

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>

SEPTEMBER 27, 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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of August 22, 2011, the regular meeting of August 23, 2011, and the regular meetings of August 30, and September 6, 2011 (cancelled).

2. Subject: August 2011 Investment Report (260.02)

Recommendation: That Council accept the August 2011 Investment Report.

3. Subject: Waive Formal Bid Requirements And Authorize Purchase Order For Digital Payment Technologies Parking Equipment (550.08)

Recommendation: That Council find it in the City's best interest to waive the formal bid process, as authorized by Municipal Code Section 4.52.070 (L), and authorize the General Services Manager to issue a purchase order to Digital Payment Technologies Corporation as the most favorable source for providing the City with eight self-pay parking stations for Waterfront Department parking lots, in an amount not to exceed \$76,000.

CONSENT CALENDAR (CONT'D)

4. Subject: Service Agreement With ECCO Wireless (570.03)

Recommendation: That Council approve a four-year service agreement with ECCO Wireless USA, Inc., providing wireless internet service to the Harbor area users on a subscription basis, at no cost to the Waterfront Department.

5. Subject: Introduction Of Ordinance For A Lease Agreement With Brophy and Sons, Inc. (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Brophy and Sons, Inc., Doing Business As The Store At Brophy's, for the Retail Space at 119-C Harbor Way, Effective November 3, 2011.

6. Subject: Appropriation Of Federal Aviation Administration Airport Improvement Program Grants For Santa Barbara Airport (560.04)

Recommendation: That Council:

- A. Increase appropriations and estimated revenue by \$2,149,832 in the Airport's Grant Fund for Construction of Terminal, Phase IV, with \$2,042,340 to be funded from the FAA Airport Improvement Program (AIP) Grant No. 03-06-0235-43, and the City's 5% matching portion of \$107,492 to be funded from Airport reserves above policy; and
- B. Increase appropriations and estimated revenue by \$833,074 in the Airport's Grant Fund for Airport Master Plan, with \$791,420 to be funded from the FAA Airport Improvement Program (AIP) Grant No. 03-06-0235-44, and the City's 5% matching portion of \$41,654 to be funded from Airport reserves above policy.

7. Subject: Adopt Increase To Rates For Business Sector Recycling Services Effective October 1, 2011 (630.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution 11-048, Establishing Certain City Fees and Rescinding Resolution Nos. 10-044, 10-093, 10-097, and 10-100 by Increasing Rates for Business Sector Recycling Services, Effective October 1, 2011.

CONSENT CALENDAR (CONT'D)

8. **Subject: Set A Date For Public Hearing Regarding Appeal Of Single Family Design Board Approval For 860 Jimeno Road/1402 Grand Avenue (640.07)**

Recommendation: That Council:

- A. Set the date of October 11, 2011, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney representing Mike and Linda Cahill, of the Single Family Design Board approval of an application for property owned by Midwest Institution, LLC (Todd Drevo and Melanie Cava), located at 1402 Grand Avenue, Assessor's Parcel No. 029-110-036, A-1/E-1 One-Family Residence Zone, General Plan Designation: Residential 1 Unit per Acre, and for property owned by Joyce and Joe Yob and located at 860 Jimeno Road, Assessor's Parcel No. 029-110-037, E-1 One-Family Residence Zone, General Plan Designation: Residential 1 Unit per Acre. The project includes the construction of a detached two-car garage, the installation of automatic gates at the driveway entry, the landscaping screening of Alan block walls south of the driveway, landscaping of an as-built turnaround area, and the relocation of the property line fence for the 1402 Grand Avenue property, and alterations, including window and door changes, to the house at 860 Jimeno Road; and
- B. Set the date of October 10, 2011, at 1:30 p.m. for a site visit to the property located at 860 Jimeno Road and 1402 Grand Avenue.

NOTICES

9. The City Clerk has on Thursday, September 22, 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.
10. City Advisory Groups Recruitment
 - A. The City Clerk's Office will accept applications through Monday, October 17, 2011, at 5:30 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Thursday, September 29, 2011;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, November 1, 2011, at 2:00 p.m. (Estimated Time), Tuesday, November 15, 2011, at 6:00 p.m., and Tuesday, November 22, 2011, at 2:00 p.m. (Estimated Time); and
 - C. The City Council will make appointments to fill vacancies on various City Advisory Groups on Tuesday, December 13, 2011.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Solar Design Recognition Awards 2011 (630.06)

Recommendation: That Council grant the 2011 Solar Design Recognition Awards.

PUBLIC HEARINGS

12. Subject: Appeal Of The Parks And Recreation Commission Action To Deny The Removal Of Two Street Trees Located At 21 North Milpas Street (570.08)

Recommendation: That Council deny the appeal filed by Beverly Iles, and uphold the Parks and Recreation Commission decision to deny the removal of two Ficus nitida (Indian Laurel Fig Trees) located in tree wells at 21 North Milpas Street.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING August 22, 2011 903 W. MISSION STREET

CALL TO ORDER

Mayor Pro Tempore Bendy White called the meeting to order at 1:45 p.m.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Randy Rowse, Michael Self, Mayor Pro Tempore White.

Councilmembers absent: Dale Francisco, Grant House, Mayor Helene Schneider.

Staff present: Assistant City Administrator/Community Development Director Paul Casey, City Attorney Stephen P. Wiley.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, August 18, 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: 903 W. Mission Street

Recommendation: That Council make a site visit to the property located at 903 W. Mission Street, which is the subject of an appeal hearing scheduled for August 23, 2011, at 2:00 p.m.

Discussion:

Staff provided a detailed overview of the project site, including the setbacks. The proposed construction and a required modification were also discussed. The Council visited the backyard of the home.

ADJOURNMENT

Mayor Pro Tempore White adjourned the meeting at 2:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST: _____

BENDY WHITE
MAYOR PRO TEMPORE

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 23, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore White.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Mayor Pro Tempore White.

Councilmembers absent: Dale Francisco, Mayor Helene Schneider.

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

PUBLIC COMMENT

Speakers: Bill Pintard, representing The Forresters; Wayne Scoles; David Daniel Diaz; Ron Paris; Scott Wenz, Cars Are Basic; Kenneth Loch; Bob Hansen.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Rowse stated he would abstain from voting on the following item due to a conflict of interest related to his ownership of a business located near the subject property.

11. Subject: Community Priority Designation For Antioch University At 602 Anacapa Street (640.09)

Recommendation: That Council find that the Antioch University development project at 602 Anacapa Street meets the definition of a Community Priority Project, and grant the project a Final Community Priority Designation for an allocation of 2,671 square feet of nonresidential floor area.

Documents:

August 23, 2011, report from the Assistant City Administrator/Community Development Director.

Motion:

Councilmembers House/Hotchkiss to approve the recommendation.

Vote:

Unanimous voice vote (Abstention: Councilmember Rowse; Absent: Councilmember Francisco, Mayor Schneider).

CONSENT CALENDAR (Item Nos. 1 – 10, 12, 15 and 16)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco, Mayor Schneider).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 14, 2011, and the special meeting of July 18, 2011.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance Amending Municipal Code Title 17, Chapter 17.36, Pertaining To Harbor Parking (550.08)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17, Chapter 36, of the Santa Barbara Municipal Code Pertaining to Parking in the Harbor Parking Lot.

Action: Approved the recommendation; Ordinance No. 5564.

3. Subject: Adoption Of Ordinance For A Lease Agreement With Santa Barbara Sailing Center (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease with Two Five-Year Options with Skip Abed, Doing Business as Santa Barbara Sailing Center, for the Boat Rental and Sailing Instruction Facility at 303 West Cabrillo Boulevard Adjacent to the Harbor Launch Ramp, Effective September 21, 2011.

Action: Approved the recommendation; Ordinance No. 5565; Agreement No. 23,860.

4. Subject: Adoption Of Ordinance For A Lease Agreement With Seacoast of Santa Barbara (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease with One Five-Year Option with Seacoast of Santa Barbara, Inc., for a 562 Square-Foot Yacht Brokerage Office at 125 Harbor Way, at an Initial Base Rent of \$1,817 Per Month, Effective September 21, 2011.

Action: Approved the recommendation; Ordinance No. 5566; Agreement No. 23,861.

5. Subject: July 2011 Investment Report (260.02)

Recommendation: That Council accept the July 2011 Investment Report.

Action: Approved the recommendation (August 23, 2011, report from the Finance Director).

6. Subject: Increase In Construction Change Order Authority For The MacKenzie Parking Lot Storm Water Infiltration Project (570.05)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the MacKenzie Parking Lot Storm Water Infiltration Project, City Contract No. 23,837, between Shaw Contracting, Inc., and the City, in the amount of \$181,609, for a total project expenditure authority of \$586,662.

Action: Approved the recommendation (August 23, 2011, report from the Public Works Director).

7. Subject: Contract For Design Of The Cabrillo Pavilion And Bathhouse Facility Assessment (570.05)

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services Agreement with Kruger Bensen Ziemer Architects, Inc., in an amount not to exceed \$199,660 for design and support services for the Cabrillo Pavilion and Bathhouse Facility Assessment, and approve expenditures of up to \$19,966 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 23,862 (August 23, 2011, report from the Public Works Director).

8. Subject: Contract For Construction Of The Ortega Groundwater Treatment Plant Rehabilitation And Improvements Project (540.10)

Recommendation: That Council:

- A. Reject the bid protest of GSE Construction Co., Inc., and award a contract to PCL Construction, Inc., in their low bid amount of \$5,076,296 for construction of the Ortega Groundwater Treatment Plant Rehabilitation and Improvements Project, Bid No. 3519;
- B. Authorize the Public Works Director to execute the contract with PCL Construction, Inc., and approve expenditures up to \$507,630 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Carollo Engineering in the amount of \$418,794 for design support services during construction, and approve expenditures of up to \$41,880 for extra services that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Penfield and Smith in the amount of \$630,576 for construction management services, and approve expenditures of up to \$63,058 for extra services that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to execute a contract with Systems Integrated in the amount of \$725,109.98 for Supervisory Control and Data Acquisition (SCADA) integration services, and approve expenditures of up to \$72,511 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,863 - 23,866 (August 23, 2011, report from the Public Works Director).

9. Subject: Contract For Conceptual Design Of The Police Station Replacement Project (320.01)

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services Agreement, in a form of agreement acceptable to the City Attorney, with Leach Mounce Architects in the amount of \$323,796 for conceptual design services for the Police Station Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$32,380 for extra services which may result from necessary changes in the scope of work.

Speakers:

Members of the Public: Kellam de Forest.

Action: Approved the recommendation; Agreement No. 23,867 (August 23, 2011, report from the Public Works Director and the Assistant City Administrator/Community Development Director).

10. Subject: Introduction Of Ordinance Establishing Bay View Circle As A One-Way Street (530.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Revising Section 10.60.030, Establishing Bay View Circle as a Counter-Clockwise One-Way Street.

Action: Approved the recommendation (August 23, 2011, report from the Public Works Director; proposed ordinance).

12. Subject: Set A Date For Public Hearing Regarding Appeal Of Parks And Recreation Commission Denial For 740 Flora Vista Drive (570.08)

Recommendation: That Council:

- A. Set the date of October 11, 2011, at 2:00 p.m. for hearing the appeal filed by Jeremiah and Julie Weiss of the Parks and Recreation Commission denial of an application for removal of a second setback tree on the property located at 740 Flora Vista Drive; and
- B. Set the date of October 10, 2011, at 1:30 p.m. for a site visit to the property located at 740 Flora Vista Drive.

Action: Approved the recommendations (August 4, 2011, letter of appeal).

Agenda Item Nos. 13 and 14 appear in the Redevelopment Agency minutes.

NOTICES

15. The City Clerk has on Thursday, August 18, 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.
16. Cancellation of the regular City Council meeting of August 30, 2011, and of the regular City Council and Redevelopment Agency meetings of September 6, 2011.

This concludes the Consent Calendar.

Councilmember Francisco entered the meeting at 2:25 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

17. Subject: Recycling Revenue Sharing Agreement Between The City Of Santa Barbara And County Of Santa Barbara (630.01)

Recommendation: That Council approve an agreement between the City and County of Santa Barbara for the processing of greenwaste and the processing and sharing of revenues and costs associated with commingled recyclables delivered to County facilities.

Documents:

- August 23, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Finance Director Robert Samario, City Attorney Stephen Wiley, Environmental Services Manager Matthew Fore, City Administrator James Armstrong.
- Republic Services: General Manager Stephen MacIntosh.
- County of Santa Barbara: Mark Schleich, Resource Recovery & Waste Management Deputy Director.

Motion:

Councilmembers Rowse/Francisco to approve the recommendation but direct Staff to return on an annual basis for Council's review of the issue; Agreement No. 23,868.

Vote:

Majority voice vote (Noes: Councilmembers Hotchkiss, Self; Absent: Mayor Schneider).

RECESS

4:21 p.m. - 4:33 p.m.

PUBLIC HEARINGS

20. Subject: Appeal Of The Architectural Board Of Review Final Approval Of 903 W. Mission Street (640.07)

Recommendation: That Council deny the appeal of Pamela Brandon and uphold the Architectural Board of Review Final Approval of the proposed accessory dwelling unit and new garage.

Documents:

- August 23, 2011, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Documentation submitted by the Appellant regarding the Architectural Board of Review's process, a potential conflict of interest violation, and the Upper Westside Neighborhood Watch group.
- August 18, 2011, letter from Susan Basham, Attorney representing the Applicant.
- October 18, 2010, letter from Don and Holly Haws.
- May 16, 2011, letter from Wayne and Karen Dorfman.
- August 8, 2011, letter from the Neighborhood Defense League of California.
- August 9, 2011, letter from the Citizens Planning Association.
- August 16, 2011, letter from Armando Rivera.
- August 17, 2011, letter from the Allied Neighborhoods Association.
- August 19, 2011, e-mail communication from Nydia De Nova, Sue Young.
- Petitions opposing the project.
- Postcard supporting the project, received from 11 residents.
- Copies of street file information for homes located in the 800 and 900 blocks of West Mission Street, submitted by Sue Young.

Public Comment Opened:

4:34 p.m.

Speakers:

- Staff: Assistant Planner Kelly Brodison, City Attorney Stephen Wiley.
- Appellant: Pam Brandon.
- Architectural Board of Review: Member Keith Rivera, Chair Christopher Manson-Hing.
- Applicant: Attorney Susan Basham, Architect Clay Aurell.

(Cont'd)

20. (Cont'd)

Speakers (Cont'd):

- Members of the Public: Trixie Lettieri; Jack Ferguson; Sue Young; T.J. Ferguson; Mary Louise Days; Laurel Perez; Kevin Dumain; Keala Anderson; Jill Dumain; Kellam de Forest; Don Haws; Wanda Livernois; Jim Westby, Neighborhood Defense League of California; Rick Hanney.

Public Comment Closed:

6:15 p.m.

Motion:

Councilmembers Hotchkiss/House to approve the recommendation, denying the appeal and upholding the Architectural Board of Review's approval of the project.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Self; Absent: Mayor Schneider).

CHANGES TO THE AGENDA

Items Continued to Future Date

City Administrator Armstrong advised that the following items would be rescheduled for a future date:

18. Subject: City Fleet Operations Program (330.05)

Recommendation: That Council receive a presentation on the City's Fleet Operations Program.

19. Subject: Capital Improvement Projects: Annual Report For Fiscal Year 2011 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects for the Fourth Quarter of Fiscal Year 2011.

ADJOURNMENT

Mayor Pro Tempore White adjourned the meeting at 6:52 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
August 30, 2011
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on August 30, 2011, was cancelled by the Council on November 9, 2010.

The next regular meeting of the City Council is scheduled for September 13, 2011, at 2:00 p.m. in the Council Chamber.

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
September 6, 2011
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on September 6, 2011, was cancelled by the Council on November 9, 2010.

The next regular meeting of the City Council is scheduled for September 13, 2011, at 2:00 p.m. in the Council Chamber.

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: September 27, 2011
TO: Mayor and Councilmembers
FROM: Treasury Division, Finance Department
SUBJECT: August 2011 Investment Report

RECOMMENDATION:

That Council accept the August 2011 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of August 31, 2011.

ATTACHMENT: August 2011 Investment Report
PREPARED BY: Jill Taura, Treasury Manager
SUBMITTED BY: Robert Samario, Finance Director
APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
August 31, 2011

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

8/1 LAIF Deposit - City	\$ 3,000,000
8/4 LAIF Deposit - City	1,000,000
8/8 LAIF Deposit - City	2,000,000
8/15 LAIF Deposit - City	2,500,000
8/18 LAIF Deposit - City	1,000,000
8/23 LAIF Deposit - City	4,000,000
8/26 LAIF Deposit - City	1,000,000
8/31 LAIF Deposit - City	1,000,000
Total	\$ 15,500,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

8/5 Federal National Mortgage Association (FNMA) - Call	\$ (2,000,000)
8/10 LAIF Withdrawal - City	(2,000,000)
8/11 LAIF Withdrawal - City	(1,500,000)
8/15 Federal Home Loan Bank (FHLB) - Call	(1,995,000)
8/22 Federal Home Loan Mortgage Corp (FHLMC) - Call	(1,500,000)
8/25 Federal Home Loan Bank (FHLB) - Call	(2,000,000)
8/26 Federal Home Loan Bank (FHLB) - Call	(2,000,000)
8/29 LAIF Withdrawal - City	(1,500,000)
Total	\$ (14,495,000)

ACTIVITY TOTAL

\$ 1,005,000

INTEREST REVENUE

POOLED INVESTMENTS

Interest Earned on Investments	\$ 254,613
Amortization	(15,650)
Interest on SBB&T Accounts	158
Total	\$ 239,122

TOTAL INTEREST EARNED

\$ 239,122

CITY OF SANTA BARBARA

Investment Portfolio

August 31, 2011

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY MOODY'S	RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.408	0.408	47,000,000.00	47,000,000.00	47,000,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.408	0.408	0.00	0.00	0.00	0.00	
Subtotal, LAIF							47,000,000.00	47,000,000.00	47,000,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/09	11/18/11	-	-	1.750	1.750	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AA+	2.250	2.120	2,000,000.00	2,001,623.56	2,025,780.00	24,156.44	
FEDERAL FARM CREDIT BANK	10/28/10	10/28/15	Aaa	AA+	1.540	1.540	2,000,000.00	2,000,000.00	2,003,920.00	3,920.00	Callable 10/28/11, then cont.
FEDERAL FARM CREDIT BANK	12/10/10	12/08/14	Aaa	AA+	1.500	1.662	2,000,000.00	1,996,613.13	2,004,520.00	7,906.87	Callable 12/08/11, then cont.
FEDERAL FARM CREDIT BANK	02/02/11	02/02/15	Aaa	AA+	2.000	2.000	1,500,000.00	1,500,000.00	1,507,905.00	7,905.00	Callable 02/02/12, then cont.
FEDERAL FARM CREDIT BANK	02/10/11	02/10/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,042,300.00	42,300.00	
FEDERAL FARM CREDIT BANK	03/09/11	03/09/16	Aaa	AA+	2.600	2.621	2,000,000.00	1,998,955.56	2,024,740.00	25,784.44	Callable 03/09/12, then cont.
FEDERAL FARM CREDIT BANK	12/15/10	12/15/15	Aaa	AA+	2.480	2.480	2,000,000.00	2,000,000.00	2,011,820.00	11,820.00	Callable 12/15/11, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AA+	2.000	2.002	2,000,000.00	2,000,000.00	2,014,240.00	14,240.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AA+	2.600	2.600	2,000,000.00	2,000,000.00	2,069,280.00	69,280.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AA+	2.200	2.200	2,000,000.00	2,000,000.00	2,060,200.00	60,200.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AA+	2.125	2.125	2,000,000.00	2,000,000.00	2,029,920.00	29,920.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AA+	1.125	1.125	2,000,000.00	2,000,000.00	2,001,640.00	1,640.00	
FEDERAL FARM CREDIT BANK	04/30/10	04/09/15	Aaa	AA+	2.900	2.916	2,000,000.00	1,999,525.95	2,022,860.00	23,334.05	Callable 04/09/12, once
FEDERAL FARM CREDIT BANK	11/23/10	11/23/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,021,300.00	21,300.00	Callable 05/23/12, then cont.
FEDERAL FARM CREDIT BANK	02/16/11	02/16/16	Aaa	AA+	2.570	2.570	2,000,000.00	2,000,000.00	2,127,320.00	127,320.00	
FEDERAL HOME LOAN BANK	06/30/11	06/30/16	Aaa	AA+	1.300	2.297	2,000,000.00	2,000,000.00	2,005,640.00	5,640.00	SU 3% Callable 12/30/11, then qtrly
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AA+	4.375	2.110	1,700,000.00	1,728,474.61	1,754,213.00	25,738.39	
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,068,960.00	68,960.00	
FEDERAL HOME LOAN BANK	08/05/10	09/12/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,051,900.00	51,900.00	
FEDERAL HOME LOAN BANK	06/30/11	06/30/16	Aaa	AA+	2.110	2.110	2,000,000.00	2,000,000.00	2,002,660.00	2,660.00	Callable 09/30/11, then qtrly
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AA+	3.125	2.440	2,000,000.00	2,029,522.11	2,123,900.00	94,377.89	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AA+	1.700	1.700	2,000,000.00	2,000,000.00	2,033,720.00	33,720.00	
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,071,900.00	71,900.00	
FEDERAL HOME LOAN BANK	06/29/10	10/29/12	Aaa	AA+	1.125	1.125	2,000,000.00	2,000,000.00	2,020,320.00	20,320.00	
FEDERAL HOME LOAN BANK	05/28/10	05/28/15	Aaa	AA+	2.000	2.653	2,000,000.00	2,000,000.00	2,039,820.00	39,820.00	SU 3.35%, Callable 11/28/12, once
FEDERAL HOME LOAN BANK	06/30/10	06/30/14	Aaa	AA+	1.125	2.277	2,000,000.00	2,000,000.00	2,002,740.00	2,740.00	SU 3% Callable 12/30/11, once
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AA+	4.375	2.272	2,000,000.00	2,081,315.21	2,162,900.00	81,584.79	
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AA+	3.125	2.130	2,000,000.00	2,043,396.32	2,123,900.00	80,503.68	

CITY OF SANTA BARBARA

Investment Portfolio

August 31, 2011

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN BANK	03/26/10	06/08/12	Aaa	AA+	1.375	1.325	2,000,000.00	2,000,755.45	2,017,680.00	16,924.55	
FEDERAL HOME LOAN BANK	02/09/11	01/29/15	Aaa	AA+	1.750	1.750	2,000,000.00	2,000,000.00	2,071,080.00	71,080.00	
FEDERAL HOME LOAN BANK	04/15/11	05/27/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,083,820.00	83,820.00	
FEDERAL HOME LOAN BANK	06/30/11	06/30/16	Aaa	AA+	2.200	2.200	2,000,000.00	2,000,000.00	2,002,560.00	2,560.00	Callable 09/30/11, then cont.
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AA+	2.125	1.699	2,000,000.00	2,008,721.31	2,039,720.00	30,998.69	
FEDERAL HOME LOAN MTG CORP	11/23/10	11/23/15	Aaa	AA+	1.750	1.845	2,000,000.00	1,997,950.00	2,005,940.00	7,990.00	Callable 11/23/11, once
FEDERAL HOME LOAN MTG CORP	01/06/11	02/25/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,045,260.00	45,260.00	
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AA+	1.000	2.420	2,000,000.00	1,973,875.19	2,012,160.00	38,284.81	
FEDERAL HOME LOAN MTG CORP	03/26/10	04/25/12	Aaa	AA+	1.125	1.197	1,000,000.00	999,537.62	1,005,740.00	6,202.38	
FEDERAL HOME LOAN MTG CORP	02/11/11	04/02/14	Aaa	AA+	4.500	1.615	2,000,000.00	2,144,877.10	2,200,820.00	55,942.90	
FEDERAL NATL MORTGAGE ASSN	02/17/11	02/17/16	Aaa	AA+	2.500	2.500	2,000,000.00	2,000,000.00	2,022,260.00	22,260.00	Callable 02/17/12, once
FEDERAL NATL MORTGAGE ASSN	06/07/11	03/07/16	Aaa	AA+	2.075	2.075	2,000,000.00	2,000,000.00	2,024,260.00	24,260.00	Callable 06/07/12, once
FEDERAL NATL MORTGAGE ASSN	07/05/11	07/05/16	Aaa	AA+	2.200	2.200	2,000,000.00	2,000,000.00	2,010,460.00	10,460.00	Callable 01/05/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	07/19/11	07/19/16	Aaa	AA+	1.900	2.106	1,000,000.00	1,000,000.00	1,005,460.00	5,460.00	SU 2%-3.5%, Call 01/19/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	08/10/10	08/10/15	Aaa	AA+	2.000	2.055	2,000,000.00	1,997,551.67	2,035,140.00	37,588.33	Callable 08/10/12, once
FEDERAL NATL MORTGAGE ASSN	11/17/10	11/17/14	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,045,980.00	45,980.00	
FEDERAL NATL MORTGAGE ASSN	12/28/10	12/28/15	Aaa	AA+	2.000	2.011	2,000,000.00	1,999,675.00	2,010,260.00	10,585.00	Callable 12/28/11, once
FEDERAL NATL MORTGAGE ASSN	04/11/11	04/11/16	Aaa	AA+	2.500	2.500	2,000,000.00	2,000,000.00	2,025,820.00	25,820.00	Callable 04/11/12, once
FEDERAL NATL MORTGAGE ASSN	06/27/11	06/27/16	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,029,580.00	29,580.00	Callable 06/27/13, once
FEDERAL NATL MORTGAGE ASSN	09/09/10	09/09/15	Aaa	AA+	1.850	1.871	2,000,000.00	1,999,955.56	2,000,660.00	704.44	Callable 09/09/11, once
FEDERAL NATL MORTGAGE ASSN	09/21/10	09/21/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,093,780.00	93,780.00	
FEDERAL NATL MORTGAGE ASSN	12/10/10	10/26/15	Aaa	AA+	1.625	2.067	2,000,000.00	1,965,230.18	2,061,700.00	96,469.82	
FEDERAL NATL MORTGAGE ASSN	04/18/11	04/18/16	Aaa	AA+	2.500	2.500	2,000,000.00	2,000,000.00	2,060,840.00	60,840.00	Callable 04/18/13, once
FEDERAL NATL MORTGAGE ASSN	06/29/11	12/29/14	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,011,340.00	11,340.00	Callable 03/29/12, once
Subtotal, Federal Agencies							<u>101,200,000.00</u>	<u>101,467,555.53</u>	<u>103,352,638.00</u>	<u>1,885,082.47</u>	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN	12/15/10	12/15/15	Aa2	AA+	2.450	2.530	2,000,000.00	1,993,566.67	2,059,660.00	66,093.33	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	Aa2	AA+	2.250	2.250	2,000,000.00	2,000,000.00	2,011,660.00	11,660.00	
GENERAL ELECTRIC CAPITAL CORP	01/07/11	01/07/14	Aa2	AA+	2.100	2.100	2,000,000.00	2,000,000.00	2,027,620.00	27,620.00	
PRES & FELLOWS OF HARVARD COLL	07/12/11	01/15/14	Aaa	AAA	5.000	1.000	2,000,000.00	2,186,953.18	2,198,540.00	11,586.82	
Subtotal, Corporate Securities							<u>8,000,000.00</u>	<u>8,180,519.85</u>	<u>8,297,480.00</u>	<u>116,960.15</u>	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	5,962,504.03	5,962,504.03	5,962,504.03	0.00	
Subtotal, SBA Note							<u>5,962,504.03</u>	<u>5,962,504.03</u>	<u>5,962,504.03</u>	<u>0.00</u>	
TOTALS							<u>164,162,504.03</u>	<u>164,610,579.41</u>	<u>166,612,622.03</u>	<u>2,002,042.62</u>	

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



Agenda Item No. _____

File Code No. 550.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 27, 2011

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Waive Formal Bid Requirements And Authorize Purchase Order For Digital Payment Technologies Parking Equipment

RECOMMENDATION:

That Council find it in the City's best interest to waive the formal bid process, as authorized by Municipal Code Section 4.52.070 (L), and authorize the General Services Manager to issue a purchase order to Digital Payment Technologies Corporation as the most favorable source for providing the City with eight self-pay parking stations for Waterfront Department parking lots in an amount not to exceed \$76,000.

DISCUSSION:

Waterfront Department staff has been researching self-pay parking stations to upgrade the self-service Honor Fee systems (cash pay boxes) in the Harbor West, Garden Street, Palm Park, Cabrillo East and Cabrillo West parking lots.

In February 2011, City Purchasing put the parking equipment out to bid to several companies that provide self-pay parking stations that accept credit cards in addition to cash and coins. Digital Payment Technologies (DPT) was the only and successful bidder.

The self-service payment device from DPT is known as the "Luke" system. DPT's Luke parking station is capable of accepting cash, coin, and credit/debit cards. It is compliant with Americans with Disabilities Act (ADA) regulations and Payment Card Industry (PCI) requirements. Due to its ability to accept credit/debit cards and interface with the Department's computer network, the Luke system has the capability to increase revenue control and significantly enhance efficiency in the Waterfront self-service parking lots. The Luke systems are currently used at UCSB and the systems have also been installed by many cities including Glendale, Huntington Beach, Beverly Hills, and Santa Monica.

Council Agenda Report

Waive Formal Bid Requirements and Authorize Purchase Order For Digital Payment Technologies Parking Equipment

September 27, 2011

Page 2

The first two Luke machines cost approximately \$20,000. The machines were installed in the Harbor West parking lot and began operating on July 1, 2011. Approximately half of the payments in the Harbor West parking lot are now made by credit card and the system has reduced staff time associated with monitoring the lot and tracking the payments by 50%.

Staff plans to install self-pay parking systems in the remaining four Honor Fee lots (Garden Street, Palm Park, Cabrillo East and Cabrillo West) incrementally. In order to maintain consistency of self-pay parking systems in Waterfront Honor Fee lots, staff is requesting to waive the formal bid process and continue with the Luke machines from DPT as the most favorable source for providing the machines. Digital Payment Technologies has submitted a proposal for eight more machines at a cost of \$75,011. These machines will be installed in the Garden Street and Palm Park lots with a possible additional machine for the Harbor West lot. Staff does not intend to install the machines in staffed lots such as Stearns Wharf, Leadbetter and the main Harbor lot.

When the Luke system is implemented in the remaining Honor Fee lots, cost savings is projected be \$50,000 annually and the project should pay for itself within one to two years following the installation in all five lots. Funding of \$160,000 for the Luke system upgrade is included in the Waterfront Capital Improvement Program (CIP).

PREPARED BY: Scott Riedman, Interim Waterfront Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 27, 2011

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Service Agreement With ECCO Wireless

RECOMMENDATION:

That Council approve a four-year service agreement with ECCO Wireless USA, Inc. providing wireless internet service to the Harbor area users on a subscription basis, at no cost to the Waterfront Department.

DISCUSSION:

Internet service is currently available to all slips in the harbor via Cox Communications. However, the internet service Cox provides is not practical for visiting boaters. In April 2011, Waterfront Department staff issued a Request for Proposals (RFP) to select an additional internet provider for the harbor. The purpose of the RFP was to locate a wireless internet (WiFi) provider experienced in a marina environment that would provide its equipment and installation at no cost to the Waterfront Department. Proposals were received from ECCO Wireless and Foundation Telecommunications, Inc. ECCO has entered into a separate agreement with Cox Communication to provide access to the Cox Communications equipment.

After reviewing the proposals, staff determined that ECCO was the most responsive company, had the most extensive experience and the ability to meet the needs of the harbor area. The business terms of the proposed agreement are summarized as follows:

- **Term:** Three-year service agreement with a one-year option to renew;
- **Concession Fee Paid To Waterfront:** No fees for the first two years, \$50/month in year three, \$75/month in year four;
- **Service Options Paid By Subscribers:** \$4.95/hour, \$9.95/day or \$39.95/month, paid by the subscriber;
- ECCO shall at all times comply with all laws, statutes, ordinances, uniform codes, rules and regulations which govern, apply to the installation of the wireless system.

There is only a nominal fee from this concession, since the primary purpose of the WiFi service is to provide an amenity for Harbor users rather than a revenue source for the Department. The Harbor Commission recommended approval of the ECCO Wireless agreement at the September 15, 2011, meeting.

PREPARED BY: Scott Riedman, Interim Waterfront Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 27, 2011

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Introduction Of Ordinance For A Lease Agreement With Brophy And Sons, Inc.

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Brophy and Sons, Inc., Doing Business as The Store At Brophy's, for the Retail Space at 119-C Harbor Way, Effective November 3, 2011.

DISCUSSION:

Susan Bennett's corporation, Brophy and Sons, Inc., has leased the 521 square foot retail shop at 119-C Harbor Way, since assuming the lease agreement through a lease assignment process in November 2004. The current lease expired in July 2011, and the tenant has remained on holdover status, with the Department's approval, since that time. The rent is currently \$1,656 per month (\$3.17 per square foot) or 10% of gross sales, whichever is greater. The base rent is subject to annual CPI increases.

The Store at Brophy's carries T-shirts, sweatshirts and other merchandise imprinted with the Brophy's logo. Additionally, "The Store" carries casual clothing, sandals, sunglasses, beach bags, hats, sunglasses and jewelry.

The basic lease terms of the proposed lease are as follows:

- **Term:** Five years with one five-year option to extend
- **Rent:** \$1,656 or 10% of gross sales, whichever is greater (no change)
- **Permitted uses:** Tenant shall use the Premises primarily for a clothing store in which at least seventy-five (75%) of the value of the inventory shall consist of clothing.

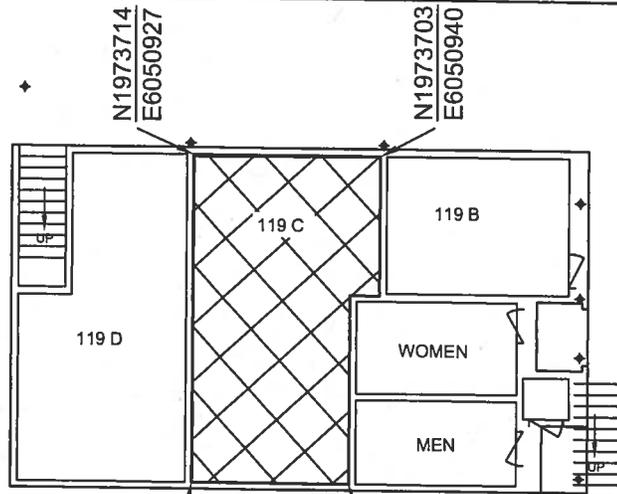
Since the lease is with a corporation (Brophy & Sons, Inc.), Ms. Bennett has signed the City's personal guaranty. All other terms of the lease remain unchanged. The Harbor Commission recommended approval of the Brophy and Sons, Inc. lease agreement at the September 15, 2011, meeting.

ATTACHMENT: Site Plan

PREPARED BY: Scott Riedman, Interim Waterfront Director

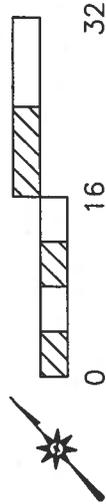
APPROVED BY: City Administrator's Office

First Floor Plan
 119 #C Harbor Way
 Lease Area - 521 S.F.

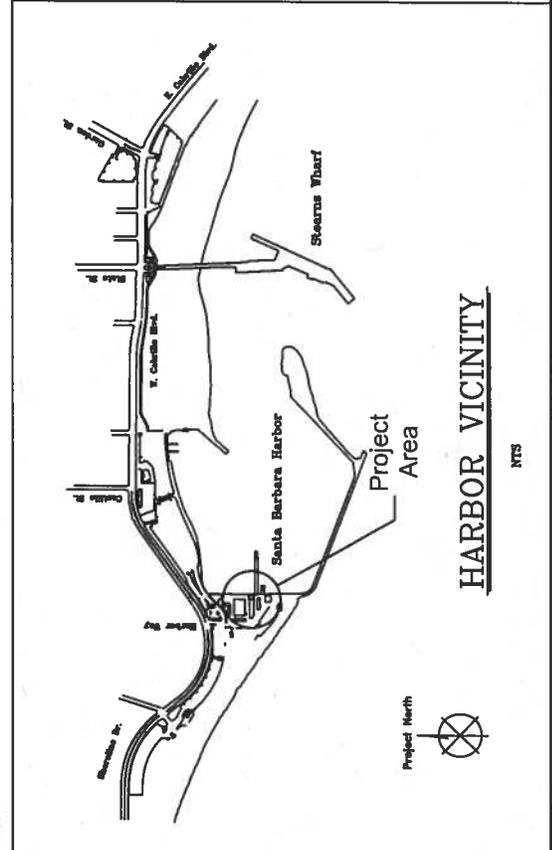


N1973693
E6050908

N1973684
E6050918



Scale (Feet)



HARBOR VICINITY

NTS

REVISIONS

DATE: 8/17/2011	APPROVED BY: S. Flechtman	DRAWN BY: T. Lawler
ADDRESS: 119-C Harbor Way		SHEET NO. 1 of 1
	City of Santa Barbara	DRAWING NO. 1190-021
	Waterfront Department	

Exhibit A Lease Area
 Brophy & Sons, Inc.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A FIVE-YEAR LEASE AGREEMENT WITH ONE FIVE-YEAR OPTION WITH BROPHY AND SONS, INC., DOING BUSINESS AS THE STORE AT BROPHY'S, FOR THE RETAIL SPACE AT 119-C HARBOR WAY, EFFECTIVE NOVEMBER 3, 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 lease with one five-year option with Brophy and Sons, Inc., for the retail space at 119-C Harbor Way, effective November 3, 2011, is hereby approved.



Agenda Item No. _____

File Code No. 560.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 27, 2011

TO: Mayor and Councilmembers

FROM: Administration, Airport Department

SUBJECT: Appropriation Of Federal Aviation Administration Airport Improvement Program Grants For Santa Barbara Airport

RECOMMENDATION: That Council:

- A. Increase appropriations and estimated revenue by \$2,149,832 in the Airport's Grant Fund for Construction of Terminal, Phase IV, with \$2,042,340 to be funded from the FAA Airport Improvement Program (AIP) Grant No. 03-06-0235-43, and the City's 5% matching portion of \$107,492 to be funded from Airport reserves above policy; and
- B. Increase appropriations and estimated revenue by \$833,074 in the Airport's Grant Fund for Airport Master Plan, with \$791,420 to be funded from the FAA Airport Improvement Program (AIP) Grant No. 03-06-0235-44, and the City's 5% matching portion of \$41,654 to be funded from Airport reserves above policy.

DISCUSSION:

Background

On March 15, 2011, Council authorized the Airport Director to execute, upon receipt, Airport Improvement Program grant offers from the Federal Aviation Administration for two projects for the Federal Fiscal Year 2011 allocation: the Airline Terminal Project and development of an Airport Master Plan. At that time, it was anticipated that FAA, working under Congressional Continuing Resolutions would distribute grants in late spring and early summer 2011. However, the Los Angeles District office postponed sending the AIP grants out to various airports until late August and early September.

Airport Improvement Grants

The first grant, AIP-43 in the amount of \$2,149,832, will be used for relocating the old Terminal, constructing roadways and ramp improvements for the new terminal project. The original budget for the Airline Terminal Project included approximately \$12,500,000 in Airport Improvement Program grants. With this grant, the Airport has received \$12,225,055 in AIP grants for the new Airline Terminal project.

The second grant, AIP-44 totaling \$833,074, is a Planning Grant for an Airport Master Plan. The FAA requires that airports maintain a Master Plan, and the Plans are updated every 5 to 10 years. The Airport's Master Plan was last updated in 2001. The Plan will

consider several issues including, but not limited to, the relocation of all general aviation facilities and services to the northern portion of the airfield, enhanced circulation and safety of the Airport's taxiway system, and Airline Terminal short and long term parking.

BUDGET/FINANCIAL INFORMATION:

Under the Airport Improvement Program the Airport is eligible to receive a total of \$2,754,840 in Entitlement grants for Federal Fiscal Year 2011. The FAA has additional funding available and has included \$78,920 in Discretionary funding for a total of \$2,833,760 in federal funds for the two grants. The City's matching share is 5% or \$149,146 for total project funding of \$2,982,906. The City's 5% match will be funded from Airport reserves above policy requirements.

PREPARED BY: Hazel Johns, Assistant Airport Director

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 630.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 27, 2011

TO: Mayor and Councilmembers

FROM: Environmental Services Division, Finance Department

SUBJECT: Adopt Increase To Rates For Business Sector Recycling Services
Effective October 1, 2011

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution 11-048, Establishing Certain City Fees and Rescinding Resolution Nos. 10-044, 10-093, 10-097, and 10-100 by Increasing Rates for Business Sector Recycling Services, Effective October 1, 2011.

DISCUSSION:

At its September 13, 2011 meeting, Council held a public hearing, as required by State law regarding proposed increases to business sector recycling services effective October 1, 2011. No written or verbal protests were received. Following the public hearing, Council voted 6-1 to move the proposed rates for business sector recycling services forward. A resolution for the adoption of the proposed increases is required. The proposed increases would take effect October 1, 2011.

BUDGET/FINANCIAL INFORMATION

Staff anticipates that the proposed rate increases would generate approximately \$450,000 for the Solid Waste Fund between October 1, 2011 and June 30, 2012.

PREPARED BY: Matt Fore, Environmental Services Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 11-048, ESTABLISHING CERTAIN CITY FEES AND RESCINDING RESOLUTION NOS. 10-044, 10-093, 10-097, AND 10-100 BY INCREASING RATES FOR BUSINESS SECTOR RECYCLING SERVICES, EFFECTIVE OCTOBER 1, 2011

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

SECTION 1. Resolution No. 11-048, establishing certain City fees and rescinding resolution nos. 10-044, 10-093, 10-097, and 10-100 is hereby amended by increasing rates for Business Sector Recycling Services for which fees are in effect, effective October 1, 2011.

CITY OF SANTA BARBARA MONTHLY FRANCHISE SOLID WASTE COLLECTION RATES PROPOSED EFFECTIVE DATE October 1, 2011												
Business Collection Services-Monthly Rates												
Container Type	Number of Collections per Week										Extra-Pickup (per-cent)	Extra Pickup
	1	2	3	4	5	6	7					
Trash	32 gallon	Can	\$21.00	\$42.00	\$63.00	\$84.00	\$105.00	\$126.00	\$147.00	\$178.00	\$200.00	\$5.78
Trash	32 gallon	Cart	\$21.00	\$42.00	\$63.00	\$84.00	\$105.00	\$126.00	\$147.00	\$178.00	\$200.00	\$5.78
Trash	64 gallon	Cart	\$40.95	\$81.90	\$122.85	\$163.80	\$204.75	\$245.70	\$286.65	\$327.60	\$368.55	\$11.26
Trash	96 gallon	Cart	\$60.89	\$121.78	\$182.67	\$243.56	\$304.45	\$365.34	\$426.23	\$487.12	\$548.01	\$16.74
Trash	1.5 cubic yard	Dumpster	\$111.70	\$223.40	\$335.10	\$446.80	\$558.50	\$670.20	\$781.90	\$893.60	\$1,005.30	\$30.72
Trash	2 cubic yard	Dumpster	\$148.72	\$297.44	\$446.16	\$594.88	\$743.60	\$892.32	\$1,041.04	\$1,189.76	\$1,338.48	\$40.90
Trash	3 cubic yard	Dumpster	\$222.78	\$445.56	\$668.34	\$891.12	\$1,113.90	\$1,336.68	\$1,559.46	\$1,782.24	\$2,005.02	\$61.26
Trash	4 cubic yard	Dumpster	\$296.83	\$593.66	\$890.49	\$1,187.32	\$1,484.15	\$1,780.98	\$2,077.81	\$2,374.64	\$2,671.47	\$81.63
Trash Compacted	1.5 cubic yard	Dumpster	\$333.86	\$667.72	\$1,001.58	\$1,335.44	\$1,669.30	\$2,003.16	\$2,337.02	\$2,670.88	\$3,004.74	\$91.81
Trash Compacted	2 cubic yard	Dumpster	\$444.94	\$889.88	\$1,334.82	\$1,779.76	\$2,224.70	\$2,669.64	\$3,114.58	\$3,559.52	\$4,004.46	\$122.36
Trash Compacted	3 cubic yard	Dumpster	\$667.10	\$1,334.20	\$2,001.30	\$2,668.40	\$3,335.50	\$4,002.60	\$4,669.70	\$5,336.80	\$6,003.90	\$183.45
Recycling	32 gallon	Can	\$4.76	\$9.52	\$14.28	\$19.04	\$23.80	\$28.56	\$33.32	\$38.08	\$42.84	\$0.96
Recycling	32 gallon	Cart	\$4.76	\$9.52	\$14.28	\$19.04	\$23.80	\$28.56	\$33.32	\$38.08	\$42.84	\$0.96
Recycling	64 gallon	Cart	\$9.49	\$18.98	\$28.47	\$37.96	\$47.45	\$56.94	\$66.43	\$75.92	\$85.41	\$1.91
Recycling	96 gallon	Cart	\$14.24	\$28.48	\$42.72	\$56.96	\$71.20	\$85.44	\$99.68	\$113.92	\$128.16	\$2.87
Recycling	1.5 cubic yard	Dumpster	\$17.16	\$34.32	\$51.48	\$68.64	\$85.80	\$102.96	\$120.12	\$137.28	\$154.44	\$3.41
Recycling	2 cubic yard	Dumpster	\$22.86	\$45.72	\$68.58	\$91.44	\$114.30	\$137.16	\$160.02	\$182.88	\$205.74	\$4.53
Recycling	3 cubic yard	Dumpster	\$34.23	\$68.46	\$102.69	\$136.92	\$171.15	\$205.38	\$239.61	\$273.84	\$308.07	\$6.77
Recycling	4 cubic yard	Dumpster	\$46.64	\$93.28	\$139.92	\$186.56	\$233.20	\$279.84	\$326.48	\$373.12	\$419.76	\$9.01
Greenwaste	32 gallon	Can	\$4.76	\$9.52	\$14.28	\$19.04	\$23.80	\$28.56	\$33.32	\$38.08	\$42.84	\$0.96
Greenwaste	32 gallon	Cart	\$4.76	\$9.52	\$14.28	\$19.04	\$23.80	\$28.56	\$33.32	\$38.08	\$42.84	\$0.96
Greenwaste	64 gallon	Cart	\$9.49	\$18.98	\$28.47	\$37.96	\$47.45	\$56.94	\$66.43	\$75.92	\$85.41	\$1.91
Greenwaste	96 gallon	Cart	\$14.24	\$28.48	\$42.72	\$56.96	\$71.20	\$85.44	\$99.68	\$113.92	\$128.16	\$2.87
Greenwaste	1.5 cubic yard	Dumpster	\$17.16	\$34.32	\$51.48	\$68.64	\$85.80	\$102.96	\$120.12	\$137.28	\$154.44	\$3.41
Greenwaste	2 cubic yard	Dumpster	\$22.86	\$45.72	\$68.58	\$91.44	\$114.30	\$137.16	\$160.02	\$182.88	\$205.74	\$4.53
Greenwaste	3 cubic yard	Dumpster	\$34.23	\$68.46	\$102.69	\$136.92	\$171.15	\$205.38	\$239.61	\$273.84	\$308.07	\$6.77
Greenwaste	4 cubic yard	Dumpster	\$46.64	\$93.28	\$139.92	\$186.56	\$233.20	\$279.84	\$326.48	\$373.12	\$419.76	\$9.01
Foodscraps	32 gallon	Cart	\$4.76	\$9.52	\$14.28	\$19.04	\$23.80	\$28.56	\$33.32	\$38.08	\$42.84	\$0.96
Foodscraps	64 gallon	Cart	\$9.49	\$18.98	\$28.47	\$37.96	\$47.45	\$56.94	\$66.43	\$75.92	\$85.41	\$1.91
Foodscraps	1.5 cubic yard	Dumpster	\$17.16	\$34.32	\$51.48	\$68.64	\$85.80	\$102.96	\$120.12	\$137.28	\$154.44	\$3.41
Foodscraps	2 cubic yard	Dumpster	\$22.86	\$45.72	\$68.58	\$91.44	\$114.30	\$137.16	\$160.02	\$182.88	\$205.74	\$4.53
Foodscraps	3 cubic yard	Dumpster	\$34.23	\$68.46	\$102.69	\$136.92	\$171.15	\$205.38	\$239.61	\$273.84	\$308.07	\$6.77
Foodscraps	4 cubic yard	Dumpster	\$46.64	\$93.28	\$139.92	\$186.56	\$233.20	\$279.84	\$326.48	\$373.12	\$419.76	\$9.01

SECTION 2. All other provisions of Council Resolution No. 11-048 not inconsistent with this amendment shall remain unchanged.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 27, 2011

TO: Mayor and Councilmembers

FROM: Community Development Department, Planning Division

SUBJECT: Solar Design Recognition Awards 2011

RECOMMENDATION:

That Council grant the 2011 Solar Design Recognition Awards.

DISCUSSION:

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

On July 17, 2007, Council held the first annual solar awards ceremony and presented the first set of award plaques and certificates. This year marks the fourth Solar Design Recognition Awards event. Awards are proposed in the following categories. Award recipients for each are in the attachment.

I. Active Solar Energy System Projects:

Not Publicly Visible Solar Energy System Projects

- Ideal Sites
- Flat-Roof Panel System

Design Challenge Publicly Visible Solar Energy System Projects

- Carefully Designed and Mounted Panel Systems

Special Challenge Solar Energy System Projects:

- Mission-Style Tile Roofs
- Historic District and Structures
- Commercial/Institutional

II. Passive Solar Energy System Projects

Staff consulted Stella Larson, member of the Planning Commission, to review the awards recommendations. As a result, staff recommends that property owners, applicants and solar contractors representing 96 projects identified as consistent with the Solar Guidelines be presented with certificates. Staff also recommends that plaques be awarded to the property owners of eleven of those projects selected as best exemplifying the Solar Energy System Design Guidelines. The award plaques were created by Brian Chandler, a local artist who uses a magnifying glass to burn images onto wood using the sun's heat. Mr. Chandler hopes his artwork will inspire others to become more familiar with solar energy and to "take Earth-conscious action."

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

Staff also helps to orient the Architectural Board of Review, Historic Landmarks Commission, Single Family Design Board, and Planning Commission during hearings where solar energy systems are proposed as part of larger development projects. Staff advises the boards on how to comment within the framework of State statutory limitations. This can be especially challenging where proposals for alterations to historic structures are proposed. The Single Family Design Guidelines (SFDG) also encourage applicants to reserve approximately 300 square feet of roof space free of mechanical or rooftop equipment in a location where a solar energy system could be integrated with the structure. The Building and Safety Energy Ordinance and SFDG also encourage passive solar design principles.

SUSTAINABILITY IMPACT:

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

ATTACHMENT: List of Awards Recipients - 2011

PREPARED BY: Heather Baker, AICP, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

**2011 Active Solar Energy System
Recommended Award Plaque Recipients**

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

Flat Roof Panel System

3829 Lincoln Road

Owners: Christine Wong & Jeffrey Light

Contractor: Prime Solar

Ideal Site

4132 Hidden Oaks

Owner: Richard Nagy

Contractor: California Solar Electric

1930 Mission Ridge Road

Owner: Fulmer Family

Contractor: Ojai Solar Electric

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

Carefully Designed and Mounted Panel Systems

2211 Anacapa Street

Owners: James & Margaret Lombard

Contractor: Sun Pacific Solar

715, 719, 721 Laguna Street, 320 E. De La Guerra Street, 726 Garden Street

Owner: Housing Authority / City of SB

Contractor: Planet Solar

Westmont Road Project

Owner: Multiple

Contractor: Planet Solar

Building Integrated Technologies

(None this year)

Special Challenge Solar Energy System Projects

(Category 3)

Mission Tile

928 W. Mission Street

Owners: Frederick Powell & Susan Revoc

Contractor: REC Solar

Potential Historic Resource

234 W. Islay Street

Owner: Sempervirens Family

Contractor: REC Solar

Commercial Systems

609 E. Haley Street

Owner: Catholic Charities Services

Contractor: Bonterra

721 Cliff Drive

Owner: Santa Barbara City College

Contractor: Compass Energy Solutions

2011 Passive Solar Energy System Recommended Award Plaque Recipients

320 Victoria Street

Owner: Victoria Garden Mews

Contractors: Allen Associates & Solforce
Systems Inc.

Architect: Thompson Naylor Architects

**2011 Active Solar Energy System
Recommended Award Certificate Recipients**

Standard Solar Energy System Projects, Not Publicly Visible

(Category 1)

Ideal Sites

497 Mountain Drive

Owner: Loggins Family

Contractor: California Solar

60 Loma Media Road

Owners: Charles & Mickey Loepkey

Contractor: Coastal Constructors Inc.

736 Cima Linda Lane

Owners: Robert & Christine Emmons

Contractor: Erich Seibert Construction

30 Las Alturas Circle

Owner: Donald Vogt

Contractor: Mac's Solar and Pools

1985 Stanwood Drive

Owners: Robert & Hazel Anderson

Contractor: Rare Electric

2106 Red Rose Way

Owners: William Paxson & Lynne Sherman

Contractor: The Solar Energy Company

739 Palermo Drive

Owner: Jane Fredericks

Contractor: SolarCity

1525 Las Canoas Road

Owners: Karen Shapiro & Richard Applebaum

Contractor: Solforce Systems Inc.

1221 Las Canoas Road

Owners: Daniel & Paula Waldman

Contractor: Solar Electrical Systems

2435 Calle Almonte

Owner: Karin Hodin

Contractor: Solar Electrical Systems

2932 Cliff Drive

Owner: Dwelley-Landru Family

Contractor: Sun Pacific Solar

55 Alston Place

Owner: Schneider Family

Contractor: Sun Pacific Solar

730 Alameda Padre Serra

Owner: Johnson Family

Contractor: Sun Pacific Solar

900 Calle De Los Amigos

Owner: American Baptist Homes of the West

Contractor: Sun Pacific Solar

602 E Calle Laureles

Owner: Nicholas Koonce

Contractor: California Solar Electric

2333 Foothill Lane

Owner: Croft Family

Contractor: California Solar Electric

1021 San Diego Road

Owners: Todd Jacobs & Kathryn Patterson

Contractor: California Solar Electric

1666 Las Canoas Road

Owner: Rees Family

Contractor: California Solar Electric

1001 Arbolado Road

Owner: Pettitt Family

Contractor: REC Solar

1656 Las Canoas Road

Owner: Jeffrey Frank

Contractor: REC Solar

133 Santa Rosa Place

Owner: Stephanie Rivera

Contractor: REC Solar

201 Rametto Road

Owners: Vincent & Judy Mrstik

Contractor: REC Solar

841 De La Guerra Terrace

Owner: Vijay Sharma

Contractor: REC Solar

3705 Torino Drive

Owner: Mary Stoddard

Contractor: REC Solar

1059 Summit Road

Owner: Haimovitz Family

Contractor: REC Solar

1587 Las Canoas Road

Owner: Robert Palmer

Contractor: REC Solar

1122 Corto Camino Ontare

Owner: Curhan Family

Contractor: REC Solar

3207 Campanil Drive

Owner: Cappello Family

Contractor: Planet Solar

100 Las Alturas Road

Owner: Eric Schulte

Contractor: Planet Solar

1105 Las Alturas Road

Owner: Douglas Crawford

Contractor: Planet Solar

3711 Lido Way

Owner: Benjamin Spradley

Contractor: Planet Solar

818 Westmont Road

Owner: Chandra Mallampalli

Contractor: Planet Solar

1014 Westmont Road

Owner: Christian Hoeckley

Contractor: Planet Solar

1031 Westmont Road

Owner: Philip Fiscor

Contractor: Planet Solar

1124 Westmont Road

Owners: Gregory & Brenda Smith

Contractor: Planet Solar

Flat-Roof Panel System

411 E Carrillo Street

Owner: James Brous

Contractor: California Solar Electric

34 La Cumbre Circle

Owner: Ruth Jeppesen

Contractor: Planet Solar

Carefully Designed and Mounted Panel Systems**1201 West Valerio**

Owner: Ronald & Catherine Buckley

Contractor: Advanced Solar Electric

2235 State Street

Owner: Joachim & Dolly Fischer

Contractor: Ojai Solar Electric

682 Catania Way

Owners: John & Starshine Roshell

Contractor: SolarCity

4000 La Colina Way

Owner: Bishop Garcia Diego High School

Contractor: Sun Pacific Solar

3 Willowglen Place

Owner: Madsen Family

Contractor: Sunray Solar Electric

121 Northridge Road

Owner: Jones, Alan, & Adrienne Family

Contractor: California Solar Electric

311 Sherman Road

Owner: Dante Delucia

Contractor: California Solar Electric

1707 San Andres Street

Owner: Mazur Family

Contractor: REC Solar

1633 Overlook Lane

Owner: Stephen Mchugh

Contractor: REC Solar

434 Terrace Road

Owner: Jane Conoley

Contractor: REC Solar

809 Alston Lane

Owner: Raye Haskell

Contractor: REC Solar

521 N La Cumbre Road

Owner: Housing Authority / City of SB

Contractor: Planet Solar

141 Las Ondas

Owner: Neuenschwander Family

Contractor: Planet Solar

684 Circle Drive

Owners: Kenneth & Kim Kihlstrom

Contractor: Planet Solar

1351 Cliff Drive

Owner: Mark Benson

Contractor: Planet Solar

810 Westmont Road

Owner: Marianne Robina

Contractor: Planet Solar

915 Westmont Road

Owner: Maurice Lee

Contractor: Planet Solar

931 Westmont Road

Owner: Leonor Elias

Contractor: Planet Solar

805 Westmont Road

Owners: Matthew Brothers

Contractor: Planet Solar

1023 Westmont Road

Owner: Afman Family

Contractor: Planet Solar

724 Westmont Road

Owner: Thomas Neches

Contractor: Planet Solar

802 Westmont Road

Owner: Thomas Mitchell

Contractor: Planet Solar

1108 Westmont Road

Owners: Don & Kathleen Lesage

Contractor: Planet Solar

1116 Westmont Road

Owner: Jesse Covington

Contractor: Planet Solar

832 Westmont Road

Owner: Alister Chapman

Contractor: Planet Solar

840 Westmont Road

Owners: Richard & Barbara Pointer

Contractor: Planet Solar

850 Westmont Road

Owner: Westmont College

Contractor: Planet Solar

855 Westmont Road

Owners: Edd & Nancy Noelle

Contractor: Planet Solar

904 Westmont Road

Owner: Lewis Butler

Contractor: Planet Solar

905 Westmont Road

Owner: Sarah Yoder

Contractor: Planet Solar

912 Westmont Road

Owner: Stephen Contakes

Contractor: Planet Solar

920 Westmont Road

Owner: Helen Rhee

Contractor: Planet Solar

936 Westmont Road

Owner: Steven Rogers

Contractor: Planet Solar

944 Westmont Road

Owner: Robert Ochieng

Contractor: Planet Solar

952 Westmont Road

Owner: Westmont College

Contractor: Planet Solar

1006 Westmont Road

Owner: Andrew Mullen

Contractor: Planet Solar

1014 Westmont Road

Owners: Keith Yeager & Deborah Dunn

Contractor: Planet Solar

1039 Westmont Road

Owner: David Hunter

Contractor: Planet Solar

1049 Westmont Road

Owners: Thomas & Jerolyn Fikes

Contractor: Planet Solar

1052 Westmont Road

Owners: John & Victoria Blondell

Contractor: Planet Solar

1141 Westmont Road

Owners: Thomas & Jasmine Jayawardene

Contractor: Planet Solar

Building Integrated Technologies

(None this year)

Special Challenge Solar Energy System Projects

(Category 3)

Mission Tile

3043 Hermosa Road

Owner: Mark Sachau

Contractor: Electric Cal Partners

Historic District and Structures

1310 Mountain Avenue

Owner: Valente Family

Contractor: Planet Solar

Commercial/Institutional

702 Laguna Street

Tenant: Housing Authority / City of SB

Contractor: Planet Solar

**2011 Passive Solar
Recommended Award Certificate Recipients**

1204 San Miguel Avenue

Owner: Shail & Joanne Mehta

Architect: James Bell

Contractor: Parris Construction

2211 White Avenue

Owner: Oliviander LLC

Architect: Kent Mixon

Contractor: Deca Construction

1930 El Camino De La Luz

Owner: Scott Wiscomb

Architect: David Vanhoy

Contractor: Cornerstone Construction

1030 Arbolado Road

Owner: Steven Buchanan

Architect: Blackbird Architects

Contractor: Kenneth Hoffman

1102 Alameda Padre Serra

Owner: Anthony Turchi

Architect: Design Arc

Contractor: R M Construction



Agenda Item No. _____

File Code No. 570.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 27, 2011

TO: Mayor and Councilmembers

FROM: Parks Division, Parks and Recreation Department

SUBJECT: Appeal Of The Parks And Recreation Commission Action To Deny
The Removal Of Two Street Trees Located At 21 North Milpas Street

RECOMMENDATION:

That Council deny the appeal filed by Beverly Iles, and uphold the Parks and Recreation Commission decision to deny the removal of two Ficus nitida (Indian Laurel Fig Trees) located in tree wells at 21 North Milpas Street.

DISCUSSION:

Tree Removal Application

On March 28, 2011, the Parks and Recreation Department received a tree removal application from Beverley Iles for the Ficus trees located in tree wells adjacent to 21 North Milpas Street (Attachment 1). The basis for the applicant's tree removal request was that the trees are causing damage to a private property, including lifting of a private walkway due to tree roots and blocked roof drains due to the accumulation of leaves.

Background

Ficus trees were planted as City trees along Milpas Street in 1961. Today there are 65 Ficus trees, two of which are located in the parkway adjacent to 21 North Milpas Street. The trees are maintained by the City's Forestry Program. Regular maintenance includes watering and trimming. Root pruning is also undertaken, as needed, for sidewalk repairs. All of the Ficus trees on Milpas Street were last pruned in March 2011 as part of the City's annual tree maintenance program.

Santa Barbara Municipal Code (SBMC) Chapter 15.20 Trees and Maintenance, provides guidance for City trees. SBMC Section 15.20.110 establishes the process and considerations for removal of City trees. Pursuant to Municipal Code Section 15.20.110, a street tree requires review by the Director of Parks and Recreation who shall consider whether the removal would benefit the state of the urban forest. If the Director finds that

Council Agenda Report

Appeal Of The Parks And Recreation Commission Action To Deny The Removal Of Two Street Trees Located At 21 North Milpas Street

September 27, 2011

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the removal will not benefit the state of the urban forest and is not necessary for safety, the Director may deny the application. The Director may also refer the application to the Street Tree Advisory Committee (STAC) for further review. The STAC provides a recommendation to the Parks and Recreation Commission (Commission) based on the considerations specified under 15.20.110E3.

Pursuant to SBMC 15.20.110, considerations during the review of a tree removal application, include:

- Whether the tree is an official Historic or Specimen tree.
- Whether the tree species and placement conform to the "Master Street Tree Plan."
- The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy.
- The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property.
- Any beneficial effects upon adjacent trees to be expected from the proposed removal.

The Commission reviews the application materials and the STAC recommendation prior to taking action. Parks and Recreation Commission decisions on tree removal permit applications may be appealed to the City Council pursuant to SBMC 15.20.170.

Tree Removal Application Review

Beverly Iles' tree removal application was reviewed by the STAC at its April 7, 2011 regular meeting. The STAC reviewed materials submitted by the applicant and conducted a site visit. The STAC reviewed the Ficus tree closest to the building, determined the damaged private walkway could be repaired, and that leaf litter on the roof was an insufficient reason to remove the tree. The STAC determined the second Ficus tree is not currently causing any damage. The STAC also determined the trees could, through regular maintenance, be maintained to address safety concerns and prevent further damage. The STAC voted (2/1) to recommend that the Parks and Recreation Commission deny the tree removal application (Attachment 2).

The Parks and Recreation Commission considered the application and the STAC recommendation at its regular meeting on June 22, 2011. In addition to the considerations outlined in SBMC 15.20.110, the Commission discussed walkway repair options that would preserve the tree, the character of the Milpas Street tree canopy, and oversight the City Arborist would provide for root pruning of the City tree. The Commission voted (3/1) to concur with the STAC recommendation and thereby denied the tree removal application (Attachment 3). The Commission informed the applicant

Council Agenda Report

Appeal Of The Parks And Recreation Commission Action To Deny The Removal Of Two Street Trees Located At 21 North Milpas Street

September 27, 2011

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that if she chose to repair the private walkway, the tree roots could be pruned, and the City Arborist would determine at that time whether the root pruning would destabilize the tree to the degree that would necessitate its removal.

Appeal of the Parks and Recreation Commission's Decision

Ms. Iles is appealing the Parks and Recreation Commission's denial of her tree removal application on the basis that the roots from one of the trees have lifted the private walkway, that leaf litter causes roof leaks, and there is potential for future damage.

The Parks and Recreation Commission determined that with regular maintenance, the issues identified by the appellant can be addressed. The Commission took into account all the considerations for removal pursuant to SBMC 15.20.110 described above.

Claim For Damages

Ms. Iles filed a claim on March 28, 2011, with the Risk Management Division regarding damage to the private sidewalk and roof leaks. The Risk Management Division investigated the claim and determined that maintenance of private roof drains was the responsibility of the property owner, and grinding the concrete sidewalk would eliminate the elevated portions of the walkway. On May 11, 2011, the claim was denied. The Risk Management Division proposed a settlement that would cover the cost of grinding of raised concrete to make it flush.

RECOMMENDATION:

It is staff's position that the Parks and Recreation Commission considered all relevant issues pertaining to the tree removal application. Staff recommends that Council deny the appeal and uphold the decision of the Parks and Recreation Commission to deny the tree removal application.

- ATTACHMENTS:**
1. Tree Removal Application, dated March 27, 2011
 2. Street Tree Advisory Committee Meeting Minutes, April 7, 2011
 3. Parks & Recreation Commission Meeting Minutes, June 22, 2011
 4. Appeal letter and attachments, dated July 5, 2011

PREPARED BY: Tim Downey, Urban Forest Superintendent
Jill E. Zachary, Assistant Parks and Recreation Director

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

APPROVED BY: City Administrator's Office

Tim Downey *Ferris*
Arborist

564 5592



City of Santa Barbara
Parks and Recreation Department
STREET TREE REMOVAL APPLICATION

Mailing Address:
PO Box 1990
Santa Barbara, CA 93102
(805) 564-5433 FAX (805) 897-2524

Office Address:
402 E. Ortega St.
Santa Barbara, CA 93101

Application Fee: \$50 (effective July 1, 2010)

ATTACHMENT 1
CITY OF SANTA BARBARA
MAR 28 2011
PARK & RECREATION
PARKS DIVISION

DATE OF REQUEST:	March 27, 2011
APPLICANT:	Beverly ILES
ADJACENT OWNER NAME: (IF DIFFERENT THAN APPLICANT):	
MAILING ADDRESS:	6217 Cathedral Oaks Rd. Goleta 93117
DAYTIME PHONE:	(805) 964-4968
TREE LOCATION (Address):	21 No. Milpas St. S.B.
TREE SPECIES (IF KNOWN):	
REASON(S) FOR REMOVAL:	Causing damage to property, walkway & Roof

PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION

- > Property owner letter, indicating reasons for removal. Also include whether:
 - o The removal application is associated with new development or redevelopment of property
 - o Status of development application, including whether the project is scheduled for review by the Single Family Design Board, Architectural Board of Review or Historic Landmarks Commission
 - o The tree is a designated Specimen or Historic Tree
- > Photo of tree(s) proposed for removal
- > Development plan/Landscape plan

For Risk Management Use Only:

Received by _____ via _____

For City Clerk Use ATTACHMENT 1

U.S. Mail €
Interoffice Mail €
Over the Counter €

CLAIM FOR DAMAGES AGAINST THE CITY OF SANTA BARBARA

Be sure your claim is against the City of Santa Barbara and not another public entity. Where space is insufficient, please use additional paper and identify by paragraph number. Completed claims must be mailed or delivered to: The City Clerk, City of Santa Barbara, City Hall, De La Guerra Plaza/P.O. Box 1990, Santa Barbara, CA 93102.

The undersigned respectfully submits the following claim and information relative to damage to persons and/or property against the City of Santa Barbara in accordance with the provisions of CA Government Codes Section 910:

- 1. Name of Claimant: Beverly ILES
- a. Post Office Address of Claimant: 6217 Cathedral Oaks Rd.
- b. City: Goleta State: CA Zip: 93117
- c. Phone No: (Optional) 964-4968
- d. E-Mail Address (Optional): _____

2. Name, telephone number and post office to which claimant desires notices to be sent (if other than above):

3. Occurrence or event from which claim arises:

a. DATE: March 20 2011 b. TIME: _____

c. PLACE (specify or describe to allow investigator to locate; attach diagram, if possible):

21 No. Milpas St S.B. CA 93102

d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the damage or injury:

The tree belonging to the City is huge and caused damages to the sidewalk ramp @ 21 No. Milpas St causing the roots to crack the walkway and crack toward the building.

The roots need to be removed & the cement put back to allow pedestrians to use the walkway. The tree on your prop. Overhangs too far on the roof causing numerous leaves

e. What particular action by the City or its employees caused the alleged damage or injury? _____

To block the drainage system and cause flooding into the storm causing damage to the ceiling tiles. Also the pipes get blocked from the debris causing flooding at the parking lot. Tree needs to be removed it is too large for this location.

ATTACHMENT 1

4. Describe property damage, injury or loss, so far as is known at the time of this claim. If none, state "no injuries" or "no property damage."

Prop. damage due to the vents, pipes & parking lot and walkway cracked from the roots of your trees owned by the City.

5. Name(s) of the City employee(s) causing the damage and/or injury:

N/A

6. Name and address of any other person injured:

N/A

7. Name and address of the owner of any damaged property: Beverly Iles

6217 Cathedral Oaks Rd Colton Ca 93117

- 8. a. Amount of damages claimed as of this date:
b. Estimated future damages:
c. Total damages claimed:
d. Attach and describe the basis for calculation of damages claimed, including medical bills, invoices, estimates, payroll records, photographs, etc.:

c. If total damages exceed \$10,000, jurisdiction is in (check one):
Municipal court (claims up to \$25,000) [] or Superior court (claims over \$25,000) []

9. Names, addresses and phone numbers of all witnesses, hospitals, doctors, etc.:

- a.
b.
c.
d.

10. Any additional information that might be helpful in considering claim (attach any photographs and/or diagrams):

Both city trees need to be removed from the prop. at street sidewalk close to the road. The wind & rain cause the roof to be constantly covered with leaves blocking the roof drains to drain water.

11. If this is a claim for indemnity, on what date were you served with the underlying lawsuit? water.

12. Date: March 25, 2011

Signature of Claimant or Attorney for Claimant or Legal Guardian or Parent of Minor or Incapacitated Claimant



Date: 3/27/11

Requested by: Beverly Iles

Address: 6217 Cathedral Oaks Rd., Goleta, CA 93117

Location of Tree: 21 N. Milpas St.

Tree Species: (2) *Ficus microcarpa* 'Nitida' **Common Name:** Indian Laurel Fig

Requested Reason for Removal: Causing damage to property, walkway and roof.

Current designated Street Tree: *Melaleuca styphelioides*, Prickly Melaleuca

Advisory Committee Recommendation: *Approve Removal:* *Deny Removal:*

Staff Recommendation: *Approve Removal:* *Deny Removal:*

Date Posted: 6/14/11

Comments: The Committee recommends that the Commission deny the removals. The Committee determined that the damage can be mitigated with maintenance.

PHOTO INVENTORY





CITY OF SANTA BARBARA
PARKS AND RECREATION DEPARTMENT

ATTACHMENT 2

Street Tree Committee
REGULAR MEETING
Thursday, April 7, 2011
Parks Lunch Room
402 E. Ortega Street
8:30 a.m.

Minutes

1. CALL TO ORDER 8:33 AM
2. ROLL CALL
Members present: Karen Christman, Bob Cunningham, Carol Bornstein
Staff present: Tim Downey, Randy Fritz
P&R Commission Liaison present: Lesley Wiscomb
Members of the public: Des O'Neill, Beverly Iles, Raul Figueroa/Concrete Contractor, Steven Adrian, Robert Forouzandeh, Laura Pomerantz, Joe Chenoweth, Chris Gilliland
3. APPROVAL OF MINUTES
 - A. Regular Meeting, March 3, 2010 – Approved as amended

Member Carol Bornstein moved, seconded by Bob Cunningham that the March 3, 2011 Minutes be approved as amended, passed 3/0.

- B. Special Meeting, March 10, 2011 - Approved

Member Carol Bornstein moved, seconded by Bob Cunningham that the March 10, 2011 Minutes be approved as submitted, passed 3/0.

4. CHANGES TO THE AGENDA
 1. Take items A1, A3-A4, A7 and B1 before Member and Staff Communication.
5. MEMBER AND STAFF COMMUNICATION
 - A. PARKS AND RECREATION COMMISSION ACTIONS
 1. Tim reviewed the Commission actions.
 2. Tim updated on 320 Cooper Rd. – appeal was denied by City Council.
 3. Carol Bornstein shared an article about the million trees LA project.
6. PUBLIC COMMENT
None
7. NEW BUSINESS
 - A. TREE REMOVAL CONSIDERATIONS

STREET TREES

1. 21 N. Milpas St. – (2) *Ficus microcarpa 'Nitida'*, Indian Laurel Fig – Beverly Iles

Recommendation to deny

The Committee recommends that the Commission deny the removals.

Member Bob Cunningham moved, seconded by Carol Bornstein that the Commission deny the removals, passed 2/1. Member Karen Christman opposed.

2. 530 Flora Vista Dr. – *Schinus terebinthifolius*, Brazilian Pepper – Sierra Property Management

Recommendation to deny

The Committee recommends that the Commission deny the removal.

Member Carol Bornstein moved, seconded by Bob Cunningham that the Commission deny the removal, passed 3/0.

3. 1215 E. Cota St. – (2) *Callistemon citrinus*, Lemon Bottlebrush – Leslie Colasse

Recommendation to conditionally approve

The Committee recommends that the Commission approve the removals. The Committee recommends that the Commission approve on the condition the trees be replaced with an Oak tree on other side of walkway.

Member Bob Cunningham moved, seconded by Karen Christman that the Commission approve the removals on condition the trees be replaced with an Oak tree on other side of walkway, passed 3/0.

SETBACK TREES

4. 507 Brosian Way – (3) *Eucalyptus spp.*, Eucalyptus – Mike and Mehri Forouzandeh

Recommendation to conditionally approve

The Committee recommends that the Commission conditionally approve the removal. The Committee recommends approval on the condition the applicant agrees to replace with 3 minimum 30' trees on private property, within 100 yards of the existing trees.

Member Carol Bornstein moved, seconded by Bob Cunningham that the Commission conditionally approve the removals, passed 3/0.

5. 3074 Marilyn Way – *Jacaranda mimosifolia*, Jacaranda – Starr and Jack Garvey

Recommendation to conditionally approve

The Committee recommends that the Commission conditionally approve the removal. The Committee recommends approval on the condition the tree be replaced with a tree that can achieve 20' minimum height.

Member Bob Cunningham moved, seconded by Karen Christman that the Commission approve the removal on the condition the tree be replaced with a tree that can achieve 20' minimum height, passed 3/0.

6. 508 La Marina – *Liquidambar styraciflua*, American Sweetgum – Carl Nastro/Action Tree

Recommendation to conditionally approve

The Committee recommends that the Commission approve the removal on the condition the applicant replace with a tree that can achieve minimum 25' height and spread.

Member Carol Bornstein moved, seconded by Bob Cunningham that the Commission approve on the condition applicant replace with a tree that can achieve minimum 25' height and spread, passed 3/0.

7. 33 E. Micheltorena St. – (4) *Podocarpus gracilior*, Fern Pine – Joe Chenoweth

Recommendation to approve

The Committee recommends that the Commission approve the removals.

Member Bob Cunningham moved, seconded by Carol Bornstein that the Commission approve the removals, passed 3/0.

B. STREET TREE MASTER PLAN

1. 1000 block of De La Vina St. – consider change to designated species

The Committee recommends co-designating *Hymenosporum flavum*, Sweetshade.

Member Carol Bornstein moved, seconded by Bob Cunningham to add *Hymenosporum flavum*, Sweetshade as a co-designated tree, passed 3/0.

2. 200-400 blocks of W. Valerio St. – consider additional species

Postpone to another meeting.

Member Bob Cunningham moved, seconded by Carol Bornstein to postpone to another meeting, passed 3/0.

8. OLD BUSINESS

Postpone to another meeting.

Meeting was adjourned at 11:15 AM

Member Carol Bornstein moved, seconded by Bob Cunningham to adjourn, passed 3/0.

Respectfully submitted,
Tim Downey, Urban Forest Superintendent

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Tim Downey at 564-5592. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.



**City of Santa Barbara
PARKS AND RECREATION DEPARTMENT**

**PARKS AND RECREATION COMMISSION
Regular Monthly Meeting**

Wednesday, June 22, 2011

Minutes

CALL TO ORDER: The meeting was called to order at 4:02 p.m. at City Hall Council Chambers.

PLEDGE OF ALLEGIANCE: Chair Wiscomb

ROLL CALL:

Commissioners & Staff Present

Commissioner Lesley Wiscomb
Commissioner W. Scott Burns
Commissioner Chris Casebeer
Commissioner Nicolas Ferrara
Commissioner Beebe Longstreet
Commission Intern Michael Yi
Parks & Recreation Director Nancy Rapp
Urban Forest Superintendent Timothy Downey
Executive Assistant Karla Megill
Recreation Program Manager Judith McCaffrey
Parks Manager Santos Escobar, Jr.
Recreation Programs Manager Sarah Hanna
Recreation Program Director Kathy King
Recreation Specialist Anita Ho

Commissioners & Staff Absent

Commissioner Rocky Jacobson
Recreation Coordinator Kimmie Coley

CHANGES TO THE AGENDA: None

WRITTEN COMMUNICATIONS: None

PUBLIC COMMENT: No one wished to speak.

COMMUNITY SERVICE RECOGNITION:

1. Recognition of ZoDo's Bowling and Beyond- For Action

Recommendation: That the Commission recognize Rocky Horner and Steve Davis of ZoDo's Bowling and Beyond for their continued support of the Adapted bowling program

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Kathy King, Recreation Program Director
- Members of the Public: Steve Davis, Zodos

2. Community Recognition of Healthy Options for Teens, Culinary Arts Program Support - For Action

Recommendation: That the Commission recognize Chef Ernie Price, Sam Kroll, and the Foodbank of Santa Barbara County for their support of the Healthy Options for Teens, Culinary Arts Program.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Anita Ho, Recreation Specialist; and Ricardo Venegas, Neighborhood & Outreach Services Coordinator

YOUTH COUNCIL REPORT: Youth Intern Yi provided this report.

COMMISSIONER COMMITTEE ASSIGNMENT REPORTS:

Commissioner Ferrara reported on the activities of the Neighborhood Advisory Council.

Commissioner Burns reported that the 90+ Birthday Event is scheduled for June 30th at 2PM at the Carrillo Recreation Center. He further reported on the activities of the Parks and Recreation Community Foundation.

Commissioner Longstreet reported on the Neighborhood Advisory Council's Block Party. She said the PARC Foundation will be trying to increase their presence in the Community.

Intern Yi reported on the Youth Leadership Awards Banquet.

Chair Wiscomb reported that she attended the recycling event at the Davis Center and it appeared to be very successful. She further reported on the activities of the Street Tree Advisory Committee. Ms. Wiscomb said that she attended the Ribbon Cutting Ceremony at the Westside Community Center Mural. She also said that she attended the first Annual Golfer Appreciation Day and the Franklin Drop-in Center Grand Opening Event. Ms. Wiscomb also reported on the activities of the subcommittee drafting the Youth Council Bylaws.

COMMISSION AND STAFF COMMUNICATIONS:

Ms. Rapp provided an overview of two Council Meetings during which Council discussed the allocation of Redevelopment Agency funds. She said the outcome of the meetings was full Council support for projects submitted by the Parks and Recreation Department. Ms. Rapp said the following projects, pending actions by the State related the Redevelopment Agency, have been prioritized for funding: the Cabrillo Pavilion Arts Center Bathhouse Facility Renovation;

Cabrillo Ballfield Renovation Project; Chase Palm Park Renovation; and the East Beach and Chase Palm Park Playground Replacement Projects.

Ms. Rapp announced that the Creeks Public Service Announcement has won a Regional Emmy Award.

Ms. Rapp advised the Commission that Antonio Velasquez has announced his Retirement from City service effective July 7, 2011.

CONSENT CALENDAR

3. Summary of Council Actions - For Information

4. Approval of Minutes - For Action

Recommendation: That the Commission waive the reading and approve the minutes of the regular meeting of May 25, 2011.

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 3/0 to waive the reading and approve the minutes of the regular meeting of May 25, 2011.

Commissioner Ferrara abstained.

STREET TREE ADVISORY COMMITTEE ITEMS

5. Street Tree Advisory Committee Recommendations - For Action

Recommendation: That the Commission:

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Tim Downey, Urban Forest Superintendent
- Members of the Public: Beverly Isles, Item 5A(1)

A. Deny the following Street Tree removal request.

- 1. 21 N. Milpas St. – (2) Ficus microparpa ‘Nitida’, Indian Laurel Fig – Beverly Isles – continued from April 27, 2011**

Mr. Downey highlighted this removal request saying the application request is for the removal of two Indian Laurel Fig Trees. He said that the applicant has raised concerns regarding the leaves falling on the roof, with respect to the tree closest to the building, hardscape damage, and potential damage to the private property. Mr. Downey said that since the Commission postponed the decision on the request from April, a section of the private sidewalk was cut out, and it has been determined that there is a tree root underneath the sidewalk. He said the root can be pruned and repairs made to the hardscape without ill affects to the

ATTACHMENT 3

tree. Mr. Downey said that the Street Tree Advisory Committee determined that the problems with the trees could be mitigated through maintenance and recommends denial of the removal request.

Commissioner Burns commented regarding the Upper State Street Fig trees, the roots on a number of them were trimmed and it was not until three or four years later until it was determined that it was not successful. He asked whether if the roots for the trees at this location were trimmed, how long will it be before it is determined to be successful, and if it is not successful, what action would be taken.

Mr. Downey said that the pruning of the roots on the trees on Upper State Street was done for sidewalk and street repairs directly adjacent to the tree; very large roots were cut on more than one side at one time. He said the work required to make the repairs on the trees that are the subject of this particular removal request would be much smaller cuts and farther away from the tree. He said he does not anticipate any ill affects to the tree from the root pruning in the near future.

Ms. Beverly Isles, applicant, indicated that there is damage to the property, the sidewalk walkway is cracked and lifted so water runs into the stores. She said that with the last rain there were tons of leafs on the roof, which cost her \$500 to have it cleaned. Ms. Isles said the tree overhangs the roof and is too close to the structure and is hitting the foundation. She said the contractor said the roots are huge and are lifting the walkway, which causes water to run into the stores. Ms. Isles said that if the roots are pruned, they will weaken the tree. She said the roof is a flat rock roof which is not made to be walked on, which is necessary to clean off the roof when the leaves collect on it. She said the leaves stop the water from draining down and the weight of the water leaked into the buildings and the ceiling fell in on two of the tenants' property causing water damage. Ms. Isles said this has been an issue for several years now. Ms. Isles asked that the tree be removed and the damage to the sidewalk to be repaired so she does not have the problem. Ms. Isles said she has documented case paperwork concerning these types of issues.

Commissioner Ferrara asked whether the tree has caused water to go into the building and created damage.

Mr. Downey said that the roots have lifted the pavement in front of the businesses; the applicant alleges that water runs into the businesses, and he has no evidence to disprove that statement. He said the problem is the lifted concrete, and it is the Committee and staff opinion that the repairs can be made and the tree preserved for many more years. He said the leaves fall on the roof, as they do all over the City.

Commissioner Ferrara asked whether the root pruning will solve the problem of sidewalk damage in the future.

Mr. Downey said there is no guarantee that it will completely stop any lifting, but the root pruning staff will allow to occur will allow the original hardscape to be

replaced. He further said that a root barrier could be installed, which could delay any possible future damage.

Commissioner Burns commented that if this was at a person's home, the Commission might allow the removal, and he does not believe there is a different standard for commercial owners. He said that since it is a City tree, he assumed that the City would be performing the maintenance work and sidewalk repair. He asked how you determine whether it will flood again.

Mr. Downey said that at the time the repairs are made, the contractor would set up the forms and put levels on it to determine which direction the water would flow before the cement would be replaced. He said regarding the foundation of properties, tree removals have been approved usually after they have proven there is damage to the foundations and the pruning of the roots will not stop the damage. Mr. Downey said that in this case, there is no evidence that the tree is causing any damage to the foundation.

Commissioner Longstreet commented that all the concerns that have been expressed are related to the tree closest to the building; two trees are the subject of the removal request. She asked why the second tree would be removed.

Mr. Downey said the applicant is requesting the removal of the second tree because of its proximity to the parking lot and the potential it might cause damage to the parking lot.

Ms. Rapp clarified for the Commission that the public sidewalks have been replaced, and the sidewalks that are contributing to the flooding problem are private property. She said that is the property owner responsibility. She said the issue of root pruning is still an option in terms of protecting the tree.

Commissioner Longstreet asked when the public sidewalk was replaced, were the roots pruned at that time.

Mr. Downey responded that there was minor root pruning done at that time. He said no large roots were removed at that time, only roots that were lifting the particular portion of the public sidewalk were removed.

Chair Wiscomb asked if that was in 2006.

Mr. Downey indicated that occurred in March 2011.

Commissioner Longstreet expressed that the Indian Laurel Fig trees are big beautiful trees which are much of the character of Milpas Street. She asked whether as the property owner is repairing her property, can an informed decision on the part of the City Arborist in the form of root pruning be made, when the concrete is gone. She said this could potentially be a way to save the tree and allow the Arborist to really see what is happening with the roots.

Mr. Downey said that at the time repairs are made, he would want to be on site to determine the degree of root pruning required, so the applicant can make repairs to her private property. He further said that at that time, if he determines the

work necessary to repair her damage would destabilize the tree, the City would remove the tree so she can make her repairs.

Commissioner Longstreet said she is more comfortable with moving forward with the repairs with Mr. Downey being present to supervise the root pruning to deem the tree unstable at that time, if appropriate.

Chair Wiscomb said she shares Ms. Longstreet's view that the second tree was thrown in because of potential damage. She said she is struggling with the five conditions the Commission must consider in order to approve the removal of a tree. Ms. Wiscomb said that she does not see that any of the conditions are met with this request. She said she is in favor of the solution of Mr. Downey being present when the property owner makes her repairs and he determines the root pruning is sufficient to require the removal of the tree, then the applicant does not have to go through the removal process any further.

Chair Wiscomb agreed that the trees do have a great deal of character and the character of the neighborhood is materially affected by removal of the trees, saying they are an important part of Milpas Street and she cannot support removal.

Commissioner Burns agreed the tree near the parking lot should not be removed. He said the issue is the tree closest to the building, where there is property damage caused by a City tree; he asked who pays for the maintenance of the tree, and who pays for the sidewalk. Mr. Burns said that it has just been said that the property owner pays for the sidewalk, however, it is a City tree causing the damage. He said that he thinks the City should pay for the sidewalk.

Mr. Downey said that regarding the damage, any person who has a financial loss to the City has a right to file a claim with the City to recover those damages. He said that is handled through the Risk Management Division of the Finance Department.

Commissioner W. Scott Burns moved, seconded by Commissioner Nicolas Ferrara, that of the two trees, deny the tree in the parking lot, and allow removal of the tree closest to the building at 21 N. Milpas Street.

The Motion Failed.

Commissioner Beebe Longstreet moved, seconded by Commissioner Lesley Wiscomb, and passed 3/1 to concur with the Street Tree Advisory Committee recommendation to deny the removal of the trees and have the City Arborist assess the root pruning necessary and the safety and stability of the tree as the repairs are made to private property at 21 N. Milpas Street.

Commissioner Burns commented that the Commission is letting the applicant know she has the right to go to Risk Management to file a claim for whatever maintenance needs to be done to the tree. He said that could be a long tenuous process. Mr. Burns said the Commission is letting the applicant handle the issues and he is not sure how well that will work.

Commissioner Longstreet said the City does not pay for repairs to private property. She said the Commission does not have any say over nor determine that. Ms. Longstreet said she trusts the City Arborist would be on site to determine the safety and stability of the tree. She said until the sidewalk is removed, it is unknown what the damage is. She stressed that any unsafe tree can be removed by the City Arborist at any time without the Commission input.

Commissioner Ferrara asked when the appeal would take place asking whether if Ms. Isles did not agree with Mr. Downey's decision on site, could she file an appeal.

Mr. Downey advised that the Municipal Code dictates the time constraints during which the appeal must be filed, which is 10 days. He said that once 10 days has passed, the Commission's decision cannot be appealed. Mr. Downey said that if Ms. Isles feels conditions have changes since the Commission's decision, she has the right to reapply for removal if she disagrees with staff's assessment.

Chair Wiscomb asked if there is a one-year time period before she can reapply. Mr. Downey said the time period was removed from the Municipal Code in 2009.

Commissioner Burns asked whether if Mr. Downey inspects the root pruning and makes the call that the tree is stable, does Ms. Isles have the ability with another certified Arborist to state that the tree is not stable, or does it have to come back to the Commission.

Mr. Downey said that if the applicant provides a written report from a certified Arborist opposing his decision, he will review it and make a determination whether to re-evaluate his decision.

Chair Wiscomb expressed that there are too many unknown factors and it is worth going through the process.

Ms. Rapp clarified stating that the property owner is having the sidewalks replaced, and as part of that the City Arborist will be there making his recommendation on behalf of the City. She said the property owner has the option to have another Arborist on site and to weigh in on that opinion. She said the work would proceed with respect to the repair or replacement of the sidewalk. Ms. Rapp said the decision on the tree is not time sensitive; it could come back in another request to remove the tree, and the decision the Commission would get is with the City Arborist opinion and, if it exists, the opinion of the other Certified Arborist.

Commissioner Burns asked what happens when there is a split vote.

Mr. Downey said that if the Commission does not have a Majority vote and no new motion is made, it is deemed a non-action, and by Municipal Code, if there is no majority vote, the request is approved.

B. Approve the following Setback Tree removal request.

1. **533 E. Anapamu St. – Syzygium paniculatum, Brush Cherry –
Joaquin Ornelas**

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation and approve the removal of the tree at 533 E. Anapamu Street.

C. Deny the following Setback Tree removal requests.

1. **1801 Cleveland Ave. – (2) Eucalyptus citriodora, Lemon-scented Gum – David W. Sheets**

Commissioner Nicolas Ferrara moved, seconded by Commissioner Beebe Longstreet, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation regarding the trees at 1801 Cleveland Ave.

2. **3768 Brenner Dr. – Liquidambar styraciflua, American Sweetgum –
Jerry Gibson**

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation to deny the removal at 3768 Brenner Drive.

6. Tree Removal Request: 507 Brosian Way (1) Eucalyptus Spp. Follow-Up - For Action

Recommendation: That the Commission deny the removal request for the third tree at 507 Brosian Way.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Tim Downey, Urban Forest Superintendent
- Members of the Public: Si Lyon; Robert Forouzandeh, and Gil Barry;

Ms. Rapp provided an overview of this item for the Commission.

Mr. Downey provided updated information for the Commission.

Mr. Robert Forouzandeh indicated that with the help of Gil Barry and Mr. Downey, he and the neighbors have reached a compromise. He said he is withdrawing the application on behalf of the six applicants, and Mr. Lyons will withdraw the appeal of the Commission's approval of the removal of the two trees. Mr. Forouzandeh said they are also modifying the term of the Commission's prior action, saying the Commission previously authorized the two replacement trees to be placed within 100 yards of the current trees. He said that they have modified that requirement to 75 feet. Mr. Forouzandeh said that the requirement that the trees be able to achieve 30 feet in height

has not changed, and will be approved by Mr. Downey prior to approving the permit for the replacement trees. He said he understands from Mr. Downey that the pruning of the middle tree will take place mid-July, but no later than September 15th. Mr. Forouzandeh said that since an agreement has been reached, no action is needed.

Ms. Rapp advised that Commission that the legal agreement between the neighbors is not within the purview of the Parks and Recreation Commission. She clarified that the City Arborist would not sign it, but did confirm and summarize the agreement for the Commission.

Mr. Forouzandeh clarified that he is withdrawing his application for the third tree. Mr. Si Lyon spoke on behalf of the neighbors and said that they did come to an agreement. He suggested that during the pruning of the third tree that it be done first before the other two are removed, pending any damage to the third tree. He said he will withdraw his appeal to City Council, saying he is satisfied with the agreement.

Gil Barry asked the Commission to go along with the agreement and save the tree. He provided a brief history of the trees.

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to accept the request to withdraw the application to remove the third tree at 507 Brosian Way.

NEW BUSINESS - None

OLD BUSINESS - None

ADMINISTRATIVE AND STAFF REPORTS

7. 2011 Police Activities League (PAL) Annual Report on the Twelve35 Teen Center - For Information

Recommendation: That the Commission receive a presentation on the 2011 Police Activities League (PAL) Annual Report on the Twelve35 Teen Center.

Documents:

- Report from the Santa Barbara Police Activities League
- Speakers:
- Staff: Nancy L. Rapp, Parks and Recreation Director; Officer Kent Wojciechoski, Police Activities League

8. Update on Upcoming Summer Special Events - For Information

Recommendation: That Commission receive a report on the upcoming summer special events.

Documents:

- Staff Report

ADJOURNMENT

At 5:45 p.m., with no further business to be addressed by the Commission,

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to adjourn.

Respectfully submitted,

Nancy L. Rapp
Parks and Recreation Director

RECEIVED

2011 JUL -5 AM 11:13

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

July 5, 2011

City of Santa Barbara
Parks and Recreation Department

Re: 21 No. Milpas St.
Santa Barbara, CA

I am requesting an appeal regarding the property on Milpas Street
Because I believe that the property is being damaged from the roots of the
City tree and the roof , ceiling and water pipe from the roof is being a problem.
The leaves from the tree causes damage on the roof. Also the tree is located
too close to the building, whilch also caused cracks to the walkway and lifting the
cement.

I will bring photos taken this week to show the impact regarding this matter.

Attached is a summary of more detailed information.

Your immediate attention is appreciated.

Sincerely,

Beverly Iles
Telephone no.: 805-964-4968

The leaves on the roof at 21 N. Milpas St. and the too close proximity of the trees to the building have been creating a problem with the walkway on my property which now has cracks because the roots of the trees have travelled underneath the walkway and lifting the walkway along the frontage of the stores. When the sidewalk is washed (monthly) water flows into the stores instead of toward the parking lot. The angle is toward the building instead of toward the parking lot. The roots have been raising the walkway over the years and now a major problem. The roots under the walkway have to be removed and is your responsibility of the City of Santa Barbara to take care of that issue financially for the walkway replacement. The City will have to pay for all the expenses to have all this corrected, including the cost of the roof clean-up removal of all the leaves which caused leakage into the stores and ceiling tiles were damaged. It is the responsibility of the City to pay for the consequences from the damage due to the trees owned by the City. The costs already for the past damages of invoices submitted with the claim forms. In the past years when I had issues with the rain and water leaking into the shops, I did not realize that all those times with ceiling tiles falling and water on carpet... until now... that the leaves were the issue on the roof with the leaves dropping on the roof and the buildup of the roots growing under the walkway. All the damages were due to the leaves blocking the drains so water could not escape and finally leaking into the shops. It is now time to fix the problem by removing these trees and roots under the walkway.

The trees and branches are too close to the building and overhang on the roof. The wind blows the leaves on the roof and when it rains causes blockage with the drainage and the weight of the water and leaves will continue to cause more damage to the roof and to the ceilings in the stores. Attached are letters from the contractor and from the roofer confirming that the tree is a problem at this location.

I took new photos on July 2, 2011 which I have will for the appeal meeting.

I found out at the June 22nd meeting that the sidewalk was replaced by the tree at my property, so the City knew it was a problem and a continuing problem on to my property.

Figueroa Construction
Raul A. Figueroa
1493 Sycamore Canyon Rd.
Santa Barbara, CA 93108
(805) 962-0577
fig@cox.net

June 22, 2011

To whom it may concern:

RE: 21 N. MILPAS STREET, SANTA BARBARA, CA 93103

I was asked to look at a concrete walkway at 21 N. Milpas Street. I observed a 6' wide walkway that has been lifted from tree roots. The sidewalk is sloped towards the building and water now drains towards the foundation of the building and into the stores.

I gave Beverly Iles a proposal to replace the concrete walkway 6' by 50' long. She also told me to show proof that the tree in the parkway was lifting the concrete sidewalk. We cut out 16" square of concrete and exposed the tree roots and took pictures. We then patched this 16" square with new concrete.

I told Beverly that the roots have lifted the walkway and then may lift the corner of the building. If this happens, it will cost a lot more money to fix this problem.

Sincerely,


Raul Figueroa

T. Angeles Roofing
P.O. Box 40837
Santa Barbara, CA 93103
(805) 963-2343

June 22, 2011

To whom it may concern:

RE: 21 N. MILPAS STREET, SANTA BARBARA, CA 93103

This company was called to repair roof leaks at 21 N. Milpas Street. The leaves that fall off the tree end up clogging the drains and when it rains, the water builds up and leaks inside.

Continuous walking on this type of roofing is not recommended. The roof membrane can be damaged causing more leaks.

Sincerely,


Miguel Angeles