



CITY OF BUELLTON

CITY COUNCIL AGENDA

**Regular Meeting of April 11, 2013 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

Materials related to an item on this agenda, as well as materials submitted to the City Council after distribution of the agenda packet, are available for public inspection in the Office of the City Clerk, located at 107 West Highway 246, during normal business hours.

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 Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion.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 April 1, 2013 Special City Council Meeting**
- 2. Minutes of March 28, 2013 City Council Meeting**
- 3. List of Claims to be Approved/Ratified for Payment to Date for Fiscal Year 2012-13**

4. **Ratification of Selection Committee's Recommendation for Recipients of the Norman and Gale Williams Buellton Education Scholarship**
❖ *(Staff Contact: Finance Director Muñoz)*
5. **Acceptance of City of Buellton Transportation Development Act Fund Financial Statements for Years Ended June 30, 2012 and 2011 with Independent Auditor's Report**
❖ *(Staff Contact: Finance Director Muñoz)*
6. **Receive and File the 2012 Annual Report on Status of the General Plan**
❖ *(Staff Contact: Planning Director Bierdzinski)*
7. **Resolution No. 13-06 – “A Resolution of the City Council of the City of Buellton, California, Designating Employer Paid Member Contributions to the California Public Employees' Retirement System (CalPERS) for New and Current Employees”**
❖ *(Staff Contact: Human Resources Director Reid)*

PRESENTATIONS

PUBLIC HEARINGS

(POSSIBLE ACTION)

8. **Resolution No. 13-03 – “A Resolution of the City Council of the City of Buellton, California, Approving a One Year Time Extension Request for Final Development Plan (07-FDP-03) until February 14, 2014 and Making Findings in Support Thereof”**
❖ *(Staff Contact: Planning Director Bierdzinski)*
9. **Resolution No. 13-04 – “A Resolution of the City Council of the City of Buellton, California, Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2013/2014 – 2017/2018”**
❖ *(Staff Contact: Public Works Director Hess)*

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)

- 10. Presentation by Tim Mahoney, Public Affairs Manager of Southern California Gas Company, Regarding the Advanced Meter Program**
- 11. Ordinance No. 13-04 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-02) by Adding Section 19.06.270 Relating to the Prohibition of Cigarette, Tobacco, and Head Shops and Making Findings in Support Thereof” (Second Reading)**
❖ (Staff Contact: Planning Director Bierdzinski)
- 12. Review of Socio-Economic Mitigation Program (SEMP) Loan and Possible Amendment**
❖ (Staff Contact: City Manager Kunkel)
- 13. Consideration of Approval of a Settlement Agreement and Mutual Release between the City of Buellton and the County of Santa Barbara Pertaining to the Collection of Property Tax Administration Fees**
❖ (Staff Contact: City Attorney Hanson)
- 14. Department Reports – (Finance, Personnel, Planning, Public Works, and Sheriff’s Department)**

CITY MANAGER’S REPORT

CLOSED SESSION ITEMS

(POSSIBLE ACTION)

- 15. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Institution of Litigation pursuant to subdivision (c) of California Government Code Section 54956.9 – One Case

ADJOURNMENT

The next meeting of the City Council will be held on Thursday, April 25, 2013 at 6:00 p.m.

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES

Special Meeting of April 1, 2013
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Mayor Judith Dale called the meeting to order at 7:30 a.m.

PLEDGE OF ALLEGIANCE

Council Member Leo Elovitz led the Pledge of Allegiance

ROLL CALL

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

Excused Absence: Vice Mayor John Connolly

Staff: City Manager John Kunkel and City Clerk Linda Reid

PUBLIC COMMENTS

Bob Field, Santa Ynez, spoke about the “Good Neighbor” Ordinance.

BUSINESS ITEMS

- 1. Consideration of Appointment of a City Council Member to Represent the City at the Santa Barbara County Board of Supervisors Meetings Regarding New and Amended Regulations for Use of Property for Temporary Uses (Special Events)**

SPEAKERS/DISCUSSION:

The following speakers spoke regarding Item No. 1:

Mark Oliver, Solvang
Richard Good, Buellton
Lee Rosenberg, Los Olivos
Kathy Vreeland, Buellton
Ron Anderson, Buellton
Hans Duus, Solvang
Mike Hendrick, Buellton
Bob Field, Santa Ynez

The City Council discussed appointing a Council Member to represent the City at the Santa Barbara County Board of Supervisors meetings regarding Special Events. Mayor Dale submitted a Board of Supervisors Agenda Letter regarding Temporary Uses (Special Events) Ordinance Amendments for the record.

MOTION:

Motion by Council Member Sierra, seconded by Council Member Andrisek, appointing Mayor Dale to represent the City of Buellton at the Santa Barbara County Board of Supervisors meetings regarding Special Events and that she request the County table their decision on this issue in order to allow more time to study and clarify how the proposed ordinance might impact Buellton.

VOTE:

Motion passed by a roll call vote of 4-0.

ADJOURNMENT

Mayor Dale adjourned the special meeting at 8:25 a.m. The next regular meeting of the City Council will be held on Thursday, April 11, 2013 at 6:00 p.m.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES
Regular Meeting of March 28, 2013
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Council Member Ed Andrisek led the Pledge of Allegiance

ROLL CALL

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

Excused Absence: Council Member Holly Sierra

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

REORDERING OF AGENDA

None

PUBLIC COMMENTS

Mike Hendrick, Lee Rosenberg, Richard Good, Hans Duus, and Mary Harris discussed the upcoming Santa Barbara County Board of Supervisor's meeting of April 2 dealing with Special Event regulations in the County and the impact to the Santa Ynez Valley. The speakers requested the City Council convene a Special Meeting to appoint a representative to attend the Supervisor's meeting on Buellton's behalf. Two documents were submitted for the record.

The City Council agreed by consensus to hold a special meeting on Monday, April 1 at 7:30 a.m. in the Council Chambers to consider appointing a Council Member to represent the City of Buellton at the County Board of Supervisor's meeting scheduled for Tuesday, April 2.

CONSENT CALENDAR

1. **Minutes of March 14, 2013 Regular City Council Meeting**
2. **List of Claims to be Approved/ Ratified for Payment to Date for Fiscal Year 2012-13**
3. **Resolution No. 13-05 – “A Resolution of the City Council of the City of Buellton, California, Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments for Allocation of Transportation Development Act Funds for Fiscal Year 2013-14”**

RECOMMENDATION:

That the City Council approve the Consent Calendar as listed.

MOTION:

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

VOTE:

Motion passed by a roll call vote of 4-0.

PRESENTATIONS

None

PUBLIC HEARINGS

4. **Ordinance No. 13-04 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-02) by Adding Section 19.06.270 Relating to the Prohibition of Cigarette, Tobacco, and Head Shops and Making Findings in Support Thereof” (Introduction and First Reading)**

RECOMMENDATION:

That the City Council consider the introduction and first reading of Ordinance No. 13-04.

STAFF REPORT:

Planning Director Bierdzinski presented the staff report.

DOCUMENTS:

Staff Report with attachments (Ordinance No. 13-04 and Planning Commission Resolution No. 13-03)

SPEAKERS/DISCUSSION:

Mayor Dale opened the Public Hearing at 6:39 p.m.

The following speakers spoke in support of the proposed ordinance:

Dawn Dunn, Santa Barbara County Public Health Department
 Marjowey Diaz, Santa Ynez Valley Coalition to Promote a Drug Free Youth
 Debbie Weinstein, Santa Ynez Valley Coalition to Promote a Drug Free Youth
 Bruce Porter, Santa Ynez Valley Union High School District
 Mary Conway, Santa Ynez Valley Coalition to Promote a Drug Free Youth. Ms. Conway submitted supporting documentation for the record.
 Lt. Brad McVay, Santa Barbara County Sheriff's Department

There being no further public comment, Mayor Dale closed the Public Hearing at 6:50 p.m.

MOTION:

Motion by Vice Mayor Connolly, seconded by Council Member Elovitz, approving the introduction and first reading of Ordinance No. 13-04 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-02) by Adding Section 19.06.270 Relating to the Prohibition of Cigarette, Tobacco, and Head Shops and Making Findings in Support Thereof” by title only and waive further reading.

VOTE:

Motion passed by a roll call vote of 4-0.

5. **Resolution No. 13-02 – “A Resolution of the City Council of the City of Buellton, California, Accepting the Community Development Block Grant (CDBG) Funding Recommendations from the City of Buellton CDBG Committee and Directing Staff to Authorize the County of Santa Barbara to Submit the Funding Request to the Federal Housing and Urban Development Department”**

RECOMMENDATION:

That the City Council consider the adoption of Resolution No. 13-02.

STAFF REPORT:

Planning Director Bierdzinski presented the staff report.

DOCUMENTS:

Staff Report with attachments (Resolution No. 13-02, application from People Helping People and CDBG Committee meeting minutes of February 26, 2013)

SPEAKERS/DISCUSSION:

Mayor Dale opened the Public Hearing at 6:59 p.m.

Arcelia Sencion, representing Santa Ynez Valley People Helping People, discussed the proposed Community Development Block Grant funding request.

There being no further public comment, Mayor Dale closed the Public Hearing at 7:03 p.m.

MOTION:

Motion by Council Member Andrisek, seconded by Council Member Elovitz, approving Resolution No. 13-02 – “A Resolution of the City Council of the City of Buellton, California, Accepting the Community Development Block Grant (CDBG) Funding Recommendations from the City of Buellton CDBG Committee and Directing Staff to Authorize the County of Santa Barbara to Submit the Funding Request to the Federal Housing and Urban Development Department”

VOTE:

Motion passed by a roll call vote of 4-0.

COUNCIL MEMBER COMMENTS

Mayor Dale stated she met with Caltrans representatives regarding the Highway 101 widening project in Montecito.

Council Member Andrisek thanked everyone involved in organizing the Wine and Chili Festival and said it was a great event.

COUNCIL ITEMS

None

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

Council Member Andrisek announced that he attended the Central Coast Water Authority Board Meeting and provided an oral report regarding the meeting.

BUSINESS ITEMS

- 6. **Ordinance No. 13-03 – “An Ordinance of the City Council of the City of Buellton, California, Approving a Specific Plan Amendment (13-SP-01) for the Village Specific Plan, Located on Assessor’s Parcel Number 137-090-045 and Making Findings in Support Thereof” (Second Reading)**

RECOMMENDATION:

That the City Council consider the adoption of Ordinance No. 13-03.

STAFF REPORT:

Planning Director Bierdzinski presented the staff report.

DOCUMENTS:

Staff Report with attachment (Ordinance No. 13-03)

SPEAKERS/DISCUSSION:

Larry Bishop, Buellton, expressed his concern regarding bike and pedestrian access from the project site to the Thumbelina subdivision.

The City Council discussed the following issues:

- Walking and biking access to and from the neighboring community

MOTION:

Motion by Council Member Andrisek, seconded by Council Member Elovitz approving and adopting Ordinance No. 13-03 – “An Ordinance of the City Council of the City of Buellton, California, Approving a Specific Plan Amendment (13-SP-01) for the Village Specific Plan, Located on Assessor’s Parcel Number 137-090-045 and Making Findings in Support Thereof” by title only and waive further reading.

VOTE:

Motion passed by a roll call vote of 4-0.

7. Discussion Regarding Changes to City’s Website and Community Communication**RECOMMENDATION:**

That the City Council consider changes to the City’s website and communications with the community and direct staff accordingly.

STAFF REPORT:

City Manager Kunkel presented the staff report.

SPEAKERS/DISCUSSION:

Kam Thandi, a communications graduate from U.C.S.B. provided a presentation regarding social media and ways it can be used within the City of Buellton to promote both social and economic activity and to broadcast news and events.

The City Council discussed the following issues:

- How social media can help to promote Buellton
- That the Buellton Visitor’s Bureau and Chamber of Commerce promote Buellton through social media
- Legal ramifications of social media
- Have an Economic Development Task Force meeting to discuss this issue further

DIRECTION:

The City Council agreed by consensus to have the City Attorney provide a legal memo regarding the use of social media and schedule an Economic Development Task Force meeting to discuss this issue further.

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.

CLOSED SESSION ITEMS

**9. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Institution of Litigation pursuant to subdivision (c) of California Government Code
Section 54956.9 – One Case**

The City Council met in closed session to discuss potential litigation. There was no reportable action taken.

ADJOURNMENT

Mayor Dale adjourned the regular meeting at 9:18 p.m. The next regular meeting of the City Council will be held on Thursday, April 11, 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
April 12, 2012 Council Meeting.

Listed below is a brief summary of the attached claims:

	EXHIBIT A		\$ 334,805.62
	EXHIBIT B		\$ 13,140.96
	Council Pay	3/29/13	\$ 2,311.75
	Payroll	3/29/13	\$ 41,287.04
	TOTAL AMOUNT OF CLAIMS:		<u>\$ 391,545.37</u>

	<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 April 3, 2013	\$ 6,727,556.93	\$ 7,749,749.32

**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
27711-	557	1	3/28/2013	0 DAVE McCOPPEN	1	.00	43.83	Logged
27712-	557	2	3/28/2013	0 SIMA VALLEY STATION LLC	1	.00	37.91	Logged
27713-	557	3	3/28/2013	0 ELIZABETH LEE	1	.00	38.00	Logged
27714-	557	4	3/28/2013	0 VALLEY COMPOST & TOPSOIL, INC	1	.00	45.90	Logged
27715-	557	5	3/28/2013	0 MAINLINE UTILITY COMPANY	1	.00	525.00	Logged
27716-	557	6	3/28/2013	65 BURKE, WILLIAMS & SORENSEN, LL	4	.00	11,433.34	Logged
27717-	557	7	3/28/2013	76 CAL-COAST IRRIGATION, INC.	2	.00	57.53	Logged
27718-	557	8	3/28/2013	77 CAL-COAST MACHINERY, INC	1	.00	756.00	Logged
27719-	557	9	3/28/2013	82 CALIFORNIA DEPT OF PUBLIC HEAL	1	.00	88.20	Logged
27720-	557	10	3/28/2013	90 CaIPERS LONG-TERM CARE PROGRAM	1	.00	84.25	Logged
27721-	557	11	3/28/2013	107 CITY OF LOMPOC	1	.00	1,666.66	Logged
27722-	557	12	3/28/2013	119 CRAIG ADAMS	2	.00	150.00	Logged
27723-	557	13	3/28/2013	191 FERGUSON ENTERPRISES, INC #632	1	.00	451.40	Logged
27724-	557	14	3/28/2013	193 FIRST NATIONAL BANK OF OMAHA	7	.00	3,279.68	Logged
27725-	557	15	3/28/2013	199 FOSTER D. REIF	2	.00	150.00	Logged
27726-	557	16	3/28/2013	210 GRANITE CONSTRUCTION COMPANY	1	.00	177.60	Logged
27727-	557	17	3/28/2013	242 JASON L. FUSSEL	2	.00	150.00	Logged
27728-	557	18	3/28/2013	262 JJ FISHER CONSTRUCTION, INC.	1	.00	32,513.46	Logged
27729-	557	19	3/28/2013	285 SANTA MARIA TIMES dba	4	.00	379.81	Logged
27730-	557	20	3/28/2013	303 ART MERCADO	2	.00	150.00	Logged
27731-	557	21	3/28/2013	326 MNS ENGINEERS, INC.	10	.00	49,607.50	Logged
27732-	557	22	3/28/2013	342 NIELSEN BUILDING MATERIALS, INC	1	.00	64.79	Logged
27733-	557	23	3/28/2013	350 OLIVERA'S REPAIR, INC	1	.00	48.31	Logged
27734-	557	24	3/28/2013	352 P G & E	1	.00	15,745.49	Logged
27735-	557	25	3/28/2013	372 PETTY CASH	1	.00	150.16	Logged
27736-	557	26	3/28/2013	380 PRAXAIR DISTRIBUTION, INC.	1	.00	116.99	Logged
27737-	557	27	3/28/2013	395 JOSE RAFAEL RUIZ dba	2	.00	3,725.00	Logged
27738-	557	28	3/28/2013	413 SUSAN CAMPBELL dba	1	.00	1,309.88	Logged
27739-	557	29	3/28/2013	450 SB CO SHERIFF'S DEPARTMENT	2	.00	139,311.42	Logged
27740-	557	30	3/28/2013	506 THE CREDIT BUREAU	1	.00	27.47	Logged
27741-	557	31	3/28/2013	529 TRANSFIRST	1	.00	392.25	Logged
27742-	557	32	3/28/2013	545 KROS ANDRADE dba	1	.00	204.00	Logged
27743-	557	33	3/28/2013	556 VERIZON WIRELESS	1	.00	304.01	Logged
27744-	557	34	3/28/2013	582 VINTAGE WALK, LLC OWNERS ASSOC	1	.00	104.00	Logged
27745-	557	35	3/28/2013	587 KYLE ABELLO	1	.00	60.00	Logged
27746-	557	36	3/28/2013	598 ENGEL & GRAY, INC.	1	.00	5,114.58	Logged
27747-	557	37	3/28/2013	677 WALLACE GROUP	1	.00	1,634.78	Logged
27748-	557	38	3/28/2013	698 CALIFORNIA STATE DISBURSEMENT	1	.00	706.50	Logged
27749-	557	39	3/28/2013	713 COASTAL COPY, LP	1	.00	484.92	Logged
27750-	557	40	3/28/2013	739 HANLY GENERAL ENGINEERING CORP	1	.00	43,114.00	Logged
27751-	557	41	3/28/2013	781 VALLEY CREST LANDSCAPE MAINT,	2	.00	16,846.00	Logged
27752-	557	42	3/28/2013	782 WAGE WORKS	1	.00	98.00	Logged
27753-	557	43	3/28/2013	787 LISA FIGUEROA	3	.00	308.20	Logged
27754-	557	44	3/28/2013	791 FRED H. BELEN JR. dba	1	.00	94.00	Logged
27755-	557	45	3/28/2013	11105 ADRIENNE WALTER	1	.00	144.00	Logged
27756-	557	46	3/28/2013	11113 ANDREW RUEDA DE LEON	1	.00	48.00	Logged
27757-	557	47	3/28/2013	11141 CESAR GARCIA	1	.00	48.00	Logged
27758-	557	48	3/28/2013	11142 CHRISTOPHE MILLNER	1	.00	240.80	Logged
27759-	557	49	3/28/2013	11144 COURTNEY R. BOWMAN	1	.00	917.00	Logged
27760-	557	50	3/28/2013	11170 DONELLE MARTIN	1	.00	400.00	Logged
27761-	557	51	3/28/2013	11243 HECTOR C. GARCIA	1	.00	144.00	Logged
27762-	557	52	3/28/2013	11244 HERMILA SANCHEZ	1	.00	276.50	Logged
27763-	557	53	3/28/2013	11292 JOSHUA A. GRANT	1	.00	91.00	Logged

Run date: 04/03/2013 @ 14:20
Bus date: 04/03/2013

City of Buellton
Check Summary Report

Check-Run	Seq#	Date	Vendor Name	Checking	# Obls	Discount	Net amount	Status
27764-	557	54	3/28/2013	11300 KAREN PALMER	1	.00	73.50	Logged
27765-	557	55	3/28/2013	11321 LAURA COGAN	1	.00	120.00	Logged
27766-	557	56	3/28/2013	11342 MARIAH KORTE	1	.00	63.00	Logged
27767-	557	57	3/28/2013	11343 MARIANNE MADSEN	1	.00	216.00	Logged
27768-	557	58	3/28/2013	11476 STEPHEN F. DUNLAP	1	.00	273.00	Logged
						.00		
** Total check discount **						.00		
** Total check amount **					334,805.62			
						.00		

Payments via Electronic Fund Transfer (EFT):

FSA - Staff	3/19/13	755.63
Payroll Taxes	3/27/13	125.40
FSA - Staff/Council	3/29/13	855.63
Mar Bank Charges	3/29/13	175.00
Payroll Taxes	4/2/13	11,229.30
Total		\$ 13,140.96

FISCAL YEAR 2012-13 REVENUE AND EXPENDITURE RECAP

As of February 28, 2013
66.7%
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 2/28/13</u>
Total Revenues (1)	\$4,296,365.00	\$3,093,520.86	72%	\$2,732,175.94
Total Expenditures (1)	\$5,017,791.00	\$3,239,125.41	65%	
<u>SPECIAL REVENUE FUND</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget YTD</u>	<u>Cash Balance at 2/28/13</u>
Total Revenues	\$501,419.00	\$476,429.81	95%	\$1,858,842.19
Total Expenditures	\$1,164,304.00	\$453,758.83	39%	
<u>WATER/SEWER</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget YTD</u>	<u>Cash Balance at 2/28/13</u>
Total Revenues	\$2,051,250.00	\$1,407,903.14	69%	\$5,086,809.46
Total Expenditures	\$2,698,458.00	\$1,429,958.80	53%	
<u>SUCCESSOR AGENCY</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget YTD</u>	<u>Cash Balance at 2/28/13</u>
Total Revenues	\$0.00	\$64,895.46	N/A	\$21,903.49
Total Expenditures	\$0.00	\$1,799,454.76	N/A	

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

The Cash Balances as of April 3, 2013 are as follows:

	Balance as of:	<u>FY 2011-12</u>	<u>FY 2012-13</u>
Checking			
Rabobank	4/3/13	231,861.40	271,186.43
Total Checking		<u>231,861.40</u>	<u>271,186.43</u>
Savings/Investments			
LAIF-savings	2/28/13	13,029,693.24	12,274,110.23
Rabobank-money mkt	2/28/13	202,646.26	203,524.76
Morgan Stanley-bonds	2/28/13	375,000.00	126,587.47
Great Pacific-treasuries	2/28/13	0.00	505,290.66
First Empire-bonds	2/28/13	3,235,000.00	2,507,135.60
Total Savings/Investments		<u>16,842,339.50</u>	<u>15,616,648.72</u>
% of cash invested		22.33%	21.04%
Total Cash		<u><u>17,074,200.90</u></u>	<u><u>15,887,835.15</u></u>

- 1.) General Fund revenues and expenditures include Storm Water, Parks and Rec and Landscape Maintenance
2.)*Restricted cash of \$6,164,415.13 not included in general fund cash balance at 2/28/13

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: Annette Muñoz, Finance Director

Meeting Date: April 11, 2013

Subject: Ratification of Selection Committee's Recommendation for Recipients of the Norman and Gale Williams Buellton Education Scholarship

BACKGROUND

In March 2000, Norman and Gale Williams established an annual scholarship program entitled the "Norman and Gale Williams Buellton Education Scholarship Fund."

The purpose of the program is to award a maximum of two educational scholarships to Buellton students annually. Applicants for the scholarships are required to meet specific criteria including preparation of an essay on "How to Make a Better Buellton."

The Selection Committee met at City Hall on Wednesday, March 20th to review the scholarship applications. This year's Committee consisted of Mayor Judith Dale, Vice Mayor John Connolly, Recreation Coordinator Kyle Abello and Finance Director Annette Muñoz. The Committee will present its recommendation at the City Council Meeting.

The scholarship recipients were notified of their selection and they and their families will be in attendance at the Council meeting on April 25th to accept their scholarship certificates.

RECOMMENDATION

That the City Council ratify the Selection Committee's recommendation for the recipients of the Williams Scholarship.

ATTACHMENT

Attachment 1 - Selection Criteria

SELECTION CRITERIA FOR SCHOLARSHIP FUNDS IN THE CALIFORNIA COMMUNITY FOUNDATION

The distribution of funds from the Norman & Gale Williams Buellton Education Scholarship Fund in the California Community Foundation ("Foundation") for the purposes of scholarships and educational aid will be supervised and directed by the Scholarship Committee ("Committee"), composed of The City Council of the City of Buellton, California in the County of Santa Barbara and one person chosen by the Foundation. The Committee may be increased in number at the discretion of the Committee with a majority approval, but should not be less than three. In the event of a vacancy on the Committee, the position may be filled by the unanimous agreement of the remaining members.

It shall be the duty of the Committee to recommend such distributions from the Fund as the Committee shall deem appropriate to accomplish the purposes of the Fund. Any such recommendations of the Committee to the Foundation shall be in writing and signed by the Chairman of the Committee or a duly authorized Committee member as designated by specific action of the Committee. The procedure for selecting such scholarship recipients shall be as follows:

1. Preference will be given only to graduating seniors of the local High School who have a mailing address in Buellton, California.
2. No members of the families of the Committee, nor employees of the Foundation, shall be eligible for such scholarship.
3. Neither the Committee nor the Foundation shall be liable for the acts, neglects or defaults of any person employed by the Committee or by the Foundation selected with reasonable care, or for any error in judgment, or any act done or steps taken or omitted upon the advice of counsel, for any mistakes of facts or of law, or for anything the Committee or Foundation may do or refrain from doing in good faith.
4. Applicants will be recommended by the principal of the high school at which the applicant is in attendance.
- 5a. Applicants will be judged on an essay they submit, which shall be entitled "How to Make a Better Buellton." Applicants will also be judged on scholastic achievement, financial need, community involvement and such other factors as the selection committee shall from time to time consider appropriate.
- 5b. The applicant must have achieved a 2.7 grade average based on the four-point scale. Selection will be based on three important areas: service to school, service to the community, and congeniality with students, staff and faculty. Service to school will be defined as involvement in school activities, such as clubs, service organizations,

school government, pep squad, etc. Service to community will be demonstrated by volunteer activities in nonprofit organizations, community involvement projects, etc.

6. Selection will be made without regard for race, color, national origin, age or sex of candidate.
7. The Committee will meet as often as it is deemed necessary, but at least once a year.
8. The amount of any grants will be at two, individual \$2,000.00 scholarships, which will be distributed annually in \$1,000 increments per recipient for a two year period and sent in the name of the recipient to the appropriate educational institution selected. The scholarship amounts may be adjusted every ten (10) years, beginning in the year 2010. The increase in the scholarship grant amount will be based on the cumulative Consumer Price Index (CPI) for the previous 10 years, but in no case more than 20 %.
9. (Selection Process) The scholarship will be awarded (annually) based upon a decision jointly arrived at by the Committee.
10. The Committee will not be under obligation to distribute funds if no suitable candidates are found in a given period of time.

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 5

To: The Honorable Mayor and City Council

From: Annette Muñoz, Finance Director

Meeting Date: April 11, 2013

Subject: Acceptance of City of Buellton Transportation Development Act Fund Financial Statements for Years Ended June 30, 2012 and 2011 with Independent Auditor's Report

BACKGROUND

For purposes of determining compliance with Transportation Development Act (TDA) Sections 99234 and 99400(a) of the California Public Utilities Code, and the rules and regulations of the Santa Barbara County Association of Governments, an audit of the City's Transportation Development Act Fund has been performed by Moss, Levy & Hartzheim LLP, Certified Public Accountants. The audit is presented herewith for your review and acceptance. The audit includes an examination of the assets, liabilities and fund balance of the Transportation Development Act Fund as of June 30, 2012 and 2011, and the related statements of revenue, expenditures and changes in fund balance.

The Independent Accountant's Report on Compliance with Requirements Applicable to the Transportation Development Act, dated March 28, 2013 states that "funds allocated to and received by the City were expended in conformance with applicable statutes, rules, regulations of the TDA and the allocation instructions and resolutions of the Santa Barbara County Association of Governments as required by Section 6666 of Title 21, Division 3, Chapter 2, Article 5.5 of the California Code of Regulations during the year ended June 30, 2012."

FISCAL IMPACT

This agenda item will not have any fiscal impact on the City.

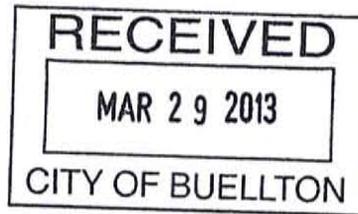
RECOMMENDATION

That the City Council review and accept the City of Buellton Transportation Development Act Fund Financial Statements for the years ended June 30, 2012 and 2011 along with the Independent Auditor's Report.

ATTACHMENT

Attachment 1 - TDA Fund Financial Statements for Years Ended June 30, 2012 and 2011
with Independent Auditor's Report

CITY OF BUELLTON
TRANSPORTATION DEVELOPMENT ACT FUND
FINANCIAL STATEMENTS
FISCAL YEARS ENDED JUNE 30, 2012 AND 2011
WITH INDEPENDENT AUDITORS' REPORT
SEGREGATED BY SECTIONS 99234
AND 99400(a) OF THE PUBLIC UTILITIES CODE



CITY OF BUELLTON
Transportation Development Act Fund
Segregated by Sections 99234 and 99400(a)
of the Public Utilities Code
June 30, 2012 and 2011
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MOSS, LEVY & HARTZHEIM LLP

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INDEPENDENT AUDITORS' REPORT

The Board of Directors of the
Santa Barbara County Association of Governments

We have audited the accompanying financial statements of the City of Buellton Transportation Development Act Fund as of and for the fiscal years ended June 30, 2012 and June 30, 2011. These financial statements are the responsibility of the City's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over the Fund's financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the Transportation Development Act Fund and do not purport to, and do not, present fairly the financial position of the City of Buellton, California, as of June 30, 2012 and June 30, 2011, and the changes in its financial position for the fiscal years then ended, in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the City of Buellton Transportation Development Act Fund as of June 30, 2012 and June 30, 2011, and the changes in its financial position and budgetary comparison for the fiscal years then ended, in conformity with accounting principles generally accepted in the United States of America.

Moss, Levy & Hartzheim LLP

Santa Maria, California
March 28, 2013

CITY OF BUELLTON
TRANSPORTATION DEVELOPMENT ACT FUND
SECTIONS 99234 AND 99400(a) OF THE PUBLIC UTILITIES CODE
BALANCE SHEETS
June 30, 2012 and June 30, 2011

	2012		2011	
	99234	99400(a)	Total	Total
Assets:				
Current assets:				
Cash and investments	\$ 6,853	\$ 97,965	\$ 104,818	\$ 182,738
Accounts receivable		230	230	
Interest receivable		81	81	158
Prepaid expenditures				1,667
	<u>\$ 6,853</u>	<u>\$ 98,276</u>	<u>\$ 105,129</u>	<u>\$ 184,563</u>
Liabilities:				
Current liabilities				
Accounts payable	\$ -	\$ 7,343	\$ 7,343	\$ 1,970
Due to City of Buellton				12,980
	<u>\$ -</u>	<u>\$ 7,343</u>	<u>\$ 7,343</u>	<u>\$ 14,950</u>
Fund balance:				
Restricted	6,853	90,933	97,786	169,613
	<u>6,853</u>	<u>90,933</u>	<u>97,786</u>	<u>169,613</u>
Total liabilities and fund balance	<u>\$ 6,853</u>	<u>\$ 98,276</u>	<u>\$ 105,129</u>	<u>\$ 184,563</u>

See accompanying notes to financial statements

CITY OF BUELLTON
TRANSPORTATION DEVELOPMENT ACT FUND
SECTIONS 99234 AND 99400(a) OF THE PUBLIC UTILITIES CODE
STATEMENTS OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
For Fiscal Years Ended June 30, 2012 and June 30, 2011

	2012			2011
	99234	99400(a)	Total	Total
Revenues:				
Local Transportation fund allocations	\$ 3,234	\$ -	\$ 3,234	\$ 2,850
Interest		415	415	920
Total revenues	3,234	415	3,649	3,770
Expenditures:				
Construction and contract services		75,476	75,476	71,373
Dial-A-Ride-Solvang		1,100	1,100	
Total expenditures		76,576	76,576	71,373
Excess of revenues over expenditures	3,234	(76,161)	(72,927)	(67,603)
Transfers:				
Transfers in		1,100	1,100	
Change in fund balance	3,234	(75,061)	(71,827)	(67,603)
Fund balance, beginning of fiscal year	3,619	165,994	169,613	237,216
Fund balance, end of fiscal year	<u>\$ 6,853</u>	<u>\$ 90,933</u>	<u>\$ 97,786</u>	<u>\$ 169,613</u>

See accompanying notes to financial statements

CITY OF BUELLTON
TRANSPORTATION DEVELOPMENT ACT FUND
SECTIONS 99234 AND 99400(a) OF THE PUBLIC UTILITIES CODE
COMBINED STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For Fiscal Year Ended June 30, 2012

	<u>Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:			
Local Transportation fund allocations	\$ 2,500	\$ 3,234	\$ 734
Interest	<u>500</u>	<u>415</u>	<u>(85)</u>
Total revenues	<u>3,000</u>	<u>3,649</u>	<u>649</u>
Expenditures:			
Construction and contract services	75,000	75,476	(476)
Dial-A-Ride-Solvang	<u> </u>	<u>1,100</u>	<u>(1,100)</u>
Total expenditures	<u>75,000</u>	<u>76,576</u>	<u>(1,576)</u>
Excess of revenues over expenditures	(72,000)	(72,927)	(927)
Transfers:			
Transfers in	<u> </u>	<u>1,100</u>	<u>1,100</u>
Change in fund balance	(72,000)	(71,827)	173
Fund balance, beginning of fiscal year	<u>169,613</u>	<u>169,613</u>	<u> </u>
Fund balance, end of fiscal year	<u>\$ 97,613</u>	<u>\$ 97,786</u>	<u>\$ 173</u>

See accompanying notes to financial statements

CITY OF BUELLTON
TRANSPORTATION DEVELOPMENT ACT FUND
SECTIONS 99234 AND 99400(a) OF THE PUBLIC UTILITIES CODE
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For Fiscal Year Ended June 30, 2011

	<u>Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:			
Local Transportation fund allocations	\$ 2,500	\$ 2,850	\$ 350
Interest	<u>1,500</u>	<u>920</u>	<u>(580)</u>
Total revenues	<u>4,000</u>	<u>3,770</u>	<u>(230)</u>
Expenditures:			
Construction and contract services	<u>41,500</u>	<u>71,373</u>	<u>(29,873)</u>
Total expenditures	<u>41,500</u>	<u>71,373</u>	<u>(29,873)</u>
Change in fund balance	(37,500)	(67,603)	(30,103)
Fund balance, beginning of fiscal year	<u>237,216</u>	<u>237,216</u>	
Fund balance, end of fiscal year	<u>\$ 199,716</u>	<u>\$ 169,613</u>	<u>\$ (30,103)</u>

See accompanying notes to financial statements

CITY OF BUELLTON
TRANSPORTATION DEVELOPMENT ACT FUND
SEGREGATED BY SECTIONS 99234 AND 99400(a) OF THE PUBLIC UTILITIES CODE
NOTES TO FINANCIAL STATEMENTS
June 30, 2012 and June 30, 2011

NOTE 1 – SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. The Transportation Development Act Fund of the City of Buellton is a governmental fund type. Governmental funds are accounted for using a current financial resources measurement focus. The application of this measurement focus provides that, in general, only current assets and current liabilities are present on the balance sheet. Operating statements of these funds present revenues and expenditures.

The modified accrual basis of accounting is used for the Transportation Development Act Fund. Under the modified accrual basis of accounting, revenues are recognized when they become susceptible to accrual (i.e., both measurable and available). Measurable means that the amount of the transaction can be determined. Available means the funds are collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Expenditures of governmental funds are generally recognized when the related fund liability is incurred.

Reporting Entity

The financial statements present only the Transportation Development Act Fund and do not purport to, and do not present, the City's financial position and changes in financial position. The City of Buellton's basic financial statements are available from the Finance Department at 107 W. Highway 246, Buellton, CA 93427.

NOTE 2 – CASH DEPOSITS

The City follows the practice of pooling cash and investments for all funds (including the Transportation Development Act Fund) under its direct daily control. Interest earned on pooled cash and investments is allocated periodically to the various funds based on average cash balances. Detailed disclosure regarding the City's investments of cash is included in the notes to financial statements of the City.



MOSS, LEVY & HARTZHEIM LLP

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**INDEPENDENT ACCOUNTANT'S REPORT ON COMPLIANCE WITH
REQUIREMENTS APPLICABLE TO THE TRANSPORTATION
DEVELOPMENT ACT**

The Board of Directors of the
Santa Barbara County Association of Governments

We have examined the City of Buellton's (City) compliance with Transportation Development Act (TDA) requirements that funds allocated to and received by the City were expended in conformance with applicable statutes, rules, regulations of the TDA and the allocation instructions and resolutions of the Santa Barbara County Association of Governments as required by Section 6666 of title 21, Division 3, Chapter 2, Article 5.5 of the California Code of Regulations during the fiscal year ended June 30, 2012. Section 6666 requires that for a non-transit claimant, the independent auditor shall perform at least the following tasks: (a) Determine whether the funds received by the claimant pursuant to the Act were expended in conformance with those sections of the Act specifying the qualified purposes, including Public Utilities Code section 99402 for streets and roads claimants and section 99233.3 for claimants under that section for pedestrian and bicycle facilities and bicycle safety education programs. (b) Determine whether the funds received by the claimant pursuant to the Act were expended in conformance with the applicable rules, regulations, and procedures of the transportation-planning agency and in compliance with the allocation instructions. (c) Determine whether interest earned on funds received by the claimant pursuant to the Act were expended only for those purposes for which the funds were allocated, in accordance with Public Utilities Code sections 99301 and 99301.5. Management is responsible for the City's compliance with those requirements. Our responsibility is to express an opinion on the City's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the City's compliance with specified requirements.

In our opinion, the City complied, in all material respects, with the aforementioned requirements for the fiscal year ended June 30, 2012.

This report is intended solely for the information and use of the City management, the City Council, the Santa Barbara County Association of Governments, and the State Controller's Office and is not intended to be and should not be used by anyone other than these specific parties.

Moss, Levy & Hartzheim LLP

Santa Maria, California
March 28, 2013

CITY OF BUELLTON
City Council Agenda Staff Report

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

To: The Honorable Mayor and Council Members

From: Marc P. Bierdzinski, AICP, Planning Director

Meeting Date: April 11, 2013

Subject: Receive and File the 2012 Annual Report on Status of the General Plan

BACKGROUND

Section 65400(a) of the California Government Code requires that an annual report be furnished to the City Council regarding the status of General Plan implementation. Annual reports are due on April 1st of each year and must be submitted to the State Office of Planning and Research (“OPR”) and Department of Housing and Community Development (“HCD”). The 2012 Annual Report on the Status of the Buellton General Plan is attached (Attachment A).

RECOMMENDATION

That the City Council receive and file the 2012 General Plan Annual Report and direct staff to file the Report with the State Housing and Community Development Department and Office of Planning and Research on such forms as dictated by the State of California.

ATTACHMENT

Attachment 1 - City of Buellton 2012 General Plan Annual Report

CITY OF BUELLTON
Annual Report on Status of the General Plan and Programs in Support of
Affordable Housing
Reporting Period 1/1/2012 through 12/31/2012

BACKGROUND

By law, every community in California is required to adopt a General Plan as the policy framework by which to guide future growth and development. At a minimum, each such Plan must contain seven mandatory elements (Land Use, Circulation, Housing, Conservation, Open-Space, Noise and Safety). Once adopted, zoning and development regulations that follow must be consistent with the policies of the General Plan.

Section 65400(a) of the California Government Code requires that an annual report be furnished to the City Council regarding the status of General Plan implementation. Annual reports are due on April 1st of each year and must be submitted to the State Office of Planning and Research (“OPR”), the Department of Housing and Community Development (“HCD”), and the Buellton City Council.

For Buellton, the annual report is also used as barometer in evaluating progress in meeting the City’s fair share of regional housing needs.

ANALYSIS

General Plan Overview: The Land Use and Circulation Elements were revised in 2005. The Conservation and Open Space, Economic Development, Noise, Parks and Recreation, Public Facilities and Services, and Safety Elements were revised in 2007. None of these elements were revised in 2012. The Housing Element was adopted in 2009 and certified by the State Housing and Community Development Department on January 20, 2010. The complete Buellton 2025 General Plan is available for review on the City’s website, www.cityofbuellton.com. Copies are also available by contacting the Planning Department at 805-688-7474.

Housing Element Overview: The Regional Housing Needs Allocation (“RHNA”) process is part of a statewide mandate to address housing related to future growth in the State. The needs assessment process sets numeric targets with the overriding goal of assuring an equitable geographic distribution of needs and responsibilities. The number assigned to the City of Buellton in July 2008 for 2007-2014 is 279, of which roughly 56% is assigned to target income groups. Table B of Attachment 1 reflects the current adjusted requirement, taking into account construction that has occurred since the beginning of the current RHNA planning cycle.

The 2009 Housing Element relies upon four basic means by which to address the City’s RHNA goals: Second Dwellings, Multifamily Infill, Mixed Use Development, and the

Affordable Housing Overlay Zone (“AHOZ”). Of these, the establishment of an AHOZ is viewed as the principal means for accommodating the City’s RHNA goals.

Housing Performance Assessment: Ordinance No. 05-05 was adopted by the City Council on October 13, 2005, and established the AHOZ and the sites to which the AHOZ will initially apply. This timeframe is consistent with the year-end deadline (December 2005) established by HCD in their certification of the 2004 Housing Element. The City has begun to actively market the AHOZ sites for affordable housing development through e-mails to affordable housing developers and proponents and via an AHOZ brochure to hand out to interested parties. The 2009 Housing Element has kept the AHOZ program in place and is the basis for the “Adequate Sites” requirement. However, the City will be reducing the number of AHOZ sites to reflect the City’s reduced RHNA allocation from the last RHNA cycle (Program 1).

As a summary, the AHOZ shall: (i) allow “stand alone” residential projects irrespective of the underlying zone designation with a minimum base density of 25 units/acre; (ii) grant a 2:1 density bonus (two market rate units above the base density for each affordable low and very low income unit) up to a maximum combined density of 50% above the base; (iii) impose an inclusionary requirement, mandating that at least 20% of the base density be affordable to very low, low and moderate income households; (iv) compute the distribution of inclusionary units based on the apportionment of net RHNA goals (a defined and determined below); and (v) institute a bifurcated land use entitlement process that allows for streamlined processing for projects that meet specified criteria.

In August 2006, the City Council approved the first AHOZ project on AHOZ Site V (Juliette Walk). The project consists of 44 condominium units of which four are affordable to very low income persons and three are affordable to low income persons. An \$85,635 housing in-lieu fee was also collected. All units have been constructed and occupied.

In April 2008, the Zoning Administrator approved a second AHOZ project on AHOZ Site IV. The project consists of 53 apartment units of which five are affordable to very low income persons, three are affordable to low income persons, and the remainder, since they are apartments, would qualify as moderate income units. Building permits have not been issued for this project at this time.

Since the 2009 Housing Element was adopted in the latter part of 2009 and certified by the State in January 2010, the City is in the process of implementing these new and updated programs.

Annual Programmatic Calibrations: Since Ordinance No. 05-05 (AHOZ) was adopted in October 2005, two AHOZ project with nine very low income units, six low income units, and 45 moderate income units have been approved. One of these projects also included a housing in-lieu fee of \$85,635. Construction has been completed on one project. In addition, interest has been shown in developing other AHOZ sites. Based on the interest shown for the AHOZ concept, it appears that it is an effective method for providing affordable housing in the City of Buellton.

Ordinance No. 06-10 implementing several 2004 Housing Element Programs has been in effect for over two years. However, no projects have been submitted during this reporting period that have taken advantage of these revised standards. The City has formed a Community Development Block Grant Committee to review applications and has funded two social service programs during the last funding cycle. No capital project funding requests were submitted. It is too early to evaluate the effects of reducing the lot sizes for secondary dwelling units. Status of this item will be discussed in future reporting cycles.

In compliance with State HCD reporting requirements, a general accounting of permits issued and construction completed during the current Housing Element cycle is set forth in Attachment 1. Three projects that have been completed.

- Vintage Walk is a commercial/residential mixed use project and contains 11 market rate residential condominiums along with six affordable apartments that are managed by the Housing Authority of Santa Barbara County. Four units are for very low income persons and two units are for low income persons. The units are fully occupied. Preferences are being given for Buellton residents.
- Valley Station consists of 36 market rate single family homes and a commercial/residential component with seven affordable housing units (three very low and four low). These units are fully occupied. The City has also subsidized two of the low income units so that very low income tenants could occupy the units. These units are now owned and managed by the Housing Authority of Santa Barbara County. Preferences are being given for Buellton residents.
- Juliette Walk is a 44 unit condominium project developed under the AHOZ regulations. Four of the units are designated as very low income and three are designated as low income. All seven are for sale condominiums. All units have been completed and occupied.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Buellton
Reporting Period 1/1/2012 - 12/31/2012

Table A

Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information							Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions		
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development See Instructions	Deed Restricted Units See Instructions	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income					
None											
(9) Total of Moderate and Above Moderate from Table A3 ▶▶					0	0	0				
(10) Total by income Table A/A3 ▶▶											
(11) Total Extremely Low-Income Units*											

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Buellton
Reporting Period 1/1/2012 - 12/31/2012

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate						0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Buellton
Reporting Period 1/1/2012 - 12/31/2012

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2007	2008	2009	2010	2011	2012				Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	64	11	0	0	0	0	0			11	53
	Non-deed restricted		0	0	0	0	0	0				
Low	Deed Restricted	47	9	0	0	0	0	0			9	38
	Non-deed restricted		0	0	0	0	0	0				
Moderate	Deed Restricted	46	0	0	0	0	0	0			1	45
	Non-deed restricted		0	0	0	0	1	0				
Above Moderate		122	85	0	0	11	0	0			96	26
Total RHNA by COG. Enter allocation number:		279	105								117	162
Total Units ▶ ▶ ▶						11	1					
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶												

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

Table C
HOUSING ELEMENT PROGRAM PERFORMANCE (2012)

PROGRAM SUMMARY		HOUSING ELEMENT PROGRAMS			
Housing Program		Five-Year Objective	Implementation Time Frame	Status of Implementation	
ADEQUATE HOUSING SITES	1	Affordable Housing Overlay Zone (AHOZ)	Revise and Maintain AHOZ Sites	Ongoing	Program being maintained. Revisions to program scheduled for 2014.
	2	Mixed Use Development	Implement the Mixed Use Regulations	Ongoing	Program being maintained.
	3	Secondary Units and Multifamily Infill	Amended Zoning Ordinance	Ongoing for Secondary Units and 2012 for Zoning Ordinance Amendments	Secondary unit program being maintained.
	4	RHNA Allocation	Amended Zoning Ordinance	2012	Zoning ordinance to be amended in 2014.
AFFORDABLE HOUSING SUPPLY	5	Inclusionary Housing and Density Bonus	Affordable Housing Units	Ongoing	Programs to be maintained and implemented.
	6	Affordable Housing Overlay Zone	Maintain AHOZ	Ongoing	Program being maintained. Revisions to program scheduled for 2014.
	7	Secondary Dwelling and Infill Inducements	Financial Assistance Programs	Ongoing	Support State and Federal Grants for Secondary Units, and Tax Increments for Multifamily Infill
	8	Targeted Assistance	Capitalization of Housing Trust Funds	2010 for Affordable Housing Ordinance and 5-Year Implementation Plan Amendment Ongoing for Grant Applications and Non-Profit Collaboration	Redevelopment Agency dissolved per State action. Balance of activities ongoing.
	9	Public-Private Partnerships	Affordable Housing Projects	Ongoing	City Continues to Confer with Developers and Non-Profit Housing Sponsors on Affordable Housing Opportunities.

		HOUSING ELEMENT PROGRAMS			
Housing Program		Five-Year Objective	Implementation Time Frame	Status of Implementation	
HOUSING IMPEDIMENTS	10	Land Use Modifications-Special Needs Housing	Amended Zoning Ordinance	2009-2012	Emergency shelters added as an allowed use in the CR zoning district. Remaining sections to be amended in 2014 to implement this program.
	11	Multi-Family Infill	Amended Municipal Code	2009-2010	Program to be reviewed as part of the public visioning process and ordinance amended as appropriate.
	12	Development Constraints	Amended Zoning Ordinance	2010-2011	Program to be reviewed as part of the public visioning process and ordinance amended as appropriate.
	13	Special Needs Housing	Development of Special Needs Housing Units	2012 for Residential Motel Amnesty Program, Ongoing for other services	Continue to maintain and implement this program.
	14	Persons with Disabilities	Continuation of the Adaptive Retrofit and Universal Design Programs	2010 for Code Amendment, Ongoing for other programs	Continue and maintain programs.
CONSERVATION & REHABILITATION	15	Property Rehabilitation	Emergency Repairs & Property Rehabilitation	Ongoing for Emergency Mobile Home Repair Program and Housing Conservation Program; 2012-2013 for Program Expansion to Rental Properties	City has Appropriated Funds for Continuation of both Programs.
	16	Code Enforcement	Amended Municipal Code and Affordable Housing Ordinance & Residential Motel Amnesty Program	2011	Program to be reviewed in 2014.
	17	Energy Conservation	Increased Energy Awareness	Ongoing	City has and will continue to pursue energy conservation grants.

		HOUSING ELEMENT PROGRAMS			
Housing Program		Five-Year Objective	Implementation Time Frame	Status of Implementation	
EQUAL HOUSING OPPORTUNITIES	18	Fair Housing Services	Local Access to Fair Housing Services	2010	City will maintain HOME and CDBG Programs to fund these services.
	19	Information & Referral	Distribution of Information Regarding Equal Access to Housing	2010 for Fair Housing Seminar; 2010 for Mailing & Website; Ongoing for Information Dissemination & Interagency Cooperation	Outreach and Referral is Ongoing.
	20	Public Participation and Monitoring	Integrative Policy Development and Performance Review	Ongoing	Noticing and Annual HCD Reports are Ongoing.
PRESERVATION OF AT RISK UNITS	21	Affordable Housing Monitoring	Annually Updated "At Risk" Units List and Notification of Central Gardens I	Ongoing for Annual Year-End Reports, 2010 for Notification of Central Gardens I	Noticing and Annual HCD Reports are ongoing.

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: Linda Reid, Human Resources Director

Meeting Date: April 11, 2013

Subject: Resolution No. 13-06 – “A Resolution of the City Council of the City of Buellton, California, Designating Employer Paid Member Contributions to the California Public Employees’ Retirement System (CalPERS) for New and Current Employees”

BACKGROUND

The City of Buellton has an existing practice of paying 100% of the normal member contributions for current employees. Recently, CalPERS has advised that there is no resolution on file to document this practice. Resolution No. 13-06 corrects this and also incorporates the new Public Employees’ Pension Reform Act of 2012 (PEPRA). PEPRA prohibits the City of contributing towards the normal member contributions for “new employees” but must contribute towards the normal member contributions for new hires who do not meet the definition of “new employees” at the same level as for current employees.

The City will pay Employer Paid Member Contributions (EPMC) as follows:

- The benefit shall apply to employees other than local safety members (known as, local miscellaneous members).
- The benefit shall consist of paying 100% of the normal member contributions as EPMC for all employees hired prior to January 1, 2013.
- The benefit shall consist of paying 100% for Employees hired on or after January 1, 2013 who, within six months of employment with the City, were either employed by a public employer that contracted with CalPERS or with another public retirement system with which CalPERS has reciprocity.
- All other Employees hired after January 1, 2013 will be required to pay the full Employee contribution to CalPERS in compliance with Section 7522.30 of the California Government Code. The Employer contribution, which varies from year to year, will be paid 100% by the City.

FISCAL IMPACT

The fiscal impact to the City will remain the same for current employees and will be reduced by seven percent for new employees, who were not employed by a public employer who contracted with CalPERS or another public retirement system who has reciprocity with CalPERS.

RECOMMENDATION

That the City Council adopt Resolution No. 13-06 – “A Resolution of the City Council of the City of Buellton, California, Designating Employer Paid Member Contributions to the California Public Employees’ Retirement System (CalPERS) for New and Current Employees”

ATTACHMENT

Resolution No. 13-06

RESOLUTION NO. 13-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, DESIGNATING EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) FOR NEW AND CURRENT EMPLOYEES

WHEREAS, the City Council of the City of Buellton has the authority to implement Government Code Section 20691; and

WHEREAS, the City of Buellton has an existing practice in which 100% of the normal member contributions for current employees are paid by the employer; and

WHEREAS, the California Public Employees' Retirement System ("CalPERS") has advised that the City does not have a resolution on file to document its practice of paying 100% of normal member contributions for current employees; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City Council of the City of Buellton of a Resolution regarding said Employer Paid Member Contributions (EPMC); and

WHEREAS, pursuant to the Public Employees' Pension Reform Act of 2012, the City is prohibited from contributing towards the normal member contributions for "new employees," as defined in Section 7522.04(e) of the California Government Code but must contribute towards the normal member contributions for new hires who do not meet the definition of "new employees," at the same level as for current employees; and

WHEREAS, the City Council of the City of Buellton has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to employees other than local safety members (herein referred to as local miscellaneous members).
- This benefit shall consist of paying 100% of the normal member contributions as EPMC for all employees hired prior to January 1, 2013 and for employees hired on or after January 1, 2013 who, within six months of employment with the City, were either employed by a public employer that contracted with CalPERS or with another public retirement system with which CalPERS has reciprocity.
- All other Employees hired after January 1, 2013 will be required to pay the full Employee contribution to CALPERS in compliance with Section 7522.30 of the California Government Code. The Employer contribution, which varies from year to year, will be paid 100% by the City.
- The effective date of this Resolution shall be April 11, 2013.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buellton elects to pay EPMC, as set forth above.

PASSED, APPROVED and ADOPTED this 11th day of April, 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.: 8

To: The Honorable Mayor and City Council

From: Planning Commission
By: Angela Perez, Assistant Planner

Meeting Date: April 11, 2013

Subject: Resolution No. 13-03 – “A Resolution of the City Council of the City of Buellton, California, Approving a One Year Time Extension Request for Final Development Plan (07-FDP-03) until February 14, 2014 and Making Findings in Support Thereof”

BACKGROUND

Mitigated Negative Declaration (07-MND-03), General Plan Amendment (07-GPA-02), Final Development Plan (07-FDP-03), and Tentative Parcel Map (TPM 31050) were approved by the City Council on February 14, 2008. The Final Development Plan included the development of a 120 unit inn and a racquet club with 8 tennis courts, two swimming pools, a spa, a clubhouse, a river trail connection and jogging path, and multiple gathering spaces. This project is located to the east of Industrial Way (Attachment 1 – Vicinity Map). Attachments 2 through 6 include the approved site plans, elevation plans and the project description.

The Final Development Plan was set to expire on February 14, 2013, however the applicant applied for a time extension. The applicant submitted the attached letter describing the reasons for the application for the time extension (see Attachment 7).

Planning Commission Review

On March 7, 2013 the Planning Commission reviewed the time extension. The Commission adopted a resolution that recommends that the City Council grant a time extension for one year (Attachment 8 – Planning Commission Resolution No. 13-04). Staff has prepared the attached resolution for consideration of granting the requested time extension.

RECOMMENDATION

That the City Council consider the adoption of Resolution No. 13-03, “A Resolution of the City Council of the City of Buellton, California, Approving a One Year Time Extension Request for Final Development Plan (07-FDP-03) until February 14, 2014, and Making Findings in Support Thereof” by title only and waive further reading.

ATTACHMENTS

Resolution No. 13-03

Attachment 1 – Vicinity Map

Attachment 2 – Site Plan, Clubhouse

Attachment 3 – Site Plan, Condos

Attachment 4 – Elevation Plan, Clubhouse

Attachment 5 – Elevation Plan, Condos

Attachment 6 – Project Description

Attachment 7 – Letter from Karl Pope, dated March 6, 2013

Attachment 8 – Planning Commission Resolution No. 13-04

RESOLUTION NO. 13-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A ONE YEAR TIME EXTENSION REQUEST FOR FINAL DEVELOPMENT PLAN (07-FDP-03) UNTIL FEBRUARY 14, 2014, AND MAKING FINDINGS IN SUPPORT THEREOF

BE IT RESOLVED by the City Council of the City of Buellton as follows:

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Karl Pope of Buellton Tennis Villas Development LLC, property owner (hereinafter referred to as “Applicant”), requesting a one year time extension of the approved Final Development Plan (07-FDP-03) which includes the development of a 120 unit inn and a racquet club with 8 tennis courts, two swimming pools, a spa, a clubhouse, a river trail connection and jogging path, and multiple gathering spaces (the “Project”), located to the east of Industrial Way, Assessor Parcel No. 099-690-048 (the “Property”).

SECTION 2: The application consists of a one-year time extension (the “Extension Request”) of an approved Final Development Plan.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the public comment, as well as other pertinent information, the City Council finds the following:

A. Record. Prior to rendering a decision on any aspect of the Project, 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 Planning Commission on March 7, 2013 (“Planning Commission Public Hearing”).
2. All oral, written and visual materials presented by City staff in conjunction with the Planning Commission Public Hearing.
3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on April 11, 2013 (“City Council Public Hearing”).
4. All oral, written and visual materials presented by City staff in conjunction with the City Council Public Hearing.
5. The following informational documents which, by this reference, are incorporated herein.

- a. That certain written report and attachments submitted by the Planning Department dated April 11, 2013 (the “Staff Report”).

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

1. A notice of public hearing was published in a newspaper on February 21, 2013 (the “Planning Commission Public Notice”), a minimum of ten (10) days in advance of the Planning Commission Public Hearing.
2. The Planning Commission Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on February 21, 2013, 10 days in advance of the Planning Commission Public Hearing.
3. The Planning Commission Public Notice and Agenda for the Planning Commission Public Hearing were posted in three conspicuous public places a minimum of 10 days before the Planning Commission Public Hearing.
4. A notice of public hearing was published in a newspaper on March 28, 2013 (the “City Council Public Notice”), a minimum of ten (10) days in advance of the City Council Public Hearing.
5. The City Council Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on March 28, 2013, 10 days in advance of the City Council Public Hearing.
6. The City Council Public Notice and Agenda for the City Council Public Hearing were posted in three conspicuous public places a minimum of 10 days before the City Council Public Hearing.

C. Environmental Clearance. As part of the original City Council approval of the Project, an Initial Study and Mitigated Negative Declaration were prepared in accordance with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq., and the CEQA Guidelines of the City of Buellton. No changes have occurred with respect to the Project, or its environmental surrounding, to require subsequent environmental review.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public review the City Council does hereby declare that a time extension is consistent with Section 19.08.120 of the Buellton Municipal Code.

SECTION 4: The City Council hereby approves the Extension Request for a one year time extension of the Final Development Plan (07-FDP-03) until February 14, 2014.

SECTION 5: The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 11th day of April, 2013

Judith Dale
Mayor

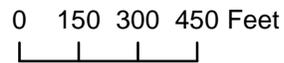
ATTEST:

Linda Reid
City Clerk



Legend

-  Parcels
-  City Limits
-  Project Site



Site Statistics

Site Area			
Open Space Area	7.0 Acres	303,693 sf	40.5 %
Landscape Area	4.5 Acres	194,512 sf	25.9 %
Paved Area (Streets)	1.9 Acres	82,335 sf	11.0 %
Paved Area (Walkways)	2.6 Acres	111,711 sf	14.9 %
Building Coverage	1.3 Acres	58,416 sf	7.8 %
Total	17.2 Acres	750,667 sf	

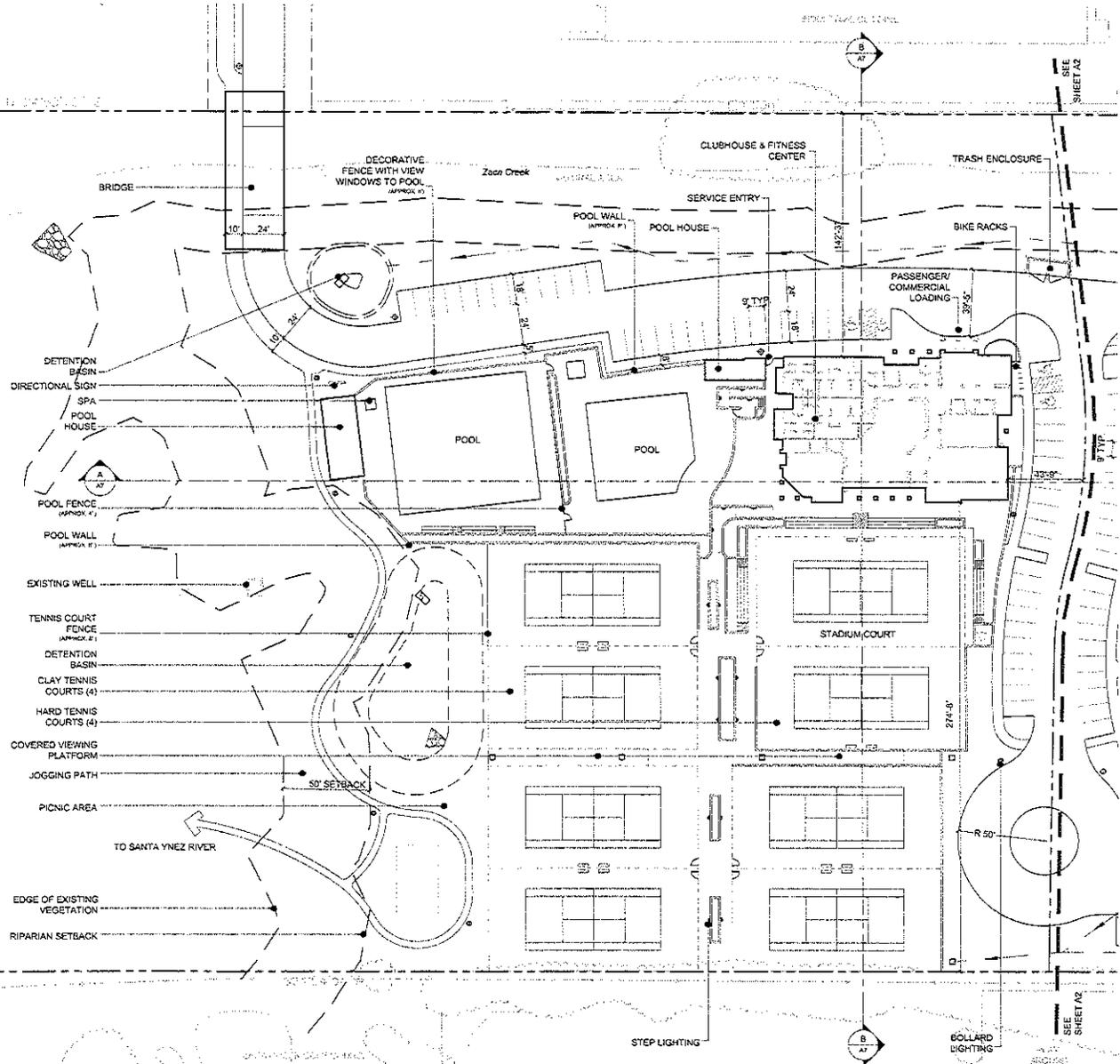
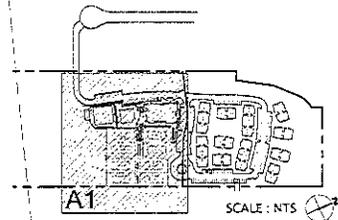
Recreational Land Use (Racquet Club)

Site Area (of Buildable)	4.2 Acres	180,893 sf
Building Area		
Ground Floor	10,322 sf	
Upper Floor	6,074 sf	
Total	19,296 sf	
Parking Provided		
	48 Cars (3 Accessible)	

Residential Land Use (Guest Lodging)

Site Area (of Buildable)	4.3 Acres	188,181 sf
Building Area		
Ground Floor	48,094 sf	
Upper Floor	48,534 sf	
Total	96,628 sf	
Units		
One Bedroom	32 units	
Two Bedroom	88 units	
Total	120 units	
Parking Provided		
Tenant	122 Cars (2 Accessible)	
Visitor	5 Cars	
Total	127 Cars	

KEY MAP



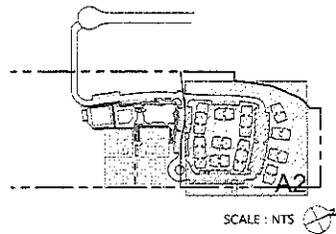
LANDSCAPE LIGHTING	
◆	DIRECT LIGHT LOCATIONS
●	BOLLARD LIGHTING
▲	LEGAL LIGHTS
■	STEP LIGHTING LOCATIONS



Site Statistics

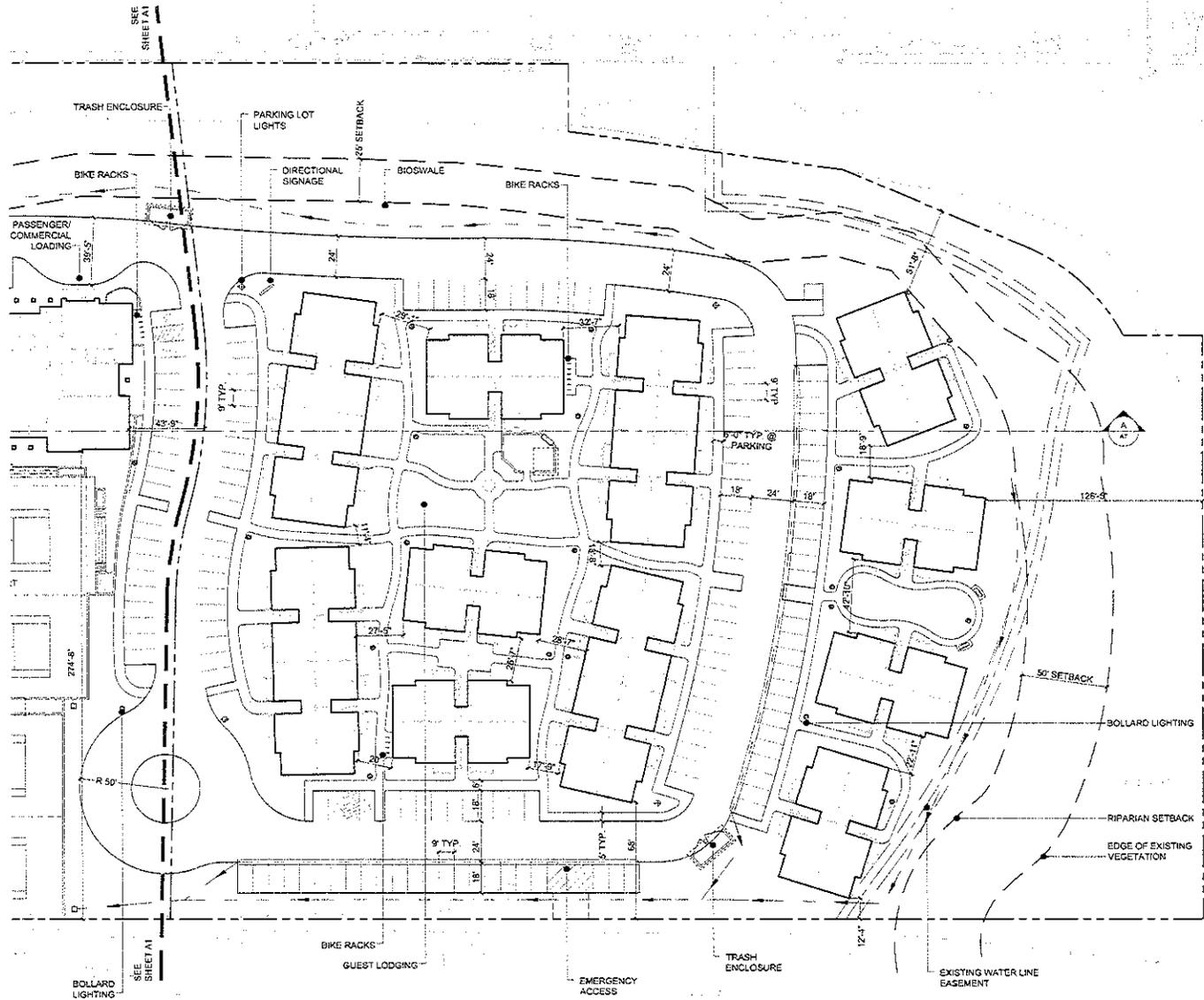
Site Area			
Open Space Area	7.0 Acres	303,893 sf	40.5 %
Landscape Area	4.5 Acres	194,512 sf	25.9 %
Paved Area (Streets)	1.9 Acres	82,335 sf	11.0 %
Paved Area (Walkways)	2.6 Acres	111,711 sf	14.9 %
Building Coverage	1.3 Acres	58,416 sf	7.8 %
Total	17.2 Acres	750,867 sf	
Recreational Land Use (Racquet Club)			
Site Area (of Buildable)	4.2 Acres	180,893 sf	
Building Area			
Ground Floor		10,322 sf	
Upper Floor		8,574 sf	
Total		18,896 sf	
Parking Provided	48 Cars (3 Accessible)		
Residential Land Use (Guest Lodging)			
Site Area (of Buildable)	4.3 Acres	188,181 sf	
Building Area			
Ground Floor		48,054 sf	
Upper Floor		43,534 sf	
Total		91,588 sf	
Units			
One Bedroom		32 units	
Two Bedroom		88 units	
Total		120 units	
Parking Provided			
Tenant		122 Cars (2 Accessible)	
Visitor		5 Cars	
Total		127 Cars	

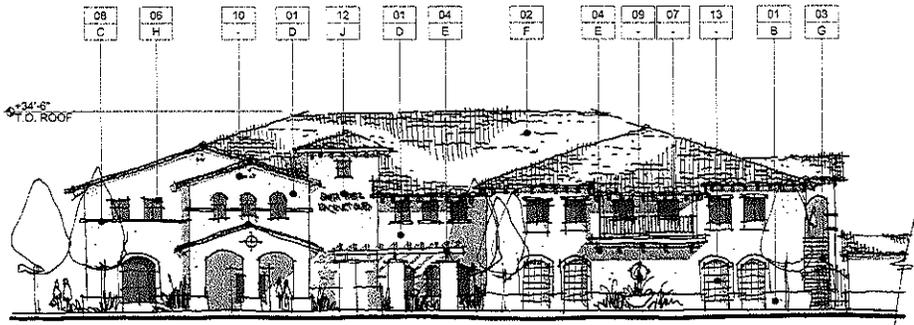
KEY MAP



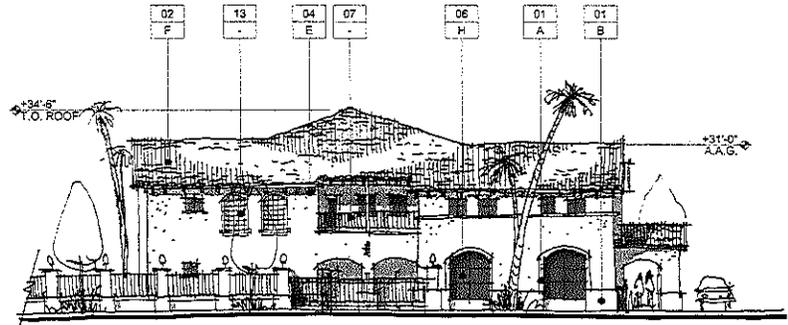
LANDSCAPE LIGHTING

- ◊ STREET LIGHT LOCATIONS
- BOLLARD LIGHTING LOCATIONS
- STIP LIGHTING LOCATIONS

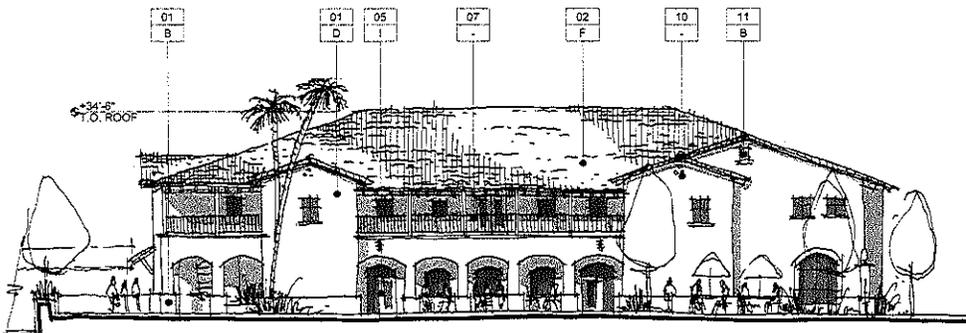




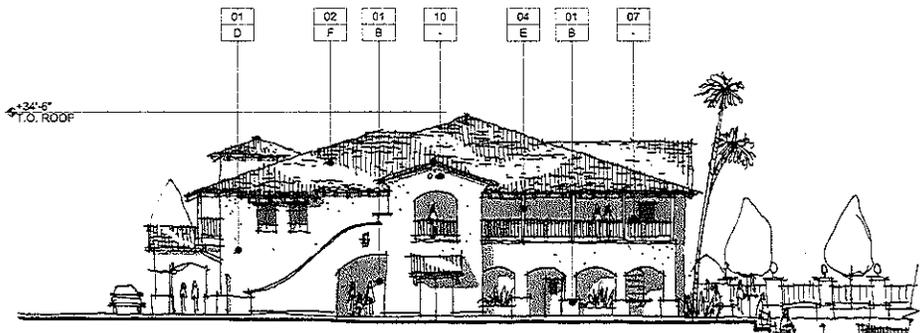
West Elevation
3/32" = 1'-0"



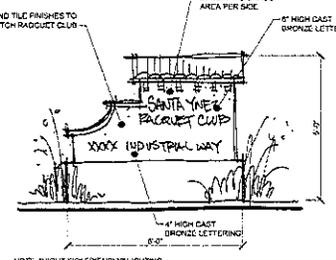
North Elevation
3/32" = 1'-0"



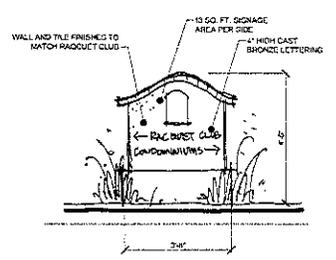
East Elevation
3/32" = 1'-0"



South Elevation
3/32" = 1'-0"



Entry Sign
1/2" = 1'-0"



Directional Sign
1/2" = 1'-0"

Material

01 Cement Plaster Stucco (Smooth, Hand Troweled)	05 Wood Door	09 Pre-Cast Fountain	13 Tile Mosaics
02 Roof Tile	06 Wood Window	10 Decorative Clay Vents	
03 Floor Tile	07 Decorative Wrought Iron Railing	11 Louvre	
04 Exposed Timber	08 Decorative Foam Trim	12 Building Signage	

Color

A La Habra Stucco - X-50 (Crystal White)	E Frazee Wood Stain - Madera M412	I Kolbe & Kolbe Door - Stained to Match Trim
B La Habra Stucco - X-72 (Adobe)	F US Tile Roof Tile - (Fire Flash)	J 16" High Cast Bronze Lettering
C La Habra Stucco - X-12 (Chablis)	G Darkle Floor Tile - 0084 (Red Paver)	
D La Habra Stucco - X-81 (Oatmeal)	H Kolbe & Kolbe Window - Stained to Match Trim	

Note: Elevations to follow the Mission Revival architectural style set forth in the City of Buellton Community Design Guidelines



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3/32" = 1'-0"

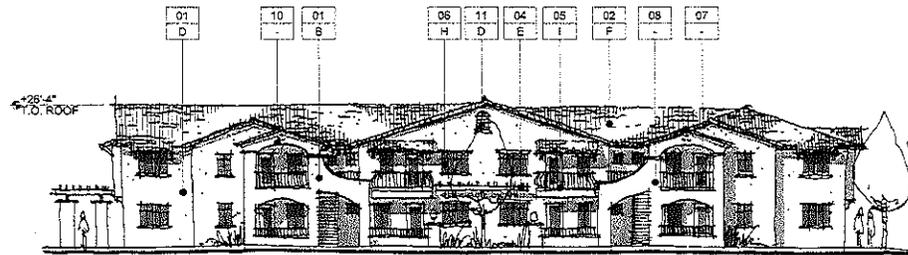
ELEVATIONS - CLUBHOUSE

Santa Ynez Valley Inn & Racquet Club

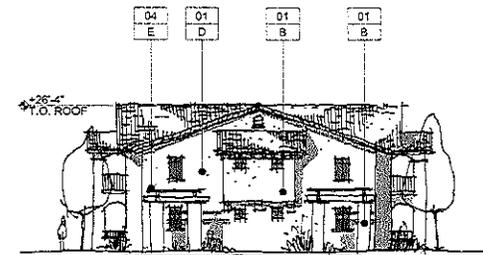
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September 27, 2007

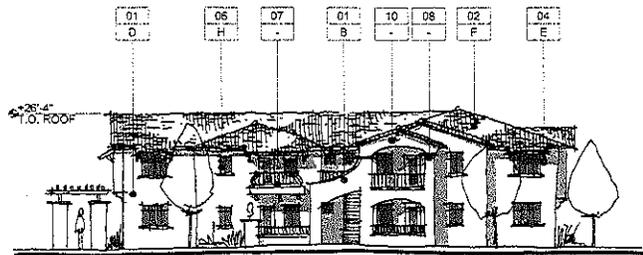
A5



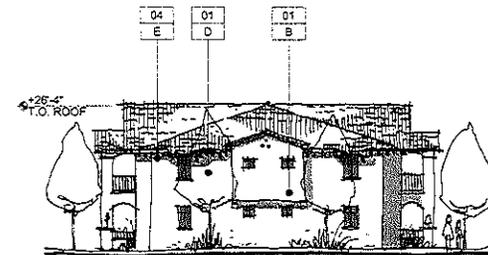
16 Unit Residential Front/Rear Elevation
3/32" = 1'-0"



8 and 16 Unit Residential Side Elevation
3/32" = 1'-0"



8 Unit Residential Front/Rear Elevation
3/32" = 1'-0"



8 and 16 Unit Residential Side Elevation (Opposite)
3/32" = 1'-0"

Material

01 Cement Plaster Stucco (Smooth, Hand Troweled)	05 Wood Door	09 Pre-Cast Fountain
02 Roof Tile	06 Wood Window	10 Decorative Clay Vents
03 Floor Tile	07 Decorative Wrought Iron Railing	11 Louvre
04 Exposed Timber	08 Decorative Foam Trim	

Color

A La Habra Stucco - X-50 (Crystal White)	E Frazee Wood Stain - Madera M412	I Kolbe & Kolbe Door - Stained to Match Trim
B La Habra Stucco - X-72 (Adobe)	F US Tile Roof Tile - (Fire Flash)	
C La Habra Stucco - X-12 (Chablis)	G Daltile Floor Tile - 0054 (Red Paver)	
D La Habra Stucco - X-81 (Oatmeal)	H Kolbe & Kolbe Window - Stained to Match Trim	

Note: Elevations to follow the Mission Revival architectural style set forth in the City of Buellton Community Design Guidelines

Santa Ynez Valley Inn and Racquet Club

DESCRIPTION OF THE PROPOSED USE

May 23, 2007

Summary:

The following is a summary of the proposed use for the Santa Ynez Valley Inn and Racquet Club. This project is a 17 +/- acre site, which includes a residential/guest lodging component, as well as a recreational component. The site is divided into two separate parcels. The northern parcel includes 120 condominium units and the second (southern) parcel includes a full facility tennis, fitness, and swim club available to club members, condominium owners, and guests of the lodging component. The approximate hours of operation will be from 6 a.m. until 8 p.m. daily, with possible extended hours in the evening during the spring and summer and for special events. The estimated number of employees will be sixty (60) for the complete facility.

1. Hotel/Condominiums

There will be a total of 120 units on this portion of the site, made up of 32 one bedroom and 88 two bedroom condominiums. The project concept is that each condominium buyer receives fee simple title to a specific unit for his or her own personal use. However, as a condition of the original sale, the buyer enters into a contract with the hotel management group, which specifies that they (management) have the right to use that specific unit for nightly rental to the public for a specific number of nights annually. In turn, the buyer has the right to use his unit only for the remaining number of the total annual nights. The buyer therefore cannot use the unit for permanent residence by contract. Rental income is divided with the buyer as specified in the owner/management agreement. As a result, there will be no permanent condominium residence. (As the the completed project will be operated as a hotel, all condominium "rental nights" would be subject to the City of Buellton Transient occupancy tax.)

2. Recreation

A. Clubhouse & Fitness Center

The Clubhouse is located at the main entrance of the site. This building houses the lobby and membership sales office, featuring a full exercise & fitness center including men's & women's luxury locker rooms, an aerobics studio, child care services, a pro-shop, and a sports bar/restaurant adjacent to the extensive outside viewing deck.

B. Outdoor Pool Facility

The outdoor swimming pool facility includes a large lap pool, which can be used for competition and/or fitness lap swimming, and a recreation pool connected to a "kiddy" pool area, suitable for smaller children and infants. The two pools are divided by a small, 4' transparent fence to separate the different swimming activities. In addition, the pool area includes 2 spas: One spa is smaller in size and is located in the lap pool area, and the other is located near the recreational pool and can be used as a family spa. Surrounding the pool is adequate deck space with tables and chairs, and a fence/wall system to ensure maximum security and safety.

C. Tennis Courts

There are a total of 8 championship USTA approved tennis courts: 4 hard courts with one tournament style-stadium court, and 4 clay courts.

D. Gathering Spaces

There are 2 major gathering spaces within the design. One is a large park area near the tennis courts on the southwest side of the site. This park is passive in nature and includes picnic tables and benches, a large shade structure for future barbeques and get-togethers, and it also has a potential river trail connection. The second gathering space is located in the center of the guest lodging area and includes a small water feature, a partially covered patio with possible fireplace, a large spa, and two open lawn spaces.

3. Architectural Style

The architecture for the Santa Ynez Valley Inn & Racquet Club reflects the Mission Revival architectural style set forth in the City of Buellton Community Design Guidelines. The overall massing is generally simple using arcades, thick walls, and bases to provide interest. Finish materials include smooth stucco walls, clay barrel roof tiles, and exposed timber such as rafter tails and trellises. Doors and windows are made of wood and are vertical in proportion. Openings are set back in the wall and are repeated to create a sense of rhythm.

4. Utilities

The project includes new water, sewer, and storm drainage systems that will serve the proposed buildings and associated facilities within the project area. The proposed water system includes a network of water mains and laterals which will tie into an existing 8" City water line located near the northern end of the property. The proposed sewer system includes a network of sewer mains, manholes, and laterals. The sewer system will be designed to gravity flow to the northwest corner of the site to a new sewer lift station. The new lift station will then pump the wastewater through a new force main across Zaca Creek to an existing City sewer manhole located in the northwest corner of the property. The wastewater will then flow in City sewer lines to the treatment plant. The storm drainage system has been broken down into two parts, the clubhouse area and the condo area. Runoff from the clubhouse area will be collected by drainage inlets and conveyed by an underground storm drain system into a detention basin located near the southwest corner of the site. Runoff from the condo area will be collected by drainage inlets and conveyed by an underground storm drain system into a bio-swale that runs along the western boundary of the site. The runoff will travel above ground in the bio-swale and flow into the detention basin at the southwest corner of the site. The detention basin will be designed to detain the increase in runoff due to development and release runoff to Zaca Creek equal to or less than the historic runoff rate.

5. Biological Factors

Several Mitigation strategies have been implemented in the site design in order to avoid and minimize the impact of the nearby Zaca Creek and the on-site riparian habitat. This includes providing a minimum buffer zone of 25 feet around the outer extent of the riparian habitat along the channelized portion of Zaca Creek, and a 50 foot buffer will be established around the riparian habitat in the northern and southern portions of the site. In addition to the buffer zone, there will also be efforts to enhance the onsite habitat degradation through weed abatement and revegetation. More detailed information can be found in the Pope Property Biology Study prepared by Rincon Consultants, Inc.

To: Angela Perez
Asst. Planner, City of Buellton
Buellton, Ca. 93427
Date: March 6, 2013
Subject: Request for entitlement extension

Angela,

I opened the Ojai Valley Racquet Club in the spring of 1972. My wife and I operated the club for over 22 years until her death from cancer in 1995. Three years later I sold the club to a chain in Santa Barbara and remarried at the Zaca Mesa winery in Santa Ynez.

During my many pre-wedding trips to the Santa Ynez Valley, it became apparent that another club similar to the Racquet Club in Ojai would be successful here. The climate, geographic location and demographics fit a similar pattern as did Ojai back in 1972.

So, I then spent the next two years attempting to find a suitable location for the new club here in the valley. During that time; I found two excellent properties both owned by the city of Solvang. After several presentations to the Solvang City council, Parks & Recreation and the Planning Commission, it became clear that the city wanted to keep the two properties in open space. Discouraged, I called the Parks & Recreation director and told her that I was simply giving up. She replied "Don't give up, Karl. Go see Buellton. They're a new city, not steeped in old traditions, and very progressive." I took her advice and set up a meeting with the then city manager Steve Thompson.

I met with Mr. Thompson back in 2003 and explained that I felt a full service athletic club would be an excellent addition to the city and provide a place where local residents could improve their health, fitness, tennis & swim skills, and develop new friends. He agreed that my idea was a good one but added "We're fully built out here in Buellton, Karl. There just isn't a suitable property for your project."

Again discouraged, I stood to leave and noticed an aerial map of Buellton on the wall. There, between Industrial Way and Rancho De Maria and north of the river was an 18 acre property which looked more than large enough for the Racquet Club and perhaps... condominiums as well.

Five years later, on Feb 14, 2008, the Santa Ynez Valley Inn & Racquet Club was approved by the Buellton City Council. The Next step was to obtain financing, grading and building permits, and construct the project which seemed rather easy with entitlements in hand. It wasn't.

I then approached three banks who had helped finance the Racquet Club in Ojai (and also financed a 50 unit office building which I constructed next to the club), only to find out that the banking community nationwide ***was in a state of collapse*** and that virtually all banks had pulled in their horns on lending to just about everyone, especially for a single purpose project like the Racquet Club. All of the banks I contacted were not sure they would even be open for business in six months with all that was happening on Wall St.

Since then, many banks have merged, been taken over by the government, or simply closed their doors. The survivors have drastically changed their lending requirements lending mostly on single family, owner occupied housing, and have ***dramatically increased equity requirements on commercial projects.***

As a result, it became apparent that housing development expertise would be required to satisfy the new banking requirements. So, last year, I aligned myself with Mr. Rich Ridgeway of Investec in Santa Barbara, a successful housing developer who just a few years ago (2001) built 147 homes in Buellton (Meadow Ridge) and fully understands what the city of Buellton requires from developers. So now, with the long track record of Mr. Ridgeway and Investec in the housing field, and my over 20 years of experience in the club arena, we have a financeable package.

However, as our 5 years of entitlement expired on February 14th, a recommendation from the Planning Commission to the Council for approval of a one year extension would give us adequate time to finalize the financing, obtain city approval of the grading plan (plus the overall building permit), and get started with construction of our exceptional project.

Our talks with the banks have gone well. As soon as we complete the remaining city required documentation, our bankers are prepared to loan the funds for the entire project. This fact, combined with the development track record of Investec for the condominiums and my history in the club business, should be enough for Council approval of our extension request. Council approval will insure our success and result in a beautiful project that will be a real benefit to the health, fitness, and socialization of all local residents.

We would appreciate the Planning Commissions' recommendation to the Council to approve our request for a one year extension.

Best Regards,
Karl Pope
Buellton Tennis Villas Development LLC
805-798-3953



The Santa Ynez Valley Inn & Racquet Club

PLANNING COMMISSION RESOLUTION NO. 13-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ONE YEAR TIME EXTENSION REQUEST FOR FINAL DEVELOPMENT PLAN (07-FDP-03) UNTIL FEBRUARY 14, 2014, AND MAKING FINDINGS IN SUPPORT THEREOF

BE IT RESOLVED by the Planning Commission of the City of Buellton as follows:

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Karl Pope of Buellton Tennis Villas Development LLC, property owner (hereinafter referred to as "Applicant"), requesting a one year time extension of the approved Final Development Plan (07-FDP-03) which includes the development of a 120 unit inn and a racquet club with 8 tennis courts, two swimming pools, a spa, a clubhouse, a river trail connection and jogging path, and multiple gathering spaces (the "Project"), located to the east of Industrial Way, Assessor Parcel No. 099-690-048 (the "Property").

SECTION 2: The application consists of a time extension (the "Extension Request") of an approved Final Development Plan.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the public comment, as well as other pertinent information, the Planning Commission finds the following:

- A. Record.** Prior to rendering a decision on any aspect of the Project, the Planning Commission considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on March 7, 2013 ("Public Hearing").
 2. All oral, written and visual materials presented by City staff in conjunction with the Public Hearing.
 3. The following informational documents which, by this reference, are incorporated herein.
 - a. That certain written report and attachments submitted by the Planning Department dated March 7, 2013 (the "Staff Report").

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

1. A notice of public hearing was published in a newspaper on February 21, 2013 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on February 21, 2013, 10 days in advance of the Public Hearing.
3. The Public Notice and Agenda for the Public Hearing were posted in three conspicuous public places a minimum of 10 days before the Public Hearing.

C. Environmental Clearance. As part of the original City Council approval of the Project, an Initial Study and Mitigated Negative Declaration were prepared in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq., and the CEQA Guidelines of the City of Buellton. No changes have occurred with respect to the Project, or its environmental surrounding, to require subsequent environmental review.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public review the Planning Commission does hereby declare that a time extension is consistent with Section 19.08.120 of the Buellton Municipal Code.

SECTION 4: The Planning Commission hereby recommends that the City Council approve the Extension Request for a one year time extension of the Final Development Plan (07-FDP-03) until February 14, 2014.

SECTION 5: The Planning Commission Secretary shall certify to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of March, 2013

A handwritten signature in black ink, appearing to read 'Art Mercado', written over a horizontal line.

Art Mercado, Chair

ATTEST:

A handwritten signature in black ink, appearing to read 'Clare Barcelona', written over a horizontal line.

Clare Barcelona, Planning Commission Secretary

STATE OF CALIFORNIA)
 COUNTY OF SANTA BARBARA) SS
 CITY OF BUELLTON)

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 13-04 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 7th day of March, 2013, by the following vote, to wit.

AYES: (5) Commissioners Lisa Figueroa, Jason Fussel, Foster Reif, Vice Chair
 Craig Adams and Chairman Art Mercado

NOES: (0)

ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, 2013.



 Clare Barcelona
 Planning Commission Secretary

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 9

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director

Date: April 11, 2013

Subject: Resolution No. 13-04 - “A Resolution of the City Council of the City of Buellton, California, Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2013/14 – 2017/18”

BACKGROUND

On November 4, 2008, the voters of the County of Santa Barbara approved Measure A – the Road Repair, Traffic Relief and Transportation Safety Measure. As a result, the local sales tax rate was continued countywide by ½ cent effective April 1, 2010. The transportation sales tax will remain in effect for 30 years, with the revenues being allocated for transportation improvements identified in the Measure A Investment Plan. Any projects funded with Measure A revenues must be identified in the five-year Measure A Program of Projects (POP).

The five-year POP, must be approved through a public hearing and the approved program must be forwarded to the Santa Barbara County Association of Governments by April 15, 2013.

The Measure A funds have been used to supplement the City’s local general funds allocated to its road maintenance, striping, sidewalk improvements and transit subsidy. (The City has used Measure A funds to subsidize the Dial-A-Ride program, part of the Santa Ynez Valley Transit operations, which is funded by the Cities of Solvang and Buellton and the County of Santa Barbara. The subsidy reduces the fare from \$2.25 to \$1.25, equivalent to the senior fixed route fare).

The 13/14 Program Year will be the first that staff will utilize Measure Funds to support other City transit obligations. Historically, the City has utilized General Fund to support transit since all of its TDA allocations is provided to the City of Solvang for operation of the Santa Ynez Valley Transit. The City is required to provide a minimum of 5% of its Measure A local fund towards alternative transportation.

Attached is the estimate of Measure A revenues and the proposed maintenance and transit allocations for the next 5 years.

FISCAL IMPACT

Each year the City of Buellton receives a portion of the revenues derived from Measure A sales tax receipts based on population. Estimated revenue anticipated from Measure A for the next five year period is approximately \$1,649,478. The annual allocations estimated are as follows:

FY 2013/14	FY 2014/15	FY 2015-16	FY 2016-17	FY 2017-18
\$326,250	\$318,996	\$326,253	\$333,847	\$344,132

RECOMMENDATION

That the City Council approve Resolution No. 13-04 – “A Resolution of the City Council of the City of Buellton, California, Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2013/13 – 2017/18”

ATTACHMENTS

Resolution No. 13-04
Exhibit A - Measure A POPs Submittal - Buellton

RESOLUTION NO. 13-04

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BUELLTON, CALIFORNIA,
ADOPTING THE MEASURE A FIVE-YEAR LOCAL
PROGRAM OF PROJECTS FOR FISCAL YEARS
2013/14 – 2017/18**

A. Recitals

WHEREAS, on November 4, 2008, the voters of Santa Barbara County (“County”) approved Ordinance No. 5, the Road Repair, Traffic Relief and Transportation Safety Measure known as Measure A; and

WHEREAS, the Ordinance provides that the County Local Transportation Authority shall annually approve a program of projects submitted by local jurisdictions identifying those transportation projects eligible for Measure A funds during the succeeding five-year period; and

WHEREAS, the City of Buellton was provided with an estimate of annual Measure A local revenues for Fiscal Years 2013/14 – 2017/18; and

WHEREAS, on April 11, 2013, the City of Buellton conducted and concluded a duly noticed public hearing in accordance with Section 18 of the Ordinance prior to the adoption of this Resolution; and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution.

B. Resolution. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buellton as follows:

SECTION 1. The City Council finds that all of the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.

SECTION 2. The City of Buellton does hereby adopt the attached Five-Year Program for Projects (Exhibit “A”) to be funded in part with Measure A revenues.

SECTION 3. The City of Buellton certifies that it will include in its budget an amount of local discretionary funding for local streets and roads sufficient to comply with the Maintenance of Effort requirements contained in Section 27 of the Ordinance.

SECTION 4. The City of Buellton will not use Measure A revenues to replace private developer funding which has been committed to a transportation project or would otherwise be required under current City policies.

SECTION 5. The City of Buellton has complied with all other applicable provisions and requirements of the Ordinance.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 11th day of April, 2013.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk



Southern
California
Gas Company

ADVANCEDmeter

Communications Network Installation Fact Sheet

A  Semptra Energy utility®

UPGRADING OUR INFRASTRUCTURE

In 2010, the California Public Utilities Commission approved Southern California Gas Company (SoCalGas®) to upgrade our metering system by adding a communication device to natural gas meters. This technology will automatically read and securely transmit your gas usage information to our customer service and billing center.

ADVANCING THE WAY WE SERVE YOU

With this upgrade, you benefit from more frequent and detailed information about your natural gas consumption, helping you identify ways you might be able to reduce your energy use.

LEARN MORE

SoCalGas has been delivering clean, safe and reliable natural gas to customers for more than 140 years.

To learn more about advanced meters, visit socialgas.com (search "ADVANCED") or call:

English	1-800-427-2200
Español	1-800-342-4545
國語	1-800-427-1429
粵語	1-800-427-1420
한국어	1-800-427-0471
Tiếng Việt	1-800-427-0478
For other languages	1-888-427-1345
Hearing Impaired (TDD)	1-800-252-0259

First phase: Installing the Advanced Meter communication network

To communicate with SoCalGas, the advanced meters need a network of connection points, what we call data collectors, positioned on poles throughout our service area.

- ▶ **Working With Your City** - We are collaborating with your city and other entities to find the best location for installation of our data collectors. In some instances, SoCalGas will need to install new poles on which the data collectors will be attached.



* Pole Type
May Vary

ABOUT THE NETWORK

- ▶ Approximately 4,000 data collectors will be installed throughout SoCalGas' service territory, which encompasses approximately 20,000 square miles throughout Central and Southern California, from Visalia to the Mexican border.
- ▶ The network equipment will be pole mounted, 24 feet or higher.
- ▶ The data collectors may be A/C or solar powered.

- ▶ **Working Efficiently** - You may see a SoCalGas approved contractor in your neighborhood performing these installations, which may take between one and three days to complete. We will make every effort to minimize disruption to your neighborhood.
- ▶ **Ensuring Safety** - The safety of our customers, employees and the communities we serve is our top priority. We will mount all data collectors and their antennas to meet state and local requirements for wind and seismic safety. The data collectors comply with all safety standards set by the Federal Communications Commission (FCC), producing radio frequency emissions at levels far below FCC limits.

Second phase: Advanced Meter upgrade

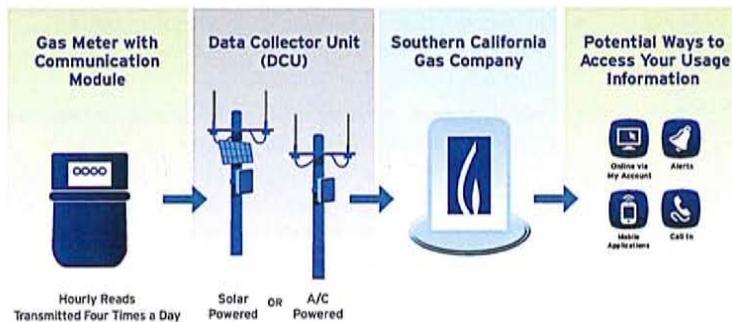
From late 2012 through 2017, existing natural gas meters will be upgraded to advanced meters. The advanced meters are battery-powered and only turn on for a fraction of a second each day, for a total of less than two minutes per year. Only your gas usage read will be transmitted through the network. No other personally identifiable information will be transmitted through the system.

What are Advanced Meters?

Southern California Gas Company (SoCalGas®) is upgrading its system by adding an advanced meter communications device to all residential and business natural gas meters. The advanced meter device will read and transmit your natural gas usage information back to SoCalGas.

The advanced meter device, which will be installed on your existing analog meter, is battery-powered and turns on for only a fraction of a second a day, for a total of less than two minutes a year. Advanced meters cannot turn on or turn off your gas service. With this upgrade, you will have access to more frequent and detailed information about your gas consumption at socalgas.com, enabling you to have better control over your energy usage and potentially save money.

SoCalGas is scheduled to install the advanced meter device on approximately 6 million natural gas meters through 2017. This technology evolution is the next step in providing new and improved service for current and future customers.



Images are for illustrative purposes only.

What if I don't want an Advanced Meter?

SoCalGas supports customer choice and recognizes that some residential customers may prefer not to have an advanced meter installed and would rather have their gas meter manually read each month. *If you do not want an advanced meter installed, you must call our Customer Contact Center at **1-800-427-2200** and request to be added to the "advanced meter deferral list."

If you defer installation now, SoCalGas will contact you once the California Public Utilities Commission (CPUC) has ruled on our advanced meter opt-out program. You can decide at that time, based on the rate approved by the CPUC, whether you want to formally opt-out and pay the applicable fees or allow the installation of an advanced meter at no incremental cost.

*Deferral list option applicable to residential customers only.

BENEFITS OF ADVANCED METERS

- **Manage Energy Use Better:** You will have access to more detailed information and analysis tools online through My Account at socalgas.com, where you can also view and pay your bill, schedule service and sign up for paperless billing. We will notify you when your more detailed information becomes available online.
- **New "Ways to Save" section on socalgas.com:** Gas usage increases during cold months as your furnace and water heater use more energy. To help you keep your heating costs down, visit the new Ways to Save section on socalgas.com.
- **Location Privacy and Security:** Customers who, in the past, had to provide SoCalGas with a key to their gates, leave latches unlocked or confine their dogs to allow meter reading will only need to provide entry for periodic maintenance. To increase privacy and security, only encrypted gas usage information will be transmitted from the meters.
- **Greater Accuracy:** Advanced meters can also improve billing accuracy, reducing the potential for errors.
- **Help the Environment:** Advanced meters will take 1,000 SoCalGas vehicles off the road every day, reduce 6.3 million vehicle miles and approximately 140,000 tons of greenhouse gases per year.
- **New Bill Alerts:** In the summer of 2013, advanced meter customers will be able to sign up for alerts, providing up-to-date information on your energy usage and billing status by text or email.
- **Operational Efficiencies:** The advanced meter project will enable operational savings over the life of the project, estimated to be more than double the value of our investment. Operational savings will be passed along to customers in overall rates.
- **Where Can I Find More Information?**
Visit socalgas.com (search "ADVANCED") or call:

Residential Customers:

English	1-800-427-2200
國語	1-800-427-1429
粵語	1-800-427-1420
한국어	1-800-427-0471
Tiếng Việt	1-800-427-0478
For other languages	1-888-427-1345
Hearing Impaired (TDD)	1-800-252-0259

Business Customers:

English	1-800-427-2000
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FREQUENTLY ASKED QUESTIONS

Q. What are Advanced Meters?

A. Southern California Gas Company (SoCalGas®) is upgrading our metering system by adding a wireless communication device to all residential and most business natural gas meters. This advanced metering technology will automatically read and transmit your gas usage information to our customer service and billing center.

Q. Who is getting an Advanced Meter and when?

A. Approximately six million gas meters will be upgraded with the wireless communication device. Installations will be conducted from late 2012 and completed by 2017. An installation schedule will be available later this year at socialgas.com (search "ADVANCED"). We will also notify you by mail a few weeks prior to your installation.

Q. Why is SoCalGas installing the Advanced Meters?

A. California's energy policy supports development and implementation of cost-effective advanced metering systems. Advanced meters provide detailed information and tools that can help you make more educated decisions about your gas use, which can lead to increased conservation efforts and reduced greenhouse gas emissions.

Q. What type of information will be available and when can I view it?

A. In its simplest form, you'll have access to your hourly gas usage along with helpful tools, charts and graphs on a next-day basis. You can quickly identify how you're using gas, areas where you may be able to reduce your use, and how your usage compares over time, or with similar homes in your area.

Q. How will I be able to view my gas usage information?

A. Once your advanced meter is installed and we have validated the meter reading, you will be able to view your gas usage in multiple ways, including online at socialgas.com (search "MY ACCOUNT") and potentially via: phone, email, text, smart phone applications or other methods.

Q. What are the benefits of Advanced Meters?

A. **Save Money & Energy:** You will have access to more detailed information and analysis tools to help you better understand how you're using gas and where you could potentially save.

More Privacy and Security: Customers who, in the past, had to provide SoCalGas with a key to their gates, leave latches unlocked, or confine their dogs away to give us access to the meter each month, now may only need to provide entry for periodic maintenance.

Help the Environment: After complete installation, we anticipate that the advanced metering technology will help improve air quality by reducing approximately 140,000 tons of CO₂ emissions each year. This is based on anticipated decreases in customer gas use and from fewer SoCalGas vehicles on the road.

Enable Future Technology: In the future, advanced meters can make it even easier for you to view and manage your gas use. You may be able to sign up for energy alerts, receive your information via a smart phone application or even control your appliances remotely.

Cost Efficiencies: The financial benefits of advanced meters exceed the cost. SoCalGas estimates that about 85 percent of the system costs will be offset by operational savings, and the remaining 15 percent of the system costs will be offset through energy conservation.

Q. With this new technology will you be able to shut off my gas service remotely for any reason (gas leak, non-payment, etc.)?

A. No, the new advanced meter will not have remote shut-off capabilities. However, by having more frequent and detailed access to your own gas usage information, you can better monitor your usage for any abnormal gas consumption.

If you suspect a gas leak, immediately evacuate the area and from a safe location call SoCalGas at 1-800-427-2200.

Q. What if I do not want an Advanced Meter?

A. We understand some customers may not wish to have the advanced meter device installed for various reasons. We support customer choice and recognize that some customers may prefer to have their gas meter manually read each month*. If you have questions or would like to decline an advanced meter installation, please contact our Customer Contact Center at 1-800-427-2200.

* Applicable to residential customers only.

Q. With Advanced Meters being read remotely, what will happen to SoCalGas' meter readers?

A. This next generation meter technology will change how meters are read, and there will no longer be a need for manual meter reading and associated work. Along with offering installation and other new job opportunities, we will work with employees to support career planning efforts to help them make as smooth a transition as possible. Education, re-training, and career planning options will be available to employees before and during advanced meter installation.

Q. How much is this costing and who's paying for these upgrades?

A. The cost for advanced meters, as with all meters or equipment purchased by SoCalGas, is a regular business expense and is recovered in rates. At its peak, this project will cost approximately \$2 per month. It is estimated that this upfront investment will yield operating and environmental benefits of over \$3.5 billion to customers over the next 25 years. The initial cost will eventually decrease as operational savings are realized.

Q. How will SoCalGas ensure that the new Advanced Meters are accurate?

A. Prior to installation, the advanced meter devices will undergo rigorous testing by the manufacturer as well as in SoCalGas test laboratories to ensure compliance with all state and national standards. Once installed, meters and the network communications system will be monitored to ensure that they are working properly.

Q. Is the Advanced Meter network secure?

A. SoCalGas maintains strict confidentiality and privacy policies, and uses the latest technologies to safeguard your information. Only your gas usage read will be transmitted through the network. No other personally identifiable information will be transmitted through the system.

Q. At what frequency will the Advanced Meters operate and will it interfere with other wireless devices in my home?

A. The frequency communicating to the gas meter is 450 megahertz (MHz). The advanced meter's wireless communication works similarly to the way a computer router operates and should not interfere with any wireless devices in the home.

Q. Have the health effects of radio frequency (RF) transmissions emitted from Advanced Meters been assessed?

A. Yes, according to the Federal Communications Commission, the Electric Power Research Institute and the World Health Organization, no adverse short- or long-term effects have been shown to occur from the RF signals produced by advanced meter technologies or other such wireless networks.

Q. How does the RF from the Advanced Meter compare to other typical equipment or appliance in my home?

A. RF from the advanced meter is substantially lower than other typical equipment or appliances in your home. The advanced meter communication device turns on for a fraction of a second per day for a total of less than 2 minutes per year. For example, a person using a cell phone in their house can have as much as a million times more RF exposure than a person standing eight inches from an advanced meter.

Q. What if I still have questions or concerns? Where can I go to learn more information?

A. Learn more at socalgas.com (search "ADVANCED") or call 1-800-427-2200.



ADVANCEDmeter

CITY OF BUELLTON

MARCH 2013

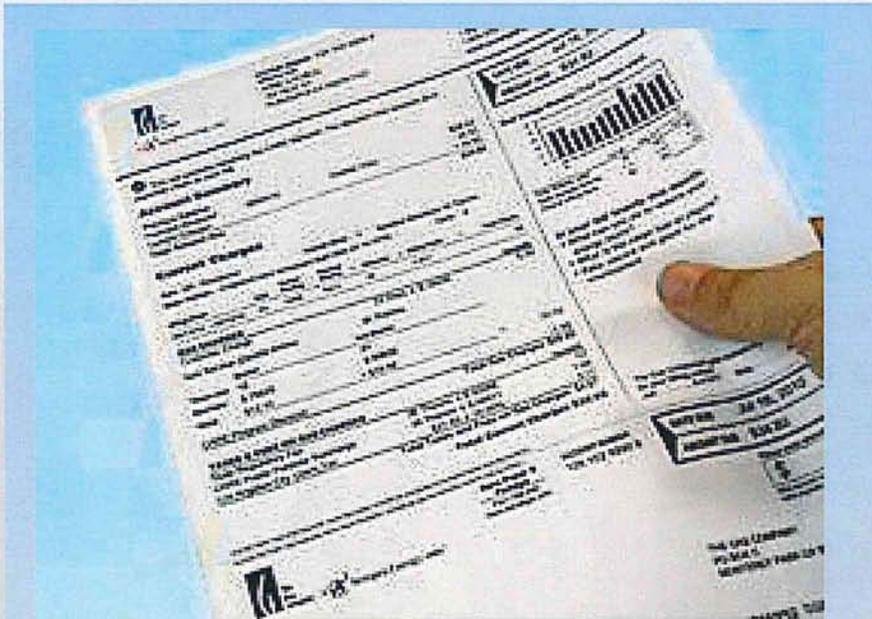
What is the Advanced Meter Project?

- California Public Utilities Commission (CPUC) decision received in April 2010 authorizing \$1.05 billion to upgrade approximately 6 million existing natural gas meters with a communication device by 2017
- Automatically reads and securely transmits hourly gas usage information on a “next day” basis
- Provides more frequent and detailed information to help customers better manage energy use and costs
- SoCalGas employees will perform installations
- Advanced meter installation began in October 2012

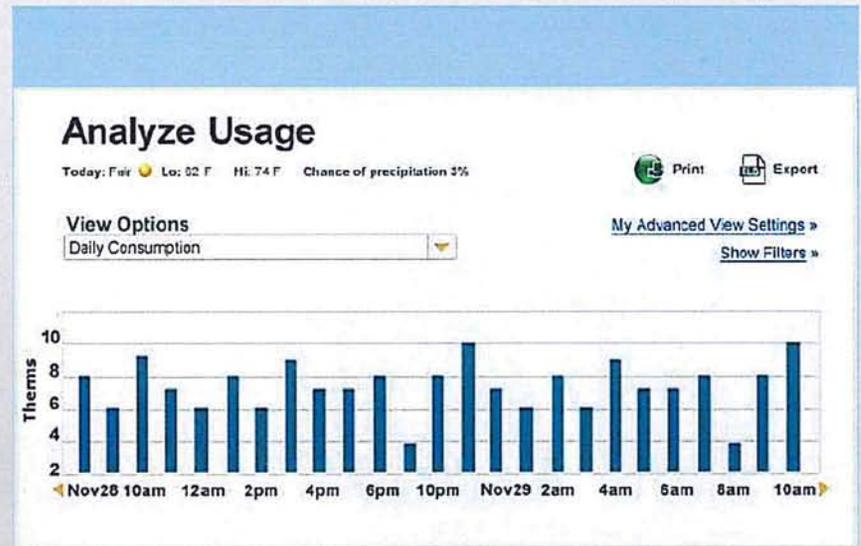


PHOTOS FOR DISCUSSION PURPOSES ONLY

Information: Present - Future



Monthly Bill



Hourly Information

What are the Benefits?



**Get
Information**



**Save
Money**



**Help the
Environment**

How Does it Work?

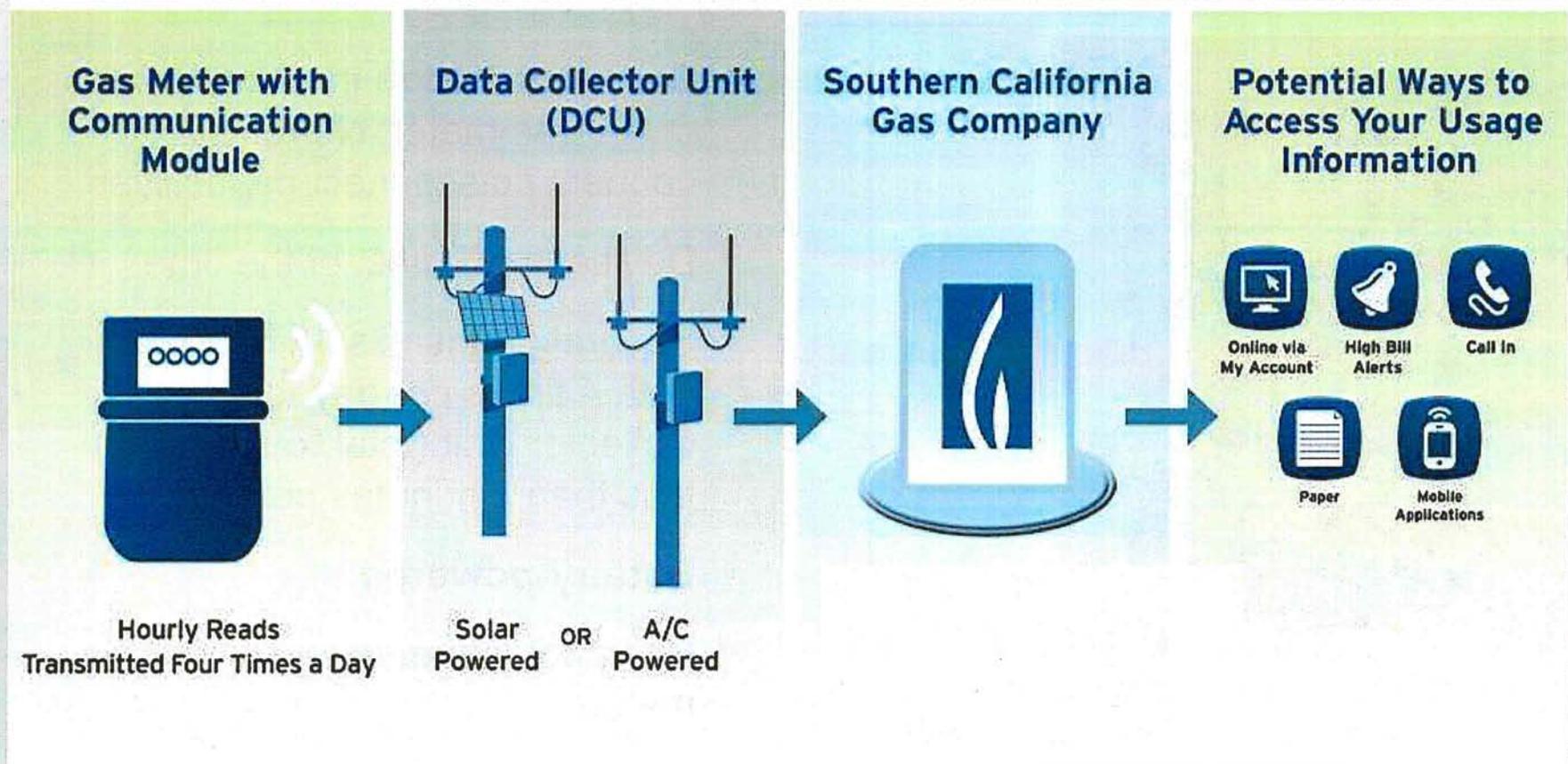
Gas usage is still recorded in the traditional way, it's a new communication device that transmits the information electronically



- Does not change the functionality of the gas meter; No remote connect / disconnect capabilities
- Device is **off** most of the time
- Securely transmits 12 hours of data 4 times per day to a Data Collector Unit (total “on” time is less than 2 minutes per year)
- **Battery-powered**
- Does not communicate with other meters
- Does not communicate with appliances in the home

ADVANCEDmeter

How is the information transmitted?



About the Communication Network – Data Collection Units (DCUs)



PHOTO FOR DISCUSSION PURPOSES ONLY

- Installing approximately 4,000 DCUs throughout SoCalGas' service territory
- Mostly pole mounted
- Antennas mounted 28 feet or higher (licensed 450 MHz frequency)
- A/C or Solar Powered
- 21.5" H x 13.6" W x 8.25" D
- Maximum DCU weight is 55 lbs
- Built-in Redundancy: advanced meters will communicate with two to three DCUs

Community Outreach Efforts

- **Phase 1: Network Construction Customer Notification**

SoCalGas will notify impacted customers of network construction activity. Notification letter will be distributed to customers 2 weeks prior to network construction.

- **Phase 2: Advanced Meter Installation Outreach**

SoCalGas will implement local community outreach and customer communication to prepare customers for advanced meter installation

Phase 2: Local Communication & Community Outreach

90 to 60 Days Prior to Installation:

Briefings with Local Elected Officials, Community Leaders, Chambers, etc.

60 to 30 Days Prior to Installation:

Local Community Involvement & Events

30 Days Prior to Installation:

Customer receives notification letter
(geographically distributed)

Installation Day:

Customer receives door hanger confirming installation has occurred

Post Installation:

Obtain feedback on installation experience

ADVANCEDmeter

2 Data Collector Unit (DCU) Candidate Locations

These are approved sites within the 500' radius of where the DCU coverage is needed.

Site	Address	Latitude	Longitude
QJ028-A	McMurray Road, Buellton, 93427	34.613621	-120.188123
QJ029-A	Six Flags Cir, Buellton, 93427	34.608637	-120.196342

*Actual DCU location yet to be determined.
DCU needs to be located as close to the center point as
reasonably possible*

QJ028



386 McMurray Rd, Buellton 93427

Lat: 34.61362100

Lon: -120.18671200

ADVANCEDmeter

QJ028-A Candidate Location Ariel View on McMurray Road



QJ028-A Candidate Location Street View on McMurray Road



Wood Pole 29'

*Actual DCU location yet to be determined.
DCU needs to be located as close to the center point
as reasonably possible*

QJ029



66 Six Flags Cir, Buellton 93427

Lat: 34.60717500

Lon: -120.19830000

ADVANCEDmeter

QJ029-A Candidate Location Ariel View on Six Flags Circle



QJ029-A Candidate Location Street View on Six Flags Circle



Steel Pole 31'

16

ADVANCEDmeter

Picture of a completed installed Data Collector Unit



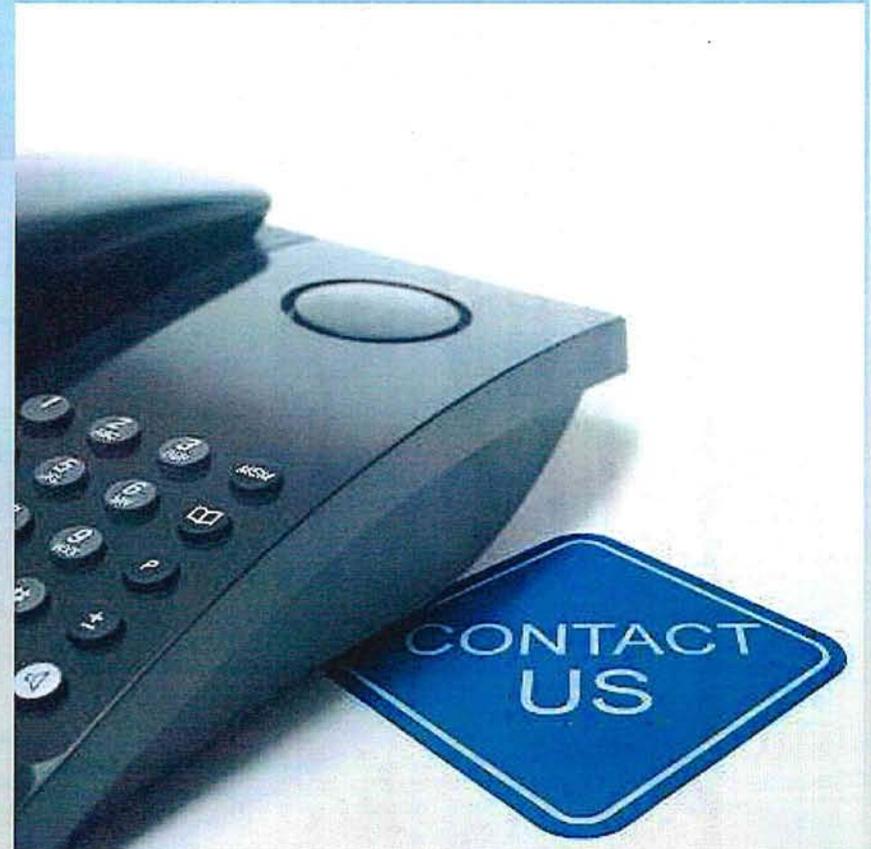
Contact Information

- To learn more about the project, visit:

socalgas.com/advanced

Or Contact:

- **Site Acquisition Manager**
 - Tonia Knightner
 - Office: (213) 244-2281
 - Cell: (213) 841-3732
 - Tknightner@semprautilities.com
- **Public Affairs Manager**
 - Tim Mahoney
 - (805) 689-3033
 - tmahoney@semprautilities.com



CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 11

To: The Honorable Mayor and City Council

From: Marc Bierdzinski, Planning Director

Meeting Date: April 11, 2013

Subject: Ordinance No. 13-04 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-02) by Adding Section 19.06.270 Relating to the Prohibition of Cigarette, Tobacco, and Head Shops and Making Findings in Support Thereof” (Second Reading)

BACKGROUND

At the public hearing of March 28, 2013, the City Council introduced and held the first reading of Ordinance No. 13-04, an ordinance amending Title 19 (Zoning) of the Buellton Municipal Code regarding the prohibition of cigarette, tobacco, and head shops. Ordinance No. 13-04 is now ready for its second reading and adoption.

RECOMMENDATION

That the City Council adopt Ordinance No. 13-04 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-02) by Adding Section 19.06.270 Relating to the Prohibition of Cigarette, Tobacco, and Head Shops and Making Findings in Support Thereof”

ATTACHMENT

Ordinance No. 13-04

ORDINANCE NO. 13-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, ADOPTING REVISIONS TO TITLE 19 (ZONING) OF THE BUELLTON MUNICIPAL CODE (13-ZOA-02) BY ADDING SECTION 19.06.270 RELATING TO THE PROHIBITION OF CIGARETTE, TOBACCO, AND HEAD SHOPS AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: The Ordinance involves the following:

A. Over the last two years, data from the County of Santa Barbara Public Health Department shows a high percentage of retailers sold to minors during undercover buys in Buellton and the Valley.

B. Many cigarette and tobacco stores are also able to sell drug paraphernalia (pipes, water bongs, hookah, class pipes) under the idea that these items are being used to smoke tobacco when in reality people smoke marijuana and methamphetamine from these device.

C. A survey of these storefronts in nearby cities show tobacco advertising covering almost all of the window space along with outdoor signage and displays. The storefront appearances are not attractive and would not comply with current City of Buellton rules and regulations.

D. The promotion of tobacco and tobacco products towards persons under the age of 18 is a problem that many public service agencies have identified in the Santa Ynez Valley, including within the City of Buellton.

E. After receiving inquiries from persons interested in establishing cigarette shops, it was determined that the Buellton General Plan and Zoning Ordinance has no regulations that cover this type of use. Numerous other cities in the State of California have adopted ordinances prohibiting or heavily regulating such uses. Based on the inquiries there is a substantially increased likelihood that such establishments will seek to locate in the City of Buellton.

F. On March 26, 2011, the City Council adopted interim zoning regulations that prohibited any land use entitlements for cigarette, tobacco, and head shops. The interim zoning regulation expires on March 26, 2013.

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 any aspect of the proposed zoning ordinance amendments, the City Council considered the following:

1. All public testimony, both written and oral, received in conjunction with the public hearings conducted by the Planning Commission on February 28, 2013 (“Planning Commission Public Hearing”).
2. All oral, written and visual materials presented by City staff in conjunction with the Planning Commission Public Hearing.
3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on March 28, 2013 (“City Council Public Hearing”).
4. All oral, written and visual materials presented by City staff in conjunction with the City Council Public Hearing.
5. The following informational documents which, by this reference, are incorporated herein.
 - a. That certain written report submitted to the City Council dated March 28, 2013 (the “Staff Report”).
 - b. The report and recommendation of the Planning Commission approved on February 28, 2013, and set forth in Resolution No. 13-03.

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

1. A notice was published in a legal section of a newspaper on March 14, 2013 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing conducted on March 28, 2013.
2. The Public Notice was posted in three public locations on March 14, 2013, a minimum of 10 days in advance of the Public Hearing.

C. Environmental Clearance. The amendment to Title 19 was reviewed in accordance with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. section 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Buellton, and the City Council has exercised its independent judgment and finds that the project proposed in the amendment is exempt from CEQA pursuant to section 15061 (b) (3) of the State CEQA Guidelines as it is an action to prohibit the establishment of cigarette, tobacco and head shops which can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the City Council does hereby declare as follows:

1. Zoning Ordinance Amendments.

a. Findings:

- i. The Amendment is in the interests of the general community welfare because there is the substantial likelihood of the establishment and operation of cigarette, tobacco, and head shops in the City of Buellton which would result in impacts to the community, including increased potential for tobacco sales to minors, the sale of drug paraphernalia, and negative aesthetic impacts to the community.
- ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendment is consistent with good zoning and planning practices.

SECTION 3. Chapter 19.06 of the Buellton Municipal Code is hereby amended to add a new Section 19.06.270, to be read, in words and figures, as follows:

“19.06.270 Prohibition of Cigarette, Tobacco, and Head Shops

A. No person shall establish, operate, or permit to be operated, a cigarette, tobacco, or head shop in or upon any premises in the City of Buellton. It is a violation of this chapter for any person to knowingly allow property of which he or she is the tenant or owner to be used as a cigarette, tobacco, or head shop.

B. No cigarette, tobacco, or head shop shall be established or located or operated within the City of Buellton, nor shall any building permit, conditional use permit, development plan, zoning clearance, or other entitlement for use be issued for any cigarette, tobacco, or head shop, nor shall any existing uses be modified to add a cigarette, tobacco, or head shop.

C. Definitions: For the purposes of this section, unless otherwise apparent from the context, the following definitions apply:

1. “Cigarette, tobacco, and head shop” shall mean a retail use where more than 45% of the square footage of occupied floor area is dedicated to the sale, distribution, delivery, furnishing or marketing of tobacco, tobacco products, and/or tobacco paraphernalia.

2. "Tobacco Paraphernalia" shall mean paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, tobacco products, or controlled substances as defined in California Health and Safety Code Sections 11054, et seq.

3. "Tobacco product" shall mean any product containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, including any product or formulation of matter containing biologically active amounts of nicotine. Tobacco product does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence."

SECTION 4: If any section, subsection, subdivision, 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 hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5: The City Clerk: (i) shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law; (ii) is hereby authorized and directed to make typographical, grammatical and similar corrections in the final text of the Ordinance so long as such corrections do not constitute substantive changes in context; and (iii) cause the Buellton Municipal Code to be reprinted by adding the language contained within Section 3 of this Ordinance.

PASSED, APPROVED, AND ADOPTED this 11th day of April 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.: 12

To: The Honorable Mayor and City Council

From: John Kunkel, City Manager

Meeting Date: April 11, 2013

Subject: Review of Socio-Economic Mitigation Program (SEMP) Loan and Possible Amendment

BACKGROUND

In September of 1998 the City loaned \$200,000 to Horizon Homes for a low cost housing program under the SEMP loan program. This loan was for the construction of the Central Gardens apartments located on Central Ave.

The original conditions were: the loan was for 15 years at 3% simple interest. A provision in the loan allowed for the deferment of paying the interest on the loan, currently this provision is being utilized. (As of September of 2013 the outstanding interest balance will be \$14,750.00).

Santa Barbara Community Housing, who is the general partner, is seeking to defer the loan for another 15 years, with a minimum deferral of 5 years.

FISCAL IMPACT

Varies depending upon scenario chosen by Council.

RECOMMENDATION

That Council amend the current loan agreement to defer this loan for another 15 year maximum, with a minimum 5 year deferral with the following conditions:

1. Current outstanding interest be brought up to date
2. The provision to allow the deferral of interest be removed

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 13

To: The Honorable Mayor and City Council

From: Ralph D. Hanson, City Attorney

Meeting Date: April 11, 2013

Subject: Consideration of Approval of a Settlement Agreement and Mutual Release between the City of Buellton and the County of Santa Barbara Pertaining to the Collection of Property Tax Administration Fees

BACKGROUND

In 2004, the State of California enacted legislation to mandate a diversion of Vehicle License Fees and sales tax that could be received by cities in exchange for provision of additional property tax to cities (the "Triple Flip"). The legislation allowed all California counties to collect a Property Tax Administration Fee ("PTAF") for the accounting of the program. However, the calculation of the PTAF was set by the legislation.

In the recent case decided by the Supreme Court of California in *City of Alhambra v. County of Los Angeles*, Supreme Court of California, Case No. S185457, the Supreme Court determined that there were errors in the methodology used by the County of Los Angeles to calculate the PTAF beginning in fiscal year 2006-2007 and continuing through fiscal year 2011-2012 (the "PTAF Litigation") and that all similarly situated cities in Los Angeles County were entitled to repayment of the portion of the PTAF collected in error. Santa Barbara County used the same methodology to calculate the PTAF.

To avoid a repeat of the PTAF Litigation in Santa Barbara County, over the past 6 months a group comprised of all the city attorneys in the County have worked with the Santa Barbara County Counsel's office to achieve a settlement of the past PTAF funds due the cities.

Attached for Council consideration is the Settlement Agreement and Mutual Release between the City of Buellton and the County of Santa Barbara to provide for the payment of \$73,481.00 within thirty (30) days of the execution of the Settlement Agreement. This amount represents all the past due amounts together with interest equal to the amounts the County received for invested County funds during the same years. The format of this

Settlement Agreement, together with the calculation of past due funds and interest, is identical for each City within the County.

The Board of Supervisors approved the Settlement Agreements for each City at their April 2, 2013 Board meeting. It should be noted that the County of Santa Barbara has acted very responsibly in working towards this Settlement Agreement. Many counties, including Los Angeles County, are still at odds with their cities as to payment amounts and timing (payment over many years) and whether interest is required on the past due funds.

FISCAL IMPACT

Payment to the City in the amount of \$73,481.00 within sixty (60) days of the approval of the Settlement Agreement and Mutual Release.

RECOMMENDATION

That the City Council adopt the Settlement Agreement and Mutual Release and authorize the Mayor to execute the Term Sheet on behalf of the City.

ATTACHMENT

Attachment 1 - Settlement Agreement and Mutual Release

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement and Mutual Release (the “Settlement Agreement”) is made and entered into by and between the City of Buellton, a municipal corporation (“City”) and the County of Santa Barbara, a political subdivision of the State of California (“County”) and is effective as of the date of full execution by the parties as indicated below (“Effective Date”).

RECITALS

A. In 2004, Senate Bill 1096 (“Legislation”) was enacted into law in the State of California. Among the Legislation’s provisions was a diversion of Vehicle License Fees and sales tax that could be received by cities in exchange for provision of additional property tax to cities. The Legislation restricted the collection of Property Tax Administration Fees by counties on the property tax that was to be paid to cities in lieu of sales tax and Vehicle License Fees (“PTAF”).

B. A dispute has arisen between the City and the County regarding the amount of PTAF recovered from the City beginning in fiscal year 2006-2007 and continuing through fiscal year 2011-2012.

C. A dispute involving issues similar to those germane to the dispute described above was the subject of ongoing litigation recently decided by the Supreme Court of California in *City of Alhambra v. County of Los Angeles*, Supreme Court of California, Case No. S185457, in which the Supreme Court determined that there were errors in the methodology used by the County of Los Angeles to calculate PTAF (the “PTAF Litigation”).

D. In light of the Supreme Court’s ruling in the PTAF Litigation, the parties desire to enter into this Settlement Agreement in order to completely and finally resolve their dispute described above and provide reimbursement to City for certain PTAF in exchange for a complete release of any and all claims as hereinafter described.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, City and County agree as follows:

1.0 **Compromise and Settlement**

The parties agree that the foregoing recitals are true and correct. A dispute has arisen between the City and the County regarding the amount of property tax administration costs recovered from the City, as described above (“PTAF”) beginning in fiscal year 2006-2007 and continuing through fiscal year 2011-2012 (the “PTAF Dispute”). The parties to this Settlement Agreement, in consideration of the promises and concessions made by each party, agree to mutually compromise and settle the PTAF Dispute upon all of the terms and conditions in this Settlement Agreement.

2.0 Release and Discharge

- 2.1 In consideration of the payment set forth in Section 3.0, City and County, for themselves and each of their elected and appointed officers, employees, agents, administrators, successors and assigns, do hereby release, acquit and forever discharge the other party and its elected and appointed officials, officers, employees, agents, administrators, successors and assigns, from and against any and all past, present or future claims, demands, obligations, actions, causes of action, subrogation rights, reimbursement rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract, or any other theory of recovery, which said parties now have, or which may hereafter accrue or otherwise be acquired or asserted on account of, or may in any way grow out of the PTAF Dispute, including, without limitation, any and all known or unknown claims for damages, tax or fee refunds, interest, breach of contract, or any and all known or unknown claims for subrogation and/or reimbursement which have resulted or may result from the alleged acts or omissions of the other party and its elected or appointed officials, officers, employees, agents, administrators, successors or assigns related to the PTAF Dispute. This release shall be a fully binding and complete settlement between the parties.
- 2.2 It is understood and agreed to by the parties hereto that this settlement is not to be construed as an admission of liability on the part of City or County, by whom liability is expressly denied and that this Settlement Agreement is entered into solely to resolve the PTAF Dispute and avoid the time and expense of litigation.
- 2.3 The City and County acknowledge and agree that the release and discharge set forth above is a general release and expressly waive any and all claims for damages related to the PTAF Dispute which exist as of this date. The parties further agree they have agreed to exchange payment of the sum specified herein as a complete compromise of matters involving disputed issues of law and fact and mutually assume the risk that the facts or law may be other than they believe and which facts, if known, would materially affect their decision to enter into this Settlement Agreement. The parties hereby acknowledge and expressly waive any and all rights based upon the provisions of California Civil Code Section 1542, which reads as follows:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.”

3.0 Payment

In consideration of the release set forth above, the County agrees to pay to the City the total sum of SEVENTY-THREE THOUSAND, FOUR HUNDRED EIGHTY-ONE DOLLARS (\$73,481.00), within thirty (30) calendar days after the Effective Date of this Settlement Agreement.

4.0 Attorney Fees

Each party hereto shall bear all attorney fees and costs arising from the actions of its own counsel in connection with this Settlement Agreement, the incidents described in the above Recitals and referred to herein, and all related matters.

5.0 Representation of Comprehension of Document

- 5.1 In entering into this Settlement Agreement, each party represents that they have relied upon the advice of their attorney, who is the attorney of their own choice, concerning the legal consequences of this Settlement Agreement, that the terms of this Settlement Agreement have been completely read and explained to them by their attorney, and that the terms of this Settlement Agreement are fully understood and voluntarily accepted by each party.
- 5.2 The parties declare and represent that each party and counsel for each party has reviewed and revised, or had the opportunity to revise, this Settlement Agreement and therefore the normal rules of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Settlement Agreement or any amendment of it.
- 5.3 The parties further declare and represent that no promise, inducement or agreement not herein expressed has been made to the other party, that the parties are not executing this Settlement Agreement in reliance on any promises, representations, or inducements other than those contained herein, that the terms of this release are contractual and not a mere recital, and that the parties sign this release voluntarily, free of any duress or coercion.

6.0 Warranty of Capacity to Execute Agreement

The City represents and warrants that no other person or entity has, or has had, any interest in the claims, demands, obligations, or causes of action referred to in this Settlement Agreement, except as otherwise set forth herein, that it has the sole right and exclusive authority to execute this Settlement Agreement and receive the sums specified in it, and that it has not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations or causes of action referred to in this Settlement Agreement.

7.0 Governing Law

This Settlement Agreement shall be construed and interpreted in accordance with the laws of the State of California.

8.0 Additional Documents

All parties agree to cooperate fully and execute any and all supplementary documents and to take all additional actions which may be necessary or appropriate to give full force and effect to the basic terms and intent of this Settlement Agreement.

9.0 Counterparts

This Settlement Agreement may be executed in counterparts, each of which shall be deemed to be an original and said counterparts shall constitute one and the same instrument.

10.0 Entire Agreement and Successors in Interest

This Settlement Agreement contains the entire agreement between County and City, with regard to the matters set forth in it and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each. This Settlement Agreement may be modified only by an agreement in writing executed in the same manner as this Settlement Agreement.

IN WITNESS WHEREOF, the County of Santa Barbara, a political subdivision of the State of California, has authorized the execution of this Settlement Agreement in duplicate by the Chair of the Board of Supervisors, and the City of Buellton, a municipal corporation, has authorized the execution of this Settlement Agreement in duplicate by its Mayor.

COUNTY OF SANTA BARBARA

DATED: _____

Salud Carbajal, Chair
Board of Supervisors

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy

CITY OF BUELLTON

DATED: _____

Mayor

ATTEST:
CITY CLERK

By: _____

APPROVED AS TO FORM:
CITY ATTORNEY

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

By: _____

By: _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING
FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____