

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

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



James L. Armstrong
*City Administrator/
Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

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

**MAY 25, 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 and Redevelopment Agency meetings begin at 2:00 p.m. in the Council Chamber at City Hall.

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

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

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

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

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

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

ORDER OF BUSINESS

- 11:00 a.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Special Redevelopment Agency Meeting
- 4:00 p.m. - Interviews for City Advisory Groups (Estimated Time)

SPECIAL FINANCE COMMITTEE MEETING - 11:00 A.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

1. Subject: Restated And Amended Cooperation Agreement With The City Housing Authority

Recommendation: That the Finance Committee consider and recommend to Council that Council hold a public hearing and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Restated and Amended Cooperation Agreement Between the City and the Housing Authority of the City of Santa Barbara Concerning the Housing Authority's Payment to the City's General Fund of "Payment In Lieu of Taxes" from Certain Housing Authority Rental Projects, and Authorizing the Mayor to Execute Such Agreement.

2. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Nine Months Ended March 31, 2010

Recommendation: That the Finance Committee recommend that the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Nine Months Ended March 31, 2010.
(See Council/Redevelopment Agency Agenda Item No. 8)

3. Subject: Fiscal Year 2010 Third Quarter Review

Recommendation: That the Finance Committee recommend that Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2010;
- B. Accept the Fiscal Year 2010 Interim Financial Statements for the Nine Months Ended March 31, 2010; and
- C. Approve the adjustments to the Fiscal Year 2010 budget as shown in the attached Schedule of Recommended Third Quarter Adjustments.
(See Council/Redevelopment Agency Agenda Item No. 11)

SPECIAL FINANCE COMMITTEE MEETING - 11:00 A.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (CONT'D)

4. Subject: Fiscal Year 2010 Budget Balancing Options

Recommendation: That the Finance Committee hear a report from staff as a follow-up to information requested from the Finance Committee relating to the balancing strategy and options presented for Fiscal Year 2010.

5. Subject: Finance Committee Review Of Fiscal Year 2011 Recommended Budget

Recommendation: That the Finance Committee hear a report from staff relating to the Fiscal Year 2011 recommended budget.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of April 22, 2010, the regular meeting of April 27, 2010, the special meeting of April 29, 2010, the regular meeting of May 4, 2010, the special meeting of May 5, 2010, and the regular meeting of May 11, 2010.

2. Subject: Adoption Of Ordinance Amending Municipal Code Section 3.16.073 Regarding Registered Domestic Partners (800.05)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Three of the Santa Barbara Municipal Code to Revise Section 3.16.073 of Chapter 3.16 Pertaining to the Employment by the City of Domestic Partnerships in the Same City Department or Division.

3. Subject: April 2010 Investment Report (260.02)

Recommendation: That Council accept the April 2010 Investment Report.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

4. Subject: Professional Services Contract With Art From Scrap (630.01)

Recommendation: That Council approve a professional services agreement with Art From Scrap for an amount not to exceed \$29,970 for the implementation of waste reduction, recycling, and composting education for K-12 students in City schools.

5. Subject: Contract For Construction Of American Recovery And Reinvestment Act Access Ramp And Sidewalk Maintenance Project (530.04)

Recommendation: That Council:

- A. Award a contract with Toro Enterprises, Inc. (Toro), in the amount of \$603,170, for construction of the American Recovery and Reinvestment Act Access Ramp and Sidewalk Maintenance Project (Project), Bid No. 3593; and
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$86,830 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.

6. Subject: Agreement Between The City Of Santa Barbara And The Santa Barbara County Sheriff's Department For Hourly Law Enforcement Services At Special Events (520.04)

Recommendation: That Council approve and authorize the City Administrator to execute an agreement between the City of Santa Barbara and the Santa Barbara County Sheriff's Department for hourly law enforcement services at Special Events with an expiration date of June 30, 2013.

REDEVELOPMENT AGENCY

7. Subject: Minutes

Recommendation: That the Redevelopment Agency waive the reading and approve the minutes of the regular meeting of May 4, 2010.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

8. Subject: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Nine Months Ended March 31, 2010

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

NOTICES

9. The City Clerk has on Thursday, May 20, 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.
10. Cancellation of the regular City Council and Redevelopment Agency meetings of June 1, 2010.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

11. Subject: Fiscal Year 2010 Third Quarter Review (230.04)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2010;
- B. Accept the Fiscal Year 2010 Interim Financial Statements for the Nine Months Ended March 31, 2010; and
- C. Approve the adjustments to the Fiscal Year 2010 budget as shown in the attached Schedule of Recommended Third Quarter Adjustments.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

FIRE DEPARTMENT

12. Subject: Renewal Of Levy For Fiscal Year 2011 For The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2011.

PUBLIC WORKS DEPARTMENT

13. Subject: Public Hearing For The Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2011 (550.10)

Recommendation: That Council:

- A. Consider appropriate protests to the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2011, as required under the California Parking and Business Improvement Area Law of 1989;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2011, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2011; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.37 of the Santa Barbara Municipal Code by Establishing New Business Categories and Revising Rates of Assessment for Specified Categories of Businesses of the Downtown Parking and Business Improvement Assessment District Established by City Ordinance No. 4179, Adopted on September 3, 1991, Pursuant to the Requirements of Parking and Business Improvement Area Law of the 1989 California Streets and Highways Code Sections 36500-36551.

PUBLIC HEARINGS

14. Subject: Continued Appeal Of Planning Commission Denial Of Project At 617 Bradbury Avenue (640.07)

Recommendation: That Council grant the appeal filed by David Lack and approve the Modification and Tentative Subdivision Map for a revised project design, subject to the conditions of approval and findings contained in the Staff Hearing Officer Resolution No. 062-09.

MAYOR AND COUNCIL REPORTS

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

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups;
 - B. Continue interviews of applicants to June 8, 2010; and
 - C. Continue interviews of applicants to June 15, 2010.
- (Estimated Time: 4:00 p.m.)

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

16. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiators Kristy Schmidt, Employee Relations Manager, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: May 25, 2010

Das Williams, Chair

TIME: 11:00 a.m.

Dale Francisco

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Michael Self

James L. Armstrong
City Administrator

Robert Samario
Interim Finance Director

ITEMS TO BE CONSIDERED:

1. Subject: Restated And Amended Cooperation Agreement With The City Housing Authority

Recommendation: That the Finance Committee consider and recommend to Council that Council hold a public hearing and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Restated and Amended Cooperation Agreement Between the City and the Housing Authority of the City of Santa Barbara Concerning the Housing Authority's Payment to the City's General Fund of "Payment In Lieu of Taxes" from Certain Housing Authority Rental Projects, and Authorizing the Mayor to Execute Such Agreement.

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(See Council/Redevelopment Agency Agenda Item No. 8)

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4. Subject: Fiscal Year 2010 Budget Balancing Options

Recommendation: That the Finance Committee hear a report from staff as a follow-up to information requested from the Finance Committee relating to the balancing strategy and options presented for Fiscal Year 2010.

5. Subject: Finance Committee Review Of Fiscal Year 2011 Recommended Budget

Recommendation: That the Finance Committee hear a report from staff relating to the Fiscal Year 2011 recommended budget.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Finance Committee

FROM: Community Development Department

SUBJECT: Restated And Amended Cooperation Agreement With The City Housing Authority

RECOMMENDATION:

That the Finance Committee consider and recommend to Council that Council hold a public hearing and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Restated and Amended Cooperation Agreement Between the City and the Housing Authority of the City of Santa Barbara Concerning the Housing Authority's Payment to the City's General Fund of "Payment In Lieu of Taxes" from Certain Housing Authority Rental Projects, and Authorizing the Mayor to Execute Such Agreement.

BACKGROUND:

Under the constitution and statutes of the State of California, a Housing Authority shall pay no property taxes or processing fees to any taxing entity on projects funded by HUD (the U.S. Department of Housing and Urban Development). The City may not, therefore, impose any taxes, special assessments or fees on such projects. In 1969, the City entered into a "Cooperation Agreement" with the Housing Authority in which the City agreed to provide all City services such as fire and police protection and to waive processing fees at no cost to all Housing Authority projects funded by HUD. Such a Cooperation Agreement between the City and the Housing Authority was required by HUD as a pre-condition to HUD's financing of Housing Authority projects.

In order to recoup some of the local entities costs, the State Health and Safety Code allows housing authorities and local entities to enter cooperation agreements that allow the Housing Authority to make a Payment In-Lieu of Taxes to the City (PILOT). In the early years it was standard practice for the Housing Authority to make such payments to the City annually. In 1986 the Housing Authority was facing budget shortfalls, and the City agreed to make the payments optional at the discretion of the Housing Authority. No payments have been made to the City since 1986.

DISCUSSION:

The Housing Authority has recently informed the City that it is again in a position to make payments of PILOT to the City. In order to begin making payments, however, the Housing Authority has requested some minor revisions to the Cooperation Agreement to conform the agreement to State law. These changes are reflected in the proposed Amended and Restated Cooperation Agreement.

The estimated total amount of the PILOT funds that might be received by the City for the Housing Authority's fiscal year ending March 31, 2011, is approximately \$57,000.

The Housing Authority's recent offer to resume PILOT payments is due to two factors. First, they recognize that the City could make good use of some additional revenue to its General Fund. Second, a change in HUD accounting rules has led to increased availability of funding from HUD toward the PILOT payments. The funds would be paid to the City in a lump-sum sometime after the March 31, 2011 close of the Housing Authority's current fiscal year and prior to June 30, 2011.

BUDGET/FINANCIAL INFORMATION:

This action will increase the City's Fiscal Year 2011 revenues to its General Fund by approximately \$57,000. Staff will include this item as a proposed adjustment to the Fiscal Year 2011 Recommended Budget, which will be presented to the Finance Committee on May 26, 2010, separately for their consideration along with other proposed adjustments.

- ATTACHMENTS:**
1. March 7, 2010, Letter from Executive Director Robert Pearson, Housing Authority
 2. Restated and Amended Cooperation Agreement
 3. Proposed Resolution

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

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



HOUSING

AUTHORITY OF THE
CITY OF SANTA BARBARA808 Laguna Street / Santa Barbara
California / 93101Tel (805) 965-1071
Fax (805) 564-7041

May 7, 2010

James L. Armstrong, City Administrator
City of Santa Barbara
City Hall, De La Guerra Plaza
Santa Barbara, CA 93101

RE: HOUSING AUTHORITY'S COOPERATION AGREEMENT WITH CITY

Dear Jim:

Pursuant to our recent email exchanges and telephone conversations, I am pleased to transmit herewith for City Council consideration a "Restated and Amended Cooperation Agreement" between the Housing Authority and the City. It was approved by the Housing Authority Commission on May 5, 2010.

As I explained previously, the Housing Authority, owing to changes in HUD's accounting procedures, is now eligible to receive HUD "operating subsidy" for our HUD Assisted Public Housing program. We currently have 494 units in that program that we own. These are older units where HUD paid almost 100% of their development cost. One of the line items under operating subsidy we can now apply for and receive some level of funding for is what is termed PILOT—Payment In Lieu of Taxes.

In revising the subject Cooperation Agreement, we have adjusted language so that it is clear that any PILOT monies we receive from HUD in the form of operating subsidy goes strictly to the City for its General Fund. We estimate this amount to be approximately \$57,000 for our FYE 3-31-11.

If you could have the City Council approve the Restated and Amended Cooperation Agreement by resolution (this is a HUD requirement) at your earliest convenience, I will then transmit the fully executed agreement to HUD for approval. While it is not a huge sum of money, we suspect any amount of General Fund revenue in these trying times would be welcomed.

HOUSING AUTHORITY OF THE
CITY OF SANTA BARBARA

ROBERT G. PEARSON
Executive Director/CEO

cc: Sarah Knecht, City Attorney's Office

RESTATED AND AMENDED
COOPERATION AGREEMENT

THIS RESTATED AND AMENDED COOPERATION AGREEMENT ("Agreement") is entered into this ____ day of _____, 2010, by and between the HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA (herein called the "Local Authority"), and the CITY OF SANTA BARBARA, a municipal corporation, (herein called "Municipality"); witnesseth:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this agreement.

(a) The Term "Project" shall mean any low-rent housing hereafter developed as an entity by the Local Authority with financial assistance of the United States of America acting through the Secretary of Housing and Urban Development (herein called the "Government") and located within the corporate limits of the Municipality, excluding, however, any low-rent housing project covered by any contract for loans, grants, and/or annual contributions entered into between the Local Authority and the Government, or its predecessor agencies, prior to October 28, 1969, the date of the original cooperation agreement between the parties.

(b) The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.

(c) The term "Shelter Rent" shall mean the total of all charges to all tenants of the Project for dwelling rents and non-dwelling rents (excluding all other income of such Project), less the cost to the Local Authority of all dwelling and non-dwelling utilities.

(d) The term "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, over-crowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals.

2. The Local Authority shall endeavor (a) to secure a contract or contracts with the Government for loans, grants, and/or annual contributions covering one or more Projects comprising approximately nine hundred (900) units of low-rent housing, and (b) to develop and administer such Project or Projects. The obligations of the parties hereto shall apply to each such Project.

3. (a) Under the Constitution and statutes of the State of California, all Projects are exempt from all real and personal property taxes and special assessments levied or imposed by any Taxing Body. With respect to any Project, so long as either (i) such Project is owned by a public body or governmental

agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the Government for Loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the Government in connection with such Project remain unpaid, whichever period is the longest, the Municipality agrees that it will not levy or impose any real or personal property taxes or special assessments upon such Project or Local Authority with respect thereto. During such period the Local Authority may make annual payments (herein called "Payments in Lieu of Taxes") in lieu of such taxes and special assessments and in payment for the public services and facilities furnished from time to time without other cost or charge for or with respect to such Project.

b) Each such annual Payment in Lieu of Taxes shall be made after the end of the fiscal year established for such Project, and shall be in an amount not to exceed either (i) ten percent (10%) of the Shelter Rent actually collected by the Local Authority in respect to such Project during such fiscal year; (ii) the amount permitted to be paid by applicable State law in effect on the date such payment is made; or (iii) that amount received by the Local Authority from the Government as operating subsidy under the Public Housing Operating Fund or any successor program, whichever amount is lower. In no event shall any payment be in excess of the amount of real property taxes which would have been paid for such year if the Project were not exempt from taxation.

c) Upon failure of the Local Authority to make any Payment in Lieu of Taxes, no lien against any Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. The Municipality agrees that, subsequent to the date of initiation (as defined in the United States Housing Act of 1937) of each Project and within five (5) years after completion thereof, or such further period as may be approved by the Government, there has been or will be eliminated, as certified by the Municipality, by demolition, condemnation, effective closing or compulsory repair or improvement, of unsafe or unsanitary dwelling units situated in the locality or metropolitan area in which such Project is located, substantially equal in number to the number of newly constructed dwelling units provided by such Project; provided, that where more than one family is living in an unsafe or unsanitary dwelling unit, the elimination of such unit shall count as the elimination of units equal to the number of families accommodated therein; and provided further, that this Paragraph 4 shall not apply in the case of (i) any Project developed on the site of a Slum cleared subsequent to July 15, 1949, and that the dwelling units eliminated by the clearance of the site of such Project shall not be counted as elimination for any other Project or any other low-rent housing project, or (ii) any Project located in a rural non-farm or Indian area.

5. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the Government for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to

the Government in connection with such Project remain unpaid, whichever period is the longest, the Municipality without cost or charge to the Local Authority or the tenants of such Project (other than the Payments in Lieu of Taxes) shall:

(a) Furnish or cause to be furnished to the Local Authority and the tenants of such Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Municipality;

(b) Vacate such streets, roads and alleys within the area of such Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the Municipality may have in such vacated areas; and, insofar as it is lawfully able to do so without cost or expense to the Local Authority or to the Municipality, cause to be removed from such vacated areas, insofar as it may be necessary, all public or private utility lines and equipment;

(c) Insofar as the Municipality may lawfully do so, (i) grant such deviations from the Building Code of the Municipality as are reasonable and necessary to promote economy and efficiency in the development and administration of such Project, and at the same time safeguard health and safety, and (ii) make such changes in any zoning of the site and surrounding territory of such Project as are reasonable and necessary for the development and protection of such Project and the surrounding territory;

(d) Accept grants of easements necessary for the development of such Project; and

(e) Cooperate with the Local Authority by such other lawful action or ways as the Municipality and the Local Authority may find necessary in connection with the development and administration of such Project.

6. In respect to any Project the Municipality further agrees that within a reasonable time after receipt of a written request therefore from the Local Authority:

(a) It will accept the dedication of all interior streets, roads, alleys and adjacent sidewalks within the area of such Project, together all storm and sanitary sewer mains in such dedicated areas, after the Local Authority, at its own expense, has completed the grading, improvement, paving and installation thereof in accordance with specifications acceptable to the Municipality;

(b) It will accept necessary dedications of land for, and will grade, improve, pave and provide sidewalks for, all streets bounding such Project or necessary to provide adequate access thereto (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned); and

(c) It will provide, or cause to be provided, water mains and storm and sanitary sewer mains leading to such Project and serving the bounding streets thereof (in consideration whereof

the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned).

7. If by reason of the Municipality's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the Local Authority or to the tenants of any Project, the Local Authority incurs any expense to obtain such services or facilities then the Local Authority may deduct the amount of such expense from any Payments in Lieu of Taxes due or to become due to the Municipality in respect to any Project or any other low-rent housing projects owned or operated by the Local Authority.

8. This Agreement constitutes the only agreement between the Municipality and the Local Authority with respect to the subject matter hereof, any other agreements are void and of no effect from and after the date hereof.

9. No member of the governing body of the Municipality or any other public official of the Municipality who exercises any responsibilities or functions with respect to any Project during his or her tenure or for one year thereafter shall have any interest, direct or indirect, in any Project or any property included or planned to be included in any Project, or any contracts in connection with such Projects or property. If any such governing body member or such other public official of the Municipality involuntarily acquires or had acquired prior to the beginning of his or her tenure any such interest the member shall immediately disclose such interest to the Local Authority.

10. So long as any contract between the Local Authority and the Government for grants, loans, (including preliminary loans) and/or annual contributions in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project remain unpaid, this agreement shall not be abrogated, changed or modified without the consent of the Government. The privileges and obligations of the Municipality hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the Local Authority or by any other public body or governmental agency, including the Government, authorized by law to engage in the development or administration of low-rent housing projects. If at any time the beneficial title to, or possession of, any Project is held by such other public body or governmental agency, including the Government, the provisions hereof shall inure to the benefit of and may be enforced by, such other public body or governmental agency, including the Government.

IN WITNESS WHEREOF, the Municipality and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

CITY OF SANTA BARBARA
A Municipal Corporation

By _____
Helene Schneider, Mayor

ATTEST:

By _____
James Armstrong
City Administrator/City Clerk

Approved as to form:

By _____
Stephen Wiley
City Attorney

HOUSING AUTHORITY OF THE
CITY OF SANTA BARBARA

By *Barbara B. Allen*
Barbara B. Allen, Chair

ATTEST:
Robert G. Pearson
Robert G. Pearson, Secretary

Approved as to form:

By *Mark S. Manion*
Mark S. Manion
Housing Authority General Counsel

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE RESTATED AND AMENDED COOPERATION AGREEMENT BETWEEN THE CITY AND THE HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA CONCERNING THE HOUSING AUTHORITY'S PAYMENT TO THE CITY'S GENERAL FUND OF "PAYMENT IN LIEU OF TAXES" FROM CERTAIN HOUSING AUTHORITY RENTAL PROJECTS, AND AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT

WHEREAS, it is the policy of this locality to eliminate substandard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of a decent home in a suitable living environment for all its citizens;

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, (herein called the "Act"), the Department of Housing and Urban Development (herein called "HUD") is authorized to provide financial assistance to local public housing agencies (hereinafter called "Local Authority") for undertaking and carrying out the development and operation of low-income housing projects that will assist in meeting this goal;

WHEREAS, Section 34313 of the California Health and Safety Code, as amended, provides that no low-rent housing project shall be developed, constructed, or owned by the Local Authority until the governing body of the locality has by resolution approved such projects;

WHEREAS, pursuant to Section 5(e)(2) of the Act, as amended, before HUD can provide financial assistance to a local low-income housing project, it is necessary that the local governing body enter into a Cooperation Agreement with the Local Authority providing for local cooperation in connection with such housing project;

WHEREAS, pursuant to Section 34515 of the California Health and Safety Code express authority is given for local governing bodies to enter into agreements with housing authorities providing for local cooperation with respect to low-income housing projects;

WHEREAS, the City of Santa Barbara ("City") and the Housing Authority of the City of Santa Barbara ("City Housing Authority") did in fact enter into a Cooperation Agreement on October 28, 1969, and subsequently amended the Agreement on July 1, 1986, for the development of 600 units of low-income housing, and amended the Agreement again on June 6, 1989 for the development of an additional 300 units of low-income housing as authorized by the voters of the City of Santa Barbara in the special municipal election held on November 4, 1980;

WHEREAS, in the Cooperation Agreement the City has agreed to provide all City services such as fire and police protection at no cost to all Housing Authority projects funded by HUD;

WHEREAS, the Cooperation Agreement allows the Housing Authority to make a Payment In-Lieu of Taxes to the City in order for the City to recoup some of the City's costs in providing City services to Housing Authority projects funded by HUD, and the Housing Authority wishes to make such payments;

WHEREAS, the City and the City Housing Authority wish to amend the Cooperation Agreement to conform the Cooperation Agreement to State law regarding the payment and receipt of Payment In-Lieu of Taxes funds, and these amendments are reflected in the proposed Restated and Amended Cooperation Agreement attached hereto;

WHEREAS, the notices for a public hearing regarding the Restated and Amended Cooperation Agreement have been published pursuant to Government Code 6066 and there has been made available at least three copies of the proposed Restated and Amended Cooperation Agreement for inspection by interested persons prior to the public hearing; and

WHEREAS, the City Council has held a public hearing starting at the hour of 2:00 P.M. on the 8th of June, 2010, giving all interested persons an opportunity to be heard as to whether the proposed Restated and Amended Cooperation Agreement in the form attached hereto should be entered into, which hearing has been concluded with all matters in connection therewith having been fully considered by this body.

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

SECTION 1. The City Council of the City of Santa Barbara does hereby approve receiving Payment In-Lieu of Taxes to the City as provided for in the Restated and Amended Cooperation Agreement.

SECTION 2. The City, after having held a public hearing and giving all interested persons an opportunity to be heard, hereby agrees to enter into the Restated and Amended Cooperation Agreement in substantially the form attached hereto with the City Housing Authority.

SECTION 3. The Mayor of the City of Santa Barbara is hereby authorized and directed to execute such Restated and Amended Cooperation Agreement in the name and on behalf of the City of Santa Barbara and the City Administrator/City Clerk is hereby authorized and directed to affix or impress the official seal of this governing body thereon and to attest the same.



Agenda Item No. _____

File Code No. 120.03

CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Finance Committee

FROM: Administration Division, Finance Department

SUBJECT: Fiscal Year 2010 Budget Balancing Options

RECOMMENDATION:

That the Finance Committee hear a report from staff as a follow-up to information requested from the Finance Committee relating to the balancing strategy and options presented for Fiscal Year 2010.

DISCUSSION:

On Tuesday, March 30, 2010, staff presented to the Finance Committee and Council a set of recommendations to close the projected General Fund budget gap in Fiscal Year 2010 resulting from revenue declines caused by the economic recession. The Finance Committee and City Council approved the recommendations, one of which was shifting franchise fees that have been accruing to the Solid Waste Fund since 2003 to the General Fund, effective July 1, 2009.

Staff also presented other options for consideration which would provide added assurance that the General Fund would not need to use any reserves by fiscal year-end. One of these options was having the Redevelopment Agency (RDA) increase its funding to the Downtown Parking Fund's capital program in an amount equal to what the General Fund was paying to the Downtown Organization for maintenance of State Street sidewalks. For fiscal year 2010 only, the Downtown Organization could pay the General Fund's portion of the contract totaling \$312,621 from the savings derived from having the RDA fund an equal amount of the Downtown Parking Fund's capital program. The net result is that the General Fund would realize a one-time savings of \$312,621.

At the same meeting, the Finance Committee directed staff to: (1) present the proposal to the Downtown Parking Committee for their comments and feedback; and (2) develop a strategy for the repayment of franchise fees collected from Fiscal Year 2003 through 2009 totaling \$2.6 million. Each of these is discussed below.

Feedback from Downtown Parking Committee (DPC)

The DPC recognized the benefit to the General Fund and the lack of financial impact to the Downtown Parking Fund of using RDA funds for Downtown Parking Fund capital. However, the DPC was concerned that this would set a precedent that may ultimately lead to shifting the full cost of maintaining State Street sidewalks to Downtown Parking on a permanent basis. The DPC also indicated that they did not believe there was sufficient nexus between the Downtown Parking operation and the maintenance of State Street sidewalks to support the current allocation of the maintenance costs.

The DPC was also concerned about the impacts of losing the ongoing funding currently provided by the RDA in several years when the RDA reaches its cap for collecting tax increment revenues. With the adoption of the Fiscal Year 2010 budget, the City Council and RDA Board approved an ongoing contribution from the RDA to the Downtown Parking Fund in the amount of \$112,000 per year for its capital program. This funding was intended to partially mitigate the shift of 50% of the contract with the Downtown Organization totaling \$312,621 from the General Fund to the Downtown Parking Fund starting July 1, 2009.

Repayment of Franchise Fees by the Solid Waste Fund to the General Fund

Since Fiscal Year 2003, franchise fees collected from the City's two contracted refuse haulers, MarBorg Industries and Allied Waste Industries, have been accounted for in the Solid Waste Fund and have been used to fund Environmental Services Division programs and services. From 2003 through 2009, a total of \$2.6 million has been collected in solid waste franchise fees.

Starting in Fiscal Year 2010, Council authorized the shift of franchise fees from the Solid Waste Fund on a prospective basis. For Fiscal Year 2010 and 2011, the estimated revenues from franchise fees total \$440,000 per year.

In connection with the Finance Committee's review of staff's proposed shift of franchise fees, the Finance Committee asked staff to calculate the total franchise fees collected by the Solid Waste Fund and to develop a payback strategy, if practical, to the General Fund for the total \$2.6 million collected from through June 30, 2009.

At the meeting of May 25, staff will present a multi-year forecast of the Solid Waste Fund, which will reflect the recent and ongoing shift of franchise fees to the General Fund and the impacts of the sharp decline in recycling revenues. Based on the multi-year forecast, staff will present alternative repayment strategies for the \$2.6 million in franchise fees collected in the Solid Waste Fund.

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 120.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010
TO: Finance Committee
FROM: Administration Division, Finance Department
SUBJECT: Finance Committee Review Of Fiscal Year 2011 Recommended Budget

RECOMMENDATION:

That the Finance Committee hear a report from staff relating to the Fiscal Year 2011 recommended budget.

DISCUSSION:

On Tuesday, April 20, 2010, the Finance Committee approved the Committee's budget review schedule and topics in connection with the filing of the Fiscal Year 2011 Recommended Budget. The approved budget review schedule is attached to this report.

Today's meeting will include a review of citywide reserve balances and policies.

At the next meeting, scheduled for Wednesday, May 26 from 10:00 a.m. to 12:00 p.m., staff will present proposed changes to the recommended budget based on new information received since its filing on April 20, 2010.

ATTACHMENT: Approved Finance Committee Review Schedule

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Finance Committee Review Schedule
Fiscal Year 2011 Recommended Budget

Meeting Date and Time	Department
<p>Tuesday, April 27, 2010 11:00 a.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> ➤ General Fund balancing strategy (15 min) ➤ General Fund non-departmental revenues and assumptions (20 min) ➤ General Fund departmental proposed fee changes - Part 1 (1 hour) ➤ Streets Program revenues (30 min) <p>Note: The March 31, 2010 Investment Report will also be on the agenda (10 min)</p>
<p>Tuesday, May 4 12:00 p.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> ➤ General Fund departmental proposed fee changes - Part 2 (45 minutes) ➤ Downtown Parking – Discussion of PBIA proposed rate changes (30 min) ➤ Golf Enterprise Fund proposed fees (20 min)
<p>Tuesday, May 11 12:00 p.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> ➤ General Fund departmental proposed fee changes – Part 3, if needed (30 min) ➤ Enterprise fund proposed fee changes (1 hour 15 min) – Water, Wastewater, Waterfront, Solid Waste
<p>Tuesday, May 25 11:00 a.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> ➤ Review of Citywide reserve balances and policies (30 min) <p>Note: The following items will also be on the agenda:</p> <ol style="list-style-type: none"> 1. Cooperative Agreement with Housing Authority of Santa Barbara 2. RDA Fiscal Year 2010 Interim Financial Statements – March 31, 2010 (5 min) 3. 3rd Quarter Review – City Interim Financial Statements (30 min) 4. Follow-up discussion of FY 2010 balancing options: (1) RDA funding of Downtown Parking Fund capital and (2) Pay back of Franchise Fees by Solid Waste Fund to General Fund
<p>Wednesday, May 26 10:00 a.m. – 12:00 p.m.</p>	<ul style="list-style-type: none"> ➤ Follow-up on items requested by Finance Committee ➤ Staff recommended adjustments to FY 2011 Budget



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING April 22, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Grant House.

Staff present: City Administrator James L. Armstrong, Assistant City Attorney Michelle Montez, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, April 15, 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

Subject: Fiscal Year 2011 Recommended Operating And Capital Budget (230.05)

Recommendation: That Council hear presentations from several General Fund departments on their recommended Fiscal Year 2011 budgets.

Documents:

- April 22, 2010, report from the Interim Finance Director.
- April 22, 2010, PowerPoint presentations prepared and made by Staff.
- Affidavit of Publication.
- April 22, 2010, "Request to Maintain City Funding to The Santa Barbara Channels," submitted by The Santa Barbara Channels.

Public Comment Opened:

1:31 p.m.

Councilmember House entered the meeting at 1:39 p.m.

Speakers:

- Staff: City Administrator James Armstrong, Interim Finance Director Robert Samario.
- The Santa Barbara Channels: J. A. Ted Baer; teve Engles; Barry Spacks, who read David Starkey's written comments; Jon Williams; Cheryl Kelmar; Ryan Johnson Kelmar; Dee Hamby; Ron Buckley; Oscar Guitierrez; Elizabeth Robinson; Silvia Rodriguez; Lisa Angle; David Pritchett; Laurella Meyer; and Barry Spacks, who read a poem entitled "Cuts."
- Members of the Public: Nancy Tunnell; David Wass; Darrell Ghan; Beth Anderson; René Correa; Frank Hernandez; Melindz Palacio; Bob Lovgren; James Wickham; Mavis Thibodeaux; Tom Rattican; Gail Osherenko; Joni Kelly; Michael Nicholson; Roger Thompson, Consumer Advocacy Coalition; Mary Heebner; Andrea Sanchez; George Brooks, Jr.; Ken Meyer.

Discussion:

City Administrator James Armstrong provided a brief overview of the budget presentation. Interim Finance Director Robert Samario provided an outline of the information provided in the Recommended Operating and Capital Budget for Fiscal Year 2011. His presentation of the Finance Department's proposed budget included organizational changes, reduction in staffing, a summary of service level impacts, and key performance objectives. Additional possible reductions and associated service level impacts not currently included in the proposed budget were also presented. Staff responded to questions from the Councilmembers.

(Cont'd)

Subject: Fiscal Year 2011 Recommended Operating And Capital Budget (Cont'd)

Recess:

3:52 p.m. - 4:05 p.m. Councilmembers House and Williams were absent when the Council reconvened.

Speakers (Cont'd):

Staff (Cont'd): Assistant City Administrator/Administrative Services Director Marcelo Lopez, Information Systems Manager Tom Doolittle, Assistant to the City Administrator Nina Johnson, City TV Production Supervisor Tony Ruggieri.

Councilmember House returned to the meeting at 4:11 p.m.

Discussion (Cont'd):

Assistant City Administrator/Administrative Services Director Marcelo López presented an overview of the Administrative Services Department. He then presented the proposed budget for the City Clerk and Human Resources Divisions, including recommended budget adjustments, staff reductions, service level impacts, Fiscal Year 2010 accomplishments, and key performance objectives for Fiscal Year 2011. Additional possible reductions and related service level impacts not included in the proposed budget were also presented. Tom Doolittle, Information Services Manager, presented the proposed budget for the Information Services Division. Staff responded to questions from the Councilmembers.

Nina Johnson, Assistant to the City Administrator, presented the proposed budgets for the City Administrator's Office and the Mayor and Council's Office, including an overview of the functions of each office, recommended budget adjustments, staff reductions and a summary of service level impacts. Additional possible reductions and related service level impacts not included in the proposed budget were also presented. Staff responded to questions from the Councilmembers.

By consensus, the public hearing was continued to April 29, 2010, at 9:00 a.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:15 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING April 27, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 11:00 a.m., and the Ordinance Committee met at 12:00 Noon.)

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 Brenda Alcazar.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring May 3-7, 2010, As Girls Rights Week (120.04)

Action: Proclamation presented to Monica Spear, Executive Director of Girls Incorporated.

PUBLIC COMMENT

Speakers: Ralph Fertig, President, Santa Barbara Bicycle Coalition; Kenneth Loch; Jack Wilson; Jeremy Pemberton, Twiin Productions, Inc.; Kate Smith.

CONSENT CALENDAR (Item Nos. 2 - 9)

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

Motion:

Councilmembers Hotchkiss/House 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 April 13, 2010.

Action: Approved the recommendation.

3. Subject: March 31, 2010, Investment Report And March 31, 2010, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the March 31, 2010, Investment Report; and
- B. Accept the March 31, 2010, Fiscal Agent Report.

Action: Approved the recommendations (April 27, 2010, report from the Interim Finance Director).

4. Subject: Integrated Regional Water Management Plan Update - Memorandum Of Understanding (540.01)

Recommendation: That Council authorize the Public Works Director to negotiate and execute, subject to approval by the City Attorney, a Memorandum of Understanding (MOU) with the Cooperating Partners, providing for the continued administration and development of an update to the Integrated Regional Water Management Plan (IRWMP) for Santa Barbara County, with the City's share of costs not to exceed \$40,000.

Action: Approved the recommendation; Agreement No. 23,407 (April 27, 2010, report from the Public Works Director).

5. Subject: Adoption Of Ordinance For Lease Agreement With Doug Chessmore (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement with Doug Chessmore, Doing Business As Ocean Aire Electronics, Effective May 27, 2010, for Lease of the Premises Located at 125 Harbor Way #7.

Action: Approved the recommendation; Ordinance No. 5515; Agreement No. 23,408.

6. Subject: Adoption Of Ordinance For Extension And Amendment of Supervisors' Memorandum of Understanding (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5484, the 2009-2011 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit (Supervisors' Unit).

Action: Approved the recommendation; Ordinance No. 5516; Agreement No. 23,409.

7. Subject: Purchase, Release, And Possession Of Property Interests For The Ortega Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Various Permanent and Temporary Easement Interests Located at 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street, and Authorizing the Public Works Director, Subject to Review and Approval of the Form of the Four Separate Agreements by the City Attorney, to Execute Such Agreements and Related Documents that May be Required, Including Among Others, Necessary Escrow Instructions, all Relating to the Proposed Ortega Street Bridge Replacement Project, and Consenting to the Recordation of the Related Deeds in the Official Records, County of Santa Barbara; and
- B. Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Quitclaim Deed to Release any Fee Interest Within Mission Creek Located on a Portion of the Real Property at 314 West Ortega Street, as Described in a Deed Recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, and Authorizing the Public Works Director of the City to Execute the Same.

Action: Approved the recommendations; Resolution No. 10-021; Agreement Nos. 23,410 - 23,413 (April 27, 2010, report from the Public Works Director; proposed resolution; proposed ordinance).

8. Subject: Interim Agreements For Possession And Use Of Property Interests For The Ortega Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Authorize the Public Works Director to Negotiate, Subject to Review and Approval by the City Attorney of their Forms, Two Interim Agreements with Mission Creek Properties, LLC, the Owner of the Property Commonly Known as 306 West Ortega Street, Namely an Agreement for Possession and Use, and an Interim Vacancy Agreement, and to Subsequently Execute such Agreements, Relating to the Proposed Ortega Street Bridge Replacement Project;
- B. Accept Federal Highway Administration (FHWA) Highway Bridge Program grant funding in the total amount of \$197,015; and C. Authorize the increase of estimated revenues and expenditures by \$197,015 in the Fiscal Year 2010 Streets Capital Fund for the Ortega Street Bridge Replacement Project (Project).

Action: Approved the recommendations; Resolution No. 10-022; Agreement Nos. 23,414 and 23,415 (April 27, 2010, report from the Public Works Director; proposed resolution).

NOTICES

9. The City Clerk has on Thursday, April 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.

This concluded the Consent Calendar.

Councilmember House left the meeting at 2:23 p.m.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to discuss the March 31, 2010, Investment Report and Fiscal Agent Report, which were approved as part of the Agenda's Consent Calendar, Item No. 3. The Committee also discussed recommendations from the Community Development Department related to the Fiscal Year 2011 budget.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to review and consider amendments to the Municipal Code related to registered domestic partners, and the conflict of interest code and fair practices within the City. The Committee also had a final review of the draft Medical Marijuana Storefront Collective Dispensary Ordinance, which has been forwarded to the Planning Commission before it will be returned to the Council in approximately one month.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

10. Subject: 2010 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the 2010 Legislative Platform that guides the City's support of or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

(Continued from April 13, 2010, Agenda Item No. 12)

Documents:

- April 13, 2010, report from the Public Works Director.
- April 27, 2010, PowerPoint presentation prepared and made by Staff.

Councilmember House returned to the meeting at 2:26 p.m.

Speakers:

Staff: Assistant to the City Administrator Nina Johnson, City Attorney Stephen Wiley, Harbor Operations Manager Mick Kronman, City Administrator James Armstrong.

Motion:

Councilmembers Hotchkiss/Francisco to adopt the 2010 Legislative Platform, as amended.

Vote:

Unanimous voice vote.

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Neighborhood Preservation Ordinance Two-Year Review (640.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Titles 22 and 28 of the Santa Barbara Municipal Code Relating to the Neighborhood Preservation Ordinance, Single Family Residence Parking Design Standards, and the Expiration of Design Review Approvals; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Revised Single Family Residential Design Guidelines and Revised Single Family Design Board Guidelines.

(Cont'd)

11. (Cont'd)

Documents:

- April 27, 2010, report from the Assistant City Administrator/Community Development Director.
- Built Green Checklist submitted by Staff.
- Proposed Ordinance.
- Proposed Resolution.
- April 27, 2010, PowerPoint presentation prepared and made by Staff.
- April 26, 2010, letter from Brian Felix.
- April 27, 2010, letters from Brian Felix.

The titles of the ordinance and resolution were read.

Speakers:

- Staff: Project Planner Heather Baker, City Attorney Stephen Wiley, Senior Planner Jaime Limón, Assistant City Administrator/Community Development Director Paul Casey.
- Single Family Design Board: Member Bill Mahan.
- Members of the Public: Kellam de Forest; Joe Campanelli, Santa Barbara Contractors Association Education Foundation, Inc.; Dan George, Built Green Santa Barbara; Brian Felix; Karin Perissinotto, Built Green Santa Barbara.

Motion:

Councilmembers House/White to approve the recommendations;
Resolution No. 10-023.

Vote:

Unanimous roll call vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Das Williams reported on his attendance at the Cachuma Conservation and Release Board meeting where there was a majority vote to approve the Board's budget. He further mentioned that the Bureau of Reclamation has not yet declared a spill at Cachuma Lake, and that people still need to conserve.
- Councilmember Francisco reported on his attendance at the Central Coast Water Authority Board (CCWA) meeting where they voted to reject staff recommendations for a pay increase for CCWA staff.
- Mayor Schneider reported that Supervisor Salud Carbajal will be attending the Los Angeles-San Diego Rail Corridor Agency (LOSSAN) meeting tomorrow where one of the agenda items is a discussion of alternate schedules for Amtrak between Los Angeles and Goleta.

CHANGES TO AGENDA

Item Removed from Agenda

City Administrator James Armstrong announced that the following item was being removed from the Agenda and will be brought back to the Council on May 3:

15. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (160.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

RECESS

Mayor Schneider recessed the meeting at 4:02 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 12 - 14, and stated that no reportable action is anticipated.

CLOSED SESSIONS

12. 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 Luke Brost as Trustee for the Luke Brost Living Trust, et al., v. City of Santa Barbara, Case No. 1342979.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

April 27, 2010, report from the City Attorney.

Time:

4:04 p.m. – 4:50 p.m. Councilmember Williams entered the meeting at 4:35 p.m.

No report made.

13. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator, Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

April 27, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

4:50 p.m. – 5:35 p.m.

No report made.

14. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Administrator

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

Documents:

April 27, 2010, report from the Mayor.

Time:

5:35 p.m. - 5:55 p.m. Councilmember Self left the meeting at 5:40 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:55 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING April 29, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco, Michael Self, Das Williams.

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

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, April 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

Subject: Fiscal Year 2011 Recommended Operating And Capital Budget (230.05)

Recommendation: That Council hear presentations from several General Fund departments on their recommended Fiscal Year 2011 budgets.

Documents:

- April 29, 2010, report from the Interim Finance Director.
- April 29, 2010, PowerPoint presentations prepared and made by Staff.
- April 29, 2010, written comments submitted by Steven M. Little.

Public Comment Opened:

9:03 p.m.

Speakers:

- Staff: Interim Finance Director Robert Samario, Public Works Director Christine Andersen, City Administrator James Armstrong, Transportation Manager Browning Allen, Assistant Public Works Director/City Engineer Pat Kelly, Facilities and Energy Manager James Dewey, Fleet Superintendent Gary Horwald, Water Resources Manager Rebecca Bjork, City Attorney Stephen Wiley, Assistant City Administrator/Community Development Director Paul Casey.
- Member of the Public: Steven Little.

Councilmember Francisco entered the meeting at 9:04 a.m. Councilmember Williams entered the meeting at 9:48 a.m.

Discussion:

Interim Finance Director Robert Samario provided an overview of the presentations to be made. Public Works Department staff presented the recommended budget for the Department, including its General Fund balancing strategies, related service level impacts, and program highlights. Staff responded to the Councilmembers' questions.

City Attorney Stephen Wiley presented the proposed budget for the City Attorney's Office, including recommended budget adjustments, staff reductions and related service level impacts. He also presented other options not included in the proposed budget, as well as options for the City Attorney's office space, and he responded to questions from the Councilmembers.

Councilmember White left the meeting at 11:59 a.m.

By consensus, the public hearing was continued to May 5, 2010, at 10:00 a.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 12:20 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 4, 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 met at 12:00 noon. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, 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.

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 May 31, 2010.

Documents:

May 4, 2010, report from the Assistant City Administrator/Administrative Services.

Speakers:

Staff: City Administrator James Armstrong, Award Recipients Charles McChesney, Francisco Chacon.

(Cont'd)

1. (Cont'd)

By consensus, the Council recognized the following employees:

5-Year Pin

Joshua Thompson, Administrative Services

Curtis Harrison, Community Development

Ryan Diguilio, Fire

Mark Cavalier, Public Works

Theresa Lancy, Public Works

Carole Rollins, Public Works

Keven Strasburg, Parks and Recreation

Alberto Cuevas, Airport

Stephen Spurlock, Airport

10-Year Pin

Jeff Deming, Police

Kim Johnson, Airport

Michael Kronman, Waterfront

15-Year Pin

Rogelio Arroyo, Public Works

20-Year Pin

Beatriz Gularte, Community Development

Marisela Salinas, Community Development

25-Year Pin

Hank Homburg, Fire

Edward Stetson, Waterfront

30-Year Pin

Francisco Chacon, Fire

Robert Gardner, Fire

Donald Ireland, Public Works

PUBLIC COMMENT

Speakers: Kenneth Loch, Nikolai Lambert, David Lange, Ruth Wilson, Jeremy Pemberton, Joshua Pemberton, Kate Smith.

CONSENT CALENDAR (Item Nos. 2 – 7, 9, 11, and 12)

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Amendment To The Position And Salary Control Resolution For Fiscal Year 2009-10, Affecting The Airport, Community Development, Library, Public Works, And Waterfront Departments (410.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 09-044, the Position and Salary Control Resolution for Fiscal Year 2009-10, Affecting the Airport, Community Development, Library, Public Works and Waterfront Departments Effective April 20, 2010.

Action: Approved the recommendation; Resolution No. 10-024 (May 4, 2010, report from the Assistant City Administrator/Administrative Services Director; proposed resolution).

3. Subject: Records Destruction For Parks And Recreation Department (160.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Parks and Recreation Department in the Administration, Parks, and Recreation Divisions.

Action: Approved the recommendation; Resolution No. 10-025 (May 4, 2010, report from the Parks and Recreation Director; proposed resolution).

4. Subject: Introduction Of Ordinance For Architectural Board Of Review 2010 Membership Provisions (640.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.68.010 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code Relating to the Composition of the Architectural Board of Review and Transitioning the Board from Nine Members to Seven Members.

Action: Approved the recommendation (May 4, 2010, report from the Assistant City Administrator/Community Development Director; proposed ordinance).

5. Subject: Adoption Of Ordinance Approving Quitclaim Deed For City Strip Of Land At 314 West Ortega Street (530.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Quitclaim Deed to Release any Fee Interest Within Mission Creek Located on a Portion of the Real Property at 314 West Ortega Street, as Described in a Deed Recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, and Authorizing the Public Works Director of the City to Execute the Same.

(Cont'd)

5. (Cont'd)

Action: Approved the recommendation; Ordinance No. 5517.

6. Subject: Adoption Of Neighborhood Preservation Ordinance (640.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Titles 22 and 28 of the Santa Barbara Municipal Code Relating to the Neighborhood Preservation Ordinance, Single Family Residence Parking Design Standards, and the Expiration of Design Review Approvals

Action: Approved the recommendation; Ordinance No. 5518 (May 3, 2010, letter from Dall & Associates).

7. Subject: On Patrol License Agreement (520.04)

Recommendation: That Council authorize the Chief of Police to execute a one-year license agreement between the City of Santa Barbara and On Patrol with SBPD, Inc., for the production of "On Patrol with Santa Barbara PD."

Action: Approved the recommendation; Agreement No. 23,416 (May 4, 2010, report from the Chief of Police).

9. Subject: Set A Date For Public Hearing Regarding Appeal Of Historic Landmarks Commission Denial For 517 Chapala Street (640.07)

Recommendation: That Council:

- A. Set the date of June 22, 2010, at 2:00 p.m. for hearing the appeal filed by Peikert Group Architects, Agent for H&R Investments, of the Historic Landmarks Commission denial of Preliminary Approval for property located at 517 Chapala Street, Assessor's Parcel Numbers 037-163-007 and 037-163-008, C-2 Commercial Zone, General Plan Designation: General Commerce. The project consists of a lot merger and the construction of a mixed-use development with six residential condominium units and two commercial condominium spaces; and
- B. Set the date of June 21, 2010, at 1:30 p.m. for a site visit to the property located at 517 Chapala Street.

Action: Approved the recommendations (April 15, 2010, letter of appeal).

Agenda Item No. 10 appears in the Redevelopment Agency minutes.

NOTICES

11. The City Clerk has on Thursday, April 29, 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.
12. A City Council site visit is scheduled for Monday, May 10, 2010, at 1:30 p.m. to the property located at 825 De La Vina Street, which is the subject of an appeal hearing set for May 11, 2010, at 2:00 p.m.

This concluded the Consent Calendar.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmembers Hotchkiss, House and White stated they would not vote on the following item due to conflicts of interest related to their ownership of or residence at properties located within the subject assessment district.

8. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2011 For The Wildland Fire Suppression Assessment (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Levy Assessments for Fiscal Year 2010-2011; and Establishing a Time of 2:00 P.M. on Tuesday, May 25, 2010, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

Documents:

- May 4, 2010, report from the Fire Chief.
- Proposed Resolution.
- Preliminary Engineer's Report for the Wildland Fire Suppression Assessment District, dated May 2010.

Motion:

Councilmembers Williams/Francisco to approve the recommendation; Resolution No. 10-026.

Vote:

Unanimous roll call vote (Abstentions: Councilmembers Hotchkiss, House, White).

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to hear Staff reports regarding fee changes proposed for the Fiscal Year 2011 Recommended Budget and the annual assessment of the Parking and Business Improvement Area (PBIA).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

AIRPORT DEPARTMENT

13. Subject: Contract For Construction Of The Santa Barbara Airport Airline Terminal Passenger Boarding Bridges (560.04)

Recommendation: That Council:

- A. Receive a progress report on the Airline Terminal Improvement Project;
- B. Award a contract with JBT AeroTech (JBT), waiving minor irregularities in their low bid amount of \$2,251,639 for the base bid plus bid alternate 1, for construction of the Santa Barbara Airport Airline Terminal Passenger Boarding Bridges Project (Project), Bid No. 3611; and
- C. Authorize the Public Works Director to approve expenditures up to \$225,000 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.

Documents:

- May 4, 2010, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Principal Engineer Owen Thomas, Airport Director Karen Ramsdell.

Motion:

Councilmembers House/Williams to approve recommendations B and C; Contract No. 23,417.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White reported that the Planning Commission has begun deliberations on *Plan Santa Barbara*.

(Cont'd)

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS (CONT'D)

Information (Cont'd):

- Councilmember Williams spoke about a possible grant for facilities at Cachuma Lake, which is being discussed by the Cachuma Operation and Maintenance Board and the Cachuma Conservation Release Board.
- Mayor Schneider mentioned the celebration of Arbor Day at Adams School, which day also marked the beginning of the school's foodscraps recycling program.

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

RECESS

Mayor Schneider recessed the meeting at 2:53 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 15 and 16, and she stated there would be no reportable action taken during the closed sessions.

15. 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. Pending litigation considered is: Lawrence Larson v. City of Santa Barbara, WCAB, case number RIV 0081778, RIV 0081741.

Scheduling: Duration, 10 minutes; anytime
Report: None anticipated

Documents:

May 4, 2010, report from the Interim Finance Director.

Time:

3:10 p.m. - 3:30 p.m.

No report made.

16. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (160.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957. Title: City Attorney

Scheduling: Duration, 40 minutes; anytime
Report: None anticipated

(Continued from April 27, 2010)

(Cont'd)

16. (Cont'd)

Documents:

April 27, 2010, report from the Mayor.

Time:

3:30 p.m. - 3:50 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:50 p.m. in memory of District Attorney Christie Stanley and Judge J. Williams McLafferty, both of whom had been long-term public servants for law and justice in the County of Santa Barbara. The meeting was adjourned to Monday, May 10, 2010, at 1:30 p.m. at 825 De La Vina Street.

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

SPECIAL MEETING May 5, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Das Williams.

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

PUBLIC COMMENT

Speakers: Gary Linker, New Beginnings Counseling Center.

NOTICES

The City Clerk has on Thursday, April 29, 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

Subject: Fiscal Year 2011 Recommended Operating And Capital Budget (230.05)

Recommendation: That Council hear presentations from several General Fund departments on their recommended Fiscal Year 2011 budgets.

Documents:

- May 5, 2010, report from the Interim Finance Director.
- PowerPoint presentations for Community Development and Library Departments' budgets, prepared and made by Staff.
- May 5, 2010, letter from the Santa Barbara Association of Realtors.

Speakers:

- Staff: Assistant City Administrator/Community Development Director Paul Casey, City Planner Bettie Weiss, City Administrator James Armstrong, Chief Building Official George Estrella, Housing and Redevelopment Manager Brian Bosse.
- Members of the Public: Ginny Brush, Santa Barbara County Arts Commission; Jim Caldwell and Lauren Abbott, Santa Barbara Association of Realtors; Adrienne Schuele; Kyle Kemp and Elaine Abercrombie, Santa Barbara Association of Realtors; Bill Collyer, Downtown Organization.

Councilmember Williams entered the meeting at 11:08 a.m.

Discussion:

Community Development Department Staff presented the Department's recommended Fiscal Year 2011 budget, including an outline of General Fund programs, proposed budget reduction measures and associated service level impacts, fee increases and key performance objectives. The Redevelopment Agency's portion of the department's budget was presented separately and included revenues and expenditures for redevelopment and housing funds, the Community Development Block Grant (CDBG) Program, and the proposed capital program for the Agency. Councilmembers made comments, and their questions were answered.

Councilmember Williams left the meeting at 12:23 p.m.

Speakers (Cont'd):

- Staff: Library Director Irene Macias, Library Services Managers Myra Nicholas and Sarah Rosenblum.
- Members of the Public: Jeri Moulder, Friends of the Santa Barbara Public Library.

(Cont'd)

Subject: Fiscal Year 2011 Recommended Operating And Capital Budget (Cont'd)

Discussion:

Staff's presentation of the Library Department's Fiscal Year 2011 budget highlighted service level reductions to date, the balancing strategy proposed and related impacts to services, and the significant drop in the collections budget. An overview of the allocation of funds provided by Santa Barbara County was also presented.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 1:02 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 May 11, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:00 noon, and the Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Dale Francisco.

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

PUBLIC COMMENT

Speakers: Ruth Wilson; Kate Smith; Mike Jordan, Santa Barbara High School Theatre Program; Otto Layman, Santa Barbara High School Theatre Program; Geoff Hahn, Santa Barbara High School Theatre Program; Jana MacIntyre, Santa Barbara High School Theatre Program; Paul Zink.

CONSENT CALENDAR (Item Nos. 1 – 8)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

1. Subject: Adoption Of Ordinance For Architectural Board Of Review 2010 Membership Provisions (640.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.68.010 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code Relating to the Composition of the Architectural Board of Review and Transitioning the Board from Nine Members to Seven Members.

Action: Approved the recommendation; Ordinance No. 5519.

2. Subject: Grant Funding For Construction Of Tallant Road Bridge Steelhead Migration Barrier Removal And Mission Creek Restoration (540.14)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Accept Grant Funds from, and Execute a Grant Agreement for \$397,000 with, the California Department of Fish and Game Fisheries Restoration Grant Program for the Mission Creek Fish Passage Project at the Tallant Road Bridge;
- B. Accept \$250,000 in grant funds from the National Oceanic and Atmospheric Administration Open Rivers Initiative Grant Program for the Mission Creek Fish Passage and Creek Restoration Project at the Tallant Road Bridge; and
- C. Increase the appropriation and estimated revenue by \$647,000 in the Creeks Division Capital Fund for the Mission Creek Fish Passage and Creek Restoration Project at the Tallant Road Bridge.

Action: Approved the recommendations; Resolution No. 10-027 (May 11, 2010, report from the Parks and Recreation Director; proposed resolution; May 10, 2010, letter from Paula Westbury).

3. Subject: Contract For Construction Of The Santa Barbara Airport Airline Terminal Baggage Handling System (560.04)

Recommendation: That Council:

- A. Reject the bid of the apparent low bidder, Automatic Systems, Inc. (ASI), for the Santa Barbara Airport Airline Terminal Baggage Handling System Project (Project), Bid No. 3610, as non-responsive due to bid irregularities;
- B. Award a contract with The Horsley Company, LLC (Horsley), in their low bid amount of \$810,507.86, for construction of the Project; and

(Cont'd)

3. (Cont'd)

- C. Authorize the Public Works Director to approve expenditures up to \$121,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendations; Contract No. 23,418 (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

4. Subject: Purchase Order For Bathymetric Survey Of Gibraltar Reservoir (540.09)

Recommendation: That Council authorize the General Services Manager to issue a Purchase Order to MNS Engineers, Inc. (MNS), in the amount of \$28,535 for professional services to perform a bathymetric survey of Gibraltar Reservoir (Reservoir), and approve expenditures of \$2,850 for extra services that may result from necessary changes in the scope of work for a total of \$31,385.

Action: Approved the recommendation (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

5. Subject: Capital Improvement Projects Third Quarter Report For Fiscal Year 2010 (230.01)

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

Action: Approved the recommendation (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

NOTICES

6. The City Clerk has on Thursday, May 6, 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.
7. A City Council site visit is scheduled for Monday May 17, 2010, at 1:30 p.m. to the property located at 1464 La Cima Road, which is the subject of an appeal hearing set for May 18, 2010, at 2:00 p.m.
8. Received a letter of resignation from Rental Housing Mediation Task Force Member Joshua Allen; the vacancy will be part of the next City Advisory Groups recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to review the Fiscal Year 2011 Recommended Budget where they discussed proposed rate increases for a number of departments.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to review two items related to the Conejo Landslide. These items included an expansion of the area that can be developed as a result of a more-detailed study and some minor changes to the ordinance outlining the types of projects that can be developed near the slide, which were approved unanimously. The Committee also recommended approval of an ordinance to allow a historic structure of merit to be redeveloped in the area, which was approved on a split vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

9. Subject: Parking And Business Improvement Area Annual Assessment Report, Fiscal Year 2011 - Intention To Levy (550.10)

Recommendation: That Council:

- A. Approve the Fiscal Year 2011 Parking and Business Improvement Area (PBIA) Annual Assessment Report;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Parking and Business Improvement Area Assessment Rates for the 2011 Fiscal Year, at a Public Hearing to be Held on May 25, 2010, at 2:00 p.m.; and
- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.37 of the Santa Barbara Municipal Code by Establishing New Business Categories and Revising Rates of Assessment for Specified Categories of Business of the Downtown Parking and Business Improvement Assessment District Established by City Ordinance No. 4179, Adopted on September 3, 1991, Pursuant to the Requirements of Parking and Business Improvement Area Law of the 1989 California Streets and Highways Code Sections 36500-36551.

Documents:

- May 11, 2010, report from the Public Works Director.
- May 11, 2010, proposed Resolution.
- May 11, 2010, proposed Ordinance.
- May 11, 2010, PowerPoint presentation prepared and made by staff.
- May 10, 2010, letter from Paula Westbury.

(Cont'd)

9. (Cont'd)

Speakers:

- Staff: Transportation Manager Browning Allen.
- Downtown Parking Committee: Chair Randy Rowse.

Motion:

Councilmembers White/House to approve the recommendations A and B, and to introduce the Ordinance with amendments to Section 1, Group D relating to theaters; Resolution No. 10-028.

Vote:

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

City Administrator Armstrong left the meeting at 2:52 p.m. Assistant City Administrator Paul Casey was present at the meeting.

PUBLIC HEARINGS

10. Subject: Appeal Of The Planning Commission Approval Of 825 De La Vina Street (640.07)

Recommendation: That Council deny the appeal of Donald Sharpe and uphold the Planning Commission decision to approve the Tentative Subdivision Map for a mixed-use development of seven condominiums, making the findings and subject to the Conditions of Approval in Planning Commission Resolution 002-010.

Documents:

- May 11, 2010, report from the Assistant City Administrator/Community Development Director.
- Affidavit of Publication.
- May 11, 2010, PowerPoint presentation prepared and made by staff.
- May 10, 2010, letter from Paula Westbury.

Public Comment Opened:

2:53 p.m.

Speakers:

- Staff: Assistant Planner Kelly Brodison, Associate Transportation Planner Chelsey Swanson, Supervising Transportation Planner Steven Foley, Senior Planner II Danny Kato.
- Planning Commission: Commissioner John Jostes.
- Architectural Board of Review: Member Paul Zink.
- Appellant: Donald Sharpe, Susan Basham, Jim Westby.
- Applicant: Keith Rivera, Acme Architecture; Derek Westen.

(Cont'd)

10. (Cont'd)

Recess: 4:15 p.m. - 4:25 p.m.

Speakers (Cont'd):

- Members of the Public: Judy Lawrence; Bill Mahan; Kellam de Forest; Don Elconin; Scott Miners, Melchori Investments; Norm Popp, property owner; Jeff Radebe, co-owner.

Public Comment Closed:

4:45 p.m.

Motion:

Councilmembers Williams/House to deny the appeal with the following conditions:

1. Require the Architectural Board of Review to review the parapet to ensure that it is high enough to screen the solar; and
2. Require the applicant to work with City staff to develop a questionnaire for the residents at the three-year mark to determine if the lifts are being used, and the pros and cons; and

Request the Architectural Board of Review to review the curbing to protect the landscaping of the project.

Vote:

Majority voice vote (Noes: Councilmembers Hotchkiss, Self; Absent: Councilmember Francisco).

RECESS

Mayor Schneider recessed the meeting at 6:03 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 11 - 14, and stated that no reportable action is anticipated. City Administrator Armstrong was present when the Council reconvened in closed session. Assistant City Administrator Casey was absent.

CLOSED SESSIONS

14. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

14. (Cont'd)

Documents:

May 11, 2010, report from the Assistant City Administrator.

Time:

6:10 p.m. - 7:07 p.m. Councilmember Francisco was absent.

Councilmember Williams left the meeting at 6:55 p.m.

No report made.

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 City of Santa Barbara v. Melchiori Construction Company, et al., SBSC Case No. 1340583.

Scheduling: Duration, 5 minutes; anytime

Report: None anticipated

Documents:

May 11, 2010, report from the City Attorney.

Time:

7:10 p.m. - 7:35 p.m. Councilmembers Francisco and Williams were absent.

No report made.

11. Subject: Conference With Real Property Negotiators - Lower Westside Center (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible purchase of real property located at 508 Coronel Place, Santa Barbara, California, Assessor's Parcel No. 037-144-002. The owner of the real property is the Della B. Mitchell Trust dated February 12, 2003. Negotiations are held pursuant to the authority of California Government Code Section 54956.8. The City's negotiators are Nancy Rapp, Parks and Recreation Director, and representatives of the City Attorney's Office. The negotiator for the owner is Lee Rousseau. Under negotiation: Price and terms of sale of a possible purchase of real property.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

(Cont'd)

11. (Cont'd)

Documents:

- May 11, 2010, report from the Parks and Recreation Director and City Attorney.
- May 10, 2010, letter from Paula Westbury.

Time:

7:35 p.m. - 7:55 p.m. Councilmembers Francisco and Williams were absent.

No report made.

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

Recommendation: That Council hold a closed session to consider initiation of litigation pursuant to Subsection (c) of Section 54956.9 of the Government Code (one potential case).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

May 11, 2010, report from the City Attorney.

Time:

7:55 p.m. - 8:50 p.m. Councilmembers Francisco and Williams were absent.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:50 p.m. to Monday, May 17, 2010, at 1:30 p.m. at 1464 La Cima Road.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

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

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE THREE OF THE SANTA BARBARA MUNICIPAL CODE TO REVISE SECTION 3.16.073 OF CHAPTER 3.16 PERTAINING TO THE EMPLOYMENT BY THE CITY OF DOMESTIC PARTNERSHIPS IN THE SAME CITY DEPARTMENT OR DIVISION.

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

SECTION ONE: Chapter 3.16 of Title Three of the Santa Barbara Municipal Code is hereby amended by revising Section 3.16.073 to read as follows:

Section 3.16.073 Employee Selection.

A. **EMPLOYMENT OF SPOUSE, REGISTERED DOMESTIC PARTNER, AND RELATIVES.** An employment decision shall not be based on whether an individual has a spouse, registered domestic partner, or relative presently employed by the City except in accordance with City Charter Section 710 and the following criteria:

1. For business reasons of supervision, safety, security, or morale, the City Administrator, after consulting with the Personnel Officer and the department head, may refuse to place a spouse, registered domestic partner, or relative under the direct supervision of the other spouse, registered domestic partner, or a relative.

2. For business reasons of supervision, safety, security or morale, the City Administrator, after consulting with the Personnel Officer and the department head, may refuse to place both spouses, both registered domestic partners, or the two relatives in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples, registered domestic partners, or relatives than for other persons.

B. **ACCOMMODATIONS FOR CITY EMPLOYEES WHO MARRY OR WHO REGISTER AS DOMESTIC PARTNERS.** If two (2) City employees marry or register as domestic partners, the City Administrator shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If the City Administrator is unable to make an acceptable accommodation which sufficiently minimizes the problems of supervision, safety, security or morale, it may require the two City

employees who have married or who have registered as domestic partners to decide which one of the them will resign from City employment within 60 days of being notified of the City Administrator's inability to make a reasonable accommodation.

C. Registered Domestic Partners - Defined. For the purposes of this section, a "registered domestic partner" shall refer to domestic partners who have registered in any of the following ways:

1. with the Santa Barbara City Clerk's Office pursuant to Chapter 9.135 of the Santa Barbara Municipal Code;
2. with the state of California Secretary of State office as the term is defined in state Family Code section 297; or
3. with another municipal, county, or state domestic partner registry authorized and maintained by a governmental entity within the United States.

D. Charter Section 710 and Nepotism. For the purposes of City Charter Section 710, use of the term "marriage" shall include those persons who are registered domestic partners as defined and used in this section 3.16.073.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010
TO: Mayor and Councilmembers
FROM: Treasury Division, Finance Department
SUBJECT: April 2010 Investment Report

RECOMMENDATION:

That Council accept the April 2010 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of April 30, 2010.

ATTACHMENT: April 2010 Investment Report
PREPARED BY: Jill Taura, Treasury Manager
SUBMITTED BY: Robert Samario, Interim Finance Director
APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
April 30, 2010

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

4/5 Federal Home Loan Bank (FHLB)	\$ 2,000,000
4/15 Federal National Mortgage Association (FNMA)	2,000,000
4/15 Federal Home Loan Bank (FHLB)	2,000,000
4/20 LAIF Deposit - City	2,000,000
4/30 Federal Farm Credit Bank (FFCB)	2,000,000
4/30 LAIF Deposit - City	8,000,000
4/30 LAIF Deposit - RDA	5,500,000
Total	\$ 23,500,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

4/8 LAIF Withdrawal - City	\$ (2,000,000)
4/14 LAIF Withdrawal - City	(3,500,000)
4/20 Federal National Mortgage Association (FNMA) - Maturity	(2,000,000)
4/27 LAIF Withdrawal - City	(1,000,000)
4/29 Federal National Mortgage Association (FNMA) - Call	(2,000,000)
Total	\$ (10,500,000)

ACTIVITY TOTAL

\$ 13,000,000

INTEREST REVENUE

POOLED INVESTMENTS

Interest Earned on Investments	\$ 321,665
Amortization	(771)
SBB&T Sweep Account Interest	182
Total	\$ 321,077

RDA INVESTMENTS

Interest Earned on Investments (LAIF)	\$ 11,537
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TOTAL INTEREST EARNED

\$ 332,614

CITY OF SANTA BARBARA
Investment Portfolio
April 30, 2010

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
			MOODY'S	S & P							
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.588	0.588	24,500,000.00	24,500,000.00	24,500,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.588	0.588	28,500,000.00	28,500,000.00	28,500,000.00	0.00	
Subtotal, LAIF							53,000,000.00	53,000,000.00	53,000,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/09	11/18/10	-	-	1.250	1.250	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
MONTECITO BANK & TRUST	11/18/09	11/18/11	-	-	1.750	1.750	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							4,000,000.00	4,000,000.00	4,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,004,968.24	2,045,320.00	40,351.76	
FEDERAL FARM CREDIT BANK	10/14/09	10/14/14	Aaa	AAA	2.875	2.875	2,000,000.00	2,000,000.00	2,016,570.00	16,570.00	Callable 10/14/10, then cont.
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,009,521.42	2,074,070.00	64,548.58	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,997,927.43	2,028,120.00	30,192.57	
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,036,250.00	36,250.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,052,510.00	52,510.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,028,440.00	28,440.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,039,060.00	39,060.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,007,820.00	7,820.00	
FEDERAL FARM CREDIT BANK	12/01/09	12/01/14	Aaa	AAA	2.840	2.840	2,000,000.00	2,000,000.00	2,012,810.00	12,810.00	Callable 12/01/10, then cont.
FEDERAL FARM CREDIT BANK	01/13/10	01/13/15	Aaa	AAA	3.180	3.180	2,000,000.00	2,000,000.00	2,028,440.00	28,440.00	Callable 1/13/11, then cont.
FEDERAL FARM CREDIT BANK	04/30/10	04/09/15	Aaa	AAA	2.900	2.916	2,000,000.00	1,998,482.17	2,010,940.00	12,457.83	Callable 4/9/12, once
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,004,843.83	2,097,500.00	92,656.17	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,981,417.28	2,053,750.00	72,332.72	
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,777,816.89	1,798,022.00	20,205.11	
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,007,820.00	7,820.00	
FEDERAL HOME LOAN BANK	06/30/09	06/30/14	Aaa	AAA	2.000	3.733	2,000,000.00	2,000,000.00	2,036,880.00	36,880.00	SU 5%, Callable 6/30/11, once
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AAA	3.125	2.440	2,000,000.00	2,046,761.30	2,091,250.00	44,488.70	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AAA	1.700	1.700	2,000,000.00	2,000,000.00	2,013,750.00	13,750.00	
FEDERAL HOME LOAN BANK	02/12/10	02/12/15	Aaa	AAA	3.000	3.022	2,000,000.00	1,999,755.56	2,001,260.00	1,504.44	Callable 5/12/10, then cont.
FEDERAL HOME LOAN BANK	03/30/10	09/30/13	Aaa	AAA	2.000	2.001	2,000,000.00	2,000,000.00	2,006,250.00	6,250.00	Callable 3/30/11, once
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,003,440.00	3,440.00	
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,191.23	1,019,535.00	19,343.77	
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,991,729.02	2,049,070.00	57,340.98	
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,944.29	2,023,120.00	23,175.71	
FEDERAL HOME LOAN BANK	12/18/06	06/22/10	Aaa	AAA	4.500	4.825	2,000,000.00	1,999,161.57	2,011,880.00	12,718.43	
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,993,650.47	2,031,570.00	37,919.53	

CITY OF SANTA BARBARA
Investment Portfolio
April 30, 2010

DESCRIPTION	PURCHASE	MATURITY	QUALITY RATING		STATED	YIELD AT	FACE	BOOK	MARKET	BOOK	COMMENTS
	DATE	DATE	MOODY'S	S & P							
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AAA	4.375	2.272	2,000,000.00	2,134,636.66	2,164,380.00	29,743.34	
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AAA	3.125	2.130	2,000,000.00	2,068,737.24	2,091,250.00	22,512.76	
FEDERAL HOME LOAN BANK	03/26/10	06/08/12	Aaa	AAA	1.375	1.325	2,000,000.00	2,002,064.55	2,008,440.00	6,375.45	
FEDERAL HOME LOAN MTG CORP	04/08/09	04/08/13	Aaa	AAA	2.500	2.526	2,000,000.00	1,999,063.89	2,033,260.00	34,196.11	Callable 4/08/11, once
FEDERAL HOME LOAN MTG CORP	05/19/09	11/19/12	Aaa	AAA	2.170	2.170	2,000,000.00	2,000,000.00	2,024,200.00	24,200.00	Callable 5/19/11, once
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AAA	2.125	1.699	2,000,000.00	2,019,737.70	2,034,060.00	14,322.30	
FEDERAL HOME LOAN MTG CORP	05/13/09	05/13/13	Aaa	AAA	2.400	2.400	2,000,000.00	2,000,000.00	2,031,700.00	31,700.00	Callable 5/13/11, once
FEDERAL HOME LOAN MTG CORP	03/16/10	03/16/15	Aaa	AAA	3.125	3.125	2,000,000.00	2,000,000.00	2,006,520.00	6,520.00	Callable 6/16/10, then qtrly
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,998,111.10	2,014,960.00	16,848.90	
FEDERAL HOME LOAN MTG CORP	07/30/09	01/30/13	Aaa	AAA	2.350	2.350	2,000,000.00	2,000,000.00	2,007,580.00	7,580.00	Callable 7/30/10, once
FEDERAL HOME LOAN MTG CORP	10/28/09	10/28/14	Aaa	AAA	3.000	3.000	2,000,000.00	2,000,000.00	2,014,340.00	14,340.00	Callable 10/28/10, then qtrly
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,937,632.68	1,978,740.00	41,107.32	
FEDERAL HOME LOAN MTG CORP	03/26/10	04/25/12	Aaa	AAA	1.125	1.197	1,000,000.00	998,589.16	998,890.00	300.84	
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,992,176.87	2,026,620.00	34,443.13	
FEDERAL HOME LOAN MTG CORP	04/29/09	10/29/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,016,360.00	16,360.00	Callable 10/29/10, once
FEDERAL NATL MORTGAGE ASSN	03/18/09	09/18/12	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,033,130.00	33,130.00	Callable 3/18/11, once
FEDERAL NATL MORTGAGE ASSN	03/23/09	03/23/12	Aaa	AAA	2.000	2.491	2,000,000.00	2,000,000.00	2,009,690.00	9,690.00	SU 3%, Callable 9/23/10, once
FEDERAL NATL MORTGAGE ASSN	05/04/09	05/04/12	Aaa	AAA	2.150	2.185	2,000,000.00	1,999,983.33	2,000,000.00	16.67	Callable 5/04/10, once
FEDERAL NATL MORTGAGE ASSN	09/09/09	09/09/14	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,020,310.00	20,310.00	Callable 9/09/10, once
FEDERAL NATL MORTGAGE ASSN	03/16/10	09/16/13	Aaa	AAA	2.100	2.130	2,000,000.00	1,998,500.00	2,000,630.00	2,130.00	Callable 9/16/10, once
FEDERAL NATL MORTGAGE ASSN	12/30/09	12/30/14	Aaa	AAA	3.000	3.000	2,000,000.00	2,000,000.00	2,005,940.00	5,940.00	Callable 6/30/10, then qtrly
FEDERAL NATL MORTGAGE ASSN	04/15/10	07/15/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,002,810.00	2,810.00	Callable 10/15/10, once
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,026,250.00	26,250.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	05/20/09	11/20/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,001,260.00	1,260.00	Callable 5/20/10, once
FEDERAL NATL MORTGAGE ASSN	03/09/10	03/09/15	Aaa	AAA	3.000	3.000	1,000,000.00	1,000,000.00	1,006,095.00	6,095.00	Callable 9/09/10, once
Subtotal, Federal Agencies							100,700,000.00	100,955,403.88	102,182,862.00	1,227,458.12	
CORPORATE/MEDIUM TERM NOTES											
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aa2	AA+	6.125	5.100	2,000,000.00	2,014,750.28	2,083,700.00	68,949.72	
WELLS FARGO & CO.	05/30/07	01/12/11	A1	AA-	4.875	5.260	2,000,000.00	1,995,145.79	2,063,140.00	67,994.21	
WELLS FARGO & CO.	10/10/06	08/09/10	A1	AA-	4.625	5.000	2,000,000.00	1,998,153.62	2,021,820.00	23,666.38	
Subtotal, Corporate Securities							6,000,000.00	6,008,049.69	6,168,660.00	160,610.31	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	7,213,660.84	7,213,660.84	7,213,660.84	0.00	
Subtotal, SBA Note							7,213,660.84	7,213,660.84	7,213,660.84	0.00	
TOTALS							170,913,660.84	171,177,114.41	172,565,182.84	1,388,068.43	

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



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010
TO: Mayor and Councilmembers
FROM: Finance Department, Environmental Services Division
SUBJECT: Professional Services Contract With Art From Scrap

RECOMMENDATION:

That Council approve a professional services agreement with Art From Scrap for an amount not to exceed \$29,970 for the implementation of waste reduction, recycling, and composting education for K-12 students in City schools.

DISCUSSION:

Schools generate and throw away large amounts of material every day, the majority of which is recyclable or compostable. According to the State of California Department of Resources Recycling and Recovery (CalRecycle), approximately 85% of a typical school's waste stream can be diverted from landfill disposal. However, without the necessary infrastructure, staff training, and recycling education for students, much of the recyclables and foodscraps generated by schools will end up at the landfill.

Over the past several years, the Regional Program Fee, paid by the City to the County of Santa Barbara, has included a County-administered contract with Art From Scrap for the implementation of education programs for K-6 students. Staff is recommending that the City contract directly with Art From Scrap. By contracting directly with Art From Scrap, the City can dedicate the 18% it currently pays in County overhead fees (approximately \$4,500) directly to the contract services. As a result, Art From Scrap will reach a greater number of students each year, including students in grades 7 through 12. The City can also more closely tailor the education being provided in City schools, including emphasizing its foodscraps composting program, which is unique among the regional agencies.

In the 2008 -2009 school year, approximately 1,750 students were reached at least once by Art From Scrap. Of those 1,750 students, 250 were seen more than once, by participating in a fieldtrip to Art From Scrap or a recycling center. If approved, the proposed contract would reach approximately 2,500 first time students and 625 duplicate students for the 2010-2011 school year. These increases will be achieved by providing lessons on foodscraps composting, providing more in-class lessons, by

reaching out to all middle and high schools in the City, and by conducting assemblies as requested by the City.

County staff members have been notified of the possibility that the City will contract directly for these services and were without objection.

BUDGET/FINANCIAL INFORMATION:

The proposed services to be provided by Art From Scrap are not to exceed \$29,970 and would be funded by Solid Waste funds designated for public education and outreach. This is the same amount the City would have paid under the County-administered contract, and will not result in an increase of expenditures from the City's Solid Waste Fund.

SUSTAINABILITY IMPACT:

Recycling and composting of municipal solid waste and the City's related efforts to divert material from landfill disposal have considerable beneficial impacts to the environment. The US EPA has acknowledged and developed metrics that provide clear evidence of reduced greenhouse gas emissions through recycling and composting, which result in the creation of products using recycled feedstocks versus using virgin, natural resources. All of the activities of the Solid Waste Strategic Plan contribute to the City's goal of becoming a more sustainable community.

PREPARED BY: Stephen MacIntosh, Environmental Services Supervisor

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of American Recovery And Reinvestment Act Access Ramp And Sidewalk Maintenance Project

RECOMMENDATION: That Council:

- A. Award a contract with Toro Enterprises, Inc. (Toro), in the amount of \$603,170 for construction of the American Recovery and Reinvestment Act Access Ramp and Sidewalk Maintenance Project (Project), Bid No. 3593; and
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$86,830 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.

EXECUTIVE SUMMARY:

President Obama signed the American Recovery and Reinvestment Act of 2009 (Recovery Act) into law on February 17, 2009. California's share for highway and bridge projects is \$2.6 billion. The City's share for Recovery Act highway and bridge construction projects is \$3,774,796.

In September 2009, the Federal Highway Administration authorized funding for three separate Recovery Act projects within the City, including \$800,000 for this Project. This Project consists of the installation of access ramps and sidewalk maintenance. The completed Project will enhance pedestrian accessibility for people with and without disabilities at priority locations citywide.

DISCUSSION:

PROJECT DESCRIPTION

This Project consists of the installation of 59 sidewalk access ramps in priority pedestrian corridors, and the repair of over 30,000 square feet of existing sidewalk. These priority corridors for enhancing access for people with disabilities were

established through coordination between Public Works staff and the Access Advisory Committee (AAC).

A primary role of the AAC is to assist staff by making recommendations on how to prioritize accessibility-related Capital Projects for completion as part of the Six-year Capital Improvement Plan. The AAC also assists the Americans with Disabilities Act (ADA) Coordinator with a variety of program access improvements and special projects, and provides education and positive intervention to assist other entities in the community to comply with access requirements.

The access ramps will be installed in the following priority corridors: Modoc Road (4 ramps), Milpas Street (2 ramps), Coast Village Road (6 ramps), De La Vina Street (7 ramps), Gutierrez Street (20 ramps), State Street (11 ramps), and Micheltorena Street (9 ramps). Attachment 1 shows the locations and styles of the sidewalk access ramps.

This Project will complete the majority of the remaining access ramps needed along these corridors. Locations ineligible for Recovery Act funding due to required right of way acquisition or utility conflicts will be installed by future Public Works projects or through private projects.

The sidewalk maintenance locations are focused primarily on the corridors listed above; then on an as-needed basis citywide. See Attachment 2 for the locations of proposed sidewalk maintenance.

CONTRACT BIDS

The Project contained a base bid and two bid alternates. The Project description above is for the base bid only.

The two bid alternates were included to ensure that the full amount of available grant funding would be expended on the Project. Bid Alternate No. 1 includes 8 additional access ramps, and Bid Alternate No. 2 includes 15 additional access ramps. The locations of these additional access ramps are included in Attachment 3. The bid alternates would only have been included in the contract if funding allowed; however, based on the bid results, there are sufficient funds only to award the Base Bid.

Council Agenda Report
 Contract For Construction Of American Recovery And Reinvestment Act Access Ramp
 And Sidewalk Maintenance Project
 May 25, 2010
 Page 3

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

Bidder	Base Bid	Bid Alternate No. 1	Bid Alternate No. 2
1. Toro Enterprises, Inc. Ventura, CA *	\$603,170.00	\$79,732.50	\$103,455.00
2. Aguilera Brothers Construction, Inc. Santa Paula, CA	\$709,901.45	\$86,182.90	\$107,331.75
3. Berry General Engineering Contractors, Inc. Ventura, CA	\$717,885.00	\$108,377.75	\$144,785.00
4. Lash Construction, Inc. Santa Barbara, CA	\$739,545.00	\$93,835.00	\$111,395.00
5. G. Sosa Construction, Inc. Ventura, CA	\$766,545.00	\$128,250.00	\$147,975.00
6. Nye & Nelson, Inc. Ventura, CA	\$807,490.00	\$95,284.00	\$118,325.00
7. Granite Construction Company Watsonville, CA	\$837,305.00	\$85,993.00	\$107,525.00
8. Elevation General Engineering Contractors, Inc. Santa Maria, CA	\$972,685.00	\$200,117.50	\$258,684.00
*Award of Contract Based on Amount of Base Bid			

The low base bid of \$603,170, submitted by Toro, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. Sufficient funding is not available to include the bid alternates in the contract amount. The additional work proposed in these alternates may be included if sufficient change order funding remains at the end of this Project. Otherwise, this work will receive prioritization for future access ramp projects.

The total contract amount is \$603,170, plus an additional \$86,830 for change orders, for a total of \$690,000. The change order funding recommendation represents approximately 14% and is within the typical range for this type of work and size of project.

PUBLIC OUTREACH

Prior to construction, a notice will be delivered to each business and residence located within 200 feet of the work included within this contract. The notice will include a brief outline of the work, the project schedule, and the contractor’s contact information. Notices will also be given to the Santa Barbara Metropolitan Transit District, Clean Air Express, and the Coastal Express.

FUNDING

This Project is funded with Recovery Act and Measure D funds. Measure D funding was utilized for staff time to design the Project. The Recovery Act is funding the entire construction phase of this Project totaling \$800,000. In addition to the construction contract (\$690,000), costs for this phase include construction management and inspection (\$102,000) as well as material testing (\$8,000), and costs for design and services to be performed by City staff (\$85,510) . The total project cost is \$885,510.

Construction management and inspection will be performed by City staff. Costs for this work are eligible for reimbursement through the Recovery Act. There are sufficient appropriated funds in the Streets Fund to cover the remaining Project cost. Additional City funding would be required if the total construction phase costs exceed \$800,000.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Toro Enterprises, Inc.	\$603,170	\$86,830	\$690,000
TOTAL RECOMMENDED AUTHORIZATION			\$690,000

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

ESTIMATED TOTAL PROJECT COST

Task	City Share	Recovery Act Share	Total Amount
Design (by City staff)	\$44,850	\$0	\$44,850
Survey (by City staff)	\$40,660	\$0	\$40,660
Subtotal	\$85,510	\$0	\$85,510
Construction Contract	\$0	\$603,170	\$603,170
Construction Change Order Allowance	\$0	\$86,830	\$86,830
Subtotal	\$0	\$690,000	\$690,000
Construction Management/Inspection (by City Staff)	\$0	\$102,000	\$102,000
Other Construction Costs (testing, etc.)	\$0	\$8,000	\$8,000
Subtotal	\$0	\$110,000	\$110,000
TOTAL PROJECT COST	\$85,510	\$800,000	\$885,510

SUSTAINABILITY IMPACT:

This Project will improve safety and accessibility for pedestrians along key corridors. It will potentially contribute to the City's sustainability goals by encouraging more people to walk, reducing fuel consumption and air pollution.

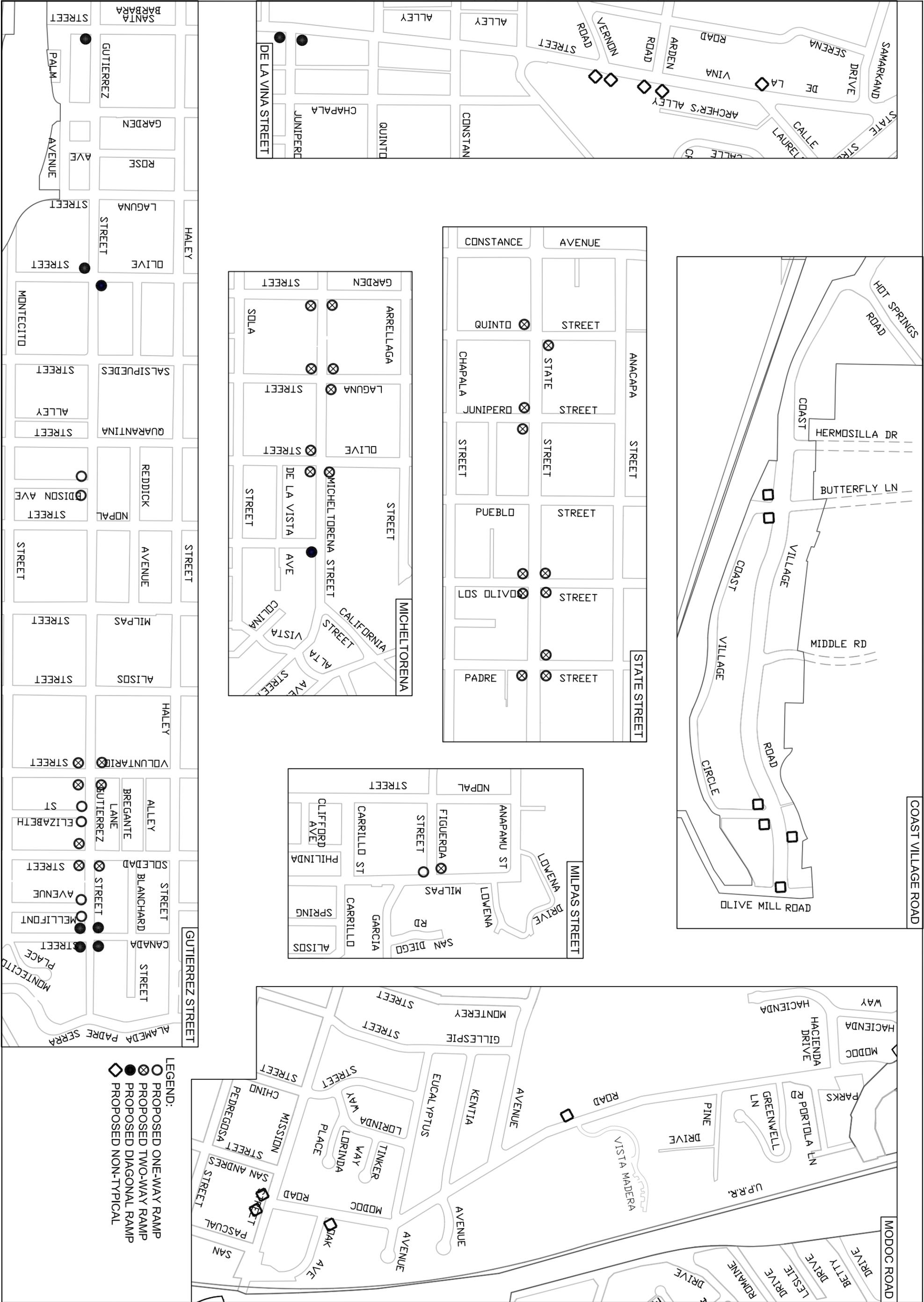
- ATTACHMENT(S):**
1. Recovery Act Access Ramp Location Map
 2. Recovery Act Sidewalk Maintenance Location Map
 3. Access Ramp Locations and Styles – Bid Schedule Nos. 2 & 3

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/BD/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

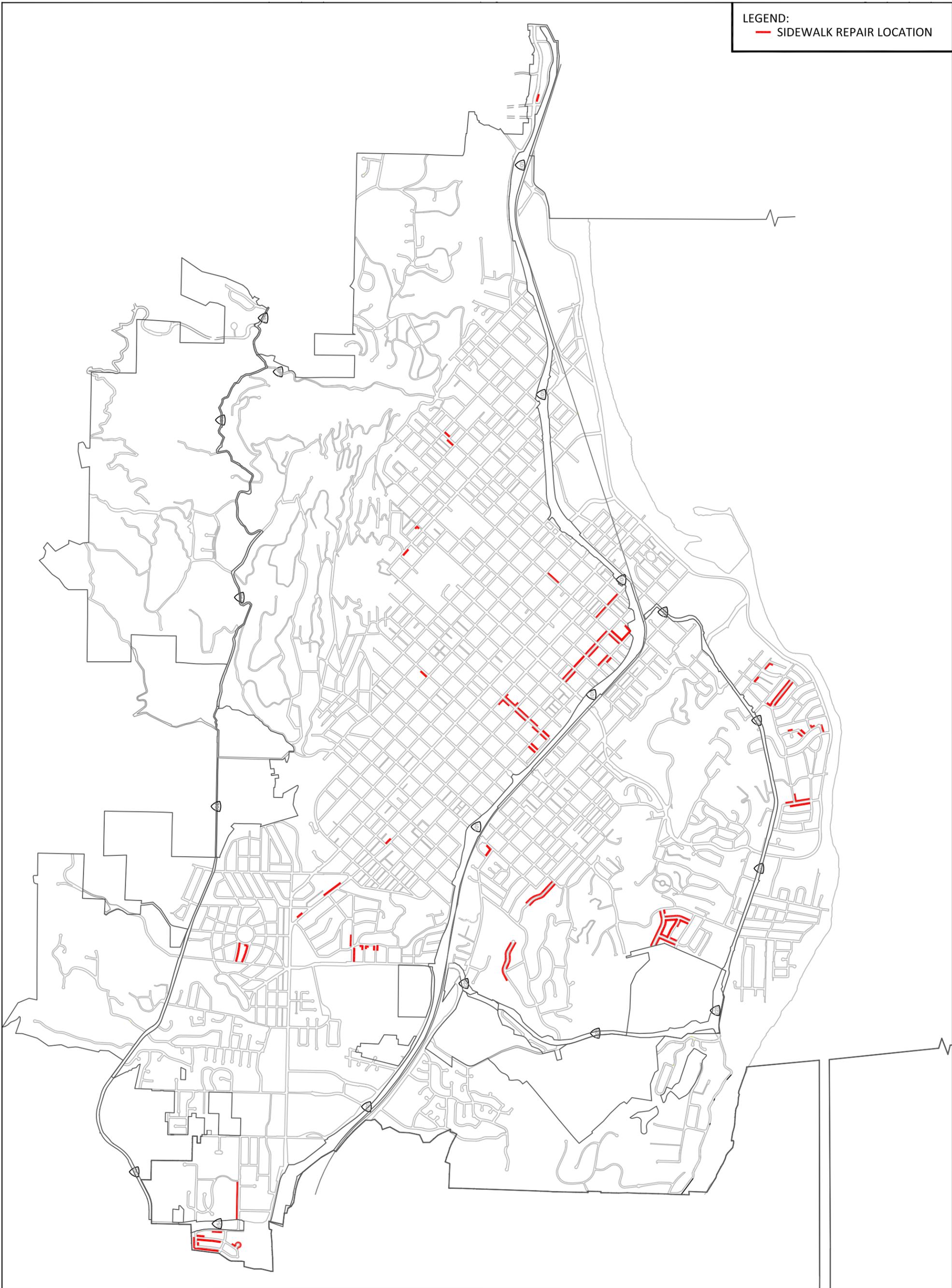
**ATTACHMENT 1
Recovery Act Project
Access Ramp Locations and Styles - Base Bid**

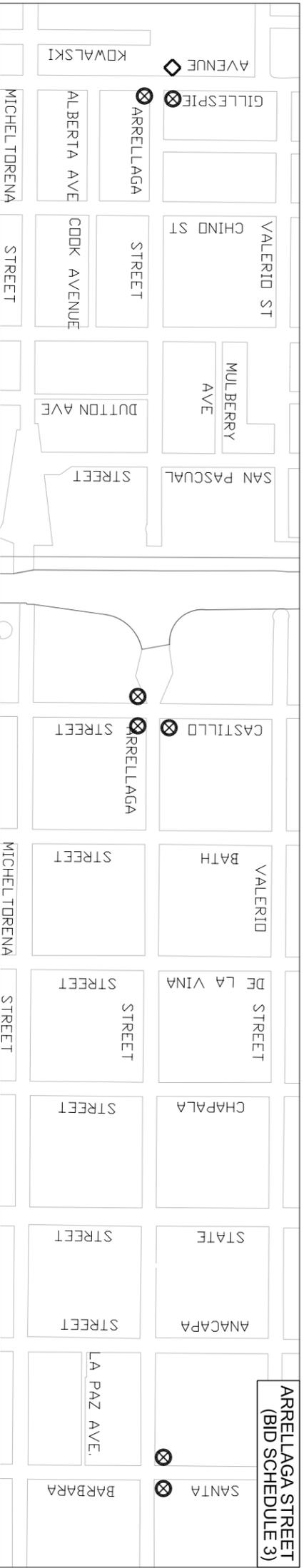
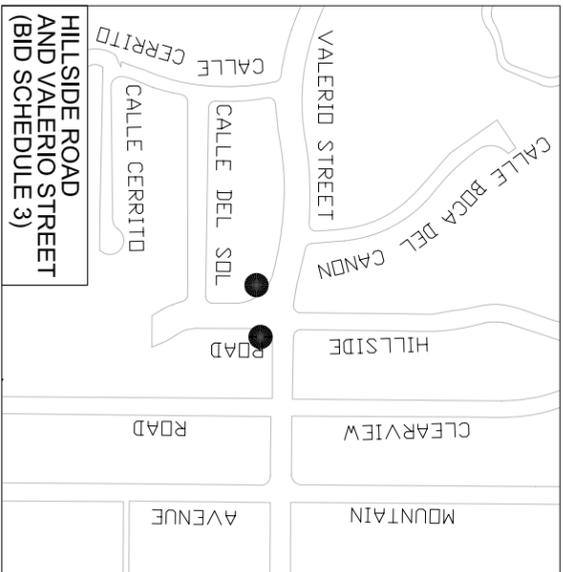
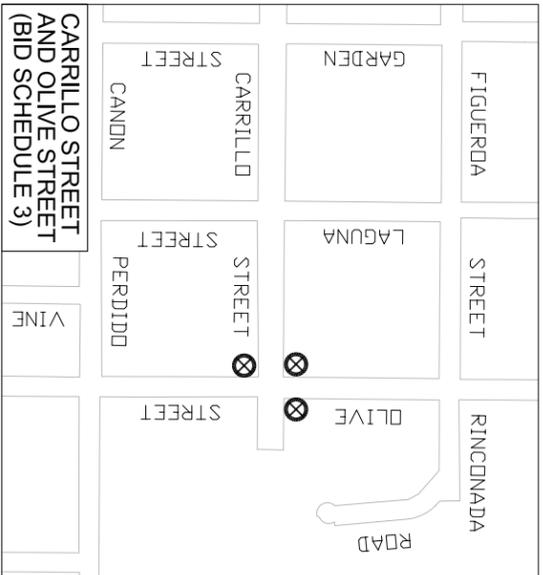
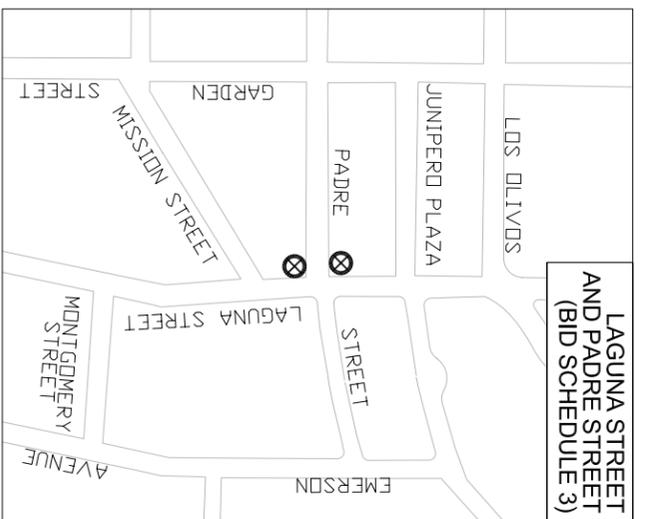
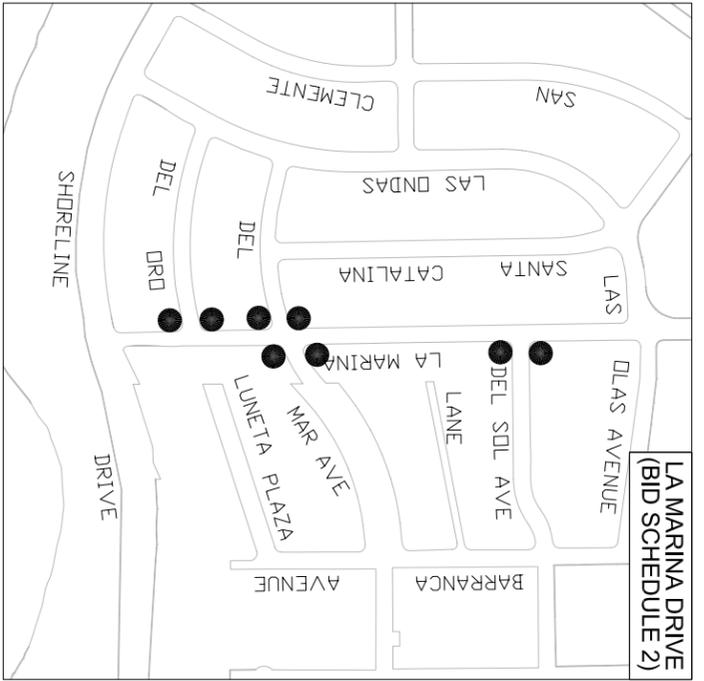


- LEGEND:**
- PROPOSED ONE-WAY RAMP
 - ⊗ PROPOSED TWO-WAY RAMP
 - ◐ PROPOSED DIAGONAL RAMP
 - ◇ PROPOSED NON-TYPICAL

ATTACHMENT 2
Recovery Act Project
Sidewalk Maintenance Locations

LEGEND:
— SIDEWALK REPAIR LOCATION





- LEGEND:**
- PROPOSED ONE-WAY RAMP
 - ⊗ PROPOSED TWO-WAY RAMP
 - PROPOSED DIAGONAL RAMP
 - ◇ PROPOSED NON-TYPICAL



Agenda Item No. _____

File Code No. 520.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Agreement Between The City Of Santa Barbara And The Santa Barbara County Sheriff's Department For Hourly Law Enforcement Services At Special Events

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute an agreement between the City of Santa Barbara and the Santa Barbara County Sheriff's Department for hourly law enforcement services at Special Events with an expiration date of June 30, 2013.

DISCUSSION:

Historically, the City has contracted with the Santa Barbara County Sheriff's Department to provide additional law enforcement staffing during special events such as Fiesta. Due to vicarious liability, it is necessary to contract with the County of Santa Barbara to provide these services. They in turn provide the necessary officers and equipment, assume appropriate liability in return for contractual arrangements, and compensate their employees through their normal payroll process. The current agreement expires on June 30, 2010.

BUDGET/FINANCIAL INFORMATION:

In FY 2010, services provided under this agreement for Fiesta were \$118,322. The costs of these services are already included in the FY 2011 budget.

PREPARED BY: Sergeant Riley Harwood, Administrative Services Division

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
May 4, 2010
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Chair Schneider.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes (10)

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the special meeting of April 13, 2010.

Action: Approved the recommendation.

RECESS

Chair Schneider recessed the meeting at 2:53 p.m. in order for the Redevelopment Agency to reconvene in closed session for Agenda Item No. 2 and stated there would be no reportable action taken during the closed session.

CLOSED SESSIONS

2. Subject: Conference With Real Property Negotiators (14)

Recommendation: That the Redevelopment Agency Board hold a closed session to consider instructions to its negotiators regarding the possible long-term lease of a Redevelopment Agency-owned property located at 224 Chapala Street/209 State Street, Assessor's Parcel Number 033-042-012, in the City of Santa Barbara. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the Agency-owned property with FirstGroup America, Inc. ("Greyhound"). Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. Agency negotiators are: Brian J. Bosse, Housing and Redevelopment Manager; Paul Casey, Assistant City Administrator; and Sarah Knecht, Assistant Agency Counsel. Negotiator for potential lessee is Ruth Ann Costa, District Manager, Greyhound. Under negotiation: Price and terms of payment of a possible ground lease.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

May 4, 2010, report from the Deputy Director.

Time:

2:55 p.m. - 3:10 p.m.

No report made.

ADJOURNMENT

Chair Schneider adjourned the meeting at 3:50 p.m. in memory of District Attorney Christie Stanley and Judge J. Williams McLafferty, both of whom had been long-term public servants for law and justice in the County of Santa Barbara. The meeting was adjourned to Monday, May 10, 2010, at 1:30 p.m. at 825 De La Vina Street.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
CHAIR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY BOARD AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Redevelopment Agency Board

FROM: Accounting Division, Finance Department

SUBJECT: Redevelopment Agency Fiscal Year 2010 Interim Financial Statements For The Nine Months Ended March 31, 2010

RECOMMENDATION:

That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2010 Interim Financial Statements for the Nine Months Ended March 31, 2010.

DISCUSSION:

The interim financial statements for the nine months ended March 31, 2010 (75% of the fiscal year) are attached. The interim financial statements include budgetary activity in comparison to actual activity for the Redevelopment Agency's General, Housing, and Capital Projects Funds.

ATTACHMENT: Redevelopment Agency Interim Financial Statements for the Nine Months Ended March 31, 2010

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert Samario, Interim Fiscal Officer

APPROVED BY: City Administrator's Office

REDEVELOPMENT AGENCY
OF THE
CITY OF SANTA BARBARA

INTERIM FINANCIAL STATEMENTS
FISCAL YEAR 2010
FOR THE NINE MONTHS
ENDED MARCH 31, 2010

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

General Fund

Interim Statement of Revenues, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Incremental Property Taxes	\$ 16,337,400	\$ 9,399,263	\$ -	\$ 6,938,137	57.53%
Investment Income	264,700	146,250	-	118,450	55.25%
Interest Loans	5,000	29,579	-	(24,579)	591.58%
Rents	48,000	30,099	-	17,901	62.71%
Total Revenues	<u>16,655,100</u>	<u>9,605,191</u>	<u>-</u>	<u>7,049,909</u>	<u>57.67%</u>
Use of Fund Balance	4,197,643	3,148,191	-	-	75.00%
Total Sources	<u>\$ 20,852,743</u>	<u>\$ 12,753,382</u>	<u>\$ -</u>	<u>\$ 7,049,909</u>	<u>61.16%</u>
Expenditures:					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 3,000	\$ 894	\$ -	\$ 2,106	29.80%
Mapping, Drafting & Presentation	250	-	-	250	0.00%
Janitorial & Hshld Supplies	100	-	-	100	0.00%
Minor Tools	100	-	-	100	0.00%
Special Supplies & Expenses	5,000	968	3,181	851	82.98%
Building Materials	100	-	-	100	0.00%
Equipment Repair	1,000	651	-	349	65.10%
Professional Services - Contract	787,155	458,908	8,491	319,756	59.38%
Legal Services	154,508	126,437	-	28,071	81.83%
Engineering Services	20,000	6,463	-	13,537	32.32%
Non-Contractual Services	12,000	4,299	-	7,701	35.83%
Meeting & Travel	7,500	213	-	7,287	2.84%
Mileage Reimbursement	300	-	-	300	0.00%
Dues, Memberships, & Licenses	13,500	13,373	-	127	99.06%
Publications	1,500	540	-	960	36.00%
Training	7,500	415	-	7,085	5.53%
Advertising	2,000	41	-	1,959	2.05%
Printing and Binding	3,000	229	-	2,771	7.63%
Postage/Delivery	1,000	785	-	215	78.50%
Non-Allocated Telephone	500	-	-	500	0.00%
Vehicle Fuel	1,300	641	-	659	49.31%
Equipment Rental	500	-	-	500	0.00%
Total Supplies & Services	<u>1,021,813</u>	<u>614,857</u>	<u>11,672</u>	<u>395,284</u>	<u>61.32%</u>
Allocated Costs:					
Desktop Maint Replacement	25,207	18,905	-	6,302	75.00%
GIS Allocations	4,785	3,589	-	1,196	75.01%
Building Maintenance	1,785	1,347	-	438	75.46%
Planned Maintenance Program	6,752	5,064	-	1,688	75.00%
Vehicle Replacement	5,323	3,992	-	1,331	75.00%
Vehicle Maintenance	4,396	3,297	-	1,099	75.00%
Telephone	2,908	2,181	-	727	75.00%
Custodial	3,674	2,756	-	918	75.01%
Communications	4,663	3,497	-	1,166	74.99%
Property Insurance	8,142	6,107	-	2,035	75.01%
Allocated Facilities Rent	5,746	4,309	-	1,437	74.99%
Overhead Allocation	693,628	520,221	-	173,407	75.00%
Total Allocated Costs	<u>767,009</u>	<u>575,265</u>	<u>-</u>	<u>191,744</u>	<u>75.00%</u>
Special Projects	7,640,077	419,251	28,856	7,191,970	5.87%
Transfers	9,759,023	9,573,367	-	185,656	98.10%
Grants	1,545,028	414,324	105,655	1,025,049	33.65%
Equipment	8,070	344	-	7,726	4.26%
Fiscal Agent Charges	11,500	6,526	-	4,974	56.75%
Appropriated Reserve	100,223	-	-	100,223	0.00%
Total Expenditures	<u>\$ 20,852,743</u>	<u>\$ 11,603,934</u>	<u>\$ 146,183</u>	<u>\$ 9,102,626</u>	<u>56.35%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
Housing Fund
Interim Statement of Revenues, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Incremental Property Taxes	\$ 4,084,400	\$ 2,349,816	\$ -	\$ 1,734,584	57.53%
Investment Income	150,000	53,318	-	96,682	35.55%
Interest Loans	160,000	173,841	-	(13,841)	108.65%
Miscellaneous	-	3,091	-	(3,091)	100.00%
Total Revenues	<u>4,394,400</u>	<u>2,580,066</u>	<u>-</u>	<u>1,814,334</u>	<u>58.71%</u>
Use of Fund Balance	<u>2,603,567</u>	<u>1,952,503</u>	<u>-</u>	<u>-</u>	<u>74.99%</u>
Total Sources	<u>\$ 6,997,967</u>	<u>\$ 4,532,569</u>	<u>\$ -</u>	<u>\$ 1,814,334</u>	<u>64.77%</u>
Expenditures:					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 1,800	\$ 777	\$ -	\$ 1,023	43.17%
Special Supplies & Expenses	1,800	747	-	1,053	41.50%
Equipment Repair	500	458	-	42	91.60%
Professional Services - Contract	721,383	535,547	3,600	182,236	74.74%
Legal Services	2,000	-	-	2,000	0.00%
Non-Contractual Services	2,000	2,697	-	(697)	134.85%
Meeting & Travel	6,000	-	-	6,000	0.00%
Mileage Reimbursement	100	-	-	100	0.00%
Dues, Memberships, & Licenses	2,025	1,400	-	625	69.14%
Publications	200	31	-	169	15.50%
Training	5,000	-	-	5,000	0.00%
Postage/Delivery	500	102	-	398	20.40%
Non-Allocated Telephone	500	-	-	500	0.00%
Equipment Rental	100	-	-	100	0.00%
Total Supplies & Services	<u>743,908</u>	<u>541,759</u>	<u>3,600</u>	<u>198,549</u>	<u>73.31%</u>
Allocated Costs:					
Desktop Maintenance Replacement	7,562	5,671	-	1,891	74.99%
GIS Allocations	2,393	1,795	-	598	75.01%
Building Maintenance	893	670	-	223	75.03%
Planned Maintenance Program	4,001	3,001	-	1,000	75.01%
Telephone	969	727	-	242	75.03%
Custodial	1,867	1,400	-	467	74.99%
Communications	2,897	2,173	-	724	75.01%
Insurance	166	124	-	42	74.70%
Allocated Facilities Rent	3,405	2,554	-	851	75.01%
Overhead Allocation	181,432	136,074	-	45,358	75.00%
Total Allocated Costs	<u>205,585</u>	<u>154,189</u>	<u>-</u>	<u>51,396</u>	<u>75.00%</u>
Transfers	829	622	-	207	75.03%
Equipment	2,500	262	-	2,238	10.48%
Housing Activity	5,328,855	2,537,080	-	2,791,775	47.61%
Principal	470,000	470,000	-	-	100.00%
Interest	168,950	174,898	-	(5,948)	103.52%
Fiscal Agent Charges	1,300	1,265	-	35	97.31%
Appropriated Reserve	76,040	-	-	76,040	0.00%
Total Expenditures	<u>\$ 6,997,967</u>	<u>\$ 3,880,075</u>	<u>\$ 3,600</u>	<u>\$ 3,114,292</u>	<u>55.50%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
Capital Projects Fund
Interim Statement of Revenues, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
SB Trust for Historic Preservation	\$ 522,180	\$ 522,180	\$ -	\$ -	100.00%
Fire Station #1 EOC Donations	6,000	6,000	-	-	100.00%
Fire Station #1 Remodel Donations	-	25,595	-	(25,595)	100.00%
Transfers-In	<u>2,243,621</u>	<u>2,056,722</u>	<u>-</u>	<u>186,899</u>	<u>91.67%</u>
Total Revenues	<u>2,771,801</u>	<u>2,610,497</u>	<u>-</u>	<u>161,304</u>	<u>94.18%</u>
Use of Fund Balance	<u>12,208,909</u>	<u>9,156,697</u>	<u>-</u>	<u>3,052,212</u>	<u>75.00%</u>
Total Sources	<u>\$ 14,980,710</u>	<u>\$ 11,767,194</u>	<u>\$ -</u>	<u>\$ 3,213,516</u>	<u>78.55%</u>
Expenditures:					
Finished					
Fire Station #1 Remodel	\$ 377,482	\$ 343,222	\$ 10,838	\$ 23,422	93.80%
Fire Station #1 EOC	202,064	159,609	40,560	1,895	99.06%
Underground Tank Abatement	23,070	-	-	23,070	0.00%
Construction Phase					
IPM - Sustainable Park Improvements	9,511	116	9,511	(116)	101.22%
Carrillo Rec Center Restoration	2,200,000	744,404	1,455,596	-	100.00%
Design Phase					
Soil Remediation - 125 State St	550,000	5,748	165,366	378,886	31.11%
Planning Phase					
Opportunity Acquisition Fund	366,500	-	-	366,500	0.00%
RDA Project Contingency Account	1,609,524	-	-	1,609,524	0.00%
Parking Lot Capital Improvements	192,621	104,000	74,589	14,032	92.72%
PD Locker Room Upgrade	7,525,483	81,677	-	7,443,806	1.09%
Phase II - E Cabrillo Sidewalks	600,000	352	3,905	595,743	0.71%
Chase Palm Park Light/Electric	569,000	423	-	568,577	0.07%
Plaza Del Mar Restroom Renovation	212,000	-	-	212,000	0.00%
Pershing Park Restroom Renovation	120,000	-	-	120,000	0.00%
Panhandling Edu. & Alt. Giving	75,000	-	75,000	-	100.00%
Housing Fund Contingency Account	348,455	-	-	348,455	0.00%
Total Expenditures	<u>\$ 14,980,710</u>	<u>\$ 1,439,551</u>	<u>\$ 1,835,365</u>	<u>\$ 11,705,794</u>	<u>21.86%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
RDA Bonds - Series 2001A
Interim Statement of Revenues, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Investment Income	\$ -	\$ 808	\$ -	\$ (808)	100.00%
Transfers-In	-	4,544,973	-	(4,544,973)	100.00%
Total Revenues	-	4,545,781	-	(4,545,781)	100.00%
Use of Fund Balance	3,188,925	2,391,698	-	797,227	75.00%
Total Sources	<u>\$ 3,188,925</u>	<u>\$ 6,937,479</u>	<u>\$ -</u>	<u>\$ (3,748,554)</u>	217.55%
Expenditures:					
Interest	\$ -	\$ 1,649,973	\$ -	(1,649,973)	100.00%
Principal	-	2,895,000	-	(2,895,000)	100.00%
Total Non-Capital Expenditures	-	4,544,973	-	(4,544,973)	100.00%
Capital Outlay:					
Finished					
East Cabrillo Blvd Sidewalks	\$ 24,224	\$ 24,224	\$ -	\$ -	100.00%
Construction Phase					
Carrillo Rec Center Restoration	1,000,000	-	1,000,000	-	100.00%
Design Phase					
Mission Creek Flood Control @ Depot	1,964,701	-	-	1,964,701	0.00%
Brinkerhoff Lighting	200,000	5,995	17,393	176,612	11.69%
Total Expenditures	<u>\$ 3,188,925</u>	<u>\$ 4,575,192</u>	<u>\$ 1,017,393</u>	<u>\$ (2,403,660)</u>	175.38%

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
RDA Bonds - Series 2003A
Interim Statement of Revenues, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Investment Income	\$ -	\$ 4,912	\$ -	\$ (4,912)	100.00%
Transfers-In	-	2,970,429	-	(2,970,429)	100.00%
Intergovernmental	-	73,519	-	(73,519)	100.00%
Total Revenues	-	3,048,860	-	(3,048,860)	100.00%
Use of Fund Balance	20,198,900	15,149,200	-	5,049,700	75.00%
Total Sources	\$ 20,198,900	\$ 18,198,060	\$ -	\$ 2,000,840	90.09%
Expenditures:					
Principal	\$ -	\$ 1,920,000	\$ -	\$ (1,920,000)	100.00%
Interest	-	1,050,430	-	(1,050,430)	100.00%
Arbitrage Rebate	440,000	-	-	440,000	0.00%
Total Non-Capital Expenditures	440,000	2,970,430	-	(2,530,430)	675.10%
Capital Outlay:					
Finished					
Adams Parking Lot & Site Imprvmts	\$ 3,457	\$ 6,358	\$ -	\$ (2,901)	183.92%
Anapamu Open Space Enhancements	2,464	-	-	2,464	0.00%
Historic Railroad CAR	24,646	25,949	1,400	(2,703)	110.97%
Fire Station #1 Remodel	40,015	40,015	-	-	100.00%
Construction Phase					
IPM - Sustainable Park Improvements	94,909	23,098	816	70,995	25.20%
West Beach Pedestrian Improvements	2,565,901	1,468,460	769,377	328,064	87.21%
Artist Workspace	612,042	86,067	419	525,556	14.13%
West Downtown Improvement	3,143,824	1,585,820	1,445,126	112,878	96.41%
Carrillo Rec Ctr Restoration	2,897,579	281,364	1,147,268	1,468,947	49.30%
Design Phase					
Plaza De La Guerra Infrastructure	2,282,158	16,607	118,766	2,146,785	5.93%
Westside Community Center	216,066	22,276	4,543	189,247	12.41%
Planning Phase					
Mission Creek Flood Control - Park Development	759,142	4,674	-	754,468	0.62%
Mission Creek Flood Control @ Depot	535,299	-	-	535,299	0.00%
Helena Parking Lot Development	499,798	7,637	-	492,161	1.53%
Fire Department Administration	3,750,000	29,910	204,019	3,516,071	6.24%
Chase Palm Park Restroom Renovation	186,600	-	-	186,600	0.00%
Downtown Sidewalks	175,000	-	-	175,000	0.00%
DP Structure #2, 9, 10 Improvements	150,000	7,469	91,000	51,531	65.65%
Library Plaza Renovation	150,000	-	-	150,000	0.00%
Chase Palm Park Wisteria Arbor	835,000	-	1,545	833,455	0.19%
On-Hold Status					
Visitor Center Condo Purchase	500,000	-	-	500,000	0.00%
Lower State Street Sidewalks	335,000	-	-	335,000	0.00%
Total Expenditures	\$ 20,198,900	\$ 6,576,134	\$ 3,784,279	\$ 9,838,487	51.29%



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: Accounting Division, Finance Department

SUBJECT: Fiscal Year 2010 Third Quarter Review

RECOMMENDATION: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2010;
- B. Accept the Fiscal Year 2010 Interim Financial Statements for the Nine Months Ended March 31, 2010; and
- C. Approve the adjustments to the Fiscal Year 2010 budget as shown in the attached Schedule of Recommended Third Quarter Adjustments.

DISCUSSION:

Each month, staff presents the interim financial statements (Attachment 2) showing the progress of revenues and expenditures in relation to budget for the City's General Fund, Enterprise Funds, Internal Service Funds, and select Special Revenue Funds. Each quarter, the interim financial statements are expanded to include a detailed narrative analysis of the General Fund and Enterprise Funds. This narrative analysis is included in the attached interim financial statements (Attachment 1).

The Finance Department presents a report to Council on the third quarter results of operations, similar to the mid-year report. This report incorporates analysis of account balances and explanations of unusual and/or significant trends or variances from the budget through March 31, 2010. Proposed adjustments to the budget are also presented to Council in the third quarter review. These adjustments are the result of new information and/or unanticipated events that occurred since the adoption of the budget in June 2009.

The following adjustments to the Fiscal Year 2010 Budget are proposed:

- 1) Increase General Fund, Finance Department, appropriations by \$75,000 for audit services related to utility users' tax revenues and cable franchise fees. Both audit contracts would be funded by an increase in the new utility

services late fee of \$75,000, which is expected to exceed budget by year-end in that amount.

The first contract is for UUT audit services with Muni Services. This is a long-standing contract that staff had initially planned for termination at the beginning of Fiscal Year 2010 as part of the Finance Department's budget reductions. However, after additional consideration, staff decided it was appropriate to continue the contract since it generates revenue, which over time has exceeded the cost of the contract. The cost of the contract is \$50,000 and would be funded from additional revenues expected from the utility late fee.

The second audit contract proposed is to conduct an audit of cable franchise fees and utility users tax in connection with renewal of the existing cable franchise agreement which expires in December 2010. The cost of the audit is estimated at \$25,000 and would be funded from additional utility late fee revenues.

- 2) Increase County Library Fund appropriations by \$25,000 to pay the cost of a library parcel tax survey commissioned by the City of Goleta and the County of Santa Barbara. Half of the cost of this survey of Goleta Valley residents will be paid by the County Library Fund. These additional appropriations will be funded from County Library Fund reserves and will not impact the City's General Fund.

This review is the last formal presentation of interim financial results that Finance Department staff will make to Council before the end of the fiscal year. The fourth quarter review will report on actual results for the year and will be presented after the close of this fiscal year.

- ATTACHMENT(S):**
1. Interim Financial Statements for the Nine Months Ended March 31, 2010 (Narrative Analysis)
 2. Summary by Fund Statement of Revenues and Expenditures for the Nine Months Ended March 31, 2010
 3. Schedule of Recommended Third Quarter Adjustments

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
GENERAL FUND					
Revenue	103,213,645	68,795,042	-	34,418,602	66.7%
Expenditures	103,370,523	72,367,724	668,515	30,334,316	70.7%
<i>Addition to / (use of) reserves</i>	<u>(156,878)</u>	<u>(3,572,682)</u>	<u>(668,515)</u>		
WATER OPERATING FUND					
Revenue	34,188,296	26,031,756	-	8,156,540	76.1%
Expenditures	37,418,635	23,637,395	2,788,322	10,992,918	70.6%
<i>Addition to / (use of) reserves</i>	<u>(3,230,339)</u>	<u>2,394,361</u>	<u>(2,788,322)</u>		
WASTEWATER OPERATING FUND					
Revenue	14,828,850	11,041,726	-	3,787,124	74.5%
Expenditures	16,070,288	10,130,460	1,070,791	4,869,036	69.7%
<i>Addition to / (use of) reserves</i>	<u>(1,241,438)</u>	<u>911,265</u>	<u>(1,070,791)</u>		
DOWNTOWN PARKING					
Revenue	6,762,290	5,079,199	-	1,683,091	75.1%
Expenditures	8,195,457	5,419,782	421,612	2,354,064	71.3%
<i>Addition to / (use of) reserves</i>	<u>(1,433,167)</u>	<u>(340,583)</u>	<u>(421,612)</u>		
AIRPORT OPERATING FUND					
Revenue	12,440,678	9,491,955	-	2,948,723	76.3%
Expenditures	12,723,593	8,566,347	462,353	3,694,893	71.0%
<i>Addition to / (use of) reserves</i>	<u>(282,915)</u>	<u>925,608</u>	<u>(462,353)</u>		
GOLF COURSE FUND					
Revenue	2,380,438	1,468,098	-	912,340	61.7%
Expenditures	2,785,158	1,892,761	102,545	789,852	71.6%
<i>Addition to / (use of) reserves</i>	<u>(404,720)</u>	<u>(424,663)</u>	<u>(102,545)</u>		
INTRA-CITY SERVICE FUND					
Revenue	6,397,840	4,578,665	-	1,819,175	71.6%
Expenditures	6,659,667	4,414,968	306,762	1,937,936	70.9%
<i>Addition to / (use of) reserves</i>	<u>(261,827)</u>	<u>163,697</u>	<u>(306,762)</u>		

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
FLEET REPLACEMENT FUND					
Revenue	1,779,868	1,437,981	-	341,887	80.8%
Expenditures	3,821,874	837,619	835,492	2,148,763	43.8%
<i>Addition to / (use of) reserves</i>	<u>(2,042,006)</u>	<u>600,362</u>	<u>(835,492)</u>		
FLEET MAINTENANCE FUND					
Revenue	2,530,238	1,860,178	-	670,060	73.5%
Expenditures	2,631,703	1,533,132	284,649	813,922	69.1%
<i>Addition to / (use of) reserves</i>	<u>(101,465)</u>	<u>327,046</u>	<u>(284,649)</u>		
SELF INSURANCE TRUST FUND					
Revenue	6,073,674	4,522,214	-	1,551,460	74.5%
Expenditures	6,519,840	3,928,094	208,782	2,382,963	63.5%
<i>Addition to / (use of) reserves</i>	<u>(446,166)</u>	<u>594,120</u>	<u>(208,782)</u>		
INFORMATION SYSTEMS ICS FUND					
Revenue	2,435,147	1,834,614	-	600,533	75.3%
Expenditures	2,630,280	1,724,252	92,814	813,214	69.1%
<i>Addition to / (use of) reserves</i>	<u>(195,133)</u>	<u>110,362</u>	<u>(92,814)</u>		
WATERFRONT FUND					
Revenue	11,522,348	8,725,329	-	2,797,019	75.7%
Expenditures	12,061,259	8,299,078	366,426	3,395,756	71.8%
<i>Addition to / (use of) reserves</i>	<u>(538,911)</u>	<u>426,251</u>	<u>(366,426)</u>		
TOTAL FOR ALL FUNDS					
Revenue	204,553,312	144,866,756	-	59,686,555	70.8%
Expenditures	214,888,278	142,751,614	7,609,064	64,527,633	70.0%
<i>Addition to / (use of) reserves</i>	<u>(10,334,966)</u>	<u>2,115,143</u>	<u>(7,609,064)</u>		

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

CITY OF SANTA BARBARA
General Fund
Interim Statement of Budgeted and Actual Revenues
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Remaining Balance	Percent Received	Previous YTD
TAXES					
Sales and Use	17,405,682	11,389,142	6,016,540	65.4%	13,361,504
Property Taxes	23,426,345	12,817,377	10,608,968	54.7%	12,892,638
Utility Users Tax	6,916,329	5,202,549	1,713,780	75.2%	5,176,339
Transient Occupancy Tax	11,351,970	8,560,351	2,791,619	75.4%	9,658,201
Franchise Fees	3,335,000	2,666,473	668,527	80.0%	2,234,116
Business License	2,273,300	1,742,246	531,054	76.6%	1,829,772
Real Property Transfer Tax	325,800	270,612	55,188	83.1%	222,163
<i>Total</i>	<u>65,034,426</u>	<u>42,648,749</u>	<u>22,385,676</u>	65.6%	<u>45,374,733</u>
LICENSES & PERMITS					
Licenses & Permits	179,000	135,840	43,160	75.9%	136,007
<i>Total</i>	<u>179,000</u>	<u>135,840</u>	<u>43,160</u>	75.9%	<u>136,007</u>
FINES & FORFEITURES					
Parking Violations	2,582,774	1,800,527	782,247	69.7%	1,786,067
Library Fines	117,318	92,275	25,043	78.7%	80,492
Municipal Court Fines	150,000	96,344	53,656	64.2%	117,682
Other Fines & Forfeitures	100,000	137,731	(37,731)	137.7%	-
<i>Total</i>	<u>2,950,092</u>	<u>2,126,877</u>	<u>823,215</u>	72.1%	<u>1,984,241</u>
USE OF MONEY & PROPERTY					
Investment Income	941,951	783,782	158,170	83.2%	1,058,844
Rents & Concessions	406,436	302,810	103,626	74.5%	309,067
<i>Total</i>	<u>1,348,387</u>	<u>1,086,591</u>	<u>261,796</u>	80.6%	<u>1,367,912</u>
INTERGOVERNMENTAL					
Grants	2,307,577	344,872	1,962,705	14.9%	2,177,977
Vehicle License Fees	200,000	175,012	24,988	87.5%	196,037
Reimbursements	17,500	8,684	8,816	49.6%	-
<i>Total</i>	<u>2,525,077</u>	<u>528,568</u>	<u>1,996,509</u>	20.9%	<u>2,374,015</u>
FEES & SERVICE CHARGES					
Finance	858,930	621,878	237,052	72.4%	617,074
Community Development	4,425,717	3,374,558	1,051,159	76.2%	3,306,572
Recreation	2,448,499	1,368,678	1,079,821	55.9%	1,603,121
Public Safety	550,543	328,665	221,878	59.7%	267,919
Public Works	4,614,873	3,779,052	835,821	81.9%	3,211,089
Library	775,452	739,092	36,360	95.3%	738,951
Reimbursements	5,809,367	4,113,639	1,695,728	70.8%	3,762,126
<i>Total</i>	<u>19,483,381</u>	<u>14,325,563</u>	<u>5,157,818</u>	73.5%	<u>13,506,852</u>
OTHER MISCELLANEOUS REVENUES					
Miscellaneous	1,649,465	1,334,955	314,510	80.9%	2,601,097
Indirect Allocations	7,238,105	5,455,329	1,782,776	75.4%	4,885,940
Operating Transfers-In	2,805,712	1,152,570	1,653,142	41.1%	920,026
<i>Total</i>	<u>11,693,282</u>	<u>7,942,854</u>	<u>3,750,428</u>	67.9%	<u>8,407,062</u>
TOTAL REVENUES	<u>103,213,645</u>	<u>68,795,042</u>	<u>34,418,602</u>	66.7%	<u>73,150,822</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>** Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
GENERAL GOVERNMENT						
<u>Mayor & City Council</u>						
MAYOR	747,750	514,571	1,447	231,732	69.0%	
<i>Total</i>	<u>747,750</u>	<u>514,571</u>	<u>1,447</u>	<u>231,732</u>	69.0%	<u>597,427</u>
<u>City Attorney</u>						
CITY ATTORNEY	2,099,358	1,499,087	-	600,271	71.4%	
<i>Total</i>	<u>2,099,358</u>	<u>1,499,087</u>	<u>-</u>	<u>600,271</u>	71.4%	<u>1,579,788</u>
<u>Administration</u>						
CITY ADMINISTRATOR	1,324,103	893,797	2,147	428,159	67.7%	
LABOR RELATIONS	187,984	120,092	-	67,892	63.9%	
CITY TV	433,943	295,299	22,850	115,795	73.3%	
<i>Total</i>	<u>1,946,030</u>	<u>1,309,188</u>	<u>24,997</u>	<u>611,846</u>	68.6%	<u>1,606,269</u>
<u>Administrative Services</u>						
CITY CLERK	773,167	568,856	12,893	191,418	75.2%	
HUMAN RESOURCES	1,190,764	801,080	14,661	375,023	68.5%	
ADMIN SVCS-EMPLOYEE DEVELOPMENT	182,921	109,960	-	72,961	60.1%	
<i>Total</i>	<u>2,146,852</u>	<u>1,479,895</u>	<u>27,554</u>	<u>639,402</u>	70.2%	<u>1,436,976</u>
<u>Finance</u>						
ADMINISTRATION	631,402	474,265	10,995	146,141	76.9%	
TREASURY	380,819	285,879	1,700	93,240	75.5%	
CASHIERING & COLLECTION	425,648	299,321	-	126,327	70.3%	
LICENSES & PERMITS	387,383	275,604	-	111,779	71.1%	
BUDGET MANAGEMENT	330,928	268,366	-	62,562	81.1%	
ACCOUNTING	387,205	297,931	23,547	65,727	83.0%	
PAYROLL	272,626	190,783	-	81,843	70.0%	
ACCOUNTS PAYABLE	210,352	148,636	-	61,716	70.7%	
CITY BILLING & CUSTOMER SERVICE	560,393	387,168	(2,507)	175,732	68.6%	
PURCHASING	634,301	461,819	1,565	170,916	73.1%	
CENTRAL STORES	183,684	131,721	-	51,963	71.7%	
MAIL SERVICES	96,326	70,038	2,088	24,200	74.9%	
<i>Total</i>	<u>4,501,067</u>	<u>3,293,142</u>	<u>37,389</u>	<u>1,170,536</u>	74.0%	<u>3,570,513</u>
TOTAL GENERAL GOVERNMENT	<u>11,441,057</u>	<u>8,095,884</u>	<u>91,386</u>	<u>3,253,787</u>	71.6%	<u>8,790,974</u>
PUBLIC SAFETY						
<u>Police</u>						
CHIEF'S STAFF	1,167,225	856,137	-	311,088	73.3%	
SUPPORT SERVICES	575,931	411,144	1,602	163,186	71.7%	
RECORDS	1,396,802	965,718	64	431,021	69.1%	
COMMUNITY SVCS	1,063,530	767,037	3,576	292,917	72.5%	
CRIME ANALYSIS	66,056	11,481	-	54,575	17.4%	
PROPERTY ROOM	125,326	93,247	546	31,533	74.8%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>** Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
PUBLIC SAFETY						
<u>Police</u>						
TRNG/RECRUITMENT	381,881	360,355	5,611	15,915	95.8%	
RANGE	879,439	661,132	29,993	188,314	78.6%	
BEAT COORDINATORS	801,812	350,205	-	451,607	43.7%	
INFORMATION TECHNOLOGY	1,118,502	784,807	12,943	320,752	71.3%	
INVESTIGATIVE DIVISION	4,489,206	3,157,239	1,170	1,330,797	70.4%	
CRIME LAB	222,370	92,674	-	129,696	41.7%	
PATROL DIVISION	12,629,310	9,317,414	64,420	3,247,476	74.3%	
TRAFFIC	1,330,706	826,640	1,506	502,560	62.2%	
SPECIAL EVENTS	986,472	997,475	-	(11,003)	101.1%	
TACTICAL PATROL FORCE	1,131,685	830,130	-	301,555	73.4%	
STREET SWEEPING ENFORCEMENT	236,362	184,989	-	51,373	78.3%	
NIGHT LIFE ENFORCEMENT	458,400	213,435	-	244,965	46.6%	
PARKING ENFORCEMENT	1,031,837	655,325	16,161	360,351	65.1%	
CCC	2,383,022	1,513,826	3,795	865,401	63.7%	
ANIMAL CONTROL	564,640	459,870	-	104,770	81.4%	
<i>Total</i>	<u>33,040,514</u>	<u>23,512,151</u>	<u>141,386</u>	<u>9,386,977</u>	71.6%	<u>25,061,729</u>
<u>Fire</u>						
ADMINISTRATION	1,096,276	770,167	1,511	324,598	70.4%	
EMERGENCY SERVICES AND PUBLIC ED	218,086	149,008	755	68,323	68.7%	
PREVENTION	1,187,985	853,072	226	334,687	71.8%	
WILDLAND FIRE MITIGATION PROGRAM	191,083	123,500	22,120	45,463	76.2%	
OPERATIONS	17,188,401	11,851,760	50,211	5,286,430	69.2%	
ARFF	1,623,165	1,209,399	-	413,766	74.5%	
<i>Total</i>	<u>21,504,996</u>	<u>14,956,907</u>	<u>74,823</u>	<u>6,473,266</u>	69.9%	<u>15,640,151</u>
TOTAL PUBLIC SAFETY	<u>54,545,510</u>	<u>38,469,058</u>	<u>216,209</u>	<u>15,860,243</u>	70.9%	<u>40,701,880</u>
PUBLIC WORKS						
<u>Public Works</u>						
ADMINISTRATION	862,361	583,201	7,737	271,424	68.5%	
ENGINEERING SVCS	4,129,675	2,997,074	11,780	1,120,821	72.9%	
PUBLIC RT OF WAY MGMT	1,011,589	676,683	3,370	331,537	67.2%	
ENVIRONMENTAL PROGRAMS	393,673	218,298	69,420	105,955	73.1%	
<i>Total</i>	<u>6,397,298</u>	<u>4,475,255</u>	<u>92,307</u>	<u>1,829,736</u>	71.4%	<u>4,916,581</u>
TOTAL PUBLIC WORKS	<u>6,397,298</u>	<u>4,475,255</u>	<u>92,307</u>	<u>1,829,736</u>	71.4%	<u>4,916,581</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
PRGM MGMT & BUS SVCS	524,868	363,374	-	161,494	69.2%	
FACILITIES	394,356	292,749	5,830	95,777	75.7%	
CULTURAL ARTS	429,832	311,680	13,605	104,547	75.7%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>** Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
YOUTH ACTIVITIES	752,636	462,590	5,669	284,377	62.2%	
SR CITIZENS	722,733	515,393	189	207,150	71.3%	
AQUATICS	1,033,575	786,008	24,666	222,901	78.4%	
SPORTS	483,177	315,819	9,390	157,968	67.3%	
TENNIS	275,753	203,778	-	71,975	73.9%	
NEIGHBORHOOD & OUTREACH SERV	1,263,260	894,377	2,343	366,540	71.0%	
ADMINISTRATION	528,293	378,162	-	150,131	71.6%	
PROJECT MANAGEMENT TEAM	242,538	208,826	-	33,712	86.1%	
BUSINESS SERVICES	375,931	242,453	13,074	120,404	68.0%	
FACILITY & PROJECT MGT	1,012,354	748,847	764	262,742	74.0%	
GROUNDS MANAGEMENT	4,051,580	2,877,493	68,983	1,105,104	72.7%	
FORESTRY	1,182,344	705,917	16,930	459,497	61.1%	
BEACH MAINTENANCE	170,234	102,187	24,568	43,480	74.5%	
<i>Total</i>	<u>13,443,464</u>	<u>9,413,663</u>	<u>186,011</u>	<u>3,843,790</u>	71.4%	<u>11,188,548</u>
<u>Library</u>						
ADMINISTRATION	416,148	297,528	-	118,620	71.5%	
PUBLIC SERVICES	2,161,456	1,615,199	4,735	541,522	74.9%	
SUPPORT SERVICES	1,594,389	970,218	1,969	622,202	61.0%	
<i>Total</i>	<u>4,171,993</u>	<u>2,912,760</u>	<u>6,704</u>	<u>1,252,529</u>	70.0%	<u>3,273,376</u>
TOTAL COMMUNITY SERVICES	<u>17,615,457</u>	<u>12,326,423</u>	<u>192,715</u>	<u>5,096,319</u>	71.1%	<u>14,461,923</u>
COMMUNITY DEVELOPMENT						
<u>Community Development</u>						
ADMINISTRATION	491,949	316,092	624	175,234	64.4%	
ECON DEV	62,919	40,897	-	22,022	65.0%	
CITY ARTS ADVISORY PROGRAM	540,483	507,471	-	33,012	93.9%	
HUMAN SVCS	818,612	594,188	-	224,424	72.6%	
RDA	730,700	443,087	-	287,613	60.6%	
RDA HSG DEV	677,395	484,591	-	192,804	71.5%	
LR PLANNING/STUDIES	792,833	529,569	541	262,723	66.9%	
DEV & DESIGN REVIEW	1,038,992	688,668	5,741	344,583	66.8%	
ZONING	853,074	577,142	733	275,199	67.7%	
DESIGN REV & HIST PRESERVATN	940,732	615,477	42,678	282,577	70.0%	
SHO/ENVIRON REVIEW/TRAINING	703,239	480,760	6,377	216,102	69.3%	
BLDG PERMITS	1,018,740	702,550	2,082	314,108	69.2%	
RECORDS & ARCHIVES	527,248	347,448	16,931	162,869	69.1%	
PLAN CK & COUNTER SRV	1,268,494	856,895	192	411,407	67.6%	
<i>Total</i>	<u>10,465,410</u>	<u>7,184,963</u>	<u>75,898</u>	<u>3,204,548</u>	69.4%	<u>8,126,120</u>
TOTAL COMMUNITY DEVELOPMENT	<u>10,465,410</u>	<u>7,184,963</u>	<u>75,898</u>	<u>3,204,548</u>	69.4%	<u>8,126,120</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
NON-DEPARTMENTAL						
<u>Non-Departmental</u>						
DUES, MEMBERSHIPS, & LICENSES	22,272	24,724	-	(2,452)	111.0%	
COMMUNITY PROMOTIONS	1,706,580	1,348,289	-	358,291	79.0%	
SPECIAL PROJECTS	21,000	37,000	-	(16,000)	176.2%	
TRANSFERS OUT	43,500	43,500	-	-	100.0%	
DEBT SERVICE TRANSFERS	353,568	325,127	-	28,441	92.0%	
CAPITAL OUTLAY TRANSFER	573,170	37,500	-	535,670	6.5%	
APPROP. RESERVE	185,701	-	-	185,701	0.0%	
<i>Total</i>	<u>2,905,791</u>	<u>1,816,141</u>	<u>-</u>	<u>1,089,683</u>	62.5%	<u>2,704,301</u>
TOTAL NON-DEPARTMENTAL	<u>2,905,791</u>	<u>1,816,141</u>	<u>-</u>	<u>1,089,683</u>	62.5%	<u>2,704,301</u>
TOTAL EXPENDITURES	<u>103,370,523</u>	<u>72,367,724</u>	<u>668,515</u>	<u>30,334,316</u>	70.7%	<u>79,701,780</u>

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

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

CITY OF SANTA BARBARA
Special Revenue Funds
Interim Statement of Revenues and Expenditures
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
TRAFFIC SAFETY FUND					
Revenue	515,000	356,792	-	158,208	69.3%
Expenditures	515,000	356,792	-	158,208	69.3%
<i>Revenue Less Expenditures</i>	-	-	-	-	
CREEK RESTORATION/WATER QUALITY IMPRVMT					
Revenue	2,615,100	1,913,252	-	701,848	73.2%
Expenditures	3,391,420	1,976,327	276,115	1,138,978	66.4%
<i>Revenue Less Expenditures</i>	(776,320)	(63,075)	(276,115)	(437,130)	
SOLID WASTE PROGRAM					
Revenue	18,614,209	13,167,658	-	5,446,551	70.7%
Expenditures	18,800,657	13,404,688	160,575	5,235,394	72.2%
<i>Revenue Less Expenditures</i>	(186,448)	(237,029)	(160,575)	211,157	
COMM.DEVELOPMENT BLOCK GRANT					
Revenue	3,244,916	1,393,873	-	1,851,043	43.0%
Expenditures	3,121,049	1,355,732	591,074	1,174,243	62.4%
<i>Revenue Less Expenditures</i>	123,867	38,141	(591,074)	676,800	
COUNTY LIBRARY					
Revenue	1,703,932	1,160,769	-	543,163	68.1%
Expenditures	1,765,938	1,232,540	37,539	495,860	71.9%
<i>Revenue Less Expenditures</i>	(62,006)	(71,770)	(37,539)	47,303	
STREETS FUND					
Revenue	9,571,682	6,130,939	-	3,440,743	64.1%
Expenditures	14,093,895	7,380,540	1,348,683	5,364,673	61.9%
<i>Revenue Less Expenditures</i>	(4,522,213)	(1,249,600)	(1,348,683)	(1,923,930)	
MEASURE "D"					
Revenue	4,884,000	2,974,474	-	1,909,526	60.9%
Expenditures	9,067,069	2,518,516	1,966,867	4,581,686	49.5%
<i>Revenue Less Expenditures</i>	(4,183,069)	455,958	(1,966,867)	(2,672,160)	

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

WATER OPERATING FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Water Sales - Metered	29,850,000	21,141,445	-	8,708,555	70.8%	21,748,235
Service Charges	385,000	374,937	-	10,063	97.4%	271,026
Cater JPA Treatment Charges	2,200,000	2,632,737	-	(432,737)	119.7%	1,957,553
Licenses & Permits	(2,500)	-	-	(2,500)	0.0%	-
Investment Income	1,008,000	887,001	-	120,999	88.0%	1,200,422
Grants	36,098	24,243	-	11,855	67.2%	-
Reimbursements	18,000	-	-	18,000	0.0%	-
Miscellaneous	693,698	971,392	-	(277,694)	140.0%	214,614
TOTAL REVENUES	34,188,296	26,031,756	-	8,156,540	76.1%	25,391,849
EXPENSES						
Salaries & Benefits	7,599,922	5,147,240	-	2,452,682	67.7%	4,993,193
Materials, Supplies & Services	10,540,950	5,670,788	2,180,683	2,689,479	74.5%	5,206,086
Special Projects	646,774	81,632	164,719	400,423	38.1%	61,280
Water Purchases	7,776,465	5,442,512	420,627	1,913,326	75.4%	5,634,057
Debt Service	5,094,672	3,217,974	-	1,876,698	63.2%	3,379,847
Capital Outlay Transfers	5,302,492	3,976,869	-	1,325,623	75.0%	5,814,023
Equipment	197,459	78,114	20,747	98,598	50.1%	6,923
Capitalized Fixed Assets	109,900	967	1,545	107,388	2.3%	17,674
Other	-	21,299	-	(21,299)	100.0%	20,328
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	37,418,635	23,637,395	2,788,322	10,992,918	70.6%	25,133,412

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

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

WASTEWATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service Charges	14,000,000	10,192,979	-	3,807,021	72.8%	10,093,398
Fees	410,000	518,210	-	(108,210)	126.4%	398,437
Investment Income	325,000	304,289	-	20,711	93.6%	404,341
Public Works	10,000	4,548	-	5,452	45.5%	6,654
Miscellaneous	83,850	21,700	-	62,150	25.9%	112,440
Operating Transfers-In	-	-	-	-	100.0%	350,000
TOTAL REVENUES	<u>14,828,850</u>	<u>11,041,726</u>	<u>-</u>	<u>3,787,124</u>	<u>74.5%</u>	<u>11,365,270</u>
EXPENSES						
Salaries & Benefits	5,125,324	3,449,843	-	1,675,481	67.3%	3,477,938
Materials, Supplies & Services	5,733,089	3,577,194	1,047,512	1,108,383	80.7%	3,670,916
Special Projects	711,367	568,024	-	143,343	79.8%	829,165
Transfers-Out	65,000	48,750	-	16,250	75.0%	-
Debt Service	1,354,888	346,613	-	1,008,275	25.6%	390,277
Capital Outlay Transfers	2,827,188	2,120,391	-	706,797	75.0%	1,638,673
Equipment	50,167	18,678	2,373	29,116	42.0%	8,479
Capitalized Fixed Assets	53,265	967	20,906	31,391	41.1%	15,394
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>16,070,288</u>	<u>10,130,460</u>	<u>1,070,791</u>	<u>4,869,036</u>	<u>69.7%</u>	<u>10,030,844</u>

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

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

DOWNTOWN PARKING

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Improvement Tax	875,000	617,656	-	257,344	70.6%	652,033
Parking Fees	5,552,550	4,220,429	-	1,332,121	76.0%	4,041,586
Investment Income	202,500	158,933	-	43,567	78.5%	256,743
Rents & Concessions	23,740	23,740	-	-	100.0%	-
Reimbursements	50,000	13,004	-	36,996	26.0%	-
Miscellaneous	15,000	1,937	-	13,063	12.9%	77,463
Operating Transfers-In	43,500	43,500	-	-	100.0%	43,500
TOTAL REVENUES	6,762,290	5,079,199	-	1,683,091	75.1%	5,071,325
EXPENSES						
Salaries & Benefits	3,764,389	2,617,678	-	1,146,711	69.5%	2,624,487
Materials, Supplies & Services	1,978,278	1,162,567	129,664	686,047	65.3%	1,284,700
Special Projects	806,410	458,943	287,538	59,929	92.6%	483,177
Transfers-Out	312,621	234,466	-	78,155	75.0%	-
Capital Outlay Transfers	1,258,760	944,070	-	314,690	75.0%	2,672
Equipment	25,000	169	2,800	22,031	11.9%	332
Capitalized Fixed Assets	-	1,890	1,610	(3,500)	100.0%	6,947
Appropriated Reserve	50,000	-	-	50,000	0.0%	-
TOTAL EXPENSES	8,195,457	5,419,782	421,612	2,354,064	71.3%	4,402,315

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

AIRPORT OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases - Commercial / Industrial	3,893,750	3,120,723	-	773,027	80.1%	3,213,138
Leases - Terminal	4,853,050	3,521,348	-	1,331,702	72.6%	3,529,587
Leases - Non-Commerical Aviation	1,075,875	850,395	-	225,480	79.0%	900,025
Leases - Commerical Aviation	2,113,451	1,622,031	-	491,420	76.7%	1,670,465
Investment Income	310,000	235,973	-	74,027	76.1%	390,135
Miscellaneous	194,552	141,486	-	53,066	72.7%	206,852
TOTAL REVENUES	<u>12,440,678</u>	<u>9,491,955</u>	<u>-</u>	<u>2,948,723</u>	<u>76.3%</u>	<u>9,910,201</u>
EXPENSES						
Salaries & Benefits	4,780,946	3,374,742	-	1,406,204	70.6%	3,390,215
Materials, Supplies & Services	6,291,961	4,331,906	462,353	1,497,702	76.2%	4,796,724
Special Projects	742,838	355,166	-	387,672	47.8%	380,364
Transfers-Out	7,351	-	-	7,351	0.0%	-
Capital Outlay Transfers	675,240	488,302	-	186,938	72.3%	1,954,037
Equipment	34,212	21,287	-	12,925	62.2%	35,715
Capitalized Fixed Assets	-	(5,055)	-	5,055	100.0%	38,909
Appropriated Reserve	191,045	-	-	191,045	0.0%	-
TOTAL EXPENSES	<u>12,723,593</u>	<u>8,566,347</u>	<u>462,353</u>	<u>3,694,893</u>	<u>71.0%</u>	<u>10,595,963</u>

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

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

GOLF COURSE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Fees & Card Sales	1,802,397	987,336	-	815,061	54.8%	1,336,638
Investment Income	28,300	25,199	-	3,101	89.0%	32,299
Rents & Concessions	299,741	200,832	-	98,909	67.0%	210,207
Miscellaneous	250,000	254,731	-	(4,731)	101.9%	375,132
TOTAL REVENUES	<u>2,380,438</u>	<u>1,468,098</u>	<u>-</u>	<u>912,340</u>	<u>61.7%</u>	<u>1,954,276</u>
EXPENSES						
Salaries & Benefits	1,137,368	820,793	-	316,575	72.2%	869,746
Materials, Supplies & Services	577,822	377,321	93,021	107,480	81.4%	507,126
Special Projects	31,190	976	9,524	20,690	33.7%	37,580
Transfers-Out	507,767	507,767	-	-	100.0%	-
Debt Service	219,058	182,988	-	36,070	83.5%	184,212
Capital Outlay Transfers	303,553	415	-	303,138	0.1%	1,069
Equipment	8,400	2,501	-	5,899	29.8%	600
Capitalized Fixed Assets	-	-	-	-	100.0%	586,640
TOTAL EXPENSES	<u>2,785,158</u>	<u>1,892,761</u>	<u>102,545</u>	<u>789,852</u>	<u>71.6%</u>	<u>2,186,973</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

INTRA-CITY SERVICE FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Work Orders - Bldg Maint.	3,808,159	2,478,570	-	1,329,589	65.1%	2,628,666
Rents & Concessions	65,000	-	-	65,000	0.0%	-
Grants	818,200	818,200	-	-	100.0%	-
Service Charges	1,641,481	1,231,111	-	410,370	75.0%	1,334,582
Miscellaneous	-	2,034	-	(2,034)	100.0%	66,204
Operating Transfers-In	65,000	48,750	-	16,250	75.0%	-
TOTAL REVENUES	6,397,840	4,578,665	-	1,819,175	71.6%	4,029,452
EXPENSES						
Salaries & Benefits	3,071,012	2,138,680	-	932,332	69.6%	2,233,972
Materials, Supplies & Services	969,270	664,019	64,642	240,609	75.2%	648,551
Special Projects	1,686,832	764,449	201,064	721,319	57.2%	861,904
Capital Outlay Transfers	65,829	65,622	-	207	99.7%	1,603
Equipment	23,000	522	-	22,478	2.3%	1,535
Capitalized Fixed Assets	843,724	781,676	41,057	20,991	97.5%	31,865
TOTAL EXPENSES	6,659,667	4,414,968	306,762	1,937,936	70.9%	3,779,429

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

FLEET REPLACEMENT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Rental Charges	1,343,020	1,007,265	-	335,755	75.0%	1,389,224
Investment Income	194,000	158,013	-	35,987	81.4%	217,301
Rents & Concessions	242,848	182,136	-	60,712	75.0%	201,181
Miscellaneous	-	90,568	-	(90,568)	100.0%	86,139
TOTAL REVENUES	<u>1,779,868</u>	<u>1,437,981</u>	<u>-</u>	<u>341,887</u>	<u>80.8%</u>	<u>1,893,844</u>
EXPENSES						
Salaries & Benefits	162,092	109,247	-	52,845	67.4%	85,325
Materials, Supplies & Services	1,120	1,590	-	(470)	142.0%	1,573
Capitalized Fixed Assets	3,658,662	726,782	835,492	2,096,389	42.7%	1,007,717
TOTAL EXPENSES	<u>3,821,874</u>	<u>837,619</u>	<u>835,492</u>	<u>2,148,763</u>	<u>43.8%</u>	<u>1,094,615</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

FLEET MAINTENANCE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Maintenance Charges	2,480,238	1,860,178	-	620,060	75.0%	2,056,627
Work Orders - Bldg Maint.	-	-	-	-	100.0%	618
Miscellaneous	50,000	-	-	50,000	0.0%	28,237
TOTAL REVENUES	<u>2,530,238</u>	<u>1,860,178</u>	<u>-</u>	<u>670,060</u>	<u>73.5%</u>	<u>2,085,482</u>
EXPENSES						
Salaries & Benefits	1,189,312	824,592	-	364,720	69.3%	895,471
Materials, Supplies & Services	1,367,766	688,763	258,799	420,204	69.3%	993,534
Special Projects	60,625	19,777	11,851	28,997	52.2%	37,316
Equipment	14,000	-	14,000	-	100.0%	12,215
Capitalized Fixed Assets	-	-	-	-	100.0%	42,056
TOTAL EXPENSES	<u>2,631,703</u>	<u>1,533,132</u>	<u>284,649</u>	<u>813,922</u>	<u>69.1%</u>	<u>1,980,591</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

SELF INSURANCE TRUST FUND

	** Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Insurance Premiums	2,950,613	2,212,960	-	737,653	75.0%	2,398,080
Workers' Compensation Premiums	2,482,928	1,862,196	-	620,732	75.0%	1,518,126
OSH Charges	302,518	226,888	-	75,630	75.0%	218,955
Investment Income	337,615	207,534	-	130,081	61.5%	361,231
Miscellaneous	-	12,636	-	(12,636)	100.0%	360,228
Accel - Return of Premium	-	-	-	-	100.0%	750,000
TOTAL REVENUES	6,073,674	4,522,214	-	1,551,460	74.5%	5,606,620
EXPENSES						
Salaries & Benefits	600,672	368,825	-	231,847	61.4%	383,126
Materials, Supplies & Services	5,590,392	3,258,441	208,782	2,123,169	62.0%	3,131,399
Transfers-Out	300,000	300,000	-	-	100.0%	1,589,853
Capital Outlay Transfers	1,105	829	-	276	75.0%	2,137
Equipment	4,000	-	-	4,000	0.0%	-
Appropriated Reserve	23,671	-	-	23,671	0.0%	-
TOTAL EXPENSES	6,519,840	3,928,094	208,782	2,382,963	63.5%	5,106,515

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

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

INFORMATION SYSTEMS ICS FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service charges	2,435,147	1,834,388	-	600,759	75.3%	1,939,058
Miscellaneous	-	226	-	(226)	100.0%	10,526
TOTAL REVENUES	<u>2,435,147</u>	<u>1,834,614</u>	<u>-</u>	<u>600,533</u>	<u>75.3%</u>	<u>1,949,584</u>
EXPENSES						
Salaries & Benefits	1,537,067	1,062,959	-	474,108	69.2%	1,197,402
Materials, Supplies & Services	598,350	431,315	42,898	124,137	79.3%	502,242
Special Projects	1,700	2,725	2,626	(3,652)	314.8%	(9,158)
Transfers-Out	-	-	-	-	100.0%	55,000
Capital Outlay Transfers	-	-	-	-	100.0%	63,750
Equipment	408,269	227,253	47,289	133,726	67.2%	75,159
Capitalized Fixed Assets	-	-	-	-	100.0%	488
Appropriated Reserve	84,895	-	-	84,895	0.0%	-
TOTAL EXPENSES	<u>2,630,280</u>	<u>1,724,252</u>	<u>92,814</u>	<u>813,214</u>	<u>69.1%</u>	<u>1,884,885</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2010 (75% of Fiscal Year)

WATERFRONT FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Leases - Commercial	1,482,056	1,053,900	-	428,156	71.1%	1,114,494
Leases - Food Service	2,393,380	1,733,261	-	660,119	72.4%	1,824,724
Slip Rental Fees	3,676,785	2,750,930	-	925,855	74.8%	2,644,270
Visitors Fees	700,000	410,386	-	289,614	58.6%	385,765
Slip Transfer Fees	250,000	362,275	-	(112,275)	144.9%	228,750
Parking Revenue	1,885,098	1,414,579	-	470,519	75.0%	1,178,477
Wharf Parking	268,749	176,095	-	92,654	65.5%	175,809
Other Fees & Charges	364,909	275,200	-	89,709	75.4%	279,071
Investment Income	125,000	218,356	-	(93,356)	174.7%	290,838
Rents & Concessions	279,322	209,880	-	69,442	75.1%	195,838
Miscellaneous	97,049	120,466	-	(23,417)	124.1%	180,760
TOTAL REVENUES	11,522,348	8,725,329	-	2,797,019	75.7%	8,498,796
EXPENSES						
Salaries & Benefits	5,530,336	3,889,242	-	1,641,094	70.3%	3,916,336
Materials, Supplies & Services	3,416,967	2,352,525	361,186	703,256	79.4%	2,397,344
Special Projects	122,559	82,037	3,000	37,522	69.4%	21,634
Debt Service	1,673,572	1,112,096	-	561,476	66.5%	1,198,749
Capital Outlay Transfers	1,131,381	848,536	-	282,845	75.0%	649,921
Equipment	86,445	14,642	2,240	69,563	19.5%	67,567
Appropriated Reserve	100,000	-	-	100,000	0.0%	-
TOTAL EXPENSES	12,061,259	8,299,078	366,426	3,395,756	71.8%	8,251,550

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

**Fiscal Year 2010 Interim Financial Statements
For the Nine Months Ended March 31, 2010 (75% of Year Elapsed)**

General Fund Revenues

The table below summarizes General Fund revenues for the nine months ended March 31, 2010. For interim financial statement purposes, revenues are reported on the cash basis (i.e. when they are received). The table below includes the budgeted totals as well as the year-to-date (YTD) budget, which for tax revenues have been seasonally adjusted based on a 3-year average of collections through the same period. Because tax revenues are not collected evenly throughout the year, adjusting the YTD budget to reflect the unique collection pattern of each category of tax revenue enables a more meaningful comparison to year-to-date results shown in the YTD Actual column. For all other revenues, the YTD Budget column represents 75% (9 months out of the 12 elapsed) of the budget column. Unlike tax revenues, these revenues tend to be collected more evenly during the year.

Summary of Revenues For the Nine Months Ended March 31, 2010 GENERAL FUND								
	Current Year Analysis					Prior Year Analysis		
	Amended Annual Budget	YTD Budget *	YTD Actual	YTD Variance	YTD Percent Rec'd	3-Year Average Bench- mark	Prior Year YTD Actual	Variance Prior Yr To Current Yr
Sales & Use Tax	\$ 17,405,682	\$ 12,201,383	\$ 11,389,142	\$ (812,241)	65.4%	70.1%	\$ 13,361,504	-14.8%
Property Tax	23,426,345	12,861,063	12,817,377	(43,686)	54.7%	54.9%	12,892,638	-0.6%
UUT	6,916,329	5,173,414	5,202,549	29,135	75.2%	74.8%	5,176,339	0.5%
TOT	11,351,970	8,775,073	8,560,351	(214,722)	75.4%	77.3%	9,658,201	-11.4%
Bus License	2,273,300	1,818,640	1,742,246	(76,394)	76.6%	80.0%	1,829,772	-4.8%
Prop Trans Tax	325,800	254,450	270,612	16,162	83.1%	78.1%	222,163	21.8%
Total Taxes	<u>61,699,426</u>	<u>41,084,023</u>	<u>39,982,277</u>	<u>(1,101,746)</u>	64.8%	66.6%	<u>43,140,617</u>	-7.3%
License & Permits	179,000	134,250	135,840	1,590	75.9%	75.0%	136,007	-0.1%
Fines & Forfeitures	2,950,092	2,212,569	2,126,877	(85,692)	72.1%	75.0%	1,984,241	7.2%
Franchise Fee	3,335,000	2,481,240	2,666,473	185,233	80.0%	74.4%	2,234,116	19.4%
Use of Money & Property	1,348,387	1,011,290	1,086,591	75,301	80.6%	75.0%	1,367,912	-20.6%
Intergovernmental	2,525,077	1,893,808	528,568	(1,365,240)	20.9%	75.0%	2,374,015	-77.7%
Fee & Charges	19,483,381	14,612,536	14,325,563	(286,973)	73.5%	75.0%	13,506,852	6.1%
Miscellaneous	10,331,774	7,748,831	7,942,854	194,024	76.9%	75.0%	8,407,062	-5.5%
Budgeted year-end variance	1,361,508	1,021,131	-	(1,021,131)	0.0%	0.0%	-	0.0%
Total Other	<u>41,514,219</u>	<u>31,115,654</u>	<u>28,812,766</u>	<u>(2,302,888)</u>	69.4%	75.0%	<u>30,010,205</u>	
Total Revenues	<u>\$ 103,213,645</u>	<u>\$ 72,199,677</u>	<u>\$ 68,795,043</u>	<u>\$ (3,404,634)</u>	66.7%		<u>\$ 73,150,822</u>	-6.0%

* YTD Budget for Taxes is calculated based on a 3-year average of collections for each revenue source; for all other revenues, YTD Budget is calculated on a straight-line basis based on the number of months elapsed.

Over the past several months, Finance staff has regularly advised the Finance Committee and City Council on the status of General Fund revenues. Accordingly, this report will not provide the in-depth revenue analysis that has recently been presented to these bodies in regular meetings, special work sessions, or budget review meetings.

The schedule above includes the amendments to estimated revenue approved by Council in November, 2009. After nine months of activity, tax revenues were \$1.1 million below the adjusted YTD budget and total revenues were \$3.4 million below the YTD budget. This

**Fiscal Year 2010 Interim Financial Statements
For the Nine Months Ended March 31, 2010 (75% of Year Elapsed)**

variance is primarily due to the continuing effect of the recession on the General Fund non-departmental tax revenues, intergovernmental revenues, fees & service charges, and the budgeted year-end variance (see discussion below) categories. When comparing YTD revenues to last fiscal year, overall collections are 6% below those from the same period and most revenue categories show declines.

While some key tax revenues have shown signs of improvement in recent months, staff expects that General Fund revenues will not meet budget by year end. Sales tax and TOT revenues are projected to end the year approximately \$660,000 and \$195,000, respectively under budget. A large portion of the expected departmental variance is due to mutual aid revenue in the Fire Department which is projected to end the year approximately \$1.4 million under budget (See discussion in Intergovernmental Revenues below).

It is important to note that the previous table includes \$1.36 million in "Anticipated Year-End Variance" as budgeted revenue. This "revenue" is roughly equal to 1.3% of budgeted operating expenditures in the General Fund, and represents the total favorable variances in revenues and expenditures (revenues *over* budget and expenditures *under* budget) that staff projected for the year. No actual revenues are recognized in this account; rather the negative variance typically is offset by actual favorable variances realized in other revenue and expenditure accounts at year-end. As discussed above, the current economic crisis has created significant shortfalls in projected year-end revenues and, therefore, it is expected that no overall favorable year-end revenue variances will be realized by year-end as planned. Expenditure savings will be relied on alone to offset the negative variance in the anticipated year-end variance "revenue" account.

Significant variances in revenues shown in the table above are discussed below.

Sales and Use Taxes

Sales tax revenue is below the YTD budget by approximately \$812,000, which is consistent with expectations due to the continuing impact of the recession on our local economy. While sales tax revenues have continued to decline from prior year levels, the decline has slowed. For the quarter ended December 31, 2009, the most recent of actual sales tax revenues reported by the state, sales tax revenue declined 10.5% from the first six months of last fiscal year. Staff projects that year-end sales tax revenues will be almost \$660,000 under the amended budget and 6.6% lower than prior year revenues.

Transient Occupancy Taxes

Transient occupancy tax (TOT) revenue is almost \$215,000 under the YTD budget at the end of March and 11.4% below prior year cash collections for the same period. This revenue had shown double-digit declines in the first half of the fiscal year but has improved in the 3rd quarter. The amended budget assumed an overall 5.7% decline from the prior year; however, the most recent staff projections expect the actual decline in TOT to be 7.3% at year end.

Franchise Fees

Franchise fee revenues are received from companies that have a franchise agreement to provide utility services in the City and tend to follow the same overall pattern as UUT over the course of a fiscal year. However, this revenue does not track exactly the same as UUT

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throughout each month because there are variances in the timing of franchise payments from the electricity providers (which pay quarterly, not monthly) and gas providers (which pay on an estimate that is trued up in February of each year). Through March, franchise fees are \$185,000 ahead of the YTD budget; however, this is due to gas franchise payments being over advanced for the previous 12-months through February. Also, electric and cable franchise payments are lower than anticipated. We expect that overall franchise fees will end the year \$427,000 under budget.

Intergovernmental

Intergovernmental revenue is below the YTD budget due to a significant shortfall in mutual aid revenues received by the Fire Department this year. Mutual aid revenues are the largest revenue in the intergovernmental category and received when the Fire Department responds to emergencies in other jurisdictions. If there are no additional mutual aid responses this year, this revenue source is projected to be roughly \$1.4 million short of budget. This is dependant on the number and type of mutual aid calls that the department receives during the year. A negative variance in mutual aid revenues is offset by approximately \$1.2 million in reduced personnel overtime costs to provide the aid so the department is projecting a net \$200,000 negative variance in intergovernmental income at year-end.

Fees & Service Charges

Overall, fees and service charges are \$287,000 (1.5%) under YTD budget. Public Works revenues are almost \$318,000 over the YTD budget and Library revenues are almost \$158,000 ahead of the YTD budget. Negative variances in Parks and Recreation (-\$468,000) and Inter-Fund Charges (-\$243,000) resulted in a net negative variance at March 31. The more significant

Fees and Service Charges General Fund For the Nine Months Ended March 31, 2010								
Department	Annual Budget	YTD Budget	YTD Actual	Budget Variance	Percent Received YTD	Prior Year YTD	Prior Year Variance	Percent Variance
Finance	\$ 858,930	\$ 644,198	\$ 621,878	\$ (22,320)	72.4%	\$ 617,074	\$ 4,804	0.8%
Community Development	4,425,717	3,319,288	3,374,558	55,270	76.2%	3,306,572	67,986	2.1%
Parks & Recreation	2,448,499	1,836,374	1,368,678	(467,696)	55.9%	1,603,121	(234,443)	-14.6%
Public Safety	550,543	412,907	328,665	(84,242)	59.7%	267,919	60,746	22.7%
Public Works	4,614,873	3,461,155	3,779,052	317,897	81.9%	3,211,089	567,963	17.7%
Library	775,452	581,589	739,092	157,503	95.3%	738,951	141	0.0%
Inter-Fund Charges	5,809,367	4,357,025	4,113,639	(243,386)	70.8%	3,762,126	351,513	9.3%
Total	\$ 19,483,381	\$ 14,612,536	\$ 14,325,562	\$ (286,974)	73.5%	\$ 13,506,852	\$ 818,710	6.1%

mid-year variances are discussed below.

Public Works fee revenue was \$318,000 over the YTD budget because of engineering work orders exceeding expectations through March 31. Engineering work orders are primarily charges for services to other funds throughout the City related to capital projects. Some of these projects are funded by federal stimulus money. Library fees are \$158,000 ahead of the YTD budget primarily due to the timing of payments from the County of Santa Barbara and these revenues are expected to approximate budget at year-end.

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Parks and Recreation Fees and Service Charges revenues are \$(468,000) (19.1%) below the YTD budget. This is primarily due to declining facility rentals and registrations for classes and programs. Revenues have continued to be impacted by fewer rentals at the three beachfront facilities and other facilities and park sites. Participation in programs that were relocated from the Carrillo Recreation Center has had a negative impact on revenues. Overall program revenue declines led the department to propose a fee increase that will be effective April 1, 2010 to help offset revenue shortages. The Department has achieved a \$480,000 expenditure variance to offset the \$481,000 revenue shortfall for the first nine months of the year. The Department anticipates that expenditure variances will offset any revenue shortfalls at year-end.

Inter-Fund charges are \$243,000 (4.2%) below the YTD budget at mid-year. Approximately \$178,000 of the variance is related to cost reimbursements from the City Redevelopment Agency (RDA). Salary & benefits costs in the RDA are lower than budgeted due primarily to vacancies in key positions. With lower costs incurred to manage RDA operations, reimbursement revenues from the RDA are proportionately lower. The remainder of the YTD budget variance is primarily due to reimbursement for law enforcement activities. The City administers a police communications network for a Joint Powers Authority (JPA) with various police agencies throughout the state. Operating expenditures for the JPA are billed twice during the year so mid-year variances are normal. All costs of the JPA are expected to be reimbursed before year-end. Additionally, a portion of the mid-year variance is due to grant reimbursements that have not yet occurred. The police have provided services that are reimbursable through federal and state grants. The reimbursements are received after actual expenditures have been made so they often lag throughout the year.

Miscellaneous Revenues

Miscellaneous Revenues are approximately \$194,000 over YTD budget at March 31. The positive budget variance primarily consists of unbudgeted litigation settlement revenue. The variance is also attributable to rebates returned to the General Fund from the City's ICS Funds as approved by Council earlier this fiscal year and the positive YTD budget variance from these rebates will normalize by the end of the fiscal year.

General Fund Expenditures

The table below summarizes the General Fund budget and year-to-date expenditures through March 31, 2010. The Annual Budget column represents the amended budget, which includes appropriation carryovers from the prior year, as well as any supplemental appropriations approved by Council in the current year.

A year-to-date budget (labeled "YTD Budget") column is included in the table above which represents 75% of the annual budget to coincide with 9 out of 12 months in the fiscal year having elapsed. Unlike many tax revenues, where the collection rate during the year is seasonally affected, most expenditures tend to be incurred fairly evenly throughout the year. This is primarily due to salary and benefits expenditures, which account for approximately 75% of General Fund expenditures, which are paid out fairly evenly during the year.

The amended annual budget totaled approximately \$103.4 million, and the year-to-date (YTD) budget is calculated at \$77.5 million (75%). Actual expenditures were almost \$72.4 million

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through the first nine months of the year, which resulted in a positive budget variance of approximately \$5.2 million (5%).

SUMMARY OF EXPENDITURES GENERAL FUND For the Nine Months Ended March 31, 2010									
Department	Amended Annual Budget	YTD Budget	YTD Actual	W/O Encumbrance Variance Favorable (Unfavorable)		Encum- brance	With Encumbrance Variance Favorable (Unfavorable)		
				\$	%		\$	%	
Mayor & Council	\$ 747,750	560,813	\$ 514,571	\$ 46,242	6.2%	\$ 1,447	\$ 44,795	6.0%	
City Attorney	2,099,358	1,574,519	1,499,087	75,432	3.6%	-	75,432	3.6%	
City Administrator	1,946,030	1,459,523	1,309,188	150,335	7.7%	24,997	125,338	6.4%	
Administrative Svcs.	2,146,852	1,610,139	1,479,895	130,244	6.1%	27,554	102,690	4.8%	
Finance	4,501,067	3,375,800	3,293,142	82,658	1.8%	37,389	45,269	1.0%	
Police	33,040,514	24,780,386	23,512,151	1,268,235	3.8%	141,386	1,126,849	3.4%	
Fire	21,504,996	16,128,747	14,956,907	1,171,840	5.4%	74,823	1,097,017	5.1%	
Public Works	6,397,298	4,797,974	4,475,255	322,719	5.0%	92,307	230,412	3.6%	
Parks & Recreation	13,443,464	10,082,598	9,413,663	668,935	5.0%	186,011	482,924	3.6%	
Library	4,171,993	3,128,995	2,912,760	216,235	5.2%	6,704	209,531	5.0%	
Community Dev.	10,465,410	7,849,058	7,184,963	664,095	6.3%	75,898	588,197	5.6%	
Non-Departmental	2,905,791	2,179,343	1,816,141	363,202	12.5%	-	363,202	12.5%	
Total	\$ 103,370,523	\$ 77,527,892	\$ 72,367,723	\$ 5,160,169	5.0%	\$ 668,516	\$ 4,491,653	4.3%	
% of annual budget		75.0%	70.0%	5.0%		0.6%			

Approximately \$3.3 million of the General Fund variance is from salary savings through the first nine months of the fiscal year; however approximately \$1.5 million was due to the timing of payrolls thus far in the year. Through nine months only 73.1% of total annual pay periods occurred, compared to 75% of the year having passed, and the timing variance will be made up in the fourth quarter. The remaining \$1.8 million variance is in addition to \$817,000 furlough savings which was included in the amended budget. Due to the expected revenue shortfall this year, General Fund departments are focusing on reducing expenditures through the end of the fiscal year. There has been a hiring freeze in place for most of the year and most vacant positions have held open to provide salary savings.

The General Fund also had approximately \$669,000 in outstanding encumbrances at March 31. Encumbrances are amounts that have been obligated to be spent but have not yet actually been expended. These encumbrances are often recorded in the beginning of the year even though they will be used throughout the entire year or in subsequent years. Encumbrances include amounts that were carried forward from the prior year and current year encumbered contracts for materials and services, such as financial audits, maintenance, and professional services. Including the encumbrances, the positive variance at December 31 was \$4.5 million (4.3%).

As shown in the table above, all General Fund Departments were within their respective YTD budgets at March 31. The more significant variances are discussed below.

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Mayor and Council

Mayor and Council expenditures and encumbrances were 6% (\$45,000) below the YTD budget. Approximately \$34,000 of the variance was due to an executive assistant position vacancy. The remaining variance is due to savings in various other expenditure accounts.

City Administrator Office

City Administrator departmental expenditures and encumbrances were almost \$125,000 (6.4%) under the YTD budget. This positive variance is primarily due to the retirement of the Assistant City Administrator and unspent budget for professional service contracts for labor relations and other services.

Finance Department

Finance Department expenditures and encumbrances were under the YTD budget by approximately \$45,000 (1%) at March 31. Staff projections indicate that year-end expenditures will be very close to the year-end budget. As part of the third quarter report, staff is requesting \$75,000 of additional appropriations for professional services (see attachment 3). These appropriations will be funded by utility late payment fees in excess of those budgeted.

Police Department

Police Department expenditures and encumbrances were \$1.1 million below the YTD budget but only 3.4% of the total budget. This variance is due to position vacancies and year-end expenditures are projected to approximate budget. Staff does not expect a need for supplemental appropriations at year-end at this time; however, they will be monitoring expenditures and will advise Council if further appropriations are anticipated.

Fire Department

Fire Department expenditures and encumbrances were \$1.1 million (5.1%) under the YTD budget at March 31. This variance is almost entirely due to unspent overtime that was budgeted for mutual aid responses. As previously noted, mutual aid responses have been extremely low this year and revenues are significantly below the YTD budget. Projected year-end revenue variance will be mostly offset by reduced mutual aid response overtime costs.

Community Development

Community Development Department expenditures and encumbrances were \$588,000 (5.6%) under the YTD budget at March 31. These savings are primarily due to variances in key positions and approximately \$531,000 is the result of salary & benefit savings.

Non-Departmental

Non-departmental expenditures and encumbrances were approximately \$363,000 (12.5%) under the YTD budget at March 31. The variance is due to appropriated reserve and capital outlay transfers that have not been spent. Expenditures in this department will be under budget as part of the General Fund balancing strategy.

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Enterprise Funds

Enterprise Fund operations are primarily financed from user fees. This is in contrast to the General Fund, which relies primarily on taxes to subsidize programs and services. Because of this, enterprise fund revenues have not been negatively impacted by the steep decline in key tax revenues that has occurred in the General Fund. However, as the recession has continued, some enterprise fund revenues have been negatively impacted.

SUMMARY OF REVENUES & EXPENSES Nine Months Ended March 31, 2010 ENTERPRISE FUNDS									
	Current Year Analysis						Prior Year Analysis		
	Annual Budget	YTD Budget *	YTD Actual	YTD Variance	YTD Percent	3 Year Average	YTD Actual	% Variance	
Water Fund									
Revenues	\$ 34,188,296	\$ 25,285,664	\$ 26,031,756	\$ 746,092	76.1%	74.0%	\$ 25,391,849	2.5%	
Expenses **	37,418,635	28,063,976	26,425,717	1,638,259	70.6%	75.0%	25,133,412	5.1%	
Wastewater Fund									
Revenues	14,828,850	11,145,364	11,041,726	(103,638)	74.5%	75.2%	11,365,270	-2.8%	
Expenses **	16,070,288	12,052,716	11,201,251	851,465	69.7%	75.0%	10,030,844	11.7%	
Downtown Parking Fund									
Revenues	6,762,290	4,979,750	5,079,199	99,449	75.1%	73.6%	5,071,325	0.2%	
Expenses **	8,195,457	6,146,593	5,841,394	305,199	71.3%	75.0%	4,402,315	32.7%	
Airport Fund									
Revenues	12,440,678	9,094,136	9,491,955	397,819	76.3%	73.1%	9,910,201	-4.2%	
Expenses **	12,723,593	9,542,695	9,028,700	513,995	71.0%	75.0%	10,595,963	-14.8%	
Golf Fund									
Revenues	2,380,438	1,716,296	1,468,098	(248,198)	61.7%	72.1%	1,954,276	-24.9%	
Expenses **	2,785,158	2,088,869	1,995,306	93,563	71.6%	75.0%	2,186,973	-8.8%	
Waterfront Fund									
Revenues	11,522,348	8,629,086	8,725,329	96,243	75.7%	74.9%	8,498,796	2.7%	
Expenses **	12,061,259	9,045,944	8,665,504	380,440	71.8%	75.0%	8,251,550	5.0%	
* The YTD Budget column has been calculated based on a 3-year average collection rate through March 31, which has been applied to the annual budget.									
** Expenses include encumbrances at March 31.									

The table above summarizes Enterprise Fund revenues and expenses through March 31, 2010, with a comparison to budget and prior year. Note that the "YTD Budget" column for revenues has been calculated based on a 3-year average collection rate through March 31. This rate, which is shown as a percentage in the "3 Year Average" column, has been applied to the annual budget amount to arrive at the YTD Budget. This approach is used in recognition that enterprise fund revenues are seasonally affected and are generally not received evenly throughout the year. For example, Water Fund revenues are affected by weather conditions such that demand is higher in the warmer summer months and lower in the wet winter months. Therefore, adjusting the budget for seasonal variations allows us to compare revenues against prior year

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results according to the normal collection patterns. The YTD budget for expenses is 75% of the annual budget. The "YTD Actual" for expense includes encumbrances at March 31 of each respective year. As noted in the General Fund section, all funds have a positive salary & benefits variance due to the timing of payrolls. In addition to this timing variance, most of the enterprise funds have additional salary savings due to vacancies in the respective funds.

At March 31, 2010, all enterprise funds except the Wastewater and Golf Fund have met or exceeded the YTD revenue budgets. In anticipation of the negative revenue impacts of the recession, all funds except the Water Fund and Wastewater Fund decreased budgeted revenues this year.

Enterprise fund revenues and expenses are discussed briefly below.

Water Fund

The Water Fund has received 76.1% of annual budgeted revenues throughout the first nine months of the year, resulting in a \$746,000 (2.1%) positive variance from the YTD budget. This is ahead of the YTD budget and is 2.5% ahead of prior year revenues. The primary reason for the third quarter variance in revenues is reimbursements received from the Carpinteria and Montecito Water districts for their share of operating the Cater water treatment plant. Water treatment costs have increased this year due to the additional filtration requirements resulting from the recent fires in the area. Metered water sales account for approximately 97% of budgeted revenues in the fund and 70.8% of the annual budget was received to date. This is lower than the 3-year average YTD collection rate of 74%. The high amount of rainfall in the winter months had an impact on revenues. Overall, revenues are expected to meet budget for the year.

Water Fund expenses (including encumbrances) were 4.4% below the YTD budget at March 31. A large part of this variance is due to the variance in salaries and benefits as previously discussed. Salary & benefits expenses were only 67.7% of the annual budget at March 31. Expenses in the fund are expected to continue tracking with the YTD budget throughout the year and will be under budget at year-end.

Wastewater Fund

Wastewater Fund revenues are slightly below the YTD budget but the \$104,000 (0.7%) variance from the \$14.8 million revenue budget is not considered significant. Revenues are primarily based on a capped level of water usage by customers and do not have as much fluctuation as water revenues. Staff projects that revenues will fall short of budget for the year by up to \$106,000.

Wastewater Fund expenses and encumbrances are \$851,000 (5.3%) below the YTD budget at March 31. This variance is the primarily the result of savings in salary & benefits costs, which were only 67.3% of the annual budget. Expenses are projected to end the year significantly under budget and are expected to exceed any revenue shortfalls for the year.

Downtown Parking Fund

Downtown Parking Fund revenues are approximately \$99,000 (1.5%) ahead of the YTD budget. The current year revenue budget was reduced almost \$703,000 from prior year revenues. YTD revenues were approximately even with revenues for the first nine months of the prior year. Parking revenues are significantly impacted by the number of visitors and retail activity in the

***Fiscal Year 2010 Interim Financial Statements
For the Nine Months Ended March 31, 2010 (75% of Year Elapsed)***

City. Approximately 72% of annual budgeted revenues are for hourly parking monthly at the City's parking facilities and the Fund collected approximately 75.2% of the annual budget for these revenues through March 31. Revenues are expected to approximate budget for the year.

Downtown Parking Fund expenses were \$305,000 (3.7%) below the YTD budget at March 31 and 32.7% below expenses for the first nine months of the prior year. The majority (\$205,000) of the March 31 variance is due to payroll costs, which were 69.6% of the annual budget. Expenses are projected to end the year well within budget. Expenses are significantly lower than the prior year because of a structural change made to the fund this year. The Downtown Parking capital projects fund was created this year to account for the long-term capital projects for Downtown Parking.

Airport Fund

Airport Fund revenues were approximately \$398,000 (3.2%) ahead of the YTD budget at March 31. Commercial industrial revenue has exceeded expectations through the first nine months of the fiscal year due to increased rental activity and new leases on properties that had been vacant for several months. Commercial aviation fees are ahead of budget because of increased landing fees, primarily as a result of larger aircrafts and changes fleets used by the commercial carriers. Additionally, the relocation of the gift shop to the central lobby has resulted in increased sales. Staff anticipates that revenue will exceed budget for the year.

Airport Fund expenses and encumbrances are 4% below the YTD budgeted amounts. Actual operating expenses (excluding capital transfers) were 10.7% below the YTD budget with salaries & benefits costs approximately 6.3% below the YTD budget. Supplies & services expenses were below the YTD budget but are expected to be higher in the 4th quarter. Overall, expenses are on target and will end the year under budget.

Golf Fund

Golf Fund revenues were approximately \$248,000 (10.4%) below the YTD budget at March 31. Through nine months Golf Fund revenue is down almost 25% from prior year levels. Rounds of golf are down from last year due the economic downturn and two major construction projects that were completed earlier in the year. Phase IV of the Safety Improvement Plan (renovation of two greens and completion of a continuous cart path system) and the Creeks Division Storm Water Quality/Creek Restoration Project were completed in February and staff is projecting revenue to increase throughout the remainder of the year. The most recent staff estimates project that year-end revenues will be approximately \$400,000 below budget.

Golf Fund expenses are approximately \$94,000 (3.4%) below the YTD budget at March 31. With a projected \$400,000 revenue shortfall, staff is working to reduce expenses throughout the remainder of the year to offset a significant portion of the projected budget shortfall. The Fund is reducing expenses for supplies & services, special projects, and capital projects where possible. Additionally, the Fund will need to achieve salary savings through position vacancies. Management expects approximately \$346,000 expense savings at year-end

Waterfront Fund

Waterfront Fund revenues were in line with YTD revenues at March 31 and are anticipated to slightly exceed budget for the year by approximately 2%. Property Management revenue is projected to fall approximately 2.75% below budget but this shortfall will be offset by positive variances in Marina Management and Financial Management revenues.

***Fiscal Year 2010 Interim Financial Statements
For the Nine Months Ended March 31, 2010 (75% of Year Elapsed)***

Expenses are approximately \$380,000 (3.2%) below the YTD budget at March 31, with approximately \$260,000 of the variance relating to salaries & benefits. Overall, staff expects that year-end expenses will be within budgetary limits by using a portion of the Fund's Appropriated Reserve. The adopted budget includes \$100,000 of appropriated reserves that are budgeted to cover unexpected expenses that come up during the year. Unplanned expenses to repair storm damage and renovate vacant tenant space will be paid from these appropriations. The variance is due to \$566,390 encumbered at mid-year, primarily for materials, supplies, and services contracts that will be used throughout the remainder of the year.

CITY OF SANTA BARBARA
Schedule of Recommended Third Quarter Adjustments
Fiscal Year Ending June 30, 2010

	<u>Increase/ (Decrease) Expenditure Appropriation</u>	<u>Increase/ (Decrease) Revenue Budget</u>	<u>Increase/ (Decrease) Fund Balance</u>
GENERAL FUND (001)			
Departmental Revenues			
Fees & Charges - Finance Department	\$ -	\$ 75,000	\$ 75,000
Finance Department			
Professional Services (UUT Audit)	50,000	-	(50,000)
Professional Services (Cable Franchise Audit)	25,000		(25,000)
Total General Fund	<u>\$ 75,000</u>	<u>\$ 75,000</u>	<u>\$ -</u>
COUNTY LIBRARY FUND (181)			
Professional Services (Voter Survey - Possible Goleta Parcel Tax to Support Goleta Library)	<u>\$ 25,000</u>	<u>\$ -</u>	<u>\$ (25,000)</u>



Agenda Item No. _____

File Code No. 290.00

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: Fire Prevention Division, Fire Department

SUBJECT: Renewal Of Levy For Fiscal Year 2011 For The Wildland Fire Suppression Assessment District

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2011.

DISCUSSION:

On July 11, 2006, the City Council adopted Resolution 06-064 which declared the Council's intention to order expansion of vegetation road clearance, implementation of a defensible space inspection and assistance program, and implementation of a vegetation management program within the Foothill and Extreme Foothill Zones. The Resolution described the special benefit to be assessed and approved an Engineer's Report, confirmed the diagram and assessment, and ordered levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2007. As provided by the Resolution, the Assessment may be renewed annually by the Council. The City has renewed the Wildland Fire Suppression Assessment for the past three years (Resolutions 07-048, 08-048 and 09-038).

Services

This year, Assessment funds continued to reduce the risk and severity of wildland fires through the reduction of flammable vegetation. The assessment provides three primary services:

Vegetation Road Clearance: Each year the assessment provides approximately 14 miles of road clearance in the Foothill and Extreme Foothill Zones. The frequency is such that most roads in the District are cleared of impeding vegetation every three years. Clearing vegetation from the roadways is required by law and allows for safer egress of residents and ingress of first responders during an emergency.

Defensible Space Inspection and Assistance: This element of the assessment provides assistance to property owners in creating defensible space around their homes. Defensible space assistance will again involve scores of site visits to assist homeowners. In addition, the assessment provides chipping services to residents of the District after the vegetation has been cut. Chipping services provide a cost effective way for homeowners to dispose of cut material. The chipped vegetation may be reused as a ground cover in landscaping.

Vegetation Management: Vegetation Management reduces the overall fuel load in given units by selectively thinning brush and trimming trees in a wildland area. The goal is to lessen the severity of a fire in the event that one occurs. In Fiscal Year 2010, vegetation management projects were completed in Skofield Park and near Saint Mary's Seminary, thinning the fuel load in the path of the Jesusita Fire and reducing the severity of the fire in that neighborhood. The Vegetation Management program continued in the Ontare Road area, a project that will resume at the end of the summer. Also planned for this fiscal year is the completion of 18 acres near Las Canoas Road.

Assessment

The Wildland Fire Assessment may be annually increased by the Consumer Price Index in an amount not to exceed 4%. Although the Consumer Price Index rose 1.83% this year, Staff is not recommending an increase in the assessment for Fiscal Year 2011. The rate for Fiscal Year 2011, as suggested in the Engineer's Report, will therefore be set at the annual rate of \$69.83 per single family parcel in the Foothill Zone and \$86.58 in the Extreme Foothill Zone, the same rates as Fiscal Year 2010. The estimated Fiscal Year 2011 cost of providing services is \$221,484.

Engineer's Report

As required in Resolution 06-064, an updated Engineer's Report has been prepared and includes the proposed budget and assessment rate. The updated Engineer's Report must be considered by the City Council at a noticed public hearing and serves as the basis for the continuation of the assessments. The updated Engineer's Report is available for review at Fire Department Administration, 925 De La Vina Street and the City Clerk's Office at City Hall at 735 Anacapa Street.

Hearing

On May 4, 2010 the Council adopted Resolution 10-026 to renew the Wildland Fire Suppression Assessment District within the Foothill and Extreme Foothill Zones and set a time of 2:00 p.m. on Tuesday, May 25, 2010, in the City Council Chambers for a public hearing on the Wildland Fire Suppression Assessment District. Staff recommends that the Wildland Fire Suppression Assessment District be continued for Fiscal Year 2011 to fund and deliver these successful mitigation programs.

BUDGET/FINANCIAL INFORMATION

The estimated \$221,484 Fiscal Year 2011 cost of providing services is paid for through revenues from the resident-approved Wildland Fire parcel assessment and is already included in the Fire Department's proposed FY 2011 budget.

SUSTAINABILITY IMPACT:

Vegetation removed through vegetation road clearance or the inspection and assistance program is chipped and spread back on to the ground or spread in areas of local parks. The goal is reuse at least 80% of all chipped material locally avoiding the cost of disposal fees, extra vehicle trips and landfill use. Non-native pest plants are not chipped and hauled off site to be disposed of properly.

PREPARED BY: Joe Poiré, Fire Marshal

SUBMITTED BY: Andrew DiMizio, Fire Chief

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA
WILDLAND FIRE SUPPRESSION ASSESSMENT

PRELIMINARY ENGINEER'S REPORT

MAY, 2010

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50078 ET. SEQ., AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

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CITY OF SANTA BARBARA

CITY COUNCIL

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

FIRE PREVENTION BUREAU

Andy DiMizio, Fire Chief
Joe Poire, Fire Marshal
Ann Marx, Wildland Specialist

CITY ATTORNEY'S OFFICE

Stephen P. Wiley, City Attorney
Sarah Knecht, Assistant City Attorney

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

The City of Santa Barbara is located about 100 miles northwest of Los Angeles, largely on the slopes between the Pacific Ocean and the Santa Ynez Mountains. The City of Santa Barbara provides fire services throughout the City limits. Fire services include fire suppression, protection, prevention, evacuation planning, and education.

Due to topography, location, climate and infrastructure, the Santa Barbara community has a relatively high inherent risk of wildland fires. Listed below are some of the major wildland fires that have occurred in Santa Barbara County since 1970:

TABLE 1 – WILDLAND FIRE HISTORY IN SANTA BARBARA COUNTY

Year	Fire Name	Acres	Homes Lost
1971	Romero Canyon Fire	14,538	4
1977	Sycamore Canyon Fire	805	234
1977	Hondo Canyon Fire	10,000	0
1979	Eagle Canyon Fire	4,530	5
1990	Painted Cave Fire	4,900	524
1993	Marre Fire	43,864	0
2002	Sudden Fire	7,160	0
2004	Gaviota Fire	7,440	1
2008	Tea Fire	>2,000	≈210
2009	Jesusita Fire	8,733	160

In response to the considerable wildland fire risk in the area, the City of Santa Barbara Fire Department prepared a Wildland Fire Plan in January, 2004, in which it identified four High Fire Hazard Zones: The Coastal Zone, the Coastal Interior Zone, the Foothill Zone, and the Extreme Foothill Zone. The two Zones with the highest wildland fire risk are the Foothill and Extreme Foothill Zones (the “Zones”), and these are the Zones that are included in this assessment.

These Zones are at a high risk of wildland fires due to the following factors:

- **Climate.** The climate consists of cool, moist winters and hot, dry summers. The low humidity and high summer temperatures increase the likelihood that a spark will ignite a fire in the area, and that the fire will spread rapidly.
- **Topography.** Periodic wind conditions known as “Sundowner” and “Santa Ana” winds interact with the steep slopes in the Santa Ynez Mountains and the ocean

influence, resulting in an increase in the speed of the wind to severe levels. These two types of wind conditions increase the likelihood that fires will advance downslope towards the Foothill and Extreme Foothill Zones. In addition, these winds can greatly increase the rate at which a fire will spread.

- **Chaparral.** Much of the undeveloped landscape is covered with chaparral. Chaparral sheds woody, dead, and organic materials rich in flammable oils, which accumulate over time. Areas covered with chaparral typically experience wildland fires which burn the accumulated plant materials, and renew the chaparral for its next cycle of growth. Therefore, areas of chaparral which are not thinned, and from which the dead plant materials are not removed or burned off in prescribed fires, provide ample opportunities for wildland fires to occur and to spread.
- **Road Systems.** Many of the roads in the Foothill and Extreme Foothill Zones do not meet current Fire Department access and vegetation road clearance standards, and many are made even more narrow due to the encroachment of vegetation. A number of the bridges have weight requirements that are below Fire Department weight standards. In addition, many driveways are long and steep, posing a safety hazard. All of these factors make it more difficult and more hazardous for the Fire Department to provide fire suppression services in these areas.
- **Water Supply.** In the Extreme Foothill Zone, the City water supply is limited in some areas, and not available in others. These factors increase the risks associated with fires, due to the reduced availability of water to fight any fires that occur.
- **Fire Response Time.** Much of the Extreme Foothill Zone, and some of the Foothill Zone, is outside the City's 4 minute Fire Department response time. As a result, fires in these areas may have more time to spread and to increase in severity before fire suppression equipment can reach them.
- **Proximity to the Los Padres National Forest.** The Los Padres National Forest (LPNF) is a large forest to the north of the Foothill and Extreme Foothill zones. The LPNF provides a great deal of potential fuel for any wildland fire in the area. Wildland fires that start in the LPNF have the potential to move south toward the Foothill and Extreme Foothill zones.

This Engineer's Report (the "Report") was prepared to: 1) contain the information required by Government Code Section 50078.4, including a) a description of each lot or parcel of property to be subject to the assessment, b) the amount of the assessment for each lot or parcel for the initial fiscal year, c) the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year, d) the duration of the assessment, e) the basis of the assessment, f) the schedule of the assessment, and g) a description

specifying the requirements for protest and hearing procedures for the assessment pursuant to Section 50078.6; 2) establish a budget to provide services to reduce the severity and damage from wildland fires (the "Services") that will be funded by the 2010-11 assessments; 3) determine the benefits received from the Services by property within the City of Santa Barbara Wildland Fire Suppression Assessment District (the "Assessment District") and; 4) assign a method of assessment apportionment to lots and parcels within the Assessment District. This Report and the assessments have been made pursuant to the California Government Code Section 50078 et. seq. (the "Code") and Article XIII D of the California Constitution (the "Article").

In Fiscal Year 2006-07, the City of Santa Barbara City Council (the "Council") by Resolution called for an assessment ballot proceeding and public hearing on the then-proposed establishment of a wildland fire suppression assessment.

On May 5, 2006 a notice of assessment and assessment ballot was mailed to property owners within the proposed Assessment District boundaries. Such notice included a description of the Services to be funded by the proposed assessments, a proposed assessment amount for each parcel owned, and an explanation of the method of voting on the assessments. Each notice also included a postage prepaid ballot on which the property owner could mark his or her approval or disapproval of the proposed assessments as well as affix his or her signature.

After the ballots were mailed to property owners in the Assessment District, the required minimum 45 day time period was provided for the return of the assessment ballots. Following this 45 day time period, a public hearing was held on June 20, 2006 for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the public had the opportunity to speak on the issue. After the conclusion of the public input portion of the hearing, the hearing was continued to July 11, 2006 to allow time for the tabulation of ballots.

With the passage of Proposition 218 on November 6, 1996, The Right to Vote on Taxes Act, now Article XIII C and XIII D of the California Constitution, the proposed assessments could be levied for fiscal year 2006-07, and future years, only if the ballots submitted in favor of the assessments were greater than the ballots submitted in opposition to the assessments. (Each ballot is weighted by the amount of proposed assessment for the property that it represents).

After the conclusion of the public input portion of the Public Hearing held on June 20, 2006, all valid received ballots were tabulated by the City of Santa Barbara Clerk. At the

continued public hearing on July 11, 2006, after the ballots were tabulated, it was determined that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted).

As a result, the Council gained the authority to approve the levy of the assessments for fiscal year 2006-07 and future years. The Council took action, by a Resolution passed on July 31, 2006, to approve the first year levy of the assessments for fiscal year 2006-07.

The authority granted by the ballot proceeding was for a maximum assessment rate of \$65.00 per single family home, increased each subsequent year by the Los Angeles Area Consumer Price Index (CPI) not to exceed 4% per year. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

In each subsequent year for which the assessments will be levied, the Council must preliminarily approve at a public meeting a budget for the upcoming fiscal year's costs and services, an updated annual Engineer's Report, and an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal year. At this meeting, the Council will also call for the publication in a local newspaper of a legal notice of the intent to continue the assessments for the next fiscal year and set the date for the noticed public hearing. At the annual public hearing, members of the public can provide input to the Council prior to the Council's decision on continuing the services and assessments for the next fiscal year.

If the assessments are so confirmed and approved, the levies will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2010-11. The levy and collection of the assessments will continue year-to-year until terminated by the City Council.

If the City Council approves this Engineer's Report for fiscal year 2010-11 and the assessments by Resolution, a notice of assessment levies must be published in a local paper at least 10 days prior to the date of the public hearing. Following the minimum 10-day time period after publishing the notice, a public hearing will be held for the purpose of allowing public testimony about the proposed continuation of the assessments for fiscal year 2010-11.

The public hearing is currently scheduled for May 25, 2010. At this hearing, the Council will consider approval of a resolution confirming the assessments for fiscal year 2010-11. If so confirmed and approved, the assessments will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2010-11.

The Assessment District is narrowly drawn to include only properties that benefit from the additional fire protection services that are provided by the assessment funds. The Assessment Diagram included in this report shows the boundaries of the Assessment District.

PROPOSITION 218

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements were satisfied by the process used to establish this assessment.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. v SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority (“SVTA vs. SCCOSA”). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment District

This Engineer’s Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC and XIID of the California Constitution because the Services to be funded are clearly defined; the Services are available to all benefiting property in the Assessment District, the benefiting property in the Assessment District will directly and

tangibly benefit from improved protection from fire damage, increased safety of property and other special benefits and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the Court of Appeal for the Second District of California amended its original opinion upholding a benefit assessment district for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review and the court's decision in *Dahms* became binding precedent for assessments. In *Dahms*, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally.

DESCRIPTION OF SERVICES

The City of Santa Barbara Fire Department provides a range of fire protection, prevention, and educational services to the City and its residents.

The following is a description of the wildland fire suppression Services that are provided for the benefit of property within the Assessment District. Prior to the passage of the assessment in 2006, the baseline level of service was below the standard described in the City's 2004 Wildland Fire Plan. Due to inadequate funding, the level of service continued to diminish and would have diminished further had this assessment not been instituted. With the passage of this assessment, the services were enhanced significantly. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre 2006) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

$$\begin{aligned} \text{Final Level of Service} &= \text{Baseline level of Service (pre-2006)} \\ &+ \\ &\text{Enhanced Level of Service} \end{aligned}$$

The services (the "Services") undertaken by the Santa Barbara Fire Department (the "SBFD") and the cost thereof paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. In addition to the definitions provided by the California Government Code Section 50078 et. seq., (the "Code") the Services are generally described as follows:

- Expansion of the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones. This program reduces fuel, enhance evacuation routes, and decrease fire response times
- Implementation of a defensible space and fire prevention inspection and chipping assistance program for all properties in the Foothill and Extreme Foothill Zones
- Implementation of a vegetation management program in the Foothill and Extreme Foothill Zones

As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road

Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04.020.M).

“Defensible space” is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Chapter 47 of the California Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04.010).

“Vegetation management” means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety.

COST AND BUDGET

TABLE 2 - COST AND BUDGET

CITY OF SANTA BARBARA Wildland Fire Suppression Assessment Estimate of Costs Fiscal Year 2010-11		<i>Total Budget</i>
Services Costs		
Evacuation Planning - Evacuation Roadway Clearing		
Staffing		\$30,000
Materials		\$2,000
Project Costs		\$40,000
Defensible Space		
Staff		\$43,000
Materials		\$4,000
Chipping Program		\$30,534
Vegetation Management		
Staffing		\$40,000
Project		\$43,000
Totals for Installation, Maintenance and Servicing		\$232,534
Less: District Contribution for General Benefits		(\$19,275)
Net Cost of Installation, Maintenance and Servicing to Assessment District		\$213,259
Incidental Costs:		
District Administration and Project Management		\$5,000
Allowance for County Collection		\$3,225
Subtotals - Incidentals		\$8,225
Total Wildland Fire Suppression District Budget		\$221,484
(Net Amount to be Assessed)		
Assessment District Budget Allocation to Parcels		
Total Assessment Budget		\$221,484
Single Family Equivalent Benefit Units in District		3,172
Assessment per Single Family Equivalent Unit (SFE)		\$ 69.83

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits derived from the Services, the criteria for the expenditure of assessment funds and the methodology used to apportion the total assessments to properties within the Assessment District.

The Assessment District area consists of all Assessor Parcels within the Foothill and Extreme Foothill zones of the High Fire Hazard Area as defined by the 2004 Wildland Fire Plan. The method used for apportioning the assessment is based upon the proportional special benefits from the Services derived by the properties in the assessment area over and above general benefits conferred on real property or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

- 1.) Identification of all benefit factors derived from the Improvements
- 2.) Calculation of the proportion of these benefits that are general
- 3.) Determination of the relative special benefit within different areas within the Assessment District
- 4.) Determination of the relative special benefit per property type
- 5.) Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

DISCUSSION OF BENEFIT

California Government Code Section 50078 et. seq. allows agencies which provide fire suppression services, such as the Santa Barbara Fire Department, to levy assessments for fire suppression services. Section 50078 states the following:

“Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article.”

In addition, California Government Code Section 50078.1 defines the term “fire suppression” as follows:

“(c) “Fire suppression” includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.”

Therefore, the Services provided by the Assessment District fall within the scope of services that may be funded by assessments under the Code.

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's specific use of the Services or a property owner's specific demographic status. With reference to the requirements for assessments, Section 50078.5 of the California Government Code states:

"(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit."

"The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The following section describes how and why the Services specially benefit properties. This benefit is particular and distinct from its effect on property in general or the public at large.

BENEFIT FACTORS

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the Services that is provided to property in the Assessment District. These benefit factors confer a direct advantage to the assessed properties; otherwise they would be general benefit.

The following benefit categories have been established that represent the types of special benefit conferred to residential, commercial, industrial, institutional and other lots and parcels resulting from the services to reduce the severity and damage from wildland fires that are provided in the Assessment District. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies, which

describe the types of special benefit received by property from the Services of the Assessment District. These types of special benefit are summarized as follows:

- ***Increased safety and protection of real property assets for all property owners within the Assessment District.***

As summarized previously, properties in the Assessment District are currently at higher risk for wildland fires. Uncontrolled fires would have a devastating impact on all properties within the Assessment District. The assessments fund an increase in services to mitigate the wildland fire threat, and thereby can significantly reduce the risk of property damage associated with fires. Clearly, fire mitigation helps to protect and specifically benefits both improved properties and vacant properties in the Assessment District.

*"Fire is the largest single cause of property loss in the United States. In the last decade, fires have caused direct losses of more than \$120 billion and countless billions more in related cost."*¹

*"Over 140,000 wildfires occurred on average each year, burning a total of almost 14.5 million acres. And since 1990, over 900 homes have been destroyed each year by wildfires."*²

*"A wildfire sees your home as just another fuel source. The survivable space you construct around your home will keep all but the most ferocious wildfires at bay."*³

*"A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service."*⁴

*"The strategies and techniques to address fire risks in structures are known. When implemented, these means have proven effective in the reduction of losses."*⁵

*"Statistical data on insurance losses bears out the relationship between excellent fire protection...and low fire losses."*⁶

- ***Protection of views, scenery and other resource values, for property in the Assessment District***

The Assessment District provides funding for the mitigation of the wildland fire threat to protect public and private resources in the Assessment District. This

benefits even those properties that are not directly damaged by fire by maintaining and improving the aesthetics and attractiveness of public and private resources in the community, as well as ensuring that such resources remain safe and well maintained.

“Intensely burned forests are rarely considered scenic.”⁷

“Smoke affects people...for example; in producing haze that degrades the visual quality of a sunny day...The other visual quality effect is that of the fire on the landscape. To many people, burned landscapes are not attractive and detract from the aesthetic values of an area.”⁸

“A visually preferred landscape can be the natural outcome of fuels treatments.”⁹

- ***Enhanced utility and desirability of the properties in the Assessment District.***

The assessments funds Services to reduce the severity and damage from wildland fires in the Assessment District. Such Services enhance the overall utility and desirability of the properties in the Assessment District.

“Residential satisfaction surveys have found that having nature near one’s home is extremely important in where people choose to live...This is especially true at the wildland-urban interface where some of the most serious fuels management must occur.”¹⁰

“People are coming to the [Bitterroot] valley in part because of its natural beauty which contributes to the quality of life that so many newcomers are seeking.”¹¹

BENEFIT FINDING

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from increased safety and protection of real property, increased protection of scenery and views, and enhanced utility of properties in the Assessment District. These are special benefits to property in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of property and make them more functional to use, safer and easier to access.

GENERAL VERSUS SPECIAL BENEFIT

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

$$\text{Total Benefit} = \text{Total General Benefit} + \text{Total Special Benefit}$$

There is no widely-accepted or statutory formula for general benefit. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct” and are not “over and above” benefits received by other properties. SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements.

In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

The starting point for evaluating general and special benefits is the pre 2006 baseline level of service, had the assessment not been approved by the community. The assessment will fund Services “over and above” this general, baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

$$\begin{aligned} \text{General Benefit} = & \\ & \text{Benefit to Real Property Outside the Assessment District} + \\ & \text{Benefit to Real Property Inside the Assessment District that is Indirect and} \\ & \text{Derivative} + \\ & \text{Benefit to the Public at Large} \end{aligned}$$

Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The SVTA v. SCCOSA decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, as noted, the improved Services are available when needed to all properties in the Assessment District, so the overwhelming proportion of the benefits conferred to property is special, and are only minimally received by property outside the Assessment District or the public at large.

Proposition 218 twice uses the phrase “over and above” general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).) Arguably, all of the Services being funded by the assessment would be a special benefit because the Services particularly and distinctly benefit the properties in the Assessment District over and above the baseline benefits.

Nevertheless, arguably some of the Services benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

(In the 2009 *Dahms* case, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally. Similarly, the Assessments described in this Engineer’s Report fund wildland fire services directly and only to the assessed parcels located within the assessment area. Moreover, every property within the Assessment District will receive the Services. While the *Dahms* decision would permit an assessment based on 100% special benefit and zero or minimal general benefits, in this report, the general benefit is estimated and described and budgeted so that it is funded by sources other than the Assessment.)

CALCULATING GENERAL BENEFIT

This section provides a measure of the general benefits from the assessments

BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services will be provided solely in the Assessment District boundaries. Properties proximate to, but outside of, the boundaries of the Assessment District receive some benefit from the Services due to some degree of indirectly reduced fire risk to their property. These parcels that are proximate to the boundaries of the Assessment District are estimated to receive less than 50% of the benefits relative to parcels within the Assessment District because they do not directly receive the improved fire protection resulting from the Services funded by the Assessments.

At the time the Assessment District was formed, there were approximately 550 of these “proximate” properties.

CRITERIA:

550 PARCELS OUTSIDE THE DISTRICT BUT PROXIMATE TO THE DISTRICT BOUNDARIES

3550 PARCELS IN THE ASSESSMENT DISTRICT

50% RELATIVE BENEFIT COMPARED TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

CALCULATION

GENERAL BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT = $550/3,550 * .5 = 7.7\%$

Although it can reasonably be argued that properties protected inside, but near the Assessment District boundaries are offset by similar fire protection provided outside, but near the Assessment District's boundaries, we use the more conservative approach of finding that 7.7% of the Services may be of general benefit to property outside the Assessment District.

BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Services are clearly "over and above" and "particular and distinct" when compared with the pre-2006 baseline level of Services, had the assessment district not passed.

In determining the Assessment District boundaries, the District has been careful to limit it to an area of parcels that will directly receive the benefit of the improved Services. All parcels will directly benefit from the use of the improved Services throughout the Assessment District in order to achieve the desired level of wildland fire suppression and protection throughout the Assessment District. Fire protection and suppression will be provided as needed throughout the area.

The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment District is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. This concept is particularly applicable in situations involving a landowner-approved assessment-funded extension of a local government service to benefit lands previously not receiving that particular service. The Department therefore concludes that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment

District are special benefits and it is not possible or appropriate to separate any general benefits from the benefits conferred on parcels in the Assessment District.

BENEFIT TO THE PUBLIC AT LARGE

With the type and scope of Services provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small. Nevertheless, there may be some indirect general benefit to the public at large.

The public at large uses the public highways and other regional facilities when traveling in and through the Assessment District and they may benefit from the services without contributing to the assessment. Although the protection of this critical infrastructure is certainly a benefit to all the property within the Assessment District, it is arguably "indirect and derivative" and possibly benefits people rather than property. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, and regional facilities within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that less than 1.0% of the land area in the Assessment District is covered by highways and regional facilities. This 1.0% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment District

SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment Area, we find that approximately 8.7% of the benefits conferred by the Assessment District may be general in nature and should be funded by sources other than the assessment.

GENERAL BENEFIT =

$$\begin{aligned}
 & 7.7 \% \text{ (OUTSIDE THE ASSESSMENT DISTRICT)} \\
 + & 0.0 \% \text{ (INSIDE THE DISTRICT - INDIRECT AND DERIVATIVE)} \\
 + & 1.0 \% \text{ (PUBLIC AT LARGE)} \\
 \\
 & = 8.7 \% \text{ (TOTAL GENERAL BENEFIT)}
 \end{aligned}$$

The Assessment District's total budget for 2010-11 is \$221,484. The Assessment District must obtain funding from sources other than the assessment in the amount of approximately \$19,269 ($\$221,484 \times 8.7\%$) to pay for the cost of the general benefits. This is

because the assessments levied by the Department may not exceed the special benefits provided by the Services, and the Assessment Engineer concluded that 8.7% of the cost of Services provide a general benefit to properties outside the Assessment District, For Fiscal Year 2010-11, the City will contribute at least \$19,269, or 8.7% of the total Assessment District budget, to the Assessment District from sources other than this assessment. This contribution constitutes more than the 8.7% general benefits estimated by the Assessment Engineer.

ZONES OF BENEFIT

Initially, the Department evaluated the geographic area within and around the City limits (including the City of Santa Barbara, Santa Barbara County, Montecito and National Forest lands) based upon three fire hazard risk variables: vegetation (fuel), topography and weather. This analysis was used to narrowly determine the boundaries of the “high fire hazard area.” Further, zones were narrowly drawn within the high fire hazard area and graded “extreme,” “high,” “moderate” or “low”. Next, the Department evaluated the roof type, proximity of structures, road systems, water supply, fire response times and historic fire starts within the high fire hazard area and developed 4 specific zones:

- Extreme Foothill Zone
- Foothill Zone
- Coastal Zone
- Coastal Interior Zone

These zones were used to apply appropriate policies and actions based upon hazard and risk. The results of this analysis were tabulated and presented in Tables 2 through 4 in the 2004 Wildland Fire Plan.

Accordingly, “Zones of Benefit” corresponding to the fire risk zones are used to equitably assign special benefit, and are used for the basis of the “Fire Risk Factors” discussed below. Each zone was narrowly drawn, and has been given a score, based upon the evaluated risk criteria, as shown in Table 4. (The assessment provides Services in the Extreme Foothill Zone and the Foothill Zone only.)

TABLE 3 - RELATIVE HAZARD/RISK SCORING FOR HIGH FIRE HAZARD AREA ZONES

Hazard/Risk Attribute	Extreme		Coastal	
	Foothill Zone	Foothill Zone	Coastal Zone	Interior Zone
Combined Hazard Assessment - vegetation (fuel), topography, weather*	40	30	20	10
Roof Type**	1	2	2	3
Proximity	1	3	1	3
Road	3	3	1	1
Water	3	1	1	1
Response	3	2	2	2
Ignitions	1	1	1	1
Total Score	52	42	28	21

* The Hazard Assessment element of this analysis is the most significant. Scores have been "weighted" by a factor of 10.

** In the Extreme Foothill Zone fire retardant roofing materials are more prevalent, resulting in lower risk in this area.

Table 4 shows the numeric scoring system used to develop the relative total scores.

TABLE 4 - SCORING SYSTEM

Qualitative Score	Numeric Score
Very High	4
High	3
Moderate	2
Low	1

The total relative scores for each zone are tabulated and normalized, based up the Foothill Zone, and shown in Table 5.

TABLE 5 - WILDLAND FIRE RISK FACTORS

Zone	Raw Score	Wildland Fire Risk Factor
Extreme Foothill Zone	52	1.24
Foothill Zone	42	1.00
Coastal Zone**	28	0.67
Coastal Interior Zone**	21	0.50

**Coastal Zone and Coastal Interior Zone are included in this analysis for clarity; however these zones are not included in the Assessment District.

ASSESSMENT APPORTIONMENT

In the process of determining the appropriate method of assessment, the Assessment Engineer considered various alternatives. For example, an assessment only for all residential improved property was considered but was determined to be inappropriate because vacant, commercial, industrial and other properties also receive special benefits from the assessments.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger commercial/industrial properties and residential properties with multiple dwelling units receive a higher degree of benefit than other similarly used properties that are significantly smaller. For two properties used for commercial purposes, there clearly is a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that benefit from reduced wildland fire risk. This benefit ultimately flows to the property. Larger parcels, therefore, receive an increased benefit from the assessments.

The Assessment Engineer determined that the appropriate method of assessment should be based on the type of property, the relative size of the property and the potential use of property by residents and employees. This method is further described below.

METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel of one acre or less in the Foothill Zone (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis

for a fair and appropriate distribution of assessments. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single family home on one parcel.

The relative benefit to properties from fire related Services is:

EQUATION 1 – RELATIVE BENEFIT TO PROPERTIES

$$\text{Benefit} \approx \Sigma (\text{Fire Risk Factors}) * \Sigma (\text{Structure Value Factors})$$

That is, the benefit conferred to property is the “sum” the risk factors multiplied by the “sum” of the structure values factors.

FIRE RISK FACTORS

Typical fire assessments (non-wildland) are evaluated based upon the fire risk of a certain property type. These evaluations consider factors such as use of structure (e.g. used for cooking), type of structure (centralized heating), etc.

Wildland fires, on the other hand, are initiated largely from external ignitions and are far less affected by structural, mechanical and electrical systems inherent to the building (except roof type). The principle Wildland fire risk factors are:

- Vegetation (fuel)
- Topography
- Weather
- Roof type
- Proximity of Structure
- Road Systems
- Water Supply
- Response
- Ignitions

These factors were fully evaluated in the 2004 Wildland Fire Plan and are manifested in the relative zone scores as shown in Tables 3, 4 and 5, above. Hence, the Fire Risk Factor for all properties within the Foothill Zone is 1.00 and the Fire Risk Factor for all properties in the Extreme Foothill Zone is 1.24.

STRUCTURE VALUE FACTORS

The relative value of different property types was evaluated within the high fire hazard area to determine the Structure Value Factor according to the following formula:

EQUATION 2 - STRUCTURE VALUE FACTORS

$$\Sigma (\text{Structure Value Factors}) \approx \frac{(\text{Structure Weighting Factor} * \text{Average Improved Value})}{(\text{Land Weighting Factor} * \text{Average Total Value}) * (\text{Unity Density Factor})}$$

Where:

- “Structure Weight Factor” = 10 to “weight” relative importance of structure over land.
- “Average Improved Value” is average of value of all improvements (e.g. structures), per property type, as provide by County Assessor records.
- Land Weighting Factor = 1
- “Average Total Value” is average of value of all land + improvements (e.g. structures), per property type, as provide by County Assessor records. County assessor land values were not used directly because experience has shown total values to be more comprehensive.
- Unit Density Factor corresponds values with units (i.e. “per residential unit” or “per acre”) based upon effective density of structure on parcel.

Table 6 below is a tabulation of the Structure values for each property type as defined by Equation 2, above.

TABLE 6 – STRUCTURE VALUE FACTORS

Property Type	Structure Value Factor	Unit
Single Family	1.0000	per each*
Multi-Family	0.3683	per res. unit
Commercial/Industrial	0.8187	per acre
Office	0.7058	per acre
Institutional	0.3841	per each
Storage	0.0952	per acre
Agricultural	0.0809	per acre
RangeLand	0.0181	per acre
Vacant	0.0324	per each

*for homes on an acre or less. For homes on more than one acre, the Structure Value Factor is increased by 0.0809 per acre

RESIDENTIAL PROPERTIES

All improved residential properties with a single residential dwelling unit on one acre or less are assigned one Single Family Equivalent or 1.0 SFE in the Foothill Zone. In the Extreme Foothill Zone, all improved residential properties on one acre or less are assessed 1.24 SFEs (See Table 5). Residential properties on parcels that are larger than 1 acre receive additional benefit and are assigned additional SFEs on a “per acre” basis. Detached or attached houses, zero-lot line houses and town homes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the Services in proportion to the number of dwelling units that occupy each property. The relative benefit for multi-family properties was determined as per Equation 1 to be 0.3683 SFEs per residential unit in the Foothill Zone and 0.4567 per residential unit in the Extreme Foothill Zone. This rate applies to condominiums as well.

COMMERCIAL/INDUSTRIAL & OFFICE PROPERTIES

Commercial and industrial properties are assigned benefit units per acre, since there is a relationship between parcel size, structure size and relative benefits. The relative benefit for commercial and industrial properties was determined as per Equation 1 to be 0.8187 SFEs per acre in the Foothill Zone and 1.0151 per acre in the Extreme Foothill Zone. The relative benefit for office properties was determined as per Equation 1 to be 0.7058 SFEs per acre in the Foothill Zone and 0.8751 per acre in the Extreme Foothill Zone.

VACANT/UNDEVELOPED, OPEN SPACE AND AGRICULTURAL PROPERTIES

The relative benefit for vacant properties was determined as per Equation 1 to be 0.0324 SFEs per parcel in the Foothill Zone and 0.04012 per parcel in the Extreme Foothill Zone. Open space and agricultural land have minimal improvements and few, if any; structures that require defensible space, and are assigned benefit “per acre.” The relative benefit for open space properties was determined as per Equation 1 to be 0.0181 SFEs per acre in the Foothill Zone and 0.0224 per acre in the Extreme Foothill Zone. The relative benefit for agricultural properties was determined as per Equation 1 to be 0.0809 SFEs per acre in the Foothill Zone and 0.1002 per acre in the Extreme Foothill Zone.

OTHER PROPERTIES

Institutional properties such as publicly owned properties (and are used as such), for example, churches, are assessed at 0.3841 per parcel in the Foothill zone and 0.4762 per

Parcel in the Extreme Foothill zone. The relative benefit for storage properties was determined as per Equation 1 to be 0.0952 SFEs per acre in the Foothill Zone and 0.1180 per acre in the Extreme Foothill Zone.

Article XIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

All public properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

SUMMARY OF BENEFITS FOR EACH PROPERTY TYPE

Table 5 summarizes the relative benefit for each property type.

TABLE 7 - RELATIVE BENEFIT FACTORS FOR FOOTHILL AND EXTREME FOOTHILL ZONES

Property Type	Foothill Zone		Extreme Foothill Zone	
	Benefit Factors (SFEs)	Unit	Benefit Factors (SFEs)	Unit
Single Family	1.0000	per each	1.2400	per each
Multi-Family	0.3683	per unit	0.4567	per unit
Commercial/Industrial	0.8187	per acre	1.0152	per acre
Office	0.7058	per acre	0.8752	per acre
Institutional	0.3841	per each	0.4763	per each
Storage	0.0952	per acre	0.1181	per acre
Agricultural	0.0809	per acre	0.1003	per acre
RangeLand	0.0181	per acre	0.0225	per acre
Vacant	0.0324	per each	0.0402	per each

APPEALS OF ASSESSMENTS LEVIED TO PROPERTY

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the Fire Chief of the City of Santa Barbara Fire Department or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the Chief or his or her designee will promptly review the appeal and any information provided by the property owner. If the Chief or his or her designee finds that the assessment should

be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Chief or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Chief or his or her designee shall be referred to the City Council and the decision of the Council shall be final.

ADDITIONAL BACKGROUND ON RELATIVE BENEFIT

In essence, when property owners are deciding how to cast their ballot for a proposed assessment, each property owner must weigh the perceived value of the Services proposed to them and their property with the proposed cost of the assessment to their property. If property owners of a certain type of property are either opposed or in support of the assessment in much greater percentages than owners of other property types, this is an indication that, as a group, these property owners perceive that the proposed assessment has relatively higher or lower “utility” or value to their property relative to owners of other property types. One can also infer from these hypothetical ballot results, that the apportionment of benefit (and assessments) was too high or too low for that property type. In other words, property owners, by their balloting, ultimately indicate if they perceive the special benefits to their property to exceed the cost of the assessment, and, as a group, whether the determined level of benefit and proposed assessment (the benefit apportionment made by the Assessment Engineer) is consistent with the level of benefits perceived by the owners of their type of property relative to the owners of other types of property.

DURATION OF THE ASSESSMENT

The duration of the assessment is one year, and may be renewed each year by a vote of the City Council. The assessment cannot be increased in future years without approval from property owners in another assessment ballot proceeding, except for an annual adjustment tied to the change in the Los Angeles-Riverside-Orange County Area Consumer Price Index, not to exceed 4% per year.

CRITERIA AND POLICIES

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Council may adopt additional criteria to further clarify certain criteria or policies established in this Report or to establish additional criteria or policies that do not conflict with this Report.

ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES

The net available assessment funds, after incidental, administrative, financing and other costs, shall be expended exclusively for Services within the boundaries of the Assessment District, namely, the Foothill and Extreme Foothill Zones.

EXISTING GENERAL FUNDS

Prior to formation, Wildland Fire Services were funded with approximately \$200,000 from the City of Santa Barbara general fund. The intent of the program is that this general fund revenue will be maintained by the City to the extent feasible and the assessment will augment the current funding and services. Further, a portion of the general fund revenue is needed to pay for any and all general benefits from the wildland fire Services, as described above.

ASSESSMENT

WHEREAS, the City Council of the City of Santa Barbara is proceeding with the proposed levy of assessments under California Government Code sections 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article");;

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Services upon all assessable parcels within the Assessment District;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Code and Article and the order of the Council of said City, hereby make the following assessment to cover the portion of the estimated cost of said Services, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said Services and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2010-11 is generally as follows:

SUMMARY COST ESTIMATE

	FY 2010-11 <u>Budget</u>
Evacuation Planning – Evacuation Roadway Clearing	\$ 72,000
Defensible Space	\$ 77,534
Vegetation Management	<u>\$ 83,000</u>
Total for Installation, Maintenance and Servicing	\$232,534
Less: Contribution for General Benefits	<u>(\$ 19,275)</u>
Incidental Costs:	
Administration and Project Management	\$ 5,000
Allowance for County collection	<u>\$ 3,225</u>
Subtotal – Incidentals	\$ 8,225
Total Wildland Fire Suppression Assessment District Budget	\$221,484

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Assessment District. The distinctive number of each parcel or lot of land in said Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion said net amount of the cost and expenses of said Services, including the costs and expenses incident thereto, upon the parcels and lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the Los Angeles-Riverside-Orange County Area as of January of each succeeding year, with the maximum annual adjustment not to exceed 4%.

In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 4% or the yearly CPI change plus any CPI change in previous years that was in excess of 4%, the maximum authorized assessment shall increase by this amount. In such event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 4% can be used in a future year when the CPI adjustment is below 4%. For 2010-11, the allowable CPI increase is 1.83%. However, no CPI increase will be applied for 2010-11.

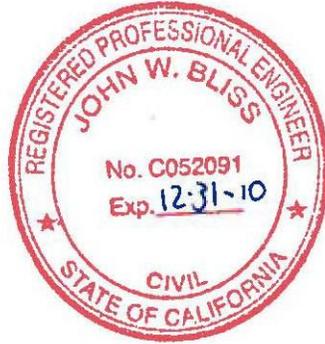
The proposed rates for 2010-11 will remain the same as they were for 2009-10 and, are \$69.83 per single family home in the Foothill Zone and \$86.58 per single family home in the Extreme Foothill Zone. The total revenue derived from the assessment is \$221,484.00

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the City of Santa Barbara for the fiscal year 2010-11. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Santa Barbara County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2010-11 for each parcel or lot of land within the said Assessment District.

Dated: May 4, 2010

Engineer of Work



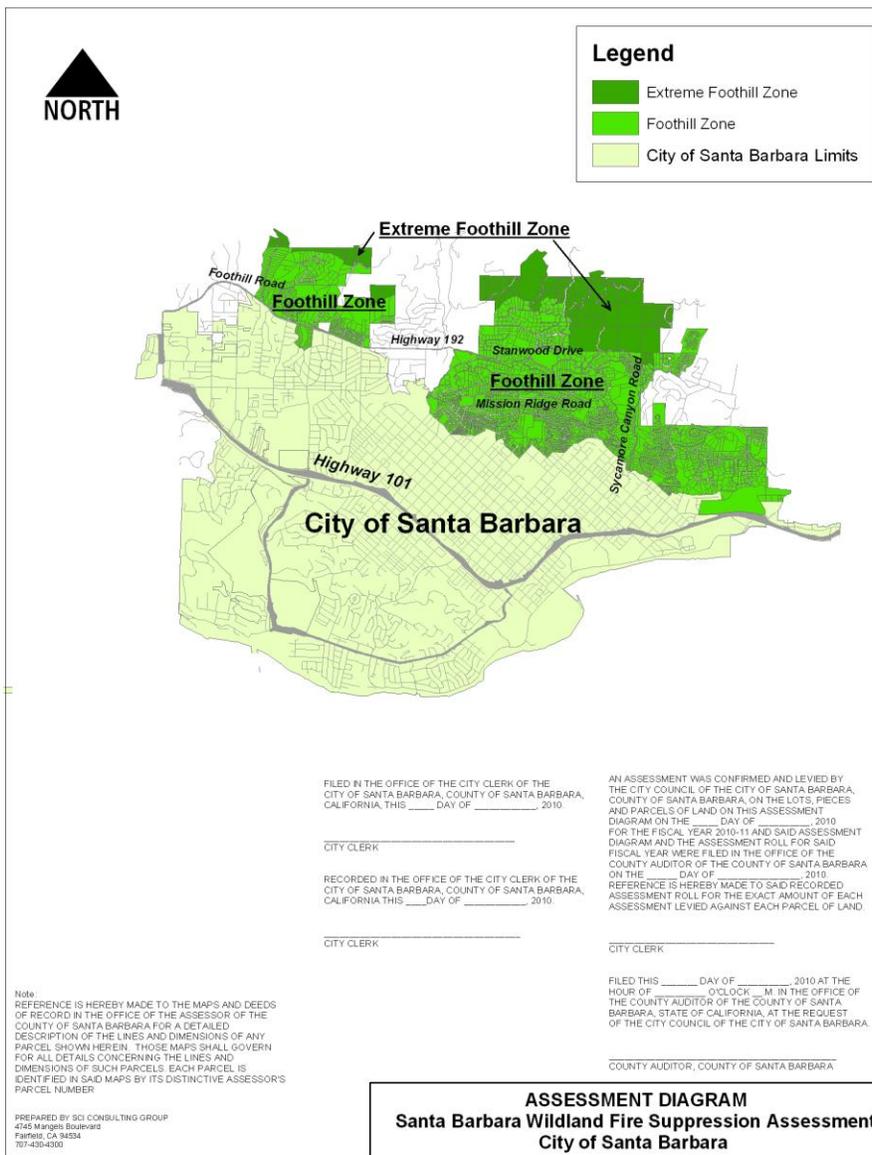
By

A handwritten signature in blue ink, appearing to read "John W. Bliss", written over a horizontal line.

John W. Bliss, License No. C052019

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of the Wildland Fire Services District. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Santa Barbara, for fiscal year 2010-11, and are incorporated herein by reference, and made a part of this Diagram and this Report.



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FY 2010-11

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern for all details concerning the description of the lots of parcels.

APPENDIX B – CALIFORNIA GOVERNMENT CODE SECTION 50078 ET. SEQ.

50078. Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article. The assessment may be made for the purpose of obtaining, furnishing, operating, and maintaining fire suppression equipment or apparatus or for the purpose of paying the salaries and benefits of firefighting personnel, or both, whether or not fire suppression services are actually used by or upon a parcel, improvement, or property.

50078.1. As used in this article:

(a) "Legislative body" means the board of directors, trustees, governors, or any other governing body of a local agency specified in subdivision (b).

(b) "Local agency" means any city, county, or city and county, whether general law or chartered, or special district, including a county service area created pursuant to the County Service Area Law, Chapter 2.2 (commencing with Section 25210.1) of Part 2 of Division 2 of Title 3.

(c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.

50078.2. (a) The ordinance or resolution shall establish uniform schedules and rates based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The risk classification may include, but need not be limited to, the amount of water required for fire suppression on that property, the structure size, type of construction, structure use, and other factors relating to potential fire and panic hazards and the costs of providing the fire suppression by the district to that property. The assessment shall be related to the benefits to the property assessed.

(b) The benefit assessment levies on land devoted primarily to agricultural, timber, or livestock uses, and being used for the commercial production of agricultural, timber, or livestock products, shall be related to the relative risk to the land and its products. The amount of the assessment shall recognize normal husbandry practices that serve to mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression service provided. A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as

defined in Section 4102 of the Public Resources Code. This subdivision is not applicable to any benefit assessment levied prior to January 1, 1984, on land devoted primarily to agricultural, timber, or livestock uses.

50078.3. Any ordinance or resolution adopted by a local agency pursuant to this article establishing uniform schedules and rates for assessments for fire suppression services which substantially conforms with the model ordinance which the State Fire Marshal is authorized to adopt pursuant to Section 13111 of the Health and Safety Code shall be presumed to be in compliance with the requirements of Section 50078.2.

50078.4. The legislative body of the local agency shall cause to be prepared and filed with the clerk of the local agency a written report which shall contain all of the following:

- (a) A description of each lot or parcel of property proposed to be subject to the assessment.
- (b) The amount of the assessment for each lot or parcel for the initial fiscal year.
- (c) The maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year.
- (d) The duration of the assessment.
- (e) The basis of the assessment.
- (f) The schedule of the assessment.
- (g) A description specifying the requirements for protest and hearing procedures for the proposed assessment pursuant to Section 50078.6.

50078.5. (a) The legislative body may establish zones or areas of benefit within the local agency and may restrict the imposition of assessments to areas lying within one or more of the zones or areas of benefit established within the local agency.

(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit. The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used.

50078.6. The clerk of the local agency shall cause the notice, protest, and hearing procedures to comply with Section 53753. The mailed notice shall also contain the name and telephone number of the person designated by the legislative body to answer inquiries regarding the protest proceedings.

50078.13. The local agency shall pay the county for costs, if any, incurred by the county in conducting the election. An election called by a legislative body pursuant to this article is subject to all provisions of the Elections Code applicable to elections called by the local agency. The local agency may recover the costs of the election and any other costs of preparing and levying the assessment from the proceeds of the assessment.

50078.16. The legislative body may provide for the collection of the assessment in the same manner, and subject to the same penalties as, other fees, charges, and taxes fixed and collected by, or on behalf of the local agency. If the assessments are collected by the county, the county may deduct its reasonable costs incurred for that service before remittal of the balance to the local agency's treasury.

50078.17. Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceeding to validate, attack, review, set aside, void, or annul an ordinance or resolution levying an assessment or modifying or amending an existing ordinance or resolution. If an ordinance or resolution provides for an automatic adjustment in an assessment, and the automatic adjustment results in an increase in the amount of an assessment, any action or proceeding to attack, review, set aside, void, or annul the increase shall be commenced within 90 days of the effective date of the increase. Any appeal from a final judgment in the action or proceeding brought pursuant to this section shall be filed within 30 days after entry of the judgment.

50078.19. This article does not limit or prohibit the levy or collection of any other fee, charge, assessment, or tax for fire suppression services authorized by any other provisions of law.

50078.20. Any fire protection district may specifically allocate a portion of the revenue generated pursuant to this article to pay the interest and that portion of the principal as will become due on an annual basis on indebtedness incurred pursuant to Section 8589.13 of this code and Section 13906 of the Health and Safety Code.

APPENDIX C – ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

Proposition 218 was approved by voters as a Constitutional Amendment on November 6, 1996. It became Article XIIC and Article XIID of the California State Constitution and has imposed additional requirements for assessment districts. Following is a summary of the Article.

SEC.1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIIC shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

SEC. 2. Definitions. As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIIC.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.

- (g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.
- (h) "Property-related service" means a public service having a direct relationship to property ownership.
- (i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

SEC. 3. Property Taxes, Assessments, Fees and Charges Limited.

- (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except: (1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A. (2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A. (3) Assessments as provided by this article. (4) Fees or charges for property related services as provided by this article.
- (b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

SEC. 4. Procedures and Requirements for All Assessments.

- (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.
- (b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

- (c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.
- (d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.
- (e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.
- (f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.
- (g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

SEC. 5. Effective Date.

Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

- (a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.
- (b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.
- (c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.
- (d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

APPENDIX D - SANTA BARBARA CITY MUNICIPAL CODE, ORDINANCE 5439 AND ENHANCEMENTS

Note: In 2007, by Ordinance # 5439, the City of Santa Barbara adopted the International Fire Code (2006 Edition) including Appendix Chapter 1, Appendix Chapter 4, and Appendices B, C and H, published by the International Code Council, and including the 2007 California Fire Code, Title 24, Part 9 of the California Code of Regulations. The Fire Code, as adopted, has been codified by the City into the Municipal Code 8.04.

Previously, during the establishment of the assessment, the City, by Ordinance # 5257 had adopted the 2001 California Fire Code, Appendix IIA which addresses the "Suppression and Control of Hazardous Fire Areas." These Hazardous Fire Areas are the City's designated high fire hazard areas. Vegetation Road Clearance and Defensible Space are addressed under this code as follows:

Section 17 - "Clearance of Brush Or Vegetative Growth From Roadways"

The owner occupant or other person in control of any real property (vacant or developed) in, upon, or adjoining hazardous fire areas, and the owner, occupant or other person in control of real property adjacent to such property shall at all times:

1. Maintain an area cleared of flammable vegetation and other combustible growth for a distance of 10 feet on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire.

2. Maintain an area cleared of all overhanging vegetation for a vertical clearance of not less than 13 feet 6 inches within the full portion of highways and private streets which are improved, designed or ordinarily used for vehicular traffic. The full portion shall include the drivable roadway and one foot on each side from the edge of the roadway.

Adoption of the Wildland Fire Plan on May 4, 2004 enhanced defensible space requirements under ordinance 5257 to read as follows:

Section 16 - "Clearance Of Brush Or Vegetative Growth From Structures"

16.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 to 150 feet of such buildings or structures as outlined in the following zones;

Coastal Interior - 30 to 50 feet brush clearance from structures

Coastal - 50 to 70 feet brush clearance from structures

Foothill - 100 feet brush clearance from structures

Extreme Foothill - 150 feet brush clearance from structures

** Within any high fire hazard zone additional brush clearance may be required on slopes greater than 30%. Slopes ranging between 30 and 40 % slope may require 200 feet clearance. Slopes ranging from 41 to 60% may require 250 to 300 foot clearance.**

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

EXCEPTION: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of a chimney,

4. Maintain trees adjacent to or overhanging a building free of deadwood,

and

5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

END NOTES

¹ Insurance Services Offices Inc.

<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

² Institute for Business & Home Safety, "Protect Your Home Against Wildfire Damage,"

<http://www.ibhs.org/publications/view.asp?id=125>

³ Institute for Business & Home Safety, "Is Your Home Protected from Wildfire Damage? A Homeowner's Guide to Retrofit," <http://www.ibhs.org/publications/view.asp?id=130>

⁴ U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.1,

<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>

⁵ U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.2,

<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>

⁶ Insurance Services Offices Inc., p. 1,

<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

⁷ Renewable Natural Resources Foundation, "Workshop on National Parks Fire Policy: Goals, Perceptions, and Reality," Renewable Resources Journal, Volume 11, Number 1, Spring 1993, p. 6

⁸ Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 3

⁹ U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 1,

http://ncrs.fs.fed.us/pubs/qtr/qtr_nc261.pdf

¹⁰ U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 25,

http://ncrs.fs.fed.us/pubs/qtr/qtr_nc261.pdf

¹¹ Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 2

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENTION TO CONTINUE VEGETATION ROAD CLEARANCE, IMPLEMENTATION OF A DEFENSIBLE SPACE INSPECTION AND ASSISTANCE PROGRAM, AND IMPLEMENTATION OF A VEGETATION MANAGEMENT PROGRAM WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES; DECLARING THE WORK TO BE OF MORE THAN GENERAL OR ORDINARY BENEFIT AND DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; APPROVING THE ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT, AND ORDERING LEVY OF THE WILDLAND FIRE SUPPRESSION ASSESSMENT DISTRICT FOR FISCAL YEAR 2011

WHEREAS, on July 11, 2006, by its Resolution No. 06-064, after receiving a weighted majority of ballots in support of the proposed assessment, this Council ordered the formation of and levied the first assessment within the City of Santa Barbara Wildland Fire Suppression Assessment, pursuant to the authority provided in California Government Code Section 50078 et seq. and Article XIID of the California Constitution;

WHEREAS, it is the intention of this Council to levy and collect assessments for the Wildland Fire Suppression Assessment for Fiscal Year 2010-11. Within the Assessment District, the proposed services to be funded by the assessments ("Services") are generally described as including but not limited to, the following: (1) continuation of the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones, continuing this program will reduce fuel, enhance evacuation routes, and decrease fire response times; (2) enhancing the defensible space fire prevention inspection and assistance program for all properties in the Foothill and Extreme Foothill Zones; and (3) implementation of a vegetation management program in the Foothill and Extreme Foothill Zones. As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04.020.M). "Defensible space" is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Chapter 47 of the California Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04.010). "Vegetation management" means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety;

WHEREAS, by Resolution No. 10-026 the City Council preliminarily approved the Engineer's Report for said District and set a date for a Public Hearing;

WHEREAS, the Public Hearing was held on May 25, 2010;

WHEREAS, said report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that May 25, 2010, at the hour of 2:00 p.m. in the Council Chambers, City Hall, 735 Anacapa Street, Santa Barbara, were appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by the Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

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

SECTION 1. The public interest, convenience and necessity require that the levy be made.

SECTION 2. The Assessment District benefited by the fire suppression services and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

SECTION 3. The Engineer's Report as a whole and each part thereof, to wit:

- (a) the Engineer's estimate of the itemized and total costs and expenses of the fire suppression services and of the incidental expenses in connection therewith;
- (b) the diagram showing the assessment district, plans and specifications for the fire suppression services and the boundaries and dimensions of the respective lots and parcels of land within the Assessment District; and
- (c) the assessment of the total amount of the cost and expenses of the proposed fire suppression services upon the several lots and parcels of land in the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; are finally approved and confirmed.

SECTION 4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

SECTION 5. That assessments for fiscal year 2010-11 shall be levied at the rate of SIXTY NINE DOLLARS AND EIGHTY-THREE CENTS (\$69.83) per single-family equivalent benefit unit in the Foothill Zone and EIGHTY SIX DOLLARS AND FIFTY EIGHT CENTS (\$86.58) in the Extreme Foothill Zone for fiscal year 2010-11 per single family equivalent benefit. The estimated fiscal year 2010-11 cost of providing the Services is \$221,484; and

SECTION 6. The assessment to pay the costs and expenses of the fire suppression services for fiscal year 2010-11 is hereby levied.

SECTION 7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the fire suppression services at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

SECTION 8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Santa Barbara. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments, After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Santa Barbara Wildland Fire Suppression Assessment District.

SECTION 9. Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Assessment District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the fire suppression services.

SECTION 10. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works Department

SUBJECT: Public Hearing For The Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2011

RECOMMENDATION: That Council:

- A. Consider appropriate protests to the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2011, as required under the California Parking and Business Improvement Area Law of 1989;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2011, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2011; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.37 of the Santa Barbara Municipal Code by Establishing New Business Categories and Revising Rates of Assessment for Specified Categories of Businesses of the Downtown Parking and Business Improvement Assessment District Established by City Ordinance No. 4179, Adopted on September 3, 1991, Pursuant to the Requirements of Parking and Business Improvement Area Law of the 1989 California Streets and Highways Code Sections 36500-36551.

DISCUSSION:

The Parking and Business Improvement Area (PBIA) was established in 1970 in response to La Cumbre Plaza Shopping Center's "Free Parking" campaign. The downtown business community was concerned about losing customers and wanted to offer a similar free period. In order to accomplish this goal, the downtown business community and the City joined together in a partnership to form the PBIA. The original PBIA area contained nine surface lots and approximately 1,100 spaces. There are now five parking structures and seven surface lots, for a total of 3,600 spaces available to customers 361 days per year. This successful partnership continues to provide affordable short-term parking rates to customers and clients of the downtown area.

The funds generated by the PBI A partially finance the operation and maintenance of the parking lots, and partially offset the cost of offering the 75-minute free parking period. This 40-year partnership between the downtown business community and the Downtown Parking Program has helped to keep downtown Santa Barbara viable.

The governing body of the PBI A is required to prepare and adopt an annual report that describes any proposed changes to the PBI A District's boundaries, benefit zones, business classifications, and the method and basis of levying assessments. The annual report must be prepared prior to the beginning of each fiscal year.

The Downtown Parking budget is funded primarily by hourly parking revenues and to a lesser extent, by PBI A revenues and permit sales. The PBI A revenues are directed solely towards hourly employee salaries and utility costs in support of the operation of City parking lots. Other revenues, derived from hourly parking charges and permits, support the balance of expenses. The PBI A is the assessment mechanism that allows the City to provide affordable parking rates to customers and clients of the downtown area.

On October 5, 1999, Council adopted Ordinance No. 5126, enacting a new PBI A (Santa Barbara Municipal Code, Chapter 4.37) and Benefit Assessment District, pursuant to the State PBI A Law of 1989 (California Streets and Highways Code Sections 36500 - 36551). The Engineers Report, approved by Council on October 5, 1999, is on file with the City Clerk's Office and provides an explanation of the PBI A assessments. The report includes detailed information on boundaries, benefit zones, and the classifications of businesses, as well as an explanation of how assessments are levied. For Fiscal Year 2011, there are no proposed changes to the PBI A boundaries or benefit zones; however, there are proposed changes to the assessment levels. These proposed changes are explained in the Addendum to the Final Engineers Report on Formula and Methodology of Assessment, and will be available for public viewing at the City Clerk's office.

Approximately 4.3 million customer transactions were processed last year. Each of those patrons benefited from the free parking period. Last year's business-paid PBI A assessments contributed approximately \$.20 per ticket towards the maintenance costs for providing the free period.

Prior to the start of Fiscal Year 2007, the Downtown Parking Committee (DPC) requested that staff review the current PBI A Assessment to determine if all of the downtown businesses were being assessed equitably. The City hired Penfield & Smith to conduct a review of all the assessment categories. Staff worked with an ad-hoc DPC Subcommittee and presented the results of the review with recommended changes to the DPC at their February 2007 meeting. The DPC recommended moving forward with the changes at that meeting; however, they were placed on hold following the April 2007 DPC meeting where the directors of the Lobero and Granada Theaters expressed concern regarding payment of PBI A fees. Staff conducted an analysis on the impact to parking during events at the theaters and presented the results to the DPC Subcommittee, who recommended a change to the Performing Arts category with a cost

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Public Hearing For The Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2011

May 25, 2010

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that was less than the recommendation in February 2007. Staff has been working with the DPC for the past three years on the PBIA adjustments and the DPC has consistently recommended moving forward with these changes.

At the April 8, 2010, meeting, the DPC, serving as the PBIA Advisory Board, reviewed the annual PBIA report draft (attached as an Exhibit to the Resolution) and the recommended adjustments, and also recommended that Council approve the annual PBIA Engineers Report and rates effective July 1, 2010. Additionally, although the non-profit performing arts theaters are not included in the PBIA changes, the DPC recommended that they be charged \$.20 for 50% of the seats in the theater, per performance. The recommendation is to adopt this change for Fiscal Year 2012, allowing time for theaters to include the PBIA rate into their booking fees for the following season.

Under the law establishing the City's PBIA District, Council is required to conduct an annual Public Hearing to consider protests to the PBIA Annual Assessment Report. Staff received three written protests prior to submittal of this Council Report; one from American Riviera Bank, one from Hotel Santa Barbara and another from Metropolitan Theatre Corporation. On May 11, 2010, Council modified the DPC recommendation to \$.16 per \$100 sales for Movie Theatres and approved the PBIA Annual Assessment Report. Council subsequently adopted the Resolution declaring Council's intent to Levy PBIA rates and set the date for the Public Hearing on the Annual PBIA Assessment for May 25, 2010. At the above mentioned meeting, Council introduced an Ordinance of the Council, amending Chapter 4.37 of the Santa Barbara Municipal code.

The following are the recommended adjustments to the PBIA categories:

- Theaters (Movie) rates would change from \$.08 per \$100 sales to \$.16 per \$100 sales
- Fitness Facilities/Health Club is a new category with the same applied rate of \$.29 per \$100 sales
- Financial Institution rates would change from \$32.50 per million on deposit on January 1 of each year, to \$.48 per useable square foot annually
- Hotels & Motels rates would change from their being exempt to \$67.50 per guest room per quarter, or \$270 per guestroom per year (for rooms without assigned parking)

BUDGET/FINANCIAL INFORMATION:

The revenue generated from the PBIA fees is \$840,000, or 13% of the parking budget. If the PBIA Annual Report is not approved, options such as redirections to the Capital Program Operating Budget, or charging for all parking, even short-term parking, will need to be considered.

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Public Hearing For The Parking And Business Improvement Area Annual Assessment
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PREPARED BY: Browning Allen, Transportation Manager/BB/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA FIXING AND ASSESSING THE PARKING AND BUSINESS IMPROVEMENT AREA ASSESSMENT RATES FOR FISCAL YEAR 2011, AND CONFIRMING APPROVAL OF THE PARKING AND BUSINESS IMPROVEMENT AREA ANNUAL ASSESSMENT REPORT FOR FISCAL YEAR 2011

WHEREAS, pursuant to Section 4.37.010 of the Municipal Code of the City of Santa Barbara, there is hereby levied upon businesses located within the Downtown Parking and Business Improvement Area (PBIA) a special business assessment rate; and

WHEREAS, the revenues derived from this assessment in Fiscal Year 2011 shall be applied to the cost of providing low cost, customer-oriented public parking in the Downtown of Santa Barbara.

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

SECTION 1. The quarterly assessments shall begin **July 1, 2010**.

SECTION 2. The rates are established pursuant to the following schedule and applicable sections of all previous resolutions related to the Parking and Business Improvement Area assessments are hereby repealed.

SECTION 3. The attached PBIA Annual Assessment Report for Fiscal Year 2011 (Exhibit) is hereby confirmed as approved on May 25, 2010.

Parking and Business Improvement Area Business Rates

I. Retail and/or Wholesale Businesses (Including Restaurants):

Group A: Average sale of less than \$20, \$.56 per \$100 of gross sales.

Group B: Average sale between \$20 and \$100, \$.29 per \$100 of gross sales.

Group C: Average sale of more than \$100, \$.16 per \$100 of gross sales.

Group D: Movie theaters only, \$.16 per \$100 of gross sales

Group E: Fitness Facilities/Health Clubs, \$.29 per \$100 of gross sales

II. Financial Institutions:

\$.48* square foot of usable space annually.

III. Stock and Bond Brokerage Offices:

\$81.30* per broker.

IV. Bus Depots:

\$.06* cents per square-foot of usable building space.

V. Professional:

\$32.50* per person practicing the profession, and \$16.30 for each non-professional in addition to the above.

VI. Educational Facilities and Miscellaneous Classifications:

Group A: Educational Facilities: \$0.19* cents per usable square-foot

Group B: Miscellaneous (All classifications not otherwise provided for): \$.19* per usable square foot

VII. Hotel and Motels

of assessed rooms x \$1.50 day x 30 days x 3 months x .50 occupancy = quarterly charges

Assessed rooms = # of rooms – on-site parking provided

No patron parking credit would offered as it is part of the calculation.

City of Santa Barbara

**Parking and Business
Improvement Area
(PBIA)**

**ANNUAL
ASSESSMENT
REPORT**

Fiscal Year 2011

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INTRODUCTION

This report, filed annually as required by the California Parking and Business Improvement Law of 1989, will provide an explanation of any proposed changes, including, but not limited to the boundaries of the adopted City of Santa Barbara Downtown Parking and Business Improvement Area (PBIA) or any benefit zones within the area, the basis for levying the assessments and any changes in the classifications of businesses.

Santa Barbara's Downtown Parking Management Program operates and maintains seven public parking lots and five structures in the Downtown business core area, providing a total of 3,234 parking spaces. The program is oriented towards clients and shoppers, and is directed by the City's Circulation Element to increase the public parking available and reduce the need for employee parking in the Downtown Core. The reduction of employee parking is supported by Alternative Transportation initiatives to increase carpooling, bicycling, and mass transit programs. The Downtown Parking budget is funded primarily by Hourly Parking Revenues, and to a lesser extent, by the PBIA and parking permits. The PBIA revenues are directed solely towards employee salaries and utility costs in support of the operation of the parking lots. Other revenues derived from Hourly Parking charges and permits support the balance of expenses, including Alternative Transportation programs designed to reduce employee parking in the Downtown Core.

For the purpose of the assessment, the "Amendment To" and the "1999 Final Engineer's Report of Formula and Methodology of Assessments" (Engineer's Report), on file at the City Clerk's Office, shall form the basis of the Annual Report.

I. PROPOSED CHANGES

For Fiscal Year 2011, there are no changes to the boundaries or benefit zones. There are changes in the classifications and rates for levying the assessments of the Parking Business Improvement Area as established in the "Amendment To" and the "Engineers Report." These changes are explained in the Rates Section of this report.

II. IMPROVEMENTS AND ACTIVITIES

A parking rate, designed to promote short-term customer/client parking, including 75 minutes of free parking, is currently in effect in all City-operated Downtown Parking facilities. These facilities are maintained and operated by the City's Downtown Parking Program.

III. ESTIMATED OPERATING COSTS OF THE CITY'S DOWNTOWN PARKING PROGRAM FOR FISCAL YEAR 2011

Expenses	PBIA	Parking Program	Total
Salaries and Benefits	\$1,760,273	\$2,189,216	\$3,949,489
Materials, Supplies & Services	\$230,000	\$600,750	\$830,750
Allocated Costs		\$204,513	\$204,513
Insurance/Overhead		\$767,261	\$767,261
General Fund Transfer		\$312,621	\$312,621
Equipment/Capital		\$25,000	\$25,000
Appropriated Reserves		\$50,000	\$50,000
Alternative Transportation Program		\$483,978	\$483,978
Bikestation		\$25,000	\$25,000
New Beginnings Contract		\$39,150	\$39,150
Total Operating Expenses	\$1,990,273	\$4,697,489	\$6,687,762
Capital Program Expenses		\$660,000	\$660,000
Total Expenses		<u>\$5,357,489</u>	<u>\$7,347,762</u>

IV. PBIA RATES

A more detailed basis for levying the assessment is explained in the Amendment to the Engineer's Report.

I. Retail and/or Wholesale Businesses (Including Restaurants):

Group A: Average sale of less than \$20, \$.56 per \$100 of gross sales.

Group B: Average sale between \$20 and \$100, \$.29 per \$100 of gross sales.

Group C: Average sale of more than \$100, \$.16 per \$100 of gross sales.

Group D: Movie theaters only, \$.16 per \$100 of gross sales.

Group E: Fitness Facilities/Health Clubs, \$.29 per \$100 of gross sales.

Average sale is computed by dividing the total gross sales for the year by the number of sales transactions.

- II. Financial Institutions:
\$.48* per square foot of usable space annually.
- III. Stock and Bond Brokerage Offices:
\$81.30* per broker.
- IV. Bus Depots:
\$.06* cents per square-foot of usable building space.
- V. Professional:
\$32.50* per person practicing the profession, and \$16.30 for each non-professional.
- VI. All Categories Not Otherwise Provided For:
Group A: \$0.19* cents per square-foot of usable building space.
Group B: Educational Facilities (non-public) \$.19* per square foot of usable building space.
- VII. Hotel and Motels
of assessed rooms x \$1.50/day x 30 days x 3 months x .50 occupancy = quarterly charges
Assessed rooms = # of rooms (-) on-site parking spaces provided
No patron parking credit would be offered as it is part of the calculation.

*Rates for these categories are shown for annual assessment. To determine quarterly payments, divide rates by four.

V. REVENUE CARRYOVERS

No excess PBIA revenues will be carried over from 2010 to the 2011 Operating Budget.

VI. PROJECTED DOWNTOWN PARKING PROGRAM REVENUES DERIVED

Revenues:	Hourly Parking	\$4,300,000
	Other Parking Fees.....	\$695,000
	Lobero Garage.....	\$246,000
	Interest Income	\$154,700
	Commuter Parking Lot.....	\$300,000
	TMP/Rents.....	\$78,740
	Downtown Security Support/New Beginnings Contract ...	\$59,150
	Miscellaneous/Special.....	\$11,500
	Subtotal.....	\$5,845,090
	*PBIA ASSESSMENT (Anticipated – Fiscal Year 2011 collections)	<u>\$840,000</u>
	Total Revenues	\$6,685,090

Revenues collected from the PBIA subsidized approximately \$0.20 of the cost of providing parking for each vehicle parked within the Downtown Parking System.

CITY OF SANTA BARBARA

PARKING AND BUSINESS IMPROVEMENT AREA

(PBIA)

ADDENDUM TO FINAL ENGINEER'S REPORT OF FORMULA AND METHODOLOGY OF ASSESSMENTS

PREPARED BY: PENFIELD & SMITH
1327 DEL NORTE ROAD
CAMARILLO, CA 93010
805-981-0706

PROJECT ENGINEER:  PATRICK J. REEVES, P.E.

DATE: May 18, 2010

W.O. 16587.02





ADDENDUM

ADDENDUM TO: PBIA Final Engineer's Report of Formula and Methodology of Assessment Dated October 5, 1999

FROM: Patrick J. Reeves, Principal Engineer - Penfield & Smith

SUBJECT: Addendum PBIA Update

DATE: May 18, 2010 W.O. 16587.02

INTRODUCTION and BACKGROUND

The City of Santa Barbara established a Parking and Business Area (PBIA) in 1970 for the purpose of collecting funds to partially finance the operation and maintenance of downtown off-street parking. The revenue from this tax collection program is also helping to defray the cost of providing the 75-minute free parking service for these parking facilities. Over the years, various changes to the PBIA boundaries and zones-of-benefit have occurred due to the construction of new parking facilities. New Engineer's reports were prepared in 1991 and 1999 to reflect these changes.

In recent years, the parking division staff noted a number of business categories that either did not exist previously or the taxes paid were not consistent with the benefits received. Additionally, the parking facilities began being staffed and monitored for longer periods. Due to this and other reasons listed in the following paragraph, the City has retained the services of Penfield & Smith to prepare an Amendment to the 1999 Engineer's Report. The purpose of this amendment is to confirm the findings of the earlier reports and modify various categories and rates to provide for an equitable distribution of charges based on the benefits received. The amendment is meant to supplement the 1999 Engineer's Report and not replace it. It also should be noted that the intent of this document is to achieve an overall financial impact of being revenue neutral, with no overall change in the annual revenue.

There is a general belief that the methodology of benefits received (access and proximity to available parking) has not changed. There is also no need to change the "Zone of Charge" (Zone of Benefit) or parking credits as described in the previous Engineer's Report. The consensus is that the tax rates need to be consistent among business types, in order that all categories generate the appropriate revenue in relation to the benefits they receive. A good example of an inequity is that comparably-sized financial institutions, with similar numbers of customers and traffic, paid greatly different PBIA charges. It has also been noted that some of the categories did not appear to be appropriate for some of the more recent activities that now occur in the downtown area, such as: educational facilities, cyberspace/mini offices, and fitness facilities/health clubs.

EXISTING RATE TABLE (ANNUAL)

Ordinance 5126 Categories	1999 Engineer's Report Categories	DESCRIPTION	RATE STRUCTURE
A1	1A	Retail/Wholesale- Small Purchases	\$0.56 / \$100 in Sales
A2	1B	Retail/Wholesale-Medium Purchases	\$0.29 / \$100 in Sales
A3	1C	Retail/Wholesale-Large Purchases	\$0.16 / \$100 in Sales
D	1D	Theaters	\$0.08 / \$100 in Sales
B	II	Financial Institutions	\$32.50 / \$ Million Deposits
C	III	Stock and Bond Brokerage businesses	\$81.30 / Broker
D	IV	Bus Depots	\$0.06 / SF of Usable Building
E	V	Professional Office Spaces	\$38.50 / Practicing Professional \$16.30 / Non-Professional
F	VI	All other categories	\$0.19 / SF of Usable Building
Note: All Sales are gross numbers. Rates for all categories are shown for the total annual Assessment. SF is the abbreviation for Square Feet.			

CATEGORIES UNDER CONSIDERATION

CYBER SPACE/MINI OFFICES

Even though a one-person office may not have any walk-in business, it is normal to assume that there will be delivery and service personnel which will utilize the City's parking facilities. These service people will also include janitorial, Federal Express, Overnite Express, UPS, as well as repair services for office machines (printers/computers/phones) etc. It also could be assumed that they will have deliveries of supplies, refreshments and other various services. It is therefore recommended that they continue to receive their existing charge. If they are categorized as a Single Professional, the charge would be \$32.50 per quarter. If they fall under the category of "All Other Categories" they would be charged at \$0.19 per usable square foot, which would equal \$30.40 per quarter if they are using 160sf office; \$38.00 for 200sf office. The Professional Rate is equivalent to a 171sf office.

EDUCATIONAL FACILITIES

All of the various schools, Brooks Institute, Language Schools, Dance Schools, Martial Arts, etc. can have an impact on the City's Parking Facilities. The Brooks Institute is now paying the "Miscellaneous" rate of \$0.19 per usable square foot per quarter. This amount was analyzed in a previous study and found to be in line with the benefit they receive.

It is recommended that all other educational facilities be charged this rate also. They are currently being charged similar rates as a Professional, where each instructor is compared to a CPA, Attorney, or Doctor. The difference being that these professionals may only see 6-15 clients per day, yet the schools may have that many clients or students per hour. This results in a major disparity between the actual benefits received and what the schools are paying. Therefore, we recommend that all "Educational or Training"

facilities be given their own classification, which will be the same as the current “All Other Categories” rate of \$0.19 per usable square foot per quarter.

HOTELS AND MOTELS

Currently the PBIA is only charging this category if they maintain restaurants or gift shops on the premises. There is also an opportunity to charge them for their meeting rooms, but there is also an option for hotels to convert a portion of their guest rooms into temporary or interim meeting rooms. It would be difficult to monitor this use; therefore we recommend the following approach:

Originally, the City provided staff at the parking facilities from 7 AM to 6 PM and revenues were not collected for many night time activities. It was assumed that many hotel customers would come in the evening and leave in the morning and weren't really a short term parking customer, therefore not really benefiting from short term stays. Now however, the City's parking facilities are open longer hours and the maximum rates have increased, making the value of the 75 minute free parking to become a benefit to most folks who stay less than 24 hours. We have ignored the fact that hotels use many support and administrative staff, outside services and deliveries which take advantage of the City's parking facilities. Instead, we will consider the number of guest rooms at each location that does not include assigned parking. It is assumed that not all guests will have vehicles and that there is not always 100% occupancy. For the purpose of this analysis we are assuming a 50% occupancy rate and have provided no assessments towards employees and support personnel. This charge is going to be in addition to the commercial retail charges for gift shops and food services. We are utilizing a \$1.50 per day charge for every room that does not have an assigned parking space and have provided the sample calculations for the four existing hotels which are located in the PBIA with at least a 20% Zone of Benefit (ZOB).

1. Adobe Hotel = 17 rooms, apartments & 17 spaces; No Charge
2. Hotel Santa Barbara = 75 rooms & 20 spaces; difference = 55 charges
 $55 \times \$1.50/\text{day} \times 30 \text{ days} \times 3 \text{ months} \times .5 \text{ occupancy} \times .20 \text{ ZOB} = \$742.50/\text{qtr}$
3. Hotel State Street = 52 rooms & 10 spaces; difference = 42 charges
 $42 \times \$1.50/\text{day} \times 30 \text{ days} \times 3 \text{ months} \times .5 \text{ occupancy} \times .20 \text{ ZOB} = \$567.00/\text{qtr}$
4. Canary Hotel = 97 rooms & 60 spaces; difference = 37 charges
 $37 \times \$1.50/\text{day} \times 30 \text{ days} \times 3 \text{ months} \times .5 \text{ occupancy} \times 1.0 \text{ ZOB} = \$2,497.50/\text{qtr}$

The Net result of this calculation is to use a rate of \$1.50 per day times 90 days for a quarter, assuming a 50% occupancy rate or $\$1.50 \times 90 \times 0.50 = \67.50 quarter. If this is converted to an annual basis, this results in the annual charge of \$270, and it is only applied to rooms that are not provided with existing parking.

THEATERS

This category needs to be modified in light of the City's new policy of staying open later hours. The theaters can easily show 2-4 films per theater per day. Most customers that come in and out of the theater will receive the full benefit of the 75 minute free parking, which is a real value per person. If we were only considering the Metro Theater, which has 700 seats, and was only 10% occupied for one movie showing per day, the benefit received is as follows:

-
- 700 seats x \$1.50/day x 30 days x 3 months x .10 occupancy x 1.0 ZOB = \$9450/qtr

Under the current formula of \$.08 per \$100 in retail sales, they have only been paying an average of \$400 per quarter. This rate is one seventh of the rate for Small Purchase retail sales (sales < \$20) and less than one third of the rate for Medium Purchase retail sales (sales \$20 - \$100). There is no evidence that the theaters receive any fewer benefits than other retail businesses, therefore their rate needs to be adjusted to become equitable with similar businesses.

It has been assumed that the average individual customer spends about \$15 per movie; however, it is likely that most people come in groups of 2 or more per vehicle trip, making it safe to assume that the theaters fit into the Medium Purchase Category. This would increase their rate or revenue from \$.08 per \$100 in sales to \$.29 per \$100 in sales, an increase of 3.62 times. The quarterly revenue would increase from approximately \$400/quarter to \$1400/quarter. As a group, the four theaters combined are currently generating average revenues of \$1500/quarter. This would increase to about \$5400/quarter if the adjustment were made.

During a public meeting with the City Council on May 11, 2010, concern was expressed about making such a large increase in light of the existing economy. The decision was made to utilize the same retail rate as determined for large purchases, which would still double the rate to \$0.16 per \$100.00 in retail sales (from the current rate of \$0.08). It was also acknowledged that when the economy recovers, this rate would be subject to further consideration.

FITNESS FACILITIES AND HEALTH CLUBS

Existing fitness facilities within the PBIA are being charged the retail rate of \$0.29 per \$100 in sales. It is advised that a new category be established to reflect this rate and thus avoid any confusion in the future. The charge appears to be reflective of the benefits received from the City's parking facilities.

FINANCIAL INSTITUTIONS

This category is currently calculated by the amount of dollars in savings that are on deposit. Unfortunately, there does not seem to be a nexus between this formula and the actual parking usage. In fact, we found that one institution is paying nearly 60% of the 9 current financial institutions combined.

We believe that a more reasonable approach would be to charge a rate which would be revenue-neutral for this category. If a per usable square foot charge were established, there would not be the annual fluctuations when deposits and withdrawals occur. In addition, the amount of parking usage and benefits received, seem to be more in line with a per square foot procedure.

Therefore, we recommend that this category assessment be charged to a fee of \$0.48 per usable square foot per year (or \$0.12 per usable square foot per quarter). This new rate will generate overall similar revenues from this category as were obtained by the previous method. Please note that a few businesses will receive significant decreases in their fees, but most will find increases in their quarterly billings.

PROPOSED RATE TABLE

ORDINANCE 5126 CATEGORY	1999 Engineer's Report Categories	DESCRIPTION	EXISTING RATES	PROPOSED RATES	REMARKS
A1	1A	Retail/Wholesale (Small Purchases)	\$0.56 / \$100 Sales	\$0.56 / \$100 Sales	No Change
A2	1B	Retail/Wholesale (Medium Purchases)	\$0.29 / \$100-Sales	\$0.29 / \$100 Sales	No Change
A3	1C	Retail/Wholesale (Large Purchases)	\$0.16 / \$100 Sales	\$0.16 / \$100 Sales	No Change
D	1D	Theaters	\$0.08 / \$100 Sales	\$0.16 / \$100 Sales	Changes from \$.08 /\$100 sales to large purchase in retail sales
A2	1E	Fitness Facilities/Health Clubs	\$0.29 / \$100 Sales	\$0.29 / \$100 Sales	No Change- Specific category created
B	II	Financial Institutions	\$32.50 / \$1 Million in deposits at first of year	\$0.48 / Usable SF	Increase & decrease; Comparable with other office space
C	III	Stock & Brokerage Offices	\$81.30 / Broker	\$81.30 / Broker	No Change
D	IV	Bus Depot	\$0.06 / Usable SF	\$0.06 / Usable SF	No Change
E	V	Professional	\$32.50 / Professional \$16.30 / Non-Prof	\$32.50 / Professional \$16.30 / Non Prof	No Change
F	VI	All other categories	\$0.19 / Usable SF	\$0.19 / Usable SF	No Change - Specific Category created
F	VI (a)	Educational Facilities	\$0.19 / Usable SF	\$0.19 / Usable SF	No Change - Specific Category created
G	VII	Hotels & Motels	Exempted	\$67.50 / Guestroom / Quarter or \$270 / Guestroom per year (for rooms without assigned parking spaces)	New Category & Rate

It is important to note that all of the above rates are the annual charge for each category. All of the definitions and conditions of the methodology and billing procedures are as described in the 1999 Engineer's Report and as are currently occurring.

INFLATIONARY IMPACTS

The Consumer Price Index has increased over 26% since the current PBIA rates were last amended in 1999. Some categories, such as retail sales and financial institutions may have also realized increased rates due to inflation. On the other hand, categories that are based on building square footage or the number of professionals have not seen an increase in parking fees.

It is recommended that the City adopt a policy to evaluate the overall revenues each year and compare them with the operating costs. To allow the PBIA to keep up with inflation, the City should establish a procedure to permit periodic adjustments in the per square foot or professional categories. This

procedure is normally incorporated into most annual Maintenance Districts and is easily tied to a nationally recognized index similar to the Consumer Price Index (CPI). The CPI is administered by the United States Department of Labor and is published on a monthly basis both nationally and for various regions within the USA. It can also be monitored by a 26 Metropolitan Area Index, the nearest being the Los Angeles-Riverside-Orange County areas.

The information and recommendations are based on our research over the last 3 years and are also based on the actual benefits received by the businesses within the categories analyzed. The recommendations are consistent with the methodology and approach used to establish the original PBIA and its subsequent modifications.

CONCLUSIONS and RECOMMENDATIONS

1. The City has recognized that there are a number of businesses that do not benefit from the parking services at the same levels as the categories and rates currently in effect.
2. The City operates its parking facilities for longer periods of time, and thus the benefit to downtown businesses can be shown to have increased.
3. The City has recognized large discrepancies in the payments being made by the financial institutions, and needs to develop a policy that provides a better connection between the annual charges and parking benefits received.
4. The theaters and hotel/motel categories have been receiving significant parking benefits under the current system without paying adequate fees. These categories need to be brought up to more equitable rate structure to level the playing field. Theaters in particular can be shown to enjoy comparable benefits to retail sales establishments.
5. The PBIA rate categories have been fixed for 10 years. Retail sales categories have their own built-in method of dealing with inflation; however, the categories which utilize a rate structure based on number of staff or building square footage should be adjusted periodically.
6. It is recommended that the City reconfirm the methodology of the PBIA annual charges and adopt the proposed rates discussed herein along with a policy of making future adjustments in these rates based on inflationary impacts.

End

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 4.37 OF THE SANTA BARBARA MUNICIPAL CODE BY ESTABLISHING NEW BUSINESS CATEGORIES AND REVISING RATES OF ASSESSMENT FOR SPECIFIED CATEGORIES OF BUSINESSES OF THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT ASSESSMENT DISTRICT ESTABLISHED BY CITY ORDINANCE NO. 4179, ADOPTED ON SEPTEMBER 3, 1991, PURSUANT TO THE REQUIREMENTS OF PARKING AND BUSINESS IMPROVEMENT AREA LAW OF THE 1989 CALIFORNIA STREETS AND HIGHWAYS CODE SECTIONS 36500-36551

WHEREAS, on August 6, 1991, the City Council of the City of Santa Barbara adopted a "Resolution of the Council of the City of Santa Barbara declaring the City Council's intention to form a Downtown Parking and Business Improvement Area Assessment District (PBIA) and preliminarily approving the "Engineers Report" thereon as City Resolution No. 91-126 and called for a public hearing on the proposed parking and business assessment district on September 3, 1991 (hereinafter the "1991 Resolution of Intention");

WHEREAS, the public hearing was held pursuant to the Resolution of Intention on September 3, 1991 and the City Council considered any and all protests to the formation of the proposed Parking and Business Improvement Area Assessment, its boundaries, and the method and level of business assessments;

WHEREAS, the majority of the businesses made subject to the assessment did not protest the formation of such an Assessment District at the September 1991 public hearing before the Council and the City Council approved the required Final Engineers Report and adopted City Ordinance 4719 codifying Santa Barbara Municipal Code Chapter 4.37 and establishing the Downtown Parking and Business Improvement Area Assessment District;

WHEREAS, on September 7, 1999, the City Council adopted a Resolution of the Council of the City of Santa Barbara Declaring its Intention to Modify the Boundaries of the 1991 Downtown Parking and Business Improvement Area Assessment District Established by City Ordinance No. 4719, to Consider a Reduction in the Assessment Rates Thereof; and Establishing a Time of 2:00 p.m. on Tuesday, September 28, 1999 in the City Council Chambers for a Public Hearing and to Receive Any Protests on the Proposed Modifications Pursuant to the Requirements of Parking and Business

Improvement Area Law of 1989 (California Streets & Highways Code Sections 36500-36551);

WHEREAS, the Public Hearing was held pursuant to the Resolution of Intention on September 28, 1999 in the City Council Chambers of the City of Santa Barbara to consider any protests to the proposed new boundaries of the PBIA Benefit Assessment District, to consider any and all proposed revisions to the proposed PBIA Benefit Assessment District and to consider all public comments and protests thereon;

WHEREAS, a majority of the businesses subject to the proposed PBIA Benefit Assessment District did not protest the establishment of the new 1999 boundaries of the Area of such a parking and business benefit assessment district;

WHEREAS, on October 5, 1999, the City Council adopted Ordinance No. 5126, which expanded the boundaries of the 1991 PBIA and reduced the Assessment Rates for all categories of Assessment payers;

WHEREAS, on October 5, 1999, the City Council approved the PBIA Final Engineers Report of Formula and Methodology of Assessments dated October 5, 1999 as the method and basis of levying the PBIA Benefit Assessments;

WHEREAS, the City provided the required mailed and published notice of Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy PBIA Assessment Rates for the 2011 Fiscal Year in the manner required by Sections 36523 and 36523.5 of the State Streets and Highways Code;

WHEREAS, on May 11, 2010, the City Council approved the Resolution of Intention to Levy PBIA Assessment Rates for the 2011 Fiscal Year;

WHEREAS, on May 11, the City Council approved the 2011 PBIA Annual Assessment Report and its attached Addendum to the PBIA Final Engineers Report of Formula and Methodology of Assessments dated April 7, 2010;

WHEREAS, on May 25, 2010, the Public Hearing was held pursuant to the Resolution of Intention to Levy PBIA Assessment Rates for the 2011 Fiscal Year in the City Council Chambers of the City of Santa Barbara to consider any protests to the proposed business classifications and assessment rates, and to consider all public comments and protests thereon;

WHEREAS, at the Public Hearing on May 25, 2010, a majority of the businesses subject to the proposed PBIA Assessment Rates for the 2011 Fiscal Year did not protest the establishment of the business categories and assessment rates;

WHEREAS, the Improvements and Activities to be provided in the 1999 Expanded Downtown PBIA Benefit Assessment District will be funded by the proposed assessments and the revenue from the assessments will not be used to provide any

improvements or activities outside the 1999 Expanded Downtown PBIA Benefit Assessment Area; and

WHEREAS, the businesses within the 1999 expanded Downtown PBIA Benefit Assessment Area will be benefited by the Improvements and Activities to be funded by the PBIA Assessments and such benefit is amply demonstrated by the Final Engineers Report, the 2011 PBIA Annual Assessment Report and its attached Addendum to the PBIA Final Engineer's Report of Formula and Methodology of Assessments dated April 7, 2010, the additional materials presented to the City Council in connection with the May 25, 2010 public hearing and the presentation, comments and evidence received by the City Council during the May 25, 2010 public hearing on this matter.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 4.37.040 of Santa Barbara Municipal Code Chapter 4.37 is amended to read as follows by deleting in its entirety section 4.37.040 and adding the following new section 4.37.040:

SECTION 4.37.040 ASSESSMENT RATES

The rates of assessment imposed by this Chapter shall be as follows:

I. RETAIL-WHOLESALE, THEATER AND FITNESS FACILITIES ASSESSMENT RATES.

Group A. SMALL PURCHASES. Retail and/or wholesale businesses with an average sale of less than twenty dollars (\$20.00), fifty-six cents (\$0.56) per hundred dollars (\$100.00) of gross sales.

Group B. MEDIUM PURCHASES. Retail and/or wholesale businesses with an average sale between twenty dollars and one hundred dollars (\$20-100), twenty-nine cents (\$0.29) per hundred dollars (\$100.00) of gross sales.

Group C. LARGE PURCHASES. Retail and/or wholesale businesses with an average sale of more than one hundred dollars (\$100.00), sixteen cents (\$0.16) per one hundred dollars (\$100.00) of gross sales.

Group D. THEATERS. Sixteen cents (\$0.16) per one hundred dollars (\$100.00) of gross sales.

Group E. FITNESS FACILITIES/HEALTH CLUBS. Twenty-nine cents (\$0.29) per one hundred dollars (\$100.00) of gross sales.

(As used in this subdivision (I), average sale is computed by dividing the total gross sales for the year by the number of sales transactions).

II. FINANCIAL INSTITUTIONS. Banks, savings and loan associations, thrift institutions, credit unions and all similar institutions, forty-eight cents (\$0.48) per usable square foot.

III. STOCK AND BOND BROKERAGE OFFICES. Eighty-one dollars and thirty cents (\$81.30) per broker.

IV. TRANSIT FACILITIES AND BUS DEPOTS. Six cents (\$0.06) per usable square foot.

V. PROFESSIONALS. Every person conducting or carrying on any business, profession or occupation hereinafter enumerated shall pay an annual assessment at the rate of thirty two dollars and fifty cents (\$32.50) per person practicing his profession, and sixteen dollars and thirty cents (\$16.30) for each nonprofessional in addition to the above.

(The enumerated businesses, professions and occupations in subparagraph V shall be as described in Santa Barbara Municipal Code Section 5.04.420 as presently enacted or hereinafter amended.)

VI. EDUCATIONAL FACILITIES AND MISCELLANEOUS CLASSIFICATIONS.

Group A. EDUCATIONAL FACILITIES. Nineteen cents (\$0.19) per usable square foot.

Group B. MISCELLANEOUS. All classifications not otherwise provided for, nineteen cents (\$0.19) per usable square foot.

VII. HOTELS AND MOTELS. Two-hundred seventy dollars (\$270.00) per guestroom per year for guestrooms without assigned parking spaces.

VIII. MISCELLANEOUS EXEMPT BUSINESSES AND RESIDENCES. Residences, alleys, private parking and businesses engaged in auto repairing, servicing or sales, and warehousing and manufacturing, shall be exempt from the additional annual business assessment, provided that the business described in this section shall be subject to the additional assessment for the portion of business area devoted to office space or retail sales in connection with that business.

SECTION 2. Section 4.37.070 of Santa Barbara Municipal Code Chapter 4.37 is hereby repealed in its entirety.

SECTION 3. **Report of the Assessment Engineer.** The Final Engineers Report and the Addendum to the Final Engineer's Report of Formula and Methodology of Assessments dated April 7, 2010, (as filed with the City Clerk) describes in more detail the proposed method and basis of levying the business assessments, the separate zones of charges, the assessment formula, the nature and type of the benefits to be funded and provided by the 1999 expanded Assessment District, and the assessment rates and various exemptions for different types of businesses under the Santa Barbara Municipal Code Chapter 4.37.

SECTION 4. **Assessment Protests.** At the public hearing on May 25, 2010, the City Council heard and considered all protests against the modification of the business categories and assessment rates of the City's Downtown PBIA Assessment District. Based on such hearing, the City Council determines that a majority protest to the proposed modification of the business categories and assessment rates does not exist.

SECTION 5. Notwithstanding Charter Section 514, this ordinance shall become effective on July 1, 2010.



Agenda Item No. _____

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Continued Appeal Of Planning Commission Denial Of Project At 617 Bradbury Avenue

RECOMMENDATION:

That Council grant the appeal filed by David Lack and approve the Modification and Tentative Subdivision Map for a revised project design, subject to the conditions of approval and findings contained in the Staff Hearing Officer Resolution No. 062-09.

DISCUSSION:

Project Description:

The project has been revised in response to direction given by the City Council at the December 8, 2009 appeal hearing. The revised project consists of the demolition of an existing 392 square foot (s.f.) single-family residence, and the construction of a 4,320 s.f., three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with a 1,478 s.f. on-grade garage, including six parking spaces. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,257 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units total 958 square feet and are located on the first and second floor adjacent to the street. The proposal includes 2,015 square feet of green roof and upper level landscape plantings.

Background

The project was approved by the Staff Hearing Officer on July 15, 2009. An appeal, filed by a neighbor, was heard by the Planning Commission (PC) on September 10, 2009. The PC granted the appeal and overturned the approval. On December 8, 2009, the Council heard the appeal of the property owner requesting that the Council overturn the PC decision and approve the project. A copy of the prior Council Agenda Report is attached (Attachment 3). At the hearing, the Council directed the applicant to return to the Architectural Board of Review (ABR) with project design revisions including

architectural style, neighborhood compatibility with consideration of adjacent historic resources, and reduction of the project by at least 500 s.f. Since the Council's last review, the two residential units have been reduced by 249 square feet (16%) and the commercial square footage has been reduced by 40 square feet (4%). The configuration of the building footprint of the first floor commercial and on-grade garage remain unchanged. Architectural style and massing changes were made and the property owner has provided a letter and summary of changes to the project based on direction from various Boards and Commissions (Attachment 1).

Architectural Board of Review (ABR)

Following the Council's direction, the applicant returned to the ABR on February 8, 2010 and March 22, 2010. The mass, bulk and scale were reduced, and the details incorporated the Victorian elements from the neighborhood. The Board discussed the fact that the neighborhood is a transitional neighborhood between commercial uses to the east and residential uses to the west, and the appropriateness of the open yard locations. The Board appreciated the benefits that the front yard open space gave to the neighborhood and the project. The Board concluded (4-0) that the project as revised is acceptable in mass, bulk, and scale and that the findings for Neighborhood Compatibility could be made (Attachment 2).

CONCLUSION

The project has been redesigned following the Council's direction including a reduction of 538 s.f., and a design more compatible with the Bradbury Avenue neighborhood. The revised project received unanimous support by the Architectural Board of Review. Therefore, staff recommends that the Council uphold the appeal and approve the revised project.

- ATTACHMENTS:**
1. Letter from Fae Perry & LEED Santa Barbara dated 4/20/10
 2. Architectural Board of Review Minutes dated 3/22/10 & 2/8/10
 3. December 8, 2009 Council Agenda Report with attachments.
 4. Staff Hearing Resolution No. 062-09, dated July 15, 2009

PREPARED BY: Suzanne Riegler, Assistant Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

TO: Santa Barbara City Council

FROM: Fae Perry and LEED Santa Barbara, LLC

DATE: April 20, 2010

RE: 617 Bradbury, Santa Barbara – MST2007-00559

On December 8, 2009, the referenced City Council heard the appeal regarding the above referenced mixed-use development. The project was continued and Applicant was directed to return to the Architectural Board of Review to 1) reduce the project in size, bulk and scale, consisting of at least 1/6 of the bulk of the rear building; 2) look at whether there are some Victorian or Craftsman elements that can be added and that are compatible with the neighborhood; and 3) to retain the front yard setback.

The ABR unanimous found that Applicant successfully addressed the criteria of the City Council motion for a reduction in the mass, bulk and scale, successfully incorporated the Victorian elements from the neighborhood and retained an appropriate amount of open space and front setback. Additionally, the ABR found that the proposed design is successful for this transition residential/commercial neighborhood and met all compatibility analysis criteria. Please see attached summary.

Applicant asks City Council to approve the project as submitted.

SUMMARY

June 29, 2009 - Applicant received the Architectural Board of Review's ("ABR") support of the design and continued the item to the SHO with comments from the ABR "that the size, bulk and scale were appropriate."

July 15, 2009 – SHO found that the revised project adequately responded to the direction previously given and approved the project. Subsequently an individual from the Brinkerhoff Historical Landmark's District (a district that Bradbury is not a part of) appeal the approval and Planning Commission overturned the approval.

December 8, 2009 - City Council heard the appeal of Planning Commission's denial of a project. The staff recommendation was "[t]hat Council uphold the appeal filed by David Lack to reverse the Planning Commission denial of the project, and approve the Modification and Tentative Subdivision Map, subject to the conditions of approval and findings outlined in Staff Hearing Officer Resolution No. 062-09 (MST2007-00449); direct applicant to restudy the architecture, and to submit to the Architectural Board of Review (ABR) a project with an architectural style similar to that of the buildings on the west side of Bradbury Avenue; and direct the ABR to allow a slight increase in the size, bulk and scale of the project, as required to change the architectural style of the building."

Council continued the hearing to a date uncertain and to directed staff to return the project to the Architectural Board of Review with direction to: 1) reduce the project in size, bulk and scale, consisting of at least 1/6 of the bulk of the rear building; 2) look at whether there are some Victorian or Craftsman elements that can be added and that are compatible with the neighborhood; and 3) to retain the front yard setback.

February 8, 2010 – ABR meeting - In response to Council's directives, Applicant:

DIRECTIVE: 1) reduce the project in size, bulk and scale, consisting of at least 1/6 of the bulk of the rear building. Applicant reduced the project in size, bulk and scale, of 1/5th of the bulk of the rear building.

DIRECTIVE 2) look at whether there are some Victorian or Craftsman elements that can be added and that are compatible with the neighborhood. Applicant studied Victorian and Craftsman elements and added more of those to the project, including modifying the porch enclosures, adding cornices, and increasing the use of the lapboard sided elements.

DIRECTIVE 3) to retain the front yard setback. Applicant retained the front yard setback.

ABR continued the project indefinitely to Full Board with comments: 1) The Board appreciates the project's direction with the integration of the neighborhood's

architectural style and reduction in mass, 2) study methods to further reduce the massing, in particular at the rear third story, 3) study a more consistent and authentic integration and use of other architectural elements throughout the project, 4) return with a presentation of the proposed project in three-dimensional images.

March 22, 2010 – ABR meeting – Applicant further reduced the mass as directed by ABR and the Board unanimously found that applicant had successfully addressed the criteria of the City Council motion for a reduction in the mass, bulk and scale, successfully incorporated the Victorian elements from the neighborhood and retained an appropriate amount of open space and front setback. Additionally, the ABR found that the proposed design is successful for this transition residential/commercial neighborhood. ABR comments on the Compatibility Analysis stated:

1. The proposed project complies with the Design Guidelines and is consistent with the City Charter and applicable Municipal Code requirements.
2. The project's design is compatible with the City and successfully incorporates the architectural elements appropriate for the character of the neighborhood.
3. The project's mass, bulk and scale are appropriate for the site and the neighborhood
4. The proposed project is sensitive to adjacent City Landmarks, adjacent historic resources or established public views of mountains or ocean.
5. The project's design does not block established public views of mountains or ocean
6. The project's design provides an appropriate amount of open space and landscaping.

May 25, 2010 – Applicant is return to Council having addressed the criteria of City Council's December 8, 2009 motion. Applicant asks City Council to approve the project as submitted.

CONCEPT REVIEW - CONTINUED ITEM**ATTACHMENT 2****2. 617 BRADBURY AVE****C-2 Zone**

Assessor's Parcel Number: 037-122-006
Application Number: MST2007-00559
Owner: Leed Santa Barbara, LLC
Architect: AB Design Studio

(the project has been revised in response to concerns expressed by the City Council at the December 8, 2009 appeal hearing. The project consists of the demolition of an existing 392 square foot single-family residence, and the construction of a sustainable, 4,320 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure, including 6 parking spaces. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,257 square foot, two-bedroom, and three-story units at the rear of the lot. The commercial units total 958 square feet and are located on the first and second floor adjacent to the street. The proposal includes 2,015 square feet of green roof and upper level landscape plantings. The project requires approval by the City Council.)

(Eighth Concept Review. Comments only; the project requires approval by the City Council.)

(3:37)

Present: Josh Blumer and Dan Weber, AB Design Studio; and Fae Perry, Leed Santa Barbara, LLC; and Danny Kato, Senior Planner.

Public comment opened at 3:53 p.m.

Kellam de Forest spoke with concerns regarding the proposed project.

A letter of concern from Paula Westbury was acknowledged by the Board.

Public comment closed at 3:55 p.m.

Mr. Kato read to the Board the motion made by City Council on September 25, 2009.

Motion: Continued indefinitely to City Council and return to Full Board with comments:

- 1) The Board appreciates the continued progress of the applicant team and finds that the project as proposed has successfully addressed the criteria of the September 25, 2009, City Council motion for a reduction in the mass, bulk, and scale, successfully incorporating the Victorian elements from the neighborhood, and retaining an appropriate amount of open space and front setback.
- 2) The Board finds that the proposed design is successful for this transition residential/commercial neighborhood and looks forward to the applicant returning with final details.
- 3) The Compatibility Analysis is as follows:
 - a. The proposed project complies with the Design Guidelines and is consistent with the City Charter and applicable Municipal Code requirements.
 - b. The project's design is compatible with the City and successfully incorporates the architectural elements appropriate for the character of the neighborhood.
 - c. The project's mass, bulk, and scale are appropriate for the site and the neighborhood.
 - d. The proposed project is sensitive to adjacent City Landmarks, adjacent historic resources or established public views of mountains or ocean.

- e. The project's design does not block established public views of mountains or ocean.
- f. The project's design provides an appropriate amount of open space and landscaping.

Action: Rivera/Gross, 4/0/0. Motion carried. (Aurell/Mosel stepped down, Gilliland/Sherry absent).

CONCEPT REVIEW - CONTINUED ITEM**3. 617 BRADBURY AVE****C-2 Zone**

Assessor's Parcel Number: 037-122-006
 Application Number: MST2007-00559
 Owner: Leed Santa Barbara, LLC
 Architect: AB Design Studio

(The project has been revised in response to concerns expressed by the City Council at the December 8, 2009 appeal hearing. The project consists of the demolition of an existing 392 square foot single-family residence, and the construction of a sustainable, 4,467 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure, including 6 parking spaces. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,318 square foot, two-bedroom, and three-story units at the rear of the lot. The commercial units total 983 square feet and are located on the first and second floor adjacent to the street. The proposal includes 2,015 square feet of green roof and upper level landscape plantings. The project requires approval by the City Council.)

(Seventh Concept Review. Comments only; the project requires approval by the City Council.)

(5:05)

Present: Dan Weber, AB Design Studio; Fae Perry, Leed Santa Barbara, LLC; and Suzanne Riegle, Planning Technician II.

Ms. Reigle and Chair Manson-Hing read to the Board the December 8, 2009, City Council meeting comments.

Public comment opened at 5:21 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Wanda Livernois, in opposition.
- 2) Robert Livernois, (submitted photographs) in opposition.
- 3) Kellam de Forest, expressed concerns.
- 4) Karolyn Vasalo, in opposition.

An opposition letter from Paula Westbury was acknowledged by the Board.

Public comment closed at 5:32 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board appreciates the project's direction with the integration of the neighborhood's architectural style and reduction in mass.
- 2) Study methods to further reduce the massing, in particular at the rear third story.
- 3) Study a more consistent and authentic integration and use of other architectural elements throughout the project.
- 4) Return with a presentation of the proposed project in three-dimensional images.

Action: Rivera/Sherry, 4/0/0. Motion carried. (Mosel stepped down, Aurell/Gross/Gilliland absent.)

*** THE BOARD RECESSED AT 6:05 P.M. AND RECOVERED AT 6:28 P.M. ***



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 8, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Planning Commission Denial Of A Project At 617 Bradbury Avenue

RECOMMENDATION:

That Council uphold the appeal filed by David Lack to reverse the Planning Commission denial of the project, and approve the Modification and Tentative Subdivision Map, subject to the conditions of approval and findings outlined in Staff Hearing Officer Resolution No. 062-09. (MST2007-00559); direct applicant to restudy the architecture, and to submit to the Architectural Board of Review (ABR) a project with an architectural style similar to that of the buildings on the west side of Bradbury Avenue; and direct the ABR to allow a slight increase in the size, bulk and scale of the project, as required to change the architectural style of the building.

DISCUSSION:

Project Description

The proposed project involves the demolition of an existing single-family residence, and the construction of a 5,488 square foot (s.f.), three-story, mixed-use building with a maximum height of 29'8". The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure with six spaces. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,506 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 998 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

Background

The Architectural Board of Review (ABR) reviewed the project five times prior to the Staff Hearing Officer's (SHO) initial hearing. The project was forwarded to the SHO with positive comments on a split vote. On June 17, 2009, the SHO held a public hearing on the proposed project and continued the item to July 15, 2009, to allow the applicant to study alternate locations of the required 15' by 15' common open space or request for a modification for the dimension and/or location of the required area. The SHO also requested the applicant to restudy the amount of proposed parking and the provision of

private garages, and the proposed second story balconies to address concerns regarding privacy issues between the project site and adjacent properties. The SHO suggested that the project return to the ABR for additional comments related to the project's size, bulk, and scale and neighborhood compatibility.

On June 29, 2009, the ABR reviewed a project that was revised slightly to respond to the SHO's concerns. The ABR continued the item to the SHO with comments (4-2) from the Board that the size, bulk and scale were appropriate. The Board stated that it would support the design for the open yard to accommodate the user's need for outdoor living and in addition to provide a visual benefit to the community and a more neighborhood feel.

At the July 15, 2009, hearing, the SHO found that the revised project adequately responded to the direction previously given and approved the project. The SHO also requested the applicant to continue to work with the ABR to further reduce the mass, bulk, and scale of the building particularly in regards to the third floor mass and to further study the privacy issues regarding the rear second story deck. Subsequently, a neighbor filed an appeal.

A neighbor, Wanda Livernois, filed an appeal of the SHO decision, and a Planning Commission (PC) appeal hearing was held on September 10, 2009. After much discussion by the Planning Commission, the appeal was upheld, and the project was denied. A discussion of the reasons for the PC's denial are included in the "Issues" section of this staff report.

Subsequently, an appeal was filed by the property owner, David Lack of LEED Santa Barbara. The appeal letter states that the PC decision to uphold Ms. Livernois appeal was inappropriate, and requests that the Council overturn the Planning Commission's denial of the project (see Attachment 1 – Appeal Letter). The appellant states that the project findings can be made; specifically, that the project will not have an adverse impact on the neighborhood's aesthetics and with the approval of the Modification and the Tentative Subdivision Map, the project complies with the Zoning Ordinance and the General Plan.

Appeal Issues

Common Open Space Modification

The project exceeds the private open space requirement, as well as the 10% open space requirement. However, the project must also provide a common open space that is at least 15' by 15'. The purpose of the common open space is to provide some recreational open space for occupants of the building. The common open space is not allowed in the front yard (setback or remaining yard). In this instance, locating the common open space in the front yard provides greater relief to the existing streetscape

and results in a neighborhood benefit creating a larger setback and green space instead of additional building mass at the street with a common open space only available to the private owners of the property.

The proposed common open space as shown on the plans is approximately 15'6" by 22'6", and includes the main walkway; however, the SHO stated that the main walkway into the development should not be included in the common open space area and required that the common open space be shown to exclude the 3' 6" wide walkway, thus reducing the common open space dimensions to 12' by 22' 6". In addition, a large palm tree is located within the common open space area. The ABR found the location to be appropriate, with the design to be further refined. The Planning Commission did not seem to have issues with this Modification, and denied the project on different grounds.

Neighborhood Compatibility

The project site is located north of the Brinkerhoff Landmark District and across the street to the west from El Pueblo Viejo Landmark District (EPV). While in proximity to these historic districts, the site is not located within the districts. Brinkerhoff Avenue is comprised of designated historic resources and has a unique character, architectural style, site design layout, and landscaping design which unifies the entire block giving it a distinctly separate and distinguishable continuity. The eastern side of Bradbury Avenue has a variety of architectural styles. The Frazee building site which is a through lot to Chapala Street and is the only lot which fronts Bradbury Avenue. This western edge of EPV has been developed with larger two and three-story projects fronting Chapala Street. The pattern of development on the western side of the street has a series of one to three story buildings varying in architectural styles including Victorian and Craftsman styles.

While some neighbors have expressed their desire to see Bradbury Street become its own or an extension of the Brinkerhoff Landmark District, Staff believes that the area lacks enough architectural or historic integrity to support enlarging the Brinkerhoff Landmark District or to create a new historic district along Bradbury Avenue. As stated previously, the ABR's opinion was that the size, bulk and scale of the proposed building is appropriate and compatible with the neighborhood. The proposed structure is less than 30 feet tall, and the majority of the mass is setback from the street. There is no evidence that the construction of this project would have an adverse physical effect on either EPV or the Brinkerhoff District.

Neighborhood Aesthetics

The ABR thought that the modern style architecture was compatible with the overall neighborhood, but Staff believes that the Planning Commission's denial of the project is based on the proposed architecture (modern style, with flat roofs, straight parapets, and largely stucco finish), which is a marked departure from the architecture of neighboring buildings on the same side of Bradbury Avenue (Victorian or Craftsman style, with sloped roofs and wood siding).

The Commission denied the project due a specific clause in finding C.3 which stated that the project "will not have an adverse impact upon the neighborhood's aesthetics." The Commission felt that the building should have similar setback from the front property line as the adjacent properties on the westerly side of Bradbury Avenue and should be of a similar architectural style. The Planning Commission voted 4-0-0 to grant the appeal and deny the project without prejudice, which allows the applicant to resubmit a substantially similar project within one year.

Conclusion

It is Staff's position that the SHO appropriately considered all relevant issues pertaining to the application and its land use decision and made the appropriate findings to approve the proposed project. However, Staff is also sympathetic to the Planning Commission's issue of architectural style. Staff believes that it would be appropriate to require that the architectural style be changed to be more compatible with the buildings on the west side of Bradbury Avenue. Although such a change in architectural style could result in an increase in building height (flat roofs to pitched roofs) and the potential loss of some of the sustainable features (green roof is proposed on the flat roof), Staff believes that this would be an appropriate trade-off.

RECOMMENDATION:

Therefore, Staff recommends that the Council: 1) uphold the appeal, reverse the Planning Commission decision to deny the project and approve the Modification and Tentative Subdivision Map making the findings and subject to the conditions contained in Staff Hearing Officer Resolution 062-09 (Attachment 3); 2) direct applicant to restudy the architecture, and to submit to the ABR, a project whose architectural style is similar to that of the buildings on the west side of Bradbury Avenue; and 3) direct the ABR to allow a slight increase in the size, bulk and scale of the project, as required to change the architectural style of the building.

NOTE: The Project Plans, Staff Hearing Officer Staff Reports, and Planning Commission Staff Report are provided under separate cover.

- ATTACHMENTS:**
1. Appeal letter dated September 25, 2009
 2. Planning Commission Minutes, 9/17/09, and PC Resolution 037-09
 3. Staff Hearing Officer Minutes, 7/15/09, and SHO Resolution 062-09

PREPARED BY: Suzanne Riegle, Assistant Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT I

RECEIVED

8:45 pm ST

September 25, 2009

Santa Barbara City Clerk
735 Anacapa Street
Santa Barbara, CA 93101-2203

Re: 617 Bradbury, Santa Barbara, CA 93101 – MST 2007-00559
Appeal – Planning Commission's September 17, 2009 Decision

To Whom It May Concern:

This letter is to request an appeal to the Planning Commission decision on Thursday, September 17, 2009 and:

1. Uphold the July 15, 2009 Staff Hearing Officer's ("SHO") Resolution 062-09 with findings to approve the application on the above referenced mixed use development with finding to support a Modification and Tentative Subdivision Map
2. Uphold the June 11, 2009 and the July 9, 2009 Staff Hearing Officer Report Staff Reports recommendations of the both the Senior Planner and the Assistant Planner
3. Uphold the June 29, 2009 Architectural Board of Reviews ("ABR") findings for architectural style, neighborhood compatibility and mass, bulk and scale.
4. Support City Planning staff's work with applicant over the past 2 ½ years to produce a project that complies with all current Zoning Ordinances and the future General Plan Updates.
5. Overturn the Planning Commission's September 17, 2009 determination.

Project Description:

The project consists of the demolition of an existing 392 SF single family residence and the construction of a sustainable, 5,488 square foot mixed-use development. The proposal will result in two commercial condominiums (a total of 998 SF) located on the first and second floors (19'-0"), two 1,506 SF residential condominiums 55'-6" from the front property line at the rear of the building on the second and third floors (Parapet is 29'-8") and on-grade parking structure. The proposal consists of 2,015 SF of green roof and upper level landscape planting. Two bicycle parking spaces and a changing room are provided on-site.

The project is a modest development in the downtown corridor on a C-2 lot, conforms to the City's zoning and Building ordinances and policies of the General Plan. The sizing and massing of the project were deemed compatible with the surrounding neighborhood by staff, the ABR and the SHO and well below the permitted 60' permitted by code or the 40' height proposed by Measure B.

The project is not located in the El Pueblo Viejo Landmark District nor the Brinkerhoff Landmark District.

Applicant requested one modification to allow the required common open area to be located in the front yard and/or smaller than the required dimensions. The project exceeds the size requirements for the Common Open Space (333.25 SF proposed if the walkway is included and 258 SF if the walkway is not included. Both dimensions exceed the 225 SF required) but does not meet the location requirements due to conflicting interpretation of the ordinance ("frontyard" setback—none required in a C-2 zone vs. "frontyard"). Although other solutions were considered that would result in the project that did not require a modification request, it was determined by ABR, staff and SHO that locating it on the roof would reduce the ability to achieve a sustainable building that includes green roofs and solar panels and negatively impact the design resulting in additional mass being brought forward to the street and would not allow all users of the building to commonly use the open space as intended by ordinance.

The project was appealed to the Planning Commission on September 17, 2009 who overturned SHO approval disregarding staff recommendations and ABR findings. Applicant has followed the rules, worked closely with staff, ABR and SHO over the past 2 ½ years on a sustainable project designed by reputable LEED architects. The project is compatible with the ordinances and policies of the City of Santa Barbara and based on sound planning. Applicant appreciates the opinions of the neighbors and people in opposition, but believes the project should be approved based on fact not opinion. Here are some of the relevant facts for this project:

As stated in the Staff Hearing Office Report, this proposed project warrants approval based on the following:

- "The modification is consistent with the purposes and intent of the Zoning Ordinance because a useable common open space is provided in a location found to be acceptable by ABR, and each of the residential units is being provided with more than double the required private outdoor living space. ...mass, bulk and scale has been found appropriate by the ABR."
- "Tentative Subdivision Map is consistent with the City of Santa Barbara's Zoning Ordinance and General Plan...proposed use is CONSISTENT with the vision for the West Downtown neighborhood of the General plan."
- "...project complies with all provisions of the City's Condominium Ordinance..."
- "...project is found consistent with the policies of the City's General Plan including the Land Use and Housing Elements... [and] will provide residential development that is compatible with the surrounding neighborhood."
- "...[ABR] found the architecture and site design appropriate."

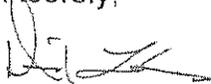
Exemplary Design MERITS of this project include:

- LEED Platinum Certification
- Built Green Santa Barbara Participation
- Exemplary use of green roofs and solar energy
- Setbacks on all sides in a zero-lot line district-2'-6" at ground flr. up to 7' at 2nd flr.
- Ample setbacks at the sidewalk
- Height Limit is 60'. This building is designed to 29'-8". Complies with upcoming Measure B height reduction of 40'

- All parking proposed onsite... cars hidden from view. Additional parking provided to reduce impacts on parking stressed street.
- Required 225sf of Common Open Space exceeded by 126sf on site - **351sf Provided**
- Required 84sf of Private Outdoor Living Space exceeded by 160sf/unit - **254sf Provided**
- Required 10% of lot Open Space exceeded by 7% -**17% Provided**
- Storm Water retention and natural filtering done onsite
- Appropriate Mixed-use project for transitional street/neighborhood. Use is consistent with commercial and multi-family buildings found on both sides of the street.
- "Pedestrian Friendly" approach to the sidewalk
- Architectural Styling appropriate to the structures located on street and within neighborhood
- Upper level massing set back almost half the lot the depth
- Third story massing minimized to 1500sf.
- 21'-3" (42%) building frontage at sidewalk setback 3'-6"
- Remainder of building setback 22'-6" from sidewalk.

Thank you for your consideration.

Sincerely,



LEED Santa Barbara, LLC, owner
420 E. Carrillo Street
Santa Barbara, CA 93101
(805) 963-3600

III. STAFF HEARING OFFICER APPEALS:

ACTUAL TIME: 1:06 P.M.

**APPEAL OF WANDA LIVERNOIS OF THE APPLICATION OF CLAY AURELL,
ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE,
037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION:
COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)**

This is an appeal of the July 15, 2009 Staff Hearing Officer decision to approve a Modification and Tentative Subdivision Map. The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,488 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,506 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 998 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

Case Planner: Suzanne Riegler, Assistant Planner
Email: SRiegler@SantaBarbaraCA.gov

Suzanne Riegler, Assistant Planner, gave the Staff presentation.

Dawn Sherry, Architectural Board of Review (ABR) member, summarized the ABR's consensus for making the compatibility finding and made herself available to answer any of the Planning Commission's questions.

Wanda Livernois, Appellant, gave the appellant presentation.

Clay Aurell, Architect, gave the applicant presentation, joined by David Lack, Owner.

Chair Larson opened the public hearing at 1:40 P.M.

The following people spoke in support of the appeal, or with concerns:

1. Paul Zink, Architectural Board of Review, stated that the ABR decision was very divided and the project needs more refinement.
2. Bill Mahan stated that the Tentative Subdivision Map finding C.3 could not have been made with regard to neighborhood compatibility
3. Joan Livingston, Allied Neighborhood Association: neighborhood incompatibility.
4. Jeanne Kahre: neighborhood incompatibility; size/bulk/scale.
5. Myfawny Learned: neighborhood incompatibility
6. Michael Terry, speaking for Caroline Vassallo: neighborhood incompatibility
7. Marcie Woolfolk: neighborhood incompatibility
8. Mary Louise Days: neighborhood incompatibility
9. Tim Buynak: neighborhood incompatibility
10. Kellem de Forest: size/bulk/scale
11. Mark Masslen: neighborhood incompatibility; size/bulk/scale
12. Robert Livernois, neighborhood incompatibility; size/bulk/scale

The following people spoke in opposition to the appeal:

1. Steve Yates
2. Andy Roteman
3. Mike McCormack

With no one else wishing to speak, the public hearing was closed at 2:21 P.M.

Staff answered the Planning Commission's questions about the 15' X 15' common open space dimensions; explained the required finding for sound community planning; the status of the rear property line, and summarized the projects five reviews by the ABR.

Mr. Aurell responded that the top of the parapet was below 30' and elaborated on the vegetation on the green roof and its low-water requirements.

The Commissioners made the following comments:

1. Commissioner Jacobs acknowledged the public input of the neighborhood. Puzzled that ABR found the project consistent with the existing neighborhood; did not see that the compatibility standard was met. Would like to see the project reviewed by the Historic Landmarks Committee and that story poles be mandatory. Cannot support the project and will uphold the appeal.
2. Commissioner Lodge appreciated that the applicant looked at the Victorian house across the street and used similar materials, but felt that the project needs to fit with the neighborhood.
3. Commissioner Jostes acknowledged the extent that the applicant has gone to make the project sustainable. Concerned with the project not being compatible with the neighborhood. The project maximizes use of the land at the expense of neighborhood compatibility.
4. Although the staff report described that the General Plan "envisioned that the properties from De La Vina to Chapala would transition over time from single

family residential to higher density residential or low intensity commercial uses,” the majority of the Commission believed that the General Plan described the area as a “transitional” neighborhood that provided a buffer between the residential areas to the west, and the commercial area to the east, rather than a neighborhood, “in transition” from one type of land use to another. Therefore, the Commission could not make the required finding and support project. Believes the scale and bulk can be reduced by reducing the bedroom sizes. The architecture needs to be softened. (Later review of the Land Use Element revealed that it describes the West Downtown neighborhood as follows: “...new apartment complexes are replacing older single-family houses as West Downtown continues in transition to higher density residential and commercial uses....”)

MOTION: Jacobs/Lodge

Assigned Resolution No. 037-09

Uphold the appeal and deny the project. Recommended that if the project is resubmitted, the Historic Landmarks Committee should be given a courtesy review.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Thompson, White)

Scott Vincent, Assistant City Attorney, stated that per the Municipal Code, it was not in the Commission’s purview to designate which review board could review which projects.

MOTION: Jostes/Jacobs

Motion to reconsider the prior motion.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Thompson, White)

MOTION: Jacobs/Lodge

Assigned Resolution No. 037-09

Uphold the appeal and deny the project.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Thompson, White)

Chair Larson announced the ten calendar day appeal period.

Mr. Kato sought input from the Commission on following the recommendations of Review Boards, which in this instance had found the project compatible with the neighborhood. Mr. Jostes stated that findings are viewed consistent with the principles of sound community planning. Commissioners Jostes and Jacobs referenced the multi-review board meeting that was held in July 18, 2007, and given the changes in review board membership, recommended that a similar meeting be put together again.

Mr. Vincent stated that the system that came out of the July meeting led to compatibility criteria that was adopted in the Historic Landmarks Committee and Architectural Board of Review sections of Title 22, and gave a communication tool for each Board and Commission and does not necessitate that each review board would arrive at the same conclusion.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:00 P.M.

- A. Committee and Liaison Reports.
1. Staff Hearing Officer Liaison Report

Chair Larson reported on the Staff Hearing Officer meeting of September 9, 2009.
 2. Other Committee and Liaison Reports
 - a. Commissioner Lodge reported on the Downtown Parking Committee meeting of September 10, 2009.
- B. Action on the review and consideration of the following Draft Minutes and Resolutions:
- a. Draft Minutes of August 20, 2009
 - b. Resolution 030-09
500 N. Milpas Street
 - c. Resolution 031-09
226 and 232 Eucalyptus Drive
 - d. Resolution 032-09
803 N. Milpas Street
 - e. Draft Minutes of September 3, 2009
 - f. Resolution 033-09
124 Los Aguajes Avenue

MOTION: Jostes/Lodge

Continue the Minutes and Resolutions of August 20, 2009 to September 24, 2009
and approve the Minutes and Resolutions of September 3, 2009

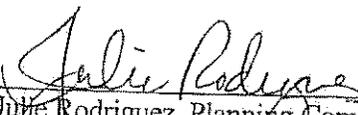
This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: As noted. Absent: 3 (Bartlett, Thompson, White)

VII. ADJOURNMENT

Chair Larson adjourned the meeting at 3:07 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 037-09

617 BRADBURY AVENUE

FRONT YARD MODIFICATION AND TENTATIVE SUBDIVISION MAP

SEPTEMBER 17, 2009

**APPEAL OF WANDA LIVERNOIS OF THE APPLICATION OF CLAY AURELL,
ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE, 037-122-006,
C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION:
COMMERICAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)**

This was an appeal of the July 15, 2009 Staff Hearing Officer decision to approve a Modification and Tentative Subdivision Map. The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,488 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,506 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 998 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 12 people appeared to speak in favor of the appeal, and 3 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 10, 2009
2. Site Plans
3. Correspondence received in support of the appeal, or with concerns:
 1. Judy Orias, Allied Neighborhood Association, via email
 2. Caroline Vassallo, via email
 3. Marcella Woolfolk, via email

4. James and Kathleen Smock, via email
5. Jeanne Kahre, via email
6. Karen McFadden, via email
7. Wanda Livernois, via email
8. Neighborhood petition with 20 signatures
9. Theony Condos, via email
10. Naomi Kovacs, Citizens Planning Association, via email
11. Barry Dubin, via email
12. Deidre Dubin, via email
13. John Vasi, Santa Barbara, CA
14. Wendy Foster, via email
15. Barbara Prumeau, Santa Barbara, CA
16. Mark Maslan and Ann Cumming, Santa Barbara, CA
17. Correspondence received in opposition to the appeal:
18. Clay Aurell, via email
19. Greg Griffin, via email
20. Barry Winick, via email
21. Mike McCormack, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission upheld the appeal and denied the project due to the inability to make finding C.3 found on page 4 of the July 15, 2009 Staff Hearing Officer Staff Report.

This motion was passed and adopted on the 17th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

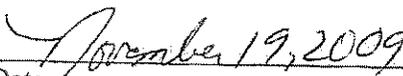
AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Bartlett, Thompson, White)

PLANNING COMMISSION RESOLUTION No. 037-09
617 BRADBURY AVENUE
SEPTEMBER 17, 2009
PAGE 3

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

The Public Hearing was opened at 9:46 a.m.

Cathey Wilkins, opposed: design will build upon, intensify and extend the life of the existing non-conforming structures (submitted written comments and photographs).

The public hearing was closed at 9:55 a.m.

Ms. Reardon stated that the proposed second garage sink is to be removed, and if the garage were to be, the new garage must meet 20'x20' interior clear space dimension. Ms. Reardon also stated that if the hedge height posed a visibility issue, it may be required to be trimmed during the plan check process.

ACTION:

Assigned Resolution No. 061-09

Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed roof change is appropriate because it will allow the existing garage to be upgraded architecturally to match the new residential design with minimal change to existing conditions.

Said approval is subject to the conditions that the second sink in the garage is to be removed, and if the garage is to be demolished, the new garage interior space shall measure 20' x 20'.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 9:59 A.M.

CONTINUED FROM JUNE 17, 2009

E. APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)

The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,508 square feet, two-bedroom, and three-story units at the rear of the lot. The commercial units are a total of 983 square feet and are located on the first and second floor adjacent to the street. The proposal includes 2,015 square feet of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

Danny Kato, Senior Planner, gave the Staff presentation and recommendation. Mr. Kato stated that the project was continued from the previous SHO hearing due to an error in failing to note that the Zoning Ordinance requires a 15x15 open space on the lot which cannot be located in the front yard. The 15x15 open space proposed in the front yard does not meet Zoning Ordinance requirements. Mr. Kato reported on the ABR's comments and concerns.

Mr. Kato stated that the three foot wide strip of land to the west of this site is owned by the heirs of the original subdivision, not the City as previously thought.

Present: Clay Aurell, Architect; Josh Blummer, Associate; Fae Perry and David Black, Owners; Jack Kessel, Landscape Architect.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Ms. Reardon asked whether other areas were considered for the open space. Mr. Aurell stated that staff suggested having open space on the roof, but ADA issues prevented that option. An alternative was to utilize space at an upper level deck, but the 15 foot dimension was not acceptable. The best option was to have open space at the ground plane.

The Public Hearing was opened at 10:35 a.m.

Caroline Vassallo, opposed: three ABR members had problems with size, bulk, scale, and were concerned about lack of story poles. Not opposed to mixed use, but sensitivity of street charm is needed.

Wanda Livernois: surprised by applicant's problem with uncovered parking; requested copies of story pole photographs.

Robert Livernois: questioned whether story poles were installed; opposed to tree removal; supported the parking.

Andy Roteman: in support of the modification; having open yard space in front is the best option.

A letter in support of the project from Greg Griffin was acknowledged.

Two letters in opposition of the project from Karen McFadden and Theony Condos.

The Public Hearing was closed at 10:47 a.m.

Ms. Reardon questioned whether there is room to have an open garage and a closed garage for each unit. Ms. Swanson explained that it might be reasonable to reduce the garage width by 6 inches providing a garage narrower for the single user, allowing the open shared garage space to be wider.

Ms. Reardon stated that the added planters on the second story decks that are to be located on the north and south sides responds adequately to her previous concerns, but requested the ABR to restudy the privacy issues related to the proposed balconies on the west (rear) side of the proposed building for an appropriate solution. Ms. Reardon also asked the applicant to work with the ABR to further reduce the mass, bulk and scale of the building in particular with regards to the third floor mass.

ACTION:

Assigned Resolution No. 062-09

Approved the subject application making the findings contained in the Staff Report dated July 9, 2009, as revised at the hearing, and subject to the Conditions of Approval contained in Exhibit A of the Staff Report dated June 11, 2009, as revised at the hearing, with the following conditions: 1) B.1: revise to state "...parking is provided in two residential one-car garages and five open parking spaces..."; 2) B.2: delete "the following three protection measures shall be incorporated" and 3) add the new condition "H.7. Story Pole Photographic Record. The applicant shall submit photographs of the completed building from the same locations as the photographs taken of the story pole installation for recordation purposes."

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

III. ADJOURNMENT:

Ms. Reardon adjourned the meeting at 11:46 a.m.

Submitted by,



Deana McMillion, Administrative/Clerical Supervisor on behalf of
Gloria Shafer, Staff Hearing Officer Secretary

See Attachment 4

for a copy of

Staff Hearing Officer Resolution No. 062-09



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 062-09

617 BRADBURY AVENUE

MODIFICATION AND TENTATIVE SUBDIVISION MAP

JULY 15, 2009

**APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC,
617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN
DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)**

The project consists of the demolition of an existing single-family residence, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,508 square foot, two-bedroom, and three-story units at the rear of the lot. The commercial units are a total of 983 square feet and are located on the first and second floor adjacent to the street. The proposal includes 2,015 square feet of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, one person appeared to speak in favor of the application, and three people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 9, 2009.
2. Staff Report and Attachments, June 17, 2009.
3. Site Plans
4. Correspondence received in support of the project:
Greg Griffin, 428 De La Vina Street, Santa Barbara, CA

5. Correspondence received in opposition to the project:
 - a. Theony Candos, 4754 Camino del Rey, Santa Barbara, CA
 - b. Karen McFadden, submitted via e-mail

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved the subject application making the following findings and determinations:

A. Modification (SBMC §28.21.081.A.3. and §28.92.110.A)

The modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement of the lot. Each of the residential units of this mixed-use building has more than double the required private outdoor living space which provides adequate useable outdoor area. The proposed 270 square foot common open space, although it does not meet minimum dimensions, provides adequate useable outdoor space for both the commercial and residential tenants.

B. Tentative Map (SBMC §27.07.100)

With approval of the Modification, the Tentative Subdivision Map is consistent with the City of Santa Barbara's Zoning Ordinance and General Plan as discussed in Sections V and VI of the June 11, 2009, staff report. The site is physically suitable for the proposed development, and the proposed use is consistent with the vision for the West Downtown neighborhood of the General Plan.

As discussed in Section VIII of the June 11, 2009, staff report, the design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems

C. New Condominium Development (SBMC §27.13.080)

1. As demonstrated in Section V and VI of the June 11, 2009, staff report, and with approval of the modification of the common open area, the project complies with all provisions of the City's Condominium Ordinance, including density requirements, laundry facilities, separate utility metering, adequate unit size, and the required private outdoor living space.
2. The proposed development is consistent with the General Plan of the city of Santa Barbara.

The project is found consistent with policies of the City's General Plan including the Land Use and Housing Elements, as discussed in Section VII.B of the June 11, 2009, staff report. The project will provide residential development that is compatible with the surrounding neighborhood.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential project proposed in an area where residential development is a permitted use. The design has been reviewed by the Architectural Board of Review, which found the architecture and site design appropriate. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts, as described in the June 11, 2009, staff report. In addition, a stated goal of the project is LEED Platinum certification.

- II. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
 - A. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied.
 1. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 2. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk using a different walkway material.
 3. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 - B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property," which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on July 15, 2009, is limited to a three-story, 5,978 square foot mixed use building on a 5,000 square foot lot located in the Central Business District. The proposal includes two residential condominiums and two commercial condominium units totaling 918 square feet of non-residential square footage. Parking is provided in two residential one-car garages and four open parking spaces (1 parking space is accessible) on the ground floor of the project and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
7. **Use Limitations.** Due to potential parking impacts, the conversion of residential units to commercial floor area is not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.

- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section B.6. above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
 4. **Drainage Calculations/Hydrology Report.** The Owner shall submit drainage calculations prepared by a registered civil engineer demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
 6. **Bradbury Avenue Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Bradbury Avenue. As determined by the Public Works Department, the improvements shall include the following: sidewalk (width to match existing), parkway, supply on a install one 36 inch minimum box size *Pyrus kawakamii* (Evergreen Pear), residential driveway apron modified to meet Title 24 requirements, raise

existing sandstone curb, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, one new sewer lateral, public drainage improvements with supporting drainage calculations for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per MUTCD with CA supplements, new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

7. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement, and prior to recordation of the map if improvements are not complete at the time of map recordation.
 8. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Parcel Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department, or shall submit securities for the public improvements if map recordation is deferred until following construction.
- E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:
1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

2. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
4. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
5. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).

F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.5. above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

6. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner Date

Contractor Date License No.

Architect Date License No.

Engineer Date License No.

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.

7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31 st *
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
- a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

- c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
9. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map and Site Plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
10. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
11. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
12. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
 5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
 7. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B have been recorded.
 8. **Story Pole Photographic Record.** The applicant shall submit photographs of the completed building from the same locations as the photographs taken of the story pole installation for recordation purposes.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

STAFF HEARING OFFICER RESOLUTION No. 062-09
617 BRADBURY AVENUE
JULY 15, 2009
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Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Staff Hearing Officer's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 15th day of July, 2009, by the Staff Hearing Officer of the city of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Deana McMillion, Administrative/Clerical Supervisor on behalf of
Gloria Shafer, Staff Hearing Officer Secretary

7-21-09
Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department

SUBJECT: Interviews For City Advisory Groups

RECOMMENDATION: That Council:

- A. Hold interviews of applicants to various City Advisory Groups;
- B. Continue interviews of applicants to June 8, 2010; and
- C. Continue interviews of applicants to June 15, 2010.

DISCUSSION:

Interviews of applicants to various positions on City Advisory Groups are to be held on May 25, 2010, at 4:00 p.m. Applicants will also have the option to be interviewed on June 8, 2010, at 4:00 p.m. and June 15, 2010, at 6:00 p.m.

Applicants to the Franklin Center, Lower Westside Center and Westside Center Advisory Committees were also given the option to be interviewed by a Council Subcommittee, instead of the City Council, on Thursday, May 20, 2010, at 7:00 p.m. at the Louise Lowry Davis Center.

For the 41 vacancies, 41 individuals submitted 46 applications. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment, they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation in response to a set of questions specific to the group for which they are applying. An overall time limit of five minutes is allotted if the applicant has applied to more than one group.

Appointments are scheduled to take place on June 29, 2010.

ATTACHMENT: List of Applicants

PREPARED BY: Cynthia M. Rodriguez, CMC, City Clerk Services Manager

SUBMITTED BY: Marcelo A. López, Assistant City Administrator

APPROVED BY: City Administrator's Office

ARCHITECTURAL BOARD OF REVIEW

- One vacancy.
- Term expires 12/31/2010.
- Qualified elector of the City or a registered voter of the County of Santa Barbara who may be a licensed architect, someone who possesses professional qualifications in related fields including, but not limited to landscape architecture, building design, structural engineering or industrial design, or who represents the public at large.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Licensed Architect/ Professional Qualifications/Public at Large (1)</i>	Chris Gilliland			Landscape Architect – Qualified Elector
	Keith Nolan			Architect - County

ARTS ADVISORY COMMITTEE

- One vacancy.
- Term expires 12/31/2013.
- Qualified elector of the City with acknowledged accomplishments in the arts and who demonstrates an interest in and commitment to cultural and arts activities.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	Jacqueline Kronberg			
	Tom Morey			

CENTRAL COAST COMMISSION FOR SENIOR CITIZENS

- One vacancy.
- Term expires 6/30/2011.
- Resident of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident of the City (1)</i>	None			

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Five vacancies.
- One term expires 12/31/2010;
One term expires 12/31/2011;
One term expires 12/31/2012; and
Two terms expire 12/31/2013.
- Residents or employees within the City but need not be qualified electors of the City. One representative from each:
 - African American Community
 - Downtown Neighborhood
 - Housing Interests
 - Human Services Agency
 - Senior Community
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>African American Community (1)</i>	None			
<i>Downtown Neighborhood (1)</i>	James Cook			
<i>Housing Interests (1)</i>	None			
<i>Human Services Agency (1)</i>	Jennifer Griffin			
	Erik Talkin			
<i>Senior Community (1)</i>	Robert Burke		1) Housing Authority; and 2) Community Development & Human Services Committee	
	Ms. Rocky Jacobson		1) Community Development & Human Services Committee; and 2) Parks and Recreation Commission	

CREEKS ADVISORY COMMITTEE

- Three vacancies.
- Two terms expire 12/31/2010; and
One term expires 12/31/2011.
- One appointee may be a resident of the City or the County:
 - One member with experience in environmental/land use issues (e.g., land habitat restoration, water specialist, biologist, or hydrologist, etc.)
 - Two members with experience in ocean use, business, environmental issues, and/or provide community at large representation.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Experience in environmental/land use issues (e.g., land use planning, environmental / natural resource protection / preservation, habitat restoration, water specialist, biologist, or hydrologist, etc. (1)</i>	None			
<i>Experience in ocean use, business, environmental issues, and/or provide community at large representation (2)</i>	Thomas L. Williams, Jr.		1) Creeks Advisory Committee; and 2) Harbor Commission	City

DOWNTOWN PARKING COMMITTEE

- One vacancy.
- Term expires 12/31/2013.
- Resident of the City or the County of Santa Barbara. Appointee shall demonstrate an interest and knowledge of downtown parking issues.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident of the City or the County (1)</i>	None.			

FIRE AND POLICE PENSION COMMISSION

- Three vacancies.
- Two terms expire 12/31/2012; and
One term expires 12/31/2013.
- One qualified elector of the City who is not an active firefighter or an active police officer for the City of Santa Barbara, and appointee may not hold any full-time paid office or employment in City government;
One active or retired firefighter who need not be a resident or qualified elector of the City; and
One active or retired police officer who need not be a resident or qualified elector of the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	None			
<i>Active/Retired Firefighter (1)</i>	Michael K. Jacobs	1/9/1979 (31 years, 5 months)		
<i>Active/Retired Police Officer (1)</i>	None			

FRANKLIN CENTER ADVISORY COMMITTEE

- One vacancy.
- Term expires 12/31/2013
- Members are not required to be qualified electors of the City: Resident or employee within the Franklin Neighborhood (Census Tract Nos. 8.01, 8.02 or 9)
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident/Employee in the Franklin Neighborhood (1)</i>	Britta Bartels		1) Franklin Center; 2) Westside Center; and 3) Lower Westside Center Advisory Committee	Census Tract 9
	Chrystal Sturm	12/16/2008 (1 year, 6 months)		Census Tract 8.01

HARBOR COMMISSION

- One vacancy.
- Term expires 12/31/2013.
- Qualified elector of the City or a registered voter of the County of Santa Barbara.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector or registered voter of the County of Santa Barbara (1)</i>	Cory Bantilan			Qualified Elector
	Michael J. Barnick			Registered Voter – County
	Marc Brody			Qualified Elector
	Paul Miller			Qualified Elector
	Tiesha Tallman			Registered Voter – County
	Thomas L. Williams, Jr.			1) Creeks Advisory Committee; and 2) Harbor Commission

HOUSING AUTHORITY COMMISSION

- Three vacancies.
- One term expires 2/15/2012 (Tenant);
One term expires June 30, 2012 (Senior Tenant); and
One term expires June 30, 2014 (Public at Large)
- One resident of the City who is a tenant and is receiving housing assistance from the Housing Authority of the City of Santa Barbara;
One resident of the City who is a tenant, 62 years of age or older, and is receiving housing assistance from the Housing Authority of the City of Santa Barbara.
One resident of the City who represents the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Tenant (1)</i>	Mary Johnston-de León	6/28/05, 7/11/06, & 7/1/08 (5 years)		
<i>Senior Tenant (1)</i>	Patrick W. Johnson			
<i>Public at Large (1)</i>	Robert Burke		1) Housing Authority; and 2) Community Development & Human Services Committee	
	Donald D. Olson			

LIBRARY BOARD

- One vacancy.
- Term expires 12/31/2013.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	Dianne Duva			
	Christine Forte			

LIVING WAGE ADVISORY COMMITTEE

- Five vacancies.
- Two terms expire 6/30/2012;
One term expires 6/30/2013; and
Two terms expire 6/30/2014.
- One member nominated by a local living wage advocacy organization;
One member who is either an owner or manager of a service contractor subject to the City's Living Wage Ordinance;
One member from the public at large who shall be a qualified elector of the City; and
One representative from each:
 - Non-Profit Entity
 - Santa Barbara Chamber of Commerce or Santa Barbara Downtown Organization.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Local Living Wage Advocacy Organization (1)</i>	None			
<i>Owner/Manager of a business operating within the City (1)</i>	Gabe Dominocielo	12/15/2009 (6 months)		
<i>Public at Large (1)</i>	None			
<i>Non-Profit Entity (1)</i>	Anna M. Kokotovic	7/11/2006 (4 years)		
<i>Santa Barbara Chamber of Commerce or Santa Barbara Downtown Organization (1)</i>	None			

LOWER WESTSIDE CENTER ADVISORY COMMITTEE

- One vacancy.
- Term expires 12/31/2013.
- Members are not required to be qualified electors of the City: Resident of the City who represents the public at large.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident of the City who represents the public at large (1)</i>	Britta Bartels		1) Franklin Center; 2) Westside Center; and 3) Lower Westside Center Advisory Committee	
	Alan Casebier			
	M. Carmen Lozano Ibanez			
	Josephine Tapia			

MEASURE P COMMITTEE

- Four vacancies.
- One term expires 12/31/2011;
Two terms expire 12/31/2012; and
One term expires 12/31/2013.
- One representative each as follows:
 - Civil Liberties Advocate;
 - Criminal Defense Attorney;
 - Medical Professional; and
 - Resident of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Civil Liberties Advocate (1)</i>	None			
<i>Criminal Defense Attorney (1)</i>	None			
<i>Medical Professional (1)</i>	None			
<i>Resident of the City (1)</i>	Steve Smith			

METROPOLITAN TRANSIT DISTRICT BOARD

- One vacancy.
- Term expires 3/6/2013.
- Resident of the City within the Santa Barbara Metropolitan Transit District.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Resident (1)</i>	Olivia Rodriguez			

PARKS AND RECREATION COMMISSION

- Two vacancies.
- One term expires 12/31/2012; and
One term expires 12/31/2013.
- Qualified electors of the City. One appointee may be a resident of the City and a citizen of the United States who is 16 years of age or older.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Electors (2)</i>	Nicolas Ferrara			Current Lower Westside Community Center member; Term expires 12/31/2012
	Ms. Rocky Jacobson		1) Community Development & Human Services Committee; and 2) Parks and Recreation Commission	
	Marcus Lopez			
	Joshua Pemberton			Current Sign Committee Member; Term expires 12/31/2011
	Roger Perry			Current Community Events & Festivals Committee Member; Term expires 12/31/2010
	Olivia Uribe			

RENTAL HOUSING MEDIATION TASK FORCE

- Two vacancies.
- One term expires 12/31/2012; and
One term expires 12/31/2013.
- Landlords who are residents of the City or the County of Santa Barbara. Non-City residents must be owners of residential rental property or affiliated with organizations concerned with landlord-tenant issues within the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Landlord (2)</i>	Marshall Sherrill	2/26/02 & 12/13/05 (8 years, 4 months)		City

SINGLE FAMILY DESIGN BOARD

- Two vacancies.
- Terms expire 6/30/2014.
- Members shall reside within Santa Barbara County:
 - One member shall be a licensed architect; and
 - One member shall possess professional qualifications in fields related to architecture, including, but not limited to, building design, structural engineering, industrial design, or landscape contracting.
- Members may serve on the Architectural Board of Review or the Historic Landmarks Commission and the Single Family Design Board.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Licensed Architect (1)</i>	Gil Barry			
	Roderick Britton			
	William Wolf			
	James Zimmerman			
<i>Professional qualifications in fields related to architecture, including, but not limited to building design, structural engineering, industrial design, or landscape contracting (1)</i>	Brian Miller			

WESTSIDE CENTER ADVISORY COMMITTEE

- Three vacancies.
- One term expires 12/31/2010; and
Two terms expire 12/31/2013.
- Members are not required to be qualified electors of the City:
 - One resident or employee in the Westside Neighborhood (Census Tract Nos. 9, 10, 11.01 and 11.02); and
 - Two residents of the City who represent the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident/Employee in the Westside Neighborhood (1)</i>	Britta Bartels		1) Franklin Center; 2) Westside Center; and 3) Lower Westside Center Advisory Committee	Census Tract 9
<i>Residents of the City who represent the public at large (2)</i>	None			



Agenda Item No. _____

File Code No. **440.05**

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: Employee Relations, Administrative Services

SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiators Kristy Schmidt, Employee Relations Manager, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

SCHEDULING: Duration, 30 minutes; anytime

REPORT: None anticipated

PREPARED BY: Kristy Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo Lopez, Assistant City Administrator

APPROVED BY: City Administrator's Office