

CITY OF SANTA BARBARA CITY COUNCIL

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



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

JULY 12, 2011 AGENDA

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

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

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

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

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

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

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

ORDER OF BUSINESS

2:00 p.m. - City Council Meeting

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through July 31, 2011.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of June 6, 2011, and the regular meeting of June 7, 2011.

CONSENT CALENDAR (CONT'D)

3. Subject: Salary And Benefits Continuation For City Employees On Active Military Duty Leave Of Absence (410.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Continuance of Employee Salary and Benefits During a Military Leave of Absence Effective May 1, 2011.

4. Subject: Adoption Of Ordinance For Agreements To Use Recycled Water (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Agreements to Use Recycled Water Between the City of Santa Barbara and the Santa Barbara School Districts, Fess Parker's Doubletree Resort Santa Barbara, and Santa Barbara Cottage Hospital, Dated June 28, 2011, For Delivery of the City's Recycled Water.

5. Subject: Adoption Of Ordinance For A License Agreement With Santa Barbara Water Taxi (330.08)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year License Agreement with One Five-Year Option with Santa Barbara Water Taxi, L.L.C., Doing Business as Celebration Cruises, with a Base Rent of \$2,200 Per Month, for a Coastal Cruising Business at 219-G Stearns Wharf, Effective August 11, 2011.

6. Subject: Animal Control Shelter Services Agreement With The County Of Santa Barbara (520.05)

Recommendation: That Council authorize the Chief of Police or his designee to execute an agreement with the County of Santa Barbara in the amount of \$274,401 to provide animal control shelter services from July 1, 2011, to June 30, 2012.

CONSENT CALENDAR (CONT'D)

7. **Subject: Contract For Construction Of Fiscal Year 2011 Sidewalk Access Ramp Project (530.04)**

Recommendation: That Council:

- A. Award a contract with Lash Construction ("Lash") in their low bid amount of \$111,220 for construction of the Fiscal Year 2011 Sidewalk Access Ramp Project (Project), Bid No. 3626; and
- B. Authorize the Public Works Director to execute the contract with Lash and approve expenditures up to \$15,000 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 for the Project.

8. **Subject: Contract For Construction Of The MacKenzie Park Storm Water Infiltration Project (570.05)**

Recommendation: That Council:

- A. Award a contract with Shaw Contracting, Inc. (Shaw), in the amount of \$368,230 for construction of the MacKenzie Park Storm Water Infiltration Project (Project), Bid No. 3643, which includes their low bid of \$351,730 and expenditures to construct Bid Schedule 2 - Bid Alternate in the amount of \$16,500; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$36,823 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.

9. **Subject: Approval Of Dooley Enterprises As Single Source Vendor To Provide Duty And Practice Ammunition For The Police Department (520.04)**

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process as authorized by Municipal Code Section 4.52.080 (k) and authorize the City General Services Manager to issue a purchase order to Dooley Enterprises as the single and most favorable source for providing the City with its authorized ammunition needs in an amount equal to or less than the \$48,000 currently appropriated in the Police Department's adopted Fiscal Year 2012 budget; and
- B. Authorize the annual expenditure in an amount not to exceed the annual budget adopted by Council for FY 2012 through FY 2016 to purchase duty and practice ammunition for the Police Department's needs.

CONSENT CALENDAR (CONT'D)

10. **Subject: Approval Of Purchase Order To Chiquita Canyon Landfill To Provide Water Treatment Sludge Disposal (540.10)**

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process, as authorized by Municipal Code Section 4.52.070(k), and authorize the City General Services Manager to issue a Purchase Order to Chiquita Canyon Landfill for providing the City with up to 3,600 tons of water treatment sludge disposal in Fiscal Year 2012 in an amount of \$165,000; and
- B. Authorize the City General Services Manager to renew the Purchase Order with the Chiquita Canyon Landfill annually through Fiscal Year 2014, subject to Council approval of the annual Water Fund budget.

11. **Subject: Ratification Of The Cachuma Operation And Maintenance Board's Modified South Coast Conduit Upper Reach Reliability Project (540.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Ratifying the Cachuma Operation and Maintenance Board's Approval of the Modified South Coast Conduit Upper Reach Reliability Project, and Authorizing Certain Other Actions.

12. **Subject: Increase In Construction Change Order Authority For The American Recovery And Reinvestment Act Road Overlay Project (530.04)**

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the American Recovery and Reinvestment Act (ARRA) Road Overlay Project (Overlay Project), Contract No. 23,321 between the City and Nye and Nelson, Inc., in the amount of \$206,480, for a total construction contract expenditure authority of \$1,415,703; and
- B. Authorize the Public Works Director to execute a City Professional Services Contract with Flowers and Associates (Flowers) in the amount of \$26,564 for construction support services associated with the Overlay Project, and approve expenditures of up to \$2,656 for extra services of Flowers that may result from necessary changes in the scope of work.

13. **Subject: Valle Verde Decision And Findings Resolution (640.07)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving an Amended Conditional Use Permit, Modifications, and a Lot Line Adjustment for an Application of American Baptist Homes of the West, 900 Calle de Los Amigos.

CONSENT CALENDAR (CONT'D)

NOTICES

14. The City Clerk has on Thursday, July 7, 2011, 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.
15. The public hearing originally scheduled for July 12, 2011, at 2:00 p.m. to hear an appeal of the Planning Commission's decision for 415 Alan Road has been rescheduled for November 15, 2011, at 2:00 p.m.
16. A City Council site visit is scheduled on Monday, July 18, 2011, at 1:30 p.m. to the property located at 1233 Mission Ridge Road, which is the subject of an appeal hearing set for July 19, 2011, at 2:00 p.m.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

17. **Subject: General Unit Memorandum Of Understanding Extension And Fiscal Year 2012 Furlough (440.02)**

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 the 2008-2010 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit), Ordinance No. 5477, to Extend the Term of the Agreement Through September 30, 2012, and to Include a Supplemental Agreement on Labor Concessions;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 11-053 to Reduce the Number of Fiscal Year 2012 Furlough Hours for Confidential Employees, the City Attorney, and the City Administrator; and
- C. Approve a General Furlough Closure Schedule for Certain City Offices.

FINANCE DEPARTMENT

18. **Subject: Options For Reducing The Distribution Of Single-Use Bags Within The City Of Santa Barbara (630.01)**

Recommendation: That Council receive a report regarding options presented to, and recommendation of, the Ordinance Committee for reducing the distribution of single-use bags within the City of Santa Barbara.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

FINANCE DEPARTMENT (CONT'D)

19. Subject: Reserve Policies (210.01)

Recommendation: That Council:

- A. Receive a report regarding the current policy for the establishment of operating and capital reserves pursuant to City Council-adopted Resolution No. 95-157;
- B. Provide staff and the Finance Committee with feedback and direction for improving the policies; and
- C. Refer the item to the Finance Committee for further discussion and analysis and the development of recommended modifications to the policies for City Council consideration.

20. Subject: Assignment Of 2003-2013 Zone One Solid Waste Franchise Contract From Allied To MarBorg (510.04)

Recommendation: That Council consent to the assignment of the Solid Waste Collection and Disposal Contract between the City of Santa Barbara and Allied Waste Services of North America, LLC, dated January 25, 2002, and amended on October 16, 2003 (City Agreement Numbers 20,432 and 20,432.1), to MarBorg Industries, Inc., resulting in Marborg Industries becoming the new franchised waste hauler for Zone One for the City of Santa Barbara through the end of the contract period ending June 7, 2013.

21. Subject: Zone One Solid Waste Franchise Timeline And Ad Hoc Subcommittee (510.04)

Recommendation: That Council:

- A. Review the revised Zone One 2013 Franchise Procurement Process Timeline; and
- B. Appoint a Zone One Solid Waste Franchise Ad Hoc Subcommittee of not more than three members for a limited purpose of providing input to staff on the procurement, negotiation, and transition to a new solid waste franchise contract for Zone One and for a limited time to end upon the implementation of the new franchise agreement effective June 8, 2013.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT

To Monday, July 18, 2011, at 1:30 p.m. at 1233 Mission Ridge Road. (See Agenda Item No. 16)



Agenda Item No. _____

File Code No. **410.01**

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through July 31, 2011.

DISCUSSION:

Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years or service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through July 31, 2011.

ATTACHMENT: July 2011 Service Awards

SUBMITTED BY: Marcelo Lopez, Assistant City Administrator

APPROVED BY: City Administrator's Office

JULY 2011 SERVICE AWARDS

5 YEARS

Thomas Conti, Project Engineer II, Public Works
Stephanie Routhier, Engineering Technician I, Public Works
Kathleen Frye, Associate Planner, Parks and Recreation
Theresa Lawler, Engineering Technician II, Waterfront

10 YEARS

Cary Stevens, Legal Secretary II, City Attorney's Office
Robin Neubert, Administrative Specialist, Fire
Jeffry Zampese, Fire Engineer, Fire
Lisa Arroyo, Supervising Engineer, Public Works
Timothy Lawton, Community Education Liaison, Airport
Lyn Story, Senior Engineering Technician, Airport
Lawrence Self, Waterfront Maintenance Crew Leader, Waterfront

15 YEARS

Scott Nelson, Webmaster, Administrative Services
Kent McBride, Police Officer, Police
Karen Putnam, Administrative Specialist, Public Works
Wai Chan, Airport Patrol Officer, Airport

20 YEARS

Bridget Moore, Public Safety Dispatcher, Police
Eliseo Campos, Senior Streets Maintenance Worker, Public Works

25 YEARS

Christopher Woodcock, Fire Captain, Fire
Vincent Pimentel, Treatment Plant Technician Supervisor, Public Works

30 YEARS

Richard Yee, Police Officer, Police
Sarah Hanna, Recreation Programs Manager, Parks and Recreation



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**SPECIAL MEETING
JUNE 6, 2011
336 N. MILPAS STREET**

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:15 p.m.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

Staff present: Assistant City Administrator Paul Casey, City Attorney Stephen P. Wiley.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, June 2, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

SITE VISIT

Subject: 336 N. Milpas Street

Recommendation: That Council make a site visit to the property located at 336 N. Milpas Street, which is the subject of an appeal hearing set for June 7, 2011, at 2:00 p.m.

Discussion:

Staff provided an overview of the plans for the construction of a new commercial building at this site as well as the history of the development application.

Councilmembers asked general questions of Staff in order to better understand the project.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 1:35 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

**SPECIAL MEETING
JUNE 6, 2011
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, June 2, 2011, 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: Special Budget Work Session And Public Hearing On The Proposed Two-Year Financial Plan For The Solid Waste Fund For Fiscal Years 2012 And 2013 (230.05)

Recommendation: That Council receive a report from Environmental Services Division staff regarding proposed solid waste collection service fee increases for Fiscal Year 2012.

Documents:

- June 6, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Finance Director Robert Samario, Environmental Services Manager Matt Fore, City Administrator James Armstrong.

Discussion:

Staff explained financial challenges for the Solid Waste Fund budget for Fiscal Year 2012, two options for recovering a \$450,000 revenue loss through business sector rates, pros and cons of the two options and the resulting impacts on customers, and Staff's recommendation for the choice between the two options. The Council reached a consensus to direct Staff to move forward with Option 2, the application of rate increases to business sector diversion services.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:45 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 June 7, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, 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: Proclamation Declaring June 8, 2011, As World Oceans Day (120.04)

Action: Proclamation presented to Danielle Lipski and Linda Krop, representing the Channel Islands National Marine Sanctuary.

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through June 30, 2011.

(Cont'd)

2. (Cont'd)

Documents:

June 7, 2011, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Award Recipients Michael Cano and John Bridley.

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

5-Year Pin

Alison Grube, Community Development
Peter Lawson, Community Development
Gloria Shafer, Community Development
Jay Benson, Police
Michael Epstein, Police
Andrew Merrett, Police
Andy Radujko, Police
Matthew Lombardi, Public Works
Tom Mozako, Public Works
Gerardo Lopez, Public Works
Linda Morris, Library
Guadalupe Castillo, Library

10-Year Pin

Renee Brooke, Community Development
Richard Ames, Fire
Alejandro Mayorga, Public Works
Anthony Glover, Public Works
Olga Montoya, Parks and Recreation
Dana Versola, Parks and Recreation

25-Year Pin

Michael Cano, Public Works

30-Year Pin

John Bridley, Waterfront

PUBLIC COMMENT

Speakers: Chuck Jefferson, United Cerebral Palsy, Inc.; Wayne Scoles; David Daniel Diaz; John Blankenship; Gerald Patyfu; Nancy Tunnell; Kate Smith; Edmond Finucane; Bryan Rosen; Patricia Rosen.

CONSENT CALENDAR (Item Nos. 3 – 14, 17, and 18)

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

Motion:

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

Vote:

Unanimous roll call vote.

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of April 27, May 5, and May 9, 2011, the regular meeting of May 10, 2011, and the special meetings of May 12, and May 16, 2011.

Action: Approved the recommendation.

4. Subject: Fiscal Year 2011 Interim Financial Statements For The Ten Months Ended April 30, 2011 (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the Ten Months Ended April 30, 2011.

Action: Approved the recommendation (June 7, 2011, report from the Finance Director).

5. Subject: Adoption of Sign Ordinance Revisions (640.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020 and 22.70.030 of the Santa Barbara Municipal Code Relating to Sign Regulations.

Speakers:

Staff: City Attorney Stephen Wiley.

Action: Approved the recommendation; Ordinance No. 5552.

6. Subject: Records Destruction For Airport Department (160.06)

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

(Cont'd)

6. (Cont'd)

Action: Approved the recommendation; Resolution No. 11-031 (June 7, 2011, report from the Airport Director; proposed resolution).

7. Subject: Submission Of Grant Application For Non-Point Source Water Pollution Reduction Project (540.14)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director, or Designee, to Submit an Application to the State Water Resources Control Board for Grant Funding of \$500,000 from the Clean Water State Revolving Fund (CWSRF) for the Infrastructure Retrofit - Storm Water Quality Improvement Project.

Action: Approved the recommendation; Resolution No. 11-032 (June 7, 2011, report from the Parks and Recreation Director; proposed resolution).

8. Subject: Alcoholic Beverage Control Grant Assistance To Local Law Enforcement Agencies (520.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing Acceptance of Funding Granted by the Department of Alcoholic Beverage Control for the Alcoholic Beverage Control Grant Assistance to Local Law Enforcement Agencies Project;
- B. Authorize the Police Chief to execute the grant agreement award; and
- C. Appropriate the City's grant allocation of \$60,000 to the Miscellaneous Grant Fund.

Action: Approved the recommendations; Resolution No. 11-033; Agreement No. 23,792 (June 7, 2011, report from the Chief of Police; proposed resolution).

9. Subject: Approval Of Emergency Purchase Order For Digester Building Sludge Line Repair At The El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the General Services Manager to award an after-the-fact Purchase Order Contract in the amount of \$66,640 to Lash Construction, Inc. (Lash), for the emergency repair of the Digester Building Sludge Lines at the El Estero Wastewater Treatment Plant (El Estero).

Action: Approved the recommendation (June 7, 2011, report from the Public Works Director).

10. Subject: Approval Of Emergency Purchase Orders For Response To Milpas Roundabout Sewer Main Break (540.13)

Recommendation: That Council authorize the General Services Manager to approve after-the -fact Emergency Purchase Orders to:

- A. Tierra Contracting, Inc. (Tierra), for assisting City staff with emergency response services to prepare the site and install a temporary bypass pumping system at the Milpas Roundabout, in an amount not to exceed \$24,000;
- B. Rain For Rent for providing rental and delivery of a temporary bypass pumping system at the Milpas Roundabout, in an amount not to exceed \$23,668.90; and
- C. Southland Water Technologies for delivery and installation of a wireless level sensing alarm and a one-year service contract, in an amount not to exceed \$2,654.50.

Action: Approved the recommendations (June 7, 2011, report from the Public Works Director).

11. Subject: Contract For Development Of Wastewater Collection System Strategic Management Program, Phase II (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract with Brown and Caldwell in the amount of \$144,820 to continue development of the Collection System Capital Planning and related Sewer System Management Plan activities, and authorize the Public Works Director to approve expenditures of up to \$14,482 for extra services of Brown and Caldwell that may result from necessary changes in the scope of work, for a total not-to-exceed amount of \$159,302.

Action: Approved the recommendation; Contract No. 23,793 (June 7, 2011, report from the Public Works Director).

12. Subject: Agreement With The Santa Barbara Metropolitan Transit District For Transit Services (150.05)

Recommendation: That Council authorize the Public Works Director to execute a two-year Master Agreement (Agreement) for fiscal years 2012 and 2013, in a form of agreement acceptable to the City Attorney, with the Santa Barbara Metropolitan Transit District (MTD) for transit services in an amount not to exceed \$1,391,521 for Fiscal Year 2012.

(Cont'd)

12. (Cont'd)

Speakers:

- Staff: City Administrator James Armstrong, who advised that this agreement will cover Fiscal Year 2012 only; Transportation Manager Browning Allen.
- Metropolitan Transit District: General Manager Sherrie Fisher.

Action: Approved the recommendation; Agreement No. 23,794 (June 7, 2011, report from the Public Works Director).

13. Subject: Renewal Of Agreement For Paratransit Services With Easy Lift Transportation, Incorporated (670.01)

Recommendation: That Council authorize the Public Works Director to execute an agreement with Easy Lift Transportation, Incorporated (Easy Lift), for paratransit services for elderly and mobility-impaired people, in an amount not to exceed \$229,416.73 for Fiscal Year 2012.

Action: Approved the recommendation; Agreement No. 23,795 (June 7, 2011, report from the Public Works Director).

14. Subject: Appropriation Of Auto Theft Funds (520.04)

Recommendation: That Council increase appropriations by \$6,400 in the Police Asset Forfeiture and Grants Fund from Auto Theft Program reserves for use in the production and airing of a Public Service Announcement commercial educating the public on preventing auto theft.

Action: Approved the recommendation (June 7, 2011, report from the Chief of Police).

Agenda Item Nos. 15 and 16 appear in the Redevelopment Agency minutes.

NOTICES

17. The City Clerk has on Thursday, June 2, 2011, 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.
18. A City Council site visit is scheduled on Monday, June 13, 2011, at 1:30 p.m. to the property located at 900 Calle de los Amigos, which is the subject of an appeal hearing set for June 14, 2011, at 2:00 p.m.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Grant House reported that the Committee reviewed and approved for forwarding to the Council a proposed ordinance and resolution related to operations at the Santa Barbara Airport.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

19. Subject: Public Hearing For The Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2012 (550.10)

Recommendation: That Council:

- A. Consider appropriate protests to the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2012, as required under the California Parking and Business Improvement Area Law of 1989; and
- 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 2012, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2012.

Documents:

- June 7, 2011, report from the Public Works Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Public Comment Opened:
2:56 p.m.

Speakers:
Staff: Transportation Manager Browning Allen.

Public Comment Closed:
3:00 p.m.

Motion:
Councilmembers Rowse/Hotchkiss to approve the recommendations;
Resolution No. 11-034.

Vote:
Unanimous roll call vote.

Councilmembers Hotchkiss, House, and White stated they would not participate in the following item due to conflicts of interest related to their ownership of or residence at property located within the Assessment District, and they left the meeting at 3:01 p.m. City Attorney Stephen Wiley disclosed a similar conflict and also left the meeting; Assistant City Attorney Sarah Knecht took his place.

FIRE DEPARTMENT

20. Subject: Renewal Of Levy For Fiscal Year 2012 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 Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2012.

Documents:

- June 7, 2011, report from the Fire Chief.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Public Comment Opened:
3:02 p.m.

Speakers:

- Staff: Fire Marshal Joe Poiré, Fire Services Specialist Amber Anderson, City Administrator James Armstrong, Assistant City Attorney Sarah Knecht.
- SCI Consulting Group (Consultant to City): Engineer of Work John Bliss.

Public Comment Closed:
3:28 p.m.

Motion:

Councilmembers Francisco/Self to approve the recommendation;
Resolution No. 11-035.

Vote:

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

Councilmembers Hotchkiss, House and White and City Attorney Stephen Wiley returned to the meeting at 3:29 p.m.

CITY ADMINISTRATOR

21. Subject: 2011 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the 2011 Legislative Platform that guides the City's support 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.

Documents:

- June 7, 2011, report from the City Administrator.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant to the City Administrator Nina Johnson, Police Captain Alex Altavilla, Employee Relations Manager Kristy Schmidt, Water Resources Manager Rebecca Bjork, Environmental Services Manager Matthew Fore, Public Works Director Christine Andersen, City Administrator James Armstrong.

Motion:

Councilmembers White/Francisco to make the following changes to the Draft 2011 Legislative Platform:

- 1) Retain, under PUBLIC SAFETY/INSURANCE/Police/Fire, the item reading "Support uninsured vehicles being subject to impoundment, and redeemed only with proof of insurance, with unredeemed vehicles being sold to pay for the cost of the program."
- 2) Revise, under PUBLIC SAFETY/LAW ENFORCEMENT/Police, the item reading "Support federal anti-racial profiling legislation that provides financial support to state and local law enforcement agencies for training, equipment, and data collection" to strike out the phrase ", equipment, and data collection".
- 3) Revise, under ENVIRONMENTAL QUALITY/WATER QUALITY/Public Works/Community Development, the item reading "Support ~~the rights of cities to enact ordinances that restrictions on~~ the use of water softeners to minimize impacts to wastewater treatment operations" to read "Support the rights of cities to enact ordinances ~~on~~ the use of water softeners to minimize impacts to wastewater treatment operations."

Vote:

Unanimous voice vote.

(Cont'd)

21. (Cont'd)

Motion:

Councilmembers House/Self to adopt the 2011 Legislative Platform with the amendments made by the prior action, excluding the language relating to CITY ADMINISTRATION/OPEN MEETING LAW (THE BROWN ACT).

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Self).

Motion:

Councilmembers Francisco/Hotchkiss to amend the adopted 2011 Legislative Platform to include proposed changes to language related to CITY ADMINISTRATION/OPEN MEETING LAW (THE BROWN ACT).

Vote:

Majority voice vote (Noes: Councilmembers House, White, Mayor Schneider).

MAYOR AND COUNCIL REPORTS

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

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 14, 2011.
(Estimated Time: 4:00 p.m.; Continued from May 24, 2011, Item No. 19)

Speakers:

The following applicants were interviewed:

Access Advisory Committee:

Robert Burnham

Creeks Advisory Committee:

Natasha Lohmus

Downtown Parking Committee:

Ruth Anne Bowe

Housing Authority Commission:

Robert Burke

Living Wage Advisory Committee:

Anna Kokotovic

Parks and Recreation Commission:

Charles Trentacosti

Rental Housing Mediation Task Force:

Chris Casebeer

Single Family Design Board:

Fred Sweeney

(Cont'd)

24. (Cont'd)

By consensus, the Council continued the interviews to June 14, 2011.

RECESS

5:24 p.m. - 5:36 p.m. Councilmember House was absent when the Council reconvened.

REDEVELOPMENT AGENCY REPORTS

22. Subject: Resolutions Approving The Transfer Of All Real Property Of The Redevelopment Agency Of The City Of Santa Barbara To The City Of Santa Barbara (620.03)

Recommendation:

- A. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving the Transfer of All Interests in Real Property, Including All Leaseholds and Easements, Owned by the Redevelopment Agency of the City of Santa Barbara to the City of Santa Barbara to Implement the Provisions Set Forth in the Multi-Year Cooperation Agreement and the Redevelopment Plan for the Central City Redevelopment Project Area; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Title to All Interests in Real Property, Including Leaseholds and Easements, Owned by the Redevelopment Agency of the City of Santa Barbara, as Legally Described in Exhibit A Attached Hereto, and Authorizing the Recordation of the Grant Deed in the Official Records, in the Office of the County Recorder, County of Santa Barbara, State of California, to Implement the Provisions Set Forth in the Multi-Year Cooperation Agreement and the Redevelopment Plan for the Central City Redevelopment Project Area.

Documents:

- June 7, 2011, report from the Assistant City Administrator/Community Development Director/Deputy Director.
- Proposed Resolutions.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Speakers:

Staff: Housing and Redevelopment Manager Brian Bosse, City Administrator/Executive Director James Armstrong.

(Cont'd)

22. (Cont'd)

Motion:

Council/Agency members Hotchkiss/Rowse to approve the recommendations; City Council Resolution No. 11-036; Redevelopment Agency Resolution No. 1026; Deed No. 61-363.

Vote:

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

Councilmember House returned to the meeting at 5:49 p.m.

PUBLIC HEARINGS

23. Subject: Appeal Of The Architectural Board of Review Approval Of The Review After Final Of 336 North Milpas Street (640.07)

Recommendation: That the Council deny the appeal of Tony Fischer on behalf of the Mary Z. Frangos Trust, and uphold the Architectural Board of Review (ABR) approval of the Review After Final of the application of Fresh & Easy Neighborhood Market for changes to an entry tower, entry ramps, doors, and a roof parapet.

Documents:

- June 7, 2011, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Undated letter from Edward St. George.

Public Comment Opened:

5:46 p.m.

Speakers:

- Staff: Senior Planner Jaime Limón, Supervising Transportation Planner Steven Foley, City Attorney Stephen Wiley, Assistant City Administrator/Community Development Director Paul Casey.
- Appellant: Attorney Tony Fischer, Constantino Frangos.
- Applicant: Architect Sean Unsell; Randy Jones and Linda Haynes, Fresh & Easy Neighborhood Market.

Public Comment Closed:

7:03 p.m.

(Cont'd)

23. (Cont'd)

Motion:

Councilmembers House/Rowse to approve the recommendation, denying the appeal and upholding the Architectural Board of Review's project approval, but refer the project to Staff for compliance with the following additional conditions:

- 1) Reduce the proposed 8-foot wall at the perimeter of the site to 6 feet along the property line shared with 318-320 N. Milpas Street; and
- 2) Increase the width of the sidewalk along the Milpas Street frontage to the maximum extent feasible given the site constraints and the building design reflected in the working drawings, but in any case at least a minimum of 2 feet at the street tree pinch points.

Vote:

Unanimous voice vote.

CHANGES TO THE AGENDA

Items Continued to Future Meeting

Motion:

Councilmembers House/White to continue Agenda Item Nos. 25 and 26 to the special meeting of June 9, 2011.

Vote:

Unanimous voice vote.

25. 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: Warner McGrew v. City of Santa Barbara, case number GOL 0101359.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

26. 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 General and Supervisory bargaining units, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:00 p.m. to Monday, June 13, 2011, at 1:30 p.m. at 900 Calle de los Amigos.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Administrative Services, Human Resources Division

SUBJECT: Salary and Benefits Continuation For City Employees on Active Military Duty Leave of Absence

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Continuance of Employee Salary and Benefits During a Military Leave of Absence Effective May 1, 2011.

DISCUSSION:

The City of Santa Barbara complies with Federal and State Military Leave Laws and Codes for employees serving in the military reserve or National Guard. Compliance with state and federal law is generally sufficient for the short term recalls; however, when reservists are recalled for significant periods of time, some employees and their families may experience financial hardship.

In order to support City employees while they are serving our country, in October 2001, City Council first approved, for a six month period, salary differentials and benefit continuation to those employees called to active military duty due to the terrorist action on September 11, 2001. Council then further approved differentials and benefit continuation in April 2002, May 2003, May 2004, October 2005, and March 2007. Since October 2001 9 employees have been eligible for the City's military leave salary differential and benefit continuation at a cost of approximately \$192,555. City staff recently contacted 14 local public agencies and 12 of those agencies continue to offer a military leave salary differential and benefit continuation package.

Currently a Police Officer and a Public Works Supervisor are to be deployed on active duty for approximately 12 months. The City-paid salary differential is the difference between the amount the employee receives from their regular City gross biweekly wage (not including overtime), and the amount the employee receives from the military, including all allowances (from the employee's Military Leave and Earning Statements). The City receives the military earning forms so that the differential can be accurately calculated. The salary differential is subject to Federal, State and Medicare taxes and, if applicable,

would be part of the employee's W-2 wages at the end of the year. The City-paid portion of health insurance and retirement are also continued. The attached resolution would ensure that the salary and benefits for these City employees and their families are not interrupted while serving on Active Military Leave for an indefinite period of time. At any time, Council may cancel this policy by adopting a new resolution.

BUDGET/FINANCIAL INFORMATION:

The projected total cost for 12 months of salary and benefit continuation for the two employees who will be on active military duty is estimated to be \$88,891, plus adjustments, if any. No additional appropriations are necessary since the monies are already in both the Police and Public Work's Department's Fiscal Year 2011 and 2012 budgets.

PREPARED BY: Christie Lanning, Human Resources Analyst

SUBMITTED BY: Marcelo López, Administrative Services Director

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE CONTINUANCE OF EMPLOYEE SALARY AND BENEFITS DURING A MILITARY LEAVE OF ABSENCE EFFECTIVE MAY 1, 2011.

WHEREAS, the City of Santa Barbara complies with federal and state military leave law codes for employees serving in the military reserve or National Guard;

WHEREAS, employees who are called for long-term military duty may experience financial hardship if their salary and benefits are interrupted; and

WHEREAS, the City of Santa Barbara has provided salary differentials and benefit continuation for employees called to active military duty since 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the City is authorized to continue employee salary differentials and benefits during a military leave of absence for active duty effective May 1, 2011, as follows:

- a) Salary – When an employee is called to active duty, the City will pay the employee the difference between their City salary (excluding overtime) and their military salary, including housing and subsistence pay, such that the employee will continue to receive the equivalent of their City salary for the duration of their active duty. The City-paid salary supplement to military pay shall be paid.
- b) Benefits – The City will continue to pay the City contribution to health insurance (medical, dental, vision, psychological, and basic life insurance coverage), subject to evidence of insurability for an employee called to active duty.
- c) Retirement – Upon return of the City employee from active military duty, the City will pay any City-paid employer and/or employee contribution to the California Public Employees' Retirement System (PERS) for the employee's military leave of absence.

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE AGREEMENTS TO USE RECYCLED WATER BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA SCHOOL DISTRICTS, FESS PARKER'S DOUBLETREE RESORT SANTA BARBARA, AND SANTA BARBARA COTTAGE HOSPITAL, DATED JUNE 28, 2011, FOR DELIVERY OF THE CITY'S RECYCLED WATER

WHEREAS, the amount of potable water supply of the City of Santa Barbara (City) is limited, and therefore, water conservation is a major concern of the City;

WHEREAS, the City operates additional wastewater treatment facilities at its El Estero Wastewater Treatment Plant, which produces recycled water of satisfactory quality for safe use in irrigating landscape areas within the City;

WHEREAS, Santa Barbara School Districts own, operate, and maintain landscaped areas to be irrigated, using recycled water, at its sites located at Washington School, 290 Light House Road, Adams School, 2701 Las Positas Road, Monroe School, 431 Flora Vista Drive, La Cumbre Jr. High School, 2255 Modoc Road, Santa Barbara Jr. High School, 723 E. Cota Street, Santa Barbara High School, and 700 E. Anapamu Street, Santa Barbara, California;

WHEREAS, Fess Parker's Doubletree Resort Santa Barbara owns, operates, and maintains landscaped areas to be irrigated, using recycled water, at its site located at 633 East Cabrillo Boulevard, Santa Barbara, California;

WHEREAS, Santa Barbara Cottage Hospital owns, operates, and maintains landscaped areas to be irrigated, using recycled water, at its sites located at 2223, 2217, 2209, 2207 and 2201 Castillo Street, Santa Barbara, California;

WHEREAS, Santa Barbara School Districts, Fess Parker's Doubletree Resort Santa Barbara and Santa Barbara Cottage Hospital desire to irrigate these areas with recycled water delivered by the City and thereby maximize efforts to conserve the potable water supply; and

WHEREAS, Santa Barbara School Districts, Fess Parker's Doubletree Resort Santa Barbara and Santa Barbara Cottage Hospital have agreed to accept recycled water for irrigation of their landscaped areas, and the City has agreed to deliver recycled water to Santa Barbara School Districts, Fess Parker's Doubletree Resort Santa Barbara and Santa Barbara Cottage Hospital, under the terms and conditions to be set forth in a User Agreements between them.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, the Agreement to Use Recycled Water for a twenty-year term between the City of Santa Barbara and Santa Barbara School Districts is hereby approved and the Public Works Director is authorized to execute said agreement.

SECTION 2. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, the Agreement to Use Recycled Water for a twenty-year term between the City of Santa Barbara and Fess Parker's Doubletree Resort Santa Barbara is hereby approved and the Public Works Director is authorized to execute said agreement.

SECTION 3. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, the Agreement to Use Recycled Water for a twenty-year term between the City of Santa Barbara and Santa Barbara Cottage Hospital is hereby approved and the Public Works Director is authorized to execute said agreement.

SECTION 4. Following the effective date of this ordinance, the City Clerk is hereby authorized to cause the recordation of said agreement in the Official Records, in the Office of the County Recorder, County of Santa Barbara, State of California.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A FIVE-YEAR LICENSE AGREEMENT WITH ONE FIVE-YEAR OPTION WITH SANTA BARBARA WATER TAXI, L.L.C., DOING BUSINESS AS CELEBRATION CRUISES, WITH A BASE RENT OF \$2,200 PER MONTH, FOR A COASTAL CRUISING BUSINESS AT 219-G STEARNS WHARF, EFFECTIVE AUGUST 11, 2011.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, an Ordinance of the Council of the City of Santa Barbara Approving a Five-Year License Agreement with One Five-Year Option with Santa Barbara Water Taxi, L.L.C., Doing Business As Celebration Cruises, with a Base Rent of \$2,200 Per Month, for a Coastal Cruising Business at 219-G Stearns Wharf, Effective August 11, 2011, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Administrative Services, Police Department

SUBJECT: Animal Control Shelter Services Agreement With The County Of Santa Barbara

RECOMMENDATION:

That Council authorize the Chief of Police or his designee to execute an agreement with the County of Santa Barbara in the amount of \$274,401 to provide animal control shelter services from July 1, 2011, to June 30, 2012.

DISCUSSION:

Since March 1980 the City of Santa Barbara has contracted with the County of Santa Barbara for shelter services for City of Santa Barbara Animal Control at the County facility located at 5473 Overpass Road in Goleta. Previous agreements were on a pay-for-service basis. At the beginning of Fiscal Year 2008 the County of Santa Barbara proposed changing to a cost per capita basis for all incorporated cities. This proposal significantly increased the costs to all municipal agencies in the County. Currently the City of Santa Barbara and City of Carpinteria pay for shelter services only. All other incorporated cities in the County pay for full service animal control on a per capita cost basis.

The Santa Barbara Police Department currently pays Santa Barbara County approximately \$265,000 per year for shelter services. The new proposed per capita fee for services rendered from the Santa Barbara County-operated shelter in Goleta between July 1, 2011 and June 30, 2012, will be \$274,401, billed in four equal quarterly payments of: \$68,600.25. Invoices will also include a fee of \$182 for each rabies specimen submitted during the quarter.

The current agreement with Santa Barbara County will expire on June 30, 2011. Based on the analysis completed by staff, this agreement and the fee structure for July 1, 2011, to June 30, 2012 are appropriate and necessary.

BUDGET/FINANCIAL INFORMATION:

There are sufficient appropriated funds in the Police Department budget to cover the cost of this contract.

PREPARED BY: Marylinda Arroyo, Police Sergeant

SUBMITTED BY: Cam Sanchez, Police Chief

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction For Fiscal Year 2011 Sidewalk Access Ramp Project

RECOMMENDATION: That Council:

- A. Award a contract with Lash Construction ("Lash") in their low bid amount of \$111,220 for construction of the Fiscal Year 2011 Sidewalk Access Ramp Project (Project), Bid No. 3626; and
- B. Authorize the Public Works Director to execute the contract with Lash and approve expenditures up to \$15,000 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 for the Project.

DISCUSSION:

PROJECT DESCRIPTION

The Project consists of installing ten sidewalk access ramps, eight of which will complete three priority pedestrian corridors that have been established through coordination between Public Works staff and the Access Advisory Committee ("AAC"). These include one ramp on the De La Vina Street corridor, one ramp on the Modoc Road corridor, and six ramps on the Coast Village Road corridor. The remaining two ramps are located at the intersection of Quinto Street and Orella Street, in close proximity to the Cottage Rehabilitation Hospital (see Attachment).

A primary role of the AAC is to assist staff by making recommendations regarding the prioritization of accessibility-related capital projects to be completed as part of the six-year Capital Improvement Plan. The Committee also helps the Americans with Disabilities Act ("ADA") Coordinator with a variety of program accessibility improvements and special projects, and providing education and positive intervention to assist other entities in the community to comply with access requirements.

Finishing three priority pedestrian corridors with this Project (De La Vina Street, Modoc Road, and Coast Village Road) completes these AAC priority corridors, greatly enhancing accessibility in conformance with the ADA.

CONTRACT BIDS

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

	BIDDER	BID AMOUNT
1.	Lash Construction Santa Barbara, CA	\$111,220.00
2.	Draper Construction Somis, CA	\$121,687.50
3.	Berry General Engineering Ventura, CA	\$131,602.00
4.	D-KAL Engineering, Inc. San Luis Obispo, CA	\$140,971.25
5.	Granite Construction Company Watsonville, CA	\$148,780.00
6.	Toro Enterprises, Inc. Oxnard, CA	\$190,122.50

The low bid of \$111,220, submitted by Lash, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$15,000, or 13%, is within the typical range for this type of work and size of project.

COMMUNITY OUTREACH

In early July, staff notified the property owners and residents located near the access ramps in this Project via mailers. Prior to construction, notice will be given via door hangers informing residents about the upcoming work.

FUNDING

This Project is funded by both Measure A and Measure D funds. There are sufficient appropriated funds in the Streets Fund to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Lash Construction	\$111,220	\$15,000	\$126,220
TOTAL RECOMMENDED AUTHORIZATION			\$126,220

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

ESTIMATED TOTAL PROJECT COST

*Cents have been rounded to the nearest dollar in this table.

City Staff Costs – Surveying and Design	\$18,000
Subtotal	\$18,000
Construction Contract	\$111,220
Construction Change Order Allowance	\$15,000
Subtotal	\$126,220
Other Construction Costs (testing, etc.)	\$2,000
City Staff Costs – Inspection and Construction Management	\$18,500
Subtotal	\$20,500
TOTAL PROJECT COST	\$164,720

SUSTAINABILITY IMPACT:

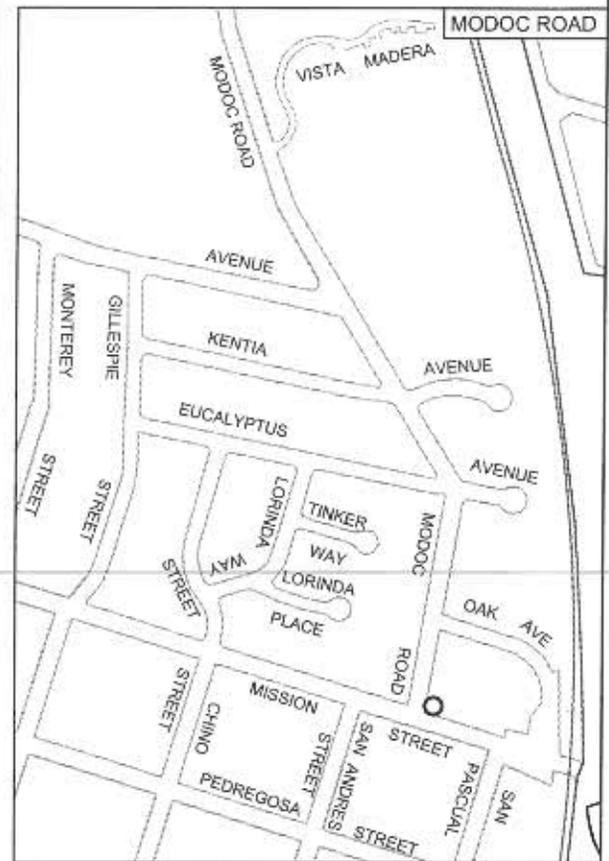
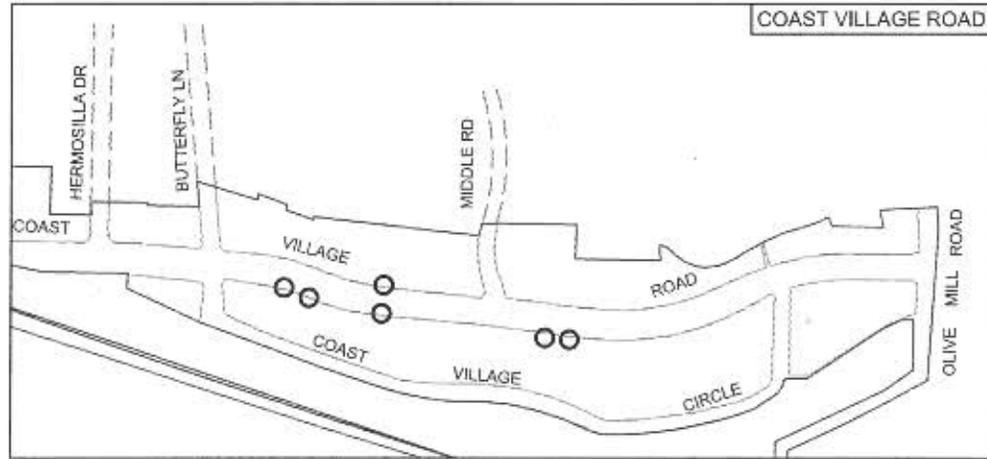
This Project will improve the safety and accessibility for pedestrians along these access corridors. Therefore, this project will contribute to the City’s sustainability goals by encouraging more people to walk along these corridors, reducing energy consumption and air pollution.

ATTACHMENT(S): Fiscal Year 2011 Sidewalk Access Ramp Project Location Map

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

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator’s Office



LEGEND:
 ○ ACCESS RAMP LOCATION



FY 2011 SIDEWALK ACCESS RAMP PROJECT MAP

DESIGN	MR
DRAWN	MR
CHECKED	BD
DATE	6/8/11



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department
Creeks Division, Parks and Recreation Department

SUBJECT: Contract For Construction For The MacKenzie Park Storm Water Infiltration Project

RECOMMENDATION: That Council:

- A. Award a contract with Shaw Contracting, Inc. (Shaw), in the amount of \$368,230 for construction of the MacKenzie Park Storm Water Infiltration Project (Project), Bid No. 3643, which includes their low bid of \$351,730, and expenditures to construct Bid Schedule 2 – Bid Alternate in the amount of \$16,500; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$36,823 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.

DISCUSSION:

PROJECT DESCRIPTION

Urban storm water runoff is the single largest source of surface water pollution in Santa Barbara. Under most existing conditions, storm water runoff from urban areas picks up pollutants as it flows across roofs, sidewalks, driveways, and streets, and is conveyed by gutters, channels, and storm drains directly to local creeks and the ocean without any treatment. This runoff carries sediment, nutrients, bacteria, hydrocarbons, metals, pesticides, and trash.

The City has developed a Storm Water Management Program (SWMP) in order to reduce the discharge of pollutants into local creeks and the ocean, and installing permeable pavers is one of the suggested methods for developers to meet the City's guidelines. Permeable pavers allow water to pass through them into a subsurface gravel layer that doubles as a storage/infiltration area and a structural base layer.

The Project consists of installing 13,500 square feet of permeable concrete pavers in the lower MacKenzie Park parking lot. The Project is designed to capture and treat the volume of storm water generated from a 1-inch, 24-hour storm event. The Project will be used as an example of a relatively simple Best Management Practice that meets the City's SWMP requirements, and can be installed almost anywhere there is existing hardscape with low traffic volumes (site conditions permitting).

CONTRACT BIDS

A total of 4 bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Shaw Contracting Carpinteria, CA	\$351,730
2.	Lash Construction Santa Barbara, CA	\$358,265
3.	John Madonna Construction San Luis Obispo, CA	\$376,990
4.	Union Engineering Company Ventura, CA	\$436,297

The low bid of \$351,730, submitted by Shaw, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$36,823, or 10%, is typical for this type of work and size of project.

COMMUNITY OUTREACH

Public Works staff will coordinate with the contractor to perform the standard public notification for the Project. Construction has been scheduled for a two week period beginning August 22, 2011, when there are no planned activities occurring in MacKenzie Park. Access to the MacKenzie Lawn Bowls Club through the MacKenzie Park parking lot will be maintained throughout construction. Creeks Division staff will perform post-construction outreach demonstrating the storm water treatment design and benefits.

FUNDING

This project will be paid for with Measure B funds already appropriated in the Creeks Division Capital Fund. The Creeks Division also has a grant application pending with the State Water Resources Control Board that could, if awarded, be substituted for the Measure B funds.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Shaw Contracting, Inc.	\$368,230	\$36,823	\$405,053
TOTAL RECOMMENDED AUTHORIZATION			\$405,053

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

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Other Design Costs	\$38,143
City Staff Costs	\$18,000
Subtotal	\$56,143
Construction Contract	\$368,230
Construction Change Order Allowance	\$36,823
Subtotal	\$405,053
Other Construction Costs (testing, etc.)	\$2,000
Construction Management/Inspection (by City Staff)	\$60,758
Subtotal	\$62,758
TOTAL PROJECT COST	\$523,954

SUSTAINABILITY IMPACT:

The City's SWMP has three different requirements that must be met by project applicants: (1) a peak runoff discharge requirement; (2) a runoff volume requirement; and (3) a water quality treatment requirement. The Project meets or exceeds these requirements. For the peak runoff discharge requirement, the Project reduces the storm water runoff discharge rate from previous conditions by allowing water to pass through the permeable pavers and into a storage/infiltration gravel area. For the runoff volume requirement, the subsurface gravel layer below the permeable pavers has enough capacity to retain on-site the volume of storm water generated from a 1-inch, 24-hour storm event. The water quality treatment requirement is met in this same fashion, by retaining and treating on-site the volume of storm water generated from a 1-inch, 24-hour storm event.

PREPARED BY: John Ewasiuk, Principal Civil Engineer/MR/sk
Cameron Benson, Creeks Restoration/Water Quality
Improvement Manager

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Approval Of Dooley Enterprises As Single Source Vendor To Provide Duty And Practice Ammunition For The Police Department

RECOMMENDATION: That Council:

- A. Find it in the City's best interest to waive the formal bid process as authorized by Municipal Code Section 4.52.080 (k) and authorize the City General Services Manager to issue a purchase order to Dooley Enterprises as the single and most favorable source for providing the City with its authorized ammunition needs in an amount equal to or less than the \$48,000 currently appropriated in the Police Department's adopted Fiscal Year 2012 budget; and
- B. Authorize the annual expenditure in an amount not to exceed the annual budget adopted by Council for Fiscal Year 2012 through Fiscal Year 2016 to purchase duty and practice ammunition for the Police Department's needs.

DISCUSSION:

Currently, the Police Department utilizes Winchester ammunition for duty and practice use for all authorized weapons and calibers. Winchester is the only manufacturer of ammunition containing a totally jacketed bullet encasing the lead and a no-lead primer. This type of ammunition is utilized for the safety of our employees. Winchester is also the only manufacturer of "Ranger" duty ammunition; the only authorized duty ammunition for our department pistols.

Winchester Company limits the bulk distribution of their products through regional suppliers; the sole supplier designated by Winchester for our area is Dooley Enterprises.

Since the Police Department places 2 to 3 orders for ammunition within each fiscal year, a blanket purchase order for Dooley Enterprises is requested for the Police Department's ammunition needs.

SOLE SOURCE JUSTIFICATION:

No suppliers other than Dooley Enterprises are available for competitive bid.

PREPARED BY: James Pfleging, Police Lieutenant

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrators Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Approval Of Purchase Order To Chiquita Canyon Landfill To Provide Water Treatment Sludge Disposal

RECOMMENDATION: That Council:

- A. Find it in the City's best interest to waive the formal bid process, as authorized by Municipal Code Section 4.52.070(k), and authorize the City General Services Manager to issue a Purchase Order to Chiquita Canyon Landfill for providing the City with up to 3,600 tons of water treatment sludge disposal in Fiscal Year 2012 in an amount of \$165,000; and
- B. Authorize the City General Services Manager to renew the Purchase Order with the Chiquita Canyon Landfill annually through Fiscal Year 2014, subject to Council approval of the annual Water Fund budget.

DISCUSSION:

The City's William B. Cater Water Treatment Plant (Cater) provides regional water treatment to the communities of Santa Barbara, Summerland, Montecito, and Carpinteria. Sludge is a by-product of the water treatment process and must be hauled off-site to an appropriate facility.

For the past two years, the sludge generated by Cater's treatment process has been hauled to the Ventura Regional Sanitation District (VRSD) for disposal under the classification of alternative daily cover (ADC). The ADC classification allowed VRSD to receive out-of-county material without having approval by the Ventura County Planning Department, which can take up to six months. However, the Regional Water Quality Control Board recently established more stringent permit requirements for constituent levels in ADC and Cater sludge currently does not comply with these requirements. This has given cause for staff to quickly find a new disposal facility for Cater's sludge. Given the short notice, staff was not able to proceed with a formal bid process as required by the City's Municipal Code.

Alternatively, staff completed an informal bid process by investigating surrounding landfill sites for the lowest disposal fees. Their investigation resulted in the findings listed in the chart below. The hauling costs are covered under an existing separate purchase order.

Council Agenda Report
 Approval Of Purchase Order To Chiquita Canyon Landfill To Provide Water Treatment
 Sludge Disposal
 July 12, 2011
 Page 2

Landfill Site	Cost/Ton	Hauling Costs	* Total Cost/Trip
Chiquita Canyon Landfill	\$45.00	\$750.00	\$1,335.00
Simi Valley Landfill	\$52.00	\$750.00	\$1,426.00
Tajiguas Landfill	\$72.00	\$510.00	\$1,446.00
Santa Maria Landfill	\$69.90	\$750.00	\$1,658.70

*Estimated 15 tons per truck load

When considering the cost per trip and per ton to dispose of the sludge, the Chiquita Canyon Landfill in Castaic, California was found to be the most economical option. According to staff's investigation of sludge disposal fees, staff believes it is in the City's best interest for Council to waive the formal bidding process as provided by Municipal Code Section 4.52.070 (k) and authorize the General Services Manager to issue a Purchase Order to Chiquita Canyon Landfill for disposal of up to 3600 tons of Cater's sludge at the Chiquita Canyon Landfill. The recommended Purchase Order amount of \$165,000 will cover Cater's sludge disposal costs for Fiscal Year 2012.

Staff also recommends approval for the General Services Manager to renew the Purchase Order for the Chiquita Canyon Landfill annually through Fiscal Year 2014, subject to Council approval of the annual Water Fund budget.

FINANCIAL INFORMATION:

Sufficient funding in the Fiscal Year 2012 Water Fund has been approved to cover the cost for sludge disposal.

PREPARED BY: Catherine Taylor, P.E., Water System Manager/mh

SUBMITTED BY: Christine Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 540.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Ratification Of The Cachuma Operation And Maintenance Board's Modified South Coast Conduit Upper Reach Reliability Project

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Ratifying the Cachuma Operation and Maintenance Board's Approval of the Modified South Coast Conduit Upper Reach Reliability Project, and Authorizing Certain Other Actions.

DISCUSSION:

The Cachuma Operation and Maintenance Board (COMB) is a joint powers authority that operates the South Coast Conduit and other infrastructure supplying Lake Cachuma water to the South Coast. The City is a member of COMB, with Councilmember Dale Francisco as the current Board Member representing the City. The other members of COMB include Montecito Water District, Carpinteria Valley Water District, Goleta Water District, and Santa Ynez River Water Conservation District, Improvement District #1.

In 2002, the California voters approved Proposition 50 (the Water Security Drinking Water, Coastal and Beach Protection Act of 2002) which included \$500 million in grant funding to be allocated to regions with adopted Integrated Regional Water Management Plans. From these Proposition 50 funds, COMB was awarded \$3.2 million in grant funding for a project to improve the reliability of a section of the South Coast Conduit in the area between the South Portal of the Tecolote Tunnel and the Corona Del Mar Water Treatment Plant in Goleta. To accomplish the project for which the grant funding has been approved, COMB intends to replace the deteriorating vault at the South Portal and make needed repairs and improvements to the South Coast Conduit pipeline and appurtenances ("Modified South Coast Conduit Upper Reach Reliability Project"). The Modified Project is a substitute for the previously proposed Second Barrel project, originally planned to include some of this work. The State Water Board has determined

Council Agenda Report

Ratification Of The Cachuma Operation And Maintenance Board's Modified South Coast
Conduit Upper Reach Reliability Project

July 12, 2011

Page 2

that the Modified Project qualifies for the Proposition 50 grant funds as a replacement for the original Second Barrel project.

Total project costs for the Modified Project are not to exceed \$4.2 million. The Proposition 50 grant funding will cover \$3.2 million of the Modified Project costs. The balance of costs for the Modified Project, \$1,000,000, will be paid by the South Coast member agencies of COMB in the same proportion as costs are allocated under the terms of the COMB Joint Powers Agreement. The City's share of the net Modified Project costs would be approximately \$360,000. Some of this amount has already been paid and will count toward the City's share of the costs. The remainder of the City's share has been included in the adopted Fiscal Year 2012 Water Fund Operating Budget.

On June 27, 2011, the COMB Board approved by minute action the Modified South Coast Conduit Upper Reach Reliability Project. The COMB Joint Powers Agreement requires that if the COMB Board approves a project with costs greater than \$1 million that would be proportionally shared by the member agencies, each of the COMB member agencies must ratify the COMB approval by resolution. The recommended resolution provides the necessary ratification.

The Santa Ynez River Water Conservation District, Improvement District #1 receives no benefit from the Modified Project. Improvement District #1 Board will ratify the Modified Project only if it is not obligated to contribute any of the Modified Project costs and only if COMB indemnifies it from any responsibility or liability for the Modified Project. COMB has agreed to the conditions imposed by Improvement District No. 1.

PREPARED BY: Rebecca Bjork, Water Resources Manager/BF/mh

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 RATIFYING THE CACHUMA OPERATION AND MAINTENANCE BOARD'S APPROVAL OF THE MODIFIED SOUTH COAST CONDUIT UPPER REACH RELIABILITY PROJECT, AND AUTHORIZING CERTAIN OTHER ACTIONS

WHEREAS, the City of Santa Barbara, (the "City") is duly organized and existing under the Constitution and laws of the State of California;

WHEREAS, pursuant to the Ralph M. Brown Act constituting Chapter 9 of Part 1 of Division 2 of Title 5 (commencing with Section 54950) of the California Government Code this meeting was duly noticed;

WHEREAS, the City is a member agency of the Cachuma Operation and Maintenance Board ("COMB"), which operates pursuant to the 1996 Amended and Restated Agreement for the Establishment of a Board of Control to Operate and Maintain the Cachuma Project – Cachuma Operation and Maintenance Board, dated May 23, 1996 ("Amended and Restated Agreement"), as amended by an Amendment to the Amended and Restated Agreement made effective September 16, 2003 (collectively, the "Joint Powers Agreement");

WHEREAS, the City has determined, in accordance with Section 1.3(i) of the Joint Powers Agreement, to ratify the approval by COMB of the Modified South Coast Conduit Upper Reach Reliability Project, which action to approve the project was taken by the COMB Board on June 27, 2011, by minute action ("Modified Upper Reach Project");

WHEREAS, the Modified Upper Reach Project consists generally of South Coast Conduit pipeline improvements, the replacement or rehabilitation of certain infrastructure facilities, and related work or activities for that portion of the South Coast Conduit between the South Portal of the Tecolote Tunnel and the Corona Del Mar Water Treatment Plant.

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

SECTION 1. Declaration of the City Council. This City Council hereby specifically finds and declares that the actions authorized hereby constitute and are with respect to public affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above are true and correct.

SECTION 2. Ratification of COMB Approval of the Project. Pursuant to Section 1.3(i) of the Joint Powers Agreement, the City Council hereby ratifies COMB's approval of the Modified Upper Reach Project not to exceed \$4,200,000, to be budgeted and paid for over two fiscal years from July 1, 2011, through June 30, 2013.

SECTION 3. Conditions. The City shall have an obligation to pay its percentage share, as provided below, of all project costs; provided, however, such project costs shall not exceed \$4,200,000, for the Modified Upper Reach Project

Goleta Water District:	40.42%
City of Santa Barbara:	35.88%
Montecito Water District:	11.50%
Carpinteria Valley Water District:	12.20%

The City's ratification in Section 2, above, is expressly conditioned upon the approval and execution of an indemnification agreement between COMB and the Santa Ynez River Water Conservation District, Improvement District No. 1 with respect to the Modified Upper Reach Project.

SECTION 4. Further Actions. The Public Works Director of the City is hereby authorized to do any and all things and to execute and deliver any and all documents, which they may deem necessary or advisable in order to give effect to and comply with the terms and intent of this resolution.

SECTION 5. Effective Date. This resolution shall take effect immediately upon its passage.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For The American Recovery And Reinvestment Act Road Overlay Project

RECOMMENDATION: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the American Recovery and Reinvestment Act (ARRA) Road Overlay Project (Overlay Project), Contract No. 23,321 between the City and Nye and Nelson, Inc., in the amount of \$206,480, for a total construction contract expenditure authority of \$1,415,703; and
- B. Authorize the Public Works Director to execute a City Professional Services Contract with Flowers and Associates (Flowers) in the amount of \$26,564 for construction support services associated with the Overlay Project, and approve expenditures of up to \$2,656 for extra services of Flowers that may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

In September 2009, the Federal Highway Administration (FHWA) authorized the expenditure of \$2,674,796 in grant funds for citywide road maintenance. The funding was divided into two separate construction contracts, the Overlay Project and the ARRA Road Maintenance Project (Maintenance Project). The Overlay Project consists of improving roads that require extensive spot repairs and also includes asphalt pavement overlay, which is the City's premiere roadway surface treatment. The Maintenance Project consists of sealing (slurry or cape) roadway surfaces after spot repairs are completed.

On March 16, 2010, Council awarded the construction contract for the Overlay Project to Nye and Nelson, Inc., in the amount of \$1,045,276, plus a change order amount of \$120,878 for a total of \$1,166,154. On July 13, 2010, Council authorized the expenditure of an additional \$90,000 of City funds for the asphalt pavement overlay at

the Carrillo Street/Highway 101 Underpass. In May 2011, the change order balance was reduced by \$46,931 for contract quantity adjustments, bringing the total change order authority to \$163,947.

CURRENT STATUS

The Maintenance Project contract is complete, and there is now the opportunity to utilize unspent ARRA funds from the Maintenance Project towards the Overlay Project. Utilizing these funds can be accomplished as described below through increasing the current Overlay Project contract by \$206,480. Staff coordinated with Caltrans to determine options available to expend unspent ARRA funds. Staff was informed that these funds could only be used toward an existing contract for work that was competitively bid, but not originally awarded. Fortunately, the Maintenance Project and Overlay Project contracts both fall under one FHWA project category.

The Overlay Project was bid as a base bid plus three alternative bid items to match bids with available ARRA funding. The construction contract award included the base bid and only Alternative Bid Item 3 since at that time there were not sufficient ARRA funds to award Alternative Bid Item 2. It is now opportune to add a portion of Alternative Bid Item 2 to the Overlay Project contract so the available ARRA funding is fully expended. The added Alternative Bid Item 2 work includes spot repairs on Santa Barbara, Bath, and Garden Streets. The added work is comprised of approximately 23,000 square feet of localized spot repairs, which will be dug out, repaired, and replaced with a new asphalt surface.

BUDGET/FINANCIAL INFORMATION:

The following summarizes the additional expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Federal Share	City Share	Total
Base Contract Amount	\$1,045,276	\$0	\$1,045,276
Contract Change Order Authority	\$163,947	\$0	\$163,947
Additional Change Order Authority	\$177,692	\$28,788	\$206,480
Totals	\$1,386,915	\$28,788	\$1,415,703

Council has previously appropriated the federal funds allocated for this Overlay Project. Authorization of this extra work will result in the expenditure of \$177,692 in unspent ARRA funds. The proposed use of the remaining ARRA funds will be pavement maintenance.

The City cost for this extra work totals of \$74,088, which covers a portion of the contract cost (\$28,788) plus professional services for construction management and inspection (\$29,220) as well as the cost of additional City staff time (\$16,000). There are sufficient funds in the Streets Capital Fund to cover the City's cost.

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

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

	Federal Share	City Share	Total Cost
Design (by Contract and City staff)	\$0	\$42,283	\$42,283
Subtotal	\$0	\$42,283	\$42,283
Construction Contract	\$1,045,276	\$0	\$1,045,276
Construction Change Order Allowance	\$163,947	\$0	\$163,947
Increase Construction Change Order	\$177,692	\$28,788	\$206,480
Subtotal	\$1,386,915	\$28,788	\$1,415,703
Project Management (by City Staff)	\$0	\$27,500	\$27,500
Increase Project Management (by City Staff)	\$0	\$16,000	\$16,000
Construction Management and Inspection (by Contract)	\$74,800	\$0	\$74,800
Increase Construction Management and Inspection (by Contract)	\$0	\$29,220	\$29,220
Material Testing (by Contract)	\$20,738	\$0	\$20,738
Subtotal	\$95,538	\$72,720	\$168,258
TOTAL PROJECT COST	\$1,482,453	\$143,791	\$1,626,244

Items in bold are increases as a result of the extra work

In summary, it is the best interest of the City to fully utilize the ARRA funding available.

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

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Valle Verde Decision And Findings Resolution

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving an Amended Conditional Use Permit, Modifications, and a Lot Line Adjustment for an Application of American Baptist Homes of the West, 900 Calle de Los Amigos.

DISCUSSION:

On June 14, 2010, Council heard the appeal of the Law Office of Marc Chytilo representing Hidden Oaks Homeowners Association, and the appeal of Weinberg, Rodger & Rosenfeld, representing the Service Employees International Union-United Healthcare Workers West ("UHW") and Friends of Valle Verde ("FVV"). By a vote of 6 to 0, Council denied the appeal, and directed staff to return with decisions and findings, including additional and revised conditions. Provided is the proposed resolution reflecting Council's action.

The following conditions were added or clarified:

- Added Condition A.7 Encourages Valle Verde to complete parking improvements as soon as possible
- Added Condition B.1.s Reflects the deletion of the Modification on Torino Drive
- Condition B. 2 Oak woodland clarified
- Added Condition B. 3 Offer to dedicate the Oak Woodland
- Added Condition B. 13 States that employees and residents shall park on site
- Added Condition B. 16 States how the facility can be used by outside organizations
- Condition B.17 Clarified the condition
- Added Condition B. 18 Transportation Demand Program

- Added Condition C. 1 Update plans to reflect elimination of Modification on Torino Drive.
- Condition D.1.h Revised Public Works condition
- Added Condition D.1.v Traffic signal
- Condition D.2.e.3 Clarified the timing of surveying the site for special status animals

The following two conditions were already included in the Planning Commission conditions of approval and address concerns raised by Council members:

- Condition C.9 ABR to study retaining walls on Rutherford
- Condition D.2.d.2 Relocate the detention basin on Rutherford to avoid oak tree impact

PREPARED BY: Peter Lawson, Associate Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community Development Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AN AMENDED CONDITIONAL USE PERMIT, MODIFICATIONS, AND A LOT LINE ADJUSTMENT FOR AN APPLICATION OF AMERICAN BAPTIST HOMES OF THE WEST, 900 CALLE DE LOS AMIGOS

WHEREAS, the City accepted an application from Tynan Group, Agents for American Baptist Homes of the West, in order to process a request to add 40 independent residential units to the existing Valle Verde Senior Retirement Facility (the "Project"), demolish three existing residential units, construct additions to existing support facilities, demolish portions of existing support facilities, reconfigure parking areas, add additional parking, provide a parking program and dedicate oak woodland habitat all, requiring an Amended Conditional Use Permit, Modifications and a Lot Line Adjustment;

WHEREAS, the Architectural Board of Review held three concept project reviews on July 10, 2006, April 9, 2007 and January 26, 2009;

WHEREAS, the Planning Commission held two concept project review work sessions on July 20, 2006, and October 4, 2007;

WHEREAS, the Planning Commission held a duly noticed public review period to receive comments on the Draft Mitigated Negative Declaration from February 23, 2009 to March 16, 2009, and held a duly noticed public hearing on March 5, 2009, and received comments from eleven (11) people at the hearing along with written correspondence during the public period;

WHEREAS, a fair argument was raised during the public review period on the Draft Mitigated Negative Declaration that resulted in a focused EIR being prepared;

WHEREAS, the Planning Commission held a duly noticed public review period to receive comments on the proposed EIR scope of analysis from May 22, 2009 to June 22, 2009, and held a duly noticed public hearing on June 4, 2009, and received comments from eleven (11) people at the hearing along with written correspondence during the public review period;

WHEREAS, the Planning Commission held a duly noticed public review period to receive comments on the proposed Draft EIR from August 30, 2010 to October 18, 2010, and held a duly noticed public hearing on October 14, 2010, and received comments from twenty-three (23) people at the hearing along with written correspondence during the public review period;

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the Project on April 14, 2010 and thirty-nine (39) people spoke regarding the Project and written correspondence was provided prior to and during the hearing. After substantial discussion, the Planning Commission t, adopted environmental findings pursuant to CEQA, certified the EIR, and approved the project;

WHEREAS, on April 25, 2011 the Law Office of Marc Chytilo representing Hidden Oaks Homeowners Association, and Weinberg, Rodger & Rosenfeld, representing the Service Employees International Union-United Healthcare Workers West ("UHW") and Friends of Valle Verde ("FVV") both appealed the Planning Commission approval of the Project; and

WHEREAS, on June 14, 2010, the City Council held a duly noticed public hearing on the appeal. After the public hearing, the City Council denied the appeal and certified the Environmental Impact Report, including incorporation of the mitigation measures into the project conditions of approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Council OF the City of Santa Barbara finds, determines and resolves as follows:

I. The Council approves the Proposed Project making the following findings and determinations:

A. **Revised Final Environmental Impact Report (EIR) Certification:**

Consistent with the California Environmental Quality Act Section 15090, Certification of the Final EIR:

1. The Revised Final Environmental Impact Report for the Valle Verde Project was presented to the City Council of the City of Santa Barbara. The City Council finds that the changes to the Final EIR merely clarifies and makes no significant modifications to an otherwise adequate EIR, and thus no recirculation of the EIR is required by CEQA (CEQA Guidelines Sec. 15088.5)." The additional detail described in the Revised Final EIR concerning events occurring at Valle Verde does not change any of the EIR's conclusions regarding the environmental impacts, if any, of those events. In addition, since the vast majority of the events predate the commencement of preparation of the EIR, the traffic and parking resulting from these events were analyzed in the original EIR as part of the "baseline" condition. The City Council reviewed and considered the information contained in the Revised Final Environmental Impact Report, along with public comment and responses to comments, and determined that the document constitutes a complete, accurate, and good faith effort toward full disclosure of the Project's impacts and is an adequate environmental analysis of the Project.
2. The Revised Final Environmental Impact Report, dated May 2011, prepared for the Valle Verde Project has been completed in compliance with CEQA.
3. The Revised Final Environmental Impact Report for the Valle Verde Project reflects the independent judgment and analysis of the Santa Barbara City Council.
4. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based, is the City of Santa Barbara Community Development Department, Planning Division, (attention Michael Berman, Environmental Analyst) 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.
5. The mitigation monitoring and reporting program (MMRP) attached to the Revised Final EIR is hereby adopted. The Mitigation measures described in the Revised Final EIR have been made enforceable through incorporation into the project description or are included within the project conditions of project approval.

Class II Impacts (Potentially Significant But Adequately Mitigated). Project elements incorporated as part of the project description and mitigation measures applied herein as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts to less than significant levels. These findings are supported by substantial evidence in the record including the Revised Final EIR.

- a. **Visual Aesthetics.** Removal of existing mature trees and additional development would affect the site's visual appearance. This impact would be reduced to a less than significant level by replacing each mature tree removed with an appropriate replacement tree, as determined by the City's Architectural Board of Review.
- b. **Biological.** Short-term impacts to wildlife could occur as a result of the project construction. Mitigations include survey for nests prior to construction, construction fencing, and designated equipment parking, which would reduce impacts to a less than significant level. Long-term impacts to the Oak Woodland habitat from the new development and associated fuel management requirements could also occur. The Project includes a revised fuel management program, an oak woodland restoration plan and standard conditions for lighting that manage lighting and direct it toward the ground, which would reduce impacts to a less than significant level.
- c. **Geophysical Conditions.** Components of the Project are proposed to be located on steeper slopes and could be impacted by slope stability. This impact would be reduced to a less than significant level with the implementation of the recommendations in the Soils Engineering Report for grading the site, directing drainage, as well as compliance with building code requirements that would minimize potential hazards associated with slope stability.
- d. **Hazards.** The Project is not located within a high fire hazard area. However, there is heavy vegetation and non-native grasses within close proximity of the proposed development. Implementation of the revised fuel management program would reduce impacts to less than significant levels by reducing the fuel load and using a fire resistant construction techniques.
- e. **Noise.** Construction noise has the potential to impact adjacent residents. Mitigation measures to address construction hours, construction equipment sound, and noise barriers have been included and would reduce impacts to a less than significant level.
- f. **Public Services.** Construction and demolition activities required to implement the Proposed Project would generate a substantial amount of solid waste. This impact would be reduced to a less than significant level with the

implementation of a waste management plan that would recycle the majority of the waste.

Class III Impacts (Less than Significant). The Proposed Project would result in a less than significant impact in the following environmental issue areas, as identified in the Revised Final EIR. As applicable, mitigation measures are incorporated as conditions of project approval to further reduce the level of impact, consistent with City policies. These findings are supported by substantial evidence in the record of the City Council's proceedings for the Project including the Revised Final EIR.

- a. **Air Quality.** Long-term impacts were considered less than significant. Short-term project-related grading and construction activities would result in fugitive dust and emissions from construction equipment that would be well below the established threshold of significance. Standard dust and emissions control measures to further reduce potential impacts are included as recommended mitigation measures and in the Conditions of Approval. Therefore, the Project is anticipated to have a less than significant short-term air quality impact.
- b. **Cultural Resources.** The Project involves ground-disturbing activities, which means there is a remote possibility of encountering unknown buried archeological deposits. The Project site was surveyed to detect the presence of prehistoric and historic cultural materials. The survey did not detect the presence of any resources. Standard mitigation requiring contractor notification if resources are excavated would further reduce potential impacts.
- c. **Population and Housing.** The Proposed Project would provide 40 new dwelling units, resulting in a net gain of 37 dwelling units in the City and would have no significant housing- or population-related impacts.
- d. **Recreation.** The Valle Verde campus includes various on-site passive and active recreation opportunities for residents. Increases in park and recreation demand associated with the Proposed Project would be less than significant.
- e. **Transportation/Circulation.** Short-term construction related impacts could occur during construction. Recommended mitigations and standard conditions of approval for construction traffic and construction parking would further reduce impacts. The Project would result in approximately five new employees and new senior housing. No long-term significant traffic impacts would result from the Project. A recommended mitigation to prevent parking within five feet of all driveways would further reduce impacts.
- f. **Water Environment.** Through the recommended mitigations, which would be incorporated into the conditions of approval, less than significant short-term construction-related water quality impact would be further reduced to a

less than significant level. All new development would be required to comply with the provisions of the Storm Water Management Program, which mandate that post construction runoff is equal to pre-construction runoff and runoff is treated prior to leaving the site, thus long term impacts would be less than significant.

Findings for the Fish & Game Code

An Environmental Impact Report has been prepared by the City of Santa Barbara, which has evaluated the potential for the Proposed Project to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." The Proposed Project has the potential for adverse effects on trees and mature vegetation and associated wildlife during project construction. Mitigation measures have been applied such that any less than significant impacts would be further reduced. The Project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

A motion to certify the Revised Final Environmental Impact Report was adopted on the 14th day of June, 2011, by the City Council of the City of Santa Barbara.

B. Modification Front Setback (SBMC §28.92.110.2) [Private Streets Only]

The proposed Modification from the private streets with Valle Verde is consistent the purpose and intent of the Zoning Ordinance. The proposed development along the private streets would follow a similar development pattern established over the four phases of the site development.

C. Modification Distance Between Buildings (SBMC §28.92.110.2)

The Modification to reduce the distance between buildings requirements is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. The existing development of the site includes reduced distances between buildings. The typical existing development is comprised of single story duplexes and triplexes, which does not create a crowded feel. The proposed Modifications between the buildings would be similar in nature. Typically, some of the buildings are at an angle to other buildings and only part of the building is closer than required to the other buildings.

D. Modification Interior Yard Setback (SBMC §28.92.110.2)

The Modification to reduce the interior setback is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. Two units on the Rutherford parcel would encroach within one to two feet of the interior setback and place the development closer to the existing Valle Verde development. A third unit, located on the hillside above Sende Verde, would be placed three feet into the required setback. This location is appropriate since the unit would be located further from the Oak Woodland habitat and only affects Valle Verde interior lots.

E. Lot Line Adjustment Modification (SBMC §27.40.040)

The parcels resulting from the lot line adjustment conform to the General Plan Zoning Ordinance and building code, and specifically satisfy all lot area, street frontage and setback requirements as described in Section VI of the staff report.

F. Conditional Use Permit Findings:

1. The use of this real property as a Senior Retirement Residential Facility is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan; The number of elderly residents will grow in upcoming years and the City's General Plan finds that senior housing is essential to the long term welfare of Santa Barbara. The use of this property as a senior housing community is long established and is identified as such in the Hidden Valley section of the General Plan. The project is consistent with the various General Plan elements, including the Conservation, Circulation, Noise, Seismic/Safety and the Housing element. The proposed Independent Living units and Assisted Living beds are already permitted by previously issued CUP's. The required CUP findings for a senior housing facility at this location were previously made in 1960, 1971, 1981 and 1984.

2. A Senior Retirement Residential Facility will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;

The subject real property is bound by the hillside of Campanil Hill on to the south and Hope Ranch along the majority of its western boundary. Hidden Oaks Estates, a Planned Urban Development (PUD) constructed in the late 1980's to early 1990's) is located west of the Rutherford parcel. To the north lies La Cumbre Country Club and to the east Arroyo Burro Cree and Hidden Valley Park. In regards to on street parking, the public streets allow for parking adjacent to the Valle Verde campus. While parking on public streets is allowed, the proposed project provides onsite parking which exceeds both the City requirement and peak demand. As the existing senior housing community has been at this location since 1965 and the required CUP findings for such use have been made four previous times, any adverse impacts of Valle Verde on public peace, health, safety, comfort, the general welfare or neighborhood property values would have become evident many years ago.

3. The total area of the Project site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The Project would result in 246 residential units on 60 acres, or an average of 4.1 dwelling units per acre (not including the assisted living and nursing facilities). This density is consistent with the 5 du/ac General Plan density of the Hidden Valley neighborhood. A

126' setback exists between the adjacent Hidden Oaks Estate lot and the closest proposed residential unit. Given the size of the approximately 60 acre Valle Verde campus and the proposed setbacks from neighboring development, there will be no significant detrimental impact on surrounding properties as a result of this project.

4. Adequate access and off-street parking including parking for guests will be provided for the Project in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

The existing public streets adjacent to Valle Verde approximately 60 feet wide and are designed to accommodate two lanes of traffic as well as parking on each side. The applicant is providing 102 parking spaces more than required parking spaces as part of the project. The additional spaces are in excess of the necessary amount to satisfy the parking demand generated by the new units, and the resulting 414 off-street parking spaces on campus will exceed the number of 312 spaces required by the City's zoning code. In addition, the project includes a reconfiguration of the existing parking lots and designating specific parking lots for employees, residents and visitors. Further, the project includes a parking management program to track the number of residents and staff, to designate specific spaces for residents, staff and visitors, and a parking permit program intended to encourage use of off-street spaces. With these new parking spaces and management program, it is expected that the number of on-street parking spaces used by Valle Verde residents, staff and visitors will significantly decline.

5. The appearance of the developed Project site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The City Council shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

The proposed new independent living units are all single story and otherwise similar to the existing development in terms of height, scale and architectural style, location of parking areas, landscaping and other features. Changes to the maintenance and administration buildings will include a second story element. The administration building second story element is compatible to the height of the existing administrative building, is set back from the public street and with it will be located in the administrative core of

the campus. The relocated maintenance building is located at the rear of the campus within the administrative core and it is inset in the hillside. The project includes dedication of 9.8 acres of oak woodland as permanent open space. A portion of this dedicated open space was identified for dedication in 1986. While the necessary dedication paperwork was not completed, the 4 acres was in fact preserved as open space and not subject to any development activity. Those 4 acres, together with an additional 5.8 acres, will be formally dedicated as open space by means of appropriate recorded documents.

Compliance with any additional specific requirements for a conditional use permit:

SBMC Section 28.94.030.R.2 states that where an existing State-licensed residential care facilities for the elderly, or community care facility or hospice requesting an alteration or modification, in addition to the findings required under Section 28.94.020 (stated above), the City Council on appeal must find upon a showing of adequate information the following, and the Council so finds:

1. The proposal has been reviewed and approved by the City Fire Marshall and the City Building Official.

Valle Verde’s application was reviewed by the City Fire Marshall and the City Building Official as part of the application process. The project will be required to secure building permits and, at that time, the City Fire Marshall and the City Building Official will review the building plans for consistency with the applicable building and fire codes. This review will encompass all aspects of the project, including emergency access, ingress and egress of the parking areas, and location of parking spaces..

2. The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use.

This resource evaluation is to be done on the entire 60-acre campus since the proposed project includes elements that will affect all portions of the Valle Verde campus. In addition, the finding uses the word “facility,” which reflects an intent that the entire project be examined for purposes of this evaluation. 2) The proposed facility would generate the following demand for water, traffic and parking capacity, compared to the demand generated by 189 single family homes (i.e., the intensity of development allowed by the underlying zoning):

	<u>Proposed Project</u>	<u>189 Single Family Homes</u>
Water Usage	77.8 afy*	79.38**
Traffic Trips***		
Average Daily	691.26 trips	1808.75 trips

AM Peak	44.28 trips	141.75 trips
PM Peak	71.34 trips	190.89 trips
Parking	312 spaces****	378 spaces*****

- * Final EIR, Appendix A, Valle Verde Initial Study, page 36
- ** Calculated from 2009 City of Santa Barbara Water Demand Factor Table
- *** Calculated by Tynan Group from ITE trip generation rates, see applicant letter 4/14/11
- **** Final EIR, page 5.3-25
- ***** Based on Santa Barbara Zoning Code requirements

The required finding related to resource demand can be made because the Valle Verde campus will not generate resource demand greater than the demand generated by development of the property in accordance with the underlying zoning.

3. The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

The project involves adding 37 (net) independent living units and 4 assisted living beds to an existing 208 independent living unit and 44 assisted living bed retirement community. The hours of operation and major activities will remain the same, and no other significant operational changes are proposed. If the “neighboring residential uses” is defined as the existing Valle Verde facilities, the project is “compatible with” those uses. If the “neighboring residential uses” include the single family homes in the Hidden Valley neighborhood the project will be compatible with those uses, based on the following:

<u>Factor</u>	<u>Hidden Valley</u>	<u>Valle Verde</u>
Use	Residential	Same
Density	5-12 units per acre	Same
Character	1-2 story buildings	Same
Setbacks	10-40'	Same

The intensity of use is within the limits already approved by the City. The existing CUP allows 254 independent living units, and there are currently 208 such units. Thus, the number of people that can live at Valle Verde will be within the population anticipated by the City when the earlier CUPs were approved.

II. The City Council’s approval of the Proposed Project is subject to the following conditions of approval:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

The Applicant shall:

1. Pay Fish and Game fee immediately upon approval of the land use applications. Delays in payment will result in delays in filing the required Notice of Determination.

2. Obtain all required design review approvals.
3. Pay the Land Development Team Recovery Fee at the time of submittal for either a Building or Public Works permits.
4. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
5. Record any required Project Agreements (see Recorded Conditions Agreement section), including an approvable application for a Lot Line Adjustment, including, but not limited to the Oak Grove development rights restriction.
6. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.
7. Valle Verde shall strive to complete parking facilities and institute on-site parking as early in the development as reasonably feasible.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. Recorded Conditions Agreement.** Prior to the City's issuance of a building permit for the Proposed Project, the Owner shall execute a written agreement, which shall be prepared by Planning staff, 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 approved by the City Council on June 14, 2011, as shown on the April 14, 2011 plans signed by the Chair of the Planning Commission on said date and on file at the City of Santa Barbara (with the exception of (i) Unit No. 6, which will be relocated to another site on the campus, and (ii) the Modification requested for Unit No. 6 and its setback from Torino Drive, which Modification was not granted) is limited to the following:

An amendment to the Conditional Use Permit for the Valle Verde Project to allow the following land uses:

- a. 246 Independent Living Units (separate living units with individual kitchens and no more than two bedrooms).
- b. 7 Studio Units (multiple attached living units of no more than one bedroom each sharing a common kitchen)
- c. A 2-story, 6,870 S.F. Administration Building which includes within the footprint:
 - (1) 1st story - Administrative offices, conference room and a resident bank office. (5,045 S.F.)

- (2) 2nd story - 4 Bed and Breakfast units each with full bath & wet bar (1,825 S.F.)
- d. A 4,923 s.f. Poolside Lounge, which includes a library, a lounge, resident resale room (La Tienda room) with annex, a storage area, a laundry area and bathrooms with shower facilities.
- e. A 13,764 s.f. Dining complex, which includes a 351 seat multi-purpose/theater/aerobic room, a lobby area, a 12 seat chapel, a kitchen, bathrooms, a dining hall that includes a 32 seat formal dining alcove, a 679 s.f. outdoor patio dining area, a 110 seat main dining area, and a wellness center.
- f. A 2,658 s.f. Beauty Salon building, which also includes a staff room lounge, an outdoor staff area (with designated smoking area), a conference room (Santa Barbara Room), and a store for the residents (Country Store).
- g. A 2,646 s.f. social room, which includes a card/conference room, a business office with help desk, 8 seat deli & lounge area, and bathrooms.
- h. A 28,558 s.f. 80 bed Skilled Nursing building.
- i. A 33,401 s.f. 48 bed Assisted Living building, which also includes a 44 seat dining area with kitchen, a lounge, an art room, a fitness room and staff office area.
- j. A 2-story 5,899 s.f. Maintenance Building:
 - (1) 1st Story – Hobby shop, maintenance shop, landscape storage, and remodel storage. (4,099 s.f.)
 - (2) 2nd Story – Maintenance staff offices, meeting room and file storage. (1,800 s.f.)
- k. A 252 s.f. Laundry room with a storage room and bathroom.
- l. A 8,079 s.f. open air plaza including café seating & bbq trellis
- m. Five gazebos totaling 3,175 s.f. with a restroom, storage & janitor/laundry area. Four gazebos have indoor seating with exterior open air seating.
- n. A 588 s.f. storage area
- o. 414 Parking spaces.
- p. Dedication of 9.8 acres of Oak Woodland habitat to remain undeveloped.
- q. New access driveway onto Torino Road.
- r. A Lot Line Adjustment which would result in APN 049-440-015 being 3.4 acres and APN 049-440-016 being 11.7 acres.
- s. Unit Number 6 will be relocated from the location shown on the April 14, 2011 plans such that no public street setback Modification is required The new location of Unit Number 6

shall be reviewed by the Architectural Board of Review (ABR)

Note: The square footage of items e. (Dining Complex), h. (Skilled Nursing) & i. (Assisted Living) are accurate within a factor of 10% + or -. In the event more substantial renovations occur in any of these buildings in the future, a more thorough evaluation of the building square footage shall be provided. This approved development includes the total of all the development requested under the Conditional Use Permit Amendment, along with all of the existing Valle Verde development.

The uses allowed in this amendment to the Conditional Use Permit are expressed as maximum limits. This amended Conditional Use Permit supersedes all prior conditional use permits for the Valle Verde Project.

2. **Development Rights Restrictions - Oak Woodland.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved plans in order that those portions of the Real Property remain in their natural state. This area shall encompass one area of the oak woodland habitat totaling 9.8-acres. The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the site plan and shall be incorporated into a recorded covenant applicable to the Oak Woodland portion of the property in a form acceptable to the City Attorney. The only exception to activity in this restricted area is fuel management as prescribed under the approved fire clearance plan and restoration of the area as described in a habitat restoration plan. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
3. **Conservation Easement – Oak Woodland.** In addition to the “Development Rights Restriction” described above, the Owner shall record an Offer to Dedicate a Conservation Easement, in a form approved by the City Attorney, on not less than 9.8 acres of the oak woodland. The specific legal description shall be based on a survey approved by the City. The Offer to Dedicate may be accepted within five years by a land conservation organization reasonably acceptable to the City, which shall be a co-grantee, of the Conservation Easement along with the Owner. The Offer to Dedicate and the Conservation Easement shall include provisions providing that the grantee of the easement may conduct, at the Owner’s expense, (i) a baseline survey of the biological resources within the easement area within 90 days of acceptance of the Offer to Dedicate, and (ii) annual surveys which compares the then-current condition of the habitat to the baseline survey. If the grantee reasonably determines that the habitat values of the easement area

are impaired or threatened, it shall meet and confer with the Owner and the City to develop a program to address any such impairment or threat, which program shall be implemented by qualified personnel at the Owner's sole expense.

4. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
6. **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, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
7. **Oak Tree Protection.** The existing Oak trees shown on the Tree Protection Plan & Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the Valle Verde Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008). See Condition D.2.d. for further detail on tree protect and also the copy of the Spiewak report, which shall be attached to the recorded conditions as an exhibit.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 Owner 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.
9. **Senior Housing Restrictions.** The Real Property may only be used for residential uses by elderly or senior persons who are sixty-two (62) years of age or older (herein sometimes referred to as "senior housing").
10. **Required Redesign if Senior Housing Not Used.** In the event that the Real Property, or any portion thereof, is not or cannot be used solely for senior housing, the structures shall be redesigned

and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect and in compliance with the underlying residential zone district.

11. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the south-eastern area, which drains directly into Arroyo Burro Creek.
12. **On Site Employee Amenities** – On site employee amenities shall be maintained for the life of the Project which include break room areas, outdoor seating areas and smoking areas.
13. **Employee/Resident Parking** – All Valle Verde residents and employees shall park on the Valle Verde property, except for loading and unloading vehicles. This condition shall be effective on September 1, 2011 as to Valle Verde residents, and shall be effective as to Valle Verde employees upon completion of the construction approved herein.
14. **On Site Residential & Employee Permit Parking Program.** Valle Verde shall create a residential and employee permit program. Valle Verde shall maintain the program with the name of the resident or employee, the make and model of the car, and license number. Records shall be maintained by Valle Verde staff and be provided to City staff as needed to ensure compliance with this condition. The program shall include the following components:
 - a. All residents of the independent living units and studios shall participate in the Permit Parking Program. Each independent residential living unit and studio unit shall be issued one (1) parking sticker.
 - b. In the event a resident moves out of an independent living unit or a studio, the automobile shall be removed off site to a designated storage area or other appropriate location that is not in the public right-of-way and the permit forfeited.
 - c. Designated residential parking spaces shall be clearly marked on wheel stops or other such signage.
 - d. All employees shall be issued one (1) parking sticker. All employees shall park on-site, and Valle Verde staff in charge of maintaining the parking program shall ensure that employees are using the on site parking spaces. Employee time clocks shall be located at the Campus locations provided to the City map exhibit dated June 14, 2011.
 - e. Designated employee parking lots shall be provided as shown on the approved site plan and each employee parking lot shall include appropriate signage, approved by City Public Works Transportation staff.

15. **Common Area Maintenance.** All common/shared areas/facilities/improvements shall be kept open, available and maintained in the manner in which it was designed and permitted.
16. **Facility Use.** No outside agencies or organizations may use the facilities unless directly sponsored by Valle Verde, residents, or their families.
17. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted. No storage of equipment, such as storage containers or construction material, shall occur, unless allowed by the City Transportation Manager during construction or remodeling of buildings. Visitors to Valle Verde shall be directed to park on site. A minimum of 414 Parking spaces shall be divided among the residents, visitors and employees in the following manner:
 - a. Residents – 251 spaces (note: includes a combination of single car attached garages and surface parking lots)
 - b. Employees – 114 spaces
 - c. Visitors – 49 spaces

On-site parking signage, shall be posted near each public entrance, directing residents, visitors and staff to park on-site, rather than on Calle de los Amigos or other public streets.

18. **Transportation Demand Management (TDM)** – Prepare a TDM program which encourages employees, residents, and event visitors to carpool, to use transit, or use other means of alternative transportation when travelling to and from the site. Free bus passes shall be offered to all employees and other employee incentives, such as parking cash-out, be considered and incorporated into the TDM where feasible.

The TDM Program submitted by the permittee shall provide for valet and shuttle service and guest self-parking for all events (including concurrent events) which are expected to be attended by a cumulative total of more than fifty (50) non-residents at any time, or twenty-five (25) non-residents during the peak employee parking hours of 1:30 p.m. to 3:30 p.m., Monday through Friday . The valet guest parking service shall be offered without charge at an on-site valet stop immediately adjacent to the Multi-Purpose Room. Valle Verde management shall instruct the valet parking attendants to park guest vehicles in one of the on-site parking lots Valle Verde is entitled to use, or at a remote private parking location available to Valle Verde and not on a public street. For all of the above-described events, the fourteen (14) parking spaces located in the Main Parking Lot (immediately adjacent to the Multi-Purpose Room) which are ordinarily designated for employee parking shall be designated and made available for guest parking exclusively on a “self-parking” basis for those event guests which choose not to use valet parking. The TDM program shall be submitted to the Transportation Manager for approval and, following approval, shall

be implemented by Valle Verde and subject to revisions from time to time as approved by the City's Transportation Manager.

- C. **Design Review.** The Project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following City Council land use conditions have been satisfied.
1. **Elimination of Modification on Torino Drive.** Plans shall be updated showing Unit Number 6 relocated consistent with the required A-1 front setback along Torino Drive.
 2. **Landscape Plans:**
 - a. The Project shall adhere to the Fire Department Landscape Guidelines and Fuel Management Standards identified for properties within the Project area. The Landscape plan shall be reviewed and approved by the Fire Department prior to submittal to the Environmental Analyst or ABR for review. (HAZ 1.)
 - b. Prior to issuance of grading or building permits, final landscaping plans for the development shall be submitted for review and approval of the Environmental Analyst, Creeks Division and Architectural Board of Review (ABR), and shall include the following: (AES 1)
 - (1) Planting of only native species in development areas adjacent to native riparian, oak woodland, and coastal sage scrub areas. Drought tolerant, water wise landscaping should be used throughout the site. No highly invasive non-native species listed by the California Native Plant Society are to be used onsite.
 - (2) Replacement of all skyline and specimen trees proposed for removal or significantly impacted onsite at a minimum of a 1:1 ratio, preferably with native species. Should any of the large sycamore trees onsite be impacted by the Project, they should be replaced at a 3:1 ratio per the specifications of the Tree Assessment and Protection Plan.
 3. **Habitat Restoration Plan.** Prior to issuance of grading or building permits, an oak woodland and coastal sage scrub restoration plan prepared by a qualified biologist shall be submitted for review and approval by the City's Environmental Analyst. At minimum, the restoration plan shall contain the following elements:(BIO-1a.)
 - a. The plan shall include all recommendations related to restoration and tree replacement contained in the Biological Assessment and Tree Assessment and Protection Plan prepared for the Project.
 - b. Removed/disturbed oak woodland and coastal sage scrub habitat shall be provided/restored at a minimum 2:1 replacement ratio. To the extent possible, this mitigation

shall be performed on the project site in existing non-native and/or disturbed habitat such as areas where fuel management activities have occurred but will no longer be required, and nonnative annual grassland habitat. The habitat restoration plan shall at a minimum create 0.48 of an acre of oak woodland and 0.24 of an acre of coastal sage scrub habitat. The oak woodland and coastal sage scrub habitat restoration/mitigation may be implemented in conjunction with proposed oak tree replacement mitigation (BIO-2a).

- c. At minimum, the oak woodland and coastal sage scrub habitat restoration/mitigation plan shall describe the following plan elements:
 - (1) Restoration site selection criteria.
 - (2) Where restoration/mitigation will occur.
 - (3) The existing conditions in the restoration/mitigation area(s).
 - (4) Site preparation and planting methods.
 - (5) A planting pallet using locally obtained native coast live oak trees and coastal sage scrub plant materials.
 - (6) A maintenance schedule.
 - (7) Mitigation goals, objectives, and success criteria.
 - (8) A description of the monitoring methods and reporting that will be used to document and measure the progress of the restoration/mitigation effort.
- d. The coastal sage scrub habitat restoration/mitigation performance standard shall be a minimum of 80 percent native herb and shrub cover. The oak woodland habitat restoration/mitigation performance standard shall be a minimum of 45 percent canopy cover for native trees. Both the coastal sage scrub and oak woodland areas shall have no more than 15 percent non-native weeds (excluding non-native annual grasses) and the required performance standards shall be achieved within five (5) years after initial planting.
- e. Monitoring of the restoration areas shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program.
- f. All plantings shall be maintained for the life of the Project.
- g. All cleared, graded, or disturbed areas on the project site shall be planted or protected and maintained for erosion

control purposes as soon as feasible following initial disturbance.

- h. All disturbed soil around the margins of the development proposed on the western side of the campus adjacent to the existing oak woodland shall be hydroseeded with a native coastal sage scrub seed mix using native species found in adjacent habitats. Seed shall be collected from locally-occurring plants (either on-site or within the south coast of Santa Barbara County).
 - i. Areas adjacent to the oak woodland on the western side of the property that are currently subject to fuel modification but would no longer require management after the approval of the Proposed Project (approximately 1.5 acres), shall be cleared of existing invasive, nonnative species (oleander, ice plant, ivy, etc.) and replanted with native, locally-occurring ground cover, brush and trees found in the oak woodland and coastal sage scrub habitats.
 - j. Planting shall be undertaken immediately after completion of construction.
 - k. Cages around the saplings shall be installed during planting to prevent wildlife from damaging the young trees. Weeds shall be controlled and a 2-3 inch layer of mulch shall be placed around the trees, but not against the stems. Newly planted saplings shall be irrigated with drip or other water source for the first two years, until the saplings are established.
 - l. All trees removed during construction shall have their trunks and large limbs cut into three to four-foot long sections and scattered around adjacent natural habitat to function as microhabitat for small animals.
 - m. To restore oak woodland habitat functions as quickly as possible, it is recommended that at least 80 percent of the of removed native trees replacement (80 percent of 150 removed oak replacement trees = 120 trees) be performed using 15-gallon or 24-inch box trees at a 3:1 mitigation ratio (12 removed trees would require 36 15-gallon and/or 24-inch box trees); and that 20 percent of the removed native trees replacement be performed replaced using one to five gallon trees planted at a 10:1 mitigation ratio (3 impacted trees would require 30 on- to five-gallon replacement trees).(20 percent of 150 replacement trees = 30 trees).
4. **Arborist's Report / Tree Protection Plan.** Include a note on the plans that the recommendations/conditions contained in the arborist's report, Valle Verde Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008), shall be implemented. See Condition D.2.d. for further detail.
5. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the

visitor parking area on the Rutherford Lot from Torino Road and adjacent properties to the south.

6. **Final Hydrology Report.** All recommended measures in a final Hydrology Report prepared by MAC Design Associates shall be submitted. The preliminary report on file is dated November 20, 2008. The final report shall be followed and recommendations shall be shown on final project plans. (W-1)
7. **Project Directory.** Project directories (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. The directories shall clearly depict the location of visitor and staff parking and encourage visitors to park on site. The directories shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Design Review Approval. Project Directories shall be placed at all entrances to the campus, which include the intersections of Calle Sende and Calle de los Amigos, Torino Drive and Calle Verde; Torino Drive and Calle Sastre; Torino Drive and Mesa Verde.
8. **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.
9. **Retaining Wall Heights.** The applicant shall explore further reduction of the retaining wall heights adjacent to units 12 and 13, and the southerly portion adjacent to the maintenance building in the employee parking lot.

D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the Project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. Public Works Department.
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.h - k for both Private and Public street Improvements shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the Agreement to Construct and Install Improvements (Not a Subdivision).

- b. **Dedication.** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
- (1) Owner shall offer to the City of Santa Barbara a minimum 20-foot wide easement for the purposes of construction, maintenance, ingress & egress for City of Santa Barbara public sanitary sewer in and City of Santa Barbara public water main purposes as shown on the approved site plan / utility plan.
 - (2) Owner shall offer an Easement in Gross to the City of Santa Barbara for the purposes of water meter reading and maintenance of water meters.
- c. **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 prepares said agreement for the Owner's signature.
- d. **Drainage and Water Quality.** In addition to complying with Condition C.5, the project plans for grading, drainage, stormwater facilities, and Project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations, (and Regional Water Quality Control Board). Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the Project. (W-2). See the Final Hydrology Report for details.
- e. **Erosion Control/Water Quality Protection Plan.** Prior to the issuance of a demolition permit for the Project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site. (W-3)

At minimum, the erosion control/water quality protection plan prepared for the Project shall address the implementation, installation and/or maintenance of each of the following water resource protection strategies:

- Paving and Grinding
- Sandbag Barriers
- Spill Prevention/Control
- Solid Waste Management
- Storm Drain Inlet Protection
- Stabilize Site Entrances and Exits
- Illicit Connections and Illegal Discharges
- Water Conservation
- Stockpile Management
- Liquid Wastes
- Street Sweeping and Vacuuming
- Concrete Waste Management
- Sanitary/Septic Waste Management
- Vehicle and Equipment Maintenance
- Vehicle and Equipment Cleaning
- Vehicle and Equipment Fueling

- f. **Minimization of Storm Water Pollutants of Concern.** The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The approved facilities shall be maintained in working order for the life of the project and should incorporate passive design (bioswales, buffers, etc) to the extent feasible. (W-4)
- g. **Storm Drain System Stenciling and Signage.** Within the Project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit report to City annually. (W-5)
- h. **New public sewer and public water mains.** The Owner shall submit separate C-1 public improvement plans prepared by a civil engineer licensed in the state of

California for the construction of the proposed public sewer main and the proposed public water main, in accordance with current engineering design standards and as outlined in the DRAFT Engineering Design Guidelines. Any extensions to the private water and sewer system also require separate C-1 improvement plans submitted to the Public Works Department. C-1 plans require a separate Public Works permit.

- i. **Calle de los Amigos (public) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Calle de los Amigos (public portion). As determined by the Public Works Department, the improvements shall include the following to City standards: Construct one (N) commercial style driveways; a minimum of three (N) Type B curb drain outlets, saw-cut +/- 70 LF curb & gutter, construct +/- 70 LF (N) curb and gutter, & construct (N) sidewalk on-site. *Connection to the City's Recycled Water System is required per SBMC 14.23 for irrigation meters.* Plans shall be prepared by a civil engineer licensed in the state of California. Any work in the public rights-of-way requires a Public Works permit.
- j. **Calle de los Amigos (private) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Calle de los Amigos (private portion). As determined by the Public Works Department, the improvements shall include the following to City standards: Construct one (N) commercial style driveways; construct a minimum of three (N) Type B Curb drain outlets; saw-cut +/- 180 LF (E) curb and gutter, construct +/- 180 LF curb only, and construct +/- 100 LF ribbon gutter infiltration trenches. All improvements in the Right of Way requires a Public Works permit.
- k. **Torino Drive (public) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Torino Drive. As determined by the Public Works Department, the improvements shall include the following to City standards: Supply and install two (N) stop signs and paint Stop legends on street per the 2006 MUTCD, saw-cut +/- 20 LF (E) curb & construct one (N) commercial driveway approach to the new residential structures, (N) sidewalk on-site per plan, +/- 10 LF of sidewalk in the Public Rights-of-Way extending from sidewalk on private property. Any work in the public rights-of-way requires a Public Works permit.
- l. **Senda Verde (private) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on the private road known as Senda Verde. As determined by the Public Works

Department, the improvements shall include the following to City standards: Construct seven (N) commercial style driveway approaches; construct a minimum of 3 x 3-inch Type B curb drain outlets (*or 4-inch if 8-inch curb*); construct one (N) drop inlet, construct +/-100 LF (N) sidewalk in R/W & additional sidewalk on-site per plan; construct +/- 400 460 LF (N) curb & gutter; saw-cut +/- 130 253 LF (E) curb & gutter, construct +/- 150 LF_ curb only, & install +/- 150 LF new infiltration trenches per plan at driveway approaches and parking area; and relocate (E) private street light. Install and connect one (N) irrigation water meter at the end of the (E) water main on Senda Verde in order to flush the mainline, or submit separate C-1 plans to the Public Works Department to loop the system. The new Irrigation Meter or new plans for looping the system requires a separate Public Works Permit/ Work Order. All improvements in the Rights-of-Way requires a Public Works permit.

- m. **Calle Sastre (*private*) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on the private road known as Calle Sastre. As determined by the Public Works Department. The improvements shall include the following to City standards: Saw-cut +/- 100 LF (E) curb and gutter, and construct +/- 100 LF of (N) curb only, construct +/- 240 LF (N) curb and gutter, construct +/- 995 LF (N) ribbon gutter infiltration trenches, +/- 360 LF (N) sidewalk, construct three (N) commercial driveway approaches. All improvements in the Right of Way requires a Public Works permit.
- n. **Encroachment Permits.** An Encroachment permit is required for connection of the (N) private storm drain to the City's public storm drain system.
- o. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* or *Declarations of Lot Line Adjustment* to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.
- p. **Construction Traffic.** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips for all trucks three tons or more 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.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to

minimize trips through surrounding residential neighborhoods. (TRF-2a)

- q. **Construction Parking, Storage and Staging.** Construction staging, parking, and vehicle/ equipment/ materials storage shall be provided as follows (T-2b). The intent of these conditions is to minimize traffic, parking, noise and other impacts to the neighborhood:
 - (1) During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
 - (2) On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited.
 - (3) Construction staging shall not take place within the public right-of-way.
- r. **Disabled Accessibility.** Project circulation shall be maintained for disabled accessibility or equivalent facilitation in accordance with American Disabilities Act requirements (T-3a).
- s. **Private Road/Driveway Maintenance Agreement.** The Owner shall submit a copy of the draft Agreement for Maintenance of the proposed private road/driveway(s). Said agreement is subject to the review and approval of the Community Development Director and the City Attorney.
- t. **Stop Sign.** Two new "STOP" signs shall be installed on Torino Drive and shown on the approved plans.
- u. **Red Curbs.** Parking and Transportation Staff shall study increasing the length red curbs on each side of the driveways on Calle de los Amigos, with the goal of improving visibility from cars exiting the site and with particular attention to the area adjacent to the Administration building, and explore no-parking zones on one side of Calle de Los Amigos particularly at the curves.
- v. **Traffic Signal.** Within a five year time period (beginning at the date of final Building permit granting certificate of occupancy) if the City's Traffic Engineer determines that the intersection of Calle de los Amigos and Modoc Road meets traffic warrants, demonstrating the need for a traffic signal, the owner shall pay to the City proportionate share of the installation cost for the traffic signal. Proportionate share cost shall be based upon the average daily trips through this intersection that the additional development approved by this approval will generate as described in the Final EIR for the Proposed Project.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B “Recorded Conditions Agreement” to the Community Development Department prior to issuance of any building permits.
- b. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City’s Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
 - (2) A method for monitoring the mitigation measures.
 - (3) A list of reporting procedures, including the responsible party, and frequency.
 - (4) A list of other monitors to be hired, if applicable, and their qualifications.
 - (5) Submittal of weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
 - (6) Submittal of a Final Mitigation Monitoring Report.
 - (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- c. **Geotechnical Review.** The final project plans reviewed and approved by the City Building Division prior to issuance of any grading or building permits shall show that the Project is constructed in accordance with California Building Code requirements and the recommendations contained in the Geotechnical Report prepared by Fugro West, Inc., dated October 2006, updated on February 18, 2008 regarding site preparation, grading, paving, foundation design, retaining walls, and construction plans. (GEO-1.)
- d. **Native and Specimen Tree Replacement and Protection.** The project applicant shall implement the Valle Verde

Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008), and the mitigation measures provided by the Initial Study prepared for the Valle Verde Project. The following tree replacement/protection measures shall be implemented: (BIO-2a.)

- (1) A minimum oak tree replacement ratio of 10:1 shall be required to mitigate the loss of the 15 coast live oaks. A minimum survivorship ratio of 8:1 after three years post-planting shall be achieved. Acorns collected from on-site oak trees shall be used. One hundred fifty oak saplings, one gallon in size shall be planted in areas between the new structures on the west side of the property (project north) and the oak woodland. Additional trees shall be planted if damage occurs to existing trees during construction related activities. Mitigation trees and required protection/maintenance requirements shall be installed prior to issuance of project permits.
- (2) The location of the below-grade detention basin on the Rutherford parcel shall be determined in consultation with a qualified arborist, with the goal of minimizing impacts to the health of the existing Oak trees.
- (3) The following measures shall be noted on the grading plan submitted to the building department prior to issuance of grading permit and implemented prior and during construction-related activities to ensure the protection of trees:
 - (a) Tree protection fencing and barriers shall be installed as indicated on the fencing plan.
 - (b) Fences shall be chain link or orange plastic, four to six feet high and positioned at the Critical Root Zone (CRZ) as specified in the tree inventory table and illustrated on the site maps of the Tree Assessment and Protection Plan.
 - (c) CRZs shall have a radius measured from the center of the trunk to the outside edge of the CRZ, wherever possible. If work is approved within the CRZ, the fence shall be placed at the outside edge of the work zone.
 - (d) Fencing shall remain upright and intact throughout the duration of the Project.
 - (e) Construction related activities shall be prohibited within the Tree Protection Zones (TPZ), including the use of heavy equipment, storage of materials, or accumulation of soil for later use.

- (f) Demolition and excavation within TPZs of all native and non-native trees shall be done by hand where reasonable. Reasonableness shall be determined by the Project Environmental Coordinator, Supervising General Contractor and the Project Arborist.
 - (g) Special attention shall be given to construction related activity around sycamore No. 104 and all oak trees to minimize impacts. Three 24-inch boxed sycamores shall be planted to mitigate impacts to sycamore #104.
 - (h) Any roots encountered within the CRZs of trees, even if outside the TPZs shall be cleanly cut back to an undisturbed section of the root zone. In areas where roots are cut, the soil profile shall be irrigated to reduce drying of newly exposed soil and subsequent damage to remaining roots in that profile. The Project Arborist shall determine the quantity, area and frequency of irrigation to the disturbed area.
 - (i) A permethrin-based pesticide (Astro) shall be applied to the lower six feet of oak tree trunks stressed from root cutting in the early Spring and late Summer (through September), to reduce the risk of attack by fatal oak bark beetles. It may need to be repeated for several years at the discretion of the City Arborist.
 - (j) Tree removal should, to the extent feasible, be scheduled between August 16 and January 31 to avoid bird nesting season or survey and construct only if nesting birds are absent (see mitigation measure Bio3a-2).
 - (k) All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in substantial accordance with the Tree Assessment and Protection Plan dated November 12, 2008.
 - (l) All required mitigation trees, and each of the impacted but not significantly impacted trees shall be monitored once a year following the completion of construction activities for a period of five years. Should any of these trees die during the monitoring period, they shall be replaced at the specified tree replacement mitigation ratio.
- e. **Sensitive Species Surveys and Monitoring.** Prior to issuance of any grading or building permits, the applicant shall submit a draft contract with a qualified biologist for the

review and approval of the Environmental Analyst. The following monitoring and survey activities shall be implemented: (BIO-3a)

- (1) A qualified biologist shall supervise the installation of the construction fencing around all work areas and access roads. Fencing shall be maintained through the duration of project construction.
- (2) Tree removal/relocation/trimming activities shall not occur during nesting season (February 1 – August 15). If these activities must occur during this time, a qualified biologist shall conduct a survey of the trees no more than one week prior to the activity to identify active nests and nest holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young birds have fledged the nest.
- (3) A city approved biologist familiar with the habits of legless lizards and coast horned lizards shall conduct a pre-construction survey of work areas for special status animals at least three days prior to initial grading. Any animals located shall be relocated to adjacent suitable habitat in accordance with a translocation plan approved by the Environmental Analyst. The biologist shall monitor initial vegetation removal efforts (grubbing), grading and other surface-disturbing activities for silvery legless lizards and coast horned lizards. The biologist shall direct the equipment operator to slowly remove vegetation and the top 12 inches of topsoil while the biologist scans the soil for lizards. Any and all reptiles found shall be relocated to appropriate microhabitats in adjacent, undisturbed habitat out of harm's way. The monitoring biologist shall complete a California Natural Diversity Database Field Survey form should any sensitive reptiles be found and shall fax a copy to the City, and the California Department of Fish and Game California Natural Diversity Database per the instructions on the field survey form.

- f. **Sensitive Plan Survey and Restoration Requirements.** Prior to issuance of grading or building permits, a survey plan prepared by a qualified biologist shall be submitted for review and approval by the City's Environmental Analyst. The survey plan shall also describe restoration efforts that will be implemented if it is determined that the Project would result in significant impacts to Santa Barbara honeysuckle

and/or mesa horkelia. At minimum, the plan shall contain the following elements. (BIO-4a.)

- (1) Prior to the issuance of a grading permit, a botanical survey shall be performed to confirm the presence or absence of Santa Barbara honeysuckle and mesa horkelia on the western side of the Project site.
- (2) The grading limits and the outer limits of the proposed fuel modification zone shall be staked by a licensed surveyor prior to performance of the botanical surveys. The surveys shall be performed by a qualified biologist/botanist and shall be performed within one month of any scheduled ground and/or vegetation disturbance.
- (3) Should the surveys required by mitigation measure BIO-4a.1 find any sensitive plants within the area where disturbance will occur, a mitigation plan shall be prepared by a qualified biologist/botanist. The mitigation plan shall describe what measures shall be used to avoid impacts to any sensitive plants found in the survey area. Should the removal of any sensitive plant be unavoidable, replacement shall be performed at a minimum 10:1 ratio for each plant that is removed. This sensitive plant replacement mitigation may be implemented in conjunction with the proposed oak woodland and coastal sage scrub habitat restoration/mitigation plan (BIO-2a).
- (4) At minimum, the habitat restoration/mitigation plan shall describe the plan elements:
 - (a) Restoration site selection criteria.
 - (b) Where restoration/mitigation will occur.
 - (c) The existing conditions in the restoration/mitigation area(s).
 - (d) Site preparation and planting methods.
 - (e) A planting pallet using locally obtained plant materials.
 - (f) A maintenance schedule.
 - (g) Mitigation goals, objectives, and success criteria.
 - (h) A description of the monitoring methods and reporting that will be used to document and measure the progress of the restoration/mitigation effort.
- (5) The sensitive plant mitigation performance standard shall be a minimum 80 percent survival of all mitigation plantings, with no more than 15 percent non-native weeds (excluding non-native annual

grasses) to be achieved within 5 years after initial planting.

- (6) Monitoring of the restoration area shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program.

- g. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the specific area of the Project that involves Units 19, 20, 21, & 22, and all ten units on the Rutherford Parcel (Units 6 – 15) including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition D.2.h "Requirement for Archaeological Resources" below:

- h. **Unanticipated Archaeological Resources Contractor Notification.** The following information should be printed on the grading plans submitted to the building department prior to issuance of a grading permit (CR-1):

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 an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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

- i. **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 draft copy of the notice to the Planning Division for review and approval.
- j. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.3 “Neighborhood Notification Prior to Construction” below. 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 who compiled the mailing list shall be submitted to the Planning Division.
- k. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.1 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- l. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.
- m. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the Project’s mitigation measures, as outlined in the Environmental Impact Report for the Project.
- n. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
- o. **Visitor Parking.** 49 guest parking spaces shall be provided throughout the site in addition to the resident and employee parking required by the Zoning Ordinance. The size and

location shall be based upon the City Council approved site plan.

- p. **Conditions on Plans/Signatures.** The final 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 sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are 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.

- E. **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, including demolition and grading.

- 1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, (Archaeologist, Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.
- 2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors and Project Environmental Coordinator's (PEC) name, contractors and PEC's telephone numbers, construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence.

It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

3. **Neighborhood Notification Prior to Construction.** Construction Notice. At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the Project area. The notice shall contain a description of the Project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)

4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. excluding the following holidays:

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.

Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the Project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays. (N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
6. **Sound Barriers.** As determined necessary by the Project Environmental Coordinator, the Project shall employ sound control devices and techniques such as noise shields and blankets during

the construction period to reduce the level of noise to surrounding residents. (N-4)

7. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
8. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
9. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
10. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the Project.

11. **Construction Dust Control** – Throughout grading and other ground disturbance, the following conditions shall be followed:

a. **Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)

b. **Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)

c. **Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-3)

d. **Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-4)

e. **Construction Dust Control** – Disturbed Area Treatment. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:

- (1) Seeding and watering until grass cover is grown;
- (2) Spreading soil binders;
- (3) Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
- (4) Other methods approved in advance by the Air Pollution Control District. (AQ-5)

- f. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)
 - g. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)
 - h. **Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)
12. **Exhaust Emissions –** The following vehicle emissions controls/maintenance shall be followed through out construction:
- a. **Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used. (AQ-9)
 - b. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)
 - c. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-11)
 - d. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-12)
 - e. **Engine timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
 - f. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
 - g. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)

- h. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
 - i. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-17)
 - j. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-18)
 - k. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible. (AQ-19)
 - l. **Energy Use.** Minimize the use of energy by designing and constructing structures using sustainable development principles including green building designs and materials. (AQ-20)
 - m. **Carpool Parking.** Provide preferential parking for carpools and vanpools.(AQ-21)
13. **Demolition -** The following conditions shall be carried out through the demolition phase:
- a. **Demolition and Debris Removal.** Apply water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle trackout. Apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.
 - b. **Post Demolition.** Apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition. (AQ-23)
 - c. **Demolition Activities.** Prohibit demolition activities when wind speeds exceed 25 mph. (AQ-24)
 - d. **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. (PS-1)
- F. **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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction 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 public improvement plans or building plans, including utility service undergrounding and installation of street trees, if any, shall be completed.
3. **Red Curb Painting.** Prior to the occupancy of any proposed residential unit, curbs adjacent to the Valle Verde driveways on Calle de los Amigos and Torino Drive should be painted red to prohibit parking within five feet of the driveways. (TRF-1a.)
4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
5. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring consistent with condition D.2.g.6, which states:

Monitoring of the restoration area shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program

G. General Conditions.

1. **Prior Conditions.** These conditions shall supersede the conditions identified in all previously approved Planning Commission Resolutions and Substantial Conformance Determinations.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the City Council.
 - c. Any deviations from the Project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-

described approval will constitute a violation of permit approval.

4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
5. **Site Maintenance.** The existing site/structures shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
6. **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.

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 being notified of a lawsuit regarding 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 APPROVAL TIME LIMITS:

The City Council action approving the Conditional Use Permit and Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:

The City Council's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same Project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: General Unit Memorandum Of Understanding Extension And Fiscal Year 2012 Furlough

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 the 2008-2010 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit), Ordinance No. 5477, to Extend the Term of the Agreement Through September 30, 2012, and to Include a Supplemental Agreement on Labor Concessions;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 11-053 to Reduce the Number of Fiscal Year 2012 Furlough Hours for Confidential Employees, the City Attorney, and the City Administrator; and
- C. Approve a General Furlough Closure Schedule for Certain City Offices.

EXECUTIVE SUMMARY:

Employees in the General Bargaining Unit have agreed to extend their labor agreement for an additional year. As part of the agreement, employees have agreed to take 98 hours of leave without pay (unpaid furlough) during Fiscal Year 2012, and to suspend their vacation cash out benefit.

Under the Equity ("Me too") Clause of the existing MOU with Supervisory employees, the furlough for these employees will be reduced by 17.5 hours. For equity purposes and to reduce the impact of furlough on City services, Staff also recommends that furlough for Confidential employees be reduced to the same level as General employees in Fiscal Year 2012, and that the furlough for managers be reduced by 17.5 hours. The City Administrator has the ability to do this administratively for managers under the existing

salary plans, and the recommended resolution will apply to Confidential employees, the City Administrator, and the City Attorney.

Concessions from the General Bargaining unit amount to \$1,676,701 Citywide in Fiscal Year 2012, with \$823,574 of that accruing to the General Fund. Estimated labor cost savings from non-safety groups of \$1,844,938 were included in the adopted General Fund budget for Fiscal Year 2012. The total savings to the City from these groups, including the recommended reductions in furlough, will be \$3,247,865 Citywide and \$1,564,056 to the General Fund. Staff will return to Council in the next few months with a recommendation for funding the \$280,882 General Fund differential.

DISCUSSION:

General Unit Agreement

The General bargaining unit is the last City bargaining unit to agree to concessions applicable to Fiscal Year 2012. The General bargaining unit has a valid labor agreement through September 30, 2011, but has voluntarily agreed to extend its agreement for an additional year and to make short-term labor concessions. This will help the City avoid less desirable alternatives, such as implementing layoffs, negotiating permanent compensation decreases, or making significant public service reductions. Staff expects that the union membership will ratify the agreement at their meeting this evening, and that union ratification will be finalized prior to final adoption of this ordinance by Council.

Under the agreement, employees have agreed to take 98 hours of leave without pay (unpaid furlough) during Fiscal Year 2012, and also to suspend their vacation cash-out benefit, which will lead to the equivalent of a 5.15% pay reduction during Fiscal Year 2012.

This will be the third year in a row that these employees, as well as supervisors and non-safety managers, have agreed to pay reductions.

Effect on Other Bargaining Units

Under the Equity ("Me too") Clause of the existing MOU with Supervisory employees, the furlough for these employees will be reduced by 17.5 hours.

For equity purposes and to reduce the impact of furlough on City services, Staff also recommends that furlough for Confidential employees be reduced to the same level as General employees in Fiscal Year 2012, and that the furlough for managers be reduced by 17.5 hours. The City Administrator has the ability to do this administratively for managers under the existing salary plans, and the recommended resolution will apply the same reduction to Confidential employees, the City Administrator, and the City Attorney.

Fiscal Year 2012 Furlough Closure Dates

A closure of offices to the public is the most effective way to absorb the unpaid furlough time off and to minimize its effect on operations during the remainder of the year. The attached furlough closure calendar includes two fewer furlough closure days than in Fiscal Year 2011, which itself had two fewer closure days than the year before. Staff recommends that a General Furlough Closure occur on the following dates:

- During the two weeks of the Christmas and New Year's holidays -- This is generally a period with a low level of public contact with most City offices;
- On the Wednesday before the Thanksgiving holiday -- This has also historically been a day with a low level of public contact with the City.

Unlike the Fiscal Year 2010 and 2011 holiday closures, the Main Library will remain open on most of these days in Fiscal Year 2012. Funds have been included in the Fiscal Year 2012 operating budget to allow the department to use hourly employees help offset the operational impacts of the furlough and remain open.

The City's police and fire safety services will continue to operate as usual, and 9-1-1 and other emergency services will not be interrupted by the city furlough program. Some other offices will remain open for all or part of the General Furlough Closure. Special arrangements will be made for some services to the public to continue during the furlough closure periods, such as utility payments and building inspections.

BUDGET/FINANCIAL INFORMATION:

Estimated labor cost savings from non-safety groups of \$1,844,938 were included in the adopted General Fund budget for Fiscal Year 2012. Concessions from the General Bargaining unit agreement are equivalent to \$1,676,701 Citywide in Fiscal Year 2012, with \$823,574 of that accruing to the General Fund. The total net savings to the City from all these non-safety groups, including the reduce furlough for other employee groups, will be \$3,247,865 Citywide and \$1,564,056 to the General Fund.

Since the actual General Fund concessions to be realized in Fiscal Year 2012 are less than budgeted by \$280,882, the adopted budget will have to be amended for this difference. Staff will return to Council in the next few months with a recommendation for funding the \$280,882 differential.

ATTACHMENT: FY 2012 Furlough Closure Calendar

PREPARED BY: Kristine Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo Lopez, Assistant City Administrator

APPROVED BY: City Administrator's Office

**CITY OF SANTA BARBARA
FY 2012 FURLOUGH CLOSURE SCHEDULE**

Attachment

FACILITY	OFFICES	DECEMBER HOLIDAY CLOSURE DATES	OTHER CLOSURE DATES
City Hall 735 Anacapa Street	Administration Mayor & Council Offices City Clerk & Human Resources Finance Administration Billing, Licenses/Permits Payroll & Risk Management Information Systems	Standard Holiday Closure • Monday, December 20th, 2011 through Monday, January 1, 2012	Standard Additional Closure Dates • Wednesday November 23, 2011
Airport Administration Bldg 601 Firestone Road	Airport Administration	Standard Holiday Closure Dates	Standard Additional Closure Dates
Fire Station 1 121 W. Carrillo Street	Fire Administrative Office	Standard Holiday Closure Dates	Standard Additional Closure Dates
Parks & Recreation Office 620 Laguna Street	Department Administration	Standard Holiday Closure Dates	Standard Additional Closure Dates
Parks Office 402 Ortega Street	Parks Office	Standard Holiday Closure Dates	Standard Additional Closure Dates
P.W. and C.D. Bldg. 630 Garden Street	Community Development Counters Public Works Counters	Standard Holiday Closure Dates	Standard Additional Closure Dates
City Attorney's Office 740 State #201	City Attorney Administration	Standard Holiday Closure Dates	Standard Additional Closure Dates
Downtown Parking 1221 Anacapa Street	Downtown Parking Admin. Office Environmental Services	Standard Holiday Closure Dates	Standard Additional Closure Dates
City Libraries 40 E. Anapamu Street	Library Administration Central Library Eastside Library	Modified Holiday Closure: Saturday December 24 and Sunday, December 25, 2011; Saturday December 31, 2011 and Sunday, January 1, 2012 (already closed Mondays)	Standard Additional Closure Dates
County Libraries	Carpinteria, Goleta, Montecito and Solvang Libraries	Offices Open as Usual	Offices Open as Usual
Police Department 215 E. Figueroa Street	Police Chief's Offices Police Counters	Offices Open as Usual	Offices Open as Usual
Waterfront Admin. Bldg 132 #A Harbor Way	Waterfront Administration (Harbor Patrol Counter 24 hrs.)	Offices Open as Usual	Offices Open as Usual
Carrillo Recreation Center 100 E. Carrillo Street	Active Adults, Youth Activities, Teen Programs	Standard Holiday Closure Dates [Except as rented or special programs]	Standard Additional Closure Dates [Except as rented or special programs]
Franklin Community Center 1136 E. Montecito Street	Community Center Programs	Standard Holiday Closure Dates [Except as rented or special programs]	Standard Additional Closure Dates [Except as rented or special programs]
Westside Community Center 423 W. Victoria Street	Community Center Programs	Standard Holiday Closure Dates [Except as rented or special programs]	Standard Additional Closure Dates [Except as rented or special programs]

**CITY OF SANTA BARBARA
FY 2012 FURLOUGH CLOSURE SCHEDULE**

Attachment

FACILITY	OFFICES	DECEMBER HOLIDAY CLOSURE DATES	OTHER CLOSURE DATES
Louise Lowry Davis Center 1232 De La Vina Street	Community Center Programs	Standard Holiday Closure Dates [Except as rented]	Standard Additional Closure Dates [Except as rented]
Cabrillo Pavilion/Bathhouse 1118 East Cabrillo Blvd.	Cultural Arts/Facilities Aquatics/Sports/Adaptive Program	Standard Holiday Closure Dates [Except as rented]	Standard Additional Closure Dates [Except as rented]

Closure dates subject to change based on operational needs.

For additional Counter, Office, and Operations Hours: Visit our website at: www.santabarbaraca.gov , or call (805) 564-0611.

Date: July 1, 2011

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE 2008-2010 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY EMPLOYEES' ASSOCIATION (GENERAL UNIT), ORD NO. 5477, TO EXTEND THE TERM OF THE AGREEMENT THROUGH SEPTEMBER 30, 2012, AND TO INCLUDE A SUPPLEMENTAL AGREEMENT ON LABOR CONCESSIONS

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Employees' Association, Local 620, Service Employees' International Union, adopted by Ordinance No. 5477 is hereby amended to include the supplemental agreement dated July 12, 2011, and attached hereto and incorporated herein by reference as Exhibit A.

SECTION 2. The City Administrator is authorized to apply the changes to salaries and benefits contained in this supplemental agreement to the City's Confidential employees.

SUPPLEMENTAL AGREEMENT BETWEEN THE CITY AND THE GENERAL BARGAINING UNIT REGARDING FURLOUGH AND OTHER LAYOFF AVOIDANCE MEASURES

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et. seq. of the Government Code, the duly authorized representatives of the City Of Santa Barbara ("The City") and the Santa Barbara City Employees' Association, Local 620 Service Employees' International Union, ("The Union"), having met and conferred in good faith, agree that the existing 2008-2010 Memorandum of Understanding (MOU), Ord No. 5477 (which was supplemented by Ordinance No. 5492 adopted on June 30, 2009, and by Ord. No. 5527 adopted on June 29, 2010), shall be supplemented with the following additional agreement:

1. **TERM:** The term of the existing Memorandum of Understanding will be extended through June 30, 2012.

2. **FISCAL YEAR 2012 LABOR SAVINGS**

- a. **Furlough:**

- i. Each General Unit employee will be subject to an unpaid furlough of **98** hours (prorated for part-time employees) during Fiscal Year 2011-2012. The furlough will be accomplished under the furlough plan attached as **Attachment 1**. Payroll deductions for the furlough will begin on June 18, 2011.

- b. **Vacation Cash Out:** The vacation cash-out provision outlined in Article 61(c) and 61(d) of the current M.O.U. will be suspended for the remaining term of the Memorandum of Understanding, subject to the following:

- i. While the vacation cash-out is suspended, it is the intent of the City to allow employees who are near the maximum vacation accrual cap to take at least an amount of vacation time off in the fiscal year equivalent to the full amount of vacation accrual the employee will receive during the same period.
 - ii. For purposes of this section "near" means the employee is within one year of normal vacation accrual from exceeding the maximum vacation accrual cap.
 - iii. So long as the employee notifies management of the need to take such vacation in order to avoid reaching the vacation accrual cap prior to July 31st, 2011, management will make every reasonable effort to schedule time off for the employee to avoid the loss of vacation.

3. **REOPENER ON NON-ECONOMIC ISSUES:** The Union may request to reopen negotiations during the term of this agreement to consider no more than ten non-economic conditions of employment. Such request will be made by a single written notice served to the City no sooner than September 1, 2011 and no later than September 30, 2011 identifying the issues with specificity. Such

General Unit Supplemental Agreement - Furlough

negotiations will commence within 30 days of the written notice. The parties will use the interest based bargaining process.

4. **REOPENER IN THE EVENT OF LAYOFFS:** Nothing in this Supplemental Agreement shall restrict the right of the City Council to make further permanent reductions in workforce for economic reasons if the City's financial position has significantly changed, as authorized under the Santa Barbara City Charter, including but not limited to Sections 1007 and 1008, and the Santa Barbara Municipal Code. However, prior to the implementation of any additional layoffs proposed during the remaining term of the MOU, the City will provide the Union with a minimum of 60 days notice and the immediate opportunity to meet and confer over any negotiable impacts of such layoffs not contained in the current MOU. The parties will use the interest based bargaining process.
5. **SEVERABILITY-** If any provision of this Supplemental Agreement is held unenforceable, then such provision will be modified to reflect the intention of the parties. All remaining provisions of the Supplemental Agreement shall remain in full force and effect.

Dated: July 12, 2011

For the City

For the Union

TABLE OF CONTENTS

I. Purpose 1
II. Definitions 1
III. Application 1
IV. Declaration and Scheduling of Mandatory Work Furlough..... 1
V. Effect of Mandatory Work Furlough on Employee Pay 3
VI. Benefits During a Mandatory Work Furlough ~~55~~53

I. Purpose

The purpose of this mandatory unpaid work furlough plan (“the plan”) is to:

- Allow the City to address anticipated revenue shortfalls and increased expenses in Fiscal Year 2012 while minimizing the need for service cuts and staff layoffs; and
- Establish, in advance, a clear and understandable method to mitigate the impacts of a work furlough on affected employees.

II. Definitions

"Work furlough" refers to one or more hours of required unpaid leave taken on a consecutive or intermittent basis.

III. Application

This policy applies to all employees in the General Bargaining Unit.

IV. Declaration and Scheduling of Mandatory Work Furlough

1. Implementation: This Mandatory Furlough Plan may be implemented without any further duty to meet and confer, subject to the following conditions:

- a) The City Council has made a declaration by Resolution that a reduction in workforce is necessary for economic reasons and that a mandatory unpaid work furlough should be implemented.
- b) The mandatory unpaid furlough time does not exceed 98 hours for any affected full-time employee, prorated for part-time employees.

2. Scheduling of Furlough:

a) General Furlough Closure: The City will observe a General Furlough Closure, during which many City offices and operations will be closed. General Furlough Closure periods are tentatively planned to be observed on the dates reflected in the Fiscal Year 2012 Furlough Closure Schedule (see attachment 1A).

Many employees in operations that are subject to the General Furlough Closure, and in other operations, will be scheduled to take furlough time off during these furlough closure dates. However, some employees will be scheduled to work during such closure periods based on City operational needs, or by mutual agreement between the employee and the employee's supervisor.

The City stipulates that employees in the Airport Maintenance Division, Waterfront Maintenance Division, and Motor Pool will not be subject to the General Furlough Closure.

b) Furlough Time Off Bank: Any furlough hours not scheduled to be taken as part of a General Furlough Closure shall become part of an employee's furlough time off bank. Employees will take the furlough time off before June 15, 2012. Such time off shall be scheduled on the same terms as vacation under Article 61(b) of the current MOU.

Provided requests to take furlough time off are received at least 2 weeks in advance and prior to September 30, 2011, management will make good faith efforts to accommodate employee choice whenever practicable.

Groups of employees (not individual employees) who have issues emanating from the furlough may request that the issue be reviewed by a panel consisting of one City representative and one Union representative who shall issue a non-binding advisory opinion to the Department Head.

Management may require employees to use furlough banks before paid vacation or personal leave is taken off. Management reserves the right to schedule an employee to take any unscheduled furlough hours remaining in an employees bank on or after March 30, 2012 based solely on operational need.

c) Rescheduling Furlough Time Off: If an employee is not able to take furlough time off as originally scheduled, the furlough hours will become part of the employee's Furlough Time Off Bank and will be rescheduled as provided in subsection "b" above. Supervisors will be encouraged,

where practicable, to make reasonable efforts to avoid disruption to employees if scheduled furlough time off must be rescheduled (e.g. by finding qualified volunteers). However, this may not always be possible.

3. Application to Voluntary Hours Reduction Requests: Once this plan is implemented for Fiscal Year 2012, employees who offered to voluntarily reduce their hours to part-time under the "Part-Time Work" Policy or to take an unpaid leave of absence under the "Leave of Absence Without Pay, Non-Medical Reasons" Policy during Fiscal Year 2012 will be provided an opportunity to rescind their voluntary part-time schedule or unpaid leave request.
4. Work During Furlough: No employee may perform work for the City when scheduled to be off of work on furlough period unless authorized by management.

V. Effect of Mandatory Work Furlough on Employee Pay

1. Pay Reduction: The period of furlough time off will be unpaid. Furlough time off will be tracked under a separate unpaid hours code.
2. Non Exempt Employees- Pay Mitigation Plan:
 - a) For non-exempt employees, the wage loss from the mandatory furlough will be distributed evenly over the full fiscal year. Effective the first full pay period in Fiscal Year 2012, beginning on June 18, 2011, a deduction will be made from employee compensation in an amount equivalent to 1/26th of the total unpaid mandatory furloughed time through the end of the last pay period of Fiscal Year 2011, ending on June 15, 2012.
 - b) Mutual Reimbursement:
 - (1) For employees in active paid status as of the beginning of the fiscal year who terminate employment within the fiscal year:
 - (a) If, at the time of termination, the reduction in pay exceeds the furlough time off taken, the employee will be entitled to pay for the difference.
 - (b) If, at the time of termination, furlough time off taken exceeds the reduction in pay, the employee will need to reimburse the City for the difference in pay.
 - (2) An employee who is hired or otherwise enters active paid status after the beginning of the fiscal year will be scheduled for furlough time off and will have

his or her pay reduced by an amount equivalent to 1/26th of the total furloughed time for the first 26 pay periods of employment. The employee will be subject to the same mutual reimbursement provisions in Section (1) above, if the employee terminates employment before the 26 pay periods are complete.

(3) An employee who is on unpaid status for any other reason at any point during the fiscal year will, upon return to active paid status, be scheduled to make up any furlough hours not taken and will continue to have his or her pay reduced by an amount equivalent to 1/26th of the total furloughed time until 26 full pay periods of reduction have been achieved. The employee will be subject to the same mutual reimbursement provisions in Section (a) above, if the employee terminates employment before the 26 pay periods are complete.

3. Exempt Employees

a) Exempt employees will be considered non-exempt employees under the Fair Labor Standards Act (FLSA) guidelines in any FLSA workweek in which one or more hours of unpaid furlough time off occurs (See 29 CFR 541.710(b)). Such employees will be eligible for hourly pay for any work performed during that FLSA workweek, just as non-exempt employees would be. Such employees may also be eligible for overtime compensation during any such FLSA workweek according to applicable FLSA guidelines. For purposes of this provision only, the FLSA workweek of an otherwise exempt employee will be the City's standard FLSA work week, beginning and ending at midnight on Friday night, regardless of the employee's regular work schedule.

b) Exempt Employees - Pay Mitigation Plan: Exempt employee pay will be reduced under the same Pay Mitigation Plan outlined for non-exempt employees in Section V.2, above.

(a) The City and the Union agree that is our mutual good faith interpretation of 29 CFR 541.710(b) that the City may implement a pay mitigation plan for exempt employees without affecting the exempt status of such employees under the FLSA to a greater degree than expressed in Section V.3(a), above.

(b) If the City receives an opinion from the U.S. Department of Labor or other binding legal

authority that indicates that the pay mitigation plan for exempt employees further affects the exempt status of such employees, the City will promptly notify the affected represented bargaining units and the parties will reopen negotiations within 30 days of such notice to determine an alternate method of furlough pay deductions that will preserve such employees' exempt status.

VI. Benefits During a Mandatory Work Furlough

1. Health, Life, and Cafeteria Plan Benefits: An employee shall receive continued medical, dental, vision, life insurance, and cafeteria plan benefits, including any City contribution, at the level the employee would have received absent the work furlough. Employees will be responsible for the same employee contributions to these benefits that they would have made absent the work furlough.
2. Retirement: To the extent allowable by CalPERS, and in compliance with any restrictions imposed by CalPERS, the City will ensure that retirement benefits will not be adversely impacted as a result of the furlough and related reduction in hours and/or salary.
3. Other Benefits: Other benefits may be reduced as required under normal benefit rules related to work schedule or unpaid leave. Such benefits include, but are not limited to: disability insurance or SDI/PFL contributions, Medicare contributions, etc.
4. Paid Leave Accrual: Employees will receive the same vacation, sick leave, and personal leave accruals they would have received absent the work furlough.
5. Legal Holidays: Employees on a work furlough shall receive legal holiday pay as follows:
 - a) Employees in classifications entitled to accrue holiday credit will continue to receive the same holiday credit.
 - b) For employees who do not accrue credit, where a legal holiday is observed during a period of work furlough, the employee will be paid hours for that holiday at the same level employee would have received absent the work furlough. In other words, that holiday will not count as an unpaid furlough day. For employees on a 9/80 or 4/10 schedule, the employee may be required to use accrued paid leave banks to make up the full paid holiday, as usual.
6. Use of Paid Leave: An employee will not be permitted to use accrued paid leave banks (vacation, sick leave, compensatory time, personal or management leave) during the unpaid furloughed hours.

7. Vacation Accruals: Management will make every reasonable effort to work with employees to avoid loss of vacation accruals or personal leave due to encroachment on accrual caps or time limits for use.
8. Standby and Call-back: An employee may be assigned to call-back or standby during a work furlough as provided under the applicable labor agreement or City policy. An employee called-back to active paid work during the unpaid furlough period will be required to take equivalent additional unpaid furlough during the remainder of the fiscal year.
9. Service & Seniority: Furlough shall not count as a break in City service and shall not affect seniority or eligibility for merit increases.
10. Schedule Changes: While an employee is on a furlough, schedule changes will be subject to the requirements of the applicable labor agreement
11. Overtime: Employees will only be eligible for overtime premium that they would have received absent the reduction in work hours. (i.e., for over 40 hours worked in a workweek)
12. Probationary Period: Probationary periods shall not be affected by a mandatory furlough.
13. Limits on Benefit Continuation: Special benefit continuation under this furlough plan is available only to employees during their mandatory unpaid furlough period(s). Otherwise, employees are covered by benefit continuation under other City policies, including the City's applicable Leave Without Pay policies.

CITY OF SANTA BARBARA FY 2012 FURLOUGH CLOSURE SCHEDULE

Attachment 1A to Furlough Plan

FACILITY	OFFICES	DECEMBER HOLIDAY CLOSURE DATES	OTHER CLOSURE DATES
City Hall 735 Anacapa Street	Administration Mayor & Council Offices City Clerk & Human Resources Finance Administration Billing, Licenses/Permits Payroll & Risk Management Information Systems	<u>Standard Holiday Closure</u> • Monday, December 20th, 2011 through Monday, January 1, 2012	<u>Standard Additional Closure Dates</u> • Wednesday November 23, 2011
Airport Administration Bldg 601 Firestone Road	Airport Administration	Standard Holiday Closure Dates	Standard Additional Closure Dates
Fire Station 1 121 W. Carrillo Street	Fire Administrative Office	Standard Holiday Closure Dates	Standard Additional Closure Dates
Parks & Recreation Office 620 Laguna Street	Department Administration	Standard Holiday Closure Dates	Standard Additional Closure Dates
Parks Office 402 Ortega Street	Parks Office	Standard Holiday Closure Dates	Standard Additional Closure Dates
P.W. and C.D. Bldg. 630 Garden Street	Community Development Counters Public Works Counters	Standard Holiday Closure Dates	Standard Additional Closure Dates
City Attorney's Office 740 State #201	City Attorney Administration	Standard Holiday Closure Dates	Standard Additional Closure Dates
Downtown Parking 1221 Anacapa Street	Downtown Parking Admin. Office Environmental Services	Standard Holiday Closure Dates	Standard Additional Closure Dates
City Libraries 40 E. Anapamu Street	Library Administration Central Library Eastside Library	<u>Modified Holiday Closure:</u> Saturday December 24 and Sunday, December 25, 2011; Saturday December 31, 2011 and Sunday, January 1, 2012 (already closed Mondays)	Standard Additional Closure Dates
County Libraries	Carpinteria, Goleta, Montecito and Solvang Libraries	Offices Open as Usual	Offices Open as Usual
Police Department 215 E. Figueroa Street	Police Chief's Offices Police Counters	Offices Open as Usual	Offices Open as Usual
Waterfront Admin. Bldg 132 #A Harbor Way	Waterfront Administration (Harbor Patrol Counter 24 hrs.)	Offices Open as Usual	Offices Open as Usual
Carrillo Recreation Center 100 E. Carrillo Street	Active Adults, Youth Activities, Teen Programs	Standard Holiday Closure Dates [Except as rented or special programs]	Standard Additional Closure Dates [Except as rented or special programs]
Franklin Community Center 1136 E. Montecito Street	Community Center Programs	Standard Holiday Closure Dates [Except as rented or special programs]	Standard Additional Closure Dates [Except as rented or special programs]
Westside Community Center 423 W. Victoria Street	Community Center Programs	Standard Holiday Closure Dates [Except as rented or special programs]	Standard Additional Closure Dates [Except as rented or special programs]

CITY OF SANTA BARBARA FY 2012 FURLOUGH CLOSURE SCHEDULE

Attachment 1A to Furlough Plan

FACILITY	OFFICES	DECEMBER HOLIDAY CLOSURE DATES	OTHER CLOSURE DATES
Louise Lowry Davis Center 1232 De La Vina Street	Community Center Programs	Standard Holiday Closure Dates [Except as rented]	Standard Additional Closure Dates [Except as rented]
Cabrillo Pavilion/Bathhouse 1118 East Cabrillo Blvd.	Cultural Arts/Facilities Aquatics/Sports/Adaptive Program	Standard Holiday Closure Dates [Except as rented]	Standard Additional Closure Dates [Except as rented]

Closure dates subject to change based on operational needs.

For additional Counter, Office, and Operations Hours: Visit our website at: www.santabarbaraca.gov, or call (805) 564-0611.

Date: June 23, 2011

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 11-053 TO REDUCE THE NUMBER OF FISCAL YEAR 2012 FURLOUGH HOURS FOR CONFIDENTIAL EMPLOYEES, THE CITY ATTORNEY, AND THE CITY ADMINISTRATOR

WHEREAS, the City Council has declared a mandatory furlough for Fiscal Year 2011-2012 for many City employees;

WHEREAS, negotiators recently reached an agreement with the General Bargaining unit providing for fewer than expected furlough hours during Fiscal Year 2011-2012;

WHEREAS, as a result, furlough hours for Supervisors will be reduced by 17.5 hours in accordance with the provisions the existing labor agreement with the Supervisors bargaining unit;

WHEREAS, the City Administrator has the authority to reduce furlough hours for certain unrepresented managers by 17.5 hours under the applicable salary plans; and

WHEREAS, the City Council also wishes to reduce the number of furlough hours for Confidential employees, the City Administrator, and the City Attorney for equitable purposes and to reduce the impact of the furlough on City operations.

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

SECTION 1. The amount of furlough for Confidential employees during Fiscal Year 2011-2012 will be the same as that for General bargaining unit employees under the applicable labor agreement for that group.

SECTION 2. The amount of the unpaid furlough for the City Administrator and the City Attorney during Fiscal Year 2011-2012 shall be 66 hours.



CITY OF SANTA BARBARA

CITY COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Environmental Services Division, Finance Department

SUBJECT: Options For Reducing The Distribution Of Single-Use Bags Within The City Of Santa Barbara

RECOMMENDATION:

That Council receive a report regarding options presented to, and recommendation of, the Ordinance Committee for reducing the distribution of single-use bags within the City of Santa Barbara.

EXECUTIVE SUMMARY:

On February 1, 2011, Council referred consideration of a range of options for reducing the distribution of single-use bags throughout the City of Santa Barbara to the Ordinance Committee. On April 19, 2011, the Ordinance Committee voted 2-1 to take no additional action beyond the current efforts, as provided in Option 1 discussed later in this report. The Committee Chair then referred the item back to the full Council for consideration.

In an effort to determine the scope of the problem created by single use plastic bags, staff has determined the following based upon more current research:

- The majority of all single-use plastic bags used in the City appear to be captured in the waste stream and buried at Tajiguas Landfill. While some quantity of single-use bags is observed as litter in the environment, their contribution to the litter problem in the City's parks, creeks and beaches does not appear to be significant.
- There is evidence that single use plastic bags in the marine environment can harm marine organisms. However, the number of plastic bags generated within the City that make their way into the marine environment is unknown.
- From a life-cycle perspective, there appears to be more agreement in the literature that re-usable bags pose the least impact to the environment, while air emissions, waste production, and water pollution associated with paper bags is equal to or greater than plastic bags.

Staff has identified four options for reducing the distribution of single-use bags in the City. An evaluation of the impacts to the City, to retailers, to the consumers and the environment posed by each option is provided later in this report.

Several jurisdictions throughout California have adopted ordinances of various forms to regulate the distribution of single-use paper and plastic bags. The environmental impact analyses underpinning some of these ordinances have been challenged in the courts with varying degrees of success.

Since the February 1, 2011 Council meeting, the Albertsons Grocery Company launched its "bagless" program at its Carpinteria store. Therefore, the store no longer offers paper or plastic bags at checkout. Moreover, plastic bags and film plastics are now accepted in co-mingled recycling carts, cans and dumpsters throughout the City. City and County staff recently secured an agreement with Gold Coast Recycling, the City's processor, to recycle these materials which will help reduce the number of plastics bags that wind up at Tajiguas Landfill.

DISCUSSION:

On February 1, 2011, Council referred to the Ordinance Committee consideration of all options for reducing the distribution of single-use bags throughout the City.

The options consisted of the following:

1. Take no further action.
2. Adopt a City ordinance effectively mandating that retail and other stores provide the elements of the existing voluntary Where's Your Bag? Program.
3. Allow the voters to decide through a ballot measure whether a City special tax should be imposed on single-use plastic and/or paper bags distributed by retailers.
4. Adopt an ordinance to prohibit the distribution of single-use plastic bags by retailers.

After receiving a presentation from staff on April 19, 2011, the Ordinance Committee voted 2-1 to take no further action on the issue (Option #1). The Committee Chair then stated that all options would be referred back to Council for further consideration.

Scope of the Problem:

To define the scope of the single-use bag “problem,” staff researched the following questions:

1. To what extent do single-use bags contribute to litter in the environment?
2. What risk do single-use plastic bags originating in the City pose to the marine environment?
3. Based upon life-cycle analyses, how do various types of bags compare with one another?

Whether single-use bags comprise a significant portion of litter is inconclusive. Based upon statewide statistics, staff estimates that retailers throughout the City distribute approximately 29 million single-use bags each year. An assessment of the City’s waste stream conducted in 2009 suggests that the vast majority of these bags is captured in the waste stream and are ultimately buried at Tajiguas Landfill.

Besides examining landfill data, staff also surveyed other City departments and local agencies. Parks Department staff reported that littered single-use bags are rarely encountered in City parks. This same observation was echoed by Harbor Patrol staff, who stated that disposable cups are observed along the waterfront in much greater quantities than are single-use bags. Clearly, this is not a scientific analysis since it relies on anecdotal evidence only.

Creeks Division staff reported that plastic bags were observed (along with other types of litter) in 268 littered sites cleaned up in Fiscal Year 2010. A survey of one-quarter mile of Sycamore Creek conducted by Santa Barbara Channelkeeper in April of 2011 encountered 42 plastic bags. Moreover, coordinators of Coastal Cleanup Day report that they collected more than 700 plastic bags each year along coastal areas countywide in 2009 and 2010.

Besides the issue of litter, staff also researched the potential adverse impact that single-use plastic bags generated in the City may have on the marine environment. While some quantity of single-use plastic bags is observed in the environment, how many bags generated within the City find their way into the marine environment is unknown. Those that do, have the potential to harm marine species. According to the U.S. Environmental Protection Agency, intact plastic bags can harm marine species when they accidentally ingest plastic bags, mistaking them for food.¹ Ingestion can lead to starvation

¹ S.B. Sheavly. 2007. “National Marine Debris Monitoring Program: Final Program Report, Data Analysis and Summary.”
Prepared for U.S. Environmental Protection Agency by Ocean Conservancy, Grant Number X83053401-02. 76 pp.

or malnutrition when marine debris collects in the animal's stomach, thus causing it to feel full. One study shows that of 38 green turtles surveyed, 61 percent had ingested some form of marine debris including plastic bags, cloth, and rope or string².

Critics of plastic bags often cite the depletion of non-renewable resources in the production of plastic bags as a primary environmental concern. Plastic bags are produced using polyethylene polymers through a process called blown film extrusion. Ethylene, from which polyethylene is derived, is a component of raw natural gas, which must be removed before the gas can be used for combustion. For this reason, the plastics industry asserts that producing plastic bags from ethylene essentially transforms a nuisance product to a beneficial use through the production of plastic bags. Staff has not been able to independently verify this claim.

The final issue researched by staff was how various types of bags compare with one another based upon their overall impact to the environment. Life-cycle analysis, the study of the environmental impacts by a product through all stages of its existence, from production through disposal, is often used to assess environmental impacts. While there does not appear to be widespread consensus in published literature, there does seem to be more agreement that reusable bags ultimately result in fewer environmental impacts than paper or plastic bags and that air emissions, waste production, and water pollution associated with paper bags is equal to or greater than plastic bags.

Options for Reducing the Distribution of Plastic Bags

Staff has prepared information regarding the factors that should be considered when evaluating each option, including the potential impacts on the consumer, retailers, the City and the environment. Please note that an in-depth discussion of previous Council actions, statewide legislation on this issue and the environmental considerations of single-use bags was included in the February 1, 2011 Council Agenda Report and is therefore not included in this report.

Option 1: Take No Action At This Time

Under this approach, retailers could continue to distribute plastic and paper bags without restriction. Pursuant to previous Council direction, staff would continue to promote reusable bags through the voluntary "Where's Your Bag?" Program.

² Environmental Protection Agency. Marine Debris Impacts. April 15, 2011. Retrieved from http://water.epa.gov/type/oceb/marinedebris/md_impacts.cfm

Potential Impacts:

Consumer: Consumers would continue to receive plastic or paper bags. Retailers would continue to pass on the cost of single-use bags to consumers in the purchase price of goods at a cost of approximately \$.02 - \$.03 per plastic bag and \$.04 – \$.11 per paper bag³.

City: Under this option, the City would not incur any additional costs beyond those currently allocated to remove single use bags as a component of other litter and illegally dumped waste. The current impact to the City posed by littered bags throughout the City is difficult to quantify. In Fiscal Year 2010, the Creeks Division reported that it spent \$27,000 to clean up approximately 268 littered sites that contained plastic bags. However, since single-use bags do not generally comprise a substantial portion of litter, it is unknown what impact a ban on plastic bags would have on the number of littered sites that are routinely cleaned up by various City departments.

Retailer: No impact

Option 2: Mandate that Stores Adopt the Elements of the Where's Your Bag? Program

Under this approach, Council would adopt an ordinance requiring retailers to post a designated amount of parking lot and in-store signage, as well as to provide educational materials to customers, including brochures and window decals, to encourage their use of reusable bags when shopping. Retailers would be responsible for providing training to new employees concerning the benefits of reusable bags and techniques for encouraging their use with customers. Additionally, retailers would be required by the ordinance to provide reusable bags for sale at the point-of-purchase and report to the City, on a quarterly basis, how many customers are using reusable bags. Note that the City already administers the Where's Your Bag? Program with large grocery stores and smaller markets on a voluntary basis.

Potential Impacts:

Consumer: Consumers could continue to receive plastic or paper bags, but would be encouraged to bring their own reusable bags when shopping. Retailers would continue to pass on the cost of single-use bags to consumers in the purchase price of goods as described in Option One.

³ Staff communication with representatives of Tri-County Produce and Albertson's Grocery Company

City: The City would incur additional costs to implement the ordinance, monitor reporting and take enforcement action against non-compliant retailers. In Fiscal Year 2011, the Environmental Services Division allocated approximately \$23,000 in staff time and \$15,000 on educational materials and community outreach on the voluntary Where's Your Bag? Program. An additional \$14,000 in private donations was used to offset the costs to produce educational materials and conduct public outreach.

Retailer: Retailers would incur added costs to train staff, supply education materials, install signage and track and report reusable bag usage to the City. The average cost to equip a store with educational materials under the Where's Your Bag? Program is approximately \$200.00. In addition, non-compliant retailers would incur penalty fees as prescribed by the ordinance.

Environment: Under the voluntary Where's Your Bag? Program, Environmental Services has distributed approximately 3,800 reusable bags to City residents. Any decrease in the impact to the environment (as compared to Option 1) would depend on how many consumers opt to switch to reusable bags under this scenario. Tri-County Produce, a local retailer, has actively promoted reusable bags and has noted a 36% increase in the use of reusable bags by its customers since joining the program.

Other Considerations: Assembly Bill 2449 was adopted in 2006 and went into effect on July 1, 2007. Assembly Bill 2449 requires grocery stores in California to take back and recycle plastic grocery bags. While the statute prohibits municipalities from auditing performance or requiring additional reporting by the store with respect to plastic bags, it is silent on whether these prohibitions also apply to reusable bags. It is therefore unclear whether an ordinance that requires stores to report on the use of reusable bags would run afoul of the state prohibition against additional local reporting requirements. Currently, AB 2449 is scheduled to sunset on January 1, 2013. If Council is concerned about a challenge to the reporting requirement, the Council could delay adopting the reporting requirement until after the statute sunsets.

Option 3: Voter Approved Tax on Paper and/or Plastic Bags

Under this approach, consumers could continue to receive plastic or paper bags, but a voter-approved tax on paper bags, plastic bags or both would be levied. Depending on the use of the tax proceeds, the measure would either require a simple majority vote or two-thirds voter approval. A special tax, in which the proceeds are earmarked for a specific purpose requires a two-thirds voter approval. A general tax, which would become part of the unrestricted revenues in the City's General Fund, requires only a simple majority voter approval.

Generally speaking, staff would not recommend a tax on plastic bags alone, as the tax would simply encourage consumers to shift to paper bags. Based upon life cycle analyses, such a shift would have a greater negative impact on the environment than the current

practice of distributing plastic bags. Similarly, staff would not recommend a tax on both plastic and paper bags, for both practical and legal reasons. Staff would therefore recommend (within the context of this option) a tax on single-use paper bags only, coupled with a ban on single-use plastic bags, as described below under option number four.

Potential Impacts:

Consumer: Assuming a tax of \$0.10 - \$0.25 per bag, consumers who chose to purchase plastic or paper bags at checkout would pay an estimated \$32-\$81 per year, assuming that consumers use 325 plastic bags per year. However, consumers who switch to reusable bags would avoid this additional premium after an initial investment of \$8-\$24 to purchase reusable bags.

City: The City may choose to conduct a survey of voters about voter support for such a tax and the level of tax that voters would support. The cost of such a survey is estimated at \$25,000. Unless the ballot measure is deferred to a regularly scheduled City General Election, the City would also incur additional costs to hold a special election and to assess taxes. A tax on single-use bags would generate additional revenues to the City, the amount of which would depend upon the level of the tax and any increases in consumer use of reusable bags. The City would also need to prepare an initial environmental review in order to determine if an Environmental Impact Report (EIR) is required by CEQA.

Retailer: Retailers would incur the cost to program their cash receipting systems to both collect and track the taxes. They would have to prepare a form that would be provided by the City to accompany their remittance of taxes, similar to forms completed by hotels for remittance of transient occupancy taxes collected from customers via the hotel rates.

Environment: The financial premium placed on one or both types of single-use bags would likely persuade more consumers to use reusable bags than under the voluntary Where's Your Bag? Program, resulting in a reduction in the number of plastic bags in the environment.

Option 4: Ordinance to Prohibit Distribution of Single-Use Bags and Impose a Fee on Single-Use Paper Bags

Under this approach, Council would adopt an ordinance prohibiting the distribution of plastic bags by retailers and placing a fee on paper bags. This approach contemplates that the City would possibly need to seek voter approval for the fee on single-use paper bags at a range consistent with Option 3 previously discussed.

The Cities of San Jose, Santa Monica and Los Angeles County, have recently adopted similar ordinances that apply a fee of \$0.10 to \$0.25 on paper bags. In those cases, the agencies elected to have the retailers retain all revenue generated by the fee, purportedly to avoid the voter-approval requirement required by Propositions 218 and 26. To our

knowledge, these communities have not seen a legal challenge. Based on the advice of the City's legal counsel, staff would not recommend following the approach used by these agencies until this approach has been found to be consistent with state law, but rather recommends that a paper bag "fee" be submitted to a vote of the community. Moreover, with a voter approved fee, the City would have the flexibility to determine how the tax proceeds would be used, including allowing the retailers to retain a portion to cover the increased costs of providing paper bags. Some municipalities have also placed restrictions on how revenue from the fee can be used, such as for the production of educational materials.

Potential Impacts:

Consumer: Consumers who chose to pay the fee on paper bags at checkout would pay an estimated \$32-\$81 per year for single-use bags. However, those who switch to reusable bags would not pay an additional premium at checkout after an initial investment of \$8-\$24 to purchase reusable bags.

City: The City would incur significant costs to implement this option. In order to withstand a CEQA challenge, many jurisdictions have opted to prepare an Environmental Impact Report (EIR) for the proposed ordinance at an estimated cost ranging from \$50,000 - \$100,000. Substantial staff resources would also be expended to develop, circulate, implement, monitor and enforce the ordinance. For example, the City of San Jose expended 4,000 staff hours in the preparation and adoption of its recent ordinance. If the City elected to keep all or part of the tax revenues generated from the fee, the City would realize additional revenues that are restricted to a specific purpose, or if unrestricted the revenues provide additional financial resources to the General Fund.

Retailer: Retailers would save \$.02-\$.03 on each plastic bag currently distributed at check out. Depending on the structure and allocation of the tax proceeds, retailer may be allowed to retain a portion or all of the taxes to defray the additional cost of the providing single-use paper bags. Council may have the option to choose whether to apply restrictions on the use of this revenue.

Environment: Banning plastic bags and imposing a City fee on paper bags would likely yield the greatest reduction of plastic bags and therefore the greatest benefits to those environments impacted by plastic bags, such as local beaches and the marine environment. Because paper bags create their own impacts on the environment, in particular those associated with their production, this option may increase those impacts if it results in higher use of paper bags. The greatest benefit to the environment is achieved when this approach results in the shift from both plastic and paper bags to reusable bags, which is the intended goal of all options. This option appears to have the greatest potential for achieving this end result.

Other Considerations: Imposition of a fee on paper bags would likely be construed as a tax and therefore be subject to voter approval.

Recent Developments

Since the February 1, 2011 Council meeting, the following developments related to plastic bag restrictions have developed in other municipalities:

- The City of Calabasas adopted an ordinance banning plastic bags.
- Save the Plastic Bag Coalition (STPBC), a plastic industry group, filed a lawsuit against the County of Marin challenging its ordinance to ban plastic bags and to impose a \$.05 fee on paper bags. This legal challenge is noteworthy as Marin County opted to invoke a categorical exemption under CEQA in lieu of preparing an environmental impact report. STPBC also sued the Cities of Manhattan Beach and Oakland, claiming that the environmental impacts caused by an ordinance that effectively promotes the use of paper bags was not properly evaluated in an EIR. A decision in the Manhattan Beach case is pending a decision before the California Supreme Court while the City of Oakland lost the suit, at both the trial court and the court of appeals levels.
- On May 17, 2011, the City of Long Beach adopted an ordinance to ban single-use plastic bags and place a \$0.10 fee on paper bags. The ordinance will take effect in August 2011 for larger retailers and will apply to all retailers in 2012. To date, a legal challenge to the Long Beach ordinance has not been filed.
- On April 26, 2011, the Santa Clara County Board of Supervisors adopted an ordinance to ban single-use plastic bags and to place a \$0.15 fee on single-use paper bags throughout unincorporated county areas. The ordinance will take effect on January 1, 2012.

In addition to these legal developments, on April 27, 2011, the Albertsons Grocery Company launched its “bagless” program in its Carpinteria store. As a result, the store no longer offers paper or plastic bags at check-out. During a recent conversation with staff, Albertsons representatives stated that sales remain steady and that the store has not observed any increase or decrease in customers since the launch of the bagless program.

Moreover, staff along with County staff, successfully negotiated with Gold Coast Recycling, the City’s processor, to accept plastic bags and other film plastic bags in residential and commercial recycling containers and to divert these materials from landfill disposal.

Council Action Report
Options For Reducing The Distribution Of Single-Use Bags Within The City Of Santa
Barbara
July 12, 2011
Page 10

PREPARED BY: Matt Fore, Environmental Services Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 210.01

CITY OF SANTA BARBARA

CITY COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Administration Division, Finance Department

SUBJECT: Reserve Policies

RECOMMENDATION: That Council:

- A. Receive a report regarding the current policy for the establishment of operating and capital reserves pursuant to City Council-adopted Resolution No. 95-157;
- B. Provide staff and the Finance Committee with feedback and direction for improving the policies; and
- C. Refer the item to the Finance Committee for further discussion and analysis and the development of recommended modifications to the policies for City Council consideration.

DISCUSSION:

In connection with their review of the Fiscal Year 2012 Recommended Budget, the Finance Committee received a report on May 17, 2011 from staff regarding the current policies guiding the establishment of reserves in all City operating funds. These policies were adopted in Fiscal Year 1995 through Resolution No. 95-157 (see attachment).

At the meeting of May 17th, the Finance Committee expressed their interest in reevaluating and potentially modifying the current policies to address certain specific limitations and shortcomings identified by Committee members as well as any other concerns of the Council as a whole. As such, the Committee unanimously voted that this matter be heard by the City Council and that Council provide general direction to staff and the Finance Committee for improving the existing policies. The recommendation contemplated that, based on Council's direction, the Committee would meet as necessary to develop recommendations that would then be forwarded back to City Council for consideration.

ATTACHMENT: Resolution No. 95-157

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. 95-157

**A RESOLUTION OF THE COUNCIL OF
THE CITY OF SANTA BARBARA
ESTABLISHING POLICIES FOR RESERVES
FOR THE CITY'S GENERAL FUND AND
ENTERPRISE FUNDS**

WHEREAS, the City desires to establish policies regarding reserves for the various City funds for the purpose of providing consistent designations for different categories of reserves, ensuring fiscal security for the funds, defining standards for minimum and maximum amounts to be maintained in reserves, and providing flexibility to recognize differences among funds; and

WHEREAS, such reserves policies will be most readily communicated and understood if they are consolidated and formally adopted in a single document; and

WHEREAS, staff has presented and Council has reviewed the proposed reserves policies in a Council Work session on October 17, 1995; and

WHEREAS, the Council has considered the proposed reserves policies at a regular Council meeting on November 14, 1995;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Santa Barbara that the following reserves policies are adopted:

1. In combination, the Reserves for Economic Contingency/Emergency and Reserves for Future Year Budgets/Fund Balance (by fund) will be funded to a goal level of 25% of the annual operating budget of the respective fund.

2. APPROPRIATED RESERVES

An Appropriated Reserve will be included in each operating fund's adopted budget to provide for unanticipated expenditures or to meet unexpected small increases in service delivery costs within the fiscal year. This reserve will be budgeted up to one-half of one percent of the operating budget and any unused portion will be returned to fund balance at the end of the fiscal year.

3. RESERVE FOR CAPITAL

Each operating fund will establish a Capital Reserve funded to at least 5% of the value of its capital assets. In the alternative, the amount may be established at an amount equal to the average of the adopted capital program budgets for the

previous three years. The goal for the General Fund Capital Reserve shall be set at least \$1 million. Appropriations from these reserves will be to fund major capital costs.

4. RESERVE FOR ECONOMIC CONTINGENCY/EMERGENCIES

For each operating fund there will a reserve equal to 15% of its annual operating budget for the purpose of coping with emergencies. It may take more than one year to meet the 15% goal if these emergency reserves do not presently meet the 15% goal.

5. RESERVE FOR FUTURE YEAR BUDGETS/FUND BALANCE

Each operating fund will establish and maintain a reserve equal to 10% of its annual operating budget for the purpose of providing for unique one-time costs and for maintenance of City services and permit orderly budget adjustments during periods of reductions. Appropriation of these reserves to operating budgets should, when feasible, be accompanied by a plan for replenishment within a reasonable period of time.

6. FUNDING OF RESERVES

Funding will come generally from one-time revenues, excess fund balance and projected revenues in excess of projected expenditures. They will generally be reserved in the following priority order:

- Reserve for Economic Contingency/Emergencies
- Reserve for Capital
- Reserve for Future Years Budgets

However, flexibility will be retained to allocate available funds among the reserves based on the current circumstances and needs of the City's various operating funds.

7. Appropriation or use of funds from any of these reserves will require Council action.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Environmental Services, Finance Department

SUBJECT: Assignment Of 2003-2013 Zone One Solid Waste Franchise Contract From Allied To MarBorg

RECOMMENDATION:

That Council consent to the assignment of the Solid Waste Collection and Disposal Contract between the City of Santa Barbara and Allied Waste Services of North America, LLC, dated January 25, 2002, and amended on October 16, 2003 (City Agreement Numbers 20,432 and 20,432.1), to MarBorg Industries, Inc., resulting in MaBorg Industries becoming the new franchised waste hauler for Zone One for the City of Santa Barbara through the end of the contract period ending June 7, 2013.

DISCUSSION:

Since 2003, the City has had two "zones" for solid waste collection and disposal in the business, multi-unit residential, and single family residential sectors. The City has contracted with two haulers, one in each zone, to collect solid waste, recyclables, green waste and, most recently, business food scraps. In Zone One, the hauler is Allied Waste Services of North America, LLC ("Allied"), which took assignment of the contract from its predecessor, Browning Ferris Industries ("BFI"), in 2007. MarBorg Industries ("MarBorg") is the hauler for Zone Two.

On June 27, 2011, Mayor Schneider and Councilmember Francisco were approached by representatives from MarBorg. MarBorg provided a copy of a letter from Republic Services, Inc., the parent company of Allied, which notified the City that Republic had sold substantially all of its City of Santa Barbara assets to MarBorg and requested that the City consent to the assignment of the Zone One solid waste franchise contract to MarBorg. This assignment is a condition of the sale to MarBorg.

Assignment of the franchise contract with Allied is covered under Section 14.01 of that agreement (Attachment 1). This section authorizes the City to require that MarBorg provide information to the City necessary for it to ensure that MarBorg can fulfill the terms of the contract in a timely, safe and effective manner.

MarBorg provided the City the following information related to its financial ability to assume the existing services required in Zone 1:

1. Audited financial statements for each of the fiscal years ended October 31, 2007, 2008, 2009 and 2010
2. A projection of revenues and expenses for the fiscal year ending October 31, 2011.
3. A letter of assurance indicating, among other things, that:
 - a. No material events or changes have occurred that would adversely affect the financial health of MarBorg in the current fiscal year.
 - b. MarBorg has not taken on any additional debt since the end of their last fiscal year (October 31, 2010).
 - c. MarBorg will not incur new debt to complete the meet the requirements of the existing franchise agreement with Allied Waste.

Based on staff's review of the information provided by MarBorg and other inquiries made by staff, it appears MarBorg has the financial wherewithal to finance the acquisition of the physical assets associated with Zone 1 from Allied and continue the services as required in the existing franchise agreement with Allied without significant disruption to customers.

MarBorg was also required to demonstrate that:

- It has at least ten (10) years of solid waste management experience on a scale equal to or exceeding the scale of operations conducted by Allied under the Contract;
 - MarBorg has an established history as a responsible hauler within the City of Santa Barbara, having satisfactorily provided identical services to the City's solid waste Zone Two customers since 2003. Prior to that, MarBorg served as a hauler in the County's Zone 1 and Zone 3 since at least 1997.
- In the last five (5) years, MarBorg has not suffered any significant citations or other censure from any federal, state or local agency having jurisdiction over its solid waste management operations due to any significant failure to comply with state, federal or local environmental laws and that it has provided the City with a complete list of such citations and censures
 - MarBorg provided a letter from the law firm of Hollister & Brace, which has represented MarBorg for nearly 17 years, that states "categorically and unequivocally" that MarBorg has not suffered any such citations or censure. The City Attorney's office investigation also did not turn up any such citations or censure; litigation appears to be limited to the type and scope expected of an operation of this size and does not include suits by governmental agencies. Staff reviewed all CalRecycle inspection reports

for the MarBorg C&D facility for calendar years 2009, 2010 and half of 2011 and found that neither the Local Enforcement Agency (LEA) nor CalRecycle had issued any inspection-based violations or formal enforcement actions on the site during this time period.

- It has at all times conducted its operations in an environmentally safe and conscientious fashion; and it conducts its solid waste management practices in accordance with sound solid waste management practices in full compliance with all federal, state and local laws regulating the collection and disposal of solid waste including Hazardous Wastes.
 - The letter from Hollister & Brace states that this is true. Staff's contact with CalRecycle, the state agency with primary oversight of solid waste management, did not identify areas of concern. Staff's own experience with MarBorg over the last 8 years is that MarBorg is very committed to environmental safety and diversion and that it conducts operations in accordance with sound management practices.

Finance and solid waste operations staff met with MarBorg to go over our questions, and the City Attorney also had the opportunity to ask questions. Staff have determined that MarBorg appears to have the requisite financial capacity, experience and ability to continue to perform the obligations of Allied under the contract in an environmentally and conscientious fashion and that its solid waste management and operation practices appear to be in full compliance with applicable federal, state and local laws. The assets, equipment, vehicles, and personnel of Allied would be retained by MarBorg and used to continue to perform the solid waste collection and disposal services for the City under the franchise contract.

It is the recommendation of Staff that the City Council approve the assignment of the solid waste collection and disposal franchise contract to MarBorg as the new franchised waste hauler for Zone One in the City of Santa Barbara. This assignment will be effective through the remaining term of the franchise contract, which expires June 7, 2013.

BUDGET/FINANCIAL INFORMATION:

This assignment is not expected to result in a financial impact to the City or to solid waste rate payers, because compensation to the hauler is already set by contract through the end of the contract term.

SUSTAINABILITY IMPACT:

MarBorg has been a satisfactory partner with the City of Santa Barbara in its landfill diversion and litter reduction efforts for many years.

ATTACHMENT: Excerpt of Section 4.01 of the Zone One Franchise Contract with Allied Waste

PREPARED BY: Kristine Schmidt, Employee Relations Manager
Matt Fore, Environmental Services Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

Excerpt from Zone One Franchise Contract with Allied Waste

14.01 Restrictions on Assignment. Contractor acknowledges that this Contract involves rendering a vital service to the City's residents and businesses, and that the City has selected Contractor to perform the services specified herein based on (i) Contractor's experience, skill and reputation for conducting its MSW and Recyclable Materials management operations in a safe, effective and responsible fashion, at all times in keeping with applicable environmental laws, regulations and best management practices, and (ii) Contractor's financial resources to maintain the required equipment and to support its indemnity obligations to the City under this Contract. The City has relied on each of these factors, among others, in choosing Contractor to perform the services to be rendered by Contractor under this Contract.

Contractor shall not assign its rights, nor delegate, subcontract or otherwise transfer its obligations under this Contract to any other person without the prior written consent of the City. Any such assignment made without the consent of the City shall be void and the attempted assignment shall constitute a material breach of this Contract.

For purposes of this Section when used in reference to Contractor, "assignment" shall include, but not be limited to (i) a sale, exchange or other transfer of Contractor or of substantially all of Contractor's assets dedicated to service under this Contract to a third party; (ii) a sale, exchange or other transfer of outstanding common stock of Contractor, to a third party which results in a change of control of Contractor; (iii) any dissolution, reorganization, consolidation, merger, re-capitalization, stock issuance or reissuance, voting trust, pooling agreement, escrow arrangement, liquidation or other transaction which results in a change of ownership or control of Contractor; (iv) any assignment by operation of law, including insolvency or bankruptcy, making assignment for the benefit of creditors, writ of attachment for an execution being levied against this Contract, appointment of a receiver taking possession of Contractor's property, or transfer occurring in the event of a probate proceeding; and (v) any combination of the foregoing (whether or not in related or contemporaneous transactions) which has the effect of any such transfer or change of ownership, or change of control of Contractor.

If Contractor requests the City's consideration of and consent to an assignment, the City may deny or approve such request in its complete discretion. No request by Contractor for consent to an assignment need be considered by the City unless and until Contractor has met the following requirements:

A. Contractor shall undertake to pay the City its reasonable expenses for attorney's fees and investigation costs necessary to investigate the suitability of any proposed assignee, and to review and finalize any documentation required as a condition for approving any such assignment;

B. Contractor shall furnish the City with audited financial statements of the proposed assignee's operations for the immediately preceding three (3) operating years; and

C. Contractor shall furnish the City with satisfactory proof: (i) that the proposed assignee has at least ten (10) years of solid waste management experience on a scale equal to or exceeding the scale of operations conducted by Contractor under the Contract; (ii) that in the last five (5) years, the proposed assignee has not suffered any significant citations or other censure from any federal, state or local agency having jurisdiction over its solid waste management operations due to any significant failure to comply with state, federal or local environmental laws and that the assignee has provided the City with a complete list of such citations and censures; (iii) that the proposed assignee has at all times conducted its operations in an environmentally safe and conscientious fashion; (iv) that the proposed assignee conducts its solid waste management practices in accordance with sound solid waste management practices in full compliance with all federal, state and local laws regulating the collection and disposal of solid waste including Hazardous Wastes; and (v) of any other information required by the City to ensure the proposed assignee can fulfill the terms of this Contract in a timely, safe and effective manner.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2011

TO: Mayor and Councilmembers

FROM: Environmental Services, Finance

SUBJECT: Zone One Solid Waste Franchise Timeline And Ad Hoc Subcommittee

RECOMMENDATION: That Council:

- A. Review the revised Zone One 2013 Franchise Procurement Process Timeline; and
- B. Appoint a Zone One Solid Waste Franchise Ad Hoc Subcommittee of not more than three members for a limited purpose of providing input to staff on the procurement, negotiation, and transition to a new solid waste franchise contract for Zone One and for a limited time to end upon the implementation of the new franchise agreement effective June 8, 2013.

EXECUTIVE SUMMARY:

City staff and the City's solid waste consultant, HF&H, have developed an ambitious timeline for completion of the Zone One solid waste franchise renewal process. An Ad Hoc Subcommittee will provide a more focused and flexible environment for staff to be able to receive input from elected officials, as needed. It will also allow staff to receive input on sensitive negotiations without potential proposers present, as needed. The Ad Hoc Subcommittee may be the same members as the Sustainability Committee. The full Council will be asked to approve the work of staff and the Ad Hoc Subcommittee at key intervals.

DISCUSSION:

Since 2003, the City has had two "zones" for solid waste collection and disposal in the business, multi-unit residential, and single family residential sectors. The City's franchise contract with Allied Waste Services of North America, LLC ("Allied") for solid waste collection in Zone One will expire on June 7, 2013.

Allied recently requested the City's approval for the assignment of this agreement to MarBorg Industries ("MarBorg"), the current hauler for the City's solid waste Zone Two. However the assignment of this agreement alone would not affect the June 7, 2013

expiration date. For more information on the assignment request, see the separate item on July 12, 2011 Council Agenda addressing this topic.

Revised Timeline

Due to various delays from the initial Zone One 2013 Franchise Procurement Process timeline, staff is recommending a revised timeline that is now quite tight for completing the renewal process. This was developed by HF&H with input from staff and the Sustainability Committee. See Attachment 1.

Ad Hoc Subcommittee

City staff has, thus far, been working with the Sustainability Committee for input on the Zone One franchise procurement process. This has been cumbersome due to the wide variety of issues addressed by the Sustainability Committee and the need to coordinate dates with the availability of staff from many different divisions. In order to provide a more focused and flexible environment for this process, and to meet the timeline goals, staff recommends that Council appoint a Zone One Solid Waste Franchise Ad Hoc Subcommittee to focus on this issue alone. Council may choose to appoint members of the Sustainability Committee to the subcommittee.

Though staff intends to continue to hold open meetings and to invite interested parties to attend these meetings, an ad hoc committee will also allow staff to receive input on sensitive negotiations without proposers present, as needed. Staff worked with a similar Solid Waste Ad Hoc Subcommittee during the 2003 franchise procurement process.

Anticipated Role

The Ad Hoc Subcommittee will provide input to staff, as needed, in the development of the RFP. A few examples of larger policy questions involved in this process include:

- Whether to continue to include backyard service as a basic service, or make curbside service the basic service and provide backyard service for a premium;
- Whether to include services that are currently not franchised (e.g., roll off boxes) in the franchise;
- How ambitious the diversion goals set for the hauler should be;
- What new services should be required for public facilities, the single-family and multi-family residential sectors, or the commercial sector; and
- What optional services or facilities could proposers include in their proposals?

Once an RFP has been approved and released by the full Council, the Ad Hoc Subcommittee will provide necessary advice to staff during negotiations with the successful proposer. Finally, the Ad Hoc Subcommittee will provide input, as needed, during the transition of the franchise operations to the new hauler.

The full Council will be asked to approve the work of staff and the Ad Hoc Subcommittee at key intervals: before release of the RPF, upon selection of a hauler for further negotiations, and prior to award of the new negotiated franchise contract.

Impact of Assignment to MarBorg

The assignment of the franchise contract from Allied to MarBorg alone, if approved, should not affect the franchise renewal process. The contract will still expire in June 2013 and the City will still be looking to enter into a new agreement.

However, the potential assignment of both zones to a single hauler creates questions about what opportunities, if any, this change presents. If the assignment is approved, staff will explore with MarBorg, HF&H, and the City Attorney whether this assignment provides any additional opportunities for rate payers. The depth and breadth of the experience and expertise available from HF&H will be particularly helpful. The requirements of the City Charter and the best interests of City's solid waste customers will be foremost in this consideration.

ATTACHMENT: Revised Zone One 2013 Franchise Procurement Process
Timeline

PREPARED BY: Kristy Schmidt, Employee Relations Manager
Matt Fore, Environmental Services Manager

SUBMITTED BY: Bob Samario, Finance Director

APPROVED BY: City Administrator's Office

Zone One 2013 Franchise Procurement Process Timeline

Revised 7/5/2011

	Activity	Party	Target date
1	Appoint Ad-Hoc Committee	City Council	July 5, 2011
2	Develop service / contract recommendations	HF&H / City staff	June / July 2011
3	Gather operating data	HF&H	June / July 2011
4	Provide direction on key services / terms	Ad Hoc Committee	July/Aug 2011
5	Prepare preliminary RFP and draft agreement	HF&H	Aug / Sept. 2011
6	Seek input from: City staff, Ad Hoc Committee and City Attorney	City / HF&H	Oct. / Nov. 2011
7	Seek input from potential proposers	Potential proposers	December 2011
8	Prepare revised RFP and draft agreement	HF&H	January 2012
9	Present RFP package to Ad Hoc Committee and Council for approval, and distribute to proposers	City Staff / HF&H	February 2012
10	Prepare proposals	Proposers	March / April 2012
11	Submit proposals	Proposers	May 2012
12	Evaluate proposals	City / HF&H	June / July 2012
13	Contact references and finalize evaluations	HF&H	August 2012
14	Select contractor(s) for negotiations & make recommendations to Ad Hoc Committee and Council	City	Sept. 2012
15	Conduct negotiations and resolve exceptions to agreement	HF&H / City / Proposer(s)	Oct. / Nov. 2012
16	Consider negotiated agreement for approval	City Council	December 2012
17	Order equipment	Contractor	Dec. 2012
18	Outreach campaign - Prepare and distribute educational materials, conduct informational meetings and prepare for transition	Contractor	Dec. 2012 through May 2013
19	Initiate roll-out of new service	Contractor	June 8, 2013