

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

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**Dale Francisco**  
*Mayor Pro Tempore/Vice Chair*  
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*Ordinance Committee Chair*  
**Roger L. Horton**  
*Finance Committee Chair*  
**Iya G. Falcone**  
**Grant House**  
**Helene Schneider**



**James L. Armstrong**  
*City Administrator/  
Executive Director*

**Stephen P. Wiley**  
*City Attorney/Agency Counsel*

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

**OCTOBER 20, 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](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## **ORDER OF BUSINESS**

- 12:00 p.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. - Redevelopment Agency Meeting

### **SPECIAL ORDINANCE COMMITTEE MEETING - 12:00 P.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 October 6, 2009)

### **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 Two Months Ended August 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 Two Months Ended August 31, 2009.

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

#### **2. Subject: Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2009**

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

(See Council/Redevelopment Agency Agenda Item No. 2)

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CEREMONIAL ITEMS**

**1. Subject: 2009 Solar Design Recognition Awards (630.06)**

Recommendation: That Council grant the 2009 Solar Design Recognition Awards.

**CHANGES TO THE AGENDA**

**PUBLIC COMMENT**

**CONSENT CALENDAR**

CITY COUNCIL

**2. Subject: Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2009 (250.02)**

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Two Months Ended August 31, 2009.

**3. Subject: Donation From The Insurance Professionals Of Santa Barbara (520.03)**

Recommendation: That Council:

- A. Accept a donation of \$1,500 from the Insurance Professionals of Santa Barbara; and
- B. Increase estimated revenues and appropriations by \$1,500 in the Fiscal Year 2010 General Fund Fire Department, Office of Emergency Services budget for the Car Seat and Safety Program.

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

**4. Subject: Contract For Construction Of The Haley At De La Vina Street Bridge Replacement Project (530.04)**

Recommendation: That Council:

- A. Award a contract with Lash Construction, Inc. (Lash), waiving minor irregularities, in their low bid amount of \$4,721,406, for construction of the Haley at De La Vina Street Bridge Replacement Project (Project), Bid No. 3396;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$472,140 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Mimiaga Engineering Group (MEG), in the amount of \$886,828 for construction management services, and authorize the Public Works Director to approve expenditures of up to \$88,682 for extra services of MEG that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Bengal Engineering (Bengal), in the amount of \$45,000 for design support services during construction, and authorize the Public Works Director to approve expenditures of up to \$4,500 for extra services of Bengal that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to execute a contract with Ayers & Associates (Ayers), in the amount of \$55,080 for community outreach services.

**5. Subject: Acceptance And Appropriation Of American Recovery And Reinvestment Act Funding (530.04)**

Recommendation: That Council:

- A. Accept the American Recovery and Reinvestment Act (ARRA) funding in the total amount of \$3,774,796; and
- B. Increase estimated revenues by \$3,774,796 in the Fiscal Year 2010 Streets Capital Fund, and appropriate \$2,674,796 for the Road Overlay and Maintenance Project, \$800,000 for the Access Ramp and Sidewalk Maintenance Project, and \$300,000 for the Pedestrian Countdown Timers and Battery Backup Upgrades Project.

**6. Subject: Self Insured Workers' Compensation Program Annual Report (350.08)**

Recommendation: That Council receive the Annual Self Insured Workers' Compensation Program Annual Report for the year ended June 30, 2009.

## **CONSENT CALENDAR (CONT'D)**

### CITY COUNCIL (CONT'D)

**7. Subject: Appropriation Of Federal Funds For The Boysel Multipurpose Pathway (530.04)**

Recommendation: That Council increase estimated revenues and appropriations by \$7,000 in the Streets Capital Fund for the Right-of-Way Phase of the Jake Boysel Multipurpose Pathway Project (Project) funded by the Federal Safe Routes to School grant program.

**8. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Denial For 617 Bradbury Avenue (640.07)**

Recommendation: That Council:

- A. Set the date of December 8, 2009, at 2:00 p.m. for hearing the appeal filed by LEED Santa Barbara, LLC, property owner, of the Planning Commission denial of an application for property located at 617 Bradbury Avenue, Assessor's Parcel No. 037-122-006, C-2 Commercial Zone, General Plan Designation: Commercial/Residential, 12 Units per Acre. The project proposes the demolition of an existing duplex and the construction of a 5,488 square-foot, three-story, mixed-use building consisting of two residential condominiums, two commercial condominiums, and an on-grade parking structure. The discretionary applications required for this project are a Modification and a Tentative Subdivision Map; and
- B. Set the date of December 7, 2009, at 1:30 p.m. for a site visit to the property located at 617 Bradbury Avenue.

### REDEVELOPMENT AGENCY

**9. Subject: Minutes**

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the special meeting of September 29, 2009.

**10. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2009**

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

## **CONSENT CALENDAR (CONT'D)**

### REDEVELOPMENT AGENCY (CONT'D)

#### **11. Subject: Implementation Plan 2010-2014 For The Central City Redevelopment Project Area - Public Hearing**

Recommendation: That the Redevelopment Agency Board:

- A. Review the Draft Implementation Plan, consider any comments received and, if appropriate, direct staff to make the necessary changes; and
- B. Adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving and Adopting the Implementation Plan 2010-2014 for the Central City Redevelopment Project Area as required by California Health and Safety Code Section 33490.

### NOTICES

- 12. The City Clerk has on Thursday, October 15, 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.

**This concludes the Consent Calendar.**

## **REPORT FROM THE ORDINANCE COMMITTEE**

## **REPORT FROM THE FINANCE COMMITTEE**

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### FINANCE DEPARTMENT

#### **13. Subject: Resolution Approving The City's Participation In The Property Tax Securitization Program (270.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

### **FINANCE DEPARTMENT (CONT'D)**

**14. Subject: Release Of Conversion Technology RFP And Project Cost-Sharing With The County Of Santa Barbara (630.01)**

Recommendation: That Council:

- A. Receive a report on the release and subsequent schedule of events related to the Request for Proposals (RFP) for the Conversion Technology (CT) project at the Tajiguas Landfill;
- B. Authorize the Finance Director to enter into a cost-sharing agreement with the County of Santa Barbara in an amount not to exceed \$66,650, for a new contract with Alternative Resources, Incorporated (ARI), for the evaluation of proposals and the selection of a CT vendor; and
- C. Increase Fiscal Year 2010 Solid Waste Fund appropriations by \$46,650 for the unbudgeted amount needed to fully reimburse the County for the City's portion of costs related to the new contract with ARI.

### **MAYOR AND COUNCIL REPORTS**

**15. Subject: Request From Councilmembers Schneider And Williams Regarding Amending The Dance Permit Ordinance (520.04)**

Recommendation: That Council consider the request from Councilmembers Schneider and Williams to refer amending the Dance Permit Ordinance to the Ordinance Committee.

### **COUNCIL AND STAFF COMMUNICATIONS**

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **CLOSED SESSIONS**

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

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

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

### **ADJOURNMENT**

CITY OF SANTA BARBARA

**SPECIAL ORDINANCE COMMITTEE MEETING**

MEETING AGENDA

DATE: October 20, 2009  
TIME: 12:00 p.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 October 6, 2009)



# 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.

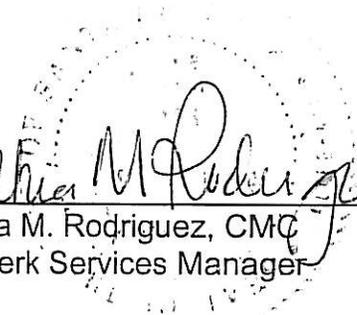
ORDINANCE NO. 5449

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.

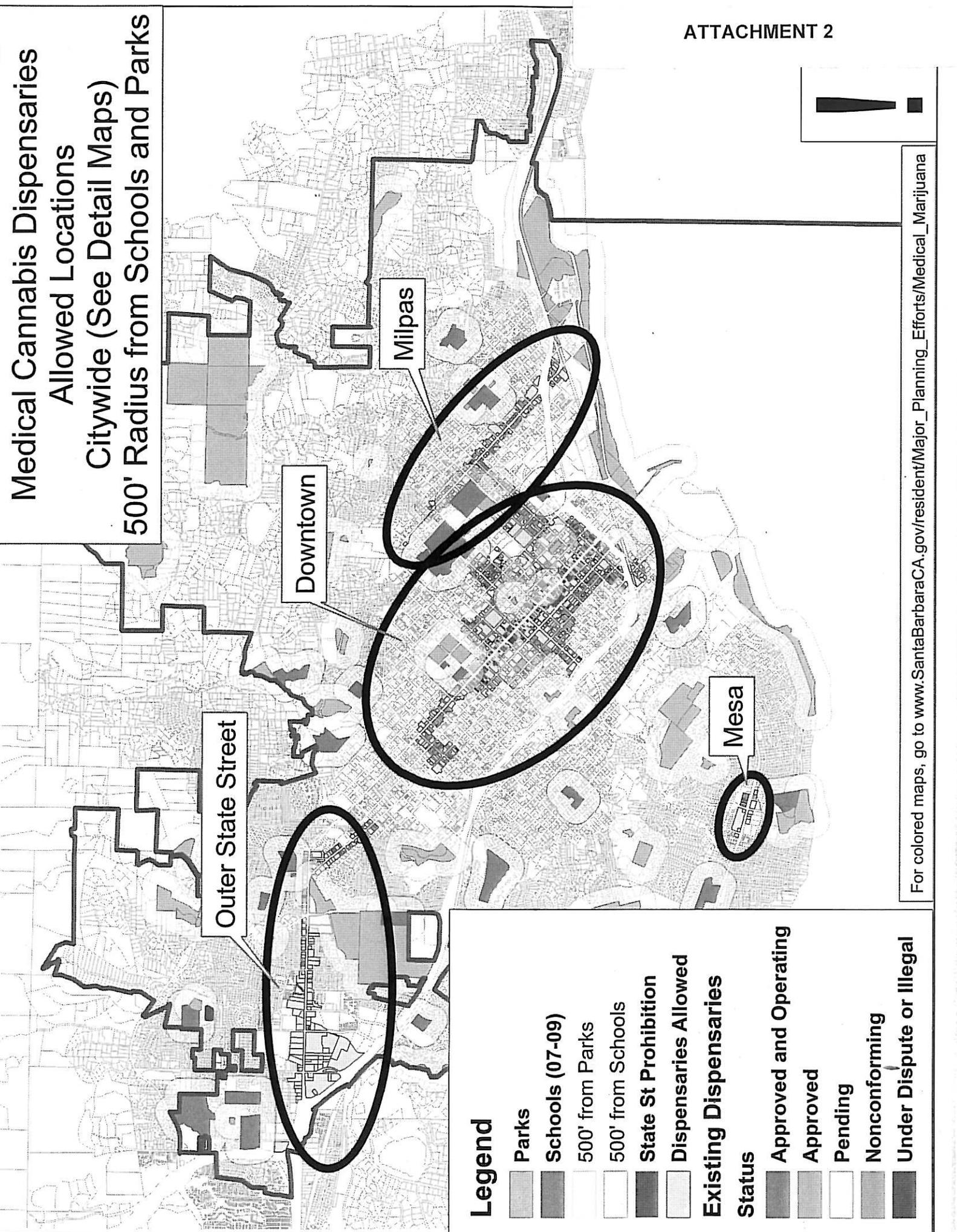


*Cynthia M. Rodriguez*  
Cynthia M. Rodriguez, CMC  
City Clerk Services Manager

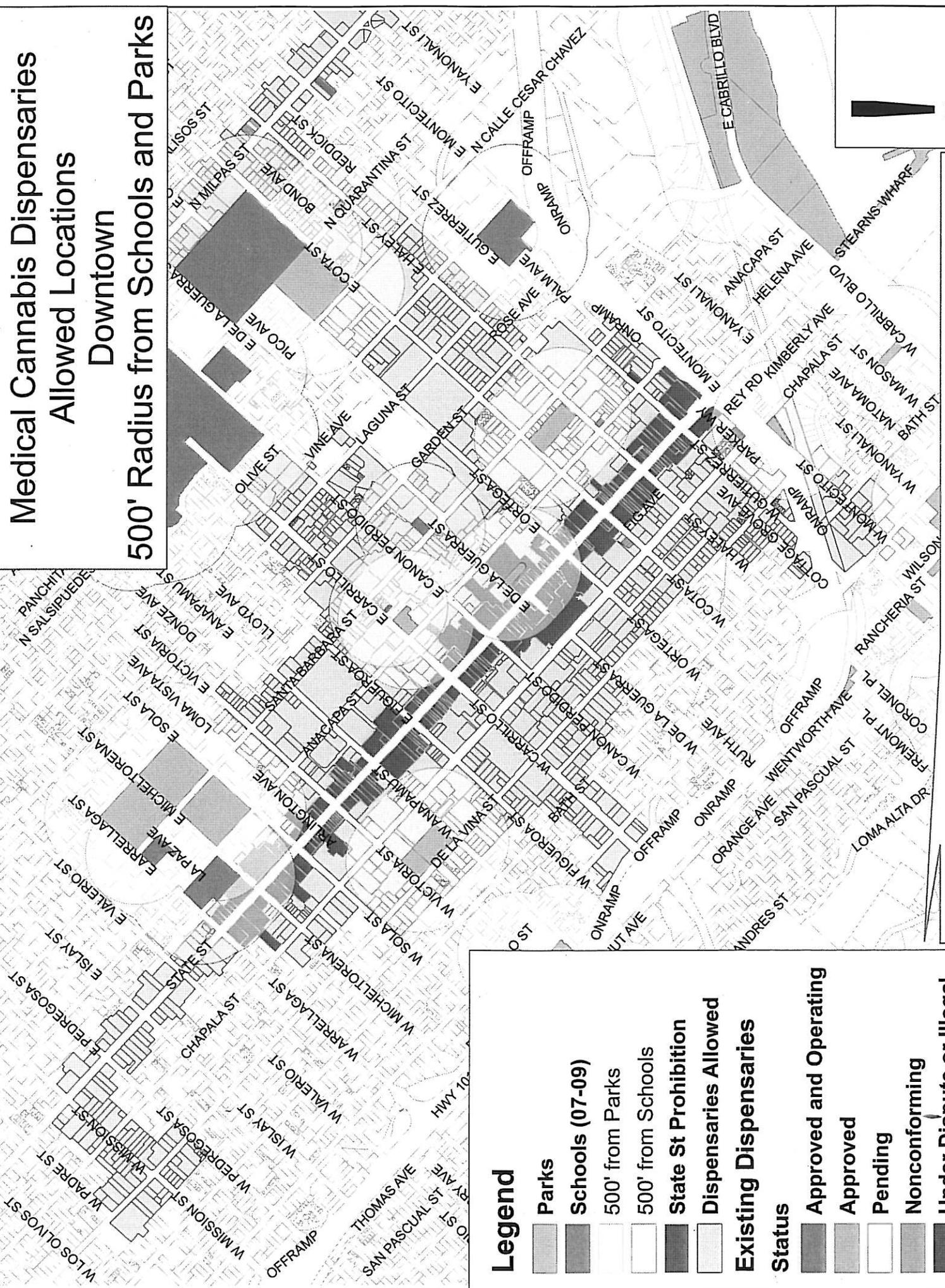
I HEREBY APPROVE the foregoing ordinance on March 26, 2008.

*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**

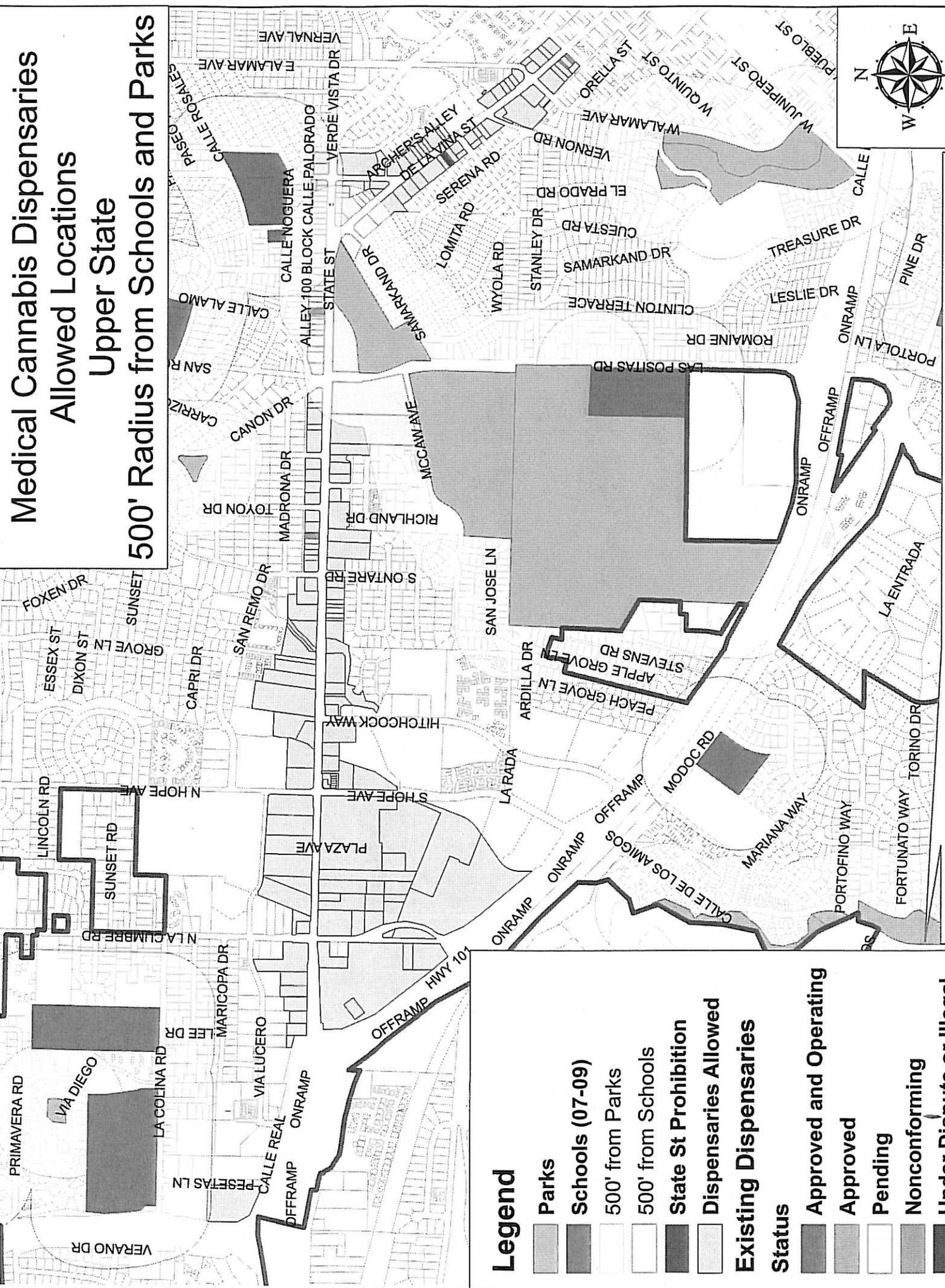
- Approved and Operating
- Approved
- Pending
- Nonconforming
- Under Dispute or Illegal



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 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/](http://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 9<sup>th</sup> and 10<sup>th</sup> 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 9<sup>th</sup> and 10<sup>th</sup> 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: October 20, 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 D. Peirson  
Finance Director

**ITEMS TO BE CONSIDERED:**

- 1. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 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 Two Months Ended August 31, 2009.

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

- 2. Subject: Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2009**

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

(See Council/Redevelopment Agency Agenda Item No. 2)



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Community Development Department, Planning Division

**SUBJECT:** 2009 Solar Design Recognition Awards

### **RECOMMENDATION:**

That Council grant the 2009 Solar Design Recognition Awards.

### **DISCUSSION:**

On December 5, 2006, the Council approved the City's Solar Energy System and Passive Solar Design Guidelines and Recognition Program. The intent of the program is to promote reduced fossil fuels energy consumption, efficient use of energy resources, and aesthetically integrated systems into the design of projects and buildings. The Guidelines include checklists that specify preferred design approaches for solar installations. The program provides that each year, Council would publicly recognize projects in each category established in the Guidelines.

**"Million Solar Roofs Partnership" Goals Consistency.** The City participates in the Federal Million Solar Roofs Initiative, begun in 2004, which has a goal of solar panels to be installed on one million US roofs by 2010. The City's key local partners in the program include the Community Environmental Council, local solar energy system installers, and Southern California Edison. To achieve the program goals, each City and County is encouraged to set their own goal for systems installations.

The County-wide goal set by the local Million Solar Roofs Program Partnership is 750 solar energy systems to be installed between January 2005 and 2010. The City of Santa Barbara has a population of approximately 25% of that of the County of Santa Barbara, resulting in a goal of at least 187 systems to be in the city.

City of Santa Barbara and California Solar Initiative data indicates that approximately 240 systems have been installed in Santa Barbara since January 2005, exceeding the Million Solar Roofs program goal. Between May 2008 and May 2009, approximately 40 active solar electrical energy systems were permitted in the City of Santa Barbara, totaling more than 880 kW of energy-generating potential. Another goal is to ensure that the systems are integrated aesthetically within our community. Well-integrated designs promote the use of solar technology and portray it as both effective and aesthetically compatible, encouraging widespread use.

On July 17, 2007, Council held the first annual solar awards ceremony and presented the first set of award plaques and certificates. This year marks the third annual Solar Design Recognition Awards event. After this year, due to budget constraints, and the city's accomplishment of local Million Solar Roofs Program goals, the awards program will be suspended until economic conditions improve.

In 2009, awards are proposed in the following categories. Award recipients for each are in the attachment.

Standard Solar Energy System Projects, Not Publicly Visible:

- Ideal Sites
- Flat-Roof Panel System

Design Challenge Solar Energy System Projects, Publicly Visible:

- Carefully Designed and Mounted Panel Systems

Special Challenge Solar Energy System Projects:

- Mission-Style Tile Roofs
- Historic District and Structures

Staff consulted Stella Larson, Chair of the Planning Commission, to review the awards recommendations. As a result, staff recommends that property owners, applicants and solar contractors representing 19 projects identified as consistent with the Solar Guidelines be presented with certificates. Staff also recommends that plaques be awarded to the property owners of five of those projects selected as best exemplifying the Solar Energy System Design Guidelines. The award plaques were created by Brian Chandler, a local artist who uses a magnifying glass to burn images onto wood using the sun's heat. Mr. Chandler hopes his artwork will inspire others to become more familiar with solar energy and to "take Earth-conscious action."

The City is also providing applicants and hearing boards with ongoing guidance regarding project consistency with the Guidelines. Staff now completes the majority of solar energy system expedited zoning plan checks at the Counter for solar energy system applications. The current review process involves encouraging applicants to voluntarily adjust projects to be eligible for Solar Recognition. Applicants with projects that have already been designed and submitted appear more reluctant to redesign submitted projects. However, submittals appear to be increasing in consistency with the Guidelines as most contractors have become familiar with the City's voluntary guidelines.

Staff also helps to orient the Architectural Board of Review, Historic Landmarks Commission, Single Family Design Board, and Planning Commission during hearings where solar energy systems are proposed as part of larger development projects. Staff advises the boards on how to comment within the framework of State statutory limitations, i.e., ensuring no more than 20% in additional costs for the solar energy system, and no more than a 20% loss in system efficiency due to aesthetic concerns. This can be especially challenging where proposals for alterations to historic structures are proposed.

The Single Family Design Guidelines (SFDG) also encourage applicants to reserve approximately 300 square feet of roof space free of mechanical or rooftop equipment in a location where a solar energy system could be integrated with the structure. The Building and Safety Energy Ordinance and SFDG also encourage passive solar design principles.

**SUSTAINABILITY IMPACT:**

Active and passive solar energy are cleaner forms of energy than traditional fossil fuels and are safer than nuclear power. Less regional pollution will result from increased solar use, which this awards program promotes.

**ATTACHMENT:** List of Awards Recipients - 2009

**PREPARED BY:** Heather Baker, Project Planner

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office

**2009 Active Solar Energy System  
Recommended Award Plaque Recipients**

**Standard Solar Energy System Projects, Not Publicly Visible (Category 1)**

Flat Roof Panel System

**1205 Coast Village Road** (also LEEDs Platinum & Built Green \_3-Star Project)  
Owner: L B Benon Family Limited Partnership Contractors: REC Solar  
Architect: Lenvik & Minor Allen Associates

Ideal Site

**900 Calle De Los Amigos (Valle Verde Retirement Community)**  
Owner: American Baptist Homes of the West Contractor: Sun Pacific Solar

**Design Challenge Solar Energy System Projects, Publicly Visible (Category 2)**

Carefully Designed and Mounted Panel Systems

**52 Calle Capistrano**  
Owner: Debruynekops Family Contractor: Robert Green Plumbing/Electric

**429 Canon Drive**  
Owner: Sheila Cullen Contractor: California Solar Electric  
(also Passive Solar Award Certificate recipient)

**1811 El Faro**  
Owner: Clive Leedham Family Contractors: R & M Technologies  
(solar electric and solar thermal) Mac's Solar & Pools

Building Integrated Technologies  
(none this year)

**2009 Active Solar Energy System  
Recommended Award Certificate Recipients**

**Standard Solar Energy System Projects, Not Publicly Visible**

**(Category 1)**

Ideal Sites

**707 Woodland Drive**

Owner: Harold Fildey

Contractor: Akeena Solar

**807 E. Pedregosa**

Owner: Gerald & Karen Sears

Contractor: Sun Pacific Solar

**1570 Las Canoas**

Owner: Bellis Family

Contractor: Ribbens Construction

**32 Mountain Drive**

Owner: Abshere Family

Contractor: REC Solar

**460 Mountain Drive**

Owner: Judith C. Ricker

Contractor: REC Solar

**1503 Clifton Street**

Owner: Greg Sharp

Contractor: REC Solar

**1522 Marquard Terrace**

Owner: Holger Peters

Contractor: REC Solar

**3239 Cliff Drive**

Owner: Arent & Jean Schuyler

Contractor: REC Solar

Flat-Roof Panel System

**1440 Jesusita Lane**

Owner: Mark Simmons

Contractor: REC Solar

**Design Challenge Solar Energy System Projects, Publicly Visible** (Category 2)

Carefully Designed and Mounted Panel Systems

**138 Santa Rosa**

Owner: Clevenger/Headlee Family

Contractor: REC Solar

**3532 Chuparosa**

Owner: Jarrott Family Trust

Contractor: REC Solar

**735 Kentia Avenue**

Owner: Susan & Jerrel Stonich

Contractor: California Solar Electric

**1118 Manitou Road**

Owner: Hunt Family

Contractor: California Solar Electric

**1435 Crestline**

Owner: Thompson Family

Contractor: California Solar Electric

Building Integrated Technologies

(none this year)

**Special Challenge Solar Energy System Projects** (Category 3)

Mission Tile

**30 Pueblo Vista Road**

Owner: David Gross & Jacquelyn Li Savani

Contractor: California Solar Electric

**8 Pueblo Vista Road**

Owner: John Tooby & Leda Cosmides

Contractor: Sun Pacific Solar

**118 Calle Bello**

Owner: Paul & Marianne Gertman

Contractor: REC Solar

Historic District and Structures

**1810 Las Canoas**

Owner: Patrick & Nancy Davis

Contractor: REC Solar

**2009 Passive Solar  
Recommended Award Certificate Recipients**

**429 Canon Drive**

Owner: Sheila Cullen  
(Also Active Solar Award Recipient)

Architect: Tim Steele  
Contractor: William A. Below, GC

Commercial/Institutional

**791 Chapala Street**

Silvergreens  
Owner: Chadwick Pacific, LP

Architect: Michael Holliday  
Contractor: Armstrong Associates

**1205 Coast Village Road** (also LEEDs Platinum & Built Green 3-Star Project and Active Solar Award Recipient)

West Coast Asset Management

Owner: L B Benon Family Limited Partnership  
Architect: Lenvik & Minor

Engineers: Alan Noelle Engineering  
MEC, Inc.  
Morgan Jones

Contractors: Allen Associates  
REC Solar



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Accounting Division, Finance Department

**SUBJECT:** Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2009

**RECOMMENDATION:**

That Council Accept the Fiscal Year 2010 Interim Financial Statements for the Two Months Ended August 31, 2009.

**DISCUSSION:**

The Interim Financial Statements for the Two Months Ended August 31, 2009 (16.7% 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 Two Months Ended August 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 Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
<b>GENERAL FUND</b>					
Revenue	104,597,127	12,385,774	-	92,211,353	11.8%
Expenditures	104,761,646	16,288,793	1,388,190	87,084,664	16.9%
<i>Addition to / (use of) reserves</i>	<u>(164,519)</u>	<u>(3,903,019)</u>	<u>(1,388,190)</u>		
<b>WATER OPERATING FUND</b>					
Revenue	34,188,296	7,208,029	-	26,980,266	21.1%
Expenditures	37,418,635	5,846,105	3,469,623	28,102,906	24.9%
<i>Addition to / (use of) reserves</i>	<u>(3,230,339)</u>	<u>1,361,924</u>	<u>(3,469,623)</u>		
<b>WASTEWATER OPERATING FUND</b>					
Revenue	14,828,850	2,721,476	-	12,107,374	18.4%
Expenditures	16,070,288	1,917,361	1,950,110	12,202,817	24.1%
<i>Addition to / (use of) reserves</i>	<u>(1,241,438)</u>	<u>804,115</u>	<u>(1,950,110)</u>		
<b>DOWNTOWN PARKING</b>					
Revenue	6,762,290	1,148,160	-	5,614,130	17.0%
Expenditures	8,195,457	1,167,889	650,275	6,377,294	22.2%
<i>Addition to / (use of) reserves</i>	<u>(1,433,167)</u>	<u>(19,729)</u>	<u>(650,275)</u>		
<b>AIRPORT OPERATING FUND</b>					
Revenue	12,440,678	2,057,146	-	10,383,532	16.5%
Expenditures	12,723,593	1,583,571	871,312	10,268,710	19.3%
<i>Addition to / (use of) reserves</i>	<u>(282,915)</u>	<u>473,575</u>	<u>(871,312)</u>		
<b>GOLF COURSE FUND</b>					
Revenue	2,380,438	392,076	-	1,988,362	16.5%
Expenditures	2,785,158	400,720	624,174	1,760,265	36.8%
<i>Addition to / (use of) reserves</i>	<u>(404,720)</u>	<u>(8,643)</u>	<u>(624,174)</u>		
<b>INTRA-CITY SERVICE FUND</b>					
Revenue	5,601,878	871,749	-	4,730,129	15.6%
Expenditures	5,863,705	633,806	835,227	4,394,671	25.1%
<i>Addition to / (use of) reserves</i>	<u>(261,827)</u>	<u>237,943</u>	<u>(835,227)</u>		

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenditures**  
**Summary by Fund**  
**For the Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
<b>FLEET REPLACEMENT FUND</b>					
Revenue	1,779,868	313,846	-	1,466,022	17.6%
Expenditures	3,821,874	326,449	76,407	3,419,019	10.5%
<i>Addition to / (use of) reserves</i>	<u>(2,042,006)</u>	<u>(12,602)</u>	<u>(76,407)</u>		
<b>FLEET MAINTENANCE FUND</b>					
Revenue	2,565,663	419,277	-	2,146,386	16.3%
Expenditures	2,667,128	286,158	251,547	2,129,423	20.2%
<i>Addition to / (use of) reserves</i>	<u>(101,465)</u>	<u>133,119</u>	<u>(251,547)</u>		
<b>SELF INSURANCE TRUST FUND</b>					
Revenue	6,073,674	1,015,218	-	5,058,456	16.7%
Expenditures	6,219,840	2,791,939	349,884	3,078,016	50.5%
<i>Addition to / (use of) reserves</i>	<u>(146,166)</u>	<u>(1,776,722)</u>	<u>(349,884)</u>		
<b>INFORMATION SYSTEMS ICS FUND</b>					
Revenue	2,435,147	406,931	-	2,028,216	16.7%
Expenditures	2,630,280	338,570	270,146	2,021,564	23.1%
<i>Addition to / (use of) reserves</i>	<u>(195,133)</u>	<u>68,361</u>	<u>(270,146)</u>		
<b>WATERFRONT FUND</b>					
Revenue	11,522,348	2,324,114	-	9,198,234	20.2%
Expenditures	12,061,259	1,455,305	751,483	9,854,472	18.3%
<i>Addition to / (use of) reserves</i>	<u>(538,911)</u>	<u>868,809</u>	<u>(751,483)</u>		
<b>TOTAL FOR ALL FUNDS</b>					
Revenue	205,176,257	31,263,795	-	173,912,462	15.2%
Expenditures	215,218,864	33,036,666	11,488,377	170,693,821	20.7%
<i>Addition to / (use of) reserves</i>	<u>(10,042,607)</u>	<u>(1,772,871)</u>	<u>(11,488,377)</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 Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Remaining Balance</u>	<u>Percent Received</u>	<u>Previous YTD</u>
<b>TAXES</b>					
Sales and Use	18,479,524	1,996,196	16,483,328	10.8%	2,574,166
Property Taxes	23,860,000	-	23,860,000	0.0%	-
Utility Users Tax	7,242,000	1,168,927	6,073,073	16.1%	1,182,214
Transient Occupancy Tax	12,027,000	2,408,068	9,618,932	20.0%	2,896,957
Franchise Fees	2,976,000	525,235	2,450,765	17.6%	527,335
Business License	2,273,300	267,324	2,005,976	11.8%	254,866
Real Property Transfer Tax	325,800	66,567	259,233	20.4%	61,939
<i>Total</i>	<u>67,183,624</u>	<u>6,432,318</u>	<u>60,751,306</u>	<u>9.6%</u>	<u>7,497,477</u>
<b>LICENSES &amp; PERMITS</b>					
Licenses & Permits	179,000	29,463	149,537	16.5%	29,664
<i>Total</i>	<u>179,000</u>	<u>29,463</u>	<u>149,537</u>	<u>16.5%</u>	<u>29,664</u>
<b>FINES &amp; FORFEITURES</b>					
Parking Violations	2,582,774	461,627	2,121,147	17.9%	361,026
Library Fines	110,000	17,261	92,739	15.7%	20,293
Municipal Court Fines	150,000	29,225	120,775	19.5%	50,538
Other Fines & Forfeitures	100,000	24,890	75,110	24.9%	-
<i>Total</i>	<u>2,942,774</u>	<u>533,004</u>	<u>2,409,770</u>	<u>18.1%</u>	<u>431,857</u>
<b>USE OF MONEY &amp; PROPERTY</b>					
Investment Income	941,951	177,296	764,655	18.8%	380,187
Rents & Concessions	406,436	64,864	341,572	16.0%	63,561
<i>Total</i>	<u>1,348,387</u>	<u>242,160</u>	<u>1,106,227</u>	<u>18.0%</u>	<u>443,748</u>
<b>INTERGOVERNMENTAL</b>					
Grants	2,145,577	-	2,145,577	0.0%	-
Vehicle License Fees	200,000	88,554	111,446	44.3%	56,215
<i>Total</i>	<u>2,345,577</u>	<u>88,554</u>	<u>2,257,023</u>	<u>3.8%</u>	<u>56,215</u>
<b>FEES &amp; SERVICE CHARGES</b>					
Finance	858,930	135,648	723,282	15.8%	139,070
Community Development	4,425,717	834,694	3,591,023	18.9%	771,130
Recreation	2,412,579	474,866	1,937,713	19.7%	452,217
Public Safety	550,543	77,084	473,459	14.0%	67,507
Public Works	4,608,873	848,516	3,760,357	18.4%	675,006
Library	775,452	6,924	768,528	0.9%	6,454
Reimbursements	5,809,367	846,197	4,963,170	14.6%	790,350
<i>Total</i>	<u>19,441,461</u>	<u>3,223,929</u>	<u>16,217,532</u>	<u>16.6%</u>	<u>2,901,733</u>
<b>OTHER MISCELLANEOUS REVENUES</b>					
Miscellaneous	1,512,487	305,838	1,206,649	20.2%	1,824,749
Indirect Allocations	7,238,105	1,295,519	5,942,586	17.9%	1,168,988
Operating Transfers-In	2,405,712	234,990	2,170,722	9.8%	252,978
<i>Total</i>	<u>11,156,304</u>	<u>1,836,347</u>	<u>9,319,957</u>	<u>16.5%</u>	<u>3,246,715</u>
<b>TOTAL REVENUES</b>	<u>104,597,127</u>	<u>12,385,774</u>	<u>92,211,353</u>	<u>11.8%</u>	<u>14,607,408</u>

**CITY OF SANTA BARBARA**  
**General Fund**  
**Interim Statement of Appropriations, Expenditures and Encumbrances**  
**For the Two Months Ended August 31, 2009 (16.7% 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>
<b>GENERAL GOVERNMENT</b>						
<u>Mayor &amp; City Council</u>						
MAYOR	747,750	114,742	2,836	630,172	15.7%	
<i>Total</i>	<u>747,750</u>	<u>114,742</u>	<u>2,836</u>	<u>630,172</u>	15.7%	<u>126,348</u>
<u>City Attorney</u>						
CITY ATTORNEY	2,099,358	310,649	-	1,788,709	14.8%	
<i>Total</i>	<u>2,099,358</u>	<u>310,649</u>	<u>-</u>	<u>1,788,709</u>	14.8%	<u>343,353</u>
<u>Administration</u>						
CITY ADMINISTRATOR	1,351,840	237,838	12,200	1,101,802	18.5%	
LABOR RELATIONS	228,570	31,150	1,247	196,172	14.2%	
CITY TV	440,943	57,429	53,311	330,203	25.1%	
<i>Total</i>	<u>2,021,353</u>	<u>326,417</u>	<u>66,758</u>	<u>1,628,177</u>	19.5%	<u>321,895</u>
<u>Administrative Services</u>						
CITY CLERK	773,167	85,644	183,527	503,996	34.8%	
HUMAN RESOURCES	1,190,764	159,496	34,477	996,791	16.3%	
ADMIN SVCS-EMPLOYEE DEVELOPMENT	182,921	22,008	-	160,913	12.0%	
<i>Total</i>	<u>2,146,852</u>	<u>267,148</u>	<u>218,004</u>	<u>1,661,700</u>	22.6%	<u>275,876</u>
<u>Finance</u>						
ADMINISTRATION	682,555	131,193	11,070	540,292	20.8%	
TREASURY	384,702	60,569	1,200	322,933	16.1%	
CASHIERING & COLLECTION	427,287	63,025	-	364,262	14.7%	
LICENSES & PERMITS	387,383	62,733	-	324,650	16.2%	
BUDGET MANAGEMENT	353,511	60,960	-	292,551	17.2%	
ACCOUNTING	405,390	52,679	32,187	320,524	20.9%	
PAYROLL	273,371	39,943	54	233,374	14.6%	
ACCOUNTS PAYABLE	210,859	31,144	-	179,715	14.8%	
CITY BILLING & CUSTOMER SERVICE	560,542	54,560	-	505,982	9.7%	
PURCHASING	653,082	95,941	1,168	555,973	14.9%	
CENTRAL STORES	183,803	27,323	-	156,480	14.9%	
MAIL SERVICES	96,326	13,488	3,424	79,414	17.6%	
<i>Total</i>	<u>4,618,811</u>	<u>693,558</u>	<u>49,103</u>	<u>3,876,150</u>	16.1%	<u>740,149</u>
<b>TOTAL GENERAL GOVERNMENT</b>	<u>11,634,124</u>	<u>1,712,515</u>	<u>336,701</u>	<u>9,584,908</u>	17.6%	<u>1,807,622</u>
<b>PUBLIC SAFETY</b>						
<u>Police</u>						
CHIEF'S STAFF	1,160,176	175,555	-	984,621	15.1%	
SUPPORT SERVICES	575,931	84,291	4,902	486,739	15.5%	
RECORDS	1,396,802	197,204	16,462	1,183,136	15.3%	
COMMUNITY SVCS	1,063,530	173,685	6,330	883,516	16.9%	
CRIME ANALYSIS	90,584	7,107	-	83,477	7.8%	
PROPERTY ROOM	125,326	21,171	1,265	102,890	17.9%	

**CITY OF SANTA BARBARA**  
**General Fund**  
**Interim Statement of Appropriations, Expenditures and Encumbrances**  
**For the Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
<b>PUBLIC SAFETY</b>						
<u>Police</u>						
TRNG/RECRUITMENT	381,881	102,385	-	279,496	26.8%	
RANGE	879,439	163,720	36,460	679,259	22.8%	
BEAT COORDINATORS	801,812	71,288	-	730,524	8.9%	
INFORMATION TECHNOLOGY	1,118,502	300,078	6,115	812,309	27.4%	
INVESTIGATIVE DIVISION	4,513,258	604,408	4,880	3,903,970	13.5%	
CRIME LAB	222,370	18,280	-	204,090	8.2%	
PATROL DIVISION	12,629,310	1,820,273	180,177	10,628,860	15.8%	
TRAFFIC	1,330,706	170,945	1,650	1,158,111	13.0%	
SPECIAL EVENTS	986,472	492,335	3,572	490,565	50.3%	
TACTICAL PATROL FORCE	1,131,685	165,695	-	965,990	14.6%	
STREET SWEEPING ENFORCEMENT	236,362	38,247	-	198,115	16.2%	
NIGHT LIFE ENFORCEMENT	458,400	59,988	-	398,412	13.1%	
PARKING ENFORCEMENT	902,337	121,028	27,800	753,509	16.5%	
CCC	2,383,022	306,467	3,270	2,073,285	13.0%	
ANIMAL CONTROL	462,772	65,302	-	397,470	14.1%	
<i>Total</i>	<u>32,850,677</u>	<u>5,159,452</u>	<u>292,883</u>	<u>27,398,343</u>	16.6%	<u>5,422,792</u>
<u>Fire</u>						
ADMINISTRATION	1,096,276	153,516	41,725	901,035	17.8%	
EMERGENCY SERVICES AND PUBLIC ED	216,586	39,256	5,527	171,803	20.7%	
PREVENTION	1,187,985	171,752	3,086	1,013,147	14.7%	
WILDLAND FIRE MITIGATION PROGRAM	191,083	25,071	30,304	135,708	29.0%	
OPERATIONS	17,188,401	2,551,447	75,043	14,561,911	15.3%	
ARFF	1,623,165	252,273	-	1,370,892	15.5%	
<i>Total</i>	<u>21,503,496</u>	<u>3,193,315</u>	<u>155,685</u>	<u>18,154,495</u>	15.6%	<u>3,943,498</u>
<b>TOTAL PUBLIC SAFETY</b>	<u>54,354,173</u>	<u>8,352,767</u>	<u>448,568</u>	<u>45,552,838</u>	16.2%	<u>9,366,290</u>
<b>PUBLIC WORKS</b>						
<u>Public Works</u>						
ADMINISTRATION	862,361	115,927	17,434	729,000	15.5%	
ENGINEERING SVCS	4,305,474	623,895	13,542	3,668,037	14.8%	
PUBLIC RT OF WAY MGMT	1,011,589	143,102	2,671	865,816	14.4%	
ENVIRONMENTAL PROGRAMS	514,158	43,246	71,006	399,906	22.2%	
<i>Total</i>	<u>6,693,582</u>	<u>926,169</u>	<u>104,653</u>	<u>5,662,759</u>	15.4%	<u>977,860</u>
<b>TOTAL PUBLIC WORKS</b>	<u>6,693,582</u>	<u>926,169</u>	<u>104,653</u>	<u>5,662,759</u>	15.4%	<u>977,860</u>
<b>COMMUNITY SERVICES</b>						
<u>Parks &amp; Recreation</u>						
PRGM MGMT & BUS SVCS	524,868	99,006	-	425,862	18.9%	
FACILITIES	407,356	64,701	10,709	331,946	18.5%	
CULTURAL ARTS	429,832	69,493	38,165	322,175	25.0%	
YOUTH ACTIVITIES	752,636	183,475	13,331	555,830	26.1%	

**CITY OF SANTA BARBARA**  
**General Fund**  
**Interim Statement of Appropriations, Expenditures and Encumbrances**  
**For the Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
<b>COMMUNITY SERVICES</b>						
<u>Parks &amp; Recreation</u>						
SR CITIZENS	722,733	131,008	618	591,107	18.2%	
AQUATICS	1,097,052	330,567	57,142	709,343	35.3%	
SPORTS	488,962	62,001	10,309	416,652	14.8%	
TENNIS	275,753	38,749	22,819	214,185	22.3%	
NEIGHBORHOOD & OUTREACH SERV	1,263,260	201,167	-	1,062,093	15.9%	
ADMINISTRATION	528,293	79,585	-	448,708	15.1%	
PROJECT MANAGEMENT TEAM	247,538	64,654	-	182,884	26.1%	
BUSINESS SERVICES	520,527	56,504	16,538	447,486	14.0%	
FACILITY & PROJECT MGT	1,012,354	278,625	6,136	727,593	28.1%	
GROUNDS MANAGEMENT	4,174,069	710,221	118,761	3,345,088	19.9%	
FORESTRY	1,182,344	181,415	19,541	981,389	17.0%	
BEACH MAINTENANCE	170,234	18,927	12,063	139,244	18.2%	
<i>Total</i>	<u>13,797,811</u>	<u>2,570,710</u>	<u>331,802</u>	<u>10,895,299</u>	21.0%	<u>2,825,629</u>
<u>Library</u>						
ADMINISTRATION	416,148	58,744	-	357,404	14.1%	
PUBLIC SERVICES	2,264,920	328,169	12,610	1,924,142	15.0%	
SUPPORT SERVICES	1,650,602	194,860	22,446	1,433,296	13.2%	
<i>Total</i>	<u>4,331,670</u>	<u>581,772</u>	<u>35,055</u>	<u>3,714,842</u>	14.2%	<u>668,918</u>
<b>TOTAL COMMUNITY SERVICES</b>	<u>18,129,481</u>	<u>3,152,482</u>	<u>366,858</u>	<u>14,610,141</u>	19.4%	<u>3,494,547</u>
<b>COMMUNITY DEVELOPMENT</b>						
<u>Community Development</u>						
ADMINISTRATION	491,949	66,059	891	424,999	13.6%	
ECON DEV	62,919	8,445	-	54,474	13.4%	
CITY ARTS ADVISORY PROGRAM	540,483	-	-	540,483	0.0%	
HUMAN SVCS	818,612	5,667	-	812,945	0.7%	
RDA	730,700	89,553	-	641,147	12.3%	
RDA HSG DEV	711,639	102,282	-	609,357	14.4%	
LR PLANNING/STUDIES	742,833	108,603	5,972	628,258	15.4%	
DEV & DESIGN REVIEW	1,035,162	145,475	36,801	852,887	17.6%	
ZONING	854,297	120,179	1,101	733,017	14.2%	
DESIGN REV & HIST PRESERVATN	957,682	127,298	43,792	786,592	17.9%	
SHO/ENVIRON REVIEW/TRAINING	704,462	98,203	8,442	597,817	15.1%	
BLDG PERMITS	1,018,740	145,152	1,333	872,255	14.4%	
RECORDS & ARCHIVES	593,922	76,955	23,596	493,372	16.9%	
PLAN CK & COUNTER SRV	1,268,494	203,455	9,482	1,055,557	16.8%	
<i>Total</i>	<u>10,531,894</u>	<u>1,297,325</u>	<u>131,409</u>	<u>9,103,160</u>	13.6%	<u>1,632,925</u>
<b>TOTAL COMMUNITY DEVELOPMENT</b>	<u>10,531,894</u>	<u>1,297,325</u>	<u>131,409</u>	<u>9,103,160</u>	13.6%	<u>1,632,925</u>

**CITY OF SANTA BARBARA**  
**General Fund**  
**Interim Statement of Appropriations, Expenditures and Encumbrances**  
**For the Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
<b>NON-DEPARTMENTAL</b>						
<u>Non-Departmental</u>						
DUES, MEMBERSHIPS, & LICENSES	22,272	-	-	22,272	0.0%	
COMMUNITY PROMOTIONS	1,706,580	504,975	-	1,201,605	29.6%	
SPECIAL PROJECTS	21,000	2,100	-	18,900	10.0%	
TRANSFERS OUT	43,500	43,500	-	-	100.0%	
DEBT SERVICE TRANSFERS	353,568	288,626	-	64,942	81.6%	
CAPITAL OUTLAY TRANSFER	573,170	8,333	-	564,837	1.5%	
APPROP. RESERVE	698,302	-	-	698,302	0.0%	
<i>Total</i>	3,418,392	847,534	-	2,570,858	24.8%	1,591,701
<b>TOTAL NON-DEPARTMENTAL</b>	3,418,392	847,534	-	2,570,858	24.8%	1,591,701
<b>TOTAL EXPENDITURES</b>	104,761,646	16,288,793	1,388,190	87,084,664	16.9%	18,870,945

*\*\* 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 Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
<b>TRAFFIC SAFETY FUND</b>					
Revenue	515,000	109,563	-	405,437	21.3%
Expenditures	515,000	147,389	-	367,611	28.6%
<i>Revenue Less Expenditures</i>	-	(37,827)	-	37,827	
<b>CREEK RESTORATION/WATER QUALITY IMPRVMT</b>					
Revenue	2,610,100	533,236	-	2,076,864	20.4%
Expenditures	3,386,420	394,647	453,957	2,537,815	25.1%
<i>Revenue Less Expenditures</i>	(776,320)	138,589	(453,957)	(460,952)	
<b>SOLID WASTE PROGRAM</b>					
Revenue	18,614,209	2,884,055	-	15,730,154	15.5%
Expenditures	18,667,007	2,969,753	196,564	15,500,690	17.0%
<i>Revenue Less Expenditures</i>	(52,798)	(85,698)	(196,564)	229,464	
<b>COMM.DEVELOPMENT BLOCK GRANT</b>					
Revenue	2,955,642	354,237	-	2,601,405	12.0%
Expenditures	2,831,775	113,011	32,780	2,685,984	5.1%
<i>Revenue Less Expenditures</i>	123,867	241,226	(32,780)	(84,579)	
<b>COUNTY LIBRARY</b>					
Revenue	1,703,932	54,649	-	1,649,283	3.2%
Expenditures	1,765,938	233,536	25,576	1,506,826	14.7%
<i>Revenue Less Expenditures</i>	(62,006)	(178,888)	(25,576)	142,458	
<b>STREETS FUND</b>					
Revenue	9,570,982	1,244,735	-	8,326,247	13.0%
Expenditures	14,093,195	1,373,461	1,838,089	10,881,645	22.8%
<i>Revenue Less Expenditures</i>	(4,522,213)	(128,727)	(1,838,089)	(2,555,398)	
<b>MEASURE "D"</b>					
Revenue	4,884,000	631,138	-	4,252,862	12.9%
Expenditures	9,067,069	295,768	3,197,901	5,573,400	38.5%
<i>Revenue Less Expenditures</i>	(4,183,069)	335,370	(3,197,901)	(1,320,538)	

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Two Months Ended August 31, 2009 (16.7% 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>
<b>REVENUES</b>						
Water Sales - Metered	29,850,000	5,809,041	-	24,040,959	19.5%	5,840,827
Service Charges	385,000	49,901	-	335,099	13.0%	74,751
Cater JPA Treatment Charges	2,200,000	1,145,464	-	1,054,536	52.1%	688,118
Licenses & Permits	(2,500)	-	-	(2,500)	0.0%	-
Investment Income	1,008,000	197,614	-	810,386	19.6%	266,250
Grants	36,098	-	-	36,098	0.0%	-
Reimbursements	18,000	-	-	18,000	0.0%	-
Miscellaneous	693,698	6,010	-	687,688	0.9%	139,643
<b>TOTAL REVENUES</b>	<u>34,188,296</u>	<u>7,208,029</u>	<u>-</u>	<u>26,980,266</u>	<u>21.1%</u>	<u>7,009,588</u>
<b>EXPENSES</b>						
Salaries & Benefits	7,599,922	1,077,101	-	6,522,821	14.2%	1,048,681
Materials, Supplies & Services	10,540,950	1,141,940	3,351,496	6,047,514	42.6%	1,213,155
Special Projects	646,774	8,209	39,887	598,678	7.4%	2,681
Water Purchases	7,776,465	1,141,232	65,918	6,569,315	15.5%	1,177,260
Debt Service	5,094,672	1,563,254	-	3,531,418	30.7%	1,537,881
Capital Outlay Transfers	5,302,492	883,749	-	4,418,743	16.7%	1,437,169
Equipment	197,459	30,619	9,323	157,517	20.2%	450
Capitalized Fixed Assets	109,900	-	3,000	106,900	2.7%	7,223
Other	-	-	-	-	100.0%	-
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
<b>TOTAL EXPENSES</b>	<u>37,418,635</u>	<u>5,846,105</u>	<u>3,469,623</u>	<u>28,102,906</u>	<u>24.9%</u>	<u>6,424,499</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 Two Months Ended August 31, 2009 (16.7% 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>
<b>REVENUES</b>						
Service Charges	14,010,000	2,422,535	-	11,587,465	17.3%	2,415,318
Fees	410,000	224,492	-	185,508	54.8%	188,134
Investment Income	325,000	69,849	-	255,151	21.5%	93,349
Miscellaneous	83,850	4,600	-	79,250	5.5%	92,656
<b>TOTAL REVENUES</b>	<u>14,828,850</u>	<u>2,721,476</u>	<u>-</u>	<u>12,107,374</u>	<u>18.4%</u>	<u>2,789,456</u>
<b>EXPENSES</b>						
Salaries & Benefits	5,125,324	719,563	-	4,405,761	14.0%	717,773
Materials, Supplies & Services	5,733,089	594,836	1,937,389	3,200,864	44.2%	481,126
Special Projects	711,367	121,043	3,367	586,957	17.5%	232,622
Transfers-Out	65,000	10,833	-	54,167	16.7%	-
Debt Service	1,354,888	1,630	-	1,353,258	0.1%	1,000
Capital Outlay Transfers	2,827,188	471,198	-	2,355,990	16.7%	454,607
Equipment	50,167	(1,743)	6,489	45,421	9.5%	-
Capitalized Fixed Assets	53,265	-	2,865	50,400	5.4%	619
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
<b>TOTAL EXPENSES</b>	<u>16,070,288</u>	<u>1,917,361</u>	<u>1,950,110</u>	<u>12,202,817</u>	<u>24.1%</u>	<u>1,887,748</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 Two Months Ended August 31, 2009 (16.7% 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>
<b>REVENUES</b>						
Improvement Tax	875,000	190,887	-	684,113	21.8%	208,829
Parking Fees	5,552,550	874,430	-	4,678,120	15.7%	855,880
Investment Income	202,500	39,368	-	163,132	19.4%	63,991
Reimbursements	50,000	-	-	50,000	0.0%	-
Miscellaneous	15,000	(26)	-	15,026	-0.2%	56,618
Operating Transfers-In	67,240	43,500	-	23,740	64.7%	43,500
<b>TOTAL REVENUES</b>	<u>6,762,290</u>	<u>1,148,160</u>	<u>-</u>	<u>5,614,130</u>	<u>17.0%</u>	<u>1,228,818</u>
<b>EXPENSES</b>						
Salaries & Benefits	3,724,389	538,287	-	3,186,102	14.5%	529,588
Materials, Supplies & Services	1,978,278	237,178	164,576	1,576,524	20.3%	258,831
Special Projects	846,410	127,009	479,399	240,002	71.6%	52,727
Transfers-Out	312,621	52,104	-	260,518	16.7%	-
Capital Outlay Transfers	1,258,760	209,793	-	1,048,967	16.7%	34,078
Equipment	25,000	-	2,800	22,200	11.2%	84
Capitalized Fixed Assets	-	3,518	3,500	(7,018)	100.0%	55,237
Appropriated Reserve	50,000	-	-	50,000	0.0%	-
<b>TOTAL EXPENSES</b>	<u>8,195,457</u>	<u>1,167,889</u>	<u>650,275</u>	<u>6,377,294</u>	<u>22.2%</u>	<u>930,544</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**  
**AIRPORT 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>
<b>REVENUES</b>						
Leases - Commercial / Industrial	3,893,750	703,739	-	3,190,011	18.1%	715,439
Leases - Terminal	4,853,050	753,635	-	4,099,415	15.5%	820,839
Leases - Non-Commerical Aviation	1,075,875	185,705	-	890,170	17.3%	209,826
Leases - Commerical Aviation	2,113,451	343,685	-	1,769,766	16.3%	386,888
Investment Income	310,000	61,882	-	248,118	20.0%	99,645
Miscellaneous	194,552	8,501	-	186,051	4.4%	62,667
<b>TOTAL REVENUES</b>	<u>12,440,678</u>	<u>2,057,146</u>	<u>-</u>	<u>10,383,532</u>	<u>16.5%</u>	<u>2,295,304</u>
<b>EXPENSES</b>						
Salaries & Benefits	4,780,946	682,137	-	4,098,809	14.3%	688,793
Materials, Supplies & Services	6,211,961	775,236	871,102	4,565,624	26.5%	911,039
Special Projects	742,838	-	-	742,838	0.0%	49,746
Transfers-Out	7,351	-	-	7,351	0.0%	-
Capital Outlay Transfers	675,240	108,512	-	566,729	16.1%	733,662
Equipment	34,212	17,687	210	16,315	52.3%	16,953
Capitalized Fixed Assets	-	-	-	-	100.0%	38,214
Appropriated Reserve	271,045	-	-	271,045	0.0%	-
<b>TOTAL EXPENSES</b>	<u>12,723,593</u>	<u>1,583,571</u>	<u>871,312</u>	<u>10,268,710</u>	<u>19.3%</u>	<u>2,438,407</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 Two Months Ended August 31, 2009 (16.7% 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>
<b>REVENUES</b>						
Fees & Card Sales	1,802,397	319,956	-	1,482,441	17.8%	376,326
Investment Income	28,300	7,351	-	20,949	26.0%	9,834
Rents & Concessions	299,741	62,755	-	236,986	20.9%	30,945
Miscellaneous	250,000	2,013	-	247,987	0.8%	24,389
<b>TOTAL REVENUES</b>	<u>2,380,438</u>	<u>392,076</u>	<u>-</u>	<u>1,988,362</u>	<u>16.5%</u>	<u>441,494</u>
<b>EXPENSES</b>						
Salaries & Benefits	1,137,368	168,766	-	968,602	14.8%	181,910
Materials, Supplies & Services	577,822	68,033	132,013	377,776	34.6%	125,505
Special Projects	31,190	-	10,740	20,450	34.4%	5,310
Debt Service	219,058	156,016	-	63,042	71.2%	154,850
Capital Outlay Transfers	303,553	92	-	303,461	0.0%	17,070
Equipment	8,400	-	-	8,400	0.0%	-
Capitalized Fixed Assets	507,767	7,813	481,421	18,533	96.4%	266,234
<b>TOTAL EXPENSES</b>	<u>2,785,158</u>	<u>400,720</u>	<u>624,174</u>	<u>1,760,265</u>	<u>36.8%</u>	<u>750,878</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Two Months Ended August 31, 2009 (16.7% 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>
<b>REVENUES</b>						
Vehicle Maintenance Charges	-	-	-	-	100.0%	419,830
Work Orders - Bldg Maint.	3,808,159	572,795	-	3,235,364	15.0%	542,859
Service Charges	1,728,719	288,120	-	1,440,599	16.7%	250,260
Miscellaneous	-	-	-	-	100.0%	93,212
Operating Transfers-In	65,000	10,833	-	54,167	16.7%	-
<b>TOTAL REVENUES</b>	<u>5,601,878</u>	<u>871,749</u>	<u>-</u>	<u>4,730,129</u>	<u>15.6%</u>	<u>1,306,161</u>
<b>EXPENSES</b>						
Salaries & Benefits	3,208,250	440,231	-	2,768,019	13.7%	625,907
Materials, Supplies & Services	919,270	137,684	104,667	676,919	26.4%	286,024
Special Projects	1,686,832	55,613	727,976	903,243	46.5%	172,659
Capital Outlay Transfers	829	138	-	691	16.7%	1,603
Equipment	23,000	-	-	23,000	0.0%	1,469
Capitalized Fixed Assets	25,524	140	2,584	22,800	10.7%	15,181
<b>TOTAL EXPENSES</b>	<u>5,863,705</u>	<u>633,806</u>	<u>835,227</u>	<u>4,394,671</u>	<u>25.1%</u>	<u>1,102,842</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Two Months Ended August 31, 2009 (16.7% 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>
<b>REVENUES</b>						
Vehicle Rental Charges	1,343,020	223,837	-	1,119,183	16.7%	308,716
Investment Income	194,000	36,360	-	157,640	18.7%	51,120
Rents & Concessions	242,848	40,475	-	202,373	16.7%	44,707
Miscellaneous	-	13,175	-	(13,175)	100.0%	9,851
<b>TOTAL REVENUES</b>	<u>1,779,868</u>	<u>313,846</u>	<u>-</u>	<u>1,466,022</u>	<u>17.6%</u>	<u>414,393</u>
<b>EXPENSES</b>						
Salaries & Benefits	162,092	22,974	-	139,118	14.2%	16,730
Materials, Supplies & Services	1,120	187	-	933	16.7%	183
Capitalized Fixed Assets	3,658,662	303,288	76,407	3,278,968	10.4%	382,619
<b>TOTAL EXPENSES</b>	<u>3,821,874</u>	<u>326,449</u>	<u>76,407</u>	<u>3,419,019</u>	<u>10.5%</u>	<u>399,532</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

**FLEET MAINTENANCE 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>
<b>REVENUES</b>						
Vehicle Maintenance Charges	2,515,663	419,277	-	2,096,386	16.7%	-
Miscellaneous	50,000	-	-	50,000	0.0%	-
<b>TOTAL REVENUES</b>	<u>2,565,663</u>	<u>419,277</u>	<u>-</u>	<u>2,146,386</u>	<u>16.3%</u>	<u>-</u>
<b>EXPENSES</b>						
Salaries & Benefits	1,224,737	174,102	-	1,050,635	14.2%	-
Materials, Supplies & Services	1,367,766	109,266	229,837	1,028,663	24.8%	-
Special Projects	60,625	2,790	21,710	36,125	40.4%	-
Equipment	14,000	-	-	14,000	0.0%	-
<b>TOTAL EXPENSES</b>	<u>2,667,128</u>	<u>286,158</u>	<u>251,547</u>	<u>2,129,423</u>	<u>20.2%</u>	<u>-</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

**SELF INSURANCE TRUST FUND**

	<b>** Annual Budget</b>	<b>YTD Actual</b>	<b>Encum- brances</b>	<b>Remaining Balance</b>	<b>Percent of Budget</b>	<b>Previous YTD</b>
<b>REVENUES</b>						
Insurance Premiums	2,950,613	491,769	-	2,458,844	16.7%	532,907
Workers' Compensation Premiums	2,482,928	413,821	-	2,069,107	16.7%	142,917
OSH Charges	302,518	50,420	-	252,098	16.7%	48,843
Investment Income	337,615	58,376	-	279,239	17.3%	80,065
Miscellaneous	-	832	-	(832)	100.0%	7,606
<b>TOTAL REVENUES</b>	<b>6,073,674</b>	<b>1,015,218</b>	<b>-</b>	<b>5,058,456</b>	<b>16.7%</b>	<b>812,337</b>
<b>EXPENSES</b>						
Salaries & Benefits	600,672	73,877	-	526,795	12.3%	75,960
Materials, Supplies & Services	5,590,392	2,717,878	349,884	2,522,630	54.9%	639,338
Transfers-Out	-	-	-	-	100.0%	1,589,853
Capital Outlay Transfers	1,105	184	-	921	16.7%	2,137
Equipment	4,000	-	-	4,000	0.0%	-
Appropriated Reserve	23,671	-	-	23,671	0.0%	-
<b>TOTAL EXPENSES</b>	<b>6,219,840</b>	<b>2,791,939</b>	<b>349,884</b>	<b>3,078,016</b>	<b>50.5%</b>	<b>2,307,288</b>

**\*\* 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 Two Months Ended August 31, 2009 (16.7% 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>
<b>REVENUES</b>						
Service charges	2,435,147	406,885	-	2,028,262	16.7%	365,517
Miscellaneous	-	45	-	(45)	100.0%	10,526
<b>TOTAL REVENUES</b>	<u>2,435,147</u>	<u>406,931</u>	<u>-</u>	<u>2,028,216</u>	<u>16.7%</u>	<u>376,042</u>
<b>EXPENSES</b>						
Salaries & Benefits	1,537,067	217,432	-	1,319,635	14.1%	252,181
Materials, Supplies & Services	598,350	120,879	93,347	384,124	35.8%	150,616
Special Projects	1,700	142	3,858	(2,300)	235.3%	210
Capital Outlay Transfers	-	-	-	-	100.0%	14,167
Equipment	408,269	117	172,941	235,211	42.4%	406
Appropriated Reserve	84,895	-	-	84,895	0.0%	-
<b>TOTAL EXPENSES</b>	<u>2,630,280</u>	<u>338,570</u>	<u>270,146</u>	<u>2,021,564</u>	<u>23.1%</u>	<u>417,579</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Two Months Ended August 31, 2009 (16.7% 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>
<b>REVENUES</b>						
Leases - Commercial	1,482,056	265,185	-	1,216,871	17.9%	277,339
Leases - Food Service	2,393,380	398,393	-	1,994,987	16.6%	412,242
Slip Rental Fees	3,676,785	608,179	-	3,068,606	16.5%	587,407
Visitors Fees	700,000	105,838	-	594,162	15.1%	98,457
Slip Transfer Fees	250,000	102,275	-	147,725	40.9%	67,625
Parking Revenue	1,885,098	480,376	-	1,404,722	25.5%	388,609
Wharf Parking	268,749	53,417	-	215,332	19.9%	47,043
Other Fees & Charges	364,909	59,596	-	305,313	16.3%	62,607
Investment Income	125,000	34,049	-	90,951	27.2%	51,281
Rents & Concessions	279,322	143,073	-	136,250	51.2%	50,305
Miscellaneous	97,049	73,734	-	23,315	76.0%	127,598
<b>TOTAL REVENUES</b>	<u>11,522,348</u>	<u>2,324,114</u>	<u>-</u>	<u>9,198,234</u>	<u>20.2%</u>	<u>2,170,514</u>
<b>EXPENSES</b>						
Salaries & Benefits	5,530,336	821,691	-	4,708,645	14.9%	816,746
Materials, Supplies & Services	3,416,967	422,598	746,003	2,248,365	34.2%	487,610
Special Projects	122,559	20,530	3,240	98,789	19.4%	5,084
Debt Service	1,673,572	-	-	1,673,572	0.0%	123,503
Capital Outlay Transfers	1,131,381	188,564	-	942,818	16.7%	207,832
Equipment	86,445	1,923	2,240	82,282	4.8%	185
Appropriated Reserve	100,000	-	-	100,000	0.0%	-
<b>TOTAL EXPENSES</b>	<u>12,061,259</u>	<u>1,455,305</u>	<u>751,483</u>	<u>9,854,472</u>	<u>18.3%</u>	<u>1,640,961</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:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Office of Emergency Services, Fire Department

**SUBJECT:** Donation From The Insurance Professionals Of Santa Barbara

**RECOMMENDATION:** That Council:

- A. Accept a donation of \$1,500 from the Insurance Professionals of Santa Barbara; and
- B. Increase estimated revenues and appropriations by \$1,500 in the Fiscal Year 2010 General Fund Fire Department, Office of Emergency Services budget for the Car Seat and Safety Program.

**DISCUSSION:**

The City Fire Department conducts approximately 100 car seat safety installations throughout the year. There is currently 10 staff in the Fire Department who have completed the 40-hour training requirements and are certified by the National Highway Traffic Safety Administration to conduct inspections and installations. The donation from the Insurance Professionals of Santa Barbara will be used for training and supplies for the Car Seat and Safety Program.

**PREPARED BY:** Yolanda McGlinchey, Emergency Services Manager

**SUBMITTED BY:** Andy DiMizio, Interim Fire Chief

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Construction Of The Haley At De La Vina Street Bridge Replacement Project

**RECOMMENDATION:** That Council:

- A. Award a contract with Lash Construction, Inc. (Lash), waiving minor irregularities, in their low bid amount of \$4,721,406, for construction of the Haley at De La Vina Street Bridge Replacement Project (Project), Bid No. 3396;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$472,140 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Mimiaga Engineering Group (MEG), in the amount of \$886,828, for construction management services, and authorize the Public Works Director to approve expenditures of up to \$88,682 for extra services of MEG that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Bengal Engineering (Bengal), in the amount of \$45,000, for design support services during construction, and authorize the Public Works Director to approve expenditures of up to \$4,500 for extra services of Bengal that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to execute a contract with Ayers & Associates (Ayers), in the amount of \$55,080, for community outreach services.

### EXECUTIVE SUMMARY:

Six bids were received for the Project, with the lowest bidder being Lash. To complete the construction phase of the Project, staff recommends Council waive the minor bid irregularity, and authorize the Public Works Director to accept the low bid and enter into a contract with Lash. The minor bid regularity has been resolved and no bid protests have been submitted. Staff also recommends that Council authorize the Public Works Director to enter into a contract with MEG, Bengal, and Ayers for services during construction.

## **DISCUSSION:**

### PROJECT DESCRIPTION

The existing bridge at the Haley at De La Vina Street intersection over Lower Mission Creek is structurally deficient by Caltrans standards, and per the Lower Mission Creek Flood Control Project, the replacement bridge is designed to accommodate an increased flood water capacity.

This project consists of replacing the structurally deficient bridge, increasing the flood water capacity, enhancing creek beds and banks with native plantings to attract wildlife, and installing new pedestrian components, including sidewalks and crosswalks, curb and gutter work, larger corners to accommodate people waiting to cross the street, and new access ramps. New intersection streetlighting will be installed as part of this Project, whereas general neighborhood streetlighting will be addressed as a separate Capital Improvement project following bridge construction.

The City has applied for, and been authorized to use, Highway Bridge Rehabilitation & Replacement (HBRR) funds to pay for 88.53% of eligible project construction costs, with the City contributing 11.47% plus any ineligible costs (e.g. architectural aesthetic elements above and beyond basic bridge elements). The HBRR program is a federally funded program of the Federal Highway Administration, administered through Caltrans.

### RIGHT-OF-WAY ACQUISITION

To accommodate the new bridge, three permanent property acquisitions have been made at 434 De La Vina Street, 136 West Haley Street, and a small upstream portion of the Mission Creek floodway. The structure at 136 West Haley Street is a City of Santa Barbara Structure of Merit, and therefore it will be protected during the construction of the bridge, and restored onsite at the completion of the Project.

### TEMPORARY TRAFFIC CONTROL AND PARKING PLANS

The construction phase is scheduled to begin in late November 2009, and be completed by spring 2011. Since the bridge runs diagonally across the intersection, construction work will require that the intersection be completely closed to traffic for approximately 15 months.

Staff spent considerable time and effort analyzing the potential traffic impacts during construction. DKA Associates conducted a traffic study that contributed to a detailed traffic control strategy that includes temporary head-in parking, and temporary one-way traffic on Brinkerhoff Avenue. The result is a net neighborhood loss of only two parking spaces during construction.

## PUBLIC OUTREACH

On August 31, 2009, Fact Sheets, written in both English and Spanish, were sent out providing residents with basic Project related information which included the dedicated Project phone number and website address ([www.SantaBarbaraCA.gov/haleybridge](http://www.SantaBarbaraCA.gov/haleybridge)). Two pre-construction public meetings were held on September 15, 2009, and October 13, 2009, to inform residents of our construction timeline and review project details.

## CONTRACT BIDS

A total of six (6) bids were received for the subject work, ranging as follows:

	<b>BIDDER</b>	<b>BID AMOUNT</b>
1.	Lash Construction, Inc. Santa Barbara	\$4,721,406.00
2.	Granite Construction Santa Barbara	\$4,746,481.00
3.	Souza Construction San Luis Obispo	\$5,285,036.25*
4.	R. Burke Corporation San Luis Obispo	\$5,522,293.00
5.	C.A. Rasmussen, Inc Valencia	\$5,541,988.00
6.	Whitaker Construction Group Paso Robles	\$6,393,232.70

*\*corrected bid total*

The low bid of \$4,721,406, submitted by Lash is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

Lash's bid proposal did contain two minor bid irregularities, which have been resolved in accordance with the California Public Contracting Code and City Standard Specifications. No bid protests were submitted for this Project.

The change order funding recommendation of \$472,140, or 10%, is typical for this type of work and size of project.

## CONSTRUCTION PHASE CONTRACT SERVICES

Due to the magnitude of the Project and specialized expertise necessary for construction, staff solicited a Request for Proposal (RFP) in April 2009 for consulting firms to provide general construction management services, including constructability review, environmental oversight and monitoring, and inspection and testing services.

Four firms submitted proposals and a panel concluded that MEG was the most qualified to perform this work.

Staff recommends that Council authorize the Public Works Director to execute a contract with MEG in a maximum not to exceed amount of \$886,828, including \$86,682 for extra services, for construction management services. MEG has proven to be a capable firm on recently completed work at the Cater Water Treatment Plant and the El Estero Wastewater Treatment Plant.

Staff also recommends that Council authorize the Public Works Director to execute a contract with Bengal, the Project's design firm, in the amount of \$45,000, including \$4,500 for extra services, for design support services during construction.

Staff recommends that Council authorize the Public Works Director to execute a contract with Ayers in the amount of \$55,080 for community outreach services. Ayers provided community outreach services during the design phase of the Project and has proven to be responsive, timely, and a capable firm.

**BUDGETARY AND FINANCIAL INFORMATION**

This Project is funded with a combination of grant funds and City Measure D funds. The HBRR grant pays 88.53% of the construction phase of the Project, and the City pays the remaining 11.47%. There are sufficient funds in the Streets Capital Program Fund to cover the City's share of the construction phase costs. The City's cost (11.47% plus ineligible costs) of the total \$6,273,636 Construction Contract Funding Summary, is \$833,135.

The following summarizes the expenditures recommended in this report:

**CONSTRUCTION CONTRACT FUNDING SUMMARY**

	<b>Basic Contract</b>	<b>Change Funds</b>	<b>Total</b>
Lash	\$4,721,406	\$472,140	\$5,193,546
MEG	\$886,828	\$88,682	\$975,510
Bengal	\$45,000	\$4,500	\$49,500
Ayers	\$55,080	-0-	\$55,080
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$6,273,636</b>

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

**ESTIMATED TOTAL PROJECT COST**

<b>Design</b>	
Design (by Contract)	\$1,077,536
Design (by City Staff)	\$554,025
Other Design Costs - Environmental Studies & Public Outreach	\$90,007
Right of Way Consultant Services	\$123,952
<b>Subtotal</b>	<b>\$1,845,520</b>
<b>Construction</b>	
Construction Contract	\$4,721,406
Construction Change Order Allowance	\$472,140
Construction Management/Inspection (by Contract)	\$975,510
Design Support Services	49,500
Community Outreach Services	\$55,080
<b>Subtotal</b>	<b>\$6,273,636</b>
Project Management (by City Staff)	\$150,000
Property Acquisition & Easements	\$1,785,990
<b>Subtotal</b>	<b>\$1,935,990</b>
<b>TOTAL PROJECT COST</b>	<b>\$10,055,146</b>

**SUSTAINABILITY IMPACT:**

The Project will recycle concrete, asphalt and steel removed during demolition. The creek restoration work will remove all non-native plant species and enhance aquatic habitat for the Steelhead Trout in the Project area.

**PREPARED BY:** Joshua N. Haggmark, Principal Civil Engineer/LA/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Acceptance And Appropriation Of American Recovery And Reinvestment Act Funding

**RECOMMENDATION:** That Council:

- A. Accept the American Recovery and Reinvestment Act (ARRA) funding in the total amount of \$3,774,796; and
- B. Increase estimated revenues by \$3,774,796 in the Fiscal Year 2010 Streets Capital Fund, and appropriate \$2,674,796 for the Road Overlay and Maintenance Project, \$800,000 for the Access Ramp and Sidewalk Maintenance Project, and \$300,000 for the Pedestrian Countdown Timers and Battery Backup Upgrades Project.

### **DISCUSSION:**

On February 17, 2009, the President of the United States signed the ARRA. The ARRA includes measures intended to stimulate the economy in the wake of the economic downturn. The total of the measures is \$787 billion, of which \$27.5 billion has been made available for eligible highway and bridge construction projects.

In early March 2009, the Federal government allocated roadway ARRA funds to each State. The City's portion of the ARRA funds were determined by a population based formula through the Santa Barbara County Association of Governments (SBCAG). The total City share of roadway ARRA funds is \$3,774,796. To ensure the timely expenditure of all regional roadway ARRA funds, SBCAG set a deadline requiring local agencies to obligate funds by October 15, 2009.

As presented to Council on June 30, 2009, the City will divide its share of roadway ARRA funds into the following projects:

<b>Project</b>	<b>Amount</b>	<b>Authorization Date</b>
Road Overlay and Maintenance	\$2,674,796	9/18/09
Access Ramp and Sidewalk Maintenance	\$800,000	9/18/09
Pedestrian Countdown Timers and Battery Backup Upgrades	\$300,000	9/22/09
<b>Total</b>	<b>\$3,774,796</b>	

On September 22, 2009, the City received the final authorization from Caltrans to proceed with the construction of these projects, thus meeting the SBCAG deadline of October 15, 2009, to obligate funds.

**BUDGET/FINANCIAL INFORMATION:**

Staff is recommending that Council appropriate funds equal to the grant funding available to enable bidding and award of construction contracts for these projects. The entire construction phase for these projects is 100% reimbursable.

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/BD/mj

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Risk Management Division, Finance Department

**SUBJECT:** Self Insured Workers' Compensation Program Annual Report

**RECOMMENDATION:**

That Council receive the Annual Self Insured Workers' Compensation Program Annual Report for the year ended June 30, 2009.

**DISCUSSION:**

California Labor Code Section 3702.6(b) requires staff to advise Council annually about two items relating to the City's self-insured workers' compensation program: (1) the value of the total accrued claim liabilities reported by the City on the State's Self Insurers Annual Report; and (2) whether current accounting and financial reporting of those liabilities is in compliance with the requirements of Government Accounting Standards Board (GASB) Statement 10.

The California Department of Industrial Relations requires all self-insured public agencies to submit an annual report before October 1<sup>st</sup> that states their workers' compensation liabilities as of the prior fiscal year-end. Risk Management staff submitted the Fiscal Year 2009 annual report on September 30, 2009. The City's report listed 184 open claims with total liabilities of \$3,357,997, consisting of \$1,147,030 for indemnity (disability payments) and \$2,210,967 for medical payments.

The City accounts for its risk management operations in a separate Internal Service Fund. Every two years, the City contracts with a risk management actuarial firm to prepare an actuarial valuation of the accrued liabilities in the City's self-insured workers' compensation program. The City uses the results of this actuarial valuation as well as claims information from our third party administrator (claims adjuster) to report the workers' compensation accrued liabilities in both the City's annual audit report (the "Comprehensive Annual Financial Report" or "CAFR") and the State's required annual report. The City is fully funded for all of its actuarially determined workers' compensation claim liabilities.

GASB Statement 10 established accounting and financial reporting standards for all City claims, including workers' compensation claims. GASB Statement 10 requires governments to recognize a claim as an expense and liability if both of the following conditions are met:

1. Information available indicates that it is probable that a liability has been incurred; and,
2. The amount of the loss can be reasonably estimated.

In addition, it requires certain disclosures in the footnotes to the financial statements. All of the City's workers' compensation claims have been accounted for and reported in accordance with GASB Statement 10.

In summary, the City has met its obligation to file the State's annually required report for public agencies that self-insure for workers' compensation. With this report, the City has also met the State law requirement to report the program liabilities to the City Council. A more complete description of the City's self-insured workers' compensation program can be found in the City's CAFR for the fiscal year ended June 30, 2009, which will be available in late November.

**PREPARED BY:** Mark W. Howard, Risk Analyst

**SUBMITTED BY:** Robert Samario, Interim Finance Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Transportation Division, Public Works Department

**SUBJECT:** Appropriation Of Federal Funds For The Boysel Multipurpose Pathway

### **RECOMMENDATION:**

That Council increase estimated revenues and appropriations by \$7,000 in the Streets Capital Fund for the Right of Way Phase of the Jake Boysel Multipurpose Pathway Project (Project) funded by the Federal Safe Routes to School grant program.

### **DISCUSSION:**

This is a project to plan, design, and construct an off-street multipurpose pathway (path), separate from the roadway, for exclusive use by bicyclists and pedestrians. The proposed 1,750 linear foot path would begin along Calle Real just east of the St. Vincent's Bridge, as the City could not obtain an easement from St. Vincent's to cross their property. The proposed 10 to 14-foot wide path would parallel the existing sidewalk along Calle Real and connect to an existing 8-foot wide path that would be widened to 10 feet, and that begins near the intersection of Highway 154 and Calle Real. The existing path veers north towards the intersection of Verano Drive and La Colina Road, where bicyclists return to an on-street bike lane. The proposed path is located near La Colina Junior High School, Vieja Valley Elementary School, and Hope Elementary School, and is named in memory of 12-year-old Jake Boysel who was struck and killed by a motorist in 2006 while biking to school on Calle Real.

On January 3, 2007, staff submitted a grant application for Federal Safe Routes to School funds for the design and construction of a multipurpose path. Staff worked with the Boysel Family, the Hope and Santa Barbara School Districts, Caltrans, the Santa Barbara Bicycle Coalition, the Coalition for Sustainable Transportation and St. Vincent, in the development of the grant application.

The Federal Safe Routes to School grant, in the amount of \$901,700 was approved by Caltrans on June 27, 2007, via Section 1404 of SAFTEA-LU, Safe Routes to School Program. On August 5, 2007, the Santa Barbara County Association of Governments amended their Federal Transportation Improvement Program to include this project. On

May 20, 2008, Caltrans authorized \$86,000 to begin the Preliminary Engineering Phase of the Project and Council appropriated those funds on June 10, 2008. Since then, the Project has cleared environmental review with Caltrans, and the engineering design is approximately 60% complete.

With respect to the \$7,000 appropriation requested for the Right of Way Phase, the City is requesting an Encroachment Permit within the Caltrans right of way to widen the existing path, that runs parallel to Highway 154 on the west side to 10 feet of paved width, with a two-foot graded shoulder. The width of the existing path varies, but a paved width of no less than 10 feet will be provided. The portion of the existing path that will be widened will be slurry sealed to provide a consistent path surface along the entire length of the Project.

The City also requires a temporary right of entry on the adjacent St. Vincent's property for grading purposes during the time when the proposed path is connected to their existing pedestrian path. The existing pathway leads to St. Vincent's property to the north of the Boysel path. Maintaining this connection will require some realignment of their path.

All of the permit and processing requirements for the described right of way needs are estimated to cost \$7,000 and require appropriation by City Council.

Construction is tentatively scheduled to begin in summer 2010. Staff will return to Council for the award of the construction contract, and appropriation of the construction portion of the grant.

**BUDGET/FINANCIAL INFORMATION:**

The City has been awarded the Federal Safe Route to School Grant for the Boysel Multipurpose Bike Path in the amount of \$901,700. The Project is projected to be completed using this grant.

**SUSTAINABILITY IMPACT:**

The multipurpose path will facilitate alternative and environmentally friendly modes of transportation. The Project will directly support increased safety and convenience for the elementary and middle school children who walk and/or bike to La Colina Junior High School, and other neighboring schools, as well as the general public.

**PREPARED BY:** Browning Allen, Transportation Manager/JG/kts

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

**CITY OF SANTA BARBARA**  
**REDEVELOPMENT AGENCY MINUTES**

**Special Meeting**  
**September 29, 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 2:00 p.m.

**ROLL CALL**

Agency members present: Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Chair Blum.

Agency members absent: Dale Francisco, Das Williams.

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

**PUBLIC COMMENT**

No one wished to speak.

**CONSENT CALENDAR (Item Nos. 1 and 2)**

Agency Member Williams entered the meeting at 2:07 p.m.

Motion:

Agency Members Horton/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Agency Member Francisco).

1. Subject: Minutes (9)

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

Action: Approved the recommendation.

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

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

Action: Approved the recommendation (September 29, 2009, report from the Interim Fiscal Officer).

## **REDEVELOPMENT AGENCY REPORTS**

3. Subject: Redevelopment Agency Fiscal Year 2010 Capital Program (15)

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.

Documents:

- September 29, 2009, report from the Agency Deputy Director.
- September 29, 2009, PowerPoint presentation prepared and made by Staff.

Agency Member Francisco entered the meeting at 2:11 p.m. Agency Member Williams left the meeting at 2:12 p.m. and returned at 2:17 p.m.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, Principal Civil Engineer Joshua Haagmark, Agency Deputy Director Paul Casey, Agency Counsel Stephen Wiley, Agency Executive Director James Armstrong.
- Members of the Public: Bill Collyer, Downtown Organization; Sharon Byrne, West Downtown Neighborhood Group; Tony Vassallo; Caroline Vassallo; Tim Buynah, Brinkerhoff Historic District; Carl Hightower, Brinkerhoff Historic District.

(Cont'd)

3. (Cont'd)

Motion:

Agency Members House/Horton to approve the recommendations.

Vote:

Unanimous voice vote.

**RECESS**

3:24 p.m. - 3:33 p.m. Agency Members Falcone, House and Williams were absent when the Board reconvened.

**REDEVELOPMENT AGENCY REPORTS (CONT'D)**

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

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;
- 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;

(Cont'd)

4. (Cont'd)

- 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.

Documents:

- September 29, 2009, joint report from the Agency Deputy Director/Community Development Director, the Public Works Director, and the Parks and Recreation Director.
- September 29, 2009, PowerPoint presentation prepared and made by Staff.

Agency/Council Member House returned to the meeting at 3:34 p.m. Agency/Council Member Falcone returned to the meeting at 3:35 p.m. Agency/Council Member Williams returned to the meeting at 3:40 p.m.

Speakers:

- Staff: Principal Civil Engineer Joshua Haggmark, Senior Recreation Supervisor Jason Bryan, Agency Executive Director/City Administrator James Armstrong, Agency Counsel/City Attorney Stephen Wiley.
- Member of the Public: Michael Self.

Motion:

Agency/Council Members House/Horton to approve the recommendations; City Council Contract No. 23,204 (Recommendation C), City Council Contract No. 23,205 (Recommendation D) and City Council Contract No. 23,206 (Recommendation E).

Vote:

Majority voice vote (Noes: Agency/Council Member Williams).

**ADJOURNMENT**

Chair Blum adjourned the meeting at 4:40 p.m.

SANTA BARBARA  
REDEVELOPMENT AGENCY

SANTA BARBARA  
CITY CLERK'S OFFICE

---

MARTY BLUM  
CHAIR

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BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK



# CITY OF SANTA BARBARA

## REDEVELOPMENT AGENCY BOARD AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Redevelopment Agency Board

**FROM:** Accounting Division, Finance Department

**SUBJECT:** Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2009

### **RECOMMENDATION:**

That Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Two Months Ended August 31, 2009.

### **DISCUSSION:**

The Interim Financial Statements for the Two Months Ended August 31, 2009 (16.7% 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 Two Months Ended August 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 TWO MONTHS  
ENDED AUGUST 31, 2009

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

General Fund

Interim Statement of Revenues, Expenditures and Encumbrances  
For the Two Months Ended August 31, 2009 (16.7% 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>
<b>Revenues:</b>					
Incremental Property Taxes	\$ 16,337,400	\$ -	\$ -	\$ 16,337,400	0.00%
Investment Income	264,700	35,980	-	228,720	13.59%
Interest Loans	5,000	-	-	5,000	0.00%
Rents	48,000	14,033	-	33,967	29.24%
<b>Total Revenues</b>	<u>16,655,100</u>	<u>50,013</u>	<u>-</u>	<u>16,605,087</u>	<u>0.30%</u>
Use of Fund Balance	3,039,650	506,608	-	-	16.67%
<b>Total Sources</b>	<u>\$ 19,694,750</u>	<u>\$ 556,621</u>	<u>\$ -</u>	<u>\$ 16,605,087</u>	<u>2.83%</u>
<b>Expenditures:</b>					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 3,000	\$ 200	\$ -	\$ 2,800	6.67%
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	10	-	4,990	0.20%
Building Materials	100	-	-	100	0.00%
Equipment Repair	1,000	-	458	542	45.80%
Professional Services - Contract	787,155	94,168	4,142	688,845	12.49%
Legal Services	154,508	14,241	-	140,267	9.22%
Engineering Services	20,000	808	-	19,192	4.04%
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	401	-	7,099	5.35%
Advertising	2,000	-	-	2,000	0.00%
Printing and Binding	3,000	-	-	3,000	0.00%
Postage/Delivery	1,000	132	-	868	13.20%
Non-Allocated Telephone	500	-	-	500	0.00%
Vehicle Fuel	1,300	246	-	1,054	18.92%
Equipment Rental	500	-	-	500	0.00%
<b>Total Supplies &amp; Services</b>	<u>1,021,813</u>	<u>110,626</u>	<u>4,600</u>	<u>906,587</u>	<u>11.28%</u>
Allocated Costs:					
Desktop Maint Replacement	25,207	4,201	-	21,006	16.67%
GIS Allocations	4,785	798	-	3,988	16.67%
Building Maintenance	1,785	298	-	1,488	16.67%
Planned Maintenance Program	6,752	1,125	-	5,627	16.67%
Vehicle Replacement	5,323	887	-	4,436	16.67%
Vehicle Maintenance	4,396	733	-	3,663	16.67%
Telephone	2,908	485	-	2,423	16.67%
Custodial	3,674	612	-	3,062	16.67%
Communications	4,663	777	-	3,886	16.67%
Property Insurance	8,142	1,357	-	6,785	16.67%
Allocated Facilities Rent	5,746	958	-	4,788	16.67%
Overhead Allocation	693,628	115,605	-	578,023	16.67%
<b>Total Allocated Costs</b>	<u>767,009</u>	<u>127,835</u>	<u>-</u>	<u>639,174</u>	<u>16.67%</u>
Special Projects	2,196,580	64,745	43,666	2,088,169	4.94%
Transfers	14,015,527	2,433,555	-	11,581,972	17.36%
Grants	1,545,028	2,504	42,524	1,500,000	2.91%
Equipment	8,070	51	-	8,019	0.63%
Fiscal Agent Charges	11,500	2,988	-	8,512	25.98%
Appropriated Reserve	129,223	2,117	20,500	106,606	17.50%
<b>Total Expenditures</b>	<u>\$ 19,694,750</u>	<u>\$ 2,744,421</u>	<u>\$ 111,290</u>	<u>\$ 16,839,039</u>	<u>14.50%</u>

**REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA**  
**Housing Fund**  
**Interim Statement of Revenues, Expenditures and Encumbrances**  
**For the Two Months Ended August 31, 2009 (16.7% of Fiscal Year)**

	Annual Budget	Year-to-date Actual	Encum- brances	Remaining Balance	Percent of Budget
<b>Revenues:</b>					
Incremental Property Taxes	\$ 4,084,400	\$ -	\$ -	\$ 4,084,400	0.00%
Investment Income	150,000	16,008	-	133,992	10.67%
Interest Loans	160,000	17,187	-	142,813	10.74%
Miscellaneous	-	1,029	-	(1,029)	100.00%
<b>Total Revenues</b>	<b>4,394,400</b>	<b>34,224</b>	<b>-</b>	<b>4,360,176</b>	<b>0.78%</b>
Use of Fund Balance	68,984	11,497	-	-	16.67%
<b>Total Sources</b>	<b>\$ 4,463,384</b>	<b>\$ 45,721</b>	<b>\$ -</b>	<b>\$ 4,360,176</b>	<b>1.02%</b>
<b>Expenditures:</b>					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 1,800	\$ 200	\$ -	\$ 1,600	11.11%
Special Supplies & Expenses	1,800	-	-	1,800	0.00%
Equipment Repair	500	-	458	42	91.60%
Professional Services - Contract	717,423	102,116	-	615,307	14.23%
Legal Services	2,000	-	-	2,000	0.00%
Non-Contractual Services	2,000	31	-	1,969	1.55%
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%
Advertising	-	160	-	(160)	100.00%
Postage/Delivery	500	26	-	474	5.20%
Duplicating	-	-	-	-	100.00%
Non-Allocated Telephone	500	-	-	500	0.00%
Equipment Rental	100	-	-	100	0.00%
<b>Total Supplies &amp; Services</b>	<b>739,948</b>	<b>102,533</b>	<b>458</b>	<b>636,957</b>	<b>13.92%</b>
Allocated Costs:					
Desktop Maintenance Replacement	7,562	1,260	-	6,302	16.67%
GIS Allocations	2,393	399	-	1,994	16.67%
Building Maintenance	893	149	-	744	16.67%
Planned Maintenance Program	4,001	667	-	3,334	16.67%
Telephone	969	162	-	808	16.67%
Custodial	1,867	311	-	1,556	16.67%
Communications	2,897	483	-	2,414	16.67%
Insurance	166	28	-	138	16.66%
Allocated Facilities Rent	3,405	568	-	2,838	16.67%
Overhead Allocation	181,432	30,239	-	151,193	16.67%
<b>Total Allocated Costs</b>	<b>205,585</b>	<b>34,264</b>	<b>-</b>	<b>171,321</b>	<b>16.67%</b>
Transfers	829	138	-	691	16.67%
Equipment	2,500	51	-	2,449	2.04%
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	1,265	-	35	97.31%
Appropriated Reserve	80,000	-	-	80,000	0.00%
<b>Total Expenditures</b>	<b>\$ 4,463,384</b>	<b>\$ 695,664</b>	<b>\$ 458</b>	<b>\$ 3,767,262</b>	<b>15.60%</b>

**REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA**  
**Capital Projects Fund**  
**Interim Statement of Revenues, Expenditures and Encumbrances**  
**For the Two Months Ended August 31, 2009 (16.7% 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>
<b>Revenues:</b>					
SB Trust for Historic Preservation	\$ -	\$ 522,180	\$ -	\$ -	100.00%
Fire Station #1 EOC Donations	6,000	6,000	-	-	100.00%
Transfers-In	6,500,125	1,083,078	-	5,417,047	16.66%
<b>Total Revenues</b>	<u>6,506,125</u>	<u>1,611,258</u>	<u>-</u>	<u>-</u>	<u>24.77%</u>
Use of Fund Balance	12,208,909	2,034,819	-	-	16.67%
<b>Total Sources</b>	<u>\$ 18,715,034</u>	<u>\$ 3,646,077</u>	<u>\$ -</u>	<u>\$ -</u>	<u>19.48%</u>
<b>Expenditures:</b>					
<b>Finished</b>					
Coffee Cat Pedestrian Improvements	\$ 17,367	\$ -	\$ -	\$ 17,367	0.00%
<b>Construction Phase</b>					
IPM - Sustainable Park Improvements	9,511	-	9,511	-	100.00%
Fire Station #1 Remodel	377,482	87,319	306,900	(16,737)	104.43%
Fire Station #1 EOC	202,064	14,903	143,520	43,641	78.40%
Underground Tank Abatement	23,070	-	-	23,070	0.00%
<b>Design Phase</b>					
Carrillo Rec Center Restoration	2,200,000	-	-	2,200,000	0.00%
<b>Planning Phase</b>					
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	-	100,601	92,020	52.23%
PD Locker Room Upgrade	7,525,483	17,618	35,132	7,472,733	0.70%
Housing Fund Contingency Account	348,455	-	-	348,455	0.00%
<b>Total Expenditures</b>	<u>\$ 18,715,034</u>	<u>\$ 119,840</u>	<u>\$ 595,664</u>	<u>\$ 17,999,530</u>	<u>3.82%</u>

**REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA**  
**RDA Bonds - Series 2001A**  
**Interim Statement of Revenues, Expenditures and Encumbrances**  
**For the Two Months Ended August 31, 2009 (16.7% 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>
<b>Revenues:</b>					
Investment Income	\$ -	\$ 477	\$ -	\$ (477)	100.00%
Transfers-In	-	824,986	-	(824,986)	100.00%
<b>Total Revenues</b>	-	825,463	-	(825,463)	100.00%
Use of Fund Balance	3,219,138	536,523	-	-	16.67%
<b>Total Sources</b>	<u>\$ 3,219,138</u>	<u>\$ 1,361,986</u>	<u>\$ -</u>	<u>\$ (825,463)</u>	42.31%
<b>Expenditures:</b>					
<b>Capital Outlay:</b>					
<b>Finished</b>					
East Cabrillo Blvd Sidewalks	\$ 254,437	\$ 6,870	\$ 58,148	\$ 189,419	25.55%
<b>Design Phase</b>					
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%
<b>Total Expenditures</b>	<u>\$ 3,219,138</u>	<u>\$ 6,870</u>	<u>\$ 58,148</u>	<u>\$ 3,154,120</u>	2.02%

**REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA**  
**RDA Bonds - Series 2003A**  
**Interim Statement of Revenues, Expenditures and Encumbrances**  
**For the Two Months Ended August 31, 2009 (16.7% 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>
<b>Revenues:</b>					
Transfers-In	\$ -	\$ 525,215	\$ -	\$ (525,215)	100.00%
Intergovernmental	-	23,513	-	(23,513)	100.00%
<b>Total Revenues</b>	-	548,728	-	(548,728)	100.00%
Use of Fund Balance	18,764,514	3,127,420	-	-	16.67%
<b>Total Sources</b>	<u>\$ 18,764,514</u>	<u>\$ 3,676,148</u>	<u>\$ -</u>	<u>\$ (548,728)</u>	19.59%
<b>Expenditures:</b>					
<b>Capital Outlay:</b>					
<b>Finished</b>					
Adams Parking Lot & Site Imprvmts	\$ 77,419	\$ 1,075	\$ 3,584	\$ 72,760	6.02%
Anapamu Open Space Enhancements	2,464	-	-	2,464	0.00%
Historic Railroad CAR	24,646	7,824	-	16,822	31.75%
<b>Construction Phase</b>					
IPM - Sustainable Park Improvements	94,909	-	-	94,909	0.00%
Fire Station #1 Remodel	40,015	33,271	31,716	(24,972)	162.41%
West Beach Pedestrian Improvements	2,565,901	235,225	1,818,705	511,971	80.05%
Artist Workspace	612,042	6,037	29,089	576,916	5.74%
West Downtown Improvement	3,143,824	22,037	2,624,900	496,887	84.19%
Carrillo Rec Ctr Restoration	2,897,579	39,349	212,017	2,646,213	8.68%
<b>Design Phase</b>					
Plaza De La Guerra Infrastructure	2,282,158	-	38,290	2,243,868	1.68%
Westside Community Center	216,066	923	10,428	204,715	5.25%
<b>Planning Phase</b>					
Mission Creek Flood Control - Park Development	759,142	1,500	-	757,642	0.20%
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	1,920	-	497,878	0.38%
Chase Palm Park Wisteria Arbor	835,000	-	1,545	833,455	0.19%
<b>On-Hold Status</b>					
Visitor Center Condo Purchase	500,000	-	-	500,000	0.00%
Lower State Street Sidewalks	335,000	-	-	335,000	0.00%
<b>Total Expenditures</b>	<u>\$ 18,764,514</u>	<u>\$ 349,161</u>	<u>\$ 4,770,274</u>	<u>\$ 13,645,079</u>	27.28%



# CITY OF SANTA BARBARA

## REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Chairperson and Boardmembers

**FROM:** Housing and Redevelopment Division, Community Development Department

**SUBJECT:** Implementation Plan 2010-2014 For The Central City Redevelopment Project Area – Public Hearing

**RECOMMENDATION:** That the Redevelopment Agency Board:

- A. Review the Draft Implementation Plan, consider any comments received and, if appropriate, direct staff to make the necessary changes; and
- B. Adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving and Adopting the Implementation Plan 2010-2014 for the Central City Redevelopment Project Area as required by California Health and Safety Code Section 33490.

### **DISCUSSION:**

California Community Redevelopment Law as contained in Health & Safety Code Section 33490 requires Redevelopment Agencies to prepare and adopt, after a public hearing, an Implementation Plan every five years for each redevelopment project area. The Redevelopment Agency's current Implementation Plan 2005-2009 was adopted October 19, 2004 through Agency Resolution No. 989. The Agency's Implementation Plan for 2010-2014 must be adopted before December 31, 2009.

The Implementation Plan (Plan) must contain: 1) the specific goals and objectives of the Agency for the CCRP; 2) the specific programs, including potential projects, anticipated or planned for the next five years; 3) the estimated expenditures proposed to be made during the next five years; 4) an explanation of how the goals, objectives, programs and expenditures will eliminate blight within the CCRP; and 5) an explanation of how the Agency will implement the low and moderate income housing provisions required by Redevelopment Law during each of the next five years.

The Plan presents the Agency's anticipated programs, projects and expenditures in two sections. The first section identifies the Agency's approved and potential capital programs and projects. The second section presents the anticipated programs and projects to be funded with the Housing Set-Aside funds.

In preparing the Draft Plan, staff has included projects included in the current Implementation Plan that have not yet been undertaken but which remain under consideration and projects that have requested funding through the Agency's Fiscal Year 2010 Capital Program Funding process, as well as other projects that could be beneficial to consider in the near future. The Implementation Plan should be viewed as a general policy and program document. All costs are conceptual estimates and as such, the Agency is not obligated to carry out the projects identified in the Plan. Adoption of the Plan does not constitute an approval of any specific program, project or expenditure described in the Plan and therefore, an Implementation Plan is not a project under the California Environmental Quality Act (CEQA) requiring environmental documentation.

Should the Agency wish to pursue in the next five years any project not included in the Implementation Plan, the Plan may be amended to include the new project or program although it is not required.

Pursuant to the Health and Safety Code, a notice of the availability of the Draft Implementation Plan 2010-2014 and of the public hearing was posted in four prominent places in the Central City Redevelopment Project Area beginning on September 28, 2009. Display ads providing the same information were published in the Pacific Coast Business Times on September 18-24, September 25 – October 1, October 2-8 and in the Santa Barbara News-Press on October 2, 2009. The Draft Implementation Plan 2010-2014 was made available for viewing on the City's website beginning on September 17, 2009.

Copies of the Draft Implementation Plan 2010-2014 were made available for review in the Council reading file and by the public at City Hall at the City Clerk's Office, at the Housing and Redevelopment Division office (630 Garden Street) and on the City's website:

([http://www.santabarbaraca.gov/Resident/Home/Redevelopment/rda\\_reports.htm](http://www.santabarbaraca.gov/Resident/Home/Redevelopment/rda_reports.htm))

**PREPARED BY:** Brian Bosse, Housing and Redevelopment Manager/MEA

**SUBMITTED BY:** Paul Casey, Deputy Director

**APPROVED BY:** James L. Armstrong, Executive Director

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF SANTA BARBARA APPROVING AND  
ADOPTING THE IMPLEMENTATION PLAN 2010-2014  
FOR THE CENTRAL CITY REDEVELOPMENT PROJECT  
AREA AS REQUIRED BY CALIFORNIA HEALTH AND  
SAFETY CODE SECTION 33490

WHEREAS, the Central City Redevelopment Project Area (CCRP) was established by the City Council of the City of Santa Barbara and the Redevelopment Plan for the CCRP was adopted by the City Council and Redevelopment Agency Board on November 14, 1972, pursuant to Part 1 of Division 24 of the California Health and Safety Code, the California Community Redevelopment Law and City Ordinance No. 3566;

WHEREAS, the First Amended Redevelopment Plan for the Central City Redevelopment Project Area was adopted by the City Council on August 30, 1977, by Ordinance No. 3923, and the full environmental review of the Plan required by the California Environmental Quality Act (Public Resources Code 21000 et seq.) in the form of an environmental impact report was conducted;

WHEREAS, the First Amended Redevelopment Plan found that the Plan could be accomplished by encouraging harmonious, environmentally compatible and economically efficient land uses throughout the Project Area, thereby achieving functional, economic and visual order; by coordinating such land uses and the accompanying standards, controls and regulations with existing City controls and review processes; and by creating an economically viable central core that offers an attractive and pleasant environment;

WHEREAS, the Redevelopment Agency prepared an Implementation Plan for 2005-2009 for the Central City Redevelopment Project as required by California Health and Safety Code Section 33490, held the required public hearing, and duly adopted the Implementation Plan on October 19, 2004, by Resolution No. 989;

WHEREAS, the Redevelopment Agency, complying with the requirement that a new Implementation Plan be adopted every five years, has prepared an updated Implementation Plan 2010-2014 for the Central City Redevelopment Project Area, which identifies the specific goals of the Project Area, identifies specific programs, including potential projects and estimated expenditures, explains how the goals, objectives, projects and expenditures identified in the Plan are intended to eliminate blight within the Project Area, and explains how the Agency will implement the low and moderate income housing provisions during each of the next five years; and

WHEREAS, the Redevelopment Agency conducted a duly noticed public hearing on the review of the Implementation Plan 2010-2014 for the Central City Redevelopment Project Area on October 20, 2009, pursuant to the requirements of Health and Safety Code Sections 33490.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA:

SECTION 1. The Redevelopment Agency Board has determined that the review and approval of the Implementation Plan 2010-2014 is not a project within the meaning of the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.) by virtue of California Health and Safety Code Section 33490(a)(1)(B);

SECTION 2. The Redevelopment Agency Board, each of them individually, has read and fully considered the Implementation Plan 2010-2014, has read and considered the Agency staff report concerning the Plan, and has taken and considered public testimony at a duly noticed Agency public hearing concerning the Implementation Plan 2010-2014 and the Board's consideration of that Plan;

SECTION 3. The Redevelopment Agency Board finds and determines the above-recitals to be true and correct; and

SECTION 4. The attached Implementation Plan 2010-2014 for the Central City Redevelopment Project Area is hereby approved and adopted as required by California Health and Safety Code Section 33490.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Finance Department

**SUBJECT:** Resolution Approving The City's Participation In The Property Tax Securitization Program

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.

### **DISCUSSION:**

Proposition 1A was passed by California voters in 2004 to ensure local property tax and sales tax revenues remain with local government thereby safeguarding funding for public safety, health, libraries, parks, and other local services. These provisions can only be suspended if the Governor declares a fiscal necessity and two-thirds of the Legislature concurs.

The emergency suspension of Proposition 1A was passed by the Legislature and signed by the Governor as ABX4 14 and ABX4 15 as part of the fiscal year 2010 budget package on July 28, 2009. As allowed by Proposition 1A, the State will borrow 8% of the amount of property tax revenue apportioned to cities, counties and special districts. The State will be required to repay those obligations plus interest at 2% per annum by June 30, 2013. The amount to be borrowed from the City of Santa Barbara is approximately \$2.2 million.

ABX4 14 and ABX4 15 authorized a Proposition 1A Securitization Program, which is being sponsored by the California Statewide Communities Development Authority ("California Communities"), to enable local agencies to securitize their Proposition 1A receivable and thereby receive their borrowed property tax monies in advance.

California Communities is a joint powers authority of the California State Association of Counties and the League of California Cities. California Communities also sponsored the securitization program for the vehicle license fee backfill suspended from local agencies in fiscal year 2003 by the State (VLF "Gap" Loan), in which the City of Santa Barbara participated.

The legislature is currently reviewing a clean-up bill, SB67, which would provide for a few critical changes to the enabling legislation. While SB 67 has not yet been passed and signed into law, the legislature is expected to approve the bill prior to funding the Program. If for any reason SB 67 is not enacted and the bonds cannot be sold by December 31, 2009, all approved documents placed in escrow with Transaction Counsel will be of no force and effect and will be destroyed.

### **Securitization Program Details**

Under the Securitization Program, California Communities will purchase the Proposition 1A receivable from participating agencies, issue bonds ("Prop 1A Bonds") and subsequently provide each local agency with the cash proceeds in two equal installments, on January 15, 2010 and May 3, 2010. These two installments will coincide with the dates that the State will be shifting property tax from local agencies.

Unlike the securitization program for the VLF Gap Loan in which local agencies received approximately 93% of the unpaid revenues, the payments to the local agencies will equal 100% of the amount of the property tax reduction. In addition, all transaction costs of issuance and interest will be paid by the State of California, and participating local agencies will have no obligation on the bonds and no credit exposure to the State.

If approved, the City's sale of its Proposition 1A receivable will be irrevocable and bondholders will have no recourse to the City if the State does not make the Proposition 1A repayment.

### **Proposed Proposition 1A Receivables Sale Resolution**

The proposed Proposition 1A Receivables Sale Resolution:

- A. Authorizes the sale of the City's Proposition 1A receivable to California Communities for 100% of its receivable;
- B. Approves the form, and directs the execution and delivery, of the Purchase and Sale Agreement with California Communities and related documents;
- C. Authorizes and directs the Authorized Officers to send, or to cause to be sent, an irrevocable written instruction required by statute to the State Controller notifying the State of the sale of the Proposition 1A receivable and instructing the disbursement of the Proposition 1A receivable to the Proposition 1A Bond Trustee;
- D. Appoints certain City officers and officials as Authorized Officers for purposes of signing documents; and
- E. Authorizes miscellaneous related actions and makes certain ratifications, findings and determinations required by law.

### **Proposed Purchase and Sale Agreement**

The proposed Purchase and Sale Agreement provides for the sale of the Proposition 1A receivable to California Communities and, among other things, contains representations and warranties of the City to assure California Communities that the Proposition 1A receivable has not been previously sold, is not encumbered, that no litigation or other actions is pending or threatened to disrupt the transaction and that this is an arm's length "true sale" of the Proposition 1A receivable.

The proposed Proposition 1A Purchase and Sale Agreement includes the following exhibits:

1. Opinion of Counsel (Exhibit B1) – This is an opinion of the counsel to the local agency (which may be an in-house counsel or an outside counsel) covering basic approval of the documents, litigation, and enforceability of the document against the Seller. It will be dated as of the Pricing Date of the bonds (currently expected to be November 10, 2009).
2. Bringdown Opinion (Exhibit B2) – This simply "brings down" the opinions to the closing date (currently expected to be November 19, 2009).
3. Certificate of the Clerk of the Local Agency (C1) – A certificate of the Clerk confirming that the resolution was duly adopted and is in full force and effect.
4. Seller Certificate (Exhibit C2) – A certification of the Seller dated as of the Pricing Date confirming that the representations and warranties of the Seller are true as of the Pricing Date, confirming authority to sign, confirming due approval of the resolution and providing payment instructions.
5. Bill of Sale and Bringdown Certificate (Exhibit C3) – Certificate that brings the certifications of the Seller Certificate (C2) down to the Closing Date and confirms the sale of the Proposition 1A receivable as of the Closing Date.
6. Irrevocable Instructions to the Controller (Exhibit D) – Required in order to let the State Controller know that the Proposition 1A receivable has been sold and directing the State to make payment of the receivable to the Trustee on behalf of the Purchaser.
7. Escrow Instruction Letter (Exhibit E) – Instructs Transaction Counsel to hold all documents in escrow until closing, and if closing does not occur by December 31, 2009, for any reason, to destroy all documents.

If approved by City Council, staff will deliver the executed documents to the Transaction Counsel by November 6, 2009, as required for participation in the program.

### **Recommended Action**

Staff recommends that the City participate in the Proposition 1A Securitization Program and adoption by Council of the proposed Proposition 1A Sale Resolution and Purchase and Sale Agreement. The recommendation is based primarily on the fact that 100% of the funds will be received with no financial commitments or obligations associated with the bonds to be issued by California Communities. It also removes the risk of non-payment by the State.

Staff presented this item to the Finance Committee on Tuesday, October 13. The Committee voted unanimously to recommend Council's approval of the City's participation in the program.

### **BUDGETARY AND FINANCIAL INFORMATION**

Participation in the Securitization Program will avoid a delay of at least three years for the receipt of \$2.2 million in property taxes borrowed by the State and, thus, will have no budgetary impact.

**SUBMITTED BY:** Robert Samario, Interim Finance Director

**APPROVED BY:** City Administrator's Office

**RESOLUTION NO. \_\_\_\_\_**

**CITY COUNCIL  
OF THE  
CITY OF SANTA BARBARA**

**A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH**

WHEREAS, pursuant to Section 25.5 of Article XIII of the California Constitution and Chapter 14XXXX of the California Statutes of 2009 (Assembly Bill No. 15), as amended (the "Act"), certain local agencies within the State of California (the "State") are entitled to receive certain payments to be made by the State on or before June 30, 2013, as reimbursement for reductions in the percentage of the total amount of ad valorem property tax revenues allocated to such local agencies during the State's 2009-10 fiscal year (the "Reimbursement Payments"), which reductions have been authorized pursuant to Sections 100.05 and 100.06 of the California Revenue and Taxation Code;

WHEREAS, the City of Santa Barbara, a local agency within the meaning of Section 6585(f) of the California Government Code (the "Seller"), is entitled to and has determined to sell all right, title and interest of the Seller in and to its "Proposition 1A receivable", as defined in Section 6585(g) of the California Government Code (the "Proposition 1A Receivable"), namely, the right to payment of moneys due or to become due to the Seller pursuant to Section 25.5(a)(1)(B)(iii) of Article XIII of the California Constitution and Section 100.06 of the California Revenue and Taxation Code, in order to obtain money to fund public capital improvements or working capital;

WHEREAS, the Seller is authorized to sell or otherwise dispose of its property as the interests of its residents require;

WHEREAS, the California Statewide Communities Development Authority, a joint exercise of powers authority organized and existing under the laws of the State (the "Purchaser"), has been authorized pursuant to Section 6588(x) of the California Government Code to purchase the Proposition 1A Receivable;

WHEREAS, the Purchaser desires to purchase the Proposition 1A Receivable and the Seller desires to sell the Proposition 1A Receivable pursuant to a purchase and sale agreement by and between the Seller and the Purchaser in the form presented to this City Council (the "Sale Agreement") for the purposes set forth herein;

WHEREAS, in order to finance the purchase price of the Proposition 1A Receivable from the Seller and the purchase price of other Proposition 1A Receivables from other local agencies, the Purchaser will issue its bonds (the "Bonds") pursuant to Section 6590 of the California Government Code and an Indenture (the "Indenture"), by and between the Purchaser and Wells Fargo Bank, National Association, as trustee (the "Trustee"), which Bonds will be payable solely

from the proceeds of the Seller's Proposition 1A Receivable and other Proposition 1A Receivables sold to the Purchaser by local agencies in connection with the issuance of the Bonds;

WHEREAS, the Seller acknowledges that (i) any transfer of its Proposition 1A Receivable to the Purchaser pursuant to the Sale Agreement shall be treated as an absolute sale and transfer of the property so transferred and not as a pledge or grant of a security interest by City of Santa Barbara to secure a borrowing, (ii) any such sale of its Proposition 1A Receivable to the Purchaser shall automatically be perfected without the need for physical delivery, recordation, filing or further act, (iii) the provisions of Division 9 (commencing with Section 9101) of the California Commercial Code and Sections 954.5 to 955.1 of the California Civil Code, inclusive, shall not apply to the sale of its Proposition 1A Receivable, and (iv) after such transfer, the Seller shall have no right, title, or interest in or to the Proposition 1A Receivable sold to the Purchaser and the Proposition 1A Receivable will thereafter be owned, received, held and disbursed only by the Purchaser or a trustee or agent appointed by the Purchaser;

WHEREAS, the Seller acknowledges that the Purchaser will grant a security interest in the Proposition 1A Receivable to the Trustee and any credit enhancer to secure payment of the Bonds;

WHEREAS, a portion of the proceeds of the Bonds will be used by the Purchaser to, among other things, pay the purchase price of the Proposition 1A Receivable;

WHEREAS, the Seller will use the proceeds received from the sale of the Proposition 1A Receivable for any lawful purpose as permitted under the applicable laws of the State;

NOW THEREFORE, the City Council of the City of Santa Barbara hereby resolves as follows:

Section 1. All of the recitals set forth above are true and correct, and this City Council hereby so finds and determines.

Section 2. The Seller hereby authorizes the sale of the Proposition 1A Receivable to the Purchaser for a price equal to the amount certified as the Initial Amount (as defined in the Sale Agreement) by the County auditor pursuant to the Act. The form of Sale Agreement presented to the City Council is hereby approved. An Authorized Officer (as set forth in Appendix A of this Resolution, attached hereto and by this reference incorporated herein) is hereby authorized and directed to execute and deliver the Sale Agreement on behalf of the Seller, which shall be in the form presented at this meeting.

Section 3. Any Authorized Officer is hereby authorized and directed to send, or to cause to be sent, an irrevocable written instruction to the State Controller (the "Irrevocable Written Instruction") notifying the State of the sale of the Proposition 1A Receivable and instructing the disbursement pursuant to Section 6588.6(c) of California Government Code of the Proposition 1A Receivable to the Trustee, on behalf of the Purchaser, which Irrevocable Written Instruction shall be in the form presented at this meeting.

Section 4. The Authorized Officers and such other Seller officers, as appropriate, are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, including but not limited to, if required, appropriate escrow instructions relating to the delivery into escrow of executed documents prior to the closing of the Bonds, and such other documents mentioned in the Sale Agreement or the Indenture, which any of them may deem necessary or desirable in order to implement the Sale Agreement and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. All consents, approvals, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, whether before or after the sale of the Proposition 1A Receivable or the issuance of the Bonds, including without limitation any of the foregoing that may be necessary or desirable in connection with any default under or amendment of such documents, may be given or taken by an Authorized Officer without further authorization by this City Council, and each Authorized Officer is hereby authorized and directed to give any such consent, approval, notice, order or request, to execute any necessary or appropriate documents or amendments, and to take any such action that such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution.

Section 6. The City Council acknowledges that, upon execution and delivery of the Sale Agreement, the Seller is contractually obligated to sell the Proposition 1A Receivable to the Purchaser pursuant to the Sale Agreement and the Seller shall not have any option to revoke its approval of the Sale Agreement or to determine not to perform its obligations thereunder.

Section 7. This Resolution shall take effect from and after its adoption and approval.

PASSED AND ADOPTED by the City Council of the City of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

Clerk

Approved as to form :

SELLER'S COUNSEL

By \_\_\_\_\_

Dated: \_\_\_\_\_

**APPENDIX A**

CITY OF SANTA BARBARA

**Authorized Officers:** James L. Armstrong, City Administrator/Clerk/Treasurer

Robert Samario, Interim Finance Director

any designee of any of them, as appointed in a written certificate of such Authorized Officer delivered to the Trustee.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Environmental Services Division, Finance Department

**SUBJECT:** Release Of Conversion Technology RFP And Project Cost-Sharing With The County Of Santa Barbara

**RECOMMENDATION:** That Council:

- A. Receive a report on the release and subsequent schedule of events related to the Request for Proposals (RFP) for the Conversion Technology (CT) project at the Tajiguas Landfill;
- B. Authorize the Finance Director to enter into a cost-sharing agreement with the County of Santa Barbara in an amount not to exceed \$66,650 for a new contract with Alternative Resources, Incorporated (ARI) for the evaluation of proposals and the selection of a CT vendor; and
- C. Increase Fiscal Year 2010 Solid Waste Fund appropriations by \$46,650 for the unbudgeted amount needed to fully reimburse the County for the City's portion of costs related to the new contract with ARI.

**DISCUSSION:**

Nearly three years ago, the City and County of Santa Barbara directed their respective solid waste staff to work jointly to evaluate a possible joint County/South Coast City project for siting a conversion technology (CT) facility at the County's Tajiguas Landfill that would convert South Coast jurisdictions' residual solid waste into energy or a usable fuel. This would have the primary benefit of diverting a majority of solid waste from disposal at the County-owned and -operated Tajiguas Landfill, thereby extending the Landfill's useful life.

With the approval of the County Board of Supervisors and City Council, Santa Barbara and County staff hired a consultant, Alternative Resources, Incorporated (ARI) to assist in the completion of a CT Feasibility Study (Study), develop a list of qualified vendors, and prepare a Request for Proposals (RFP). The results of the Study prepared by ARI were presented to the City Council and County Board of Supervisors in May 2008.

On August 11, 2009 the City Council approved a resolution indicating the City's conceptual support for the project and its underlying goals and the City's intent to potentially commit its residual municipal solid waste (MSW) to the CT facility if all of the CT project goals are fulfilled as determined appropriate by the City Council. The RFP was completed in September and, as of the writing of this Council Agenda Report, was scheduled for release to qualified vendors on Monday, October 19, 2009.

The next stage of the RFP process will be the evaluation of proposals and the possible selection of a CT vendor for a period of exclusive negotiations to provide the County with a feasible and affordable CT project. Proposals will be due no later than April 21, 2010. As currently envisioned by the CT project team, the evaluation of proposals is scheduled to occur between April and July, 2010 and a vendor selected by August 31, 2010. City staff has reviewed the draft RFP in order to assure ourselves that it allows the City or the County to reject any and all proposals at their discretion and makes it clear that neither the County nor the City will be liable to reimburse any Proposer for costs or expenses in making a proposal in response to the RFP.

**Incurred Project Costs**

Council has already authorized reimbursement to the County for the City's share of the professional services itemized below related to the CT project in an amount not to exceed \$181,758.

The table below summarizes consulting services received to date for the CT project as well as the total costs paid by participating jurisdictions and the amount paid by the City.

Incurred Project Costs			
Contractor	Services	Contract Total	City Share
ARI Consulting	CT Feasibility Study, Request for Information / short-list of qualified vendors; coordination and development of Request for Proposals	\$182,500	\$91,250
Adamski, Moroski, Madden and Green	Assistance with legal components of RFP; working draft of Joint Powers Agreement	\$75,000	\$32,250
SCS Engineering	Waste Characterization Study	\$98,842	\$58,258
	<b>Total</b>	<b>\$356,342</b>	<b>\$181,758</b>

The City's share of the costs for these services was 50% for the initial contract with ARI, split with the County of Santa Barbara; thereafter, when other jurisdictions were brought into the project, the City's share was reduced to 43% based on the proportionate share of waste sent to the Tajiguas Landfill by each of the five participating agencies. The City share of the Waste Characterization Study (reflected above) includes a City-specific study for which the City also reimbursed the County.

### **Current and Future Project Costs**

The new contract with ARI Consulting will be for their assistance in the procurement process. ARI will receive, log, and answer questions from vendors, receive and coordinate the evaluation of proposals, and help the participating jurisdictions select a preferred CT vendor. This new contract is for a total amount not to exceed \$155,100. If approved by Council, the City will pay \$66,650, or 43% of the contract total based on the proportion of solid waste that the City currently disposes at the County's Tajiguas landfill on an annual basis.

If the proposals are consistent with the CT project's approved goals and objectives, and a vendor is selected for the purposes of exclusive negotiations, the next stage of the project would be the negotiation of the terms and conditions of a contract with the selected CT vendor to take the proposed CT project through the County's development review process (including the likely preparation of a full CT project EIR.) ARI has provided a preliminary estimate for their services of \$45,000. The City's share would be \$19,350 or 43% of the total contract. Additional authority to proceed with the project and to incur additional expenses will be sought from the City Council at that time.

According to ARI, the cost to construct a CT facility can vary widely, from \$50 million to \$200 million. The RFP has been prepared based on the expectation that any CT facility built at the Tajiguas Landfill will be privately owned, operated, and funded through fees paid by the MSW rate payers within participating jurisdictions.

### **BUDGET/FINANCIAL INFORMATION:**

For the current procurement stage in the CT project (evaluation of proposals and the selection of a CT vendor), the City will pay \$66,650. The Solid Waste Fund currently has \$20,000 in existing appropriations for Conversion Technology; therefore, an additional \$46,650 is necessary to cover the City's share. This will bring authorized expenditures on this project to-date to a total of \$248,408.

### **SUSTAINABILITY IMPACTS:**

If a vendor is selected and this project moves forward, the result would include a significant reduction in the volume of municipal solid waste buried in the Tajiguas Landfill, and the production of energy created from processing the City's residual solid waste material through a CT facility.

**PREPARED BY:** Stephen MacIntosh, Environmental Services Supervisor

**SUBMITTED BY:** Robert Samario, Interim Finance Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009

**TO:** Mayor and Councilmembers

**FROM:** Chief's Staff, Police Department

**SUBJECT:** Request from Councilmembers Schneider and Williams Regarding Amending the Dance Permit Ordinance

**RECOMMENDATION:**

That Council consider the request from Councilmembers Schneider and Williams to refer Amending the Dance Permit Ordinance to the Ordinance Committee.

**DISCUSSION:**

Attached is a memorandum from Councilmembers Schneider and Williams requesting that an amendment to the Dance Permit Ordinance be considered by the Ordinance Committee. This would exempt small establishments outside the City's Entertainment District which only have a beer and wine alcohol permit (i.e., no full liquor license) and a maximum occupancy of 80 or below from the City's Dance Permit Ordinance as amended last year.

**ATTACHMENT:** Memorandum from Councilmembers Schneider and Williams

**PREPARED BY:** Linda Gunther, Administrator's Office Supervisor

**SUBMITTED BY:** Joan Kent, Assistant City Administrator

**APPROVED BY:** City Administrator's Office

City of Santa Barbara  
Mayor and Council Offices

**Memorandum**

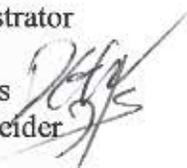
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SEP 10 2009

CITY ADMINISTRATOR'S OFFICE  
SANTA BARBARA

**DATE:** September 10, 2009

**TO:** Jim Armstrong, City Administrator

**FROM:** Councilmember Das Williams   
Councilmember Helene Schneider

**SUBJECT:** Amending the Dance Permit Ordinance

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Pursuant to Council Resolution 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda at the earliest convenience regarding drafting an amendment to the Dance Permit Ordinance to allow dancing in establishments outside the City's Entertainment District.

- Summary of Information to be Presented and Background Information

Discussion of proposed amendment to the attached Dance Permit Ordinance.

- Statement of Specific Action

Councilmembers Williams and Schneider request that Council authorize staff to instruct the Ordinance Committee to draft an amendment for Council consideration to Chapter 5.20 of Title Five of the Santa Barbara Municipal Code, the Dance Permit Ordinance, that would exempt small establishments outside of the City's Entertainment District with only a beer and wine alcohol permit (i.e. no full liquor license) and a maximum occupancy of 80 or below from the Ordinance.

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

Such an amendment would correct an unintended consequence of the City's Dance Permit Ordinance without impacting the noise abatement goals of the Ordinance within the City's Entertainment District.

Chapter 5.20

DANCE PERMITS

Sections:

5.20.010	Definitions.	5.20.100	Duration of Dance Permits.
5.20.020	Public Dance Permit Required.	5.20.110	Renewal of Dance Permits.
5.20.030	Exclusions from Dance Permit Requirement.	5.20.120	Display of Dance Permits.
5.20.050	Application for City Dance Permit.	5.20.130	Dance Permits Not Transferable.
5.20.060	Public Noticing of Dance Permit Applications.	5.20.140	Dance Permittee Reporting of ABC License Violations.
5.20.070	Issuance of Certain Dance Permits – Administrative Issuance of Permits by Chief of Police; Board Hearing Procedures for Nightclub Dance Permit Applications.	5.20.150	Suspension or Revocation of a Dance Permit.
5.20.080	Permissible Dance Permit Conditions.	5.20.160	New Permit Application After Revocation or Denial.
5.20.090	Appeal From Denial or From Conditional Approvals or From a Renewal Application.	5.20.170	No Outdoor Dancing – Nightclub Permits.
		5.20.180	Pre-Approval Application Process.
		5.20.190	Adoption of Rules and Regulations; Application/Renewal Fees.

5.20.010 Definitions.

For the purposes of this Chapter, the following words and phrases used herein are defined as follows:

A. **ABC LICENSE.** The license issued by the California Department of Alcoholic Beverage Control for the sale and consumption of alcoholic beverages.

B. **APPLICANT.** A person as defined by this Chapter who seeks the issuance of a dance permit.

C. **DANCE OR DANCING.** Movement of the human body and feet in rhythm generally to music.

D. **DANCE ESTABLISHMENT.** A person or business who conducts a public dance or public dances.

E. **DANCE PATRONS.** Customers, invitees, or members of the public that attend a public dance.

F. **DANCE PERMIT.** Either a Limited Dance Permit, a Live Entertainment Dance Permit, or a Nightclub Dance Permit.

G. **ENTERTAINMENT DISTRICT.** The area of the City defined in the City of Santa Barbara's General Plan as the Entertainment District, which is bounded by Sola Street on the north, Santa Barbara Street on the east, Chapala Street on the west, and Cabrillo Boulevard on the south.

H. **LIMITED DANCE PERMIT.** A Dance Permit issued to a dance establishment which requests such a permit, and which provides that the following permit restrictions apply:

1. The permit allows no more than twelve (12) public dances on twelve (12) separate days per year;

2. Dancing at the establishment must end prior to midnight on each occasion;

3. Such other conditions which the Chief may deem appropriate under the circumstances of the application, especially with respect to the required security measures and noise mitigation measures.

I. **LIVE ENTERTAINMENT DANCE PERMIT.** A Live Entertainment Dance Permit issued to a dance establishment which requests such a permit, and which provides that the following permit restrictions apply:

1. The music (including singing) provided for the dancing is performed live exclusively and is not pre-recorded;

2. The music (including singing) provided for the dancing is not amplified in any way and is exclusively acoustic music;

3. The dance establishment does not offer dancing more than three (3) nights per week;

4. Such other conditions which the Chief of Police may deem appropriate under the circumstances of the application, especially with respect to the required security measures and noise mitigation measures;

5. Dancing within the establishment will not continue beyond one o'clock a.m. each day that dancing and live music is offered at the establishment.

J. **NIGHTCLUB DANCE PERMIT.** A dance permit issued by the City, which is not classified as or restricted like a Limited Dance Permit or a Live Entertainment Dance Permit.

K. **PERSON.** Includes both the singular and the plural, and shall mean any individual, business, firm, company, corporation, association, partnership, legal entity, or society (exclusive of public agencies), including the authorized agents thereof.

L. **PUBLIC DANCE.** Any gathering of persons in or upon any nonresidential or commercial premises where dancing occurs, either as the main purpose for such gathering or as an incident to the conduct of another business, and to which the public is admitted. (Ord. 5445, 2008.)

#### **5.20.020 Public Dance Permit Required.**

No person shall conduct or operate a public dance in the City of Santa Barbara without first obtaining a City dance permit as required by this Chapter. (Ord. 5445, 2008.)

#### **5.20.030 Exclusions from Dance Permit Requirement.**

A City dance permit under Section 5.20.020 of this Chapter is not required for the following activities:

**A. DANCES AT CITY FACILITIES.** Any public dance conducted in a park or recreational facility owned or operated by the City of Santa Barbara, where the City facility has been properly reserved for a private non-commercial function and the dancing has been otherwise expressly permitted by the City for that facility;

**B. CLUB DANCES.** Any public dance conducted by or sponsored by any club or similar association organized for charitable, dramatic, or literary purposes, where the club or association has pre-established association membership and it holds regular meetings for purposes other than dancing, provided the net proceeds from the public dances are used exclusively for the purposes which the club or association has been officially established;

**C. NONPROFIT YOUTH DANCES.** Any public dance sponsored by any nonprofit public benefit organization (as established pursuant to state law) whose primary objective is the sponsoring of youth activities so long as all of the following requirements are met:

1. No person eighteen (18) years of age or older may be in attendance, unless such person is a bona fide student at, or member of, the sponsoring agency or organization;
2. No alcoholic beverages are served or available at the premises where the dance is held;
3. Chaperones from the sponsoring agency are present on the premises at the rate of two adults (who are at least twenty-five years of age or older) for every one hundred guests;
4. The dance ends by midnight, and the establishment and the adjoining parking lots are promptly vacated no later than 12:30 a.m. after the dance.

**D. PRIVATE CLUB DANCES.** Dancing occasionally provided for members and their guests at a private club having a pre-established membership, where admission to the dance is not open to the general public and where the dance is not held within premises licensed as a restaurant or premises licensed by the ABC for the public sale of alcohol to the general public. For purposes of this Section, "private club" shall mean a corporation or association operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, in which membership is by application and regular dues are charged, and the facilities of the club belong to members, and the operation of which is not primarily for monetary gain;

**E. PRIVATE PARTIES.** Dancing occasionally provided for invited guests only at a private non-commercial event such as a wedding reception, an anniversary party, private banquet, or similar private or family celebration, where there is no admission charge and where the invitation is not concurrent with the event or party;

**F. CITY-SPONSORED DANCES AND DANCE LESSONS.** A dance or dance lessons provided or sponsored by the City of Santa Barbara.

**G. CHURCH DANCES.** Dancing occasionally conducted or sponsored by any religious or other corporation or organization exempt from taxation pursuant to Internal Revenue Code Section 501, where all net proceeds from the dance (including all net proceeds from refreshments sold or served at the dance) are used exclusively for the charitable, religious, or benevolent purposes of such corporation or organization;

**H. SCHOOL PERFORMANCES.** Performances or student recitals by students or performers at educational institutions (as defined by the Education Code), where such performances are part of an educational or instructional curriculum or program;

**I. THEATRICAL PERFORMANCES.** Dancing on a stage as part of a theater performance in a play or a similar dramatic or musical theater production or in connection with performances permitted pursuant to subparagraph (A)(2) of Santa Barbara Municipal Code Section 28.81.020;

**J. PRIVATE DANCE INSTRUCTION.** Dance lessons or dance instruction by a business, provided such lessons or instruction begin and end prior to 9:00 p.m. each day.

**K. PHYSICAL FITNESS CENTERS.** Physical exercise to music provided by an athletic club, gym, or similar physical fitness center. (Ord. 5445, 2008.)

#### **5.20.050 Application for City Dance Permit.**

**A. DANCE PERMIT APPLICATIONS.** An application for any type of dance permit shall be filed with the Chief of Police on the required departmental application form, which form shall provide at least all of the following information:

1. The name and permanent address of the applicant and all persons having any financial interest in the dance establishment, including all partners, members, or stockholders thereof, and including the owner of the real property where the public dancing is to be located;
2. The maximum number of persons who are expected to be present within the dance establishment at any one time;
3. For a new business establishment, the proposed opening date, and hours and days of operation of the dance establishment, in particular those days and hours when dance music will be provided;

4. For Limited Dance Permit applications, the dates and hours when dancing will occur and, for Live Entertainment permit applications, the days of the week for which dancing is proposed;
5. A detailed architectural site or floor plan (drawn to scale) depicting the interior of the dance establishment, including, in particular, the location, size and number of dance floors, all windows, doors and exits, and all tables and chairs and other seating within the establishment;
6. For a Nightclub Dance Permit application, a noise mitigation site plan (drawn to scale) of the interior of the dance establishment, including, in particular, the locations and specifications of all speakers, televisions, video monitors, and all other audio and amplification equipment, and disc jockey booth, as well as the location of any stage or other area where musicians will perform along with a narrative explanation of how the establishment will mitigate adverse noise impacts on surrounding properties during the operation of the nightclub;
7. For a Nightclub Dance Permit application, a business plan for the operation of the dance establishment, such as statement of the applicant's business goals for the dance establishment, the age group of the patrons the business will seek to attract, the type of music which will generally be played, and a general description of the applicant's plan for achieving its business goals;
8. For a Nightclub Dance Permit application, a comprehensive security plan for allowing the establishment to maintain order at all times, including, but not limited to, the following plan information:
  - a. The number of designated security personnel to be available on the premises depending or based on weekday or weekend nights.
  - b. A security site plan (including a scaled drawing) depicting and describing the proposed security arrangements and showing where security personnel will be stationed during the hours of 8:00 p.m. until closing each night.
  - c. The designation of a security manager (or managers) by name and the cell phone contact numbers for such managers, which information shall be kept current with the Police Department at all times by the permittee;
9. The name or names of the those persons (including cell phone contact numbers) designated by the owners of the establishment as having the day to day management and supervision authority over the proposed dance establishment (as the designated "general manager(s)"), which manager information and phone numbers shall be kept current with the Police Department by the applicant at all times;
10. Whether or not the applicant or any other person(s) having an interest in the establishment (including the designated security managers) have been convicted of a misdemeanor or felony offense, and if so, the nature of such offense(s), and the sentence(s) received therefor, including whether any person so convicted remains on probation or parole;
11. A "Land Use/Building Permit Clearance" form or other required approval issued by the Community Development Department, certifying in writing that the zoning for the dance establishment premises allows such a use as that being proposed and that all required building and other uniform construction code permits necessary to legally operate the establishment have been duly obtained, and all City-approved final inspections have been received;
12. Completed Police Department fingerprinting for the applicant(s) (including all persons having an ownership interest in the dance establishment to be permitted), as well as fingerprinting for the required designated security managers and the establishment's designated general manager(s);
13. The submission to the Police Department of a written inspection report on the dance permit establishment location prepared by the City Fire Marshal in order to allow the Department to assess and review the dance establishment's compliance with the Uniform Fire Code requirements as adopted by the City; and
14. Such other information as the Police Chief shall deem necessary for the proper processing and review of the application. (Ord. 5445, 2008.)

#### **5.20.060 Public Noticing of Dance Permit Applications.**

**A. NIGHTCLUB DANCE PERMIT NOTICING.** Notice of the required Board of Fire and Police Commissioners public hearing regarding the issuance of a Nightclub Dance Permit shall be provided to the public by the applicant in each of the following ways:

1. **Mailed Notices to Neighbors.** Written notice of the Board hearing shall be sent by first class United States mail (postage prepaid) not less than ten calendar days prior to the scheduled Board hearing, to all owners of real property as shown on the latest equalized assessment roll within a radius of two hundred feet (200') from the real property parcel for which the Nightclub Dance Permit is proposed.
2. **Posting the Exterior of the Premises.** The applicant shall post a notice on the exterior of the establishment for which the Nightclub Dance Permit is sought at least fourteen (14) calendar days prior to the Board hearing, and for no less than ten consecutive days, in a visible location in a manner as required by the Chief of Police.
3. **Contents of Required Public Notice and Posting.** The Chief of Police will provide an applicant with the required form of the notice to be mailed and of the posted notice necessary to provide public noticing required by this Section, and only such forms of notice shall be used for this purpose as established in the approved Dance Permit Ordinance guidelines.

**B. LIMITED DANCE AND LIVE ENTERTAINMENT DANCE PERMIT NOTICING.** Public noticing of a dance permit application for a Limited Dance Permit or for a Live Entertainment Dance Permit need only be provided by posting of the notice in accordance with subparagraph (A)(2) above, unless the Chief of Police determines that additional public notice requirements (including mailed notices) consistent with this Chapter are appropriate under the circumstances of the particular application. (Ord. 5445, 2008.)

**5.20.070 Issuance of Certain Dance Permits - Administrative Issuance of Permits by Chief of Police; Board Hearing Procedures for Nightclub Dance Permit Applications.**

**A. ISSUANCE OR RENEWAL OF A LIMITED DANCE PERMIT OR A LIVE ENTERTAINMENT DANCE PERMIT BY THE CHIEF OF POLICE.**

**1. Issuance.** Upon the completion of the required public posting of an application for a Limited or Live Entertainment Dance Permit as established by Section 5.60.060(B), an application for a Limited Dance Permit or for a Live Entertainment Dance Permit shall be issued in the first instance by the Chief of Police (or the Chief's designated departmental representative) after the completion of a public meeting on the application at a date, time, and location established for the meeting by the Chief and as stated in the public noticing for the dance permit application.

**2. Conditions of Approval; One Year Validity; Process for Renewal.** Limited and Live Entertainment Dance Permits may be conditioned as deemed appropriate by the Chief of Police in accordance with the standard permit conditions provided for in Section 5.20.080 hereof. Limited Dance Permits and Live Entertainment Dance Permits issued under this subparagraph shall be valid for a period not to exceed one year and may be renewed annually upon application by the permittee filed not less than thirty (30) days prior to the expiration date of the permit. Upon a denial of a permit, or refusal of an applicant to accept a required condition of approval, the Chief shall provide the applicant with written explanation of the reasons for the denial or for the condition, and such reasons shall be one or more the grounds for denial set forth in subsection C hereof.

**3. Renewal Applications.** A renewal of a Limited or Live Entertainment Dance Permit need not require a new application, provided that original application information remains current and correct and the renewal request is consistent with the requirements established for such requests in the Dance Permit guidelines authorized by this Chapter.

**4. Referral of a Limited or Live Entertainment Dance Permit to the Board.** The Chief of Police, when appropriate, may refer an original application (or a renewal application) for a Limited or Live Entertainment Dance Permit for premises located within the City's Entertainment District to the City's Board of Fire and Police Commissioners for action on the application consistent with the requirements of this Chapter.

**B. APPROVAL, CONDITIONAL APPROVAL, OR DENIAL OF A NIGHTCLUB DANCE PERMIT APPLICATION.** Within 45 days of the filing of a completed application for a Nightclub Dance Permit (as such completion is determined by the Chief of Police), and upon the completion of the public noticing required by Section 5.60.060, the Board of Fire and Police Commissioners shall review the application for a Nightclub Dance Permit and either issue the permit, issue the permit with appropriate conditions consistent with Section 5.20.080 hereof, or deny the application for a Nightclub dance permit.

**C. GROUNDS FOR DENIAL OF A NIGHTCLUB DANCE PERMIT.** The Board shall deny an application for a Nightclub Dance Permit only when it has evidence sufficient to make or one or more of the following findings for denial:

1. The applicant has made a false statement of material fact on the dance permit application or has omitted a material fact as part of the dance permit application.

2. The applicant or any person designated by the applicant to exercise on-site managerial control over the nightclub has been convicted of a crime which is substantially related to the qualifications, functions, or required duties of a permittee, within the past five years.

3. The operation of a nightclub at the proposed permit location will interfere with the peace and quiet of a substantial number of persons living in residential dwellings in the vicinity of the dance permit location, such that it would deprive the occupants of such dwellings of the reasonable use and enjoyment of their residential property.

4. The building within which the nightclub will be located is inappropriate or unworkable for its intended nightclub use because it will be inadequate for some or all of the following reasons: a. it will not provide adequate noise control necessary to restrict the noise of the dance club to within the structure; or b. it lacks the appropriate and necessary ingress and egress for entering or exiting the structure in terms of its occupancy limitations and the applicable fire code requirements.

5. The proposed plan for maintaining security at the nightclub is inadequate. (Ord. 5445, 2008.)

**5.20.080 Permissible Dance Permit Conditions.**

**A. IMPOSITION OF CONDITIONS.** The Chief of Police (or his designee) or the Board may, upon issuing a Dance Permit, impose the following permit conditions relating to the operation of the dance establishment:

1. A condition limiting the days, hours and location of the operation of the dance establishment and establishing that dancing shall not be permitted under any circumstances between the hours of 1:30 a.m. and 8:00 a.m.;

2. A condition restricting separate entrances, exits, and restroom facilities on the premises, or other similar restrictions designed to prevent minors from obtaining alcohol are required;
3. A condition on the number of persons allowed on the premises at any one time;
4. A condition requiring full compliance with the security and noise mitigation plans as approved;
5. A condition mandating that the closure of certain doors and windows is required and, if necessary, the appropriate hours for such closures;
6. Conditions describing the circumstances under which the Chief of Police must receive advance notice of a particular dance event or a business promotion if that event/promotion is not held as part of the regularly scheduled events of the business;
7. Any additional conditions or measures the establishment must undertake as security precautions in order to control the conduct of patrons as necessary to minimize or prevent disorderly conduct or fighting or overcrowding within the permit establishment;
8. A condition imposing those measures the permittee must undertake to remove litter attributable to the establishment (including litter in and around the establishment);
9. Such other conditions or measures related to public health, safety, and welfare as the Chief of Police may deem appropriate, which may be needed to maintain appropriate security within the establishment (and public areas immediately adjacent to the establishment) or needed to minimize adverse noise impacts on the neighboring property owners or residents. (Ord. 5445, 2008.)

**5.20.090 Appeal From Denial or From Conditional Approvals or From a Renewal Application.**

**A. NIGHTCLUB DANCE PERMIT APPEALS.** The denial or approval (including any conditions imposed thereon) of any application for a Nightclub Dance Permit under this Chapter by the Board of Fire and Police Commissioners may be appealed to the City Council by the applicant or by any interested person pursuant to the provisions of Section 1.30.050 of this Code. This right of appeal shall also include an action taken by the City with respect to the renewal or non-renewal of a Nightclub Dance Permit.

**B. LIMITED PERMIT OR LIVE ENTERTAINMENT PERMIT APPEALS.** The denial or the approval (including any conditions imposed thereon) on any application (including a renewal application) for a Limited Dance Permit or a Live Entertainment Dance Permit by the Chief of Police may be appealed to the City Administrator, which decision on appeal shall be final. The City Administrator is hereby authorized to refer such an appeal to a more appropriate hearing officer or body in the manner described in subsection (b) of SBMC Section 1.30.050, as the City Administrator may deem appropriate. Such a referral may be for the purposes of obtaining a recommendation on the appeal or for other appropriate action on the appeal. This right of appeal shall also include any action taken by the City on a Limited or Live Entertainment Dance Permit renewal application. (Ord. 5445, 2008.)

**5.20.100 Duration of Dance Permits.**

**A. NEW PERMITS - ONE YEAR DURATION.** A dance permit issued pursuant to this Chapter shall be valid for one year from the date of issuance.

**B. DATE OF EXPIRATION FOR PERMITS VALID AS OF THE ADOPTION OF THIS CHAPTER.** Unless an earlier expiration date is specified in a valid dance permit itself, a dance permit issued on or before the effective date of the ordinance enacting this Chapter shall be valid for one year following the anniversary date of the original issuance of the establishment's valid dance permit. (Ord. 5445, 2008.)

**5.20.110 Renewal of Dance Permits.**

**A. RENEWAL APPLICATION.** A dance permittee may apply for dance permit renewal by submitting an application for administrative renewal to the Police Chief not less than 30 days prior to the expiration of any dance permit.

**B. EXPIRATION STAYED.** If a timely and complete application for renewal is filed, the dance permit's expiration date may be stayed at the discretion of the Chief of Police until a decision on the renewal application has been issued by the Chief.

**C. POLICE CHIEF TO RENEW.** The Police Chief shall review and approve the renewal of a dance permit if the Chief determines that no circumstances existed during the term of the prior valid dance permit, which circumstances would justify the suspension or revocation of the permit as specified in Section 5.20.150, or which circumstances necessitate revisions to the conditions of approval imposed on the Permit.

**D. REFERRAL OF RENEWAL APPLICATION TO BOARD.** Notwithstanding the above, the Police Chief may refer a decision on the renewal or non-renewal of a Nightclub Dance Permit to the Board of Fire and Police Commissioners for a hearing and decision on renewal application in the first instance and in a manner consistent with the requirements for an original Nightclub Dance Permit application. (Ord. 5445, 2008.)

#### **5.20.120 Display of Dance Permits.**

A dance permit issued pursuant to this Chapter shall at all times be publicly displayed in a conspicuous place within the dance establishment for which it was issued. In addition, a copy of the Permit and any conditions of approval shall be immediately produced and made available upon the request of any City fire inspector or City police officer. (Ord. 5445, 2008.)

#### **5.20.130 Dance Permits Not Transferable.**

**A. TRANSFERS GENERALLY.** Dance Permits issued pursuant to this Chapter are not transferable or assignable to another person or location whether by operation of law or otherwise. A transfer or assignment includes, but is not limited to, the following:

**1. Partnership and LLC Transfers.** If a permittee is a partnership, or a California limited liability company, a transfer of capital interest to a new partner or partners (or members) which computed alone or cumulatively with previous transfers would result or has resulted in the transfer of ownership of a more than twenty-five percent (25%) interest in the capital of the partnership or limited liability company.

**2. Corporations.** The transfer of more than twenty-five percent of the voting stock in a corporation which is either itself the permittee or is a general partner in a partnership which is the permittee.

**B. CHANGES IN "DBA" STATEMENT.** Any changes made by an applicant or permittee to the "doing business as" statement of the dance permit establishment shall be reported to the Police Department in writing within 30 days of such a change. (Ord. 5445, 2008.)

#### **5.20.140 Dance Permittee Reporting of ABC License Violations.**

A dance permittee shall report all ABC license violations occurring at the permitted business to the Chief of Police within 48 hours of the issuance of the notice of violation by the ABC to the permittee or the permittee's agent. (Ord. 5445, 2008.)

#### **5.20.150 Suspension or Revocation of a Dance Permit.**

**A. SUSPENSION OF PERMIT BY POLICE CHIEF.** The Police Chief may act to temporarily suspend any dance permit issued pursuant to this Chapter when, in the Chief's determination, a person holding a permit has violated any condition imposed on the issuance on the permit, or where the operation of the dance establishment has occurred in a way that constitutes an ongoing public nuisance.

A suspension shall be valid for a period not to exceed sixty (60) days from the date of the suspension unless, in the case of a Nightclub permit, a suspension is appealed by the permittee to the Board of Fire and Police Commissioners pursuant to this section, or the permittee has received a notice of revocation during the sixty (60) day suspension period, in which case the suspension shall be until the Board completes a revocation hearing and issues a written decision on revocation if such a hearing is requested by the permittee in a timely fashion.

**B. REVOCATION OF A DANCE PERMIT.** The Police Chief may, at the Chief's discretion, issue a written notice of intent to revoke a dance permit to a dance permittee. Such an intent to revoke shall be based only upon the Chief's receipt of information that one of the grounds for revocation listed herein has occurred. A notice of revocation shall be effective not less than ten (10) days after the issuance of a notice of intent to revoke.

**C. APPEAL OF A SUSPENSION/REVOCATION DETERMINATION.** A permittee who has received a notice of intent to suspend or a notice of intent to revoke a dance permit may appeal the proposed suspension or revocation to the Board of Fire and Police Commissioners by filing a written notice of appeal with the Chief of Police within 10 days of the date of the mailing of the notice of revocation or of the notice of suspension.

**D. SUSPENSION/REVOCATION APPEAL HEARING.** An appeal of the proposed suspension or revocation of a dance permit shall be conducted by the Board in accordance with the requirements of SBMC Chapter 1.30.

**E. GROUNDS FOR SUSPENSION OR REVOCATION.** The suspension or revocation of a dance permit shall be based on a written finding, supported by adequate evidence, that one or more of the following circumstances has occurred with respect to the operation of the establishment holding the dance permit:

1. That the Permittee has allowed repeated violations of any provision of this Chapter, the Municipal Code, or any statute, ordinance, or regulation relating to his or her permitted business activity to occur; or

2. That the Permittee has allowed repeated violations of state Penal Code Section 415 or the City's Noise Control Ordinance (SBMC Chapter 9.16) to occur within or immediately adjacent to the real property upon which the permitted premises is located; or

3. That the Permittee has engaged in violations of the state statutes or regulations related to the sale or distribution of alcohol (particularly with respect to the sale of alcohol to persons under 21 years of age) as determined by the ABC; or

4. That the Permittee has failed to take reasonable measures to control the security of the establishment's patrons with appropriate crowd control measures such that instances of overcrowding in violation of Uniform Fire Code occupancy requirements have occurred on more than one occasion; or

5. That the Permittee has repeatedly failed to comply with the permit conditions imposed pursuant to this Chapter; or

6. That the Permittee has substantially altered or changed the approved interior site plan floor configuration or the security plan.

**F. APPEAL OF REVOCATION OF NIGHTCLUB PERMIT; REQUIREMENT FOR PRIOR MEDIATION.**

**1. Right to an Appeal Hearing by the City Council.** The decision of the Board revoking or suspending a Nightclub Dance Permit may be appealed by the Permittee to the City Council pursuant to Section 1.30.050 of this Code.

**2. Required Participation In Mediation.** No such Nightclub Permit appeal shall be heard by the City Council unless, prior to the Council appeal hearing date, the appellant (where the appellant is not the dance permittee) shall have offered to participate in a private mediation process with the permittee in order to determine if the appellant's concerns with the permit application (or its operation) can be appropriately addressed by mutual agreement entered into by mediation, and such mediation has been completed. Such a mediation shall take the form described in Municipal Code Section 22.76.070 of this Code and the regulations adopted pursuant to this Chapter. The written recommendation of the mediator shall be forwarded to the City Council in connection with any Council appeal hearing. (Ord. 5445, 2008.)

**5.20.160 New Permit Application After Revocation or Denial.**

**A. NO NEW APPLICATION - REVOCATION.** When a dance permit is revoked or the initial application is denied, no new application for a dance permit from the same person or persons as the permittee for the same type of dance permit shall be allowed within one (1) year after such revocation or denial. (Ord. 5445, 2008.)

**5.20.170 No Outdoor Dancing – Nightclub Permits.**

No outdoor dancing may be permitted under a Nightclub Dance Permit or Live Entertainment Dance Permit issued for a location within the City's Entertainment District. (Ord. 5445, 2008.)

**5.20.180 Pre-Approval Application Process.**

An applicant for a dance permit which is not in legal possession or control of the real property upon which proposed dancing establishment would be operated may, at the applicant's discretion, apply pursuant to this Chapter for the conditional issuance of a dance permit, which permit shall, thereafter, be deemed issued only upon a written request to do so signed by the owner of the real property and by the applicant and provided to the Chief of Police. (Ord. 5445, 2008.)

**5.20.190 Adoption of Rules and Regulations; Application/Renewal Fees.**

The Chief of Police may adopt reasonable rules and regulations (including the setting of appropriate application and renewal fees and the establishment of required application forms) not inconsistent with this Chapter, for the public noticing of application, and for the review, granting, renewal, or denial of permits hereunder and the conduct of the permitted dance activities, which rules, regulations and fees shall be subject to the approval of the City Council by resolution. Copies of such rules and regulations shall be furnished to each dance permittee with the issuance of a dance permit and shall include an enforcement matrix chart describing a process for progressive administrative actions with respect to complaints about dance establishments and violations of this Chapter. (Ord. 5445, 2008.)



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 20, 2009  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference With Legal Counsel – Anticipated Litigation

**RECOMMENDATION:**

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

**SCHEDULING:**

Duration: 15 minutes; anytime

**REPORT:**

None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

**APPROVED BY:** City Administrator's Office