of Contracts.

(ix) The contract shall expressly provide for the City's authority to cancel the contract if the City determines that the owner has breached the contract either by his or her failure to restore or rehabilitate the property in accordance with the approved plan or by the failure to maintain the property as restored or rehabilitated. The manner of cancellation shall as set forth in Government Code sections 50285 and 50286.

Breach of Contract.

b. Additionally, the contract shall state that the City may cancel the contract if it determines that the owner has breached any of the other substantive provisions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was originally designated.

Cancellation Fee.

c. The contract may also provide that if the City cancels the contract for any of these reasons the owner shall pay the State of California a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historic Property Contract.

Force Majeur Cancellations.

d. The contract shall require that in the event preservation, rehabilitation, or restoration of the Qualified Historic Property becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract may not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.

Standard Contract.

e. The City Community Development Department shall prepare and maintain a sample "Historic Property Contract" with all required provisions specified by this Subparagraph (3).

4. Procedures for application for and approval of Historic Property Contracts.

a. An owner of a qualified historic property (as listed in Paragraph (B) above may file an application for entering into an Historic Property Contract with the City.

b. Each application shall be accompanied by a complete legal description of the property and,

c. within sixty (60) days of the submission of the application a plan for the restoration or rehabilitation of the property.

d. In January of each year, the City may notify, either by mailing or published notices, the owners of qualified historic properties of the period of application for and process for City Historic Property Contracts for that calendar year.

e. Application forms, as prescribed by the City, shall be mailed to any property owner who requests the application forms.

e. Upon submission of an application and the plan for restoration or rehabilitation of the property, the application and plan shall be reviewed for completeness by the City's Urban Historian within sixty (60) of the submission. In connection with this review, the Urban Historian shall complete an initial inspection of the Qualified Historic Property, obtain photo documentation of the existing condition of the property and utilize the inspection information to revise the plan for restoration or rehabilitation where necessary.

f. All applications and plans for restoration or rehabilitation deemed complete and acceptable to the City's Urban Historian shall, within sixty (60) days of being deemed complete, be submitted to the City's Historic Landmarks Commission. Such application and plans shall be evaluated by both the Urban Historian and the Commission

for compliance with established City criteria that will include, but not be limited to, the following findings:

(i) the plan will substantially contribute to the preservation of an historic and unique City resource which is threatened by possible abandonment, deterioration, or conflicting regulations, and it will enhance opportunities for maintaining or creating affordable housing, or it will facilitate the preservation and maintenance of a property in cases of economic hardship.

(ii) the plan will support substantial reinvestment in a historic resource and rehabilitation of a historic structure in the expanded State Enterprise Zone and other areas where the City is concentrating resources on facade improvements, home rehabilitation, or similar revitalization efforts.

(iii) the Community Development Director has certified that the property does not now consist of any unpermitted or unsafe construction or building elements, is not the subject of a pending City code enforcement matter, and is current on the payment of all property taxes.

(iv) whether the plan calls for any new construction, in particular new construction or additions which might impact the eligibility for the structure to qualify as a Qualified Historic Resource, as that term is used in the Mills Act.

g. Upon completion of the Historic Landmarks Commission review of the application and plan, the Commission shall make a recommendation to the City Community Development Director for the City approval or disapproval of the contract.

h. If an application is recommended for approval by the Historic Landmarks Commission and the Urban Historian, the City shall prepare a contract according to its standard contract form, which shall be deemed to have all provisions necessary for a Historic Property Contract with the City.

i. Additional provisions in the Contract desired by the owner shall be subject to approval by the Community Development Director or, when determined appropriate by the

Community Development Director, by the City Council and as to form by the City Attorney in all cases.

j. The City Finance Director shall determine that the proposed contract does not cause the total annual revenue loss to the City to exceed the amounts established by resolution for this program by the City Council, both collectively and for individual properties.

k. Upon approval of the contract by the Finance Director, the contract signed by the property owners shall be submitted to the City Clerk/City Administrator and City Attorney for execution of the contract on behalf of the City and for recordation by the City Clerk's office.

l. Historic Property Contracts that exceed the limits identified in this Section shall be only be approved and executed after and upon the express approval of the City Council.

D. Annual Report by Finance Director. The City Finance Director shall report annually to the City Council Finance Committee on the approval of executed Mills Act contract agreements along with a report accounting for the property tax impacts on the local taxing entities resulting from such contracts.

Section Two. Section 22.22.020 of Chapter 22.22 of the Santa Barbara Municipal Code is hereby amended to add a new definition subsection, subsection M, in order to define the term "Historic District" as follows:

M. "**Historic District.**" A delineated geographic area of the City (or a non-contiguous grouping of real properties within the City) where most of the properties within the district are thematically architecturally related and possess historical significance, special character, or aesthetic value including, but not limited to, a distinct section of the City possessing a significant concentration of cultural resources which are united historically or aesthetically either by plan or by physical development, as such a district is designated by the City Council, acting by resolution or by ordinance, as being worthy of protection under this Chapter.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Introduction Of Ordinance And Resolutions For The 2030 Las Canoas Road Annexation

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 located at 730 Las Canoas Place;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara, and Detachment from the Santa Barbara County Fire Protection District, for Certain Real Property Presently Located at 2030 Las Canoas Road, Assessor's Parcel Number 021-010-061;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to the Designation of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 Located at 730 Las Canoas Place; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the Hillside Design District Map of the City of Santa Barbara Pertaining to the Designation of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 Located at 730 Las Canoas Place.

EXECUTIVE SUMMARY:

On November 9, 2006, the Planning Commission approved a lot line adjustment between 730 Las Canoas Place (APN 021-030-039), a parcel located in the City, and 2030 Las Canoas Road (APN 021-010-060 & -061), a parcel located in the unincorporated area of Santa Barbara County, contingent upon the annexation of that portion of 2030 Las Canoas Road that would be added to the 730 Las Canoas Place parcel. A map is attached.

The 730 Las Canoas Place parcel has a City Zoning designation of A-1, One-Family Residence and a General Plan designation of Major Hillside. The 2030 Las Canoas Road parcel has an existing County Zoning designation of AG 1-10 (Agriculture with a minimum lot size of 10 acres gross land area per dwelling unit) and Mission Area Design Overlay.

The proposal is a request to introduce and subsequently adopt the Zoning Map Amendment and adopt Resolutions to initiate proceedings for a reorganization of boundaries, annexation to the City and detachment from the County Fire Protection District, as well as amend the General Plan Map and Hillside District Map.

The annexation application complies with the City Council Resolution 96-118, which requires that the subject parcels that are within the City's Sphere of Influence and are adjacent to the existing City boundaries. Therefore, Staff recommends that the area proposed to be annexed to the City have a Zoning Designation of A-1, One-Family Residence and a General Plan Designation of Major Hillside, to match the designations of the 730 Las Canoas Place parcel. Additionally, staff recommends that the annexed area be added to the City's Hillside Design District.

DISCUSSION:

Background

In 1989, the owners of 2030 Las Canoas Road (APN 021-010-060 & -061), a parcel located in the unincorporated area of Santa Barbara County, granted a landscape and use easement, consisting of approximately 1.70 acres of land (portion designated as APN 021-010-061), to the owners of 730 Las Canoas Place (APN 021-030-039), a parcel located in the City.

On September 4, 2003, at the request of Andrew and Kendra Feshbach, owners of 730 Las Canoas Place, and Andrew Effron, owner of 2030 Las Canoas Road, the Planning Commission initiated an annexation that included the entire 2030 Las Canoas Road parcel. At the hearing, the Planning Commission recommended that any future lot line adjustment be undertaken in such a way that there be no potential for the lots to be further subdivided.

Subsequently, the proposed project was revised to include only the easement area of the 2030 Las Canoas Road parcel. On November 9, 2006, the Planning Commission approved a lot line adjustment between the two properties that would result in the easement area becoming part of the 730 Las Canoas Place parcel, contingent upon the easement area being annexed to the City.

The lot line adjustment would not result in the potential for either parcel to be further subdivided or have an increase in development potential for additional or secondary dwelling units. The only development potential that each property may have is an addition to the existing residence or the demolition and rebuilding of new residences since only one

residence would be allowed per lot. Additionally, a lot split application for the 730 Las Canoas Place parcel is highly unlikely given that a lot area modification would be required and staff would not be in support of the request. After the lot line adjustment, 2030 Las Canoas Road would have a lot size of 2.26 acres and 730 Las Canoas Place would have a lot size of 3.96 acres. The proposed lot sizes are consistent with those of other existing lots in the area and cannot be further split, based on the zoning and slope of the lots.

The Planning Commission action also recommended that the City Council approve the Annexation, Zoning Map Amendment, General Plan Amendment, and Hillside Design District Map Amendment.

Although the 2030 Las Canoas Road parcel is one legal lot, it has two separate assessor's parcel numbers, as shown above. The easement area subject to the annexation is described as APN 021-010-061. Following the 2006 Planning Commission hearing, the project was subject to a long delay due to the County of Santa Barbara requiring that the property owner proceed with the merger of the two assessor's parcels. The merger has been recorded; however, as of this writing, a new assessor's parcel number has not been assigned. The legal descriptions of the area to be annexed, as well as the adjusted parcels, are included in the attached Ordinance and Resolutions.

Project Description

The current proposal is a request to introduce and subsequently adopt the Zoning Map Amendment and adopt Resolutions to initiate proceedings for a reorganization of boundaries, annexation to the City and detachment from the County Fire Protection District, as well as amend the General Plan Map and Hillside District Map.

The 2030 Las Canoas Road parcel has an existing County Zoning designation of AG 1-10 (Agriculture with a minimum lot size of 10 acres gross land area per dwelling unit) and Mission Area Design Overlay. The 730 Las Canoas Place parcel has a City Zoning designation of A-1, One-Family Residence and a General Plan designation of Major Hillside.

Staff recommends that the area proposed to be annexed to the City have a Zoning Designation of A-1, One-Family Residence and a General Plan Designation of Major Hillside, to match the designations of the 730 Las Canoas Place parcel. Additionally, staff recommends that the annexed area be added to the City's Hillside Design District.

Both properties currently contain a single-family residence, and no additional development is proposed on either property. Both parcels would continue to be served by City water and by private septic systems, as there are no city sewer lines in the vicinity.

Annexation Request

City Council Resolution 96-118 establishes procedures for reviewing applications for annexation of territory to the City of Santa Barbara. This resolution limits the acceptance of applications requesting the initiation of annexations to parcels that are within the City's Sphere of Influence and are adjacent to the existing City boundaries. The application complies with the procedures and requirements established in Resolution 96-118.

Environmental Review

The Environmental Analyst has determined that the project qualifies for an exemption per California Environmental Quality Act (CEQA) Section 15305 (3) on minor lot line adjustments.

Next Steps

If the annexation is approved by Council, the proposed Zoning Ordinance Amendment will return to Council for a second reading and adoption on October 6, 2009. Following action by the Council, City staff will transmit the application for the annexation to LAFCO. Also, a property tax exchange agreement between the City and County will be prepared after the application is submitted to LAFCO. Following LAFCO consideration and approval of these actions, LAFCO will transmit a Certificate of Completion to the County Recorder and a Statement of Boundary Change to the State Board of Equalization.

BUDGET/FINANCIAL INFORMATION:

Property Tax

State law governing annexations requires that the City and the County negotiate a tax exchange agreement. The tax exchange agreement determines what portion of the property tax paid on the property will be allocated to the City. After the annexation application is submitted to LAFCO, the tax exchange agreement will be negotiated and subsequently, a resolution providing for a negotiated exchange of property tax revenues will be prepared for Council approval.

Annexation Buy-in Fees

Chapter 4.04 of the Municipal Code (Annexation and Charges) requires owners of annexed property to pay an annexation "buy-in" fee for potential units to be developed on the property. The annexation fee amount is set by City Council Resolution based on the value of municipal improvements and the acreage of land in the City. Because the project will not result in the addition of any new units on the site, no buy-in fees are required. In addition, the property is already served by city water and has no sewer service.

RECOMMENDATION:

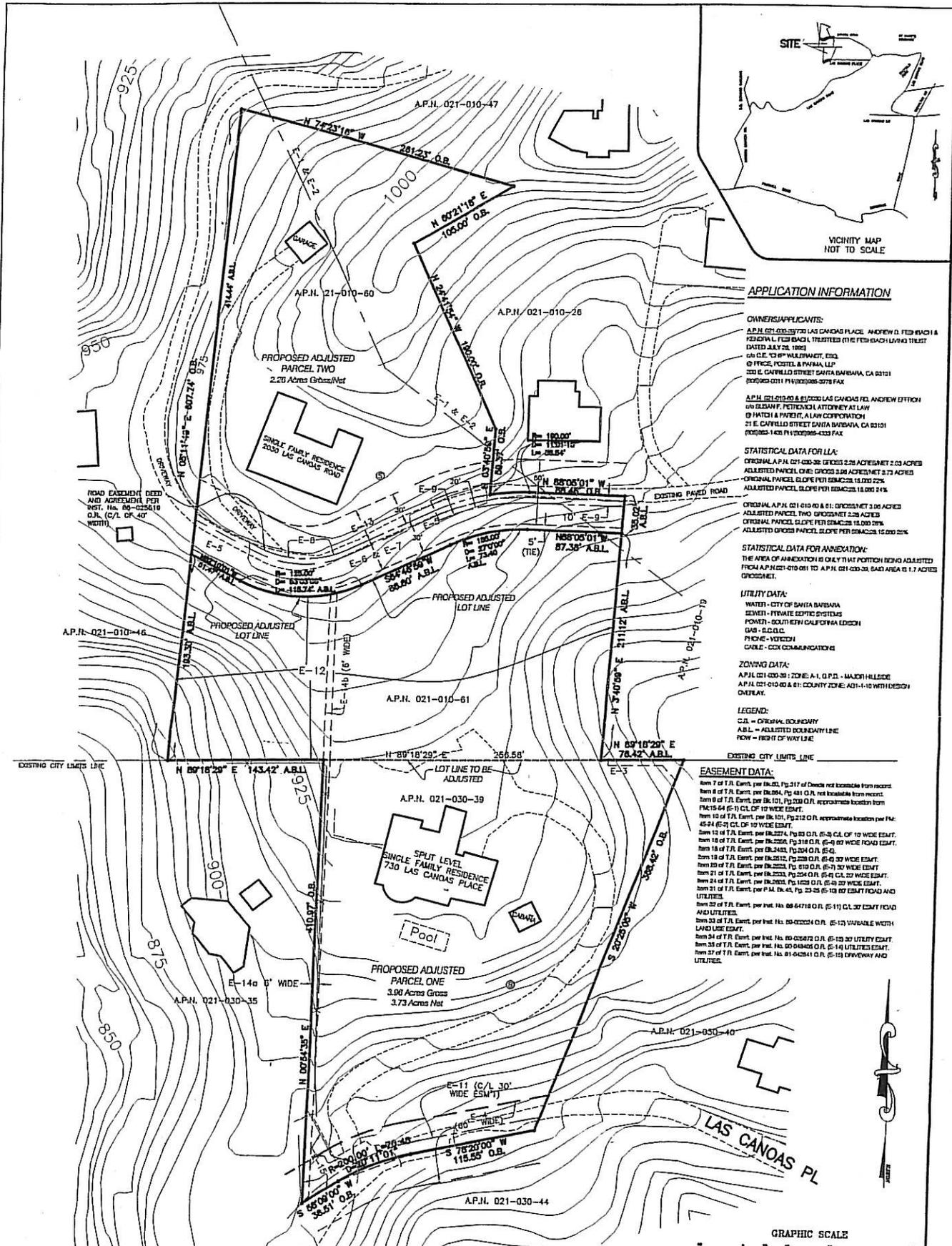
The project is consistent with the current annexation requirements in that the parcel is located within the City's Sphere of Influence and adjacent to City boundaries. The proposed Zoning and General Plan designations can be found consistent with the pattern of development of the existing neighborhood. Therefore, staff recommends that Council consent to the reorganization request including the General Plan, Zoning Map, and Hillside Design District Map Amendments, introduce and subsequently adopt the ordinance, and adopt the resolutions.

ATTACHMENT: Annexation and Tentative Lot Line Adjustment Map

PREPARED BY: Kathleen Kennedy, Associate Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



APPLICATION INFORMATION

OWNERS/APPLICANTS:
 A.P.N. 021-010-26 & 021-010-28 LAS CANOAS PLACE, ANDREW F. DEBENICH & ROSALIND BACH, TRUSTEES (THE FISHBACH LIVING TRUST DATED JULY 28, 1995)
 c/o C.E. WILSHAW, INC., CEO
 200 E. CARFIELD STREET SANTA BARBARA, CA 93101
 (805) 962-0111 FAX (805) 962-3778 FAX

A.P.N. 021-010-80 & 021-010-81 LAS CANOAS RD, ANDREW EFFRON c/o GLENN F. PETERSON, ATTORNEY AT LAW
 200 E. CARFIELD STREET SANTA BARBARA, CA 93101
 (805) 962-1428 FAX (805) 962-4323 FAX

STATISTICAL DATA FOR LLA:
 ORIGINAL A.P.N. 021-010-26: 2.28 ACRES NET 2.03 ACRES ADJUSTED PARCEL ONE: 3.98 ACRES NET 3.73 ACRES ORIGINAL PARCEL: SLOPE PER 2000: 15.00% 20% ADJUSTED PARCEL: SLOPE PER 2000: 15.00% 24%

ORIGINAL A.P.N. 021-010-80 & 81: 3.98 ACRES NET 3.73 ACRES ADJUSTED PARCEL TWO: 3.98 ACRES NET 3.73 ACRES ORIGINAL PARCEL: SLOPE PER 2000: 15.00% 20% ADJUSTED GROSS PARCEL: SLOPE PER 2000: 15.00% 20%

STATISTICAL DATA FOR ANNEXATION:
 THE AREA OF ANNEXATION IS ONLY THAT PORTION BEING ADJUSTED FROM A.P.N. 021-010-80 TO A.P.N. 021-010-81. SAID AREA IS 1.7 ACRES GROSS/NET.

UTILITY DATA:
 WATER - CITY OF SANTA BARBARA
 SEWER - PRIVATE SEPTIC SYSTEMS
 POWER - SOUTHERN CALIFORNIA Edison
 GAS - S.D.G.C.
 PHONE - VERIZON
 CABLE - COX COMMUNICATIONS

ZONING DATA:
 A.P.N. 021-010-26, 28, 80, A-1, O.P.D., MEDIUM DENSITY
 A.P.N. 021-010-80 & 81: COUNTY ZONE: A21-1-10 WITH DESIGN OVERRAY

LEGEND:
 C.C.L. - ORIGINAL BOUNDARY
 A.B.L. - ADJUSTED BOUNDARY LINE
 NOW - RIGHT OF WAY LINE

EASEMENT DATA:
 Item 7 of T.R. Exempt, per 86.03, Pg. 317 of Check not locatable from record.
 Item 8 of T.R. Exempt, per 86.04, Pg. 481 O.R. not locatable from record.
 Item 9 of T.R. Exempt, per 86.101, Pg. 530 O.R. approximate location from P.M. 54-64 (5-5) C.L. OF 10' WIDE ESM'T.
 Item 10 of T.R. Exempt, per 86.101, Pg. 532 O.R. approximate location per P.M. 45-44 (5-2) C.L. OF 10' WIDE ESM'T.
 Item 12 of T.R. Exempt, per 86.222, Pg. 293 O.R. (5-3) C.L. OF 10' WIDE ESM'T.
 Item 13 of T.R. Exempt, per 86.222, Pg. 318 O.R. (5-4) 60' WIDE ROAD ESM'T.
 Item 14 of T.R. Exempt, per 86.245, Pg. 204 O.R. (5-4).
 Item 15 of T.R. Exempt, per 86.252, Pg. 228 O.R. (5-4) 30' WIDE ESM'T.
 Item 16 of T.R. Exempt, per 86.252, Pg. 410 O.R. (5-7) 10' WIDE ESM'T.
 Item 17 of T.R. Exempt, per 86.252, Pg. 254 O.R. (5-4) C.L. OF 20' WIDE ESM'T.
 Item 18 of T.R. Exempt, per 86.252, Pg. 1253 O.R. (5-4) 30' WIDE ESM'T.
 Item 19 of T.R. Exempt, per P.M. 84-45, Pg. 23-25 (5-10) 20' ESM'T. ROAD AND UTILITIES.
 Item 20 of T.R. Exempt, per 86.64718 O.R. (5-11) C.L. OF 30' ESM'T. ROAD AND UTILITIES.
 Item 21 of T.R. Exempt, per 86.64718 O.R. (5-12) VARIABLE WIDTH LAND USE ESM'T.
 Item 24 of T.R. Exempt, per 86.64718 O.R. (5-13) 30' UTILITY ESM'T.
 Item 25 of T.R. Exempt, per 86.64718 O.R. (5-14) UTILITIES ESM'T.
 Item 27 of T.R. Exempt, per 86.64718 O.R. (5-15) DRIVEWAY AND UTILITIES.

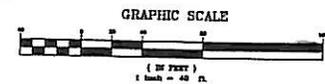
NOTES:
 1. TOPOGRAPHY IS CITY OF SANTA BARBARA PUBLIC WORKS 17" = 100' AERIAL PHOTOGRAPHY PER 1995 DIGITAL BASE MAP WITH DEC. 2000 UPDATE.
 2. DATA: USCGAS NAVD83 DATUM.
 3. BOUNDARY: BASIS OF SURVEY IS RECORD PER PARCEL MAP BOOK 41, PAGE 96, PARCEL MAP BOOK 15, PG. 54 S.B. Co.
 4. EASEMENTS: EASEMENTS ARE PLOTTED PER FIRST AMERICAN TITLE COMPANY REPORT 1. 4201-803875 MARCH 25, 2004. ONLY EASEMENTS AFFECTING THE FEE PARCELS OF THE TITLE REPORT (PCL. 1 AND PCL. 4) ARE PLOTTED. T.R. = TITLE REPORT
 5. ORIGINAL FISHBACH PROPERTY: A.P.N. 021-030-39 = 2.26 ACRES ORIGINAL EFFRON PROPERTY: A.P.N.s 021-010-80 & 81 = 3.98 ACRES.
 6. D = INDICATES APPROXIMATE LOCATION OF SEPTIC SYSTEM.

REQUEST CERTIFICATE:
 I HEREBY APPLY FOR THE APPROVAL OF A LOT LINE ADJUSTMENT BETWEEN THE REAL PROPERTY SHOWN ON THIS PLAN, AS WELL AS THE ANNEXATION OF THE ADJUSTED AREA TO THE CITY OF SANTA BARBARA, AND CERTIFY THAT I AM THE AUTHORIZED AGENT OF SAID OWNER, AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.
 C.E. Wilshaw, Inc. 10/31/06
 C.E. WILSHAW, INC. (AGENT) DATE
 Prico, Postal & Perna, LLP
 200 E. Carfield St. Suite 400
 Santa Barbara, CA 93101
 (805) 962-0111 PH (805) 962-3778 FAX

ANNEXATION & TENTATIVE LOT LINE ADJUSTMENT EXHIBIT MAP
 BETWEEN 730 LAS CANOAS PLACE & 2030 LAS CANOAS ROAD
 A.P.N. No. 021-030-39 & A.P.N. 021-010-80 & 81
 BEING PARCEL 1 OF P.M. 41-78, 98 AND PARCEL 4 OF P.M. 48, 10, PG. 54
 CITY OF SANTA BARBARA ~ COUNTY OF SANTA BARBARA ~ STATE OF CALIFORNIA
 ~ OCTOBER 2006 ~

PREPARED BY: **WATERS LAND SURVEYING INC.**
 2853 HOLLEMAN AVENUE SUITE 7 & 8
 GOLETA, CALIFORNIA 93117 (805) 962-2424

JOSEPH E. WATERS, PLS 3804



THE ORIGINAL MAPPING FOR THE TWO PARCELS IN QUESTION USE DIFFERENT BASIS OF AIRINGS THEREFORE SOME OF THE BEARINGS AND DISTANCES SHOWN HEREON MAY VARY FROM THE RECORDED DOCUMENTS. THE FINAL DESCRIPTIONS PREPARED FOR THE LOT LINE ADJUSTMENT AND ANNEXATION DOCUMENTS WILL BE RELATED TO ONE BASIS.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE MAP) OF TITLE 28 OF THE MUNICIPAL CODE PERTAINING TO THE ZONING OF CERTAIN REAL PROPERTY UPON ANNEXATION TO ASSESSOR'S PARCEL NUMBER 021-030-039 LOCATED AT 730 LAS CANOAS PLACE

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

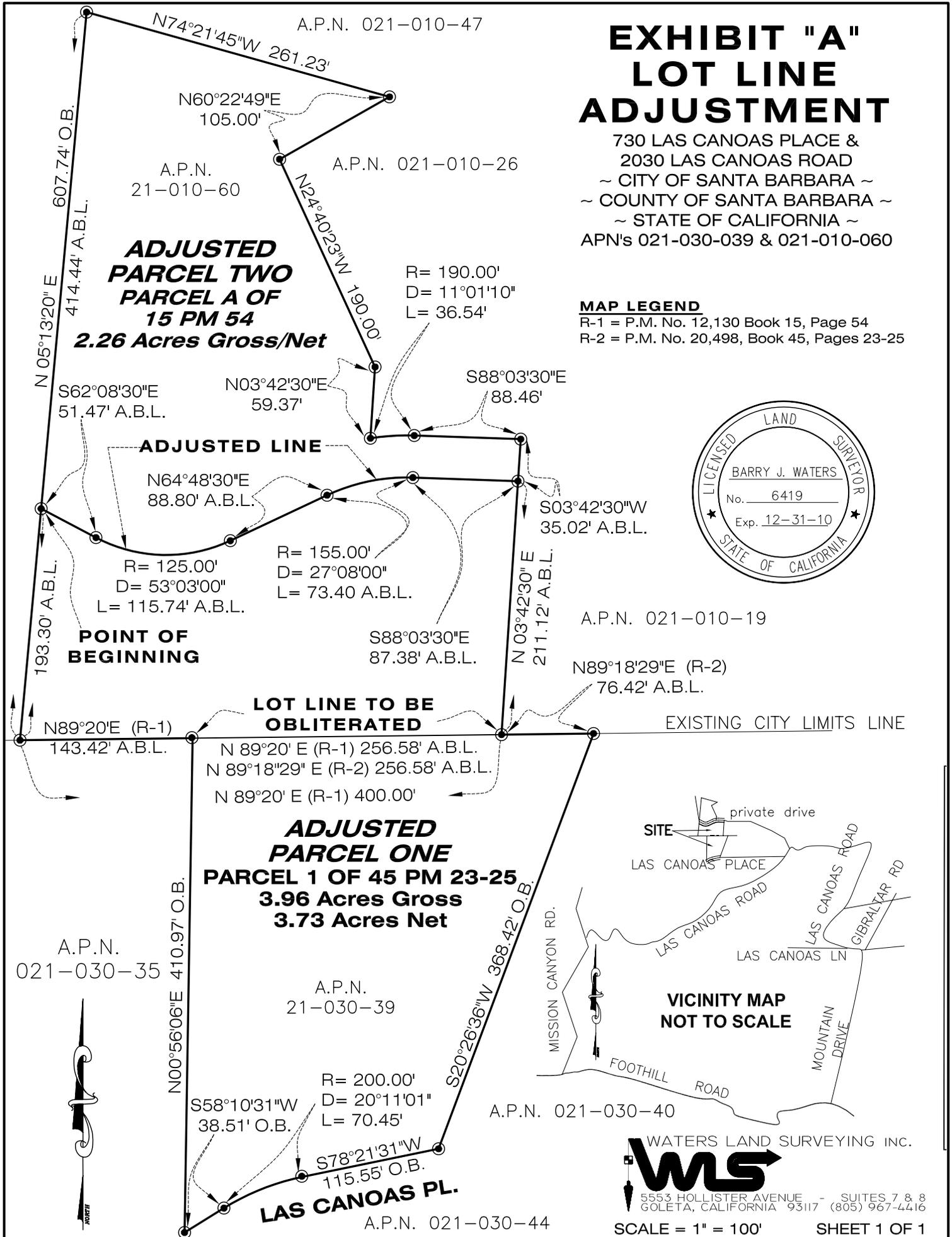
SECTION 1. Effective upon the detachment of a portion of real property from the parcel located at 2030 Las Canoas Road (APN 021-010-061) and the annexation of said real property to the parcel located at 730 Las Canoas Place (APN 021-030-039), the Sectional Zone Map __ of Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended to designate the zoning of the entirety of the adjusted Assessor's Parcel Number 021-030-039, located at 730 Las Canoas Place and depicted in the attached Exhibit A, as A-1, One-Family Residence Zone.

EXHIBIT "A" LOT LINE ADJUSTMENT

730 LAS CANOAS PLACE &
2030 LAS CANOAS ROAD
~ CITY OF SANTA BARBARA ~
~ COUNTY OF SANTA BARBARA ~
~ STATE OF CALIFORNIA ~
APN's 021-030-039 & 021-010-060

MAP LEGEND

R-1 = P.M. No. 12,130 Book 15, Page 54
R-2 = P.M. No. 20,498, Book 45, Pages 23-25



A.P.N. 021-010-47

A.P.N. 21-010-60

A.P.N. 021-010-26

**ADJUSTED
PARCEL TWO
PARCEL A OF
15 PM 54
2.26 Acres Gross/Net**

R= 190.00'
D= 11°01'10"
L= 36.54'

N 05°13'20" E
607.74' O.B.
414.44' A.B.L.

N60°22'49"E
105.00'

N24°40'23"W
190.00'

S62°08'30"E
51.47' A.B.L.

N03°42'30"E
59.37'

S88°03'30"E
88.46'

ADJUSTED LINE

N64°48'30"E
88.80' A.B.L.

S03°42'30"W
35.02' A.B.L.

R= 125.00'
D= 53°03'00"
L= 115.74' A.B.L.

R= 155.00'
D= 27°08'00"
L= 73.40 A.B.L.

N 03°42'30" E
211.12' A.B.L.

**POINT OF
BEGINNING**

193.30' A.B.L.

S88°03'30"E
87.38' A.B.L.

A.P.N. 021-010-19

N89°18'29"E (R-2)
76.42' A.B.L.

**LOT LINE TO BE
OBLITERATED**

EXISTING CITY LIMITS LINE

N89°20'E (R-1)
143.42' A.B.L.

N 89°20' E (R-1) 256.58' A.B.L.
N 89°18'29" E (R-2) 256.58' A.B.L.
N 89°20' E (R-1) 400.00'

**ADJUSTED
PARCEL ONE
PARCEL 1 OF 45 PM 23-25
3.96 Acres Gross
3.73 Acres Net**

A.P.N. 021-030-35

A.P.N. 21-030-39

N00°56'06"E 410.97' O.B.

S58°10'31"W
38.51' O.B.

R= 200.00'
D= 20°11'01"
L= 70.45'

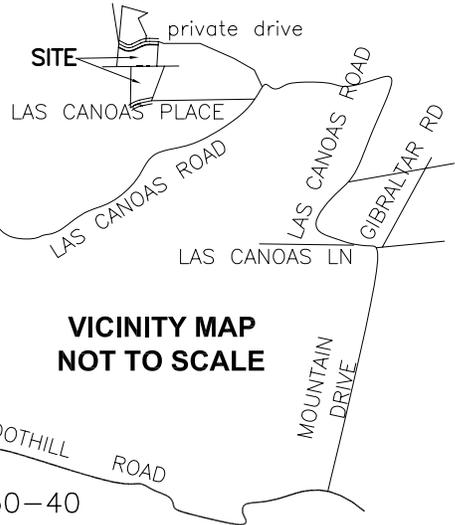
S20°26'36"W 368.42' O.B.

S78°21'31"W
115.55' O.B.

LAS CANOAS PL.

A.P.N. 021-030-44

A.P.N. 021-030-40



**VICINITY MAP
NOT TO SCALE**

WATERS LAND SURVEYING INC.
WLS
5553 HOLLISTER AVENUE - SUITES 7 & 8
GOLETA, CALIFORNIA 93117 (805) 967-4416

SCALE = 1" = 100'

SHEET 1 OF 1

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA REQUESTING INITIATION OF PROCEEDINGS FOR A REORGANIZATION OF BOUNDARIES, ANNEXATION TO THE CITY OF SANTA BARBARA, AND DETACHMENT FROM THE SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT, FOR CERTAIN REAL PROPERTY PRESENTLY LOCATED AT 2030 LAS CANOAS ROAD, ASSESSOR'S PARCEL NUMBER 021-010-061

WHEREAS, the City accepted an application from Andrew and Kendra Feshbach, owners of 730 Las Canoas Place, and Andrew Effron, owner of 2030 Las Canoas Road, in order to process a request for: 1. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City of Santa Barbara; 2. A General Plan Amendment Upon Annexation to add the property to the City's General Plan Map; 3. A Zoning Map Amendment Upon Annexation; and, 4. Hillside Design District Map Amendment to add the property to the Hillside Design District;

WHEREAS, the proposed reorganization has been reviewed and recommended for approval by the Planning Commission with respect to environmental and planning matters;

WHEREAS, the City has determined the application is exempt from environmental review pursuant to CEQA Guidelines Section 15305; and

WHEREAS, the City desires to initiate a proceeding for the adjustment of boundaries specified herein.

NOW, THEREFORE, the City Council does hereby resolve and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code.

2. This proposal is a reorganization and consists of the following changes of organization:

a. Annexation to the City of Santa Barbara;

b. Detachment from the Santa Barbara County Fire Protection District.

3. A description of the boundaries and a map of the affected territory are set forth in Exhibits A and B, attached hereto and by reference incorporated herein.

4. It is desired that the proposal be subject to the following term and condition:

The affected territory will be subject to the existing general bonded indebtedness of the City of Santa Barbara.

5. Upon annexation to the City, the annexed area will be designated on the General Plan as Major Hillside.

6. Upon annexation to the City, the annexed area will be zoned A-1, One-Family Residence Zone.

7. Upon annexation to the City, the annexed area will be included in the Hillside Design District.

8. The reason for the proposal is to provide services to the subject property in a manner considered in the best interests of the affected area and the total organization of local governmental agencies within Santa Barbara County.

9. The proceeding is subject to the terms and conditions approved by the Local Agency Formation Commission.

10. The regular County assessment roll will be utilized.

11. Consent is given to the waiver of conducting authority proceedings, with the condition that LAFCO does not subject completion of this annexation to the initiation or completion of other annexations.

12. The City Clerk is directed to transmit two (2) certified copies of this resolution to the Santa Barbara Local Agency Formation Commission.

LEGAL DESCRIPTION:
(PARCEL TWO TO PARCEL ONE)

THAT PORTION OF PARCEL A OF PARCEL MAP No. 12,130 RECORDED IN BOOK 15,
PAGE 54 OF PARCEL MAPS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID PARCEL A, WHICH BEARS
N05°13'20" 193.30 FEET, FROM THE SOUTHWESTERLY CORNER OF SAID PARCEL A;

THENCE 1ST SOUTH 62°08'30" EAST, 51.47 FEET TO THE BEGINNING OF A
TANGENT CURVE TO THE LEFT;

THENCE 2ND ALONG THE ARC OF SAID TANGET CURVE TO THE LEFT, WHICH
HAS A RADIUS OF 125.00 FEET AND A DELTA OF 53°03'00", FOR
A DISTANCE OF 115.74 FEET;

THENCE 3RD NORTH 64°48'30" EAST, 88.80 FEET TO THE BEGINNING OF A
TANGENT CURVE TO THE RIGHT;

THENCE 4TH ALONG THE ARC OF SAID TANGET CURVE TO THE RIGHT,
WHICH HAS A RADIUS OF 155.00 FEET AND A DELTA OF
27°08'00", FOR A DISTANCE OF 73.40 FEET;

THENCE 5TH SOUTH 88°03'30" EAST, 87.38 FEET, TO A POINT ON THE
EASTERLY LINE OF SAID PARCEL A WHICH BEARS N03°42'30"E
211.12 FEET FROM THE SOUTHEASTERLY CORNER OF SAID
PARCEL A.

END OF DESCRIPTION

CALCULATED AREA: 74,156/1.70 acres more or less

Prepared by:



Barry J. Waters
Licensed Land Surveyor
PLS 6419, expires 12-31-08



LEGAL DESCRIPTION:
(ADJUSTED PARCEL ONE)

PARCEL 1 OF PARCEL MAP No. 20,498 RECORDED IN BOOK 45, PAGE 24 OF PARCEL MAPS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, INCLUDING THE FOLLOWING:

THAT PORTION OF PARCEL A OF PARCEL MAP No. 12,130 RECORDED IN BOOK 15, PAGE 54 OF PARCEL MAPS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID PARCEL A, WHICH BEARS N05°13'20" 193.30 FEET, FROM THE SOUTHWESTERLY CORNER OF SAID PARCEL A;

THENCE 1ST SOUTH 62°08'30" EAST, 51.47 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE 2ND ALONG THE ARC OF SAID TANGET CURVE TO THE LEFT, WHICH HAS A RADIUS OF 125.00 FEET AND A DELTA OF 53°03'00", FOR A DISTANCE OF 115.74 FEET;

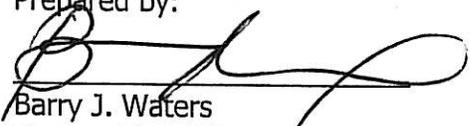
THENCE 3RD NORTH 64°48'30" EAST, 88.80 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE 4TH ALONG THE ARC OF SAID TANGET CURVE TO THE RIGHT, WHICH HAS A RADIUS OF 155.00 FEET AND A DELTA OF 27°08'00", FOR A DISTANCE OF 73.40 FEET;

THENCE 5TH SOUTH 88°03'30" EAST, 87.38 FEET, TO A POINT ON THE EASTERLY LINE OF SAID PARCEL A WHICH BEARS N03°42'30"E 211.12 FEET FROM THE SOUTHEASTERLY CORNER OF SAID PARCEL A.

END OF DESCRIPTION

Prepared by:


Barry J. Waters
Licensed Land Surveyor
PLS 6419, expires 12-31-08



LEGAL DESCRIPTION:
(ADJUSTED PARCEL TWO)

PARCEL A OF PARCEL MAP No. 12,130 RECORDED IN BOOK 15, PAGE 54 OF PARCEL MAPS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, EXCEPTING THEREFROM THE FOLLOWING:

THAT PORTION OF PARCEL A OF PARCEL MAP No. 12,130 RECORDED IN BOOK 15, PAGE 54 OF PARCEL MAPS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID PARCEL A, WHICH BEARS N05°13'20" 193.30 FEET, FROM THE SOUTHWESTERLY CORNER OF SAID PARCEL A;

THENCE 1ST SOUTH 62°08'30" EAST, 51.47 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE 2ND ALONG THE ARC OF SAID TANGENT CURVE TO THE LEFT, WHICH HAS A RADIUS OF 125.00 FEET AND A DELTA OF 53°03'00", FOR A DISTANCE OF 115.74 FEET;

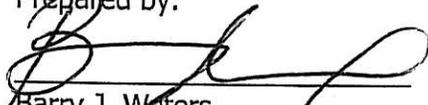
THENCE 3RD NORTH 64°48'30" EAST, 88.80 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE 4TH ALONG THE ARC OF SAID TANGENT CURVE TO THE RIGHT, WHICH HAS A RADIUS OF 155.00 FEET AND A DELTA OF 27°08'00", FOR A DISTANCE OF 73.40 FEET;

THENCE 5TH SOUTH 88°03'30" EAST, 87.38 FEET, TO A POINT ON THE EASTERLY LINE OF SAID PARCEL A WHICH BEARS N03°42'30"E 211.12 FEET FROM THE SOUTHEASTERLY CORNER OF SAID PARCEL A.

END OF DESCRIPTION

Prepared by:


Barry J. Waters
Licensed Land Surveyor
PLS 6419, expires 12-31-08



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE GENERAL PLAN MAP OF THE CITY OF SANTA BARBARA PERTAINING TO THE DESIGNATION OF CERTAIN REAL PROPERTY UPON ANNEXATION TO ASSESSOR'S PARCEL NUMBER 021-030-039 LOCATED AT 730 LAS CANOAS PLACE

WHEREAS, the City accepted an application from Andrew and Kendra Feshbach, owners of 730 Las Canoas Place, and Andrew Effron, owner of 2030 Las Canoas Road, in order to process a request for: 1. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City of Santa Barbara; 2. A General Plan Amendment Upon Annexation to add the property to the City's General Plan Map; 3. A Zoning Map Amendment Upon Annexation; and, 4. Hillside Design District Map Amendment to add the property to the Hillside Design District;

WHEREAS, on November 9, 2006, the Planning Commission considered the project application. Upon the close of the public hearing, the Planning Commission recommended to the City Council that the recommended annexation be approved;

WHEREAS, on September 29, 2009, the City Council conducted a public hearing concerning the requested Annexation. The Council considered the Planning Commission action, Staff reports, and heard testimony from the applicant, Staff, and members of the public. At the close of the public hearing, the City Council, on a _____ vote, initiated the annexation, and forwarded the request to the Local Agency Formation Commission for their review; and

WHEREAS, the documents or other materials which constitute the record of proceedings upon which this decision is made are on file at the City of Santa Barbara, located in the Community Development Department.

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

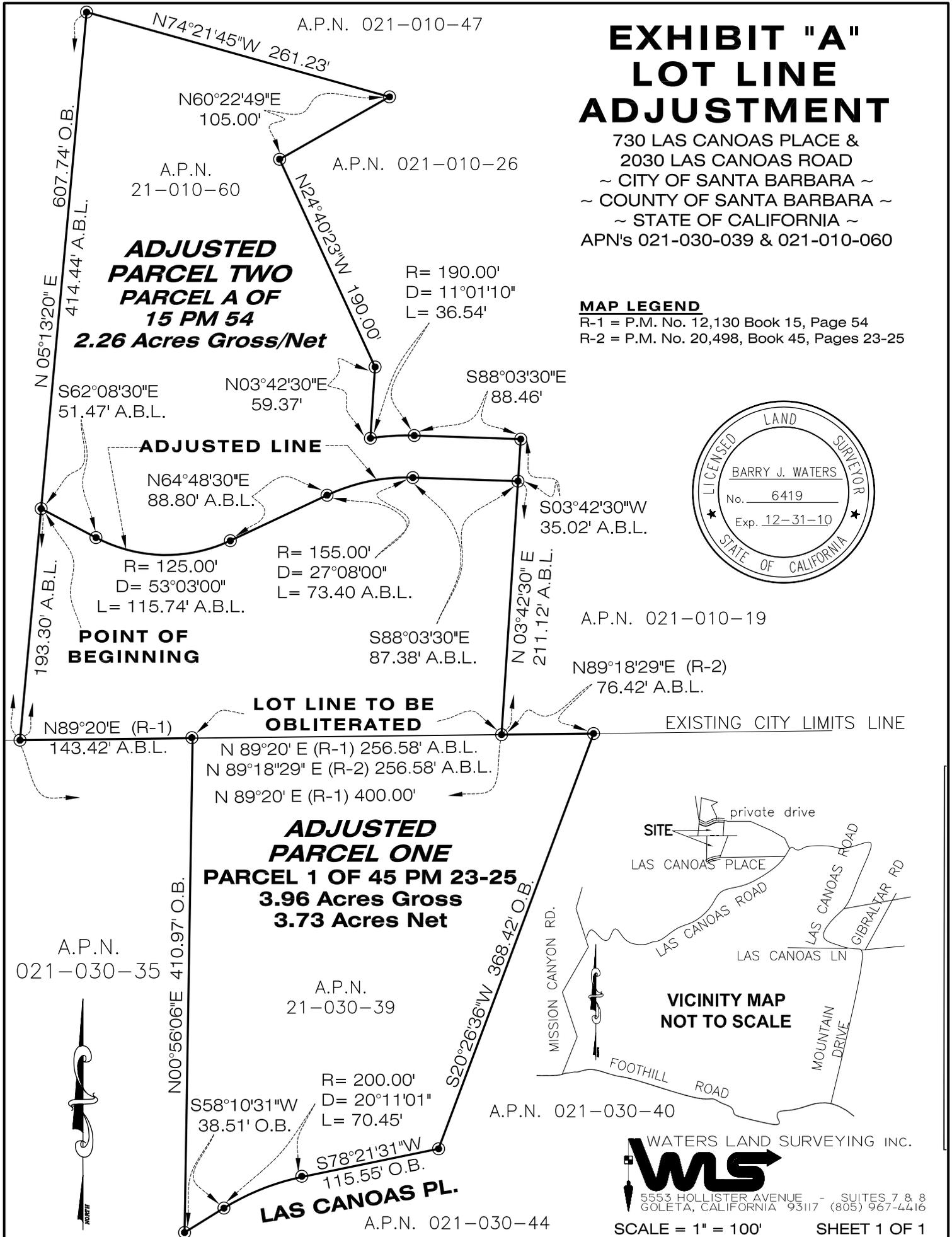
Upon annexation of the subject real property, the General Plan map of the City of Santa Barbara is amended by designating the entirety of the adjusted Assessor Parcel Number 021-030-039 (as described in Exhibit A) as Major Hillside.

EXHIBIT "A" LOT LINE ADJUSTMENT

730 LAS CANOAS PLACE &
2030 LAS CANOAS ROAD
~ CITY OF SANTA BARBARA ~
~ COUNTY OF SANTA BARBARA ~
~ STATE OF CALIFORNIA ~
APN's 021-030-039 & 021-010-060

MAP LEGEND

R-1 = P.M. No. 12,130 Book 15, Page 54
R-2 = P.M. No. 20,498, Book 45, Pages 23-25



A.P.N. 021-010-47

A.P.N. 21-010-60

A.P.N. 021-010-26

R= 190.00'
D= 11°01'10"
L= 36.54'

N 05°13'20" E
607.74' O.B.
414.44' A.B.L.

ADJUSTED PARCEL TWO
PARCEL A OF
15 PM 54
2.26 Acres Gross/Net

S62°08'30"E
51.47' A.B.L.

N03°42'30"E
59.37'

S88°03'30"E
88.46'

ADJUSTED LINE

N64°48'30"E
88.80' A.B.L.

S03°42'30"W
35.02' A.B.L.

R= 125.00'
D= 53°03'00"
L= 115.74' A.B.L.

R= 155.00'
D= 27°08'00"
L= 73.40 A.B.L.

POINT OF BEGINNING

S88°03'30"E
87.38' A.B.L.

N 03°42'30" E
211.12' A.B.L.

A.P.N. 021-010-19

N89°18'29"E (R-2)
76.42' A.B.L.

N89°20'E (R-1)
143.42' A.B.L.

LOT LINE TO BE OBLITERATED

EXISTING CITY LIMITS LINE

N 89°20' E (R-1) 256.58' A.B.L.
N 89°18'29" E (R-2) 256.58' A.B.L.
N 89°20' E (R-1) 400.00'

ADJUSTED PARCEL ONE
PARCEL 1 OF 45 PM 23-25
3.96 Acres Gross
3.73 Acres Net

A.P.N. 021-030-35

A.P.N. 21-030-39

N00°56'06"E 410.97' O.B.

R= 200.00'
D= 20°11'01"
L= 70.45'

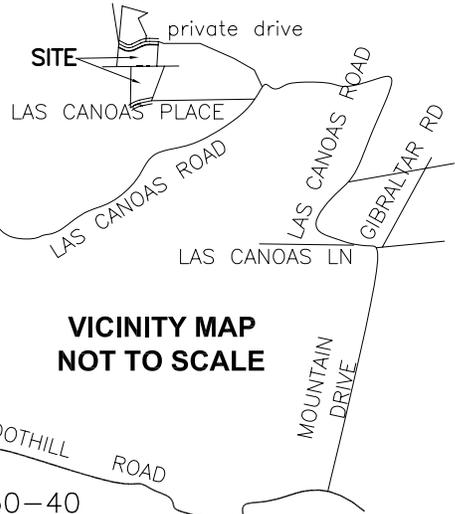
S58°10'31"W
38.51' O.B.

S78°21'31"W
115.55' O.B.

LAS CANOAS PL.

A.P.N. 021-030-44

A.P.N. 021-030-40



VICINITY MAP
NOT TO SCALE

WATERS LAND SURVEYING INC.
WLS
5553 HOLLISTER AVENUE - SUITES 7 & 8
GOLETA, CALIFORNIA 93117 (805) 967-4416

SCALE = 1" = 100'

SHEET 1 OF 1

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE HILLSIDE DESIGN DISTRICT MAP OF THE CITY OF SANTA BARBARA PERTAINING TO THE DESIGNATION OF CERTAIN REAL PROPERTY UPON ANNEXATION TO ASSESSOR'S PARCEL NUMBER 021-030-039 LOCATED AT 730 LAS CANOAS PLACE

WHEREAS, the City accepted an application from Andrew and Kendra Feshbach, owners of 730 Las Canoas Place, and Andrew Effron, owner of 2030 Las Canoas Road, in order to process a request for: 1. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City of Santa Barbara; 2. A General Plan Amendment Upon Annexation to add the property to the City's General Plan Map; 3. A Zoning Map Amendment Upon Annexation; and, 4. Hillside Design District Map Amendment to add the property to the Hillside Design District;

WHEREAS, on November 9, 2006, the Planning Commission considered the project application and conducted a public hearing. Upon the close of the public hearing, the Planning Commission recommended to the City Council that the recommended annexation be approved;

WHEREAS, on September 29, 2009, the City Council conducted a public hearing concerning the requested Annexation. The Council considered the Planning Commission action, Staff reports, and heard testimony from the applicant, Staff, and members of the public. At the close of the public hearing, the City Council, on a _____ vote, initiated the annexation, and forwarded the request to the Local Agency Formation Commission for their review; and

WHEREAS, the documents or other materials which constitute the record of proceedings upon which this decision is made are on file at the City of Santa Barbara, located in the Community Development Department.

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

Upon annexation of the certain real property, the Hillside Design District map of the City of Santa Barbara is amended by designating the entirety of the adjusted Assessor Parcel Number 021-030-039 (as described in Exhibit A) as part of the Hillside Design District.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2009

TO: Mayor and Councilmembers

FROM: Housing and Redevelopment, Community Development Department

SUBJECT: Fiscal Year 2009 Community Development Block Grant
Reprogrammed Capital Funding Recommendations

RECOMMENDATION: That Council:

- A. Approve the funding recommendations of the Community Development and Human Services Committee (CDHSC) for Fiscal Year 2009 Community Development Block Grant (CDBG) reprogrammed capital funds in the amount of \$150,000; and
- B. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney.

DISCUSSION:

During Fiscal Year 2009, as part of a larger sidewalk, curb and gutter project on Loma Alta, the City's Neighborhood Improvement Task Force received a \$200,000 CDBG grant to install pedestrian lighting. The larger project was funded by State Transportation Improvement Program Transportation Enhancement (STIP-TE) funds administered through Caltrans. The bids for the project came in well under the proposed budget resulting in approximately \$150,000 of unspent CDBG funds.

Normally, any unused CDBG funds would be reprogrammed and added to the new entitlement funding for the next application cycle, in this case, Fiscal Year 2011. However, due to the large amount of these reprogrammed funds, staff felt it was prudent to reallocate them immediately. Waiting until Fiscal Year 2011's CDBG/Human Services application cycle may compromise the annual CDBG Timeliness Test which will be conducted on May 2, 2010 by the U.S. Department of Housing and Urban Development (HUD). As of this date, the City must not have more than 1.5 times its current CDBG allocation in unspent funds.

In order to reallocate the funds, a substantial amendment to the City's 2008 Action Plan is required, including a 30-day public comment period. Therefore, the following timeline was developed:

Council Agenda Report
Fiscal Year 2009 Community Development Block Grant Reprogrammed Capital Funding
Recommendations
September 29, 2009
Page 2

July 21, 2009	Public Notice was published announcing the availability of funds and public hearing to assess community needs;
July 28, 2009	Public Hearing was held;
July 29, 2009	Applications released;
August 13, 2009	Applications due;
August 18, 2009	CDHSC interviewed all applicants;
August 25, 2009	CDHSC met to approve recommendations;
August 26, 2009	Public Comment Period began;
September 25, 2009	Public Comment Period ended;
September 29, 2009	Recommendations submitted to City Council for approval.

Nine applications were received; however one applicant subsequently withdrew its application. The remaining eight applications totaled \$365,899 in requests. A total of \$150,000 is allocated to be reprogrammed and available for capital projects. Each application was scored based on the need and timeliness of the project. The attached spreadsheet contains a listing of all the applicants by rating. The CDHSC is recommending funding five of the eight remaining applications. The Committee emphasized its strong commitment to housing programs and neighborhood revitalization, "bricks and mortar" projects that are the cornerstone of the CDBG program. Following are short descriptions of each project:

Santa Barbara Neighborhood Clinics requested \$26,696 to refinish damaged flooring and paint the interior at the Eastside Medical Clinic and replace worn carpeting with hardwood flooring, paint the interior and replace a window at the Eastside Dental Clinic. The Committee is recommending full funding for this project.

Legal Aid Foundation requested \$6,640 in supplemental funding to cover increased costs associated with their Fiscal Year 2010 capital grant to replace windows and doors, repair the roof, and fund electrical work. The Committee is recommending \$4,240 for this project to cover the increased costs associated with their current grant.

City Neighborhood Improvement Task Force – Eastside Park requested \$75,000 to replace an old playground designed for 2 – 5 year olds in this low to moderate-income census tract. The Committee is recommending \$74,247 for this project.

Council on Alcoholism and Drug Abuse requested \$16,817 to replace the roof on their Project Recovery buildings located at 133 East Haley Street. The Committee is recommending full funding for this project.

Storyteller Children’s Center requested \$30,000 to replace the roof at their children’s center located at 2115 State Street. The Committee is recommending \$28,000 for this project.

Women's Economic Ventures requested \$25,000 to provide trainings, loans and technical assistance to low to moderate-income clients who wish to start or expand a small business. The Committee is not recommending funding for this project.

Unity Shoppe requested \$116,520 to upgrade and renovate portions of the 1236 Chapala Street and 1219 State Street locations. The Committee is not recommending funding for this project.

United Boys and Girls Club requested \$69,226 to reconfigure the inside of their building to construct a music room to provide access to musical instruments and instruction at the Westside Community Center located at 602 West Anapamu Street. The Committee is not recommending funding for this project.

BUDGET/FINANCIAL INFORMATION:

The CDHSC is recommending funding in the amount of \$150,000 for the above projects, using reprogrammed funds from the Fiscal Year 2009 Loma Alta Project that have been carried over to Fiscal Year 2010.

ATTACHMENT: Community Development and Human Services Committee Fiscal Year 2009 CDBG Reprogrammed Capital Funding Recommendations

PREPARED BY: Brian Bosse, Housing and Redevelopment Manager/SG

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

Community Development and Human Services Committee
 Fiscal Year 2009 CDBG Reprogrammed Capital Funding Recommendations

Attachment

AGENCY	PROGRAM	REQUEST	AVERAGE SCORE	RECOMMENDED FUNDING
SB Neighborhood Clinics	Building Repairs	\$26,696	4.5	\$26,696
Legal Aid Foundation	Window Door Supplemental	\$6,640	4.4	\$4,240
City SB - NIP	Eastside Neighborhood Park	\$75,000	3.3	\$74,247
Council on Alcoholism	Roof Replacement	\$16,817	3.2	\$16,817
Storyteller Children's Center	Roof repair	\$30,000	3.2	\$28,000
Women's Economic Ventures	Small Business Loan Fund	\$25,000	3.2	\$0
Unity Shoppe	Building Renovation	\$116,520	3.0	\$0
United Boys/Girls Club	Music Room	\$69,226	2.3	\$0
Total		\$365,899		\$150,000



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2009
TO: Mayor and Councilmembers
FROM: Patrol Division, Police Department
SUBJECT: State Of California Office Of Traffic Safety Grant
RECOMMENDATION: That Council:

- A. Accept the State of California Office of Traffic Safety Grant of \$194,855 for a driving under the influence (DUI) alcohol enforcement and education program, and authorize the Chief of Police to execute the grant agreement; and
- B. Appropriate the grant allocation of \$194,855 to the Miscellaneous Grants Fund.

DISCUSSION:

In 2000, 2002, 2004, 2006, 2008, and again in 2009 the California Office of Traffic Safety has awarded the City of Santa Barbara a grant for a one year program to conduct DUI checkpoints and DUI education. The traffic enforcement grant funds a highly successful program to identify and arrest DUI drivers at DUI checkpoints, provides public education about the dangers of drinking and driving, and develops partnerships with community based organizations.

The 2009 Office of Traffic Safety grant for the City of Santa Barbara is in the amount of \$194,855 and is to be used from October 1, 2009, to September 30, 2010. The grant will be used for personnel costs, public education, and necessary equipment. This grant will enhance public safety and increase DUI enforcement by deploying DUI checkpoints and saturation patrols on approximately 50 weekend evenings during the next year.

PREPARED BY: Noel Rivas, Police Sergeant

SUBMITTED BY: Cam Sanchez, Police Chief

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
September 15, 2009
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:09 p.m.

ROLL CALL

Agency members present: Dale Francisco (2:24 p.m.), Roger L. Horton, Grant House, Helene Schneider, Das Williams, Chair Blum.

Agency members absent: Iya G. Falcone.

Staff present: Acting Executive Director/Secretary Joan M. Kent, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 and 2)

Motion:

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

Vote:

Unanimous roll call vote (Absent: Agency/Council member Falcone).

1. Subject: Minutes (14)

Recommendation: That the Redevelopment Agency waive the reading and approve the minutes of the special meeting of June 30, 2009, and the regular meetings of July 14, 2009, and July 21, 2009.

Action: Approved the recommendation.

2. Subject: Chase Palm Park Easement And Adjacent Recycled Water Easement (330.03/15)

Recommendation:

- A. That the Redevelopment Agency (Agency) Board approve and authorize the Agency's Executive Director to execute, subject to approval by the Agency's Counsel, an amendment to the Declaration of Construction and Operating Covenants and Reciprocal Easements (Declaration), to extend the termination date to January 15, 2015, and to provide for a reciprocal underground utility easement in Chase Palm Park; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Recycled Water Pipeline Easement Located on a Portion of the Real Property Commonly Known as 103 South Calle Cesar Chavez, Santa Barbara County Assessor's Parcel No. 017-113 020.

Action: Approved the recommendations; City Council Resolution No. 09-076; City of Santa Barbara Deed No. 61-344 (September 15, 2009, report from the Public Works Director and the Agency Deputy Director/Community Development Director; proposed resolution).

ADJOURNMENT

Chair Blum adjourned the meeting at 5:40 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY BOARD AGENDA REPORT

AGENDA DATE: September 29, 2009

TO: Redevelopment Agency Board

FROM: Accounting Division, Finance Department

SUBJECT: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009

RECOMMENDATION:

That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

DISCUSSION:

The Interim Financial Statements for the Month Ended July 31, 2009 (8.3% of the fiscal year) are attached. The Interim Financial Statements include budgetary activity in comparison to actual activity for the Redevelopment Agency's General, Housing, and Capital Projects Funds.

ATTACHMENT: Redevelopment Agency Interim Financial Statements for the Month Ended July 31, 2009

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert Samario, Interim Fiscal Officer

APPROVED BY: City Administrator's Office

REDEVELOPMENT AGENCY
OF THE
CITY OF SANTA BARBARA

INTERIM FINANCIAL STATEMENTS
FISCAL YEAR 2010
FOR THE ONE MONTH
ENDED JULY 31, 2009

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

General Fund

Interim Statement of Revenues, Expenditures and Encumbrances

For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	Annual Budget	Year-to-date Actual	Encum- brances	Remaining Balance	Percent of Budget
Revenues:					
Incremental Property Taxes	\$ 16,337,400	\$ -	\$ -	\$ 16,337,400	0.00%
Investment Income	264,700	19,938	-	244,762	7.53%
Interest Loans	5,000	-	-	5,000	0.00%
Rents	48,000	4,000	-	44,000	8.33%
Total Revenues	<u>16,655,100</u>	<u>23,938</u>	<u>-</u>	<u>16,631,162</u>	<u>0.14%</u>
Use of Fund Balance	3,039,650	253,304	-	-	8.33%
Total Sources	<u>\$ 19,694,750</u>	<u>\$ 277,242</u>	<u>\$ -</u>	<u>\$ 16,631,162</u>	<u>1.41%</u>
Expenditures:					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 3,000	\$ 169	\$ -	\$ 2,831	5.63%
Mapping, Drafting & Presentation	250	-	-	250	0.00%
Janitorial & Hshld Supplies	100	-	-	100	0.00%
Minor Tools	100	-	-	100	0.00%
Special Supplies & Expenses	5,000	-	-	5,000	0.00%
Building Materials	100	-	-	100	0.00%
Equipment Repair	1,000	-	-	1,000	0.00%
Professional Services - Contract	787,155	45,735	4,142	737,278	6.34%
Legal Services	154,508	10,361	-	144,147	6.71%
Engineering Services	20,000	-	-	20,000	0.00%
Non-Contractual Services	12,000	420	-	11,580	3.50%
Meeting & Travel	7,500	-	-	7,500	0.00%
Mileage Reimbursement	300	-	-	300	0.00%
Dues, Memberships, & Licenses	13,500	-	-	13,500	0.00%
Publications	1,500	-	-	1,500	0.00%
Training	7,500	-	-	7,500	0.00%
Advertising	2,000	-	-	2,000	0.00%
Printing and Binding	3,000	-	-	3,000	0.00%
Postage/Delivery	1,000	102	-	898	10.20%
Non-Allocated Telephone	500	128	-	372	25.60%
Vehicle Fuel	1,300	-	-	1,300	0.00%
Equipment Rental	500	-	-	500	0.00%
Total Supplies & Services	<u>1,021,813</u>	<u>56,915</u>	<u>4,142</u>	<u>960,756</u>	<u>5.98%</u>
Allocated Costs:					
Desktop Maint Replacement	25,207	2,101	-	23,106	8.33%
GIS Allocations	4,785	399	-	4,386	8.33%
Building Maintenance	1,785	149	-	1,636	8.33%
Planned Maintenance Program	6,752	563	-	6,189	8.33%
Vehicle Replacement	5,323	444	-	4,879	8.33%
Vehicle Maintenance	4,396	366	-	4,030	8.33%
Telephone	2,908	242	-	2,666	8.33%
Custodial	3,674	306	-	3,368	8.33%
Communications	4,663	389	-	4,274	8.33%
Property Insurance	8,142	679	-	7,464	8.33%
Allocated Facilities Rent	5,746	479	-	5,267	8.33%
Overhead Allocation	693,628	57,802	-	635,826	8.33%
Total Allocated Costs	<u>767,009</u>	<u>63,917</u>	<u>-</u>	<u>703,092</u>	<u>8.33%</u>
Special Projects	2,196,580	37,821	33,681	2,125,078	3.26%
Transfers	14,015,527	541,667	-	13,473,860	3.86%
Grants	1,545,028	-	45,028	1,500,000	2.91%
Equipment	8,070	-	-	8,070	0.00%
Fiscal Agent Charges	11,500	1,988	-	9,512	17.29%
Appropriated Reserve	129,223	-	18,000	111,223	13.93%
Total Expenditures	<u>\$ 19,694,750</u>	<u>\$ 702,308</u>	<u>\$ 100,851</u>	<u>\$ 18,891,591</u>	<u>4.08%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

Housing Fund

Interim Statement of Revenues, Expenditures and Encumbrances

For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Incremental Property Taxes	\$ 4,084,400	\$ -	\$ -	\$ 4,084,400	0.00%
Investment Income	150,000	8,390	-	141,610	5.59%
Interest Loans	<u>160,000</u>	<u>8,974</u>	-	<u>151,026</u>	5.61%
Total Revenues	<u>4,394,400</u>	<u>17,364</u>	-	<u>4,377,036</u>	0.40%
Use of Fund Balance	<u>68,984</u>	<u>5,749</u>	-	-	8.33%
Total Sources	<u>\$ 4,463,384</u>	<u>\$ 23,113</u>	<u>\$ -</u>	<u>\$ 4,377,036</u>	0.52%
Expenditures:					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 1,800	\$ 169	\$ -	\$ 1,631	9.39%
Special Supplies & Expenses	1,800	-	-	1,800	0.00%
Equipment Repair	500	-	-	500	0.00%
Professional Services - Contract	717,423	50,355	-	667,068	7.02%
Legal Services	2,000	-	-	2,000	0.00%
Non-Contractual Services	2,000	-	-	2,000	0.00%
Meeting & Travel	6,000	-	-	6,000	0.00%
Mileage Reimbursement	100	-	-	100	0.00%
Dues, Memberships, & Licenses	2,025	-	-	2,025	0.00%
Publications	200	-	-	200	0.00%
Training	5,000	-	-	5,000	0.00%
Postage/Delivery	500	-	-	500	0.00%
Non-Allocated Telephone	500	-	-	500	0.00%
Equipment Rental	<u>100</u>	<u>-</u>	<u>-</u>	<u>100</u>	0.00%
Total Supplies & Services	<u>739,948</u>	<u>50,524</u>	-	<u>689,424</u>	6.83%
Allocated Costs:					
Desktop Maintenance Replacement	7,562	630	-	6,932	8.33%
GIS Allocations	2,393	199	-	2,194	8.33%
Building Maintenance	893	74	-	819	8.33%
Planned Maintenance Program	4,001	333	-	3,668	8.33%
Telephone	969	81	-	888	8.33%
Custodial	1,867	156	-	1,711	8.33%
Communications	2,897	241	-	2,656	8.33%
Insurance	166	14	-	152	8.33%
Allocated Facilities Rent	3,405	284	-	3,121	8.33%
Overhead Allocation	<u>181,432</u>	<u>15,119</u>	-	<u>166,313</u>	8.33%
Total Allocated Costs	<u>205,585</u>	<u>17,132</u>	-	<u>188,453</u>	8.33%
Transfers	829	69	-	760	8.33%
Equipment	2,500	-	-	2,500	0.00%
Housing Activity	2,794,272	-	-	2,794,272	0.00%
Principal	470,000	470,000	-	-	100.00%
Interest	168,950	87,413	-	81,537	51.74%
Fiscal Agent Charges	1,300	-	-	1,300	0.00%
Appropriated Reserve	<u>80,000</u>	<u>-</u>	<u>-</u>	<u>80,000</u>	0.00%
Total Expenditures	<u>\$ 4,463,384</u>	<u>\$ 625,138</u>	<u>\$ -</u>	<u>\$ 3,838,246</u>	14.01%

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
Capital Projects Fund
Interim Statement of Revenues, Expenditures and Encumbrances
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
SB Trust for Historic Preservation	\$ -	\$ 522,180	\$ -	\$ -	100.00%
Transfers-In	6,500,125	541,539	-	5,958,586	8.33%
Total Revenues	6,500,125	1,063,719	-	-	16.36%
Use of Fund Balance	12,208,909	1,017,409	-	-	8.33%
Total Sources	\$ 18,709,034	\$ 2,081,128	\$ -	\$ -	11.12%
Expenditures:					
Finished					
Coffee Cat Pedestrian Improvements	\$ 17,367	\$ -	\$ -	\$ 17,367	0.00%
Construction Phase					
IPM - Sustainable Park Improvements	9,511	-	9,511	-	100.00%
Fire Station #1 Remodel	377,482	68,700	310,690	(1,908)	100.51%
Fire Station #1 EOC	196,064	14,903	136,704	44,457	77.33%
Underground Tank Abatement	23,070	-	-	23,070	0.00%
Design Phase					
Carrillo Rec Center Restoration	2,200,000	-	-	2,200,000	0.00%
Planning Phase					
Opportunity Acquisition Fund	366,500	-	-	366,500	0.00%
RDA Project Contingency Account	7,452,481	-	-	7,452,481	0.00%
Parking Lot Maintenance	192,621	-	-	192,621	0.00%
PD Locker Room Upgrade	7,525,483	9,659	35,132	7,480,692	0.60%
Housing Fund Contingency Account	348,455	-	-	348,455	0.00%
Total Expenditures	\$ 18,709,034	\$ 93,262	\$ 492,037	\$ 18,123,735	3.13%

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
RDA Bonds - Series 2001A
Interim Statement of Revenues, Expenditures and Encumbrances
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Investment Income	\$ -	\$ 38	\$ -	\$ (38)	100.00%
Total Revenues	-	38	-	(38)	100.00%
Use of Fund Balance	3,219,138	268,262	-	-	8.33%
Total Sources	\$ 3,219,138	\$ 268,300	\$ -	\$ (38)	8.33%
Expenditures:					
Capital Outlay:					
Finished					
East Cabrillo Blvd Sidewalks	\$ 254,437	\$ 4,321	\$ 58,148	\$ 191,968	24.55%
Design Phase					
Mission Creek Flood Control @ Depot	1,964,701	-	-	1,964,701	0.00%
Carrillo Rec Center Restoration	1,000,000	-	-	1,000,000	0.00%
Total Expenditures	\$ 3,219,138	\$ 4,321	\$ 58,148	\$ 3,156,669	1.94%

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
RDA Bonds - Series 2003A
Interim Statement of Revenues, Expenditures and Encumbrances
For the One Month Ended July 31, 2009 (8.3% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Intergovernmental	\$ -	\$ 23,513		\$ (23,513)	100.00%
Total Revenues	-	23,513	-	(23,513)	100.00%
Use of Fund Balance	18,764,514	1,563,710	-	-	8.33%
Total Sources	<u>\$ 18,764,514</u>	<u>\$ 1,587,223</u>	<u>\$ -</u>	<u>\$ (23,513)</u>	8.46%
Expenditures:					
Capital Outlay:					
Finished					
Adams Parking Lot & Site Imprvmts	\$ 77,419	\$ 379	\$ 3,901	\$ 73,139	5.53%
Anapamu Open Space Enhancements	2,464	-	-	2,464	0.00%
Historic Railroad CAR	24,646	4,865	-	19,781	19.74%
Construction Phase					
IPM - Sustainable Park Improvements	94,909	-	-	94,909	0.00%
Fire Station #1 Remodel	40,015	28,652	11,009	354	99.12%
West Beach Pedestrian Improvements	2,565,901	31,038	2,018,297	516,566	79.87%
Artist Workspace	612,042	4,126	34,819	573,097	6.36%
West Downtown Improvement	3,143,824	12,696	2,624,900	506,228	83.90%
Carrillo Rec Ctr Restoration	2,897,579	10,764	227,723	2,659,092	8.23%
Design Phase					
Plaza De La Guerra Infrastructure	2,282,158	-	38,290	2,243,868	1.68%
Westside Community Center	216,066	-	11,223	204,843	5.19%
Planning Phase					
Mission Creek Flood Control - Park Development	759,142	-	-	759,142	0.00%
Carrillo/Chapala Transit Village	1,882,256	-	-	1,882,256	0.00%
Waterfront Property Development	1,460,996	-	-	1,460,996	0.00%
Mission Creek Flood Control @ Depot	535,299	-	-	535,299	0.00%
Helena Parking Lot Development	499,798	1,044	-	498,754	0.21%
Chase Palm Park Wisteria Arbor	835,000	-	1,545	833,455	0.19%
On-Hold Status					
Visitor Center Condo Purchase	500,000	-	-	500,000	0.00%
Lower State Street Sidewalks	335,000	-	-	335,000	0.00%
Total Expenditures	<u>\$ 18,764,514</u>	<u>\$ 93,564</u>	<u>\$ 4,971,707</u>	<u>\$ 13,699,243</u>	26.99%



Agenda Item No: _____

CITY OF SANTA BARBARA REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: September 29, 2009

TO: Chair and Boardmembers

FROM: Housing and Redevelopment Division, Community Development Department

SUBJECT: Redevelopment Agency Fiscal Year 2010 Capital Program

RECOMMENDATIONS: That the Redevelopment Agency Board:

- A. Consider funding allocations to the Redevelopment Agency Capital Program totaling \$4,611,600 and approve the proposed Fiscal Year 2010 Capital Program;
- B. Reprogram \$1,880,000 from the Agency's 2003A Bond Fund Transit Village Project as outlined in the attached Capital Projects and Staff Recommended Funding;
- C. Reprogram \$1,460,000 from the Agency's 2003A Bond Fund Waterfront Property Project as outlined in the attached Capital Projects and Staff Recommended Funding; and
- D. Remove existing appropriations of \$2,000,000 in the Housing Set Aside Fund established for the Transit Village Use Project, freeing up these funds for future affordable housing opportunities.

EXECUTIVE SUMMARY:

In the Fiscal Year 2010 Redevelopment Agency (Agency) budget process, the Agency Board deferred consideration of new capital projects and community grants. The Board wished to wait until the City budget was finalized and until there was more information about potential redirection of Agency funds by the State in response to the continuing State budget crisis in the form of a possible Educational Revenue Augmentation Fund taking (ERAF). With the recent adoption of the State's budget, redevelopment agencies statewide are required to pay a total of \$2.05 billion to the ERAF in order to reduce the State's required funding to schools. The City of Santa Barbara Redevelopment Agency's share of the \$2.05 billion is approximately \$8.3 million, which is payable over the next two years. Approximately \$6.8 million is payable in Fiscal Year 2010.

Agency staff has worked with various City departments to develop a slate of capital projects for the Agency Board to consider and those recommendations are included in this report. Agency staff is also recommending that the Agency Board forego a community grants process for Fiscal Year 2010 due to the significant ERAF taking by the State.

DISCUSSION:

Funding Sources

Redevelopment and Finance Department staff has thoroughly evaluated all available Agency funds. Current funding sources include recurring tax increment revenues, non-recurring revenues, and other sources of funds (account closures, etc). Agency obligations include items that the Agency is required to pay due to previous contractual obligations, takings by the State, etc. A summary of available Agency funds can be found in Attachment 1 and is detailed in the text below.

Recurring Tax Increment Revenues: In the Fiscal Year 2010 Agency budget, **\$6,308,125** was available from anticipated tax increment for the fiscal year after deducting the 20% housing set-aside, operating expenses, special expenses, parking infrastructure improvements and debt service ("Net Tax-Increment Revenue").

Non-Recurring Revenues: Non-recurring revenues consist of funds accumulated through fiscal year 2009 totaling **\$2,775,000**, and include \$1,650,000 primarily from tax increment revenue exceeding budget, unbudgeted interest earnings in the 2001 Bond Fund of \$25,000, and interest earnings and unspent projects funds in the 2003 Bond Fund totaling \$1,100,000.

When combined with the recurring tax increment revenues from above, the total estimated amount available for projects and programs of **\$9,083,125 (\$6,308,125 + \$2,775,000)**.

Reprogrammable Funds

Fiscal Year 2010 presents a number of possible sources of additional funding that could be reprogrammed and returned to the Agency General Fund and used to assist in funding current and future Agency projects and programs. The identified proposed sources for Fiscal Year 2010 include: removing the appropriations in the Agency's Capital Projects Fund for the Transit Village Project and the Agency's Waterfront Properties Project.

Transit Village Project: The Agency Board originally appropriated \$2 million in Fiscal Year 2005 as initial funding to pursue a mixed use development with the Metropolitan Transportation District (MTD) on City and MTD property located at the intersection of Carrillo and Chapala Streets. The funding was to be used to explore the viability of a mixed use project at the site and, if deemed viable, to be used as seed money for the future development. In May of this year, MTD officials notified Agency staff that the current economic climate and the continuing ramifications of State budget considerations have significantly impacted their financial position. MTD stated that they can not commit their limited financial resources to a project of this magnitude and withdrew from any further discussions about the mixed use development.

Agency staff recommends that the Agency Board remove the project from the Agency's capital program at this time and reprogram the remaining **\$1,880,000** as outlined in the attached Capital Projects and Staff Recommended Funding. Agency staff will monitor opportunities to develop this land. If a viable opportunity is realized, the Agency Board can assess that opportunity and appropriate funding if they desire.

In addition to the original capital development appropriation, the Agency Board, over a series of Agency budget years, has appropriated \$2 million for the affordable housing component of the development. Agency staff is requesting that this appropriation be removed and be made available for future affordable housing opportunities.

Waterfront Property: At the direction of the Agency Board, Agency staff received responses from a Request For Proposals (RFP) in August 2008 for Agency-owned property at 125 Calle Cesar Chavez Street. A number of submittals were returned and the Agency Board directed staff to further the discussion with the Santa Barbara School District to assess the feasibility of possible development scenarios at the site. After a series of meetings with staff from the Santa Barbara School District, the decision was made to terminate the current RFP process due to the extremely limited financial resources of the Santa Barbara School District, the economy, and limited RDA financial resources.

Agency staff recommends that the Agency Board remove the project from the Agency's capital program at this time and reprogram the proposed **\$1,460,000** in funding as outlined in the attached Capital Projects and Staff Recommended Funding. Agency staff will monitor opportunities to develop this land. If a viable opportunity is realized, the Agency Board can assess that opportunity and appropriate funding if they desire.

If the Agency Board decides to reprogram funds from these two projects, the total available from them would be **\$3,340,000**. When combined with the \$9,083,125 discussed previously, the total estimated funds available, before considering the Agency's financial obligations, is **\$12,423,125**.

Agency Obligations

In addition to the Agency obligations stated above which include the 20% housing set-aside, operating expenses and debt service (among others), additional Agency obligations reduce the amount of funding available for capital projects and programs and vary on an annual basis. Fiscal Year 2010 obligations include, among others, the State's ERAF taking, hazardous materials remediation at 125 State Street, and debt service arbitrage.

ERAF: The State budget was passed in late July and again included a State taking of Redevelopment Agency funds. For Fiscal Year 2010, the State budget includes a \$2.05 billion statewide ERAF taking over the next two years. The approved budget includes an unprecedented \$1.7 billion ERAF taking for Fiscal Year 2010 (approximately four times the ERAF taking in the Fiscal Year 2009) and a \$350 million ERAF taking for Fiscal Year 2011. This would amount to a one-time ERAF taking in Fiscal Year 2010 of **\$6,818,255** from the City of Santa Barbara's Redevelopment Agency. Similar to the proposed ERAF taking by the State in Fiscal Year 2009, the California Redevelopment Association will again pursue legal action against the State. The lawsuit seeks to prohibit the State from forcing county auditors to divert these redevelopment funds to the Educational Revenue Augmentation Funds. As you may recall, the lawsuit filed by the California Redevelopment Association in regard to the Fiscal Year 2009 ERAF was successful. The State has appealed the trial court's decision and the appeal is pending.

125 State Street: In 2007, Agency staff began developing a Request for Proposals (RFP) for development of Agency-owned property at the site and focused toward options that would benefit both the community and the Agency's financial situation. A provision that the Agency deliver a clean site for any proposed development was also included. In December 2007, Council directed Agency staff to negotiate exclusively with Children's Museum of Santa Barbara for the development of a children's museum (pending environmental review) and forego a formal RFP process. In April 2009, the Agency Board entered into a Memorandum of Understanding (MOU) with the Children's Museum regarding the site. The MOU is non-binding and establishes parameters to develop a project description for purposes of initiating City of Santa Barbara environmental review and to negotiate possible terms of a Disposition and Development Agreement and a site ground lease.

Agency efforts to gauge soil conditions to ensure conveyance of a clean parcel necessitated the preparation of environmental site assessments. Those investigations found hazardous contaminants at levels requiring remediation. A workplan to remediate the site is being prepared and would involve the removal of approximately 1,400 cubic yards of contaminated soil. The initial cost estimate to perform the site remediation is approximately \$550,000. The work is tentatively scheduled to begin this fall and be complete in early 2010.

Debt Service Arbitrage: The Agency currently has an approximately \$440,000 obligation regarding the Agency's 2003A Tax Allocation Bond Issuance. In the public sector, Federal law prohibits public entities from making a "profit" through the sale of debt at a lower rate than the rate being earned on the invested proceeds. The amount of debt service arbitrage in this particular case will decrease as funds from the 2003A Bond are expended over time.

The total of these additional Agency obligations is **\$7,808,255**. When this amount is subtracted from the Net Tax Increment and other funding sources available of **\$12,423,125**, there remains an estimated **\$4,614,870** available for appropriation to Agency capital projects and programs. Again, a summary of the estimated funding available can be found in Attachment 1.

Current RDA Capital Program

The Redevelopment Agency's current capital program includes 19 capital projects and three contingency/opportunity acquisition accounts, all of which total approximately \$27 million. A summary of the current capital program can be found in Attachment 2 - Current Capital Program Summary.

It should also be noted that the RDA Capital program includes a Project Contingency Account, with a current balance of approximately \$1,145,000, a Housing Opportunity Acquisition Account (\$366,500) and a Housing Fund Contingency Account (\$348,500). These funds were not included in the "Available Funding" calculation above. Staff recommends that these funds be kept aside as a source for funding unexpected costs of existing capital projects, housing acquisition opportunities, and housing projects.

Proposed Fiscal Year 2010 RDA Capital Projects: Over the last three months Agency staff has met with the various City departments and divisions in an effort to develop a comprehensive capital program for Fiscal Year 2010. Departments were asked to prioritize their proposals and provide detailed information regarding project description, project timeline, project lead, current funding status, inclusion (or not) in the City's Capital Improvement Program. A total of 42 projects were submitted for consideration with total requests exceeding \$40 million and \$4,614,870 currently available. The proposed capital program is listed in Attachment 3 and includes the following projects:

Fire Department Administration Annex: \$3,750,000 for a complete renovation of 927 Chapala Street (former muffler shop) to administration offices for Fire Department Station No.1. Off-site office space is currently being rented to Fire Department staff at a cost of approximately \$20,000 per month and completion of the annex would eliminate this operational expenditure.

Brinkerhoff Lighting: \$200,000 for the installation of Carrillo style pedestrian street lights, underground wire and a meter pedestal along Brinkerhoff Avenue, between West Cota and West Haley Streets. Lights would be installed on both sides of the street and staggered in a manner as to light the entire block. The project would likely be completed by December 31, 2009.

Chase Palm Park Restroom Renovation: \$186,600 for the complete renovation of a highly visible and heavily used restroom in Chase Palm Park. Improvements would be consistent with the Agency-funded public restroom renovation at the base of Stearns Wharf.

Downtown Sidewalks (Planning & Design): \$175,000 for planning and design to replace sidewalks with standard grey concrete and enhance landscaping elements on Ortega, Cota and Haley Streets between De la Vina Street and Santa Barbara Street – 24 block faces in total. Currently the sidewalks are in a state of general disrepair.

Downtown Parking Structure (Nos. 2, 9, and 10) Improvements (Planning & Design): \$150,000 to update the existing plans to meet the 2010 building code requirements for structural improvements and concrete repair to downtown parking garages at Lots No. 2, No. 9, and No. 10. The combined estimated construction cost to improve all three parking structures currently exceeds \$5,400,000.

Library Plaza Renovation (Planning & Design): \$150,000 for the planning and design of complete renovation of Library Plaza. The concept includes removal of walls to make the area level and a redesign consistent with the newly constructed and successful Jardin de las Granadas across East Anapamu Street.

In addition to understanding the current Agency capital program and knowing the limited time frame for Redevelopment Agency funding, it is also important to consider projects that the Agency Board may wish to undertake in the future. Attachment 4: Proposed Capital Program and Remaining Projects again shows the six proposed projects for inclusion into the Agency's Fiscal Year 2010 as well as the 36 projects totaling over \$28 million that were submitted for funding but are not being recommended for Agency funding at this time.

SUSTAINABILITY IMPACT:

The projects discussed in this Agenda Report will have their greatest impacts on the environment at the point they begin construction. Recognizing the possible impacts, Agency sponsored capital projects incorporate environmentally responsible design and construction techniques including, but not limited to, the specification of recycled content building materials, construction debris recycling processes, and the use of drought tolerant landscaping. These techniques further the City's Sustainability Goals in a variety of ways specific to the individual project and include reducing waste, recycling, and reducing resource consumption.

- ATTACHMENTS:**
1. Estimated Funding Available
 2. Current Capital Program Summary
 3. Proposed Capital Program Fiscal Year 2010
 4. Proposed Capital Program and Remaining Projects

PREPARED BY: Brian J. Bosse, Housing and Redevelopment Manager

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

Estimated Funding Available Fiscal Year 2010

Funding Sources

Revenues vs. Expenditures	\$6,308,125	
Fund Balance/Carryover	\$2,775,000	
	Subtotal	\$9,083,125

Reprogrammable Funds

Transit Village Project	\$1,880,000	
Transit Village Project - Affordable Housing \$2M	n/a	
125 Calle Cesar Chavez Property	\$1,460,000	
	Subtotal	\$3,340,000

Funding Sources Subtotal \$12,423,125

Obligations

State ERAF Taking Fiscal Year 2010	\$6,818,255	
125 State Street Hazardous Materials Remediation (site of proposed Children's Museum)	\$550,000	
Debt Service Arbitrage	\$440,000	
	Obligations Subtotal	<u><u>\$7,808,255</u></u>

Balance Available for Projects/Programs (\$12,423,125 - \$7,808,255)

TOTAL \$4,614,870

**Redevelopment Agency
Current Capital Program Summary**

ATTACHMENT 2

	Project Name	Project Phase	Current Balance
1	Carrillo Recreation Center	Construction	\$6,058,200
2	West Downtown Neighborhood Improvements	Construction	\$3,120,600
3	West Beach Pedestrian Improvements	Construction	\$2,330,700
4	Fire Station #1 Emergency Operations Center	Construction	\$180,400
5	IPM Sustainable Park Improvements	Construction	\$104,400
6	Historic Rail Car Acquisition/Placement	Construction	\$16,800
7	Community Arts Workshop	Final Design	\$606,000
8	Westside Center Park Improvements	Final Design	\$209,200
9	Police Department Locker Room/HVAC Renovation	Preliminary Design	\$7,507,800
10	Plaza de la Guerra Infrastructure	Conceptual Design	\$2,282,800
11	Mission Creek Flood Control @ Train Depot	Concept Phase	\$2,500,000
12	Carrillo-Chapala Mixed-Use Project	Concept Phase	\$1,882,300
13	125 Calle Cesar Chavez Development	Concept Phase	\$1,460,000
14	Chase Palm Park Wisteria Arbor	Concept Phase	\$835,000
15	Mission Creek Flood Control Park Dev.	Concept Phase	\$757,600
16	Helena Parking Lot	Concept Phase	\$500,000
17	RDA Project Contingency Account	Ongoing	\$1,145,000
18	Visitor Center Condominium Purchase	Pending	\$500,000
19	Housing Opportunity Acquisition Account	Ongoing	\$366,500
20	Housing Fund Contingency Account	Ongoing	\$348,000
21	Lower State Street Sidewalks	Pending	\$335,000
22	Santa Barbara Children's Museum	Ongoing	\$0
			\$26,988,100

**Proposed
RDA Capital Program Fiscal Year 2010**

Project	Funding Available
	\$4,614,870
Fire Department Administration Annex	\$3,750,000
Brinkerhoff Lighting	\$200,000
Chase Palm Park Restroom	\$186,600
Downtown Sidewalk Improvements (Planning & Design)	\$175,000
Downtown Parking Structure (Nos. 2, 9, & 10) Improvements (Planning & Design)	\$150,000
Library Plaza Renovation (Planning & Design)	\$150,000
TOTAL	\$4,611,600

Proposed Redevelopment Agency Capital Program and Remaining Projects

			FY 2010
Page	Project Name	Funding Request	\$ 4,614,870
1	Fire Department Administration Annex	3,750,000	3,750,000
2	Brinkerhoff Lighting	200,000	200,000
3	Chase Palm Park Restroom	186,600	186,600
4	Downtown Sidewalk Improvements (Haley, Cota, Ortega)	2,200,000	175,000
5	Downtown Parking Structure Improvements (Nos. 2, 9 & 10)	5,500,000	150,000
6	Library Plaza Renovation	1,000,000	150,000
Total Requests		\$ 12,836,600	
Subtotal			\$4,611,600
Funding Remaining			\$ 3,270

Remaining Projects

			FY 2010
Page	Project Name (In order of Requested Funding)	Funding Request	3,270
7	Additional Funding for Police Department Renovations	8,000,000	
8	Cabrillo Bathhouse Renovation	6,000,000	
9	Chapala Street Corridor Improvements	2,500,000	
10	Mason Street Bridge	1,100,000	
11	Lower Milpas Pedestrian Improvements	850,000	
12	Haley Corridor/Lower WDT Street Lighting	750,000	
13	Chase Palm Park Carousel	650,000	
14	East Beach/Pavilion Sidewalks & Landscaping (Milpas to Cabrillo Arts Pavilion)	600,000	
15	RDA Parking Lot Upgrade at 235 State Street	600,000	
16	Chase Palm Park Lighting and Electrical	568,100	
17	Parking Structure No. 10 Public Restroom	500,000	
18	Mission Lagoon Restoration	500,000	
19	Staircase Replacement at Lot No.10	400,000	
20	Lower Mission Creek Historic Study	370,000	
21	Breakwater Lighting	350,000	
22	Cabrillo/Anacapa Intersection Improvements	350,000	
23	De La Vina/Figueroa Intersection Improvements	350,000	
24	Chase Palm Park Renovation	350,000	
25	East Beach & West Beach Playground Replacement	350,000	
26	De La Vina/Canon Perdido Intersection Improvements	350,000	
27	Parking Lot No.3 Paseo Improvements	300,000	
28	Cota Street Bridge at Mission Creek	276,000	
29	Waterfront Coral Tree Entry	250,000	
30	Plaza Del Mar Restroom	211,800	
31	Parking Structure No.10 Paseo Improvements	200,000	
32	Parking Structure No.7 (Library) ADA Improvements	200,000	
33	State Street Pedestrian Amenity Improvements	175,000	
34	Cabrillo Ballfield Restroom	158,400	
35	Ortega Street Bridge at Mission Creek	150,000	
36	Haley/Anacapa Intersection Improvements	150,000	
37	Children's Library - Main Branch	150,000	
38	Pershing Park Restroom	120,000	
39	West Beach Use Analysis & Cap. Improvements	100,000	
40	Waterfront Pedestrian/Vehicle Area Improvements	100,000	
41	Downtown Street Lighting Plan	40,000	
n/a	RDA Community Grant Process for FY 2010	tbd	
n/a	Affordable Housing Activities - Additional Funding	tbd	
Total Funding Request		28,069,300	
			-
Funding Remaining			3,270



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: September 29, 2009

TO: Mayor and Councilmembers
Chair and Boardmembers

FROM: Engineering Division, Public Works Department
Housing and Redevelopment Division, Community Development
Department
Recreation Division, Parks and Recreation Department

SUBJECT: Contract For Construction For The Carrillo Recreation Center
Rehabilitation Project

RECOMMENDATION:

- A. That the Redevelopment Agency (Agency) Board authorize the expenditure of \$4,736,970 from the Agency's Carrillo Recreation Center Rehabilitation Project accounts in the 2001A Bond Fund, 2003A Bond Fund, and the Agency's General Capital Projects Fund, to fund the construction of the Carrillo Recreation Center Rehabilitation Project (Project), including construction, construction support, Leadership in Energy and Environmental Design (LEED) commissioning, inspection, materials testing, furniture allocation, staff time, and other items;
- B. That Council reject the bid protests of McGillivray Construction, Inc. (McGillivray), and Frank Schipper Construction (Schipper), and award a contract to TASCOC Construction, Inc. (TASCO), in their low bid amount for the base bid of \$3,060,905, for construction of the Project, Bid No. 3503;
- C. That Council authorize the Public Works Director to execute the contract for the base bid, and approve expenditures of up to \$612,181 to cover any cost increases from contract change orders;
- D. That Council authorize the Public Works Director to execute a contract with Kruger Bensen Ziemer Architects, Incorporated (KBZ), in the amount of \$196,000, for construction support and LEED administrative services, and approve expenditures of up to \$20,000 for extra services;
- E. That Council authorize the Public Works Director to execute a contract with AG Mechanical, Inc. (AG Mechanical), in the amount of \$62,800 to provide Enhanced LEED Commissioning, and approve expenditures of up to \$6,280 for extra services;

- F. That Council authorize the General Services Manager to issue a Purchase Order to Penfield & Smith (P&S), in the amount of \$229,625, to provide construction inspection services, and approve expenditures of up to \$23,000 for extra services;
- G. That Council authorize the General Services Manager to issue a Purchase Order to Fugro West, Inc. (Fugro), in the amount of \$37,899, to provide materials testing and special inspection services, and to approve expenditures of up to \$3,790 for extra services;
- H. That Council authorize the General Services Manager to issue a Purchase Order to Criterion Environmental (Criterion), in the amount of \$11,340, to monitor asbestos and lead paint abatement, and to approve expenditures of up to \$1,150 for extra services; and
- I. That Council authorize the General Services Manager to issue a Purchase Order to a contractor selected from a bid process in an amount not to exceed \$100,000 to complete landscaping for the Project.

DISCUSSION:

BACKGROUND

The Carrillo Recreation Center (Center) was designed by J. Corbley Poole and built in 1913 under the auspices of Margaret Baylor, the Superintendent of the Neighborhood House Association. It featured an innovative dance floor installed with metal springs underneath. In addition to dancing, the large auditorium was used for plays, musicals, concerts, lectures, and political rallies. The Center also had rooms for small gatherings, lectures, and teas. The upper floor rooms were devoted to women in need of temporary shelter. The Center was used extensively during World War I to support the war efforts, and after the 1925 earthquake, it was used as an evacuation center. In 1944, Council voted to purchase the Center from the Neighborhood House Association and continue to provide programs and activities similar to those of when it opened in 1914. Today, the Center receives over 100,000 visitors each year, and provides over 25 programs and activities. It is also listed as a temporary evacuation center in the City's Emergency Operations Manual, and was used for this purpose during the 1995 floods.

PROJECT DESCRIPTION

In 2006, a Building Assessment Report was prepared by Vanderweil Facility Advisors to assess the Center's condition. The report addressed the degradation of the Center's components and the costs associated with the renewal or replacement of these components. Seismic concerns were outside the scope of this review.

In February 2007, KBZ was hired to perform the preliminary design for the Project, including a seismic analysis. The analysis indicated serious structural deficiencies in the Center, including the lack of sheer strength, compromised connections between the walls and roof, and no ties between the foundation and the structure.

In April 2008, Council approved a contract for design with KBZ to complete a comprehensive rehabilitation of the Center. The Project design addresses the seismic issues noted above, and improves American with Disabilities Act (ADA) access by adding an elevator and two lifts; one of which will provide access to the stage area. All of the restrooms will comply with ADA requirements. The Project also addresses the Center's heating, ventilation, air conditioning, and electrical systems. It provides an improved office configuration that allows for an additional dance studio for expanded programs. The finishes for the Center will reflect the historical period, and many of the original architectural features will be restored. Office furniture and landscaping for the Project will be provided under separate Purchase Orders.

CONTRACT BIDS

A total of 13 bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	TASCO Construction Inc., Camarillo, CA	\$3,060,905.00
2.	Frank Schipper Construction, Santa Barbara, CA	\$3,329,442.00
3.	McGillivray Construction, Ventura, CA	\$3,442,781.00
4.	Camco Pacific Construction, Irvine, CA	\$3,479,000.00
5.	Viola Constructors, Oxnard, CA	\$3,579,950.00
6.	AMG Associates, Santa Clarita, CA	\$3,735,619.00
7.	SBS Corporations, Westlake Village, CA	\$3,904,823.65
8.	Diani Building Corp., Santa Maria, CA	\$3,989,720.00
9.	Delmac Construction, Los Angeles, CA	\$4,036,000.00
10.	G-2000 Construction, Inc., Agoura Hills, CA	\$4,114,320.00
11.	Intertex General Contractors, Valencia, CA	\$4,117,847.00
12.	L. A. Builders, Inc., Van Nuys, CA	\$4,305,000.00
13.	Emma Corporation, Santa Monica, CA	\$4,878,000.00

The low bid of \$3,060,905, submitted by TASCO, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

Change order funding of \$612,181, or 20%, is recommended for this Project. The change order authority for a project of this type is typically 15%. The higher change order authority recommended reflects the challenges of working on an historical building in the downtown corridor, and most importantly, the fact that building plans for the Center were never found and therefore, required some professional assumptions as to how it was built.

BID PROTEST

Two bid protests were filed by the second and third apparent low bidders, Schipper and McGillivray, respectively. At the heart of the protests are two issues; one alleging that TASC0 failed to list all of the subcontractors necessary to complete the work in the base bid (the basis of the award of the bid), and the second alleging that TASC0 had failed to list all of the subcontractors necessary to complete the work in the Miscellaneous Bid Items (bid alternates). The Public Contract Code and the City's bid documents require that a contractor list the name and place of business of any subcontractor who will perform a minimum of one-half of one percent (.5%) of the prime contractor's total base bid. As to the first issue, after reviewing the subcontractor list submitted by TASC0 for work included in the base bid, staff determined that TASC0 listed the necessary subcontractors.

Regarding the second issue, TASC0 did not list the subcontractors necessary to perform the Miscellaneous Items, which included the photovoltaic (PV) system and the landscaping. The Public Contract Code provides that if the bidder fails to list a necessary subcontractor, then the bidder must perform this portion of the work itself, provided the bidder is qualified to do so. TASC0 is not qualified to self-perform these Miscellaneous Items. It is the opinion of the City Attorney's Office that if the City were to award the contract to TASC0, including the Miscellaneous Items, the courts could conclude that the City violated applicable provisions of the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. However, since the bid documents state that the City has the absolute discretion whether or not to include the Miscellaneous Bid Items in the award of the contract, staff is recommending that Council award the base bid contract to TASC0 without the inclusion of the Miscellaneous Items. This action will eliminate the basis of the bid protests and allow the City to award the contract at a substantial savings relative to the next lowest bidder.

Awarding the contact to TASC0 without the Miscellaneous Items will eliminate the installation of new landscaping and the PV system on the adjacent roof of the Carrillo Gymnasium. Staff recommends that the landscape portion be bid separately by the Public Works Department for installation near the end of the Project. After further review of the PV system, staff does not recommend pursuing this option at all. The unique location on the gymnasium roof and the height of the surrounding buildings reduce the available solar exposure and thus, the potential power production. Under present circumstances, the payback for this system is estimated to be 25 years, which is 5 years beyond the expected useful life of the system. The removal of the PV system will not jeopardize the Project's goal of achieving LEED certification.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with KBZ in the amount of \$196,000, plus \$20,000 for extra services, for a total of \$216,000, to provide design support services during construction. KBZ was originally selected to design the Project by a Request For Proposal process, and is experienced in this type of work.

Staff recommends that Council authorize the Public Works Director to execute a contract with AG Mechanical in the amount of \$62,800, plus \$6,280 for extra services, for a total of \$69,080, to provide LEED Commissioning. LEED Commissioning ensures that all building systems are operating at optimal efficiencies and meeting project design goals.

Staff recommends that Council authorize the General Services Manger to issue a Purchase Order to P&S in the amount of \$229,625, plus \$23,000 for extra services, for a total of \$252,625, to provide construction inspection.

Staff recommends that Council authorize the General Services Manager to issue a Purchase Order to Fugro in the amount of \$37,899, plus \$3,790 for extra services, for a total of \$41,689, to provide materials testing and special inspection.

Staff recommends that Council authorize the General Services Manager to issue a Purchase Order to Criterion in the amount of \$11,340, plus \$1,150 for extra services, for a total of \$12,490, to provide monitoring of asbestos and lead paint abatement.

Staff recommends that Council authorize the General Services Manager to issue a Purchase Order to a contractor, selected from a bid process, in an amount not to exceed \$100,000 to complete the landscape for the Project.

FUNDING

The Agency's 2003A Tax Allocation Bond originally included \$5 million for the Project. At the January 27, 2005, Agency Board Work Session, held to consider modifications to the Agency's Capital Program, the Agency Board reallocated \$1.5 million from the Project to other near-term priority projects, reducing the total Project funding to \$3.5 million.

In April 2008, the Agency Board approved final design for the Project and allocated an additional \$3.2 million to the Project, with \$2.2 million from the Agency's Capital Project Contingency Fund, and \$1 million from the unappropriated interest earnings of the Agency's 2001A Bond account, bringing the amount available for the total Project to \$6.7 million. The total Project cost is \$5,629,350, including this recommendation to authorize expenditure of \$4,736,970 for construction and the previous authorizations of \$892,380 for design and engineering. There are sufficient monies available in these funds to cover the cost of the Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
TASCO	\$3,060,905	\$612,181	\$3,673,086
KBZ	\$196,000	\$20,000	\$216,000
AG Mechanical	\$62,800	\$6,280	\$69,080
P&S	\$229,625	\$23,000	\$252,625
Fugro	\$37,899	\$3,790	\$41,689
Criterion	\$11,340	\$1,150	\$12,490
Landscape	\$100,000	-0-	\$100,000
TOTAL RECOMMENDED CONSTRUCTION CONTRACT			\$4,364,970

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

Design (by Contract)	\$706,763
Design Management – (City staff)	\$165,233
Other Design Costs	\$20,384
<i>Subtotal (previously authorized)</i>	\$892,380
Construction Contract	\$3,060,905
Construction Change Order Allowance	\$612,181
Design Support Services during Construction (by Contract)	\$216,000
Enhanced LEED Commissioning (by Contract)	\$69,080
Materials Testing and Special Inspection (by Contract)	\$54,179
Construction Inspection (by Contract)	\$252,625
Landscape	\$100,000
<i>Subtotal- Construction Contract</i>	\$4,364,970

Construction Management (by City staff)	\$212,000
Other Construction Costs (permits, special supplies, services)	\$110,000
Office Furniture	\$50,000
<i>Subtotal-Construction Other</i>	\$372,000
<i>Total Construction (total authorized under this Agenda Report)</i>	\$4,736,970
ESTIMATED TOTAL PROJECT COST	\$5,629,350

SUSTAINABILITY IMPACT:

The full Project incorporates green building materials and construction techniques in alignment with the City's sustainability goals of pursuing a LEED certification. The Project will follow the guidelines for indoor air quality that include low-emitting volatile organic materials used in the adhesives, sealants, paint and coatings, and in the composite wood and wood glues. Controlled systems will be used for both lighting and thermal management. The building materials used will contain a minimum recycled content of 20%, and 10% of the building materials will be extracted, processed, or manufactured regionally. Low water use fixtures will be installed in the restrooms and kitchen. The landscaping will utilize low water use plants and will be watered by a micro-irrigation system with advanced controls to minimize outdoor water use.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/LS/mj
 Brian J. Bosse, Housing and Redevelopment Manager/EL

SUBMITTED BY: Christine F. Andersen, Public Works Director
 Paul Casey, Community Development Director
 Nancy Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2009

TO: Mayor and Councilmembers

FROM: Planning and Building & Safety Divisions
Community Development Department

SUBJECT: Amendments To Ordinance Concerning Undergrounding Utilities And Time Limits To Rebuild Nonconforming Properties Damaged Or Destroyed In Natural Disasters

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.38.050 of Santa Barbara Municipal Code Regarding Utility Undergrounding Requirements in Connection with Construction Projects and Amending Section 28.87.038 of the Municipal Code regarding the Reconstruction of Nonconforming Buildings Damaged or Destroyed by Natural Disasters.

DISCUSSION:

The Tea Fire that occurred in November 2008 destroyed 151 homes within the City's boundaries. The Jesusita Fire that burned in May 2009 damaged or destroyed 5 homes within the city. The City has taken several measures to mitigate the impacts of these disasters on property owners and residents attempting to rebuild their homes. These proposals are based on challenges experienced by some of the home owners affected by the Tea and Jesusita Fires as they have gone through the rebuild process.

RECONSTRUCTION OF DAMAGED, NONCONFORMING STRUCTURES

Under certain conditions, Municipal Code Section 28.87.038 authorizes the reconstruction of nonconforming buildings or structures that are damaged or destroyed as the result of a natural disaster. One of the ordinance conditions is that the reconstruction must commence within one year.

Property owners affected by the Tea and Jesusita Fires are in various stages of the review process. Most owners are not ready to begin construction. Some applicants began quickly and have been working out issues such as modifications, review by the Single Family Design Board, and new building codes. Other property owners have had to take time to deal with insurance issues, explore possible rebuilding options, or recover emotionally from the loss of their home before starting reconstruction.

While staff has made efforts to make the City process work as quickly and smoothly as possible, for the reasons stated above, a large number of qualifying rebuild projects will not meet the one-year deadline. Of the 168 Tea Fire area fire damaged homes, 78 properties have made application for SFDB review, with 57 approved to date. Based on review of applications received to date, planning staff estimates that approximately one-third of all projects involve the need to use Section 28.87.038 to allow non-conformances to continue.

As of the date of this report, 42 of the properties damaged or destroyed in the Tea Fire have submitted applications for a building permit. Even if all these 42 building permits are issued, the majority of Tea Fire homes would still not have obtained a building permit within the first year after the fire.

Based on experiences following the Tea Fire, staff believes an additional amount of time is necessary and appropriate to allow property owners a reasonable amount of time to assess the damage, work with their insurance company and other governmental agencies, develop their project, and complete the design review and building permit processes. Initially, staff had recommended adding one year to the time allowed to have a building permit issued to rebuild a destroyed, nonconforming structure. On September 15, 2009, the Ordinance Committee considered the proposed amendments and requested that the time allowed for reconstruction of nonconforming buildings be three years. The proposed ordinance amendments now allow three years to issue a building permit from the time a nonconforming structure was destroyed.

In addition, staff recommends deleting the requirement that the construction work be completed within two years. The California Building Code already contains provisions regarding the abandonment or expiration of building permits when construction work is not pursued in a diligent fashion. Therefore, a separate provision in this ordinance is probably not necessary and could lead to confusion.

UNDERGROUNDING OF UTILITIES

A second Staff proposal is to allow a property owner, at the discretion of the Community Development Director, to obtain relief from having to underground utilities to a structure that was destroyed in a natural disaster and that had overhead utilities prior to the event.

The Municipal Code as currently written requires property owners to underground their utilities when construction projects are proposed. The ordinance does provide a hardship waiver, but the waiver requires the payment of a substantial in-lieu fee. The ordinance does not provide for relief from the in-lieu fee in the case of reconstruction following a natural disaster.

Staff recommends an amendment to allow for relief from the in-lieu fee requirement in the case of rebuild projects following natural disasters where the affected utilities determine that undergrounding is infeasible. This amendment would allow this relief only if the residence being rebuilt does not exceed the square footage which existed before the disaster. If a property owner elects to increase the size of the residence as part of the rebuild project, the property owner would be required to underground the utilities or to pay the in-lieu fee as provided in the Ordinance.

ORDINANCE COMMITTEE

On September 15, 2009, the Ordinance Committee voted unanimously to recommend that the amendments be adopted, provided that the time allowed for reconstruction of nonconforming buildings be three years.

PREPARED BY: Chris Hansen, Bldg. Inspector/Plan Check Supervisor

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

COUNCIL INTRODUCTION DRAFT 9/29/2009
SHOWING CHANGES FROM EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 22.38.050 OF THE SANTA BARBARA MUNICIPAL CODE REGARDING UTILITY UNDERGROUNDING REQUIREMENTS IN CONNECTION WITH CONSTRUCTION PROJECTS AND AMENDING SECTION 28.87.038 OF THE MUNICIPAL CODE REGARDING THE RECONSTRUCTION OF NONCONFORMING BUILDINGS DAMAGED OR DESTROYED BY NATURAL DISASTERS.

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

Section One. Section 22.38.050 of the Santa Barbara Municipal Code is amended to read as follows:

22.38.050 Hardship Waiver; In-Lieu Fees.

A. PROCEDURE. Whenever the cost of placing utility services underground is so great as to constitute an unreason-able hardship, the applicant for a City building permit or other permit or the owner of an interest in the real property may apply in writing to the Chief of Building and Safety for relief from the provisions of this Chapter. The request shall contain (i) a detailed description of the overhead utility services proposed to be placed underground; (ii) separate itemized cost estimates for construction of the project if the utilities were placed or relocated (a) underground or (b) above ground; and

(iii) such other information as needed to determine hardship.

B. INVESTIGATION AND HEARING. The Chief of Building and Safety shall investigate the costs of the project if the utilities were placed underground or relocated above ground and obtain any other necessary information to make a determination on the application. Within twenty (20) days after the filing of the application, the Chief of Building and Safety shall hold a hearing on the matter at a scheduled time and place.

C. UNREASONABLE HARDSHIP; FINDINGS. After considering the request for relief, the Chief of Building and Safety shall determine whether any relief is proper under the circumstances, including, but not limited to, indefinite deferral of the undergrounding requirement. The Chief of Building and Safety shall grant relief only upon the following findings, as applicable:

1. The cost of placing existing utility services underground is either so (i) exorbitant or (ii) disproportionate to the total cost of construction as to constitute an unreasonable hardship;

2. No new utility poles are to be erected;

3. There are other overhead utility lines in the immediate vicinity which would remain even if no waiver were granted;

4. The costs of undergrounding exceeds ten percent (10%) of the project valuation if the project is a subdivision, or five

percent (5%) of the project valuation for a project other than a subdivision, as determined by the currently adopted valuation tables of the Chief of Building and Safety or through use of an estimate provided by the architect, engineer or contractor for the project, whichever is higher;

5. The grant of approval would not be inconsistent with the intent and purposes of this Chapter; ~~and~~

6. Where the project is or includes, as a substantial portion of the work, the installation or replacement of utilities distribution facilities and there are unusual conflicts or other conditions or circumstances which preclude reasonable measures to install utilities underground, the Chief of Building and Safety shall provide such relief as is consistent with the intent and purposes of this Chapter; ~~or~~

7. Where the project involves the reconstruction, restoration or rebuilding of a single family residence which was damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy; provided, however, this finding is only available if the effected utility has determined that the required undergrounding is infeasible or not advisable for technical or maintenance reasons. For purposes of this finding only, the payment of in-lieu fees, as provided in paragraph 3 of Subsection 22.38.050.D below, may be waived by the Community Development Director if the reconstructed single

family residence does not exceed the net square footage of the residence that was legally permitted prior to the damage or destruction.

D. REQUIRED CONDITIONS. If relief is granted by the Chief of Building and Safety, the following conditions shall be imposed, as applicable:

1. The owner must execute and cause to be recorded, on forms to be provided by the City, a waiver of the right of protest to the formation of an assessment district proposed for the purpose of undergrounding utilities; and

2. An electric meter enclosure or other enclosure suitable for both overhead and underground utilities is to be installed; and

3. The owner shall pay the City an in-lieu fee of ten percent (10%) of the project valuation if the project is a subdivision and (i) the subdivision will contain more than two (2) new lots, or (ii) more than two (2) dwellings exist or may legally be constructed within the subdivision or (iii) the property is not zoned solely for residential uses.

TheAlternatively, the owner shall pay the City an in-lieu fee of five percent (5%) of the project valuation for other subdivisions or a project other than a subdivision. Project valuation shall be determined utilizing valuation tables or through use of an estimate provided by the architect, engineer

or contractor for the project, whichever is higher. The fees shall be deposited in a fund to be used only for undergrounding of utilities in the City and purposes directly related thereto. For subdivisions, the in-lieu fees shall be paid to the City prior to approval of a Final Map or Parcel Map. For other projects, the in-lieu fee shall be paid to the City prior to the issuance of the building permit for the project, unless a building permit is not required for the project, in which event the fee shall be paid to the City within thirty (30) days after the granting of the relief is final.

4. As to each subdivision for which a five percent (5%) in-lieu fee will be paid, an agreement approved by the City Attorney shall be recorded which (i) prohibits more than two lots within the property being subdivided, (ii) restricts the use of the subdivided property to residential uses, and (iii) prohibits the construction, maintenance or use of more than two dwellings on the subdivided property. The agreement shall require that if there is not compliance with the above conditions and restrictions, the Owner, at its sole cost, shall cause all utilities within the property that is subdivided to be placed underground.

5. Where the project is or includes, as a substantial portion of the work, the installation or replacement of utilities distribution facilities and there are unusual

conflicts or other conditions or circumstances which preclude reasonable measures to install utilities underground, the Chief of Building and Safety shall provide, as a condition of any relief from requirements of this Chapter, an in lieu payment or other commitment sufficient to insure placement of overhead conduit underground to an extent which is equivalent to the extent of the conduit for which relief is granted.

E. INAPPLICABILITY TO SUBDIVISION APPROVALS. This Section does not authorize the waiver of any subdivision map condition related to undergrounding of utilities except as authorized by Sections 22.38.050 D and 27.08.025 of the Code.

F. TERMINATION OF AUTHORITY. The authority to grant relief pursuant to this Section or Section 22.38.060 shall terminate should a court of competent jurisdiction determine that the City may not lawfully impose or collect the in-lieu fee specified in Subsection D.

Section Two. Section 28.87.038 of the Santa Barbara Municipal Code is amended to read as follows:

28.87.038 Reconstruction of Damaged Nonconforming Structures.

A. Nonresidential Structures. A nonconforming building or structure used for nonresidential purposes, which is damaged or partially destroyed by fire, flood, wind, earthquake or other

calamity or act of God or the public enemy to the extent of not more than seventy-five percent (75%) of its market value immediately prior to the damage, as determined by the Community Development Director or designee, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction may be continued or resumed, provided that reconstruction, restoration or rebuilding shall commence within a period of one (1) year of the occurrence of the damage or destruction. The applicant shall demonstrate due diligence to complete the proposed reconstruction as determined by the Community Development Director. In the event such damage or destruction exceeds seventy-five percent (75%) of the market value of such nonconforming building or structure immediately prior to the damage, as determined by the Community Development Director or designee, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations for new buildings in the zone in which it is located. The Community Development Director or designee may require the applicant to have the property appraised by a licensed real estate appraiser in order to determine the market value of such nonconforming building or structure immediately prior to the damage.

B. Residential Structures. Any nonconforming building or

structure used for residential purposes, which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy may be restored or rebuilt and the occupancy and use may be continued or resumed provided the following conditions are met:

1. The ~~amount of inside space (square footage)~~ net square footage of the replacement building or structure shall not ~~be greater than the amount which existed in the damaged or destroyed buildings~~ exceed the net square footage of the building or structure that was legally permitted prior to the damage or destruction;

2. The number of dwelling units shall be not greater than the number existing prior to the damage or destruction;

3. In R-3, R-4, R-O, C-1, C-2, and C-M zones, the number of bedrooms per dwelling unit shall not be greater than the number existing prior to the damage or destruction;

4. The building setbacks shall not be less than those which existed prior to the damage or destruction;

5. The number of parking spaces shall be no less than the number of parking spaces in existence prior to the damage or destruction;

6. The building, plot and landscaping plans shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located

within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, or the City Council on appeal, if such review would normally be required, except as allowed in this Section;

7. Any such reconstruction, restoration or rebuilding shall conform to all applicable adopted Uniform Codes in effect at the time of reconstruction, unless otherwise excused from compliance as a historic structure, pursuant to the Uniform Code for Building Conservation;

8. All permits required under the California Building Code as adopted and amended by the City shall be obtained. The Community Development Director or designee shall review and determine prior to issuance of said permits that the plans conform to the above;

9. Plans existing in the City's archives shall be used to determine the size, location, use, and configuration of nonconforming buildings and structures. Notwithstanding anything to the contrary above, if a property owner proposes to rebuild the building or structure in accordance with the City's archive plans, a building permit shall be the only required permit or approval. However, any exterior alterations shall be subject to design review, if such review would normally be required by the Santa Barbara Municipal Code. If plans do not exist in the City's archives, the City shall send a notice to

all owners of property within 100 feet of the subject property, advising them of the details of the applicant's request to rebuild, and requesting confirmation of the size, location, use, and configuration of the nonconforming building that is proposed to be rebuilt. The public comment period shall be not less than 10 calendar days as calculated from the date that the notice was mailed.

10. The building permit for the reconstruction, restoration or rebuilding ~~shall commence~~ must be issued within ~~a period of one (1) year, and completed within two (2) years.~~ The applicant ~~shall demonstrate due diligence to complete the proposed reconstruction as determined by the Community Development Director~~ three (3) years of the occurrence of the damage or destruction.

Section Three. The provisions of this ordinance are intended to apply to the reconstruction, restoration, or rebuilding of any building or structure which was damaged or destroyed in the November 2008 Tea Fire or the May 2009 Jesusita Fire.



Agenda Item No. _____

File Code No. 330.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2009
TO: Mayor and Councilmembers
FROM: Transportation Division, Public Works Department
SUBJECT: Conference With Real Property Negotiators Regarding 319 West Haley Street

RECOMMENDATION:

That Council hold a closed session to consider instructions to its negotiators regarding the possible sale of property owned by the City, commonly known as 319 West Haley Street.

Instructions to negotiators will direct staff regarding the price and terms of a possible sale of the City-owned parcel. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code.

City Negotiators: Browning Allen, Transportation Manager; Don Irelan, Senior Real Property Agent; and Stephen P. Wiley, City Attorney, on behalf of the City of Santa Barbara, pursuant to the authority of Government Code Section 54956.8.

Negotiating Parties: Pathpoint, Inc., which holds a right of first refusal over the parcel.

Under Negotiation: Price and terms of payment of a possible sale.

SCHEDULING:

Duration: 20 minutes; anytime

REPORT:

None anticipated

PREPARED BY: Browning Allen, Transportation Manager/BA/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office