

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**MARCH 16, 2010
AGENDA**

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

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

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

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

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

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

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

ORDER OF BUSINESS

- 12:00 Noon - 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

SPECIAL ORDINANCE COMMITTEE MEETING - 12:00 NOON IN THE COUNCIL CHAMBER (120.03)

Subject: Medical Marijuana Dispensary Ordinance Revisions

Recommendation: That the Ordinance Committee:

- A. Review allowable areas for dispensaries with protection for the highest priority substance abuse recovery facilities; and
- B. Discuss the concept of Medical Marijuana collectives and cooperatives, and consider possible Municipal Code regulations to ensure compliance with the State Health and Safety Code regarding the distribution of Medical Marijuana to "qualified patients" by "primary care givers."

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

Subject: Increased Funding For Transition House Affordable Housing Project

Recommendation: That the Finance Committee:

- A. Recommend that the City Council authorize amending a loan agreement with Transition House to increase the loan amount by \$170,000 in federal Home Investment Partnerships Program (HOME) funds for construction of new units on the property and amending certain provisions in the loan agreement related to project financing;
- B. Recommend that the Agency Board approve a loan of \$39,391 for construction of new units on the property as a contingency in the event that Fiscal Year 2010/2011 HOME funds are not awarded in time;
- C. Recommend that the Agency Board approve a loan of \$150,000 to Mom's LP in Redevelopment Agency Housing Set-Aside funds for rehabilitation of existing units on the property; and
- D. Recommend that the above actions be taken subject to the condition that Mom's LP secure low income housing tax credits for the project.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of February 25, 2010, and the regular meeting of March 2, 2010.

2. Subject: Contract For Construction Of Parking Lots 4 And 5 Circulation And Accessibility Improvements Project (550.05)

Recommendation: That Council:

- A. Award a contract to Lash Construction (Lash) in their low bid amount of \$192,645 for construction of the Parking Lots 4 and 5 Circulation and Accessibility Improvements Project (Project), Bid No. 3592;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$19,265 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 negotiate and execute a City Professional Services Agreement with Watry Design (Watry) in the amount of \$7,950 for construction support services and expenditures of up to \$1,000 for extra services of Watry that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to negotiate and execute a City Professional Services Agreement with Fugro West (Fugro) in the amount of \$7,500 for material testing services during construction.

CONSENT CALENDAR (CONT'D)

3. **Subject: Contract For Construction Of American Recovery And Reinvestment Act Road Overlay Project (530.04)**

Recommendation: That Council:

- A. Award a contract with Nye & Nelson in the amount of \$1,045,276 for construction of the American Recovery and Reinvestment Act (Recovery Act) Road Overlay Project (Project), Bid No. 3583;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$120,878 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 City Professional Services contract with Flowers and Associates (Flowers) in the amount of \$68,000 for construction support services, and approve expenditures of up to \$6,800 for extra services of Flowers that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Fugro West, Inc. (Fugro), in the amount of \$18,853 for construction testing services, and approve expenditures of up to \$1,885 for extra services of Fugro that may result from necessary changes in the scope of work.

4. **Subject: Introduction Of Ordinance For Lease With Chuck's Waterfront Grill (330.04)**

Recommendation: That Council approve a lease with Richones, Inc., doing business as Chuck's Waterfront Grill, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease with Richones, Inc., Doing Business as Chuck's Waterfront Grill, Located at 113 Harbor Way, Effective April 22, 2010.

5. **Subject: Resolution To Record A Notice Terminating An Agreement Dated February 7, 1952, And Rescinding Title Covenants At 721-791 Chapala Street (640.08)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Record a Notice Terminating an Agreement Dated February 7, 1952, and Rescinding Title Covenants at 721-791 Chapala Street.

CONSENT CALENDAR (CONT'D)

6. Subject: Five-Year Lease Agreement With Santa Barbara Chamber Of Commerce (330.04)

Recommendation: That Council approve a five-year lease agreement with the Santa Barbara Chamber of Commerce for the 400 square-foot Visitor Center site at One Garden Street.

NOTICES

7. The City Clerk has on Thursday, March 11, 2010, 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.
8. Cancellation of the regular Redevelopment Agency meeting of March 16, 2010.
9. A City Council site visit is scheduled for Monday, March 22, 2010, at 1:30 p.m. to the property located at 803 N. Milpas Street, which is the subject of an appeal hearing set for March 23, 2010, at 2:00 p.m.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

10. Subject: Annual Report - Access Advisory Committee (640.03)

Recommendation: That Council receive an annual report from the Americans with Disabilities Act Coordinator on the activities and achievements of the Access Advisory Committee.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PARKS AND RECREATION DEPARTMENT

11. Subject: Introduction Of Ordinance Establishing Procedures For Appointment And Service Of Youth Member To Parks And Recreation Commission (570.08)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 2.08.020 of the Santa Barbara Municipal Code and Establishing Procedures for the Appointment and Service of a Youth Member to the Parks and Recreation Commission.

PUBLIC WORKS DEPARTMENT

12. Subject: Contract For Construction Of American Recovery And Reinvestment Act Road Maintenance Project (530.04)

Recommendation: That Council:

- A. Reject the bid protest filed by Valley Slurry Seal and award a contract to Bond Blacktop, Inc. (Bond), in the amount of \$1,150,148 for construction of the American Recovery and Reinvestment Act (Recovery Act) Road Maintenance Project (Project), Bid No. 3586;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$88,100 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 City Professional Services contract with Flowers and Associates (Flowers), in the amount of \$114,416 for construction support services, and approve expenditures of up to \$11,440 for extra services of Flowers that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Fugro West, Inc. (Fugro), in the amount of \$44,550 for construction testing services, and approve expenditures of up to \$4,450 for extra services of Fugro that may result from necessary changes in the scope of work.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT

To Monday, March 22, 2010, at 1:30 p.m. at 803 N. Milpas Street. (See Item No. 9)

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

SPECIAL MEETING AGENDA

DATE: March 16, 2010
TIME: 12:00 p.m.
PLACE: Council Chambers

Bendy White, Chair
Grant House
Frank Hotchkiss

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 Marijuana Dispensary Ordinance Revisions

Recommendation: That the Ordinance Committee:

- A. Review allowable areas for dispensaries with protection for the highest priority substance abuse recovery facilities; and
- B. Discuss the concept of Medical Marijuana collectives and cooperatives, and consider possible Municipal Code regulations to ensure compliance with the State Health and Safety Code regarding the distribution of Medical Marijuana to “qualified patients” by “primary care givers.”



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: March 16, 2010
TO: Ordinance Committee
FROM: Planning Division, Community Development Department
SUBJECT: Medical Marijuana Dispensary Ordinance Revisions

RECOMMENDATION: That the Ordinance Committee:

- A. Review allowable areas for dispensaries with protection for the highest priority substance abuse recovery facilities; and
- B. Discuss the concept of Medical Marijuana collectives and cooperatives, and consider possible Municipal Code regulations to ensure compliance with the State Health and Safety Code regarding the distribution of Medical Marijuana to "qualified patients" by "primary care givers."

DISCUSSION:

At the February 23, 2010, City Council meeting, the City Council directed the Ordinance Committee to consider all of the following:

1. possible revisions to the latest draft version of the Ordinance regulating Medical Marijuana Dispensaries in order to reduce the maximum number of dispensaries within the City to five (5),
2. providing that major alcohol and drug rehabilitation facilities would be protected uses and adjusting the allowed areas for dispensaries appropriately,
3. allowing dispensaries in the Cottage Hospital area, and
4. further defining the operational parameters of storefront collective/cooperatives in order to ensure compliance with Proposition 215 and SB 420.

The Council asked that the proposed ordinance be returned to Council within 60 days. There also seemed to be consensus on the Council to eliminate the Mesa and the area around the Salvation Army Hospitality House on the 500 block of Chapala Street as allowed areas for dispensaries.

Allowable Areas for Dispensaries with Protection for Recovery Facilities

Staff requested input from the Council on Alcoholism and Drug Abuse (CADA) for locations of recovery facilities. CADA provided a list of 41 known recovery facilities, including treatment centers, detoxification centers, support centers, sober living houses, and related uses, and indicated the 17 of highest priority for protection:

- ❖ Alano Club
- ❖ Bethel House
- ❖ Casa Esperanza
- ❖ Casa Serena
- ❖ Cottage Residential Center
- ❖ Daniel Bryant Youth & Family Treatment Center
- ❖ Graduate House (Casa Serena)
- ❖ Hotel de Riviera
- ❖ Oliver House (Casa Serena)
- ❖ Phoenix House
- ❖ Project Recovery Detox Center
- ❖ Project Recovery Outpatient Services
- ❖ Rescue Mission
- ❖ Salvation Army Hospitality House
- ❖ Sanctuary Psychiatric Center/House
- ❖ Sobering Center
- ❖ Zona Seca

The main criteria for determining the highest priorities were: 1. the use as a treatment facility; 2. the volume of people who live in a facility; 3. the volume of people to go to a facility daily, and 4. the sensitivity of people at a particular facility.

The locations of these 17 uses are not shown on the maps, to maintain anonymity. However, these locations were used to modify the allowable areas for medical marijuana dispensaries. A buffer of 500 feet was drawn around parcels containing the highest priority recovery facilities, and the allowable areas were reduced using the same criteria as was used for parks and schools. Only full blocks where dispensaries would be allowed on both sides of the street were included.

Following the Council's request that the ordinance should attempt to find a balance between protecting those in recovery, and providing a reasonable area for dispensaries to locate, staff determined that a 500-foot buffer around the highest priority recovery facilities provides an appropriate balance. A buffer of 1000 feet, as was used around Casa Esperanza, would almost fully eliminate the Mission, Downtown East and Downtown West areas. A buffer of 750 feet would allow a few more block faces in these areas, but would also have a very limited area in which dispensaries could be located.

The 500' buffer around the highest priority recovery facilities affected the following areas:

1. Mission. Removed the following blocks from consideration for dispensaries:
 - o 1700 block of State Street

2. Downtown East. Removed the following two blocks:
 - o 300 block of East Cota
 - o 500-600 block of Laguna
3. Downtown West. Removed the following 21 blocks:
 - o 0-200 block of Carrillo
 - o 800-1000 blocks of Chapala
 - o 800-1000 blocks of De la Vina
 - o 900 block of St. Vincent
 - o 00-100 blocks of W. Canon Perdido
 - o 00 block of W. Figueroa
 - o 00 block of W. Haley
 - o 00-200 blocks of W. Gutierrez
 - o 300-400 blocks of Chapala
 - o 300-400 blocks of De la Vina
 - o 00 block of East Gutierrez
 - o 00 block of Parker Way

Additionally, the entire Mesa area was removed from the allowable locations, as discussed at the Council meeting on February 23, 2010. See Attachments 1-7 for detailed information on areas where dispensaries would be allowed.

Possible Ordinance Regulations to Ensure Collective or Cooperative Distribution of Medical Marijuana:

At the request of the City Council, the City Attorney's office will brief the Committee on the requirements of the state Health & Safety Code (the "SB 420 statutes") which allow the distribution of medical marijuana under certain limited circumstances. In particular, the City Attorney's office will review the August 2008 Guidelines for the use of Medical Marijuana written by the state Attorney General's office which explain in detail how medical marijuana may be cultivated by "primary caregivers" (a term specifically defined in the SB 420 statutes) and provided to "qualified patients" under certain expressly narrow circumstances which allow the "primary caregivers" to recoup their cultivation expenses only. For the most part, as the Attorney General's guidelines point out that, where medical marijuana is cultivated and distributed on a group basis (i.e., other than on a person to person basis), the SB 420 statutes only allow such cultivation and distribution to occur through the legal form of a group collective or a cooperative.

The City Attorney's office will also discuss how some other cities (such as Los Angeles and Long Beach) have attempted to enact medical marijuana ordinances which impose detailed recordkeeping and inspection requirements on storefront "dispensaries" in

order to verify that the medical marijuana being provided is only cultivated and distributed in a manner fully consistent with the SB 420 statutes and only being given to documented members of a clearly established collective or cooperative and, most importantly, that this is occurring only on a cost reimbursement basis.

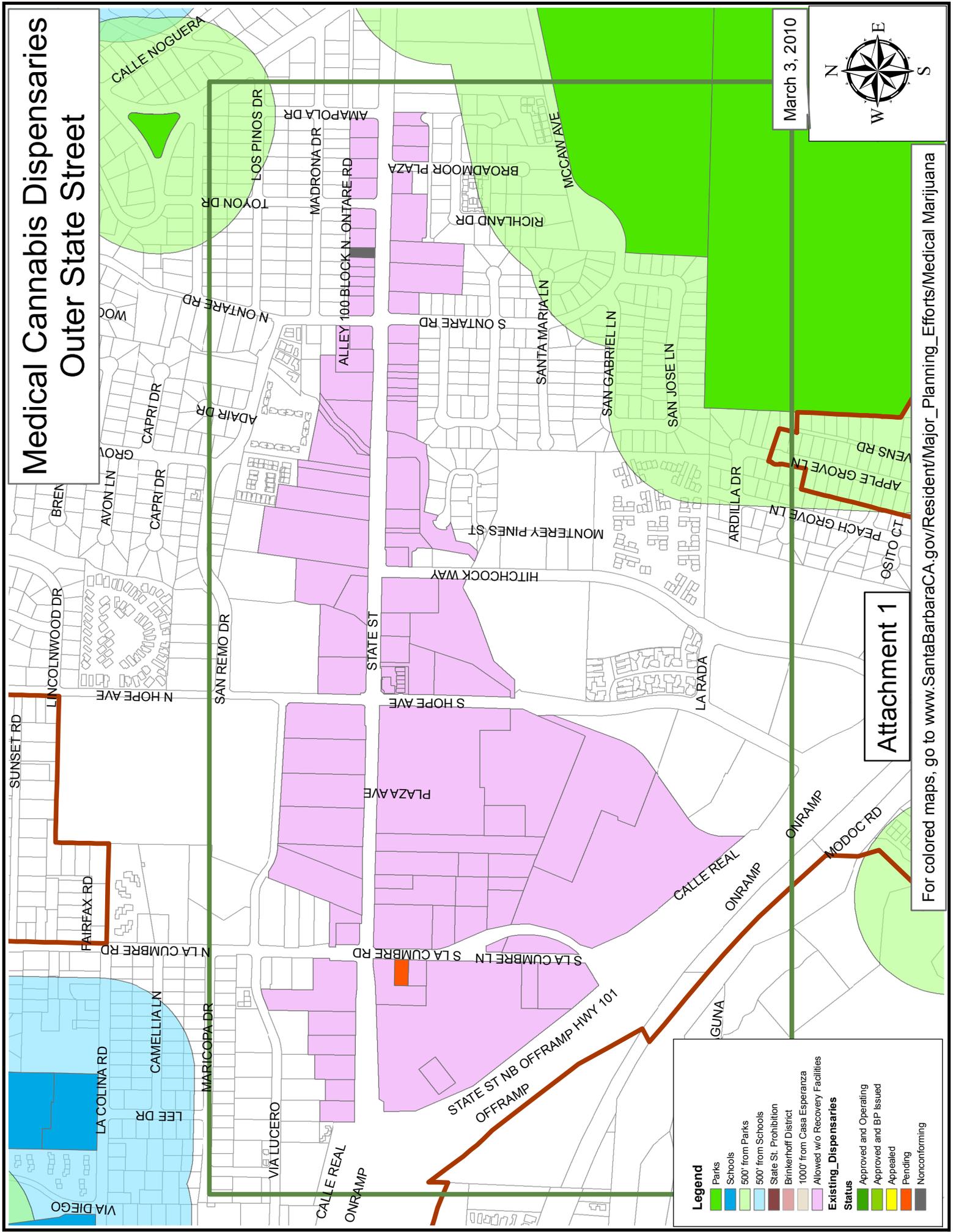
- ATTACHMENTS:**
1. Outer State Street Area Map
 2. Upper De la Vina Area Map
 3. Mission Area Map
 4. Downtown East and West Area Map
 5. Milpas Area Map
 6. Cottage Hospital Area Map
 7. Revised List of Allowable Areas for Dispensaries

PREPARED BY: Danny Kato, Senior Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

Medical Cannabis Dispensaries Outer State Street



March 3, 2010



Attachment 1

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

Legend

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- State St. Prohibition
- Brinkerhoff District
- 1000' from Casa Esperanza
- Allowed w/o Recovery Facilities

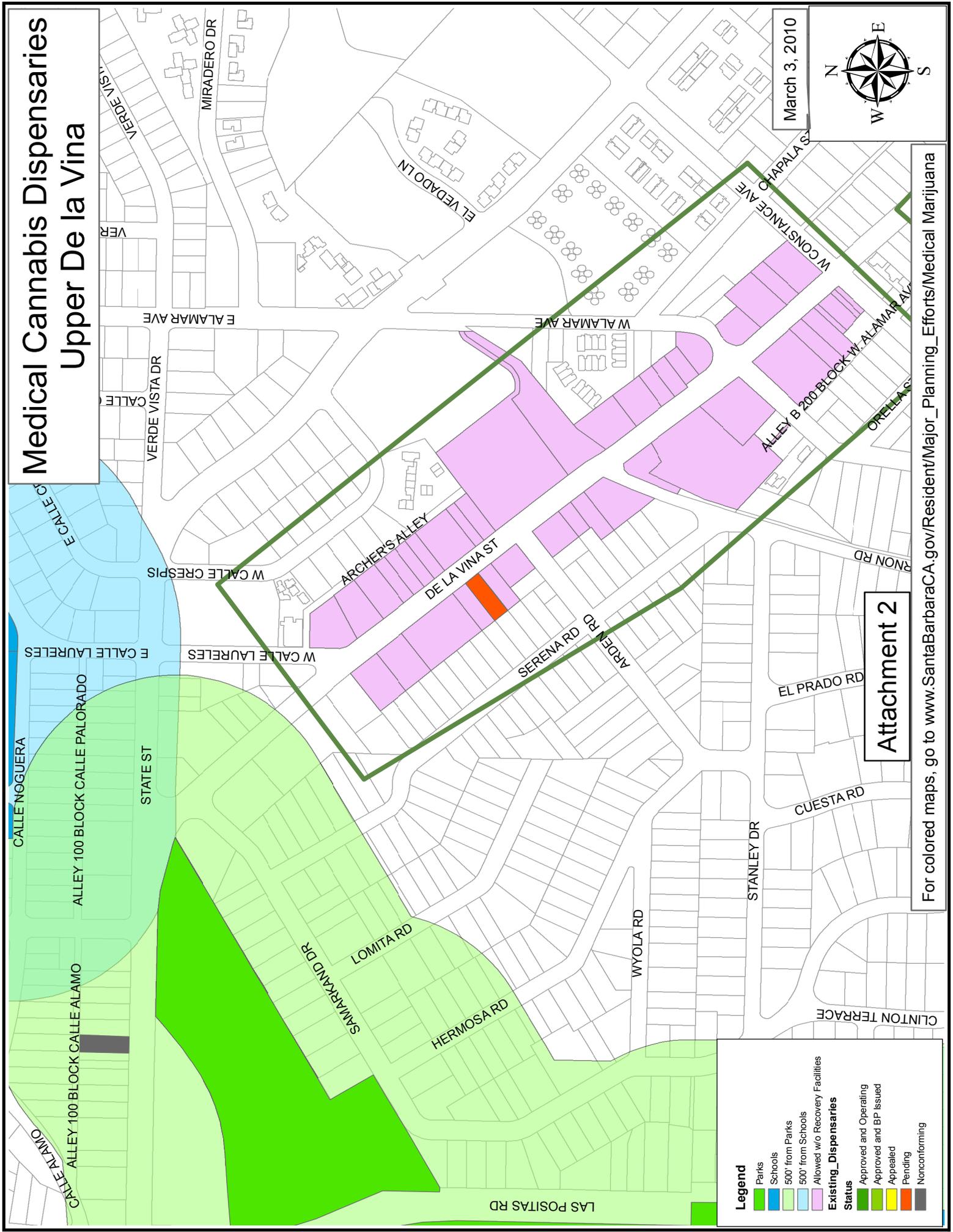
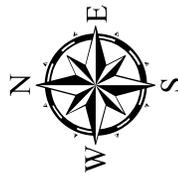
Existing_Dispensaries

Status

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

Medical Cannabis Dispensaries Upper De la Vina

March 3, 2010



Attachment 2

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

Legend

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- Allowed w/o Recovery Facilities

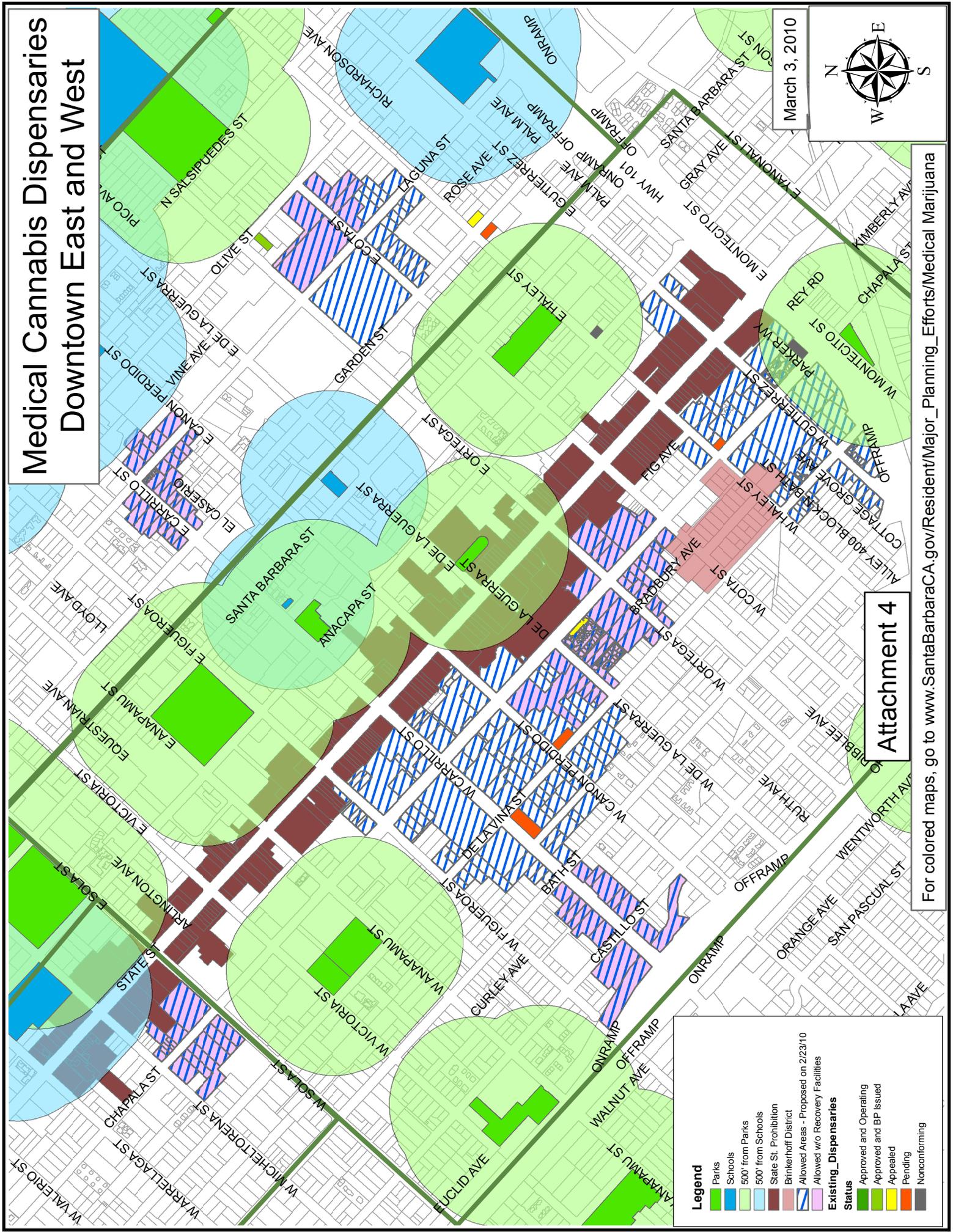
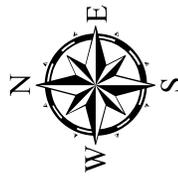
Existing_Dispensaries

Status

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

Medical Cannabis Dispensaries Downtown East and West

March 3, 2010



Attachment 4

Legend

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- State St. Prohibition
- Brinkerhoff District
- Allowed Areas - Proposed on 2/23/10
- Allowed w/o Recovery Facilities

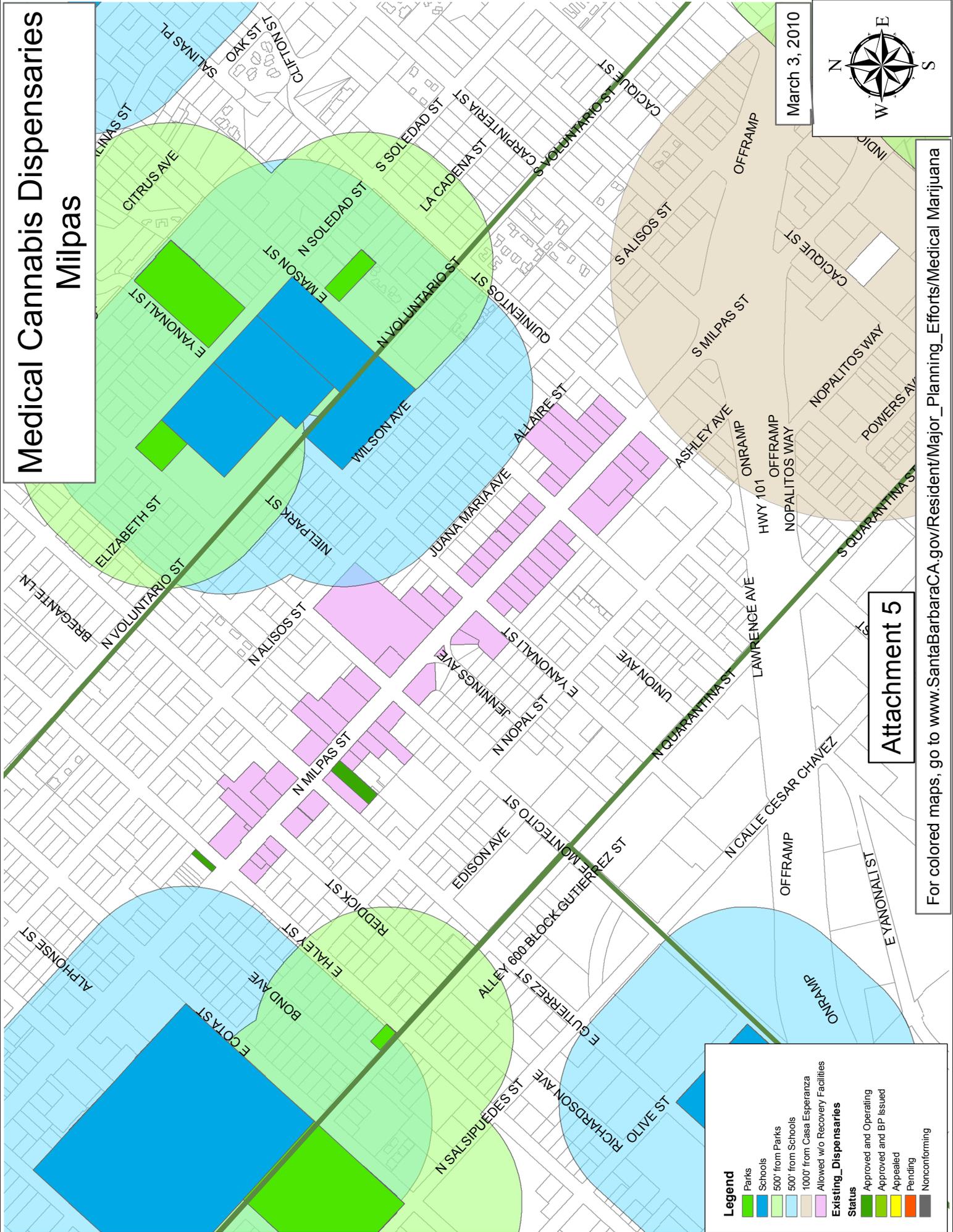
Existing_Dispensaries

Status

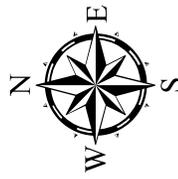
- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

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

Medical Cannabis Dispensaries Milpas



March 3, 2010



Attachment 5

Legend

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- 1000' from Casa Esperanza
- Allowed w/o Recovery Facilities

Existing_Dispensaries

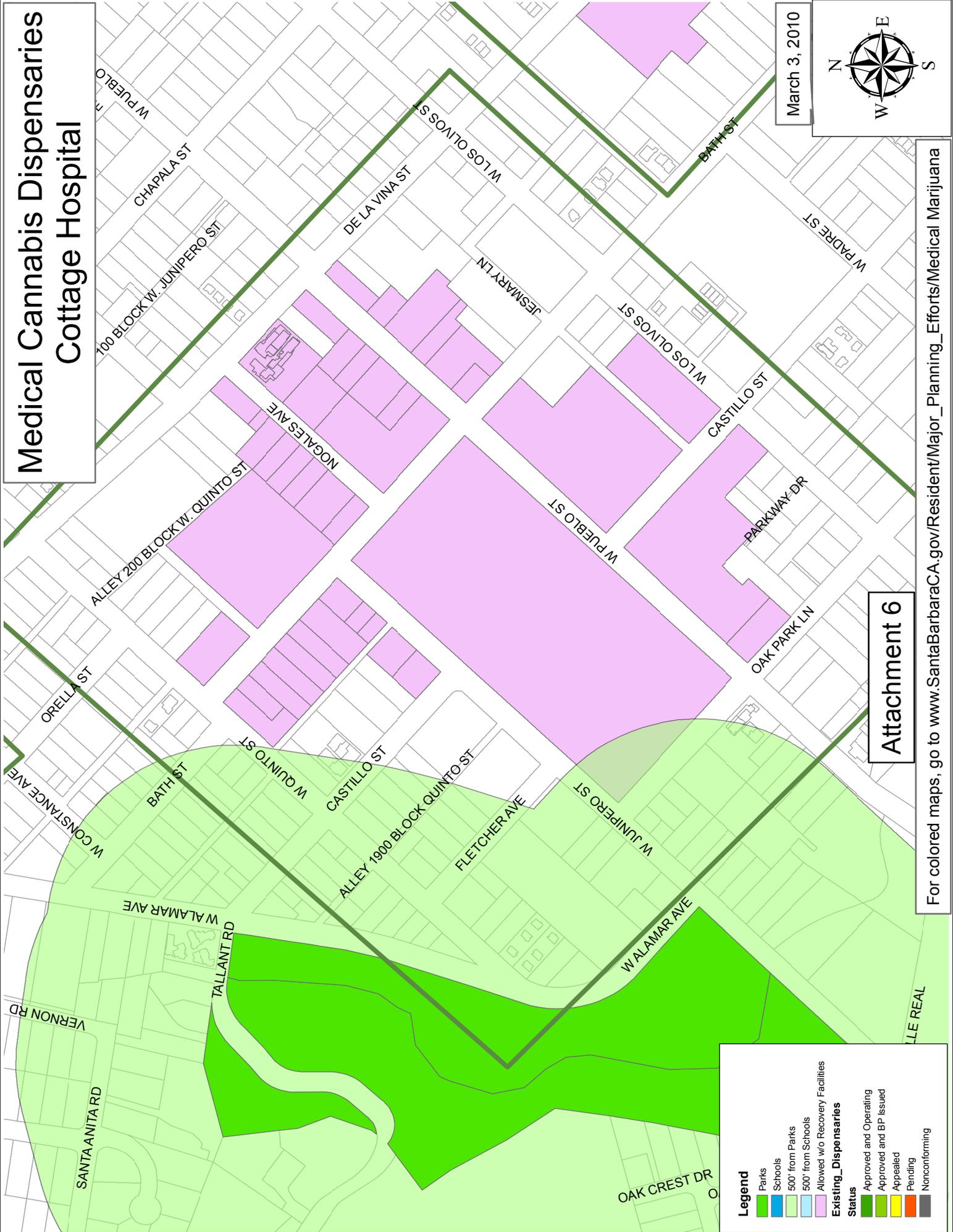
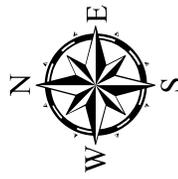
Status

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

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 Cottage Hospital

March 3, 2010



Attachment 6

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

Legend

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- Allowed w/o Recovery Facilities

Existing_Dispensaries

Status

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

EXHIBIT A TO ORDINANCE NO. ____
MEDICAL MARIJUANA DISPENSARIES
SANTA BARBARA MUNICIPAL CODE CHAPTER 28.80
ALLOWED LOCATION EXHIBIT
REVISED 3/3/10

1. Outer State Street Area:

- a. 3400 - 3900 blocks of State Street
- b. All parcels on south La Cumbre Road
- c. All parcels on south La Cumbre Lane
- d. All parcels on La Cumbre Plaza Lane
- e. 00-100 blocks of south Hope Avenue

2. Upper De la Vina Area:

- a. 2600 – 2900 blocks of De la Vina Street

3. Mission Street Area:

- a. 1900-2000 blocks of De la Vina Street
- b. 100 block of west Mission Street
- c. 1800 block of State Street
- d. 1400 block of Chapala Street

4. Downtown West Area:

- a. 600-700 blocks of Chapala
- b. 300-400 blocks of west Carrillo
- c. 100 blocks of west De la Guerra
- d. 00-100 blocks of west Ortega

5. Downtown East Area:

- a. 900 block of Laguna Street
- b. 400 block of east Cota
- c. 300 block of east Carrillo

6. Milpas Street:

- a. 00–400 blocks of north Milpas Street

7. Cottage Hospital Area:

- a. 200 block of Nogales
- b. 200-400 blocks of west Pueblo
- c. 2400-2500 blocks of Bath
- d. 2300 block of Castillo
- e. 300 block of West Junipero

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: March 16, 2010

Das Williams, Chair

TIME: 1:00 p.m.

Dale Francisco

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Michael Self

James L. Armstrong
City Administrator

Robert Samario
Interim Finance Director

ITEM TO BE CONSIDERED:

1. Subject: Increased Funding For Transition House Affordable Housing Project

Recommendation: That the Finance Committee:

- A. Recommend that the City Council authorize amending a loan agreement with Transition House to increase the loan amount by \$170,000 in federal Home Investment Partnerships Program (HOME) funds for construction of new units on the property and amending certain provisions in the loan agreement related to project financing;
- B. Recommend that the Agency Board approve a loan of \$39,391 for construction of new units on the property as a contingency in the event that Fiscal Year 2010/2011 HOME funds are not awarded in time;
- C. Recommend that the Agency Board approve a loan of \$150,000 to Mom's LP in Redevelopment Agency Housing Set-Aside funds for rehabilitation of existing units on the property; and
- D. Recommend that the above actions be taken subject to the condition that Mom's LP secure low income housing tax credits for the project.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: March 16, 2010
TO: Finance Committee
FROM: Housing and Redevelopment Division, Community Development Department
SUBJECT: Increased Funding For Transition House Affordable Housing Project

RECOMMENDATION: That the Finance Committee:

- A. Recommend that the City Council authorize amending a loan agreement with Transition House to increase the loan amount by \$170,000 in federal Home Investment Partnerships Program (HOME) funds for construction of new units on the property and amending certain provisions in the loan agreement related to project financing;
- B. Recommend that the Agency Board approve a loan of \$39,391 for construction of new units on the property as a contingency in the event that Fiscal Year 2010/2011 HOME funds are not awarded in time;
- C. Recommend that the Agency Board approve a loan of \$150,000 to Mom's LP in Redevelopment Agency Housing Set-Aside funds for rehabilitation of existing units on the property; and
- D. Recommend that the above actions be taken subject to the condition that Mom's LP secure low income housing tax credits for the project.

EXECUTIVE SUMMARY:

The City and Redevelopment Agency have provided three loans and one grant to Transition House over the past 11 years for various improvements to Transition House facilities located at 421 East Cota Street. The most recent loan was approved by Council on July 21, 2009. Since that time, there have been changes to the Transition House proposed financial plan. Transition House reports that it will lose approximately \$2 million in funding previously identified. Half of this decrease is due to a loss of funding from the State's Supportive Housing Program, and the other half is due to reductions in the value of low income housing tax credits expected to be awarded to the project. Transition House has taken a number of steps to compensate for the \$2 million loss of funds and has succeeded in limiting their request for additional funds from the City and Redevelopment Agency to \$320,000.

BACKGROUND:

For 25 years, Transition House has provided food, shelter and services to homeless families in Santa Barbara. Transition House acquired an old warehouse located at 434 East Ortega in 1992 and converted it to a family homeless shelter with ground-floor

administrative offices and program space. In 1999, the family owners of the former Mom's Restaurant sold their property at a discounted price to Transition House. This property included the Mom's Restaurant building on Cota Street plus an adjacent modern mixed-use building at the corner of Olive and Cota with eight apartments located over ground-floor commercial space (renamed the Cordover Center after the organization's original Executive Director, Jill Cordover).

The Mom's property on Cota Street and the family homeless shelter on Ortega Street are located on the same block and are connected via a driveway (see attached site plan). After acquiring the Mom's property, Transition House was then able to embark on an ambitious plan to develop the properties as one cohesive campus that addresses the needs of homeless families in a comprehensive fashion. Transition House first created new space for offices and its programs and support services by converting the ground floor commercial space in the Cordover Center. This made available the ground-floor space in the family shelter on Ortega and enabled Transition House to devote that building exclusively to shelter use. Transition House renovated the shelter and reconfigured the space to give families more privacy and to increase the number of families served.

Meanwhile, as vacancies arose in the eight apartments on the second floor of the Cordover Center, they were filled with client families that successfully completed Transition House programs and demonstrated readiness for more independent living. As described below, the focus now shifts to the Mom's Restaurant building, which has been leased during the interim to antiques and furniture merchants (Cominiche's).

DISCUSSION:

Proposed Project

Transition House plans to demolish the Mom's Restaurant building and construct a new two-story mixed-use building with 9,700 square feet that will feature eight new apartments for client families and a 2,000 square foot infant care center and offices on the ground floor. The new building will include an elevator and a bridge connection to the adjacent Cordover Center building. With its location in a flood zone, the site area for the new building will be raised about three feet above grade and will include access ramps. The Cordover Center will also receive a new roof and repairs will be made to the eight existing apartments.

The proposed eight new units in the new building will include six 2-bedroom units with 850-950 square feet and two 3-bedroom units with 1,070 square feet. When combined with the existing eight units, this will result in four 1-bedroom units, ten 2-bedroom units, and two 3-bedroom units. Rents will range from \$437 to \$1,050 per month, depending on size and income targeting. The units will be targeted exclusively to low and very-low income households. Six units will be targeted to households earning 30 percent of the Area Median Income (AMI). Eight units will be targeted to 50 percent AMI, and two units will be targeted to 60 percent AMI.

The City's Staff Hearing Officer and the City's Architectural Board of Review have approved the project and the project's design. Final construction drawings are expected to be completed soon in preparation for securing bids from contractors. Transition

House hopes to secure an award of low income housing tax credits in June and start construction in September.

Development Team

In order to be eligible for tax credit financing, Transition House established Mom's L.P., a California limited partnership, which consists of two general partners – Santa Barbara Housing Assistance Corporation and Garden Court, Inc. Both entities serve as general partners in a number of affordable housing projects, including El Carrillo and Garden Court. Transition House will sell the land and existing buildings to Mom's L.P., but will retain the option to purchase the land and buildings back after the first 10 years of the new project's operation.

The Housing Authority will assist Mom's LP in managing construction of the new project, just as it assisted Transition House with the renovation of the Ortega family shelter. Artisan Court, the Housing Authority's new affordable housing project currently under construction, is located directly across the street. The two projects share the same architecture team of Christine Pierron and Mark Wienke.

Project Financing

Over the past 11 years, the City and Redevelopment Agency have provided the following financial assistance to the project, listed in chronological order:

RDA loan for acquisition of the property	\$320,000
RDA loan for predevelopment of the new Mom's residential units	120,000
HOME loan for construction of the new Mom's residential units	680,000
CDBG grant for rehabilitation of the existing Cordover units	100,000

Council approved the \$680,000 HOME loan to Transition House on July 21, 2009. As specified in the Council Agenda Report, Transition House prepared a financial plan for the project that was based on their 2009 application for low income housing tax credits. Unfortunately, their application was not selected for award. Competition for this program is extremely steep, and the Mom's Place project was not as prepared to start construction as other competing projects.

Transition House plans to submit a new application for the next round of low income housing tax credits. However, the financial plan was revised considerably due to a \$2,140,822 reduction in expected funding. Part of the funding reduction is due to the loss of a \$1,037,000 loan from the State's Supportive Housing Program. State funds have since been frozen, and it appears the State will not be able to consider new loans for at least three years. The other reduction is the result of the loss of federal stimulus funding which was used last year to augment the value of the tax credits. New tax credits awarded in 2010 will not receive this augmentation benefit, resulting in a loss of \$1,103,822 in the value to Transition House of the anticipated tax credit award.

Additional Funds Needed

Fortunately, Transition House has identified ways to cover all but \$320,000 of the \$2,140,822 funding shortfall through cost reductions and identification of other funding sources. Cost reductions were realized through reducing the size of the building in response to input from the City's Architectural Board of Review. Moreover, based on recent bid prices received by the City's Housing Authority for the nearby Artisan Court project, Transition House lowered their estimates accordingly, resulting in further cost reductions.

Transition House succeeded in securing additional permanent financing for the project through a commercial bank loan from Montecito Bank and Trust (MBT) in first security position on title in the amount of \$1,369,000. Critical to Transition House's success in securing the loan is the anticipated award of eight project-based Section 8 units from the City's Housing Authority. Under the Section 8 program, federal funds are used to subsidize the difference between the fair market rent and what tenants can afford to pay. With the guarantee of receiving full fair market rent for these units, the bank is willing to make the loan to Transition House.

For the remaining \$320,000 of the \$2,140,832 shortfall, Transition House requests additional funding from the City and Redevelopment Agency. For the new construction portion of the project, an additional \$170,000 in HOME funds is requested and for the rehabilitation portion of the project, \$150,000 in Redevelopment Agency housing set-aside funds is requested. This would result in a combined subsidy of City and Redevelopment Agency funds that totals \$1,540,000 for the 16 unit project, an amount that is consistent with City funding of other recent affordable housing projects in the City.

The existing HOME loan for construction of the new residential units would then be increased from \$680,000 to \$850,000, and the existing loan agreement would be amended to reflect the new changes in the project's financial plan. A new Redevelopment Agency loan in the amount of \$150,000 would then be dedicated to rehabilitation of the existing units. The proposed HOME loan increase and the proposed new Redevelopment Agency loan would be subject to the condition that Mom's LP secure an award of low income housing tax credits for the project.

The Mom's Place project is located outside of the boundaries of the Central City Redevelopment Project area. The California Redevelopment Law provides that a redevelopment agency may use affordable housing set-aside funds outside a project area if the legislative body makes certain findings regarding use of the funds. On September 16, 2008, the City Council and Agency Board adopted a joint resolution finding that the use of the Agency housing set-aside funds for the Transition House project would be of benefit to the Central City Redevelopment Project area.

Subordination of City Covenant

Transition House and the City executed an amended affordability control covenant in 2009 when the Agency made its predevelopment loan. This document sets limits for the income of tenants and the rents to be charged by Transition House. The covenant will be replaced by a new covenant entered into with Mom's LP and covering all sixteen

affordable units. As is standard practice in such cases, the lender (MBT) and perhaps the tax credit investors will require their deeds of trust securing their funding and regulatory agreements be given senior position on title in the unlikely event that the project defaults on repayment or otherwise. These entities may ask the City to subordinate the City's affordability covenant to their deeds of trust.

The City typically agrees to such subordination if the City is afforded the right to cure any default and take over the operation of the project. This means that if the Mom's LP project fails to make payments on the MBT loan, for example, the City will have a chance to pay the past-due amounts to the bank and stop the bank from foreclosing. This would protect the City's investment in this affordable project by assuring continued affordability. If the City did not cure within a limited time, the bank could foreclose and the affordability controls would terminate.

Since Agency housing set-aside funds constitute part of the financing, subordination of the City's affordability covenant is subject to State redevelopment law. California Health and Safety Code Section 33334.14 requires that certain findings be made if affordability restrictions are to be subordinated. The key finding is that no other "economically feasible alternative" source of financing without the condition of subordination is available. That is clearly the case in this instance. State law also requires that the subordination be subject to the right to cure the default and take over the property, thus preserving the affordability restrictions. The current and new affordability covenants will provide the City with this right.

BUDGET/FINANCIAL INFORMATION:

The City has \$130,609 in federal HOME funds that are specifically earmarked for use by specially designated nonprofits known as Community Development Housing Organizations (CHDOs), and Transition House is one of the City's three nonprofit organizations that meet federal CHDO requirements. Typically, HOME awards for the upcoming year are announced in January or February. However, this year, the City is still awaiting announcement of its Fiscal Year 2010/2011 HOME award. In the unlikely event HOME funds are not awarded by the time they are needed by Transition House, RDA funds would be used to make up the \$39,391 difference needed for the new construction portion of the project.

The Redevelopment Agency has sufficient Housing Set-Aside funds appropriated to cover both the \$150,000 needed for the rehabilitation portion of the project and the \$39,391 possibly needed for the new construction (in the event the HOME funds are not awarded in time).

SUSTAINABILITY IMPACT:

The new construction portion of the project will feature photovoltaic panels on the roof, tankless water heaters for domestic water, low water consumption plumbing fixtures, and linoleum flooring and other finish materials with recycled content. The new construction has been designed with an interior court to allow for cross ventilation and natural light.

The rehabilitation portion of the project will feature the conversion of single-pane windows to energy-efficient dual-pane windows, energy-efficient lighting fixtures, energy efficient appliances, and flow restrictors for kitchen and bathroom fixtures.

ATTACHMENTS: 1. Letter from Transition House
 2. Site Location Map

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

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



February 23, 2010

Steven Faulstich, Housing Programs Manager
City of Santa Barbara
P. O. Drawer P-P
Santa Barbara, CA 93102

RE: Mom's Place, Transition House, 421 and 425 E. Cota Street,
8 New Permanent Apartments for Homeless Families and Child Care

Dear Mr. Faulstich,

Transition House continues to pursue full funding for the Mom's project at 421-425 East Cota Street. Our predevelopment work has continued successfully and we have moved the project forward with staff hearing officer approval in the planning department, design approval from the Architectural Board of Review, and our architects are almost finished with construction drawings. We have benefited greatly from the initial \$120,000 offered to our agency for predevelopment from the City, and appreciate the additional \$680,000 that City has committed for construction. Recently, the City also awarded \$100,000 in CDBG funds to help with the rehabilitation of the existing eight units of housing on the property. The rehabilitation is part of the entire Mom's project.

In 2009 during the project's initial architectural phase, we applied for and were unsuccessful in obtaining an allocation of 9% "competitive" tax credits. We have subsequently met with the staff of the Tax Credit Allocation Committee to review several specific concerns relative to the project that we have now addressed, and we are re-submitting a revised application on March 25, 2010. We are working on that application now. If funded, we would be notified around June 9, and construction could begin on the new building in September, 2010.

Our 2009 application financing plan included a loan of \$1,037,000 from the State of California Housing and Community Development Department's Multifamily Housing Program which we applied for. Available State funds have since been frozen and it is believed that the State will be unable to make the requested loan within the next three years. Additionally, in the 2009 tax credit round, federal

stimulus funding was available to increase the value of tax credits. That opportunity was not extended to 2010. In short, we have also lost \$1,103,822 in available tax credits.

In order to make up this \$2,140,822 shortfall, the commercial portion of the project has done away with a small amount of square footage. Additionally, our construction prices in our current pro forma are lower per square foot than in 2009 based on recent construction bid prices for the Housing Authority's Artisan Court project.

Transition House is also seeking additional help from the City. By way of this letter, Transition House respectfully requests \$170,000 in additional City HOME funding and \$150,000 in City housing rehabilitation funding. This \$320,000 from the City would help greatly in advancing our project.

The final dollars we will need to close the gap will be provided through a commercial bank loan. In order to service this debt, Transition House is in the process of obtaining eight Project-Based Section 8s. The increased rental income we will be able to realize with the Section 8s, along with \$2,500 the new infant care center will pay each month in rent, will to be used to pay this mortgage.

Project Background

Transition House proposes to build eight new permanent housing apartments for homeless families graduating from its present shelter and transitional housing program. These 8 new units would be situated behind and above a new ground floor with space for licensed childcare for 25 infants. The project also envisions minor rehabilitation and improvement of the existing eight affordable units situated over the administrative offices located at 425 E. Cota Street.

Transition House initiated the project in October, 2007. Since then, a workable architectural plan for a new, two story building reflecting elements of the style of the existing buildings of the old Mom's restaurant has been fully reviewed and approved by the City of Santa Barbara.

The Board of Directors of Transition House and I greatly appreciate the City's consideration of our request for additional funds. We remain committed to developing the property to serve the City's special needs citizens and to making the most of the City's investment, and will continue to explore all avenues available to complete our project.

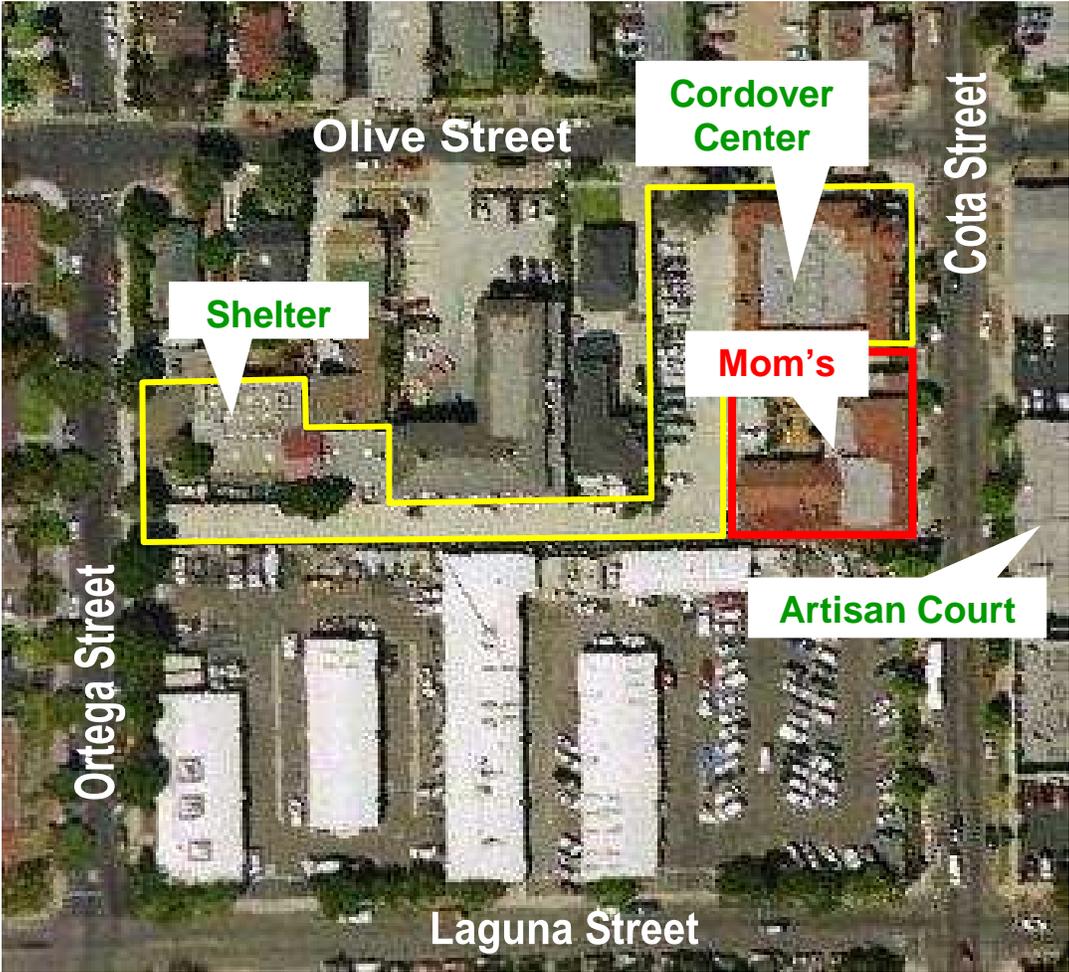
Please call me if you have any questions or need additional information, 966-9668.

Sincerely,



Kathleen Baushke
Executive Director

Transition House Property





CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING February 25, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:34 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Monday, February 22, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

WORK SESSIONS

Subject: Budget Work Session (230.05)

Recommendation: That Council receive a report from staff covering revenue and expenditure projections and potential strategies for addressing projected General Fund budget shortfalls for Fiscal Years 2010 and 2011.

(Cont'd)

Subject: Budget Work Session (230.05)

Documents:

- February 25, 2010, report from the Interim Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: City Administrator James Armstrong, Interim Finance Director Robert Samario, Fire Chief Andrew DiMizio, Assistant City Administrator/Community Development Director Paul Casey, Police Chief Camarino Sanchez.
- Members of the Public: Nikolai Lambert; Terry Tyler; Jon Turner, Santa Barbara City Firefighters Association; George Green, Service Employees International Union Local 620.

Discussion:

Staff began their presentation by describing the City's budgetary/financial structure, including the sources and uses of General Fund monies. Staff also defined significant projected General Fund shortfalls to be resolved for the remainder of Fiscal Year 2010 and for Fiscal Year 2011. Potential strategies to address these problems were outlined, and the need for labor concessions in order to avoid significant service cuts was emphasized. All Councilmembers made comments, and their questions were answered.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:52 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 2, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and Redevelopment Agency to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, which are ordinarily scheduled to meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through March 31, 2010.

Document:

March 2, 2010, report from the Assistant City Administrator.

Speakers:

Staff: City Administrator James L. Armstrong and award recipients Mark Alvarado, Andrew DiMizio, Jose Marquez and D. Paul McCaffrey.

(Cont'd)

1. (Cont'd)

Action: By consensus, the Council recognized the following employees:

10-Year Pin

Linda Tuomi, Office Specialist II, Police
Aundray Richey, Senior Streets Maintenance Worker, Public Works
Juan Salcedo, Senior Streets Maintenance Worker, Public Works
Jeffrey Miller, Senior Grounds Maintenance Worker II, Parks and Recreation
Stephen Williams, Ground Maintenance Worker II, Parks and Recreation
Tracy Lincoln, Airport Operations Manager, Airport

15-Year Pin

John Franklin, Fire Engineer, Fire
Michael Hoose, Fire Captain, Fire
Michael De Ponce, Fire Captain, Fire
Michael Myers, Fire Engineer, Fire
Rose Marie Bell, Library Assistant I, Library

20-Year Pin

Kim Sprague, Legal Secretary, City Attorney
Robert Hazel, Fire Captain, Fire
James Pflieger, Police Lieutenant, Police

25-Year Pin

David Aguilar, Fire Captain, Fire
Thomas Eccles, Police Officer, Police
Primitivo Gonzalez, Lead Equipment Technician, Public Works

30-Year Pin

Andrew DiMizio, Fire Chief, Fire
D. Paul McCaffrey, Police Lieutenant, Police
Mark Alvarado, Equipment Operator, Parks and Recreation
Jose Marquez, Water Distribution Supervisor, Public Works

PUBLIC COMMENT

Speakers: Kenneth Loch; Bob Hansen; Ruth Wilson; Kate Longstory; Chuck Rose, Santa Barbara Pony Baseball.

CONSENT CALENDAR (Items Nos. 2 - 4 and 6 - 8)

The title of the resolution related to the Consent Calendar was read.

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of February 9, 2010, the special meeting of February 11, 2010, and the regular meeting of February 16, 2010 (cancelled).

Action: Approved the recommendation.

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

Recommendation: That Council accept and authorize the Airport Director to execute, on behalf of the City, an FAA Airport Improvement Program Grant in an amount not to exceed \$3,100,000 to be distributed in two grants, Part A and Part B, of Project No. AIP-3-06-0235-41 for the Airline Terminal Improvement project and the purchase of an airfield sweeper.

Action: Approved the recommendation; Agreement Nos. 23,304 and 23,305 (March 2, 2010, report from the Airport Director; February 28, 2010, letter from Paula Westbury).

4. Subject: Community Promotion Contract With Spirit Of '76 (230.02)

Recommendation: That Council authorize the Finance Director to execute a Community Promotion Contract with Spirit of '76 in an amount of \$11,450 for the period covering March 15, 2010, through August 30, 2010.

Action: Approved the recommendation; Agreement No. 23,306 (March 2, 2010, report from the Interim Finance Director).

REDEVELOPMENT AGENCY

Item No. 5 appears in the Redevelopment Agency minutes.

6. Subject: Contract For Design Services For Concrete Structural Upgrades To Parking Structures 2, 9 And 10 (550.05)

Recommendation:

- A. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$121,000 for design and engineering services for Structural Upgrades to Parking Structures 2, 9 and 10 (Project);
- B. That Council authorize the Public Works Director to execute a professional services contract with Watry Design, Inc. (Watry), in the amount of \$82,715, for design services for the Project, and authorize the Public Works Director to approve expenditures of up to \$8,285 for extra services of Watry that may result from necessary changes in the scope of work; and
- C. Adopt by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for the Funding of Capital Improvements to Redevelopment Agency Owned Parking Structures 2, 9 and 10.

Action: Approved the recommendations; Contract No. 23,307; Resolution No. 10-008 (March 2, 2010, joint report from the Assistant City Administrator/Agency Deputy Director and Public Works Director; proposed resolution; February 28, 2010, letter from Paula Westbury).

NOTICES

7. The City Clerk has on Thursday, February 25, 2010, 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.
8. A City Council site visit is scheduled for Monday, March 8, 2010, at 1:30 p.m. to the property located at 3714 - 3744 State Street, which is the subject of an appeal hearing set for March 9, 2010, at 2:00 p.m.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PARKS AND RECREATION DEPARTMENT

9. Subject: Adjustments To Fiscal Year 2010 Parks And Recreation Fees (230.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 09-043, Establishing Certain City Fees, to Authorize Adjustments to Parks and Recreation Fees.

Documents:

- March 2, 2010, report from the Parks and Recreation Director.
- Proposed Resolution.
- March 2, 2010, PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Recreation Programs Manager Sarah Hanna, and Parks and Recreation Director Nancy Rapp.

Motion:

Councilmembers House/Francisco to approve the recommendation; Resolution No. 10-009.

Vote:

Unanimous roll call vote.

MAYOR AND COUNCIL REPORTS

10. Subject: Request From Councilmembers House And White Regarding Municipal Code Amendments For Pet Licensing (330.08)

Recommendation: That Council consider the request from Councilmembers House and White to refer amending Santa Barbara Municipal Code Chapter 6.12, Dog Licensing, to the Ordinance Committee.

Documents:

- March 2, 2010, report from the Chief of Police.
- February 26, 2010, letter from Sheila Goffe, Government Relations Director, American Kennel Club.
- February 28, 2010, letter from Paula Westbury.
- March 1, 2010, letter from Geneva Coats, Secretary, California Federation of Dog Clubs.
- March 2, 2010, letter from Chris Zink.

(Cont'd)

10. (Cont'd)

Speakers:

Members of the Public: Shirley Jansen, Dog Adoption and Welfare Group; Dr. Jean Greek, SBVMA; Nancy McCradie; Glu Carradine; Dr. Ron Faoro, Spay/Neuter Task Force; Dr. Toni Frohoff; Peggy Langle, Executive Director, Santa Barbara Humane Society; Diana Basehart; Dr. Paula Kislack, D.V.M.; Dr. Lee Heller; Tiffany Story; Eliane Martin; Lisa Ann Kelly; Heather Story; Yuko Maikawa; Lisa Kenyon; Abbe R. Shaw; Diane Jones; Ginny White; Tom Freeman; Jean Avrick; Michelle Kendall.

Motion:

Councilmembers House/White to approve the recommendation.

Vote:

Unanimous voice vote.

RECESS

4:17 p.m. - 4:28 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT

11. Subject: Capital Improvement Projects Second Quarter Report For Fiscal Year 2010 (230.01)

Recommendation: That Council receive, for information only, a report on the City's Capital Improvement Projects (CIP) for the Second Quarter of Fiscal Year 2010.

Documents:

- March 2, 2010, report from the Public Works Director.
- March 2, 2010, PowerPoint presentation prepared and made by staff.
- February 28, 2010, letter from Paula Westbury.

Speakers:

- Staff: Assistant Public Works Director/City Engineer Pat Kelly, City Administrator James Armstrong.
- Members of the Public: Bonnie Raisin.

By consensus, the Council received the report.

12. Subject: Discussion Of South Coast Conduit Second Barrel Project (540.06)

Recommendation: That Council provide conceptual approval for Water Resources staff to take the lead in a joint project with other South Coast Water Districts to finance and construct a section of pipe between the South portal of the Tecolote Tunnel and the Corona Del Mar Water Treatment Plant in Goleta.

Documents:

- March 2, 2010, report from the Public Works Director.
- February 28, 2010, letter from Paula Westbury.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork.
- Goleta Water District Board: Lauren Hanson, Member.
- Cachuma Operation and Maintenance Board: Kate Rees, General Manager.

Motion:

Councilmembers House/White to approve the recommendation.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Schneider reported that she and Councilmember House attended a memorial service at Shoreline Park for Sharon Anderson, City of Santa Barbara appointee to the Metropolitan Transit District Board, who passed away suddenly last week.
- Councilmember White reported as the Council liaison to the Planning Commission that the Commission, at its meeting of February 18, 2010, voted against the substantial conformance determination for the project at 803 North Milpas Street.

RECESS

Mayor Schneider recessed the meeting at 5:25 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 13 - 16, and stated that no reportable action is anticipated.

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Wayne Wilcox v. City of Santa Barbara, SBSC Case Number 1306126.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

March 2, 2010, report from the City Attorney.

Time:

5:26 p.m. - 5:41 p.m.

No report made.

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Mark Bookspan and Shelley Bookspan v. City of Santa Barbara, SBSC Case Number 1303303.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

March 2, 2010, report from the City Attorney.

Time:

5:41 p.m. - 5:58 p.m.

No report made.

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

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

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

- March 2, 2010, report from the Public Works Director.
- February 28, 2010, letter from Paula Westbury.

Time:

5:58 p.m. - 6:25 p.m.

No report made.

16. Subject: Conference With Real Property Negotiator (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Section 54956.8 of the Government Code to consider instructions to City staff and the City Attorney regarding potential lease negotiations with R. D. Olson Development for a four-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederic Lopez Road, Francis Botello Road and David Love Place, owned by the City of Santa Barbara (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608]). City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development; and Sarah Knecht, Assistant City Attorney; and negotiator for Lessee is Robert D. Olson, owner.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

(Continued from February 23, 2010, Agenda Item No. 12)

Documents:

- March 2, 2010, joint report from the Airport Director and City Attorney.
- February 28, 2010, letter from Paula Westbury.

(Cont'd)

16. (Cont'd)

Time:

6:25 p.m. - 7:20 p.m.

Councilmember Williams left the meeting at 6:30 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:20 p.m. to Monday, March 8, 2010, at 1:30 p.m. at 3714 - 3744 State Street.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



Agenda Item No. _____

File Code No. 550.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010

TO: Mayor and Councilmembers

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

SUBJECT: Contract For Construction Of Parking Lots 4 And 5 Circulation And Accessibility Improvements Project

RECOMMENDATION: That Council:

- A. Award a contract to Lash Construction (Lash) in their low bid amount of \$192,645 for construction of the Parking Lots 4 and 5 Circulation and Accessibility Improvements Project (Project), Bid No. 3592;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$19,265 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 negotiate and execute a City Professional Services Agreement with Watry Design (Watry) in the amount of \$7,950 for construction support services and expenditures of up to \$1,000 for extra services of Watry that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to negotiate and execute a City Professional Services Agreement with Fugro West (Fugro) in the amount of \$7,500 for material testing services during construction.

EXECUTIVE SUMMARY:

As the last phase in the replacement of all parking revenue equipment, this Project involves improving the entrances to Parking Lots 4 and 5 to prevent damage to new equipment, improving the Americans with Disabilities Act (ADA) compliance and landscape, and installing fiber optic links.

DISCUSSION:

PROJECT DESCRIPTION

The Project at City Parking Lots 4 (1120 Chapala Street) and 5 (1220 Chapala Street) is the last phase of the City's system-wide replacement of all parking revenue control equipment. The work will include the following:

- Improve the lot entrances to prevent damage to the revenue control equipment by large vehicles and delivery trucks
- Relocate and bring all of the existing ADA accessible parking spaces into compliance with current codes
- Improve accessible paths of travel, removing trip hazards
- Construct a new ADA compliant booth and correct a drainage problem at Lot 4.
- Enhance landscaping along both parking lots' public street frontages and kiosk areas
- Complete the installation of fiber optic links and prepare for the installation of updated revenue control equipment

CONTRACT BIDS

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

	BIDDER	BID AMOUNT
1.	Lash Construction Santa Barbara, CA	\$192,645
2.	C.S. Legacy Construction Chino, CA	\$218,907
3.	Granite Construction Santa Barbara, CA	\$229,330
4.	Berry General Engineering Ventura, CA	\$243,445
5.	Newton Construction San Luis Obispo, CA	\$250,350
6.	Hanly General Santa Ynez, CA	\$263,321
7.	Tal Cal Engineering, Inc. West Hills, CA	\$269,800

The low bid of \$192,645, submitted by Lash, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$19,265, or 10%, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Watry in the amount of \$7,950 plus extra services for construction support services regarding the design, and to produce record drawings upon Project completion.

Staff also recommends that Council authorize the Public Works Director to execute a contract with Fugro in the amount of \$7,500 for materials testing. Fugro is on the City's Prequalified Engineering Services list and is experienced in this type of work.

PUBLIC OUTREACH

City staff mailed letters, distributed flyers, and held public outreach meetings to inform merchants, as well as the Downtown Organization, of the upcoming Project and its potential impacts.

To mitigate merchant inconveniences during construction, the City will offer free parking in each parking lot when under construction, and the contractor will be required to complete all work in one lot before starting on the next.

FUNDING

This Project is funded from the Downtown Parking Enterprise and Streets Capital Program funds. There are sufficient appropriated funds to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Lash Construction	\$192,645	\$19,265	\$211,910
Watry Design	\$7,950	\$1,000	\$8,950
Fugro West	\$7,500	\$0	\$7,500
TOTAL RECOMMENDED AUTHORIZATION			\$228,360

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

ESTIMATED TOTAL PROJECT COST

Design and Analysis (by consultants)	\$86,847
Design (by City staff)	\$21,180
Subtotal	\$108,027
Lash Construction Contract	\$192,645
Construction Change Order Allowance	\$19,265
Pre-purchased Construction Materials by City (kiosk, revenue control equipment)	\$271,324
Subtotal	\$483,234
Construction Management/Inspection (by City Staff)	\$49,000
Watry Design Services During Construction with C/O allowance	\$8,950
Fugro West Services During Construction	\$7,500
Subtotal	\$65,450
TOTAL PROJECT COST	\$656,711

SUSTAINABILITY IMPACT:

The new revenue control equipment allows programming of entry cards for monthly permit holders who use a keycard to access the facility. This eliminates the need for permit holders to pull paper tickets. The entry equipment also “sleeps” when customers are not present, and is only activated when a customer enters the lot, resulting in less electrical demand.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/EM/mj
 Browning Allen, Transportation Manager/JWG

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator’s Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of American Recovery And Reinvestment Act Road Overlay Project

RECOMMENDATION: That Council:

- A. Award a contract with Nye & Nelson in the amount of \$1,045,276 for construction of the American Recovery and Reinvestment Act (Recovery Act) Road Overlay Project (Project), Bid No. 3583;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$120,878 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 City Professional Services contract with Flowers and Associates (Flowers) in the amount of \$68,000 for construction support services, and approve expenditures of up to \$6,800 for extra services of Flowers that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Fugro West, Inc. (Fugro), in the amount of \$18,853 for construction testing services, and approve expenditures of up to \$1,885 for extra services of Fugro that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

The Road Overlay construction contract is funded by the Recovery Act. A second separate Recovery Act Road Maintenance Project is proposed for Council's approval on March 16, 2010. The total amount of Recovery Act funds authorized for the two projects is \$2.67 million. In the Annual Pavement Maintenance Program, a specific zone in the City is planned for maintenance each year. This one time infusion of Recovery Act funding was identified to address work on the roads throughout the City. This contract is aimed at preserving the surface of City roads by correcting any subsurface failures.

DISCUSSION:

PROJECT DESCRIPTION

The proposed work for the Project consists of pavement maintenance and pavement overlay. The pavement maintenance is an effort to repair failed pavement areas prior to the final pavement sealing. The pavement maintenance under this project will encompass not only streets slated for a pavement overlay, but will also include areas targeted in an upcoming Recovery Act Slurry Project. The pavement overlay will reconstruct over 300,000 square feet or approximately 5 lane miles of severely distressed roadway surface. The road segments that are targeted to receive an overlay include section of roads having some of the highest traffic volumes in the City, averaging 25,000 to 30,000 vehicles daily. This Project will address maintenance of both asphalt and concrete roads (see attachment for locations of the two proposed Recovery Act pavement construction contracts).

CONTRACT BIDS

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

The apparent low bid of \$890,575 from Toro Enterprises for construction, was deemed non-responsive due to their failure to submit a complete bid. Below is a list of the four remaining responsive bidders.

	BIDDER	BASE BID AMOUNT (SCHEDULE A+B)*	BID ALT. 1	BID ALT. 2	BID ALT. 3
1.	Nye & Nelson Ventura, CA	\$967,886	\$86,835	\$77,390	\$77,390
2.	Granite Construction Company Watsonville, CA	\$1,133,274	\$139,000	\$129,000	\$129,000
3.	Lash Construction Santa Barbara, CA	\$1,174,935	\$152,850	\$142,200	\$142,200
4.	Berry General Engineering Ventura, CA	\$1,209,900	\$191,944	\$185,000	\$185,000

*Award of Contract Based on Amount of Base Bid (Schedule A plus Schedule B)

The low base bid of \$967,886, submitted by Nye & Nelson, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. In addition to the Base Bid, there are sufficient funds available to include Bid Alternate 3 into the contract amount.

The total contract amount is \$1,045,276, plus an additional \$120,878 for change orders. The change order funding recommendation represents approximately 12% and is within the typical range for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers in the amount of \$74,800 for construction management and inspection services. On November 10, 2009, Council approved the selection of Flowers to provide professional engineering design, construction management, and inspection services for pavement maintenance projects through the end of fiscal Fiscal Year 2012.

Staff recommends that Council authorize the Public Works Director to execute a contract with Fugro in the amount of \$20,738 for material testing. Fugro is experienced in this type of work.

PUBLIC OUTREACH

The Public Works Department informs the public of ongoing projects. Informational notifications on the Project were mailed to affected residents while in design, and after the bids were opened, notifications were mailed to the affected residents and property owners. During the design phase of the Project, City staff worked closely with private and public utilities to ensure that their work would be completed prior to the road restoration work.

FUNDING

On October 20, 2009, Council accepted and appropriated funds for the work. Eligible construction phase work under this Project is 100% reimbursable by the Recovery Act. There are sufficient funds in the Streets Capital Fund to cover the cost of this Project, including the City's share as identified in the tables below.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract (Nye & Nelson)	\$1,045,276	\$120,878	\$1,166,154
Construction Management and Inspection (Flowers and Associates)	\$68,000	\$6,800	\$74,800
Material Testing (Fugro West)	\$18,853	\$1,885	\$20,738
TOTAL RECOMMENDED AUTHORIZATION			\$1,261,692

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

ESTIMATED TOTAL PROJECT COST

	Federal Share	City Share	Total Cost
Design (by Contract and City staff)	\$0	\$42,283	\$42,283
Subtotal	\$0	\$42,283	\$42,283
Construction Contract	\$1,045,276	\$0	\$1,045,276
Construction Change Order Allowance	\$120,878	\$0	\$120,878
Subtotal	\$1,166,154	\$0	\$1,166,154
Project Management (by City Staff)	\$0	\$27,500	\$27,500
Construction Management and Inspection (by Contract)	\$74,800	\$0	\$74,800
Material Testing (by Contract)	\$20,738	\$0	\$20,738
Subtotal	\$95,538	\$27,500	\$123,038
TOTAL PROJECT COST	\$1,261,692	\$69,783	\$1,331,475

SUSTAINABILITY IMPACT:

This timely maintenance sustains our roads and minimizes or eliminates the need for road reconstruction. This reduces the use of additional materials and pavement oils, both of which deplete our natural resources.

Council Agenda Report
Contract For Construction Of American Recovery And Reinvestment Act Road Overlay
Project
March 16, 2010
Page 5

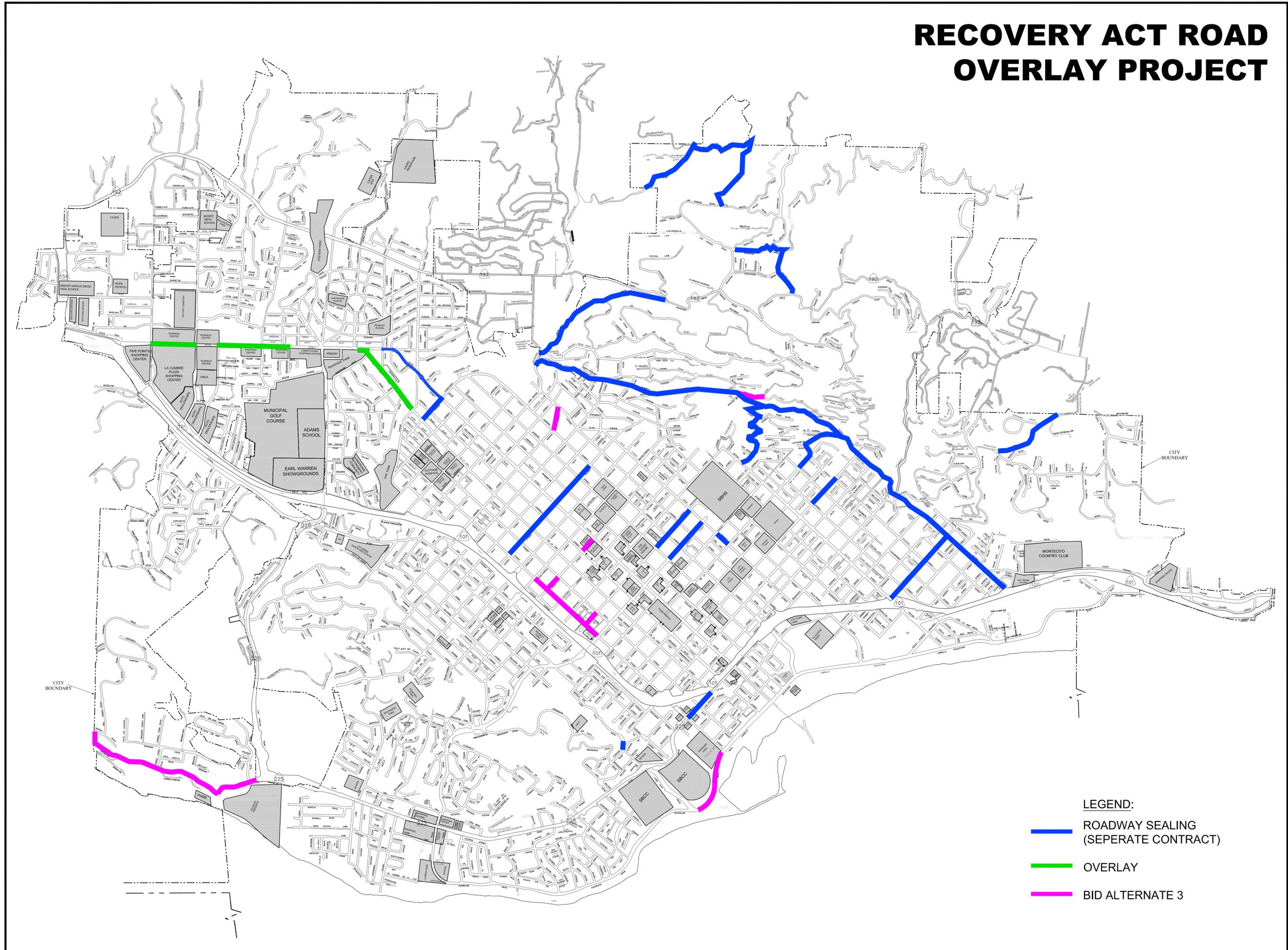
ATTACHMENT: Recovery Act Road Overlay and Maintenance Projects Map

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/TC/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

RECOVERY ACT ROAD OVERLAY PROJECT



LEGEND:

-  ROADWAY SEALING (SEPERATE CONTRACT)
-  OVERLAY
-  BID ALTERNATE 3



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Introduction Of Ordinance For Lease With Chuck's Waterfront Grill

RECOMMENDATION:

That Council approve a lease with Richones, Inc., doing business as Chuck's Waterfront Grill, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease with Richones, Inc., Doing Business as Chuck's Waterfront Grill, located at 113 Harbor Way, Effective April 22, 2010.

BACKGROUND:

The City and Chuck's Waterfront Grill (Chuck's) originally executed a lease on February 28, 1997. The lease had a term of five-years with seven five-year options. Chuck's did not exercise the second five-year option and the lease terminated in March 1, 2009. Since that time, Chuck's has been on "hold-over" status while a new lease was under negotiation. The City and Chuck's agreed that except for the tenant reimbursement provision (discussed below) and the addition of standard City lease language, most lease terms would remain the same. Chuck's lease encompasses 7,505 square feet on the first and second floors of the Waterfront Center Building at 113 Harbor Way. The second floor space operates under the name Endless Summer Bar-Café. The base rent is \$206,360 per year (average of \$17,197 per month), or 10% of gross sales, whichever is greater. The tenant also reimburses the City for its proportional share of Common Area Maintenance (CAM) expenses for the Waterfront Center Building, currently \$4,466 per month. Chuck's has a 30-year term on the lease.

DISCUSSION:

For several years, Chuck's owners Larry Stone and Steve Hyslop have expressed interest in changing the color of the exterior of the Waterfront Center Building to something they believe would be more inviting than the current white color. Additionally, the ground floor patio is exposed to wind and the elements and does not have glass wind screening common to other ocean-front restaurants such as Breakwater Restaurant, Shoreline Beach Café, the Boathouse at Arroyo Burro Beach, and Beachside Bar-Café at Goleta Beach.

The Waterfront Center Building is designated as a historical landmark and any changes to the exterior of the building are subject to review and approval of the City's Historic

Landmarks Committee (HLC). Since 2007, Chuck's has been engaged in the HLC review process to restore the exterior building to its original ochre color, add a glass windscreen around the ground floor patio, add heating to the patio, and construct a canvas sail-like awning over the patio area (Attachment 1). Chuck's architect, David Van Hoy, presented the tenant improvement plan to the Harbor Commission on November 16, 2006. Chuck's now has approved plans and permits and is ready to proceed with the patio improvement. The cost of the project is estimated to be approximately \$300,000. The Waterfront Department has budgeted an additional \$75,000 for painting the building and trim, which will be reimbursed from the CAM charges paid by the Maritime Museum and Chuck's.

Chuck's owners believe they can increase lunch and dinner service on the ground floor patio significantly with the proposed improvements. Certified Public Accountant Michael Schmitchen submitted a proforma indicating that Chuck's sales are expected to increase by 18% in the year following the completion of the improvements and 3% per year thereafter. The increase in sales would result in a corresponding increase in percentage rent payments to the Department of approximately \$50,000 annually.

Reimbursement for Tenant Improvements

In December 1997, the Harbor Commission reviewed and approved what is referred to as a "Reimbursement for Improvements" lease provision (Attachment 2). The Reimbursement for Improvements provision allows eligible tenants to apply for an offset to their percentage rent for certain infrastructure improvements that are approved in advance by the Department (the tenant is still responsible for paying its full base rent obligation). Tenants that have the Reimbursement for Improvements clause in their leases include Brophy Brothers, Char West, Harbor Restaurant, Minnow Café, Shoreline Beach Café, SB Shellfish Company, Sea Landing and SB Sailing Center. The clause is intended to encourage tenants to re-invest in their leased property in a manner that benefits the tenant and the City (the property ultimately reverts to City ownership at lease expiration). For example, Brophy Brothers and the Harbor Restaurant completed major kitchen and plumbing upgrades to their leased properties under the rent credit incentive program. Shoreline Beach Café added its awning and forced-air heating to its outdoor patio and received rent credits under the program; the tenant's sales and percentage rent payments increased following the improvement.

Chuck's intends to use the Reimbursement for Improvements incentive program to make the patio improvements to the Waterfront Center building; however, the current formula (10% of annual rent paid) amounts to a total possible rent credit of \$27,000-\$30,000 annually. Due to the high cost of the patio improvements, estimated at \$300,000, Chuck's requested a one-time increase to the Reimbursement for Improvements clause to \$150,000 for the patio project. The tenant will continue to make base rent payments (currently \$206,000/year) and the \$150,000 rent credit will be offset against Chuck's monthly percentage rent obligation until the \$150,000 is absorbed (approximately 1½ to 2 years). After calendar year 2011, the Reimbursement for Improvements clause will revert to the regular formula of 10% of actual rent paid.

A similar temporarily enhanced Reimbursement for Improvements provision was negotiated with the Harbor Restaurant when it expanded its patio and patio enclosure in 2002.

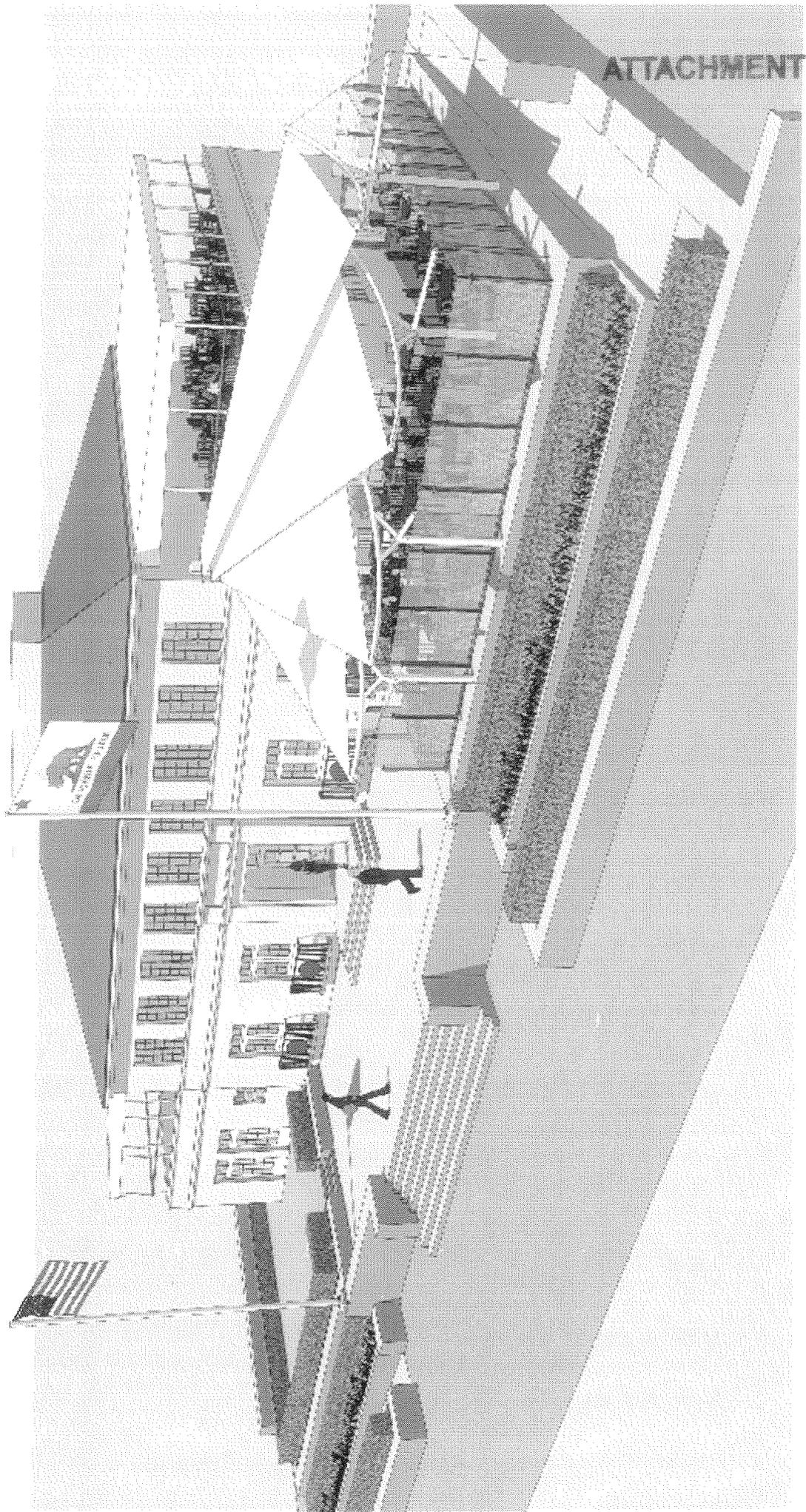
The basic business terms of the lease remain unchanged. The Harbor Commission recommended approval of the lease at the February 18, 2010, meeting.

ATTACHMENTS: 1. Site Plan
2. Harbor Commission Minutes

PREPARED BY: Scott Riedman, Waterfront Business Manager

SUBMITTED BY John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office



HARBOR COMMISSION MINUTES
December 18, 1997
Page 3

7. **Capital Improvement Reimbursement to Tenants**

John Greer, Waterfront Business Manager, went over the staff report outlining the proposed Capital Improvement reimbursement Program for Waterfront tenants. He reported that there was a lot of positive feedback for this program from the tenants.

Moved to recommend that the City Council, upon request by individual tenants, approve appropriate Lease Amendments incorporating the Capital Improvement Reimbursement Program clause. Finger/Owen 5-0.

8. **Stearns Wharf Parking Fee/Validation Presentation**

John Bridley, Waterfront Director, introduced the staff report and noted that the validation policy outlined in the report was for discussion and public comment, only. John Greer, Waterfront Business Manager, gave a presentation regarding the proposed Stearns Wharf parking fee/validation system which was the second in a series of several parking and operational changes being considered by staff and the Parking Committee (Finger/Owen). Several Stearns Wharf tenants spoke to the Commission with the majority against the validation proposal. No action taken.

9. **Marinas 1 & 4 Expansion Project - Moffat & Nichol Engineers Design**

Dave Myerson, Waterfront Facilities Manager, gave a presentation showing the Moffatt & Nichol Engineers design proposal for the Marinas 1 & 4 expansion project along with the associated costs.

Moved to recommend that the City Council approve the contract proposal amount not to exceed \$425,000. Owen/Kronman 5-0.

10. **Selection of Committee Members**

The Harbor Commission reviewed the current list of active committees and made the following changes.

Budget: Commissioner Watson (eliminated second member)

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A LEASE WITH RICHONES, INC., DOING BUSINESS AS CHUCK'S WATERFRONT GRILL, LOCATED AT 113 HARBOR WAY , EFFECTIVE APRIL 22, 2010.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara Approving a Lease With Richones, Inc., Doing Business As Chuck's Waterfront Grill, Effective April 22, 2010, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Resolution To Record A Notice Terminating An Agreement Dated February 7, 1952, And Rescinding Title Covenants At 721-791 Chapala Street

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Record a Notice Terminating an Agreement Dated February 7, 1952, and Rescinding Title Covenants at 721-791 Chapala Street.

DISCUSSION:

The subject Agreement was created February 7, 1952, between the City and Henry Hazard, for the property then known as 111 W. De La Guerra Street and recorded in official County records at that time.

The Agreement provided for the removal of an existing driveway in order to construct a new driveway 22 feet in width at the front of the property. The Agreement also gave the City the right to have the driveway removed and the street curb restored to the original condition should it become necessary in the future.

The Agreement contained title covenants reflecting these provisions. The covenants were recorded against the property so as to "bind and inure to the benefit of the Parties hereto, their respective heirs, executors, administrators, successors and assigns." On February 13, 1952, the Agreement was recorded in Book 1049 at Page 24 of Official Records.

In 2004, the originally affected real property and other adjacent properties were merged and redeveloped by BDC Paseo Chapala LLC. The redevelopment included new street, curb, gutter, and sidewalk improvements along the portion of West De La Guerra Street affected by the Agreement.

Council Agenda Report

Resolution To Record A Notice Terminating An Agreement Dated February 7, 1952, And
Rescinding Title Covenants At 721-791 Chapala Street

March 16, 2010

Page 2

The existing title covenants have not been terminated and should have been in 2004, as part of the redevelopment and re-subdivision of the real property. An application has been submitted by BDC Paseo Chapala LLC to terminate the Agreement. The title covenants have been superseded by the redevelopment of the property, along with the new public street improvements, and it is no longer necessary.

Authorization by Council will allow for the recordation of the Notice in the Official Records in the Office of the County Recorder, thereby demonstrating the termination of the Agreement, and respective title covenants. This will remove the covenants from the property title and the public records as intended.

ATTACHMENTS: Copy of Agreement of Title Covenants dated February 7, 1952

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

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

BOOK 1049 PAGE 24

#4

AGREEMENT

THIS AGREEMENT, made and entered into by and between the CITY OF SANTA BARBARA, a Municipal Corporation duly organized and existing under and by virtue of the Laws of the State of California, hereinafter referred to as FIRST PARTY, and HENRY M. HAZARD, of Santa Barbara, California, hereinafter referred to as SECOND PARTY,

WITNESSETH :

WHEREAS, Second Party is the Owner of that certain real property situate in the City of Santa Barbara, County of Santa Barbara, State of California, particularly described as follows, to-wit:

That portion of Block 194 in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Beginning at a point on the southeasterly line of De la Guerra Street, distant thereon 80 feet southwesterly from the intersection of said line with the southwesterly line of Chapala Street, as the same now exists; thence southwesterly along said line of De la Guerra Street 90 feet; thence at right angles southeasterly 225 feet to a point midway between the said line of De la Guerra Street and the northwesterly line of Ortega Street; thence at right angles northeasterly 45 feet; thence at right angles northwesterly 20 feet; thence at right angles northeasterly 45 feet; thence at right angles northwesterly 205 feet to the point of beginning.

- 1 -

WHEREAS, Second Party has requested permission from First Party to close the existing driveway and open a new twenty-two (22) foot driveway entering said property at 111 West De la Guerra Street, and

WHEREAS, Second Party has agreed that if permission is granted by First Party to Second Party to cut said curb and install said driveway, as herein designated, for the purpose of ingress to and egress from said property, Second Party will, if the property be in the future abandoned from its present intended use, to-wit, a parking space for automobiles, then restore all of said curbs to the present condition if requested so to do by First Party.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

1. PERMISSION. First Party agrees that Second Party may cut the curb abutting said property, and install a driveway upon said property, in manner, location, and to the extent as follows: To cut the curb on De la Guerra Street at 111 West De la Guerra Street for a driveway entering said property extending for a distance of twenty-two (22) feet.

Said permission is granted to Second Party for the purpose of installing a driveway to allow ingress to and egress from said property of Second Party.

2. RESTORATION. Second Party hereby agrees that, in consideration of the permission herein granted to it by First Party, Second Party will proceed with cutting said driveway, at the location and in the manner and extent and for the purpose as set forth above; and

Second Party hereby further agrees that, in the

event that said property be in the future abandoned from its present intended use, then Second Party will restore said curb to its present condition, if, as and when requested to do so by First Party; and

Second Party hereby further agrees that, in the event it fails to so restore said curb within thirty (30) days after receiving written notice from First Party so to do, then First Party may restore the same and, upon presentation of bill showing the costs and expenses of said restoration work, Second Party will pay said costs and expenses of such restoration work; and in the event of Second Party's failure so to pay, First Party may collect the costs and expenses of said restoration work, by legal action, including a reasonable attorney's fee and court costs.

3. NOTICES. Any and all notices to be given by First Party to Second Party shall be given by sending the same by registered mail addressed to Second Party as follows: HENRY M. HAZARD, 115 West De la Guerra Street, Santa Barbara, California.

Any and all notices which may be given by Second Party to First Party shall be given by sending the same by registered mail addressed to City Clerk, City Hall, Santa Barbara, California.

4. SUCCESSORS. This Agreement is intended to and does bind and shall inure to the benefit of the Parties hereto, their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the Parties hereto have caused

this Contract to be legally executed in duplicate this
7th day of February, 1952.

CITY OF SANTA BARBARA,
a Municipal Corporation

By John M. Gray Mayor
FIRST PARTY

Henry K. Hazard
Henry K. Hazard
SECOND PARTY

APPROVED AND COUNTERSIGNED:

Severat S. Woodland
Kenneth C. Nelson
Ernest W. Skenderup
Finance Committee

APPROVED:

John J. Rickard
City Attorney

The foregoing Contract is hereby approved this 7th
day of February, 1952.

John M. Gray
Mayor

The foregoing Contract is hereby approved as to form
and legality this 7th day of February, 1952.

John J. Rickard
City Attorney

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.

On this 4th day of February, 1952, before me,
MADLINE VERGA, a Notary Public in and for
said County and State, personally appeared HENRY M. HAZARD,
known to me to be the person whose name is subscribed to
the within instrument, and acknowledged to me that he
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my Official Seal the day and year in this
Certificate first above written.

Madline Verga

Notary Public in and for the
County of Santa Barbara, State of
California.

My Commission Expires Aug 9, 1953

2081

RECORDED AT REQUEST OF

CITY CLERK

FEB 13 1952 at 9:13 AM

BOOK 1049 PAGE 24

OFFICIAL RECORDS

Santa Barbara County, Calif.

JAMES G. FOWLER, Registrar

[Signature] Deputy

FEE 1.00-FEE

PHOTOSTATED BY: *R. Thuren* Deputy, CHECKED BY: *J.G.* JAMES G. FOWLER, County Recorder

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA TO RECORD A NOTICE
TERMINATING AN AGREEMENT DATED
FEBRUARY 7, 1952, AND RESCINDING TITLE
COVENANTS AT 721-791 CHAPALA STREET

WHEREAS, on February 7, 1952, the City and Henry M. Hazard (Hazard) entered into an Agreement (Agreement), a copy of which was recorded on February 13, 1952, as Instrument No. 2081, in Book 1049 at Page 24 of Official Records, as shown on Exhibit A attached here;

WHEREAS, the Agreement provided for, among other things, the removal of a driveway to make way for construction by Hazard of a new driveway twenty-two feet (22') wide fronting the property then known as 111 De La Guerra Street (the Property);

WHEREAS, the Property originally affected by the Agreement and other adjacent properties have been merged and redeveloped by BDC Paseo Chapala, which included the removal and construction by BDC Paseo Chapala of entirely new public street, curb, gutter and sidewalk improvements that now front the portions of De La Guerra Street affected by the Agreement as described in Lot 1 of Final Map No. 20,686, being a subdivision of a portion of the City of Santa Barbara Block 194, recorded on December 1, 2004, in Book 200, Pages 46 to 48 of Maps, Records of Santa Barbara County, California;

WHEREAS, the Agreement also provided for title covenants that shall "bind and shall inure to the benefit of the Parties hereto, their respective heirs, executors, administrators, successors and assign;"

WHEREAS, an application has been initiated by BDC Paseo Chapala to terminate the Agreement because it is no longer necessary due to the construction of new public improvements for De La Guerra Street; and

WHEREAS, the City desires to record this Notice in order to effectively terminate the Agreement recorded on February 13, 1952, as Instrument No. 2081, in Book 1049 at Page 24 of Official Records.

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

SECTION 1. The Agreement recorded on February 13, 1952, as Instrument No. 2081, in Book 1049 at Page 24 of Official Records is no longer necessary.

SECTION 2. All right, title and interest which City had pursuant to the Agreement in and to the Property described therein (Title Covenants) have terminated.

SECTION 3. City desires to record this Notice in the Official Records, in the Office of the County Recorder, Santa Barbara County, California, in order to demonstrate the termination of the Agreement recorded on February 13, 1952, as Instrument No. 2081, in Book 1049 at Page 24 of Official Records.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010
TO: Mayor and Councilmembers
FROM: Business Division, Waterfront Department
SUBJECT: Five-Year Lease Agreement With Santa Barbara Chamber Of Commerce

RECOMMENDATION:

That Council approve a five-year lease agreement with the Santa Barbara Chamber of Commerce for the 400 square-foot Visitor Center site at One Garden Street.

DISCUSSION:

The Chamber of Commerce Visitor Center (Visitor Center) has leased its site from the Waterfront Department since January 1988. The current lease will expire on January 31, 2010.

The lease specifies that the use of the site is primarily for a non-profit visitor information center, but also permits the sale of incidental items such as educational books, literature, periodicals, directories and logo shirts.

The Visitor Center also sells advertising space on the bulletin board behind the front counter and tickets for various visitor-related businesses such as the Santa Barbara Sailing Center and the Santa Barbara Trolley Company.

There is no base rent for the site. In lieu of monetary rent, the Visitor Center is required to be open to the public for a minimum of 11 a.m. to 2 p.m. daily, 360 days a year. The lease does, however, have a percentage rent requirement. The Visitor Center is required to pay 10% of gross sales in excess of \$70,000 in a year.

The Chamber is responsible for all maintenance, repair and staffing of the site, and the Waterfront Department has no maintenance responsibility and incurs no costs from the Visitor Center operation.

The basic terms of the proposed lease are as follows:

- **Term:** Five years
- **Base rent:** None (no change)
- **Percentage rent:** 10% of retail sales in excess of \$70,000 in a year
- **Exclusions from gross sales:** Sales of third party tickets such as the trolley tickets, and revenue from the advertising board.

The Visitor Center lease is intended to enable the Chamber to operate the Visitor Center as a public service, and has never been intended to be a revenue generator for the City. The Visitor Center is open from 9 a.m. to 6 p.m. in the summer and 9 a.m. to 4 p.m. in the winter. Visitor Center staff estimate that they served approximately 182,000 visitors in 2009.

The Harbor Commission recommended approval of the lease agreement at the January 21, 2010, meeting.

ATTACHMENT: Site Plan

PREPARED BY: Scott Riedman, Waterfront Business Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Annual Report - Access Advisory Committee

RECOMMENDATION:

That Council receive an annual report from the Americans with Disabilities Act Coordinator on the activities and achievements of the Access Advisory Committee.

DISCUSSION:

Resolution No. 08-095, establishing the Access Advisory Committee, calls for the City's Americans with Disabilities Act (ADA) Coordinator to report annually to Council regarding the activities and achievements of the Committee.

Background

In September 2008, Council established the Access Advisory Committee (the Committee) as a successor to previous access advisory bodies. The group was restructured to reach beyond just building-related issues in order to take advantage of opportunities revealed during the City's recently completed voluntary update to its ADA Transition Plan and Self-Evaluation.

The Committee is designed to consist of two members from the Disability Community, two members of the architectural, engineering or building communities, and three members from the community at large, with at least 51% of its members being people with disabilities. The initial membership of the committee included three members of the former "Access Advisory Committee to Staff", Karen Johnson, Adelaida Ortega, and Victor Suhr, all of whom had many years of experience working with the City on disabilities issues. It also included new members Brian Barnwell, Jeanette Chian, James Marston, and Amy Van Meter. During the summer of 2009, Mr. Marsten resigned due to an out-of-state move, and Council replaced him with Ken McLellan in December 2009.

During the past year, Ms. Johnson has served as the Chair of the Committee. Staff and Committee members are very grateful to her for her leadership.

Activities in 2009

The newly formed Committee had its first “kick off” meeting in February 2009, and held six meetings during the year: four regular quarterly meetings, and two special meetings. With the serious budget problems in the General Fund, there was limited ability to work on the list of non-mandatory access improvement projects to City facilities that were identified in the ADA Transition Plan. Nevertheless, as discussed below, the Committee found more than enough meaningful work to complete.

- Reviewing and Refining Committee Roles & Responsibilities

As this was the first year of this Committee in its current form, staff and the Committee spent some time reviewing and refining the role and responsibilities of the Committee, and establishing a framework for the future. Initial activities included, for example, receiving an overview of Brown Act requirements.

Later in the year, the Committee formed an ad hoc subcommittee on Education. The purpose of this subcommittee will be to develop a plan to help the ADA Coordinator educate employees and the public about the work of the Committee, and about access issues facing people with disabilities in our community in general.

The Committee recently appointed a liaison to the Transportation and Circulation Committee to stay abreast of new developments with access with implications in the City’s rights-of-way and report back to the Committee. The Committee also appointed a liaison to Facilities division staff to keep track of day-to-day access improvements being made by maintenance staff that might otherwise escape the notice of the Committee.

- Planning for Access Improvements to City Facilities

Staff and the Committee also reviewed a plan to ensure Committee’s meaningful participation in capital planning related to non-mandatory access improvements to City facilities. A list of facilities improvement projects that are not mandatory, but would significantly enhance existing access levels for people with disabilities, was developed as part of the City’s ADA Transition Plan update, and it is a long-term goal to complete as many of these projects as possible. Though capital funding was seriously reduced for Fiscal Year 2010, and probably will be for Fiscal Year 2011, staff felt it was important to set up this structure for long-term planning purposes, and for when funding for these access improvements does become available.

From a long-term planning standpoint, every two years City Engineering staff will meet with the Committee for help in prioritizing projects identified in the City’s ADA Transition Plan for inclusion in the City’s 6-Year Capital Improvement Plan. This process is next scheduled to occur in November 2010. Then, every spring, the Committee will be given

the opportunity to comment on the recommendations for projects from the Capital Improvement Plan selected to be incorporated the proposed General Fund financial plan and/or operating budget for the upcoming fiscal year, given the available funding designated for access improvements.

- Access Improvements to the Public Rights-of-Way

One of the biggest opportunities for the City to improve access for people with disabilities exists in the public rights-of-way. Access issues in the rights-of-way include curb cuts, sidewalk infill, audible pedestrian signals (APS), and vegetation management, among others. These types of improvements significantly improve the ability for people with mobility and vision impairments, as well as other disabilities, to move comfortably and independently around the City.

As one of its projects this year, the Committee helped Engineering staff to evaluate and select a new standard design for two-way directional access ramps with curbed divider islands, one-way directional access ramps (for T-intersections), and diagonal ramps (delta ramps) in order to ensure easy access and minimize confusion and obstacles for people with various, and sometime competing, needs.

Fortunately, funding for projects in the rights-of-way is currently very healthy. In addition to regular funding through the City's Streets Program (\$250,000 in FY 09, \$400,000 in FY 10, and FY 11 funding yet to be determined), the City has received or will receive additional funding for curb cuts and sidewalk improvements from the following sources: 2010 CDBG Project (\$90,000), 2011 CDBG Project (\$50,000), the CDBG Recovery Act (\$156, 883), and the American Recovery and Reinvestment Act (\$800,000).

The impact of this funding is significant. For many years, the City has maintained a list of "priority corridors" for sidewalk access ramps in the rights-of-way, which was developed with input from previous iterations of the Committee. These corridors included large parts of the following streets: Modoc, Gutierrez, Coast Village Road, Milpas, and De La Vina. Micheltorena and Alisos Streets were later added to this list. Over the years, steady progress has been made toward removing curb and sidewalk obstacles in these corridors. Because of the influx of funding last year, staff was able to schedule almost total completion of these priority corridors over the next year, a huge accomplishment for access. Many other improvements were funded as well.

The Committee worked closely with Engineering staff on plans for these projects all year. One of the major tasks for the Committee in the coming year will be to help develop new priority corridors and/or priority areas for the next wave of access improvements in the public rights-of-way.

- Connections with Department Liaisons

Each City department has an ADA Liaison who is tasked with ensuring full access for people with disabilities to the department's programs, activities, and services, and resolving requests and complaints at the department level. This year, the Committee heard presentations from, the liaisons from the following Departments about program access efforts in those departments:

- Parks and Recreation: Sarah Hanna, Recreation Programs Manager
- Waterfront: Karl Treiberg, Waterfront Facilities Manager
- Police: David Whitham, Police Lieutenant

These meetings have been very well received on all sides. For one thing, these presentations allow the Committee to appreciate just how much the City already does to ensure access to its programs and services. Committee members also get the opportunity to speak to these liaisons directly about the types of challenges people with disabilities encounter with the services their departments provide. Interestingly, one of the chief benefits of these types of presentation has been keeping our liaisons engaged in access awareness. In each case, the liaisons came away with reinvigorated focus and energy toward access goals.

- Special Outreach

The Committee invited several people to attend Committee meetings to find out what other organizations were doing to ensure access, and they graciously complied:

- Joe Ayala, the Projects/Programs Administrator from the Santa Barbara Sheriff's Dispatch visited to give the Committee an overview of the Reverse 9-1-1 system;
- Steve Maas, the Manager of Strategic Planning & Compliance for the Santa Barbara Metropolitan Transit District (MTD) gave an overview of MTD's public transit access efforts; and
- Yolanda McGlinchey, City Emergency Services Manager, gave an overview of disaster response accommodations for people with disabilities both at the City and County level, and introduced members to the County's "Emergency Disaster Plan for Vulnerable Populations".
(http://www.sbcphd.org/documents/ems/disaster_plan_for_vulnerable_populations.pdf)

In all of these cases, Committee members had the opportunity to ask questions and provide their perspectives to these key staff members.

Facilities Improvement Updates

Access improvements are constantly being completed in City facilities through various new construction projects and facility modification projects, as required by the ADA and Title 24 of the Building Code, and through opportunities identified during routine

maintenance. These projects are separate and distinct from those non-mandatory Capital Improvement Program projects that are completed specifically to address the access improvement opportunities identified under the ADA Transition Plan.

Staff tries to keep the Committee updated about as many of these access improvements as possible. Examples of current or recent projects where access improvements are being achieved include upgrades to City facilities at the Airport, Carrillo Recreation Center, Downtown Parking lots, the Cater Treatment Plant, and at the Marina.

Challenges for 2010

Staff and the Committee are pleased with what we have been able to accomplish during 2009.

Due to the ongoing budget crisis, we expect that funding for non-mandatory access improvements will be limited in Fiscal Year 2011, as it was in 2010, and there will continue to be significant pressures on available staff time due to staffing reductions. Nevertheless, we are confident that there will be plenty of important work for the Committee to accomplish, such as developing an education plan, prioritizing new access corridors, and possibly identifying outside funding sources for access improvements.

Mr. Barnwell will serve as Chair next year, and staff will return to Council to provide another annual update at the expiration of his one-year term.

PREPARED BY: Kristy Schmidt, Employee Relations Manager (ADA Coordinator)

SUBMITTED BY: Marcelo Lopez, Assistant City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010

TO: Mayor and Councilmembers

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Introduction Of Ordinance Establishing Procedures For Appointment And Service Of Youth Member To Parks And Recreation Commission

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 2.08.020 of the Santa Barbara Municipal Code and Establishing Procedures for the Appointment and Service of a Youth Member to the Parks and Recreation Commission.

DISCUSSION:

Background

Over the years, teens have played an important role as advocates of teen programming, community leadership, and service in our community. They were instrumental in advocating for and garnering public support to create Skaters Point Skateboard Park and Twelve35 Teen Center. Through the Santa Barbara Youth Council, teens have played an important advisory role to the City Council and the Parks and Recreation Commission. In 1995, by Council resolution, the City Youth Intern Program was created so that applicants, interviewed and approved by the Mayor, could be appointed to serve on various City Charter Boards and Commissions. Since 1995, a Youth Intern has been appointed to serve on the Parks and Recreation Commission as a non-voting member.

In May 2008, the Council Committee on Youth and Children (the "Council Committee") discussed how the youth leadership experience through the Youth Intern Program might be enhanced by, among other things, elevating the youth voice on the Parks and Recreation Commission to a more formal level that would include voting. The Council Committee established a sub-committee (the "Subcommittee") with representatives from the Council Committee, the Parks and Recreation Commission, the Youth Council, and staff, to review the intern program and develop options. The Subcommittee made a number of recommendations to enhance the youth intern program overall. In order to give

youth a formal vote on the Parks and Recreation Commission, rather than a mock vote, a Charter amendment would be needed, so that recommendation was tabled until such time as Charter amendments were being considered. On June 23, 2009 the City Council moved forward with including a number of charter amendments on the ballot, including an amendment that would provide the City Council the option to officially appoint a youth as a voting member of the Parks and Recreation Commission (Measure C).

Charter Amendment Approved by Voters

On November 3, 2009, voters of the City of Santa Barbara overwhelmingly approved Measure C. The ballot measure amends language in the City Charter in order to form a new combined City "Parks and Recreation Commission" with seven members. The powers and duties of the new Commission will be the same as that of the former separate Park and Recreation commissions, except that the amendment grants the new Commission authority to advise the City Council on matters concerning creeks within the City, since the Department has oversight and responsibility for the Creek Restoration and Clean Water Program.

The measure also authorizes, but does not require, the City Council to appoint a youth member, 16 years of age or older, who resides within the City, to serve on the Parks and Recreation Commission. The manner of appointing the youth member and the term of office for the youth member are to be established by an Ordinance of the City Council.

A new Subcommittee of two Parks and Recreation Commissioners and two Youth Council members (the "Appointment Subcommittee") was formed at the November 18, 2009, Parks and Recreation Commission meeting to develop recommendations for City Council on both the appointment and term of the youth member.

Subcommittee Recommendations

On January 11, 2010, the Appointment Subcommittee met to review the current guidelines for all City advisory committees including recruitment, eligibility, appointment process, and term. The "Guidelines for the City of Santa Barbara Advisory Groups" and a draft ordinance provided by the City Attorney were shared with the Subcommittee. The Subcommittee determined that the manner of appointment and service of a youth member should follow the process of appointment and service of other members of the Parks and Recreation Commission. For example, applicants must follow instructions to submit an application through the City Clerk's Office and appear for an interview before Council.

The Appointment Subcommittee identified additional issues related to appointing a youth member that were addressed as follows:

Council Agenda Report

Introduction Of Ordinance Establishing Procedures For Appointment And Service Of Youth Member To Parks And Recreation Commission

March 16, 2010

Page 3

- Should the member serve a four-year term or something shorter? If a four-year term was decided upon, would youth be dissuaded from applying, knowing they may not be able to fulfill the full term? – There was significant discussion on this issue. The Subcommittee eventually supported the full four-year term for several reasons: a youth resignation would be no different than an adult resignation, there is a process in place to fill vacancies, and a shorter term might be equated with a less important role for the youth member. Ideas were also discussed on ways to encourage applicants including outreach and recruitment through the Youth Council and other community leadership programs. The Guidelines for City Advisory Groups, including service and term, could be shared with interested applicants. The Parks and Recreation Director also explained that she meets with each applicant to explain the role of commissioners and to understand their personal interests in the position. These talks provide a good opportunity to answer questions that a youth applicant may have, including ability to fulfill a four-year term.
- What criteria would be used to select a youth member if there were several youth applicants? - Commissioners are interviewed and appointed by City Council, and though decisions may be difficult, it is the Council's responsibility to select the best candidate. The Council utilizes a list of questions (which are also supplied to the applicant) for the interview process. The Subcommittee recommends that an interview question on youth issues be added to the suggested questions that Council may use when interviewing all potential Parks and Recreation Commissioner applicants to assist Council in their decision-making.
- Does the term “youth member” imply a designated commission member category similar to other boards and commissions which have designated representation such as an architect or background in environmental land use planning? - The Subcommittee discussed whether the “youth member” should be a dedicated “youth” representation, meaning that this appointee would specifically represent the youth voice or perspective. The Subcommittee did not interpret previous discussions at the Commission or City Council as direction to create a designated “youth” member position on the Commission. Rather, the intent was to allow a youth the opportunity to serve as a full voting member of the Commission, understanding that the youth would bring a youth perspective to the discussions similar to how other commissioners bring their backgrounds and experience to the position.
- Applicants to City boards and commissions are required to be “qualified electors” in the City of Santa Barbara. A “qualified elector” is a United States citizen, 18 years of age or older and living within the City limits of the City of Santa Barbara. What happens when the youth turns 18 years old? Are they then disqualified from service? Would the “youth” commissioner have to register to vote at age 18 to fulfill the “qualified elector” requirement? The City Attorney added provisions to the draft ordinance that succinctly reflect what happens when a youth reaches 18 years of age, saying that “reaching the age of eighteen (18) should not disqualify a youth applicant who is appointed to the Parks and Recreation Commission from continuing

to serve the balance of his or her term of office.” Reasons for disqualification would not deviate from the current guidelines for advisory group members. The youth applicant would be required to live within the City of Santa Barbara.

Youth Council Recommendation

At the January 19, 2010, meeting of the Youth Council, the draft ordinance was approved with a recommendation to forward it to the Parks and Recreation Commission and City Council.

Parks and Recreation Commission Recommendation

At the January 27, 2010, meeting of the Parks and Recreation Commission, the draft ordinance was approved with a recommendation to forward it to the Ordinance Committee and City Council.

Ordinance Committee Recommendation

At the February 23, 2010, meeting, the Ordinance Committee heard a staff presentation on the proposed appointment and service of a youth member. The Committee voted to forward the proposed ordinance amendment to City Council for introduction and adoption.

During the discussion, the question was raised whether a Youth Intern would continue to be appointed to the Parks and Recreation Commission if a youth member was appointed as a commissioner. Staff indicated that the Parks and Recreation Commission discussed this and affirmed their interest in continuing to have a Youth Intern appointed to serve with the Commission. The Committee was also divided on the length of term, 2 years or 4 years, but did not recommend a change to the draft ordinance.

PREPARED BY: Sarah Hanna, Recreation Programs Manager

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

APPROVED BY: City Administrator's Office

COUNCIL INTRODUCTION DRAFT 3/16/10
SHOWING CHANGES FROM CURRENT CODE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING SECTION 2.08.020 OF THE
SANTA BARBARA MUNICIPAL CODE AND
ESTABLISHING PROCEDURES FOR THE APPOINTMENT
AND SERVICE OF A YOUTH MEMBER TO THE PARKS
AND RECREATION COMMISSION

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

SECTION ONE. Section 2.08.020 of Chapter 2.08 of Title 2 of the Santa Barbara Municipal Code is amended to read as follows:

2.08.020 Enumeration and Index.

A. BOARD OF AIRPORT COMMISSIONERS: The appointment of members and their function is delineated in Chapter 18.44 of the Santa Barbara Municipal Code and Section 812 of Article VIII of the City Charter.

B. ARCHITECTURAL BOARD OF REVIEW: The appointment of members and their function is delineated in Chapter 22.68 of the Santa Barbara Municipal Code and Section 814 of Article VIII of the City Charter.

C. BOARD OF CIVIL SERVICE COMMISSIONERS: The appointment of members and their function is delineated in Section 808 of Article VIII of the City Charter.

D. BOARD OF HARBOR COMMISSIONERS: The appointment of members and their function is delineated in Section 811 of Article VIII of the City Charter and Chapter 17.06 of the Santa Barbara Municipal Code.

E. LIBRARY BOARD: The appointment of members and their function is delineated in Section 807 of Article VIII of the City Charter.

F. ~~BOARD OF PARK COMMISSIONERS~~SPARKS AND RECREATION COMMISSION: The appointment of members and their function is delineated in Section 809 of Article VIII of the City Charter.

G. BOARD OF FIRE AND POLICE PENSION COMMISSIONERS: The appointment of members and their function is delineated in Section 815 of Article VIII of the City Charter.

H. PLANNING COMMISSION: The appointment of members and their function is delineated in Section 806 of Article VIII of the City Charter.

I. BOARD OF FIRE AND POLICE COMMISSIONERS: The appointment of members and their function is delineated in Section 816 of Article VIII of the City Charter.

~~J. RECREATION COMMISSION: The appointment of members and their function is delineated in Section 810 of Article VIII of the City Charter.~~

~~K. BOARD OF WATER COMMISSIONERS: The appointment of members and their function is delineated in Section 813 of Article VIII of the City Charter.~~

SECTION TWO. Section 809 of the City Charter allows for the appointment of a person under the age of eighteen (18) to the Parks and Recreation Commission (a “youth member.”) This ordinance supplements the provisions of Article VIII of the City Charter as it concerns the nomination, appointment, and service of any person who is appointed as a youth member to serve on the Parks and Recreation Commission.

A. PARKS AND RECREATION COMMISSION - APPOINTMENT AND SERVICE. Members of the Parks and Recreation Commission are appointed and serve terms in office as provided in Article VIII of the City Charter. In general, members of the Parks and Recreation Commission are appointed and serve their terms of office in accordance with Section 802 of the City Charter. Notwithstanding the eligibility requirements specified in Section 802 of the City Charter, Section 809 of the City Charter, as amended by the voters of the City in November 2009, allows one (1) member of the Parks and Recreation Commission to be an individual of age sixteen (16) years or older. The City Council may, but is not required to, appoint a youth member to the Parks and Recreation Commission.

B. PERSONS UNDER THE AGE OF EIGHTEEN (18) - APPOINTMENT AND SERVICE. The City Council chooses to consider applicants for appointment as a youth member of the Parks and Recreation Commission in the following manner:

1. The application process for a youth applicant shall follow the process applicable to other applicants for membership on the Commission (as specified in Article VIII of the City Charter and supplemented by resolution of the City Council), except as otherwise provided in this ordinance.

2. A youth applicant need not be eighteen (18) years of age at the time of appointment or during his or her term in office.

3. A youth applicant shall be a resident of the City of Santa Barbara and a citizen of the United States at the time of appointment and during his or her term in office.

4. Reaching the age of eighteen (18) shall not disqualify a person appointed as a youth member on the Commission from continuing to serve the balance of his or her term in office.

5. If a vacancy is created by the resignation, disqualification, or removal of a youth member on the Commission, the City Council may, but is not required to, appoint a youth applicant to the vacant position on the Commission.

6. If a youth member on the Commission reaches the age of eighteen (18) during his or her term in office, the City Council may, but is not required to, appoint a youth applicant to another vacant position on the Commission.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of American Recovery And Reinvestment Act Road Maintenance Project

RECOMMENDATION: That Council:

- A. Reject the bid protest filed by Valley Slurry Seal and award a contract to Bond Blacktop, Inc. (Bond), in the amount of \$1,150,148 for construction of the American Recovery and Reinvestment Act (Recovery Act) Road Maintenance Project (Project), Bid No. 3586;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$88,100 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 City Professional Services contract with Flowers and Associates (Flowers), in the amount of \$114,416 for construction support services, and approve expenditures of up to \$11,440 for extra services of Flowers that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Fugro West, Inc. (Fugro), in the amount of \$44,550 for construction testing services, and approve expenditures of up to \$4,450 for extra services of Fugro that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

The Road Maintenance Construction Contract is funded by the Recovery Act. Roadway maintenance was identified as one of the City's "shovel ready" Streets projects. A second separate Recovery Act Road Overlay Project is proposed for Council's approval. The total amount of Recovery Act funds authorized for the two projects is approximately \$2.67 million. The City has a proactive roadway preventative maintenance program and these Recovery Act funds have been identified to augment priority roadwork throughout the City. This contract is aimed at preserving the surface of City roads by utilizing cape seal and slurry seal surface treatment.

DISCUSSION:

PROJECT DESCRIPTION

The proposed work for the Project consists of various methods of pavement maintenance, such as slurry and cape sealing of the roadway. The work includes addressing roads in mild to significant disrepair. The Project will address both asphalt and concrete roads (see Attachment for the locations of the two proposed Recovery Act pavement construction contracts).

CONTRACT BIDS

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

BIDDER	BASE BID AMOUNT*	BID ALT. 1	BID ALT. 2	BID ALT. 3	CONTINGENCY BID
1. Bond Blacktop Union City, CA	\$881,000	\$421,064	\$316,386	\$241,098	\$28,050
2. Valley Slurry Seal** Sacramento, CA	\$932,681	\$447,017	\$325,314	\$249,678	\$26,775
3. Windsor Fuel Company Windsor, CA	\$1,138,050	\$332,200	\$312,480	\$257,400	\$19,500
4. Pavement Coatings, Inc. Cypress, CA	\$1,392,250	\$537,540	\$558,000	\$445,302	\$28,500
5. Intermountain Slurry Seal Sacramento, CA	\$1,652,950	\$675,710	\$619,380	\$476,190	\$35,700

*Award of Contract based on amount of base bid.

**Staff acknowledges that this contractor will be protesting the award recommendation at the Council meeting.

The low Base Bid of \$881,000, submitted by Bond, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. In addition to the Base Bid, there are sufficient funds available to include Bid Alternative 3 (see attachment) and the Contingency Bid into the contract amount. The Contingency Bid includes any field street striping changes not included in the Base Bid.

The total contract amount is \$1,150,148, plus an additional \$88,100 for change orders. The change order funding recommendation represents approximately 8% of the contract total and is within the typical range for this type of work and size of project.

BID PROTEST

A "bid protest" was filed by the second low bidder, Valley Slurry Seal (VSS), contesting that a product they are proposing should be considered equal to the product specified in the Project specifications and, therefore, should be authorized for use in this Project. VSS also contends that the testing required of the product, as specified, should not be allowed. After careful review, staff has concluded that there is sufficient information to support staff's position that the VSS product is not equal to the product specified in the Project specifications. Staff will give a presentation regarding its recommendation to reject the bid protest and the reasoning for recommending the award of the contract to Bond, the lowest responsive bidder. It is expected that VSS will be making a similar presentation to Council regarding its bid protest.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers in the amount of \$125,856 for construction support services. On November 10, 2009, Council approved the selection of Flowers to provide professional engineering design and construction management services for pavement maintenance projects through the end of Fiscal Year 2012.

Staff recommends that Council authorize the Public Works Director to execute a contract with Fugro in the amount of \$49,000 for testing services. Fugro is experienced in this type of work.

PUBLIC OUTREACH

The Public Works Department informs the public of ongoing projects. Information on the Project was mailed out while in the design phase and after the bids were opened. During the design of the Project, staff worked closely with private and public utilities to ensure that their work would be completed prior to the road restoration work.

FUNDING

On October 20, 2009, Council accepted and appropriated funds for the work. Eligible construction phase work under the Project is 100% reimbursable from the Recovery Act. There are sufficient appropriated funds in the Streets Capital Fund to cover the cost of this Project, including the City's share, as identified in the tables below.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract (Bond)	\$1,150,148	\$88,100	\$1,238,248
Construction Support Service (Flowers)	\$114,416	\$11,440	\$125,856
Material Testing (Fugro)	\$44,550	\$4,450	\$49,000
TOTAL RECOMMENDED AUTHORIZATION			\$1,413,104

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

ESTIMATED TOTAL PROJECT COST

Phase	Federal Share	City Share	Total Cost
Design (by Contract or City staff)	\$0	\$42,283	\$42,283
Subtotal	\$0	\$42,283	\$42,283
Construction Contract	\$1,150,148	\$0	\$1,150,148
Construction Change Order Allowance	\$88,100	\$0	\$88,100
Construction Support service (by Contract)	\$125,856	\$0	\$125,856
Other Construction Costs (testing, etc.)	\$49,000	\$0	\$49,000
Subtotal	\$1,413,104	\$0	\$1,413,104
Construction Management/Inspection (by City Staff)	\$0	\$22,500	\$22,500
Subtotal	\$0	\$22,500	\$22,500
TOTAL PROJECT COST	\$1,413,104	\$64,783	\$1,477,887

SUSTAINABILITY IMPACT:

This timely maintenance sustains our roads and minimizes or eliminates the need for road reconstruction. This reduces the use of additional materials and pavement oils, both of which deplete natural resources.

Additional materials regarding this project will be provided to City Councilmembers and are available to the public at the City Clerk's office, located at 735 Anacapa Street, Santa Barbara, California, after 10:00 a.m. on Friday, March 12, 2010.

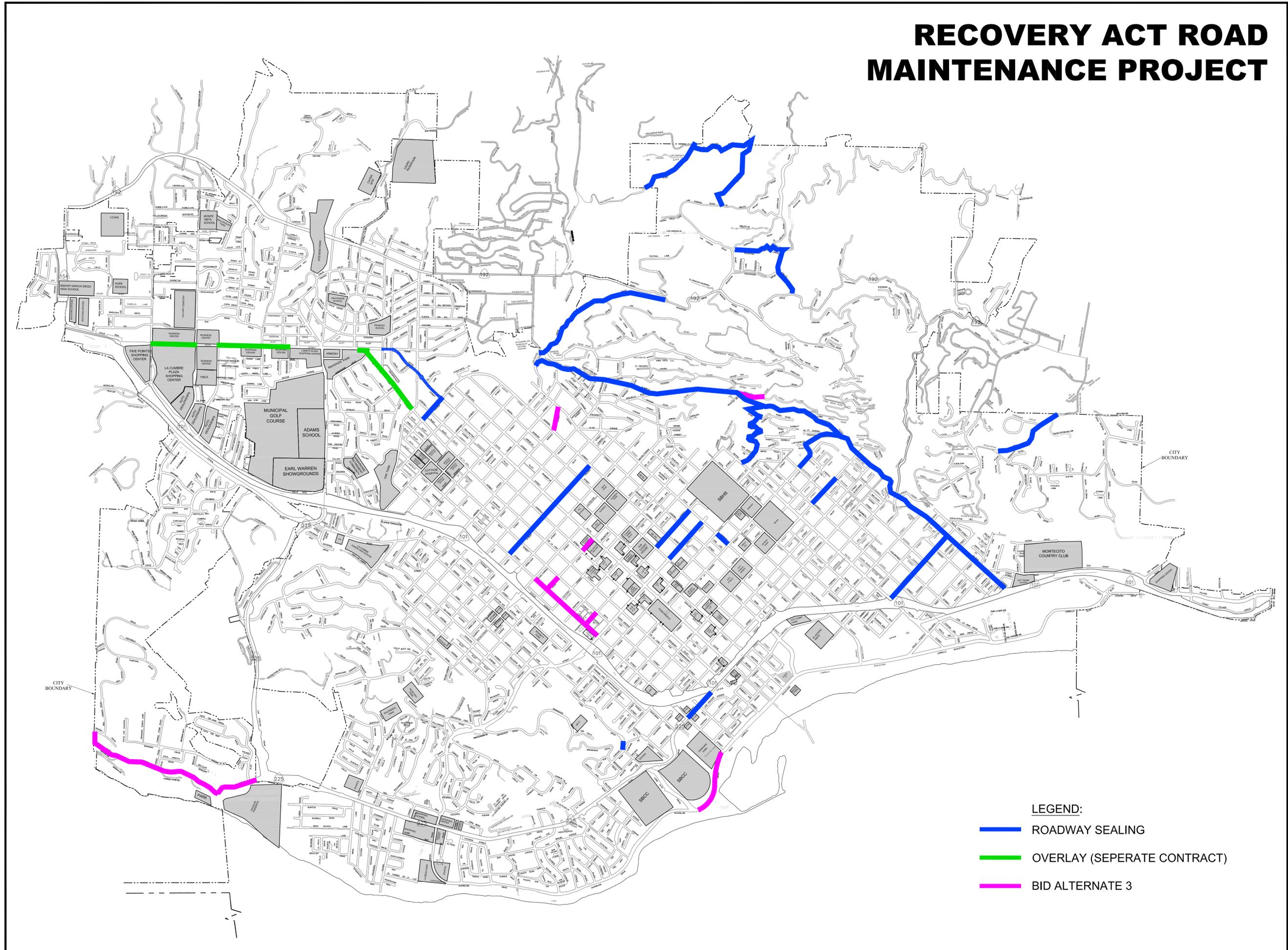
ATTACHMENT: Recovery Act Road Overlay and Maintenance Projects Map

PREPARED BY: John Ewasiuk, Principal Civil Engineer/TC/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

RECOVERY ACT ROAD MAINTENANCE PROJECT



LEGEND:

-  ROADWAY SEALING
-  OVERLAY (SEPERATE CONTRACT)
-  BID ALTERNATE 3