



CITY OF BUELLTON

CITY COUNCIL AGENDA

**Regular Meeting of January 24, 2013 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

Copies of staff reports or other written documentation relating to each item of business referred to on this Agenda are on file in the office of the City Clerk and are available for public inspection

CALL TO ORDER

Mayor Judith Dale

PLEDGE OF ALLEGIANCE

Council Member Ed Andrisek

ROLL CALL

Council Members Ed Andrisek, Leo Elovitz, Holly Sierra, Vice Mayor John Connolly, and Mayor Judith Dale

REORDERING OF AGENDA

PUBLIC COMMENTS

Speaker Slip to be completed and turned in to the City Clerk prior to commencement of meeting. Limited to matters not otherwise appearing on the agenda. Limited to three (3) minutes per speaker. No action will be taken at this meeting.

CONSENT CALENDAR

(ACTION)

The following items are scheduled for consideration as a group. Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion.

- 1. Minutes of January 10, 2013 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2012-13**
- 3. Award of Contract for the 2011/12 Citywide Concrete Repair Project**
❖ (Staff Contact: Public Works Director Hess)

- 4. Reappointment of Bonny Chard and Anita Elovitz to the Community Development Block Grant (CDBG) Committee**
 ❖ *(Staff Contact: Planning Director Bierdzinski)*

PRESENTATIONS

PUBLIC HEARINGS

COUNCIL MEMBER COMMENTS

COUNCIL ITEMS

WRITTEN COMMUNICATIONS

Written communications are included in the agenda packets. Any Council Member, the City Manager, or City Attorney may request that a written communication be read into the record.

COMMITTEE REPORTS

This Agenda listing is the opportunity for Council Members to give verbal Committee Reports on any meetings recently held for which the Council Members are the City representatives thereto.

BUSINESS ITEMS

(POSSIBLE ACTION)

- 5. Presentation by Santa Ynez Valley Hotel Association**
- 6. Ordinance No. 13-01 – “An Ordinance of the City Council of the City of Buellton, California, to Increase the Buellton Transient Occupancy Tax Rate” (Second Reading)**
 ❖ *(Staff Contact: City Attorney Hanson)*
- 7. Discussion and Direction of Draft Charter City Initiative**
 ❖ *(Staff Contact: City Manager Kunkel)*
- 8. Department Head Reports – (Finance, Personnel, Planning, Public Works, and Sheriff’s Department)**

CITY MANAGER’S REPORT

CLOSED SESSION ITEMS

(POSSIBLE ACTION)

- 9. The City Council will conduct a Closed Session pursuant to California Government Code Section 54957 concerning the following:**
PUBLIC EMPLOYEE PERFORMANCE EVALUATION/CONTRACT REVIEW
 Title: City Manager

ADJOURNMENT

The next meeting of the City Council will be held on Thursday, February 14, 2013 at 6:00 p.m.

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES
Regular Meeting of January 10, 2013
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Mayor Dale called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Council Member Holly Sierra led the Pledge of Allegiance

ROLL CALL

Present: Council Members Ed Andrisek, Leo Elovitz, Holly Sierra, Vice Mayor John Connolly and Mayor Judith Dale

Staff: City Manager John Kunkel, City Attorney Ralph Hanson, Public Works Director Rose Hess, Planning Director Marc Bierdzinski, Finance Director Annette Muñoz, and City Clerk Linda Reid

REORDERING OF AGENDA

None

PUBLIC COMMENTS

Vince Liguori, Buellton, stated the Buellton Rec Center is the best thing that has ever happened to the Valley. Mr. Liguori stated he uses the Rec Center and participates in trips organized by the Rec Center and asked everyone to support the Rec Center.

Mike Hendrick, Executive Director of the Santa Ynez Valley Marriott, asked for City representation at certain events in the Valley that affect Buellton and indicated that he and Kathy Vreeland have a list of the scheduled events.

Kathy Vreeland, Executive Director of the Buellton Chamber and Visitor's Bureau, announced the "Buellton Wine and Chili Festival" will take place on Sunday, March 17 at Flying Flags RV Park.

CONSENT CALENDAR

1. **Minutes of December 13, 2012 Regular City Council Meeting**
2. **List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2012-13**

RECOMMENDATION:

That the City Council approve the Consent Calendar as listed.

MOTION:

Motion by Council Member Andrisek, seconded by Council Member Sierra approving the consent calendar as listed.

VOTE:

Motion passed by a roll call vote of 5-0.

PRESENTATIONS

None

PUBLIC HEARINGS

3. **Ordinance No. 13-01 – “An Ordinance of the City Council of the City of Buellton, California, to Increase the Buellton Transient Occupancy Tax (TOT) Rate” (Introduction and First Reading)**

RECOMMENDATION:

That the City Council consider the introduction and first reading of Ordinance No. 13-01.

STAFF REPORT:

City Attorney Hanson presented the staff report.

DOCUMENTS:

Staff Report with attachment (Ordinance No. 13-01)

SPEAKERS/DISCUSSION:

Mayor Dale opened the Public Hearing at 6:09 p.m.

Mike Hendrick, Executive Director of the Santa Ynez Valley Marriott, recommended the Council determine how they want to use the extra TOT funds and increase the tax rate accordingly. Mr. Hendrick asked for consideration for groups that have already booked in advance and that they not be charged the additional tax rate.

Ron Anderson, President of the Buellton Chamber of Commerce Board of Directors, expressed his support for increasing the TOT rate and indicated that the Buellton Chamber and Visitors Bureau hopes to use the extra funds for marketing and tourism.

Dan Baumann, Manager of Flying Flags RV Park, underscored the need for additional TOT funds to market Buellton but he also explained that the increased tax rate will hurt his business and adversely affect travelers. He asked the Council to keep Flying Flags RV Park's TOT at 10 percent but use the additional funds for branding, economic development, and tourism.

Kathy Vreeland, Executive Director of the Buellton Chamber and Visitor's Bureau, read a letter into the record supporting the TOT rate increase and that the additional funds be used to promote marketing and tourism in Buellton. Ms. Vreeland's letter was made part of the record.

There being no further public comment, Mayor Dale closed the Public Hearing at 6:24 p.m.

The City Council discussed the following issues:

- Raising the TOT rate to 12 percent
- Allowing pre-booked groups to pay the existing 10 percent tax rate
- Using the additional funds for marketing, economic development, and tourism
- Developing a plan of how to disperse the additional tax funds and then deciding on whether or how much to raise the TOT rate

MOTION:

Motion by Council Member Andrisek requesting that staff develop a plan to disperse the additional tax funds and not move forward with the introduction and first reading of Ordinance No. 13-01 at this time.

VOTE:

Motion failed for lack of a second.

MOTION:

Motion by Council Member Sierra, seconded by Vice Mayor Connolly, approving the introduction and first reading of Ordinance No. 13-01 – “An Ordinance of the City Council of the City of Buellton, California, to increase the Buellton Transient Occupancy Tax Rate” by title only and waive further reading and allowing pre-booked groups to pay the 10 percent tax rate.

VOTE:

Motion passed by a roll call vote of 4-1, with Council Member Andrisek voting no.

COUNCIL MEMBER COMMENTS

Council Member Sierra stated that Peter Kageyama, author of the book “*For the Love of Cities*” is scheduled to visit the Central Coast on March 5 and 6 and she will try to get Mr. Kageyama to speak in Buellton.

Council Member Andrisek requested that a ribbon cutting/dedication of Zaca Creek Golf Course be scheduled in the near future and that the Bazzi Family be invited to attend the event.

COUNCIL ITEMS

Mayor Dale requested a Closed Session on January 24 to finish the City Manager's performance evaluation.

Mayor Dale requested a Special Meeting be scheduled for Wednesday, February 13 at 6:30 p.m. in the Council Chambers to discuss "goal setting" for 2013.

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

None

BUSINESS ITEMS

- 4. Presentation by Mark Schleich, Santa Barbara County Public Works Deputy Director of Resource Recovery and Waste Management Regarding Conversion Technology Project**

SPEAKERS/DISCUSSION:

Mark Schleich discussed the Conversion Technology Project through a PowerPoint presentation and provided a handout for the record.

Mr. Schleich responded to questions regarding his presentation.

- 5. Request for City Support of 2013 Avenue of Flags (AOF) Criterium**

RECOMMENDATION:

That the City Council consider the request for City support of the 2013 AOF Criterium and direct staff as appropriate.

STAFF REPORT:

City Manager Kunkel presented the staff report.

SPEAKERS/DISCUSSION:

Scott Martin, President of Santa Ynez Valley Cycling Club, provided information regarding the race and encouraged Council support and sponsorship of the event. Mr. Martin stated the race is scheduled for Saturday, June 29 and he expects more participants this year.

Ron Dale and Judi Stauffer, Buellton, provided their support for the Criterium.

The City Council discussed the following issues:

- Support for the event
- Asking the race organizers to request financial support during budget discussions
- Lack of feedback from event organizers following last year's race
- Providing Safety and Public Works support but not prize money
- Asking the cycling club to get additional sponsorships for the event

MOTION:

Motion by Council Member Sierra approving the 2013 AOF Criterium and the City's sponsorship in the amount of \$5,000 for prize money and \$5,000 for law enforcement and Public Works staff.

VOTE:

Motion failed for lack of a second.

MOTION:

Motion by Council Member Elovitz approving the 2013 AOF Criterium and the City's sponsorship in the amount of \$7,500 for prize money, law enforcement, and Public Works staff.

VOTE:

Motion failed for lack of a second.

MOTION:

Motion by Vice Mayor Connolly, seconded by Council Member Andrisek approving the 2013 AOF Criterium and the City's sponsorship of \$7,500 for prize money and \$5,000 towards law enforcement and Public Works staff.

VOTE:

Motion failed by a roll call vote of 2-3, with Council Members Elovitz, Sierra and Mayor Dale voting no.

MOTION:

Motion by Vice Mayor Connolly, seconded by Council Member Sierra approving the 2013 AOF Criterium and the City's sponsorship in the amount of \$5,000 for prize money and \$5,000 for law enforcement and Public Works staff. Council also requested that the Cycling Club use this event to promote cycling.

VOTE:

Motion passed by a roll call vote of 5-0.

6. Consideration of Botanic Garden Slope Renovation Proposal and Approval of Amendment No. 2 to Agreement with Santa Ynez Valley Botanic Garden Foundation

RECOMMENDATION:

That the City Council consider a proposal by the Santa Ynez Valley Botanic Garden Foundation for the renovation of a portion of the slope at the northwestern edge of River View Park and consider approval of Amendment 2 to the Agreement with the Santa Ynez Valley Botanic Garden Foundation.

STAFF REPORT:

Recreation Coordinator Abello presented the staff report.

DOCUMENTS:

Staff Report with attachments (Map of slope area, Slope renovation proposal letter, Original Botanic Garden Agreement, and Amendment No. 2 to Botanic Garden Agreement)

DISCUSSION:

Larry Bishop, Chairman of the Buellton Parks and Recreation Commission, provided his support for Amendment No. 2 to the Botanic Garden Agreement.

Puck Erickson representing the Santa Ynez Valley Botanic Garden Foundation explained the proposed renovation of a portion of the slope at the northwestern edge of River View Park.

MOTION:

Motion by Council Member Elovitz, seconded by Vice Mayor Connolly approving the renovation of a portion of the slope at the northwestern edge of River View Park and approving Amendment 2 to the Agreement with the Santa Ynez Valley Botanic Garden Foundation.

VOTE:

Motion passed by a roll call vote of 5-0.

7. Consideration of a Request to Waive Legal Fees - Buellton Self Storage LP v. Norman Williams, City of Buellton, et al. -- SB Superior Court Case No.1375366

RECOMMENDATION:

That the City Council direct staff as to the waiver of legal fees regarding the above referenced matter.

STAFF REPORT:

City Attorney Hanson presented the staff report.

DOCUMENTS:

Staff report with attachment (E-mail between Mark Mulkerin to Mark Edwards dated September 28, 2012)

SPEAKERS/DISCUSSION:

Mark Edwards provided the City Council with a handout and requested waiver of legal fees regarding the above referenced item. The handout was made part of the record.

MOTION:

Motion by Council Member Andrisek, requesting that staff reduce Mr. Williams' legal fees to \$8,942.

VOTE:

Motion failed for lack of a second.

MOTION:

Motion by Council Member Sierra, seconded by Council Member Elovitz denying the waiver of legal fees regarding the above referenced item.

VOTE:

Motion passed by a roll call vote of 4-1, with Council Member Andrisek voting no.

8. Department Reports – (*Finance, Personnel, Planning, Public Works, and Sheriff's Department*)

Department Heads provided informational reports for the record.

CITY MANAGER'S REPORT

City Manager Kunkel provided an informational report for the record.

ADJOURNMENT

Mayor Dale adjourned the regular meeting at 9:11 p.m. The next regular meeting of the City Council will be held on Thursday, January 24, 2013 at 6:00 p.m.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk

BACK-UP/SUPPORT DATA IS AVAILABLE FOR COUNCIL REVIEW IN CITY HALL

The following is a list of claims to be ratified and approved for payment by the City Council at the **January 24, 2013** Council Meeting.

Listed below is a brief summary of the attached claims:

EXHIBIT A		\$ 80,908.13
EXHIBIT B		<u>\$ 61,353.90</u>
PAYROLL	1/15/13	<u>\$40,665.58</u>

TOTAL AMOUNT OF CLAIMS:		<u>\$ 182,927.61</u>
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	<u>FY 2011-12</u>	<u>FY 2012-13</u>
The total amount of claims and demands paid by the City for the Fiscal Year through January 16, 2013	\$ 5,066,223.37	\$ 6,270,883.95

AUTHORIZATION IS HEREBY GIVEN TO THE CITY TREASURER TO PAY ALL CLAIMS AS REVENUES BECOME AVAILABLE.

Check-Run	Seq#	Date	Vendor Name	Checking #	Obls	Discount	Net amount	Status
27411-	547	1	1/08/2013	776 ZACA CREEK GOLF COURSE	1	.00	10,000.00	Logged
27412-	548	1	1/09/2013	0 ALLISON BOWMAN	1	.00	40.00	Logged
27413-	548	2	1/09/2013	0 FMP UNIFORM CO.	1	.00	310.00	Logged
27414-	548	3	1/09/2013	5 ABALONE COAST ANALYTICAL, INC.	1	.00	269.50	Logged
27415-	548	4	1/09/2013	9 ANITA KEREZSI WORLOW dba	1	.00	1,325.00	Logged
27416-	548	5	1/09/2013	32 ARROWHEAD	3	.00	86.01	Logged
27417-	548	6	1/09/2013	60 BUELLTON CHAMBER OF COMMERCE	1	.00	1,000.00	Logged
27418-	548	7	1/09/2013	65 BURKE, WILLIAMS & SORENSEN, LL	3	.00	13,292.40	Logged
27419-	548	8	1/09/2013	90 CaIPERS LONG-TERM CARE PROGRAM	1	.00	84.25	Logged
27420-	548	9	1/09/2013	93 CENTRATION, INC.	1	.00	2,308.50	Logged
27421-	548	10	1/09/2013	101 CITY OF SOLVANG	1	.00	14,788.00	Logged
27422-	548	11	1/09/2013	105 CITY OF BUELLTON	1	.00	66.37	Logged
27423-	548	12	1/09/2013	110 CVS PHARMACY	1	.00	32.30	Logged
27424-	548	13	1/09/2013	118 COASTAL COPY, LP	3	.00	921.36	Logged
27425-	548	14	1/09/2013	122 COMCAST CABLE	1	.00	162.82	Logged
27426-	548	15	1/09/2013	142 DANIEL FITZGERALD dba	1	.00	1,200.00	Logged
27427-	548	16	1/09/2013	151 CALIF DEPT OF PUBLIC HEALTH	1	.00	60.00	Logged
27428-	548	17	1/09/2013	172 ECHO COMMUNICATIONS	1	.00	57.00	Logged
27429-	548	18	1/09/2013	187 FARM SUPPLY COMPANY	1	.00	68.87	Logged
27430-	548	19	1/09/2013	189 FISHER PUMP & WELL SERVICE, IN	1	.00	6,856.00	Logged
27431-	548	20	1/09/2013	201 G E CAPITAL	1	.00	160.55	Logged
27432-	548	21	1/09/2013	237 IRON MOUNTAIN	1	.00	41.10	Logged
27433-	548	22	1/09/2013	280 LEE CENTRAL COAST NEWSPAPERS	1	.00	523.00	Logged
27434-	548	23	1/09/2013	285 SANTA MARIA TIMES dba	1	.00	104.47	Logged
27435-	548	24	1/09/2013	319 SHARON A. STEELE dba	1	.00	1,200.00	Logged
27436-	548	25	1/09/2013	327 MONIOT ELECTRIC, INC.	1	.00	144.54	Logged
27437-	548	26	1/09/2013	353 MICHAEL J. BOGGESS dba	1	.00	1,200.00	Logged
27438-	548	27	1/09/2013	365 PEOPLE HELPING PEOPLE	1	.00	1,787.30	Logged
27439-	548	28	1/09/2013	379 POSTMASTER	1	.00	595.00	Logged
27440-	548	29	1/09/2013	387 PURCHASE ADVANTAGE CARD	1	.00	158.85	Logged
27441-	548	30	1/09/2013	438 SANTA YNEZ VALLEY HARDWARE	1	.00	120.18	Logged
27442-	548	31	1/09/2013	450 SB CO SHERIFF'S DEPARTMENT	2	.00	246.56	Logged
27443-	548	32	1/09/2013	465 SP MAINTENANCE SERVICES, INC.	1	.00	2,821.00	Logged
27444-	548	33	1/09/2013	469 STAPLES CONTRACT & COMMERCIAL,	5	.00	610.61	Logged
27445-	548	34	1/09/2013	473 SPRINT SPECTRUM, L.P. dba	1	.00	33.92	Logged
27446-	548	35	1/09/2013	507 THE GAS COMPANY	3	.00	479.36	Logged
27447-	548	36	1/09/2013	521 TODD PIPE & SUPPLY	1	.00	440.43	Logged
27448-	548	37	1/09/2013	529 TRANSFIRST	1	.00	343.46	Logged
27449-	548	38	1/09/2013	535 UNDERGROUND SERVICE ALERT	1	.00	4.50	Logged
27450-	548	39	1/09/2013	555 VERIZON CALIFORNIA	1	.00	2,224.31	Logged
27451-	548	40	1/09/2013	626 CHANNEL COUNTIES DIVISION-LOCC	1	.00	100.00	Logged
27452-	548	41	1/09/2013	649 FLUID RESOURCE MANAGEMENT, INC	1	.00	450.00	Logged
27453-	548	42	1/09/2013	668 ONE STOP AUTO PARTS	1	.00	18.76	Logged
27454-	548	43	1/09/2013	679 COURIER SYSTEMS	1	.00	197.95	Logged
27455-	548	44	1/09/2013	693 ANDREW LAROCHE	1	.00	350.00	Logged
27456-	548	45	1/09/2013	744 GE CAPITAL INFO TECH SOLUTIONS	1	.00	500.05	Logged
27457-	548	46	1/09/2013	768 WEX BANK	1	.00	2,010.85	Logged
27458-	548	47	1/09/2013	783 CAMBRON ROOFING AND WATERPROOF	2	.00	11,113.00	Logged

.00

.00

** Total check discount **

** Total check amount **

80,908.13

.00

Payments via Electronic Fund Transfer (EFT):

FSA-Council	12/28/12	100.00
FSA-Staff	12/28/12	712.33
Bank Svc Chg	12/31/12	200.00
Payroll Taxes	1/2/13	10,995.45
Aflac Sup Ins	1/4/13	559.12
Jan Life Ins Prem-Staff	1/4/13	484.65
Health Premium	1/4/13	14,511.03
Deferred Compensation Plan	1/4/13	12,538.39
Check Order	1/7/13	290.75
Retirement Contribution	1/9/13	20,962.18
Total		61,353.90

FISCAL YEAR 2012-13 REVENUE AND EXPENDITURE RECAP

As of December 31, 2012
50.0%
of the year elapsed

<u>GENERAL FUND</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget YTD</u>	<u>Cash Balance at 12/31/12</u>
Total Revenues (1)	\$4,296,365.00	\$2,178,551.01	51%	\$2,447,385.50
Total Expenditures (1)	\$5,017,791.00	\$2,460,615.66	49%	
<u>SPECIAL REVENUE FUNDS</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget YTD</u>	<u>Cash Balance at 12/31/12</u>
Total Revenues	\$501,419.00	\$355,392.55	71%	\$1,950,596.57
Total Expenditures	\$1,164,304.00	\$400,868.78	34%	
<u>WATER/SEWER</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget YTD</u>	<u>Cash Balance at 12/31/12</u>
Total Revenues	\$2,051,250.00	\$1,132,329.31	55%	\$4,974,355.87
Total Expenditures	\$2,698,458.00	\$1,109,284.85	41%	
<u>SUCCESSOR AGENCY</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget YTD</u>	<u>Cash Balance at 12/31/12</u>
Total Revenues	\$0.00	\$1,191.46	N/A	(\$26,731.00)
Total Expenditures	\$0.00	\$1,781,330.58	N/A	

The Revenue Status Report and Expenditure Status Report are available for your review.

The Cash Balances as of January 16, 2013 are as follows:

Checking	Balance as of:	<u>FY 2011-12</u>	<u>FY 2012-13</u>
Rabobank	1/16/13	78,102.99	188,542.89
Total Checking		<u>78,102.99</u>	<u>188,542.89</u>
Savings/Investments			
LAIIF-savings	12/31/12	12,917,361.98	11,714,648.42
Rabobank-money mkt	12/31/12	202,481.08	203,419.74
Morgan Stanley-bonds	12/31/12	375,000.00	126,271.18
Great Pacific-treasuries	12/31/12	0.00	503,245.66
First Empire-bonds	12/31/12	3,485,000.00	2,504,493.46
Total Savings/Investments		<u>16,979,843.06</u>	<u>15,052,078.46</u>
 % of cash invested		23.82%	21.90%
 Total Cash		<u><u>17,057,946.05</u></u>	<u><u>15,240,621.35</u></u>

1.) General Fund revenues and expenditures include Storm Water, Parks and Rec and Landscape Maintenance

2.)*Restricted cash of \$6,158,840.64 not included in general fund cash balance at 12/31/12

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 3

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director

Meeting Date: January 24, 2013

Subject: Award of Contract for the 2011/12 Citywide Concrete Repair Project

BACKGROUND

In December 2012 the City published a Notice to Contractors inviting sealed bids for the 2011/2012 Citywide Concrete Repair Project. The Project will include the repair and installation of sidewalks, handicap ramps, curb and gutters, and driveways in various locations throughout the City, including the Post office and River View Park.

On January 14, 2013, nine bids for the project were received from the following contractors:

	Sched A+B	Sched A+C
• Berry General Engineering	\$229,868.98	\$224,355.58
• John Madonna Construction	\$212,177.40	\$205,750.55
• JF Will Co.	\$242,912.78	\$244,748.60
• <i>JJ Fisher Construction</i>	<i>\$164,989.95</i>	<i>\$153,232.95</i>
• Maino Construction	\$210,793.00	\$199,429.00
• Rockwood General Contractors	\$222,310.46	\$221,922.34
• Burke Corp.	\$272,431.00	\$265,420.50
• Granite Construction	\$188,498.00	\$171,362.00
• Brough General Engineering	\$231,033.00	\$219,437.00

The Engineer's estimate was \$220,000.

It is anticipated that the effective date of the Notice to Proceed for work will be approximately February 25, 2013. The project is term is 60 working days (approximate completion date of May 17, 2013). Staff has reviewed and verified license, bonds and references for JJ Fisher Construction. Bid amounts have been verified.

The bid schedule includes the base Schedule A, which would then add either Schedule B or Schedule C. The difference between the schedules is the amount of Terrewalks used for sidewalk and amount of colored concrete sidewalk, for repairs at River View Park. These alternatives allow us to review the actual cost of the Terrewalk product and installation. Based on the total project cost, staff recommends Schedule A plus alternative C. In addition, staff recommends that a contingency of 30% be authorized to allow for additional areas of repair.

FISCAL IMPACT

This project will be funded by the General Fund, Gas Tax and local Measure A allocations.

RECOMMENDATION

That the Council award a contract in the amount of \$153,232.95 to JJ Fisher Construction for the 2011/2012 Citywide Concrete Repair Project, with an approved contingency of 30%, for a total amount not to exceed (\$199,202.84) and authorize the City Manager and City Attorney to execute the contract.

ATTACHMENT

Attachment 1 - Repair Reference Spreadsheet

ATTACHMENT 1

CIBUE.120005.01 - CITY OF BUELLTON CONCRETE REPAIR REFERENCE SPREADSHEET

Reference Number	Lot Number	Street Name(s) / Location	Description
1	530	Willow Lane	Driveway and sidewalk raised
2	207	Irelan Drive	Sidewalk cracked & Root barrier
3	555	Dawn Drive	Sidewalk raised
4	653	Central Avenue	Type "A" Ramp
5	631	Central Avenue	Sidewalk cracked
6	450	Central Avenue	C&G and Sidewalk cracked
7	373	Avenue of Flags	Sidewalk grind
8	311	Freear Drive	Sidewalk cracked
9	Park	Riverview Park	Sidewalk cracked
10	Park	Riverview Park	Sidewalk cracked
11	Across from 251	La Lata	C&G raised
12	247	La Pita	Sidewalk cracked
13	376	Gay Drive	C&G cracked and Root Barrier
14	436	Gay Drive	C&G cracked
15	393	Gay Drive	C&G cracked
16	361	Gay Drive	C&G cracked
17	449	Dania Avenue	C&G cracked & drain
18	415	Dania Avenue	Driveway cracked
19	391	Dania Avenue	C&G and Driveway cracked
20	380	Dania Avenue	C&G cracked
21	464	Odense Street on Kendale side	C&G and Driveway cracked
22	321	Dania Avenue on Kendale side	C&G cracked
23	319	Kendale Road	Driveway cracked
24	379	Kendale Road	Driveway cracked
25	545	Thumbelina Drive	Driveway cracked
26	341	Odense Street	C&G cracked
27	84	Six Flags Circle	Sidewalk cracked & Root barrier
28	2	Victory Drive on comer of Six Flags	Sidewalk raised
29	251	Victory Drive	Sidewalk cracked & Root barrier
30	123	Shadow Mountain Drive	Sidewalk cracked & Root barrier
31	24	Shadow Mountain Drive	Sidewalk cracked & Root barrier
32	69	Bear Creek Drive	Sidewalk cracked & Root barrier
33	450	Avenue of Flags	Sidewalk & Driveway cracked
34	201	Industrial Way	Sidewalk depressed
35	153	Industrial Way	C&G cracked
36	100	Industrial Way	C&G cracked
37	140	Highway 246	ADA Ramp Compliance
38	Across from 217	Valley Dairy Road	Sidewalk raised
39	410	Sycamore Drive	Sidewalk raised
40	470	Sycamore Drive	Sidewalk raised
41	127	Industrial Way	New sidewalk
42	123	Industrial Way	New sidewalk
43	73	Industrial Way	New sidewalk
44	71	Industrial Way	New sidewalk
45	Park	Riverview Park	Sidewalk cracked
46	Park	Riverview Park	Sidewalk unravelling
47	NOT USED		
48	Bus Stop	Meadowview Drive	Sign not in footing
49	NOT USED		
50	Park	Riverview Park	New concrete pad
51	Across from 536	Irelan Drive	Sidewalk and curb & gutter raised
52	586	Blue Blossom Way	Sidewalk and curb & gutter raised

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 4

To: The Honorable Mayor and City Council
From: Marc P. Bierdzinski, Planning Director
Meeting Date: January 24, 2013
Subject: Reappointment of Bonny Chard and Anita Elovitz to the
Community Development Block Grant (CDBG) Committee

BACKGROUND

On November 11, 2007, the City Council created a CDBG Committee to review applications for funding from the program. The duties of the committee are included as Attachment 1.

The committee has three members:

Bonny Chard (Human Service Needs Member-Term Expired December 2011)
Anita Elovitz (Public Member-Term Expired December 2011)
Craig Adams (Planning Commission Member-Term Expires December 2014)

Both Ms. Chard and Ms. Elovitz have indicated a desire to continue serving on this committee. The Committee did not meet last year as there were no applications to review, but the City has received applications for the next funding cycle so it will be meeting in the next couple of months.

FISCAL IMPACT

The appointment to the CDBG Committee will not have any fiscal impact to the City.

RECOMMENDATION

That the City Council reappoint Bonny Chard and Anita Elovitz to the CDBG Committee with terms expiring in December 2016.

ATTACHMENT

Attachment 1 – CDBG Committee Duties

ATTACHMENT 1

Community Development Block Grant (CDBG) Committee

General Duties

The basic duty of the CDBG Block Grant Committee is to review grant applications for CDBG funds and to make recommendations, with the assistance of staff, to the City Council for funding.

The CDBG Committee shall perform the following functions:

1. Establish procedures in conjunction with the Santa Barbara County Housing and Community Development Department for applying for funds, setting criteria for allocations, and making funding recommendations to the City Council.
2. Coordinate CDBG funding so that basic human service needs are met.
3. Provide recommendations to the City Council concerning matters relating to the CDBG Program.

The Committee may adopt such rules and regulations as it may deem necessary to carry out its functions.

Membership

The Committee shall be three members appointed by the City Council to serve four-year overlapping terms. One member shall be from the City Planning Commission, one member from the public at large, and one member that has experience with human service needs. All members must be City residents. Members shall not be a paid staff member of on the Board of Directors for any human service organization in the Santa Ynez Valley. The Planning Director shall serve as staff to this Committee.

Meetings

The CDBG Committee shall meet on an as needed basis at a location to be determined.

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 6

To: The Honorable Mayor and City Council

From: Ralph D. Hanson, City Attorney

Meeting Date: January 24, 2013

Subject: Ordinance No. 13-01 - “An Ordinance of the City Council of the City of Buellton, California, to Increase the Buellton Transient Occupancy Tax Rate” (Second Reading)

BACKGROUND

At the January 10, 2013 Council meeting the Council introduced for first reading Ordinance No. 13-01 to increase the amount of the Transient Occupancy Tax (TOT) rate from ten percent (10%) to twelve percent (12%).

Per the direction of the City Council, implementation of the new TOT rate will not apply to guest contracts that were established prior to the effective date of Ordinance No. 13-01.

FISCAL IMPACT

Will likely increase the general fund revenues generated by collection of the TOT.

RECOMMENDATION

That the City Council adopt, by title only, further reading of the ordinance waived, Ordinance No. 13-01 - “An Ordinance of the City Council of the City of Buellton, California, to Increase the Buellton Transient Occupancy Tax Rate”

ATTACHMENT

Ordinance No. 13-01

ORDINANCE NO. 13-01

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF BUELLTON, CALIFORNIA, TO
INCREASE THE BUELLTON TRANSIENT
OCCUPANCY TAX RATE**

**THE CITY COUNCIL OF THE CITY OF BUELLTON DOES ORDAIN AS
FOLLOWS:**

SECTION 1: The Ordinance involves the following:

A. Chapter 3.28 of the Buellton Municipal Code provides the provisions for the Buellton Transient Occupancy Tax (TOT), a charge for transient occupancy in hotels, motels, etc. (as defined in Section 3.28.020); and

B. Section 3.28.030 sets the TOT rate to be charged at ten percent (10%); and

C. At the November 2012 general election, the voters of the City of Buellton adopted Measure "D2012" to amend the Buellton Municipal Code to allow the City Council to increase the amount of the TOT rate from ten percent (10%) to a maximum twelve percent (12%). More specifically, Measure "D2012" amended Section 3.28.030 of the Buellton Municipal Code as follows:

“3.28.030 Rate.

For the privilege of occupancy in any hotel, the City Council may, by ordinance, establish a tax rate at no greater than twelve percent (12%) of the rent actually charged or customarily charged by the operator for the rooms and/or facilities occupied by the transient. Each transient is subject to and shall pay the tax in the amount set by the City Council. This tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator of the hotel at the time the rent is paid. The unpaid tax is due upon the transient's ceasing to occupy space in the hotel. If, for any reason, the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax be paid directly to the tax administrator.”

D. It is the desire of the City Council to increase the TOT rate consistent with the authority approved by the voters in Measure "D2012" and

E. On January 10, 2013, prior to the adoption of this Ordinance, the City Council conducted and concluded a duly noticed public hearing concerning the increase of the TOT rate; and

F. All legal prerequisites have occurred prior to the adoption of this Ordinance.

SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

A. Record. Prior to rendering a decision on the Ordinance, the City Council considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain Public Hearing conducted by the City Council on January 10, 2013 (“City Council Public Hearing”).
2. All oral, written and visual materials presented by City staff in conjunction with the City Council Public Hearing.

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements have been lawfully satisfied:

1. A notice of public hearing was published in a newspaper of general circulation on December 27, 2012 (the “Public Notice”), in advance of the City Council Public Hearing conducted on January 10, 2013.
2. The Public Notice and Agenda for the City Council meeting of January 10, 2013, was posted in three conspicuous public places before the Public Hearing.

SECTION 3: The City Council hereby establishes the TOT rate at twelve percent (12%) for collection in accordance with the provision of Chapter 3.28 Buellton Municipal Code.

SECTION 4: This Ordinance shall become effective immediately following adoption pursuant to the authority of Section 36937 (d) as this ordinance relates to taxes for the usual and current expenses of the City of Buellton.

SECTION 5: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Buellton hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 6: The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with California law.

PASSED, APPROVED AND ADOPTED this 24th day of January, 2013.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 7

To: The Honorable Mayor and City Council

From: John Kunkel, City Manager

Meeting Date: January 24, 2013

Subject: Discussion and Direction of Draft Charter City Initiative

BACKGROUND

Last year the Council approved the formation of a committee to look into the possibility of having Buellton become a charter city. That committee approved the idea and formulated a draft charter, which was presented to Council by committee member Lisa Figueroa. The Council was asked to peruse the draft charter and recommend any changes. Those recommendations have been incorporated in the draft that is before you tonight. Please note changes in Article I section 3, the addition of Section 4 and changes in Article V section 3. All other areas of the draft charter remain the same.

FISCAL IMPACT

Substantial cost savings to the City which will vary year to year, based on the amount of public works projects the City does. (City Engineers estimates for F/Y 2011/2012 if Buellton was a Charter City approximately \$360,000).

RECOMMENDATION

It is the goal of the committee to place this item on the November 2014 ballot. To do so Council must hold two public hearings with 21 day notice and at least 30 days between the two public hearings. This process will take approximately 3 months to complete. Therefore, staff recommends that the City Council approve the proposed charter and authorize the City Clerk to begin the process necessary to have the charter placed on the November 2014 ballot.

ATTACHMENT

Attachment 1 – Draft Charter

CITY OF BUELLTON PROPOSED CHARTER

PREAMBLE

WE, THE CITIZENS OF BUELLTON, ENACT THIS CHARTER, DETERMINED THAT LOCAL CONTROL OF OUR MUNICIPAL GOVERNMENT IS IN OUR BEST INTEREST. IT IS OUR BELIEF THAT THE FISCAL AND ECONOMIC INDEPENDENCE GARNERED THROUGH THIS CHARTER WILL ENHANCE THE QUALITY OF PUBLIC HEALTH, SAFETY AND WELFARE FOR ALL CITIZENS OF BUELLTON. THEREFORE, WE DO HEREBY ADOPT THIS CHARTER WITH ALL RIGHTS GRANTED BY THE CONSTITUTION OF THE STATE OF CALIFORNIA.

ARTICLE I MUNICIPAL AFFAIRS

SECTION 1 NAME

The existing municipal corporation known as the City of Buellton shall remain and continue to exist as a municipal corporation under the same name, but from hence forth as a California Constitution Home Rule Charter City.

SECTION 2 BOUNDARIES

The boundaries of the City shall be as now established and may be changed in the future as provided by law.

SECTION 3 POWERS AND DUTIES

take action on all matters

The City shall have full ~~power and~~ authority to ~~adopt, make exercise and enforce all legislation, laws, and regulations and to take all actions~~ related to municipal affairs ~~without limitation, which may be lawfully adopted, made, exercised, taken or enforced~~ under the Constitution of the State of California. Without limiting in any manner the foregoing power and authority, each of the powers, rights and responsibilities described in this Charter is hereby declared to be a municipal affair, the performance of which is unique to the welfare of the citizens of the City of Buellton.

**SECTION 4
NO INCREASED POWER TO TAX**

This Charter does not allow the City Council to increase any taxes without an affirming vote of the voters as required by State law and the California Constitution.

**SECTION 5
UTILITIES**

The City shall have the power to adopt any ordinance providing for the acquisition, development, or operation by the City of any utility, or any ordinance providing for the granting of a franchise to any utility not own by the City which proposes to use or is using City streets, highways or other rights-of-ways.

**ARTICLE II
GENERAL LAWS**

**SECTION 1
GENERAL LAW POWERS**

Nothing in this Charter shall be construed to prevent or restrict the City from exercising any and all right, powers and privileges heretofore and hereafter granted or prescribed by the General Laws of California. All general law powers of cities in California are hereby declared to be possessed by the City. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

**ARTICLE III
PURCHASING, CONTRACTS AND FINANCING**

**SECTION 1
PUBLIC WORKS PROJECTS**

The City shall have the power to establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work, with a prohibition on the payment of prevailing wages unless payment is compelled by State or federal grant, State law or the direction of the City Council. Additionally, such standards, procedures, rules and regulations shall contain provisions for local preferences of businesses or firms located within the City of Buellton.

Pursuant to California Public Contract Code Section 1100.7, as may be amended from time to time, the City hereby expressly declares the intention to exempt such ordinances concerning contracts on public works from the provisions of the California Public Contract Code except and unless any portion or portions thereof are specifically referenced within such ordinance.

**SECTION 2
PURCHASING**

The City shall have the power to establish standards, procedure, rules, or regulations related to the purchasing of goods, or services. Additionally, such standards, procedures, rules and regulations shall contain provisions for local preferences of businesses or firms located within the City of Buellton.

**SECTION 3
PUBLIC FINANCING**

The City shall have the power to establish standards, procedures, rules, or regulations related to any public financing.

**ARTICLE IV
ELECTIVE OFFICIALS**

**SECTION 1
GOVERNING BODY**

The City shall have a City Council composed of five Councilmembers, elected by the voters of the City at large for four year terms, as provided by ordinance. The City Council shall be the legislative and governing body of the City. The Council shall select a Mayor and a Vice Mayor from its membership. The term of the Mayor and the Vice Mayor shall be for a period of two consecutive years, unless reduced by vacancy or action of the Council. The Mayor can be appointed to no more than two consecutive terms as Mayor.

**SECTION 2
ELIGIBILITY**

No person shall be eligible to hold office of Councilmember unless they are a legally registered voter and resident of the City.

SECTION 3
ELECTIONS

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the California Elections Code governing municipal elections.

SECTION 4
COMPENSATION

Compensation for elected officials shall be no more than that allowed to general law cities.

ARTICLE V
INTERPRETATION

SECTION 1
CONSTRUCTION AND INTERPRETATION

The language contained in this Charter is intended to be permissive rather than conclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter which is a municipal affair.

SECTION 2
SEVERABILITY

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

SECTION 3
TRANSITION

All **existing** City Ordinances, resolutions, rules, regulations and agreements which are in force when this Charter becomes effective shall remain in effect until repealed **as provided by California Law**.

SECTION 4
AMENDMENT

This Charter, and any of its provisions, may be amended by a majority vote of its electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.