



# CITY OF BUELLTON

## CITY COUNCIL AGENDA

**Regular Meeting of September 26, 2013 at 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 Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion.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 September 12, 2013 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2013-14**

### **PRESENTATIONS**

### **PUBLIC HEARINGS**

**COUNCIL MEMBER COMMENTS**

**COUNCIL ITEMS**

**WRITTEN COMMUNICATIONS**

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

**COMMITTEE REPORTS**

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

**BUSINESS ITEMS**

**(POSSIBLE ACTION)**

- 3. **Consideration of Allowing Amplified Music at River View Park for Specialized Coronary Outpatient Rehabilitation (SCOR) Prelude Bike Event**  
❖ *(Staff Contact: Recreation Coordinator Abello)*
- 4. **Review and Discussion of Vision Plan**  
❖ *(Staff Contact: Interim City Manager Bierdzinski)*
- 5. **Ordinance No. 13-05 – “An Ordinance of the City Council of the City of Buellton, California, Adding New Title 15 and Chapter 15.01 to the Buellton Municipal Code Pertaining to Stormwater Management and Discharge Control and Making Findings in Support Thereof” (Second Reading)**  
❖ *(Staff Contact: Public Works Director Hess)*
- 6. **Approval of City Manager Contract**  
❖ *(Staff Contact: City Attorney Hanson)*

**CITY COUNCIL OF BUELLTON AS SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY** **(POSSIBLE ACTION)**

- 7. **Resolution No. SA 13-01 - “A Resolution of the Successor Agency of the Former Buellton Redevelopment Agency, Transferring Housing Conservation Program Loan to the County of Santa Barbara”**  
❖ *(Staff Contact: Interim City Manager Bierdzinski and Interim Finance Director Herrera)*

**CITY MANAGER’S REPORT**

**ADJOURNMENT**

The next meeting of the City Council will be held on Thursday, October 10, 2013 at 6:00 p.m.

# CITY OF BUELLTON

**CITY COUNCIL MEETING MINUTES**  
**Regular Meeting of September 12, 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 Holly Sierra led the Pledge of Allegiance

## **ROLL CALL**

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

**Staff:** Interim City Manager Marc Bierdzinski, City Attorney Ralph Hanson, Public Works Director Rose Hess, Recreation Coordinator Kyle Abello, and City Clerk Linda Reid

## **REORDERING OF AGENDA**

Mayor Dale suggested that Items 7 and 8 be reordered and heard after the Consent Calendar. The Council agreed by consensus to reorder Agenda Items 7 and 8.

## **PUBLIC COMMENTS**

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors Bureau, spoke about "Recognizing our Local Stars".

Jody Knoell, Buellton, requested that the weeds at the intersection of McMurray and Damassa be mowed. She also asked that the sign at McMurray and Commerce be spelled correctly.

John Dorwin, Buellton, spoke about the article in *The Independent* today regarding Caltrans and requested that City representatives to Santa Barbara County Association of Governments request that the sidewalks on Highway 246 be constructed.

**CONSENT CALENDAR**

1. **Minutes of August 22, 2013 Regular City Council Meeting**
2. **List of Claims to be Approved/Ratified for Payment to Date for Fiscal Year 2013-14**
3. **Approval of Bond Release for Public Improvements at Farm Supply**

**MOTION:**

Motion by Council Member Andrisek, seconded by Vice Mayor Connolly, approving Consent Calendar items 1-3 as listed.

**VOTE:**

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

4. **Consideration of Amended Contract with Valley Crest for Landscape Maintenance Services**

Council Member Andrisek requested that staff consider Valley Gardner for the additional landscape services at River View Park. Alan Needham of Valley Gardener submitted an email for the record.

Public Works Director Hess stated that Valley Gardner's original bid was much higher in cost than Valley Crest and that the contract for landscape services will be reconsidered next year and staff can go out for request for proposals.

**MOTION:**

Motion by Council Member Sierra, seconded by Vice Mayor Connolly, approving Consent Calendar item 4 as listed.

**VOTE:**

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

7. **Consideration of Allowing Amplified Music at River View Park for Santa Barbara County Vintners' Association (SBCVA) Festival Event**

**RECOMMENDATION:**

That the City Council consider approval of the use of amplified sound by the SBCVA at River View Park on Saturday, April 12, 2014, during the hours of 12:00 to 6:00 p.m.

**STAFF REPORT:**

Recreation Coordinator Abello presented the staff report.

**DOCUMENTS:**

Staff Report with attachments (SBCVA Special Event Permit Application and Supporting Documents, Buellton Municipal Code Section 12.28.220, and Sample Special Event Permit with conditions)

**SPEAKERS/DISCUSSION:**

Staff received an email from resident, Lee Barker regarding the use of amplified music. His email was distributed to Council Members and made part of the record.

Fran Clow, representing the Santa Barbara County Vintners' Association, spoke about the hours of operation for the Vintners' Festival.

Mark Derrick, Buellton, stated the volume of music should be measured so it does not get too loud.

Jon Macaluso, Buellton, stated that when he bought his house, the developer told him the music at the park would be acoustic and asked that amplified music be stricken from the event application.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors' Bureau, stated that residents have been asking for events in Buellton and we are lucky to host the Vintners' Festival. She asked that consideration be given to the few events in Buellton during the year with amplified music.

Ron Anderson, President of the Buellton Chamber of Commerce and Visitors Bureau stated the music at Brewfest next year will be lowered.

The City Council discussed the following issues:

- Noise levels at the event
- Parking (adding parking requests/standards to the event application)
- The decibel average as referenced in the City's Municipal Code
- Having the Code Enforcement Officer monitor the event with a noise meter

**MOTION:**

Motion by Council Member Elovitz, seconded by Council Member Andrisek, approving the use of amplified sound by the SBCVA at River View Park on Saturday, April 12, 2014.

**VOTE:**

Motion passed by a voice vote of 5-0.

**8. Consideration of Allowing Amplified Music at River View Park for Santa Barbara County Firefighters Benevolent Foundation (SBCFBB) Event**

**RECOMMENDATION:**

That the City Council consider approval of the use of amplified sound by the SBCFBB at River View Park on Saturday, October 5, between the hours of 11:00 a.m. and 6:00 p.m.

**STAFF REPORT:**

Recreation Coordinator Abello presented the staff report.

**DOCUMENTS:**

Staff Report with attachments (SBCFBF Special Event Permit Application/Supporting Documents, Buellton Municipal Code Section 12.28.220, and Sample Special Event Permit with conditions)

**SPEAKERS/DISCUSSION:**

Staff received an email from resident, Lee Barker regarding the use of amplified music. His email was distributed to Council Members and made part of the record.

Staff received an email from Joy Margolis, Principal at Buynak, Fauver, Archbald & Spray, regarding noise mitigation efforts at the SBCFBF Event. The email was distributed to Council Members and made part of the record.

Joy Margolis, Principal at Buynak, Fauver, Archbald & Spray, stated there will be bands playing throughout the event.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors' Bureau, stated that residents have been asking for events in Buellton and we are lucky to have the SBCFBF Event in town. She asked that consideration be given to the few events in Buellton during the year with amplified music.

**MOTION:**

Motion by Council Member Sierra, seconded by Council Member Elovitz, approving the use of amplified sound by the SBCFBF at River View Park on Saturday, October 5, 2013.

**VOTE:**

Motion passed by a voice vote of 5-0.

**PRESENTATIONS**

None

**PUBLIC HEARINGS**

- 5. Resolution No. 13-12 - "A Resolution of the City Council of the City of Buellton, California, Adopting an Addendum to the Final Environmental Impact Report for the Land Use Element and Circulation Element Update for the Buellton Apartments Project (12-FDP-02), Located at 90 Second Street, Assessor's Parcel Numbers 137-170-053 and 137-170-011 and Making Findings in Support Thereof"**

**Resolution No. 13-13 - "A Resolution of the City Council of the City of Buellton, California, Approving the Final Development Plan (12-FDP-02) for the Development of 62 Apartments Located at 90 Second Street, Assessor's Parcel Numbers 137-170-053 and 137-170-011 and Making Findings in Support Thereof"**

**RECOMMENDATION:**

That the City Council consider the adoption of Resolution Nos. 13-12 and 13-13.

**STAFF REPORT:**

Interim City Manager Bierdzinski presented the staff report.

**DOCUMENTS:**

Staff Report with attachments (Resolution Nos. 13-12 and 13-13 and Attachments 1-8)

**SPEAKERS/DISCUSSION:**

Larry Bishop, Buellton, submitted a letter regarding this item. The letter was distributed to Council Members and made part of the record.

Sid Goldstien, Project Engineer, discussed a new Option 3 and provided revised site plans and various other documents for the record.

David Goldstien, Project Architect, discussed the architectural plans.

Eldon Shiffman, Treasurer of the Santa Ynez Band of Chumash Indians, discussed the project and stated it will be a beautiful project and will be very well maintained just like all the other properties owned and operated by the Chumash Tribe.

Mayor Dale opened the Public Hearing at 7:53 p.m.

Kerry Moriarty, Buellton, expressed his opposition to the project due to the density of 62 units. Mr. Moriarty requested that private project developers contribute to redevelopment in the City.

Peggy Brierton, Buellton, discussed the project and stated that Option 3 has a lot of good possibilities. Ms. Brierton provided her suggested changes and additions to the project and requested these issues be brought back for further discussion.

Ron Anderson, President of the Buellton Chamber of Commerce and Visitors Bureau, stated the project will be great asset for the Avenue of Flags and should be approved.

Mayor Dale closed the Public Hearing at 8:13 p.m.

The City Council discussed the following issues:

- Where replacement trees will be placed
- Making the roof line steeper to add more character to the architecture
- Working to make the project as sustainable as possible
- Continuing the walking/bike trail to the north end of the property
- Selecting Option 3 with more open space
- Installing a sidewalk along Avenue of Flags
- Looking at placement of crosswalks on the Avenue of Flags
- The high density of this project

**MOTION:**

Motion by Council Member Andrisek, seconded by Council Member Sierra approving and adopting Resolution No. 13-12 - "A Resolution of the City Council of the City of Buellton, California, Adopting an Addendum to the Final Environmental Impact Report for the Land Use Element and Circulation Element Update for the Buellton Apartments Project (12-FDP-02), Located at 90 Second Street, Assessor's Parcel Numbers 137-170-053 and 137-170-011 and Making Findings in Support Thereof"

**VOTE:**

Motion passed by a roll call vote of 4-1 with Vice Mayor Connolly voting no.

**MOTION:**

Motion by Council Member Sierra, seconded by Council Member Andrisek approving and adopting Resolution No. 13-13 - "A Resolution of the City Council of the City of Buellton, California, Approving the Final Development Plan (12-FDP-02) for the Development of 62 Apartments Located at 90 Second Street, Assessor's Parcel Numbers 137-170-053 and 137-170-011 and Making Findings in Support Thereof" with the following added Conditions of Approval:

- That the Option 3 plans date stamped September 12, 2013, is the preferred development scenario.
- That the detailed Option 3 plans shall be reviewed by the City Council prior to issuance of the zoning clearance.
- A public sidewalk shall be added along the Avenue of Flags frontage of Lot 11.
- Staff will work with the Chumash Tribe green building team in identifying additional green building features to be added to the project.
- Condition 85 shall be modified to replace "Tier 1" with "mandatory Green Building Code."
- Site maintenance provisions shall be included in the informational brochure for the project.
- The roof shall be designed as a "cool" roof per the Green Building Code.
- Roof vents on the west side of the roofs shall be minimized.
- Permeable pavement shall be installed.
- A combination bike and pedestrian path shall be extended to the north property line.
- The roof pitch shall be increased to 5/12 with a height up to 37 feet.
- Balconies shall not be uniform and shall employ a variety of materials.
- More variation in building design and materials shall be added to the project.
- Zaca Creek shall be cleaned of all debris and trash.
- Fencing that controls public access to the west side of buildings 1 and 2 shall be provided.

**VOTE:**

Motion passed by a roll call vote of 4-1 with Vice Mayor Connolly voting no.

6. **Ordinance No. 13-05 – "An Ordinance of the City Council of the City of Buellton, California, Adding New Title 15 and Chapter 15.01 to the Buellton Municipal Code Pertaining to Stormwater Management and Discharge Control and Making Findings in Support Thereof" (Introduction and First Reading)**

**RECOMMENDATION:**

That the City Council consider the introduction and first reading of Ordinance No. 13-05.

**STAFF REPORT:**

Public Works Director Hess presented the staff report.

**DOCUMENTS:**

Staff Report with attachments (Ordinance No. 13-05 and PCR Presentation Excerpt)

**DISCUSSION:**

Mayor Dale opened the Public Hearing at 8:55 p.m. There being no public comment, Mayor Dale closed the Public Hearing at 8:56 p.m.

**MOTION:**

Motion by Council Member Sierra, seconded by Council Member Andrisek approving the introduction and first reading of Ordinance No. 13-05 – “An Ordinance of the City Council of the City of Buellton, California, Adding New Title 15 and Chapter 15.01 to the Buellton Municipal Code Pertaining to Stormwater Management and Discharge Control and Making Findings in Support Thereof” by title only and waive further reading, including additions as mentioned by the Public Works Director for the Second Reading.

**VOTE:**

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

**COUNCIL MEMBER COMMENTS**

Council Member Andrisek stated we should recognize the Buellton Library with a plaque memorializing Buellton’s history. Mr. Andrisek discussed the Blues and Q’s fundraiser concert on September 21. Mr. Andrisek requested that staff draft a letter of support to the Santa Barbara County Board of Supervisors regarding the State Water project.

Council Member Sierra announced that Beneful Dog Food is holding a “Dream Dog Park” contest to help inspire a \$500,000 dog park renovation in our area. Residents are encouraged to enter at [www.beneful.com/Dream-Dog-Park/](http://www.beneful.com/Dream-Dog-Park/) by September 17. Staff has posted the entry link on the City’s website.

**COUNCIL ITEMS**

None

**WRITTEN COMMUNICATIONS**

None

**COMMITTEE REPORTS**

Council Member Sierra announced that she attended the Santa Barbara County Association of Governments (SBCAG) meeting and provided an oral report regarding the meeting.

Council Member Sierra announced that she attended the Buellton Chamber of Commerce Board meeting and provided an oral report regarding the meeting.

**BUSINESS ITEMS****9. Discussion Regarding “B-Town” T-Shirts****RECOMMENDATION:**

That the City Council determine whether to reimburse Council Member Sierra in the amount of \$200.94 for “B-Town” T-Shirts and whether to purchase and sell an additional 25 T-Shirts in the amount of \$181.25.

**CONFLICT OF INTEREST:**

Council Member Sierra declared a conflict of interest regarding this item and left the dais at 9:03 p.m.

The City Council agreed by consensus to reimburse Council Member Sierra in the amount of \$200.94 for “B-Town” T-Shirts.

Council Member Sierra returned to the dais at 9:05 p.m.

**STAFF REPORT:**

Interim City Manager Bierdzinski presented the staff report.

**DISCUSSION:**

The City Council discussed having the Recreation Department take over selling the “B-Town” T-Shirts.

**MOTION:**

Motion by Council Member Elovitz, seconded by Council Member Sierra, directing staff to purchase an additional 25 T-Shirts in the amount of \$181.25 for resale.

**VOTE:**

Motion passed by a voice vote of 5-0.

**10. Appointment of Interim Finance Director****RECOMMENDATION:**

That the City Council authorize the Interim City Manager to enter into a contract with MuniTemps to hire John Herrera as the Interim Finance Director with a not-to-exceed cost of \$70,000 and a temporary Account Clerk with a not-to-exceed cost of \$4,950.

**STAFF REPORT:**

Interim City Manager Bierdzinski presented the staff report.

**SPEAKERS/DISCUSSION:**

Ron Anderson, President of the Buellton Chamber of Commerce and Visitors Bureau, stated this proposal would be good for the City.

**MOTION:**

Motion by Council Member Sierra, seconded by Vice Mayor Connolly, authorizing the Interim City Manager to enter into a contract with MuniTemps to hire John Herrera as the Interim Finance Director with a not-to-exceed cost of \$70,000 and a temporary Account Clerk with a not-to-exceed cost of \$4,950.

**VOTE:**

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

**11. Review of Interim City Manager Contract****RECOMMENDATION:**

That the City Council provide direction to staff regarding how to proceed with the position of City Manager.

**STAFF REPORT:**

City Attorney Hanson presented the staff report.

**SPEAKERS/DISCUSSION:**

Ron Anderson, President of the Buellton Chamber of Commerce and Visitors Bureau submitted a letter in support of Marc Bierdzinski as City Manager and Planning Director. The letter was distributed to Council Members and made part of the record.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors Bureau, stated that Mr. Bierdzinski should be appointed as permanent City Manager.

Peggy Brierton, Buellton, stated that staff should conduct a search for a permanent City Manager and also have a full-time Planning Director.

The City Council discussed the following issues:

- Make Mr. Bierdzinski permanent at this time and enter into a contract with him until March 2015
- Conducting a formal search for City Manager

**MOTION:**

Motion by Council Member Sierra, seconded by Vice Mayor Connolly, directing the City Attorney to prepare a contract for appointment of Mr. Bierdzinski as permanent City Manager and Planning Director until March 2015, with semi-annual reviews.

**VOTE:**

Motion passed by a roll call vote of 4-1, with Mayor Dale voting no.

**CITY MANAGER'S REPORT**

Interim City Manager Bierdzinski provided an informational report for the record.

**ADJOURNMENT**

Mayor Dale adjourned the regular meeting at 10:15 p.m. The next regular meeting of the City Council will be held on Thursday, September 26, 2013 at 6:00 p.m.

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Judith Dale  
Mayor

ATTEST:

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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 **September 26, 2013** Council Meeting.

Listed below is a brief summary of the attached claims:

EXHIBIT A		<u>\$ 355,978.72</u>
EXHIBIT B		<u>\$ 63,322.80</u>
PAYROLL	9/13/13	<u>\$ 37,830.54</u>
<b>TOTAL AMOUNT OF CLAIMS:</b>		<b><u><u>\$ 457,132.06</u></u></b>

**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	
28470-	574	1	9/12/2013	0 COMMUNITY ACTION COMMISSION OF	1	.00	200.00	Logged
28471-	574	2	9/12/2013	0 JULIE HAYEK	1	.00	60.00	Logged
28472-	574	3	9/12/2013	0 JODY HOUSE INC.	1	.00	50.00	Logged
28473-	574	4	9/12/2013	0 REBECCA LETTS	1	.00	52.50	Logged
28474-	574	5	9/12/2013	0 LYNETT CHEN-ESAU	1	.00	40.00	Logged
28475-	574	6	9/12/2013	5 ABALONE COAST ANALYTICAL, INC.	1	.00	1,110.95	Logged
28476-	574	7	9/12/2013	16 ALL AROUND LANDSCAPE SUPPLY	1	.00	11.48	Logged
28477-	574	8	9/12/2013	28 ARAMARK UNIFORM SERVICES	1	.00	370.48	Logged
28478-	574	9	9/12/2013	32 NESTLE WATERS NORTH AMERICA db	3	.00	67.13	Logged
28479-	574	10	9/12/2013	47 BETSY ROSS FLAG GIRLS, INC.	1	.00	395.20	Logged
28480-	574	11	9/12/2013	57 DONALD T. DOUDNA	1	.00	44.14	Logged
28481-	574	12	9/12/2013	74 CA SOC-MUNICIPAL FIN OFFICERS	1	.00	50.00	Logged
28482-	574	13	9/12/2013	76 CAL-COAST IRRIGATION, INC.	3	.00	319.63	Logged
28483-	574	14	9/12/2013	77 CAL-COAST MACHINERY, INC	1	.00	455.92	Logged
28484-	574	15	9/12/2013	79 CALIF. RURAL WATER ASSOCIATION	1	.00	620.00	Logged
28485-	574	16	9/12/2013	90 CALPERS LONG-TERM CARE PROGRAM	1	.00	84.25	Logged
28486-	574	17	9/12/2013	91 CENTRAL COAST WATER AUTHORITY	1	.00	6,627.73	Logged
28487-	574	18	9/12/2013	97 CHANNEL COUNTIES DIVISIONV- LO	1	.00	50.00	Logged
28488-	574	19	9/12/2013	101 CITY OF SOLVANG	1	.00	1,100.00	Logged
28489-	574	20	9/12/2013	101 CITY OF SOLVANG	1	.00	22,320.00	Logged
28490-	574	21	9/12/2013	105 CITY OF BUELLTON	1	.00	1,551.76	Logged
28491-	574	22	9/12/2013	107 CITY OF LOMPOC	1	.00	1,666.66	Logged
28492-	574	23	9/12/2013	118 COASTAL COPY, LP	1	.00	10.58	Logged
28493-	574	24	9/12/2013	119 CRAIG ADAMS	1	.00	100.00	Logged
28494-	574	25	9/12/2013	121 COC/BBA/VISITORS INFORMATION	1	.00	37,348.80	Logged
28495-	574	26	9/12/2013	122 COMCAST CABLE	1	.00	163.81	Logged
28496-	574	27	9/12/2013	142 DANIEL FITZGERALD dba	1	.00	1,200.00	Logged
28497-	574	28	9/12/2013	172 ECHO COMMUNICATIONS	1	.00	62.04	Logged
28498-	574	29	9/12/2013	176 EXCLUSIVE ALARMS	3	.00	324.00	Logged
28499-	574	30	9/12/2013	187 FARM SUPPLY COMPANY	1	.00	19.70	Logged
28500-	574	31	9/12/2013	191 FERGUSON ENTERPRISES, INC #135	1	.00	453.60	Logged
28501-	574	32	9/12/2013	196 GARY BROWN dba	1	.00	450.00	Logged
28502-	574	33	9/12/2013	199 FOSTER D. REIF	1	.00	100.00	Logged
28503-	574	34	9/12/2013	201 G E CAPITAL	1	.00	160.92	Logged
28504-	574	35	9/12/2013	242 JASON L. FUSSEL	1	.00	50.00	Logged
28505-	574	36	9/12/2013	248 JCI JONES CHEMICALS, INC.	2	.00	2,200.20	Logged
28506-	574	37	9/12/2013	258 JOHN P. SUREY dba	1	.00	851.20	Logged
28507-	574	38	9/12/2013	280 LEE CENTRAL COAST NEWSPAPERS	1	.00	549.15	Logged
28508-	574	39	9/12/2013	285 SANTA MARIA TIMES dba	2	.00	314.82	Logged
28509-	574	40	9/12/2013	286 LEAGUE OF CALIFORNIA CITIES	1	.00	250.00	Logged
28510-	574	41	9/12/2013	303 ART MERCADO	1	.00	50.00	Logged
28511-	574	42	9/12/2013	310 MARBORG INDUSTRIES	1	.00	62.12	Logged
28512-	574	43	9/12/2013					** unused **
28513-	574	44	9/12/2013	326 MNS ENGINEERS, INC.	18	.00	58,680.00	Logged
28514-	574	45	9/12/2013	342 NIELSEN BUILDING MATERIALS, INC	1	.00	55.97	Logged
28515-	574	46	9/12/2013	379 POSTMASTER	1	.00	550.00	Logged
28516-	574	47	9/12/2013	380 PRAXAIR DISTRIBUTION, INC.	1	.00	134.72	Logged
28517-	574	48	9/12/2013	382 PROCARE JANITORIAL SUPPLY, INC	1	.00	326.74	Logged
28518-	574	49	9/12/2013	387 ALBERTSONS, LLC.	1	.00	222.05	Logged
28519-	574	50	9/12/2013	426 SAN LUIS PAPER CO.	1	.00	211.04	Logged
28520-	574	51	9/12/2013	429 SAFETY-KLEEN CORP.	1	.00	311.17	Logged
28521-	574	52	9/12/2013	438 SANTA YNEZ VALLEY HARDWARE	1	.00	282.09	Logged
28522-	574	53	9/12/2013	450 SB CO SHERIFF'S DEPARTMENT	1	.00	140,204.33	Logged

Check-Run	Seq#	Date	Vendor Name	Checking	# Obls	Discount	Net amount	Status
28523-	574	54	9/12/2013	465 SP MAINTENANCE SERVICES, INC.	1	.00	2,821.00	Logged
28524-	574	55	9/12/2013	469 STAPLES CONTRACT & COMMERCIAL,	3	.00	436.38	Logged
28525-	574	56	9/12/2013	473 SPRINT SPECTRUM, L.P. dba	1	.00	33.78	Logged
28526-	574	57	9/12/2013	486 STEVE HARPER dba	1	.00	115.00	Logged
28527-	574	58	9/12/2013	489 STEVE'S WHEEL & TIRE	1	.00	112.73	Logged
28528-	574	59	9/12/2013	507 THE GAS COMPANY	1	.00	17.30	Logged
28529-	574	60	9/12/2013	521 TODD PIPE & SUPPLY	1	.00	2,492.19	Logged
28530-	574	61	9/12/2013	529 TRANSFIRST HEALTH & GOVERNMENT	1	.00	623.23	Logged
28531-	574	62	9/12/2013	535 UNDERGROUND SERVICE ALERT	1	.00	4.50	Logged
28532-	574	63	9/12/2013	555 VERIZON CALIFORNIA	1	.00	2,292.58	Logged
28533-	574	64	9/12/2013	567 WEARGUARD	1	.00	94.93	Logged
28534-	574	65	9/12/2013	570 WAYNE KREPS, JR. dba	1	.00	52.15	Logged
28535-	574	66	9/12/2013	641 GREATLAND CORPORATION	1	.00	51.43	Logged
28536-	574	67	9/12/2013	649 FLUID RESOURCE MANAGEMENT, INC	2	.00	19,044.63	Logged
28537-	574	68	9/12/2013	655 COAST NETWORKX, INC.	1	.00	918.92	Logged
28538-	574	69	9/12/2013	668 ONE STOP AUTO PARTS	1	.00	178.59	Logged
28539-	574	70	9/12/2013	669 HYDREX PEST CONTROL	2	.00	205.00	Logged
28540-	574	71	9/12/2013	679 COURIER SYSTEMS	1	.00	125.35	Logged
28541-	574	72	9/12/2013	680 CA ASSOC. FOR LOCAL ECONOMIC D	1	.00	465.00	Logged
28542-	574	73	9/12/2013	744 GE CAPITAL INFO TECH SOLUTIONS	1	.00	500.05	Logged
28543-	574	74	9/12/2013	747 TERRANCE S. FRAZIER dba	1	.00	164.84	Logged
28544-	574	75	9/12/2013	768 WEX BANK	1	.00	2,586.80	Logged
28545-	574	76	9/12/2013	774 PACIFIC COAST CARPET CLEANING	1	.00	435.00	Logged
28546-	574	77	9/12/2013	787 LISA FIGUEROA	1	.00	50.00	Logged
28547-	574	78	9/12/2013	790 ROSS & CASSO, LLP	1	.00	57.75	Logged
28548-	574	79	9/12/2013	802 GOVERNMENT STAFFING SERVICES,	1	.00	15,000.00	Logged
28549-	574	80	9/12/2013	802 GOVERNMENT STAFFING SERVICES,	1	.00	9,750.00	Logged
28550-	574	81	9/12/2013	804 ANIMAL & INSECT PEST MANAGEMEN	3	.00	448.50	Logged
28551-	574	82	9/12/2013	812 KOSMONT & ASSOCIATES, INC. dba	1	.00	13,954.21	Logged
						.00		
** Total check discount **						.00		
** Total check amount **						355,978.72		
						.00		

Payments via Electronic Fund Transfer (EFT):

Rabobank 8/13 Svc Chgs	8/30/13	175.00
FSA-Staff/Council	9/4/13	855.63
Health Premium	9/4/13	15,168.88
Deferred Compensation Plan	9/4/13	14,633.64
Retirement Contribution	9/6/13	20,420.52
Grp Life - Staff/Council	9/6/13	487.45
Aflac Sup Ins-Staff/Council	9/9/13	643.92
Hasler - Poster Meter Refill	9/13/13	800.00
Payroll Taxes	9/17/13	10,137.76
<b>Total</b>		<b>\$ 63,322.80</b>

**CITY OF BUELLTON**  
City Council Agenda Staff Report

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

To: The Honorable Mayor and City Council

From: Kyle Abello, Recreation Coordinator

Meeting Date: September 26, 2013

Subject: Consideration of Allowing Amplified Music at River View Park for Specialized Coronary Outpatient Rehabilitation (SCOR) Prelude Bike Event

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**BACKGROUND**

The non-profit organization Specialized Coronary Outpatient Rehabilitation (SCOR), which promotes recreational bicycling as a healthy rehabilitative activity for people suffering from heart disease and related conditions, has again applied for a Special Event Permit for their Prelude cycling event at River View Park on Friday & Saturday, November 1 & 2, 2013 (Attachment 1). The event will include registration on Friday evening and a public participation bicycle ride Saturday on area roads with a cycling oriented festival at the park consisting of vendors, food, drink, and DJ music. The applicant is requesting permission to play amplified music on Friday from 6-10pm during event registration and on Saturday during the festival from 9am-4pm. There was a post event complaint recorded last year regarding amplified music being played outside of acceptable hours (Attachment 2).

Because amplified sound was requested, and in order to comply with Municipal Code Section 12.28.220 (Attachment 3) which gives discretion to the City Council in permitting the use of amplified sound by outside users at City parks, Staff is bringing this request to Council for consideration.

The Council may choose to approve or deny the request, or require conditions such as acceptable hours for the use of amplified sound. An example of the 2012 SCOR Special Event Permit with conditions is included for your information (Attachment 4).

**FISCAL IMPACT**

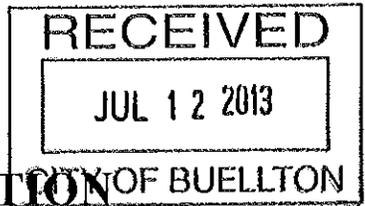
This item in itself will have no fiscal impact on the City.

**RECOMMENDATION**

That the City Council consider approval of the use of amplified sound by SCOR at River View Park on November 1 from 6:00 – 10:00 p.m. and November 2 from 9:00 a.m. – 4:00 p.m.

**ATTACHMENTS**

- Attachment 1 - SCOR Special Event Permit Application
- Attachment 2 - Special Event Checklist for 2012 SCOR Prelude
- Attachment 3 - Buellton Municipal Code Section 12.28.220
- Attachment 4 - SCOR 2012 Special Event Permit



SPECIAL EVENT PERMIT APPLICATION

NOTE: These permit rules are in addition to Buellton Municipal Code Chapter 12.24 Median Strips in Avenue of Flags and Chapter 12.28 Park and Recreational Facilities.

13-SE-05

Event Title 2013 SOLVANG PARLUDE

Event Sponsor (Group or individual) SCOR CARDIAC CYCLISTS CLUB

Event Organizer (This is the person responsible for organizing the event and is authorized to make all decisions related to the event and the Application process.)

Name RANDY ICE Phone (760) 468-4718 E-mail BIKE ICE @ AOL.COM

Street Address PO BOX 9065

City BREA State CALZIP 92822 Fax (760) 728-0571

Additional cell phone number for the day of the event (760) 484-6369

Event Type (you may check more than one)

- Auto Show
Athletic Event
Concert/Performance
Farmers/Outdoor Market
Festival/Celebration
Parade
Other

Event Description and Location (briefly describe the event and where it is to take place)

PUBLIC PARTICIPATION BIKE RIDE THAT STARTS AND FINISHES AT TIRE ALVA VIEW PARK. FOUR NEW ROUTES THIS YEAR (SEE ENCLOSED) NEED ACCESS TO AREAS A, B, EVENT PAVILLION AND WEST PARKING LOT. WILL USE EAST PARKING LOT FOR STAFF PARKING.

Event Date/Time

Date(s) of event 10/2/13

Start Time (including set up) 10 AM Stop Time (including clean up) 11/2/13 @ 7 PM

Event Estimated Attendance (per day, if more than one day) 1500 - 2000

# Event Checklist

Please use the following checklist to provide the City with more detailed information about the proposed event and to refine the event plan. For each item checked, please include the appropriate information; attach additional sheets if necessary.

- Event Site Plan** (Clearly draw the proposed layout of the event on the map provided. Be sure to show the locations of any street closure requests, portable structures, vendor booths, first aid facilities, barricades, show vehicles or animals, signs/banners, and any other information that will better assist the City in reviewing the activities associated with the event.) WILL NEED TO USE THE WEST SIDE PARKING LOT AT RIVERVIEW PARK FOR OUR SITE AREA
- Admission Fees** (Are entry or participant fees required? Please describe.)  
\$40 ADULT \$20 - UNDER AGE 14 \$70 - TANDEM BIKE
- Parade** (See parade route map provided. All parades will require a traffic management plan approved by the Sheriff's Department)
- Race** (Will the event feature an organized run, walk, or bicycle race? Please describe.)  
PUBLIC PARTICIPATION BIKE RACE (NOT RACE)
- Portable Restrooms** (Portable restrooms may be required if the event will last longer than one hour and if permanent restrooms are not available on site. One chemical toilet for every 250 people in attendance is recommended with at least 10% of toilets ADA accessible. How many portable toilets will the sponsor provide? Where? Please describe.)  
WILL HAVE 6-8 REGULAR PORTA POTTIES AND 1 ADA PORTA POTTIE
- Trash/Recycling** (The sponsor is responsible for providing proper disposal of trash/recycling during the event and the area should be returned to a clean condition at the conclusion of the event. How many trash cans and recycling containers will the sponsor provide? Where? Please describe.)  
WE WILL PROVIDE A DUMPSTER TO BE PUT IN THE EAST PARKING LOT FOR ALL OUR TRASH
- Music/Amplified Sound** (Will musical entertainment be a part of the event and will amplified sound be used in any way? Please describe.)  
LIVE DJ
- Security** (see *Conditions of Use* #9) COVER NIGHT SECURITY GUARD 3 IN OUR VENDOR AREA

**Vendors** (Will the event include commercial vendors? Will there be vendor fees? Please describe.)

6-8 BICYCLE PRODUCT RELATED  
VENDORS - FREE CHARGE

**Food** (Will food be served at the event? Will it be prepared on site? Will food be sold? Please describe. All food preparation and sales must comply with County Public Health Department standards, 805-681-5102)

WE ARE HIRING GEORGIA'S SMOKEHOUSE BBQ  
TRUCK AND THE MCDONNELL ICE CREAM TRUCK  
TO PROVIDE FOOD AT THE END OF THE RIDE

**Alcohol** (Will alcohol be served? Any event where alcohol is present requires a security plan approved by the Sheriff's Department. Will alcohol be sold? The sale of alcohol requires a Special Daily License from Alcoholic Beverage Control, 805-543-7183, and a Seller's Permit from the Board of Equalization, 1-800-400-7115)

~~FINESTONE WALKER~~ FINESTONE/WALKER  
BREWERY WILL PROVIDE BEER. FENCED IN AREA  
AROUND THE CONCRETE TABLES AT THE PARK  
WILL BE SET UP

**Power** (Will the event require electric power? Please describe. City provided power may be available upon request at cost.)

WE WILL RENT A GENERATOR

**Water** (Will the event require water? Please describe. City provided water may be available upon request at cost.)

N/A

**Other** (Please describe any other important aspect of the event not covered above.)

WOULD LIKE ACCESS TO THE ROOM IN THE  
UTILITY BLDG AT THE END OF THE WEST  
PARKING LOT FOR OUR TREASURER TO  
COUNT (SORT) MONEY

## **Agreement**

**In consideration of the issuance of a permit by the City, the Sponsor agrees to accept the following terms and conditions.**

### **Definitions**

*City* – the City of Buellton

*Sponsor* – the authorized agent of the group or individual applying for an event permit

*Event* – the special event proposed in this application

*Public Property* – parks, streets, sidewalks, right of ways, or other City owned facilities used by Applicant during an event

### **A. Conditions of Use**

1. A person who is at least eighteen (18) years of age must sign this agreement. If alcohol will be served, a person who is at least twenty-one (21) years of age must sign this agreement.
2. Sponsor shall provide the City with a single contact who is to serve as the representative for Sponsor's activities.
3. Sponsor shall be responsible for securing all required permits and licenses.
4. Any Public Property shall be used for the purpose stated in the application and no other use will be permitted.
5. Sponsor shall not use the City's name to suggest endorsement or sponsorship of the Event without prior written approval of the City Manager or his/her designee. Sponsor's publicity of the Event shall clearly and accurately identify the name of the sponsoring organization or individual.
6. Sponsor shall permit any City employees to visit the Event described in this application to insure compliance with Event terms and conditions.
7. Under no circumstances shall Sponsor sublease or allow any other organization or individual to use the Public Property for the period which the Sponsor has contracted. Sponsor is an independent contractor and not the agent or employee of the City.
8. In the event that Public Property is left damaged, Sponsor shall be charged for any and all janitorial and/or repair fees incurred by City as a result of same and these fees shall be billed to Sponsor.
9. The City, at its sole discretion, may require a certain number of security officers for the Event. Sponsor shall be responsible for procuring and paying for security officers through the City or a private security agency.
10. Sponsor is solely responsible for supervising all individuals on Public Property during the Event. The City is not responsible for providing this supervision. However, the City may evict individuals from the Event if their conduct is not in the best interest of the public or is deemed to be detrimental in any way.

11. Sponsor, caterers, bands, transportation of rental equipment, and related individuals and activities will not be permitted access to Public Property prior to or after the Event time period. Sponsor shall be responsible for arranging access during the time requested for entry and exit of the facility.
12. Sponsor shall be responsible for all clean up of Public Property at the end of the Event. Sponsor shall pick up, bag, and remove all trash generated by all activity in any way connected with the Event, leaving Public Property clean and free of all trash and litter.
13. Sponsor shall not store any equipment or materials on Public Property without prior written approval of the City Manager or his/her designee.
14. Sponsor shall not remove, or relocate City property for any reason without prior written approval of the City Manager or his/her designee.
15. Sponsor shall secure the approval of the City before using audio/visual systems, public address systems, and live or recorded amplified music. Sponsor shall not record, televise, or broadcast the Event or any portion thereof without prior written approval of the City Manager or his/her designee.
16. Sponsor shall comply with all local, state, and federal laws and regulations related to the use of Public Property.
17. Gambling of any kind is not permitted on Public Property.
18. If Sponsor violates any part of this agreement or reports false information to the City, the City may refuse Applicant further Event use of Public Property and Sponsor shall forfeit a portion of or all of the deposit.
19. The City may impose additional requirements as deemed necessary to protect the health, safety, and/or welfare of the community.
20. Any person aggrieved by the City's decision with respect to this Agreement may appeal to the City Manager or his/her designee in writing no later than five (5) days after the City's decision has been communicated to the aggrieved party.
21. If any provision of this agreement is held to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

## **B. Indemnification and Insurance**

1. Sponsor shall indemnify, defend, and hold harmless the City, its officers, employees, and agents from any and all losses, costs, expenses, claims, liabilities, actions, or damages, including liabilities for injuries to any person or persons or damage to property arising at any time during and/or arising out of or in any way connected to the Sponsor's use of Public Property, unless solely caused by the gross negligence or willful misconduct of the City, its officers, employees, or agents.
2. Sponsor shall procure and maintain general liability insurance against any and all losses, costs, expenses, claims, liabilities, actions, or damages, including liability for injuries to any person or persons or damage to property arising at any time during and/or arising out of or in any way connected to the Sponsor's use of Public Property in the amount of one million dollars (\$1,000,000) per occurrence. Such insurance shall name the City, its officers, employees, and agents as additionally insured prior to the event date. Sponsor shall file certificates of such insurance with the City, which shall be endorsed to

provide thirty (30) days notice to the City of cancellation or any change of coverage or limits. If a copy of the insurance certificate is not on file prior to the event, the City may deny permitting the event.

3. Sponsor shall report any personal injuries or property damage arising at any time during and/or arising out of or in any way connected with the Sponsor's use of Public Property to the City Manager or his/her designee, in writing and as soon as practicable.

4. Sponsor waives any right of recovery against the City, its officers, employees, and agents for fires, floods, earthquakes, civil disturbances, regulation of any public authority, and other causes beyond their control. Sponsor shall not charge results of "acts of God" to the City, its officers, employees, or agents.

5. Sponsor waives any right of recovery against the City, its officer, employees, and agents for indemnification, contribution, or declaratory relief arising out of or in any way connected with Sponsor's use of Public Property, even if the City, its officers, employees, or agents seek recovery against Sponsor.

**IMPORTANT – READ BEFORE SIGNING**

**I am an authorized agent of the organization submitting this Agreement. The information provided in this Agreement is true and correct. I have read and understand this Agreement and the Sponsor agrees to all of the aforementioned rules, regulations, and conditions of use.**

Sponsor SLON CARDIAC CYCLISTS CLUB

Signature and Title of Responsible Person Randy Ice Date 6/23/13

Print Name RANDY ICE

Special Event Checklist

Special Event TUP: 12-SE-10 SCOR Solvang Prelude Bike Event

Sponsored by: SCOR

Date/Time of Event: Nov. 2 & 3, 2012 Fri 6-10 pm Registration / Sat. 6:30 Am - 4pm

Contact Info: Randy Ice - Sheila Lyons

Phone: 562-690-9693

Email: bikerice@aol.com - bikeride@roadrunner.com

- 8/8/12 Application Received
- 8/8/12 \$100.00 Application Fee Received
- 8/8/12 \$500 Security Deposit
- 8/8/12 \$4,600 Sheriff's Deposit (if applicable)
- 8/8/12 Facility Rental Fee \$ 320 - River View Park/Other
- 8/8/12 Signed Indemnification Agreement
- 10/1/12 Evidence of Liability Insurance (at least \$1,000,000 naming The City of Buellton as additionally insured.)

8/14/12 Application sent out for comment. Comments <sup>done @</sup> Staff mtg 8/14/12

City Manager Approval (if applicable): 8/14/12

City Council Approval (if applicable): N/A  
Sheila Request - PW: code for Restrooms - have own Security - Bowman Sec/BB

Notify Chumash Security if necessary (Bill: 691-1947) \_\_\_\_\_

Additional Conditions to be noted on permit:

- Letter to Residents - Reduce night hours for Generators or Move/Muffle
- Keep clear path for emergency vehicles to access & turn around
- Provide trained personnel to check ID's in the beer garden

10/22/12 Final Signed Permit Issued

Post Event Comments/Concerns: Resident complaint - music @ 7Am

\$ 1342.74 Refund Requested on 12/4/12

Prepared by: CB Key checked out: [Signature]  
Date: 11/5/12  
Phone #: 760 662 8625  
Returned: 11/5/12

B. **Surfaces Other than Roads for Public Use.** No person shall drive or otherwise operate a vehicle in a park upon surfaces other than those maintained and open to the public for purposes of vehicular travel, except upon temporary parking areas as may be designated from time to time by the council, and further excepting vehicles in the service of the city, animal control vehicles, law enforcement vehicles, and motorized wheelchairs. (Ord. 05-08 § 4, 2005; Ord. 92-11 § 4 (part), 1992: prior code § 13.04.014)

**12.28.195 Skateboards.**

No person shall ride or operate a skateboard, scooter or rollerblades in any park except as authorized by council. (Ord. 05-08 § 5, 2005)

**12.28.200 Solicitation prohibited.**

No person shall practice, carry on, conduct, or solicit for any occupation, business, or profession in any park, or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any park. This section shall not apply to any person acting pursuant to a contract with the city, or under a permit granted by the council. (Ord. 92-11 § 4 (part), 1992: prior code § 13.04.016)

**12.28.210 Prohibition of animals in park.**

A. No person shall cause, permit, or allow any animal owned or possessed by him/her, or any animal in his/her care, custody, or control to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon any bridle path or trail provided for such purpose.
2. Equine or other animals which are hitched or fastened at a place expressly designated for such purpose.
3. Dogs or cats when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle.
4. Dogs which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements.
5. Small pets which are kept on the person of the possessor at all times.
6. In connection with activities authorized in writing by the council.
7. Fowls or animals turned loose at the direction of the council.

B. It shall be the mandatory duty of all persons owning, possessing, in control of, or otherwise responsible for a dog, cat, or an equine animal in a park to promptly collect, pick up, and removal all fecal matter left behind by said animal in or upon any park; provided, however, that this subsection shall not apply to guide dogs for blind or disabled persons or to equine animals on bridle paths. (Ord. 92-11 § 4 (part), 1992: prior code § 13.04.018)

**12.28.220 Amplified sound in parks.**

A. **Purpose.** The council enacts this chapter for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that certain uses of sound amplifying equipment are protected by constitutional rights of free speech and assembly, the council nevertheless feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from the public nuisance of loud and unnecessary sound.

B. **Permit Required for Amplifiers.** It is unlawful for any person to install, use, and operate within a park a loudspeaker or any sound amplifying equipment for the purposes of giving instructions, directions,

talks, addresses, or lectures, or of transmitting music to any persons or groups of persons in any park, or in the vicinity thereof, except when installed, used, or operated in compliance with one of the following provisions:

1. By authorized law enforcement or park and recreational personnel; or
2. Under a reservation or permit issued by the council, and when operated in accordance with terms

of the reservation or permit.

C. Granting or Denial of Permit. In determining whether to grant or deny a permit, the council shall be guided by the following considerations:

1. The constitutional free speech and assembly rights of all persons, including the applicant;
2. The possible effects upon the peaceable passage or presence of persons in the park;
3. The potential for disorder or unlawful injury to persons or property;
4. The potential invasion of other persons' rights of privacy;
5. The possible unlawful breach or disturbance of the peace;
6. Any actual conflict with other scheduled park uses or events.

The council shall not deny a permit on the basis of any dislike for or disagreement with the content of any proposed talks, addresses, lectures, or musical presentations. The council may, however, deny a permit for any such events which are designed for the purpose of advocating imminent lawless conduct.

D. Power Source for Amplifiers. Amplifiers permitted in parks shall be operated only through a power source provided by the city or with a battery. (Ord. 92-11 § 4 (part), 1992: prior code § 13.04.020)

**12.28.230 Prohibition of firearms, fireworks, and toy weapons.**

No person shall carry or discharge firearms, or carry or discharge any gun, or pistol, or any sling shot or similar device, or any bows and arrows, or carry or use any other object capable of propelling a projectile, or carry or use any object calculated to make a noise sufficient to disturb the peace or quiet of the park, or bring into any park any of the above objects or articles or discharge fireworks, rockets, torpedoes or other types of explosives unless expressly approved by the city council. (Ord. 05-08 § 6, 2005: Ord. 92-11 § 4 (part), 1992: prior code § 13.04.022)

**12.28.240 Prohibition of dangerous weapons.**

A. The provisions of the California Dangerous Weapons' Control Law are applicable in city parks and shall be enforced and prosecuted in accordance with the provisions thereof. No person shall carry on his/her person, in plain view, any knife or dagger.

B. Exceptions to Applicability. The provisions of subsection A of this section shall not be deemed to prohibit the carrying of ordinary tools or equipment for use in a lawful occupation or for the purpose of lawful recreation. (Ord. 92-11 § 4 (part), 1992: prior code § 13.04.024)

**12.28.250 Damaging property.**

No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any manner any building, monument, fence, bench, or other structure. (Ord. 92-11 § 4 (part), 1992: prior code § 13.04.025)

**12.28.260 Damaging land.**

No person shall cut, dig, or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer, except park maintenance personnel. (Ord. 92-11 § 4 (part), 1992: prior code § 13.04.028)



City of Buellton  
Special Event Permit  
12-SE-10

Event Title: Solvang Prelude, Sponsored by SCOR Cardiac Cyclists Club

Event Description: A Public participation bike race on 11/3/12 starting and finishing at River View Park. Same routes as 2011.

The City has reviewed your Special Event Application among all departments and hereby approves the Event with the following conditions:

1. Provide pre-event letter to all residents in vicinity of event (City staff will mail).
2. Reduce night time hours for generators to reduce noise.
3. Keep a clear path through the park for emergency vehicle access and turnaround.
4. Provide trained personnel to check ID's in the beer garden.
5. Comply with all conditions listed on the Special Event Permit Application.
6. Mitigate impact on the Community and return location to pre-event condition.

[Signature]  
John Kunkel, City Manager

10/19/12  
Date

The undersigned hereby agrees to comply with all conditions included in this Permit Application and attached agreement and understand that this Permit is only valid for the Event as described in the Special Event Permit Application.

Signature Randy Lee Date 10/22/12  
 Print Sponsor's Name and Title RANDY LEE, RIDE DIRECTOR  
 Name of Organization SCOR CARDIAC CYCLISTS CLUB

**CITY OF BUELLTON**  
City Council Agenda Staff Report

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

To: The Honorable Mayor and City Council  
From: Marc Bierdzinski, Interim City Manager  
Meeting Date: September 26, 2013  
Subject: Review and Discussion of Vision Plan

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**BACKGROUND**

The following is a status report on the action items from the vision plan. The following attachments provide the status of each action item:

- Attachment 1 – the action items that are operational
- Attachment 2 – the action items that are in progress
- Attachment 3 – the action items that are pending

Each action item includes its priority (1, 2, or 3) as assigned by the City Council and steering committee members, and the estimated relative cost. A short description of its status is also provided. Earlier this year, the Parks and Recreation Commission presented the action items the Commission would like to work on. This is also noted for the applicable action items.

The Kosmont Company will also be making a brief presentation on their progress to date on economic development.

**RECOMMENDATION**

That the City Council review the status of the various action items and provide direction to staff.

**ATTACHMENTS**

Attachment 1 – Action Items Operational  
Attachment 2 – Action Items In Progress  
Attachment 3 – Action Items Pending

## **ACTION ITEMS OPERATIONAL**

### **Goal 1 – Portray a Positive Buellton Image and Brand**

#### **Objective 1.2 Highlight and Celebrate Buellton’s Unique Offerings and Heritage**

##### *Action 1.2.2 Hold Festivals and Events*

Priority 1, minor cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

The City is now home to several annual festivals and events in conjunction with the Chamber of Commerce and private sponsors.

##### *Action 1.2.1 Comprehensive Listing of Historical Information*

Priority 1, minor cost.

The historical society is the lead in implementing this action item.

### **Goal 2 Expand Opportunities for Active and Healthy Living**

#### **Objective 2.1 Increase Connectivity for Pedestrians and Cyclists**

##### *Action 2.1.1 Develop and Implement a Bikeway and Pedestrian Master Plan*

Priority 1, moderate cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

The Pedestrian and Bikeway Master Plan has been adopted and is being implemented as projects are processed.

### **Goal 3 Offer a Varierty of Arts and Cultural Opportunities**

#### **Objective 3.1 Foster and Support Local Artists**

##### *Action 3.1.1 Create Incentives to Attract and Retain Artists to Locate Studios and Work Spaces in the City and Amend Ordinances Accordingly*

Priority 1, no cost.

The Mixed Use Ordinance was adopted and contains live-work units in all commercial and industrial zones. This allows artists to live, work, and sell in one location.

#### **Objective 3.2 Expand Tourism to Include Arts and Cultural Activities and Venues**

##### *Action 3.2.1 Organize and Carry Out Community Events or Festivals that Celebrate Arts and Culture*

Priority 1, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Events that support this action item have been held and are going to be held, including Arts on the Avenue and the Vintners' Festival.

#### **Goal 4 Promote Desired Change Through Planning and Design**

##### **Objective 4.2 Promote Attractive, Well-maintained Neighborhoods and Districts**

###### *Action 4.2.1 Revise the Mixed Use Development Standards*

Priority 1, no cost.

The Mixed Use Ordinances has been modified and adopted to reflect this action item.

#### **Goal 5 Create a Vibrant Downtown**

##### **Objective 5.1 Coordinate Development and Improvements along the Avenue**

###### *Action 5.1.1 Incorporate Downtown Bikeways and Trails into Bikeway and Pedestrian Master Plan*

Priority 1, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Bikeway and Pedestrian Master Plan adopted with bikeways and trails included in the downtown area.

##### **Objective 5.2 Ensure Organizational Support for Transformation of the Avenue**

###### *Action 5.2.2 Form an Avenue of Flags Property Owners Group*

Priority 1, no cost.

This group has been formed and has met on numerous occasions.

#### **Goal 6 Maintain a Strong Sense of Community and Family**

##### **Objective 6.1 Foster Community Events and Programs to Promote Social Interaction**

###### *Action 6.1.1 Operate and Support Recreational Events for Residents*

###### *Action 6.1.2 Create Programs that Encourage Interaction between People of Different Ages and Backgrounds*

Priority 1, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Numerous events are provided throughout the year by the City, including Winterfest, Arts on the Avenue, the Holiday Bazaar, and the numerous programs and trips the City offers.

### Objective 6.2 Maintain an Ongoing Dialogue with Community Members

#### *Action 6.2.1 Expand City Communications with Residents through Online and Smart Phone Tools*

Priority 1, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

The City's website has been revised to reflect community events and to make more user friendly. Facebook and twitter also provide event information to the public. The City determined not to spend money on a smart phone application as it is not cost effective.

#### *Action 6.2.2 Post Information about Events in Public Locations*

Priority 1, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Flyers and notices continue to be placed in public kiosks and notice boards.

#### *Action 6.2.4 Hold Annual Town Hall or State of the City Meetings to Share News with Residents*

Priority 3, no cost.

An annual state of the city address is held each year. In addition, informational workshops on different city functions have been held.

#### *Action 6.2.5 Consider Informal Communications with Residents*

Priority 3, low cost.

This year, the mayor has been holding monthly office hours. The city also provides a newsletter to residents on a bi-monthly basis via the water bill mailing.

### Objective 6.3 Engage the Community in Civic Affairs

#### *Action 6.3.2 Engage Youth in City Governance by Offering Internships and Youth Positions on Committees.*

#### *Action 6.3.3 Expand Participation of the Parks and Recreation Commission by Adding a Youth Representative and School District Representative and Assign Members to be Liaisons with PAWS Park and the Botanic Garden*

Priority 2, no cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Youth members have been added as members of the Parks and Recreation Commission. The Commission regularly works with PAWS Park and the botanic garden.

Objective 6.4 Strengthen Community and Families by Matching Available Jobs and Housing so People can Live and Work in Buellton

*Action 6.4.1 Continue to Implement Housing Element Policies to Promote Housing Opportunities for a Range of Income Levels*

Priority 2, low cost.  
Housing projects continue to move forward in the city for all income levels.

*Action 6.4.2 Provide Information about Housing Assistance Programs*

Priority 2, no cost.  
We continue to work with the County of Santa Barbara Housing Division, the Housing Authority, and People Helping People to provide this information.

**Goal 7 Be a Leader in Environmental Sustainability and Stewardship**

Objective 7.2 Maintain a Compact City Form Bounded by Natural and Rural Areas

*Action 7.2.1 Direct Growth into Undeveloped and Underutilized Areas within the Urban Growth Boundary*

Priority 1, no cost.  
All development occurs within the urban growth boundary of the City.

*Action 7.2.2 Identify and Protect Agricultural Areas Surrounding the City to Maintain an Urban-Rural Boundary*

Priority 2, no cost.  
The City honors the greenbelt area between Buellton and Solvang. No other incursions to agricultural areas have occurred.

*Action 7.2.7 Identify and Protect Key Viewsheds throughout the City*

Priority 3, no cost.  
Viewshed analysis is part of the city's development review process.

Objective 7.3 Promote Citywide Resource Conservation and Efficiency

*Action 7.3.2 Ensure that Buellton has Adequate Clean Water even during Prolonged Drought through Wise Management of Water Resources*

Priority 1, low to moderate cost.

The City maintains an adequate and safe water supply, with a drought buffer, for support of build-out of the City in accordance with the General Plan.

*Action 7.3.3 Use the Most Effective Methods Available to Limit Waste and Promote the Re-use of Materials*

Priority 2, low to moderate cost.

The city recycles and uses energy efficient surge protectors. Energy efficient lighting is being installed in City buildings and in City street lights.

Objective 7.4 Adopt Green Building Standards and Create Incentives for Green Building Practices

*Action 7.4.1 Vigorously Support Implementation of CalGreen Standards in Buellton and Consider Extending these Standards to Building Expansions and Remodels*

Priority 1, low cost.

The City follows the mandatory requirements of the Cal Green Building Code. Projects are also conditioned to provide green features above and beyond the code requirements.

*Action 7.4.5 Identify and Specify Materials and Insulation Techniques for Repaving Roadways and Parking Lots that Reduce Water Runoff and Heat Generation*

Priority 3, low cost.

The City works with developers to install permeable paving and techniques to reduce runoff.

**Goal 8 Foster Local Economic Development**

Objective 8.2 Develop Buellton as a Known Visitor Destination within the Valley

*Action 8.2.1 Create a Special Events Committee*

Priority 1, no cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

The committee has been formed

*Action 8.2.1 Continue to promote the hospitality industry through a BID*

Priority 2, low cost.

BID has been formed in the valley, including Buellton.

## ACTION ITEMS IN PROGRESS

### Goal 1 – Portray a Positive Buellton Image and Brand

#### Objective 1.1 Provide a Consistent and Clear City Image

##### *Action 1.1.1 Develop a Branding Strategy*

Priority 1, High Cost.

The City Council tabled going out for an RFP for a branding consultant until the economic development strategy has been completed. Will move forward at some point in the future.

### Goal 2 Expand Opportunities for Active and Healthy Living

#### Objective 2.1 Increase Connectivity for Pedestrians and Cyclists

##### *Action 2.1.2 Work with Caltrans to Develop Traffic Calming and Safe Crossings on Highway 246*

Priority 1, moderate cost.

Staff continues to work with Caltrans on safe crossings of Highway 246. The first lighted crosswalk has been installed across Highway 246.

##### *Action 2.1.5 Develop and trail and recreational areas along Zaca Creek*

Priority 3, moderate cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

The first project has been conditioned to install a portion of the Zaca Creek trail (Buellton Apartments). Subsequent projects will be required to install the trail.

#### Objective 2.3 Increase Recreational Opportunities for All Ages

##### *Action 2.3.3 Encourage the Development of Private Facilities for Recreational Activities*

Priority 2, low cost.

Staff is working with a developer for the development of a bowling alley and entertainment complex.

### Goal 3 Offer a Variety of Arts and Cultural Opportunities

#### Objective 3.3 Provide Opportunities for Residents and Others to Participate in Arts and Culture

*Action 3.3.3 Develop a Community Arts Center that Provides Space for Classrooms and Galleries*

Priority 2, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

The Recreation Center provides classroom space for art and cultural classes.

**Goal 4 Promote Desired Change Through Planning and Design**

**Objective 4.1 Maintain a Rural Small-town Character**

*Action 4.1.1 Revise the Community Design Guidelines to Reflect Recent Work of the Visioning Process, including Form Based Codes*

Priority 1, low cost.

The Planning Commission has begun work on the Community Design Guidelines by reviewing new types of architecture. Recommendations will be forwarded to City Council later this year.

*Action 4.1.3 Review and Modify Existing Ministerial Thresholds for Development Projects*

*Action 4.1.4 Build Upon and Strengthen the Existing Permit Process for Development Review following the Zoning Clearance*

*Action 4.1.5 Strengthen the Review Process to Limit Zoning Changes that would Produce Incompatibly Land Uses*

Priority 2, low to moderate cost.

The Planning Commission will be reviewing the entire zoning ordinance and making recommendations to the City Council on suggested changes. These action items will be included.

**Objective 4.2 Promote Attractive, Well-maintained Neighborhoods and Districts**

*Action 4.2.3 Revise the Sign Ordinance*

Priority 2, low cost.

Several sections of the sign ordinance have been modified. Additional revisions to be reviewed by the sign committee and Planning Commission.

*Action 4.2.4 Continue to implement streetscape improvements along Highway 246*

Priority 3, high cost.

The Highway 246 improvements have been completed. Other Highway 246 and Avenue improvements would need City Council authorization.

Objective 4.3 Provide an Environment that Appeals to and Supports both Residents and Visitors

*Action 4.3.1 Implement a Wayfinding Signage Program*

Priority 2, moderate cost.

This action has been budgeted by the City Council and should be completed within 6 months.

*Action 4.3.2 Implement Improvements to the Gateways to the City including Streetscape, Landscaping, and Signage*

Priority 3, moderate cost.

The Highway 246 improvements have been completed. Other Highway 246 and Avenue improvements would need City Council authorization.

**Goal 5 Create a Vibrant Downtown**

Objective 5.1 Coordinate Development and Improvements along the Avenue

*Action 5.1.4 Conduct a Corridor Study and Select a Traffic Pattern for the Avenue*

Priority 1, unknown cost.

The Corridor Study was prepared and presented to the City Council. The City Council referred the study to the Steering Committee. The Steering Committee reviewed the study and made a recommendation to keep the alignment of the Avenue of Flags as currently it currently exists. Keeping the current alignment of the Avenue was also the consensus of the Avenue property owners. This action item needs closure by the City Council by endorsing the recommendation of the Steering Committee at a future meeting.

*Action 5.1.8 Enhance parking options by creating public parking areas*

Priority 2, unknown cost.

Staff has been researching public parking districts.

*Action 5.1.10 Conduct an Infrastructure Analysis for the Avenue Corridor*

Priority 2, unknown cost.

Basic infrastructure analysis completed as part of the Corridor Study.

Objective 5.2 Ensure Organizational Support for Transformation of the Avenue

*Action 5.2.1 Assign Economic Development and Redevelopment Staff to Oversee Plans to Revitalize the Avenue*

Priority 1, moderate cost.

The Kosmont Company, the Chamber of Commerce, and staff are including the Avenue of Flags area in the economic development analysis for the City.

### **Goal 6 Maintain a Strong Sense of Community and Family**

#### **Objective 6.2 Maintain an Ongoing Dialogue with Community Members**

*Action 6.2.3 Consider a Permanent Location on Highway 246 for Signs or Banners Promoting City Events*

Priority 2, moderate cost. The wayfinding signs will be installed within 6 months. The Chamber of Commerce is also considering a permanent banner location over Highway 246. The Chamber is working with Caltrans to obtain an encroachment permit.

### **Goal 7 Be a Leader in Environmental Sustainability and Stewardship**

#### **Objective 7.2 Maintain a Compact City Form Bounded by Natural and Rural Areas**

*Action 7.2.4 Promote the Establishment of a River Trail with Multiple Access Points*

Priority 2, moderate cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

The Bikeway and Pedestrian Master Plan includes the river trail and the City has acquired some easements in this area. Other easements will be obtained as properties develop.

#### **Objective 7.5 Promote Green Technology Businesses and Green Tourism**

*Action 7.5.1 Address Ways to Grow and Recruit Green Businesses as Part of the Economic Development Strategy*

Priority 1, unknown cost.

Will be included as part of the Kosmont Company prepared economic study.

### **Goal 8 Foster Local Economic Development**

#### **Objective 8.1 Guide Economic Development Efforts by Strategy and City Staff Support**

*Action 8.1.2 Follow CALED Report to Develop an Economic Development and Tourism Strategy*

Priority 2, moderate cost.

This is part of the economic development work being prepared by the Kosmont Company.

## ACTION ITEMS PENDING

### Goal 1 – Portray a Positive Buellton Image and Brand

#### Objective 1.1 Provide a Consistent and Clear City Image

##### *Action 1.1.2 Create a Staff Person to Act as Public Information Director*

Priority 1, High cost.

Current City budget does not contain funds for a new position.

##### *Action 1.1.3 City Communications and Marketing Plan*

Priority 1, unknown cost.

Cannot move on this item forward until branding is completed. Branding on hold until economic analysis is completed.

##### *Action 1.1.4 Branding Committee*

Priority 2, minor cost.

Committee could be created if branding consultant is eventually hired.

### Goal 2 Expand Opportunities for Active and Healthy Living

#### Objective 2.1 Increase Connectivity for Pedestrians and Cyclists

##### *Action 2.1.3 Study and Develop Electric Shuttles within City Limits*

Priority 1, high cost.

Funds not encumbered for implementation of this action item.

##### *Action 2.1.4 Initiate a Study to Improve Pedestrian and Bicycle Access across Highway 101*

Priority 2, high cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

The study has not been initiated at this time.

#### Objective 2.2 Ensure Access to Healthy Food Sources

##### *Action 2.2.1 Organize a Farmer's Market*

Priority 1, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

No site has been determined for a farmer's market.

*Action 2.2.2 Develop a Community Garden Program*

Priority 2, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

No site has been determined for a community garden.

*Action 2.2.3 School Food Program using Local Foods and Fresh Produce*

Priority 2, low cost.  
Would be the responsibility of the school district.

*Action 2.2.4 Develop a Policy to Recruit Healthy Food Stores to Buellton*

Priority 3, no cost.  
No policy has been developed.

*Action 2.2.5 Develop an Incentive Program for Existing Stores and Restaurants to Provide Healthy Food*

Priority 3, no cost.  
No program has been developed.

*Action 2.2.6 Consider Planting Edible Landscape in Public Areas*

Priority 3, no cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Program not initiated at this time.

Objective 2.3 Increase Recreational Opportunities for All Ages

*Action 2.3.1 Develop Additional Recreational Opportunities through Public and Private Partnerships and Regional Coordination*

Priority 1, unknown cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

No programs initiated at this time.

*Action 2.3.2 Update the Parks and Recreation Master Plan*

Priority 2, unknown cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Revision to Master Plan has not been initiated at this time.

### **Goal 3 Offer a Variety of Arts and Cultural Opportunities**

#### **Objective 3.1 Foster and Support Local Artists**

##### *Action 3.1.2 Create Public Gallery and Performance Spaces in New or Existing Community Facilities*

Priority 1, low cost.

No public spaces have been created to take advantage of this action item.

##### *Action 3.1.3 Promote local artists and culture through media and advertising*

Priority 1, low cost.

This action item has not been initiated at this time.

##### *Action 3.1.4 Encourage the Display and Sale of Local Artwork in Local Businesses*

Priority 2, no cost.

No City regulations prohibit local businesses from displaying and selling local artwork.

##### *Action 3.1.5 Display Local Artwork at Festivals and Events*

Priority 2, no cost.

This action item can be easily implemented by City and Chamber of Commerce.

##### *Action 3.1.6 Recruit Local Artists for Art in Public Places Projects*

Priority 3, no cost.

This action item has not been initiated at this time.

##### *Action 3.1.7 Consider Adoption of an Ordinance Requiring a Percent for Arts Program on Projects of a Certain Size*

Priority 3, unknown cost.

Has not been initiated at this time.

#### **Objective 3.2 Expand Tourism to Include Arts and Cultural Activities and Venues**

##### *Action 3.2.2 Create a Visitor's Center*

Priority 2, high cost.

Has not been initiated at this time.

Objective 3.3 Provide Opportunities for Residents and Others to Participate in Arts and Culture

*Action 3.3.1 Create an Arts and Culture Development Council*

Priority 1, low cost.

The creation of an arts council has not been initiated.

*Action 3.3.2 Provide Ongoing Arts and Cultural Programming in a New Civic Center*

Priority 2, high cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

No new civic center has been planned or budgeted.

*Action 3.3.4 Nurture and Grow Progressive Arts and Cultural Leadership by Including the Arts in Branding and Economic Development*

Priority 3, low cost.

This action item may be included in the economic development discussions.

**Goal 4 Promote Desired Change Through Planning and Design**

Objective 4.1 Maintain a Rural Small-town Character

*Action 4.1.2 Establish a Board of Architectural Review that Advises the Planning Commission*

Priority 1, low cost.

Creation of a BAR has not been authorized at this time.

Objective 4.2 Promote Attractive, Well-maintained Neighborhoods and Districts

*Action 4.2.2 Evaluate Central Avenue and other Highly Traveled Streets for Traffic Calming Improvements.*

Priority 2, moderate cost.

Has not been initiated at this time.

*Action 4.2.5 Implement a Façade Enhancement Program*

Priority 3, unknown cost.

Item is on hold due to loss of RDA funds. No other funds are available at this time.

*Action 4.2.6 Create a Neighborhood Enhancement Program to Organize Volunteer Clean-up Efforts*

Priority 3, low cost.  
Has not been initiated at this time.

Objective 4.3 Provide an Environment that Appeals to and Supports both Residents and Visitors

*Action 4.3.3 Accommodate Large Trucks and Trucks Drivers by Providing Safe Parking and Amenities Outside of Pedestrian Oriented Areas*

Priority 3, unknown cost.  
Action item has not been initiated at this time.

**Goal 5 Create a Vibrant Downtown**

Objective 5.1 Coordinate Development and Improvements along the Avenue

*Action 5.1.2 Enhance the Property Refurbishment Program to Promote Private Renovations*

Priority 1, unknown cost.  
Funding from City not available at this time.

*Action 5.1.3 Look at Options for a Town Square/Central Plaza Area*

Priority 1, unknown cost.  
This action item can be addressed once the alignment of the Avenue is determined.

*Action 5.1.5 Prepare a Downtown Specific plan*

Priority 1, high cost.  
This has not been initiated and will depend on a final decision by the City Council on alignment of the Avenue.

*Action 5.1.6 Establish a Special Zoning District for the Avenue of Flags*

Priority 1, high cost.  
Not initiated at this time and would be part of the Downtown Specific Plan.

*Action 5.1.7 Provide Public Art and Event Spaces in the Area*

Priority 1, unknown cost.  
No formal program at this time. Existing medians are currently used for this purpose.

*Action 5.1.9 Coordinate Site Planning to Create a Pedestrian Network*

Priority 2, unknown cost.

Not initiated at this time and would be part of the Downtown Specific Plan.

*Action 5.1.11 Establish Financial Incentives for Private Development*

Priority 2, high cost.

No money has been budgeted for this purpose.

*Action 5.1.12 Identify Catalytic Projects*

Priority 3, unknown cost.

Not initiated at this time

Objective 5.2 Ensure Organizational Support for Transformation of the Avenue

*Action 5.2.3 Form a Downtown Merchants Association*

Priority 2, low cost.

Association has not been formed at this time.

**Goal 6 Maintain a Strong Sense of Community and Family**

Objective 6.1 Foster Community Events and Programs to Promote Social Interaction

*Action 6.1.3 Promote Community Involvement on Volunteer Efforts*

Priority 2, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Has not been initiated at this time

*Action 6.1.4 Create Events that Celebrate Cultures Represented in the Region*

Priority 3, unknown cost.

Specific events have not been identified at this time.

*Action 6.1.5 Hold Neighborhood Block Parties*

Priority 3, no cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Up to citizens to organize and not the City.

Objective 6.3 Engage the Community in Civic Affairs

*Action 6.3.1 Recruit Community Members to Serve on Committees Recommended in Vision Plan*

Priority 1, low cost.  
No additional committees have been formed at this time

*Action 6.3.4 Encourage the Formation of a Youth Commission to Provide Oversight to the Zone*

Priority 3, no cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

Commission has not been formed.

*Action 6.3.5 Develop a Civic Academy to Improve Local Residents Understanding of Government Operations*

Priority 3, low cost.  
A civic academy has not been created.

**Goal 7 Be a Leader in Environmental Sustainability and Stewardship**

Objective 7.1 Demonstrate Leadership in Environmental Sustainability through a Signature Program

*Action 7.1.1 Explore Options for a Trikke and Bike Program Promoting Greater Use of these Vehicles*

Priority 1, low cost. On the Parks and Recreation Commission to do list as authorized by the City Council.

No alternative transportation programs have been developed.

*Action 7.1.2 Identify and Consider other Signature Programs*

Priority 2, unknown cost.  
No other programs have been investigated at this time.

Objective 7.2 Maintain a Compact City Form Bounded by Natural and Rural Areas

*Action 7.2.3 Promote Local Businesses that can be Accessed by Foot, Bike, and Transit as Opposed to Auto Trips*

Priority 2, no cost.  
Action item has not been implemented.

*Action 7.2.5 The Parks Master Plan should Provide a Network of Accessible Parks and Open Space*

Priority 2, unknown cost.  
The revisions to the Master Plan have not been scheduled at this time.

*Action 7.2.6 Promote the Creation of Nature Preserves along the Santa Ynez River with Permission of Property Owners*

Priority 3, unknown cost.  
Has not been initiated at this time

Objective 7.3 Promote Citywide Resource Conservation and Efficiency

*Action 7.3.1 Work Towards becoming a Net Zero City by Matching Energy Demands to what can be Produced Locally.*

Priority 1, unknown cost.  
The City would have to work with the energy companies to make this action item a reality. Probably not doable in the short term.

Objective 7.4 Adopt Green Building Standards and Creative Incentives for Green Building Practices

*Action 7.4.2 Establish Incentives to Encourage Green Retrofitting of Existing Buildings*

Priority 1, unknown cost.  
No program has been established at this time.

*Action 7.4.3 Consider making Cal Green Tier 1 Standards Mandatory or Adopting Comparable Rating Systems*

Priority 2, unknown cost.  
City has adopted the mandatory measures green building requirements. Tier 1 features are added on a case-by-case basis. No plans at this time to make Tier 1 mandatory.

*Action 7.4.4 Adopt Building Standards and Design Guidelines that Encourage or Mandate On-site Solar or Wind Power Generation*

Priority 2, unknown cost.  
The City encourages the use of alternative energy and follows the standards of the California Building Code. Making these mandatory would be cost prohibitive

Objective 7.5 Promote Green Technology Businesses and Green Tourism

*Action 7.5.2 Create a Green Economic Development Zone Committee*

Priority 1, unknown cost.  
Committee has not been authorized or created.

Objective 7.6 Create a Plan and Structure for Implementation of Sustainability Efforts

*Action 7.6.1 Assign Staff or Create a Sustainability Staff Person Position*

Priority 1, high cost.  
No new positions have been budgeted.

*Action 7.6.2 Form a Sustainability Advisory Committee*

Priority 2, low cost.  
Formation of the committee has not been authorized.

*Action 7.6.3 Create a Green Team of City Staff to Work on Sustainability Efforts*

Priority 2, unknown cost.  
A formal “green team” has not been created.

*Action 7.6.4 Develop and Implement a Sustainability Plan*

Priority 3, unknown cost.  
Development of a plan has not been initiated at this time.

**Goal 8 Foster Local Economic Development**

Objective 8.1 Guide Economic Development Efforts by Strategy and City Staff Support

*Action 8.1.1 Establish the Position of Economic Development Director*

Priority 1, high cost.  
This position has not been created or budgeted. City has hired the Kosmont Company to perform economic development services.

**CITY OF BUELLTON**  
City Council Agenda Staff Report

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

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director

Meeting Date: September 26, 2013

Subject: Ordinance No. 13-05 – “An Ordinance of the City Council of the City of Buellton, California, Adding New Title 15 and Chapter 15.01 to the Buellton Municipal Code Pertaining to Stormwater Management and Discharge Control and Making Findings in Support Thereof” (Second Reading)

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**BACKGROUND**

At the meeting of September 12, 2013, the City Council introduced and held the first reading of Ordinance No. 13-05, an Ordinance adding new Title 15 and Chapter 15.01 to the Buellton Municipal Code Pertaining to Stormwater Management and Discharge Control. Ordinance No. 13-05 is now ready for its second reading and adoption. The Ordinance includes the minor changes brought up to the City Council during the first reading.

**FISCAL IMPACT**

Activities for compliance with stormwater regulations are appropriated annually with the adoption of the Budget. No additional fiscal impacts are anticipated with the adoption of the proposed Ordinance.

**RECOMMENDATION**

That the City Council consider the adoption of Ordinance No. 13-05 - “An Ordinance of the City Council of the City of Buellton, California, Adding New Title 15 and Chapter 15.01 to the Buellton Municipal Code Pertaining to Stormwater Management and Discharge Control and Making Findings in Support Thereof” by title only and waive further reading.

**ATTACHMENT**

Ordinance No. 13-05

## ORDINANCE NO. 13-05

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, ADDING NEW TITLE 15 AND CHAPTER 15.01 TO THE BUELLTON MUNICIPAL CODE PERTAINING TO STORMWATER MANAGEMENT AND DISCHARGE CONTROL AND MAKING FINDINGS IN SUPPORT THEREOF

**SECTION 1:** The purpose and intent of this Ordinance is to protect and enhance the water quality of waters of the state and water bodies in a manner pursuant to and consistent with the Porter-Cologne Water Quality Control Act (California Water Code §13000 et seq.) and State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the Storm Drain System.

**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 municipal code 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 City Council on September 12, 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 submitted to the City Council dated September 12, 2013(the “Staff Report”).
- B. Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Municipal Code have been lawfully satisfied:
1. A notice was published in a legal section of a newspaper on August 29, 2013 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing conducted on February 28, 2013.
  2. The Public Notice was posted in three public locations on August 29, 2013, a minimum of 10 days in advance of the Public Hearing.

- C. **Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 3. ORDINANCE:**

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

- A. The Buellton Municipal Code is hereby amended to add a new Title 5, to be read as follows:

**“Title 15**

**STORMWATER**

**Chapters:**

**15.01 Stormwater Quality Management and Discharge Control”**

- B. Title 15 of the Buellton Municipal Code is hereby added to be read as follows:

**“Chapter 15.01**

**STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL**

**Sections:**

- 15.01.010. Title.**
- 15.01.020. Purpose and intent.**
- 15.01.030. Definitions.**
- 15.01.040. Applicability.**
- 15.01.050. Responsibility for administration.**
- 15.01.060. Regulatory consistency.**
- 15.01.070. Ultimate responsibility of discharger.**
- 15.01.080. Prohibition of illegal discharges.**
- 15.01.090. Prohibition of illicit connections.**
- 15.01.100. Discharges in violation of industrial or construction activity NPDES stormwater discharge permit.**
- 15.01.110. Requirement to prevent, control, and reduce stormwater pollutants.**
- 15.01.120. Requirement to eliminate illegal discharges.**
- 15.01.130. Requirement to eliminate or secure approval for illicit connections.**
- 15.01.140. Watercourse protection.**

- 15.01.150. Requirements to remediate.**
- 15.01.160. Requirements to monitor and analyze.**
- 15.01.170. Notification of spills.**
- 15.01.180. Compliance letter for stormwater management facilities.**
- 15.01.190. Authority to inspect.**
- 15.01.200. Authority to sample, establish sampling devices, and test.**
- 15.01.210. Access to facilities.**
- 15.01.220. Enforcement and administration.**
- 15.01.230. Urgency abatement.**
- 15.01.240. Violations deemed a public nuisance.**
- 15.01.250. Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act.**
- 15.01.260. Civil penalties to be deposited in the general fund.**

#### **Section 15.01.010. Title.**

This Chapter shall be known as the “Stormwater Quality Management and Discharge Control Ordinance” of the City of Buellton and may be so cited.

#### **Section 15.01.020. Purpose and intent.**

The purpose and intent of this Chapter is to protect and enhance the water quality of waters of the state and water bodies in a manner pursuant to and consistent with the Porter-Cologne Water Quality Control Act (California Water Code §13000 et seq.) and State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the Storm Drain System.

All regulated projects, except those exempted in the Order No. 2013-0001-DWQ, shall be subject to the California Regional Water Quality Control Board, Central Coast Region Resolution No. R3-2013-0032, Post-Construction Stormwater Management Requirements for Developmental Projects in the Central Coast Region. In addition, please refer to the Buellton Stormwater Manual.

The objectives of this Chapter are:

- A. To regulate the contribution of Pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- B. To prohibit Illicit Connections and Discharges to the MS4;
- C. To eliminate, to the maximum extent practicable, the discharge of Pollutants that would degrade the water quality of local creeks and streams;
- D. To reduce stormwater runoff rates and volumes and non-point source Pollution whenever possible through stormwater management controls, and ensuring that these management controls are properly maintained and pose no threat to public safety; and

E. To establish legal authority to implement and enforce stormwater management requirements, and carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

### **Section 15.01.030. Definitions.**

The terms used in this Chapter shall have the following meanings:

“Authorized Enforcement Agency” means employees or designees of the director of public works of the City of Buellton designated to enforce this Chapter.

“Best Management Practices (BMPs)” means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly into the municipal Storm Drain System and waters of the state. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants. Please refer to the Buellton Stormwater Manual.

“Buellton Stormwater Manual” means the manual provided to staff and the public which provides the most current applicable Best Management Practices guides, Low Impact Design tools, and post construction requirements and parameters as established by the Regional Water Quality Control Board and other agencies and accepted by the City of Buellton to be incorporated with City practices and development/construction activities.

“City” means the City of Buellton.

“Clean Water Act” means the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), and any subsequent amendments thereto.

“Construction Activity” means sites where activities, including, but not limited to, clearing and grubbing, grading, excavating, and demolition.

“Commercial Activity” means any public or private activity involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.

“Contamination” means contamination is as defined in California Water Code §13050(k), as amended, as follows:

“Contamination” means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

“Contamination” includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.”

“Discharge” means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance.

“Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Illegal Discharge” means any direct or indirect non-stormwater discharge to the Storm Drain System, except as exempted in § 15.01.080 of this chapter.

“Illicit Connection” means an illicit connection is defined as either of the following:

A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the Storm Drain System including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, wash water, and any solid materials and debris to enter the Storm Drain System and any connections to the Storm Drain System from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the Storm Drain System which has not been documented in plans, maps, or equivalent records and approved by the City.

“Industrial Activity” means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

“Low Impact Development” means development features designed to reduce run-off and impacts to the post developed site. These features include items such as grass drainage swales, depressed retention/filtration ponds, etc.

“National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permits” means the General, group, and individual stormwater discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The California Regional Water Quality Control Board, Central Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general stormwater discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

“Non-Stormwater Discharge” means any discharge to the Storm Drain System that is not composed entirely of stormwater.

“Nuisance” means the meaning ascribed to nuisance by California Water Code § 13050(m), as amended, as follows:

“Nuisance” means anything which meets all of the following requirements:

A. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

B. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

C. Occurs during, or as a result of, the treatment or disposal of wastes.”

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); beverage (alcoholic and non-alcoholic) manufacturing wastes such as pomace, lees, diatomaceous earth, stems, spent grain, spent hops, trub, yeast, caustic and acid cleaners, and waste wine, waste beer, and waste alcohol; and noxious or offensive matter of any kind.

“Pollution” means alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses. Pollution also includes Contamination

“Porter-Cologne Act” means the Porter-Cologne Water Quality Control Act and as amended, California Water Code §13000 et seq.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Remediation” means the abatement or removal of pollution or contaminants from land or water (including sediments in waterways) for the general protection of human health and the environment.

“Storm Drain System” means the publicly-owned facilities operated by the City by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City.

“Stormwater” means any surface flow, runoff, and drainage consisting entirely of water from precipitation.

“Wastewater” means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

“Waters of the State (“waters of the state”)” means surface watercourses and water bodies as defined at California Water Code §13050, as amended, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

#### **Section 15.01.040. Applicability**

This Chapter, including any amendments or revisions thereto, shall apply to all water entering the Storm Drain System generated on or flowing over any developed and undeveloped land lying within the City of Buellton.

**Section 15.01.050. Responsibility for administration.**

The Director of Public Works/City Engineer for the City (“Director”) shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employ of the City.

**Section 15.01.060. Regulatory consistency.**

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and any amendments thereto, or any applicable implementing regulations.

**Section 15.01.070. Ultimate responsibility of discharger.**

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into waters of the state caused by said person. This Chapter shall not create liability on the part of the City, or any agent or employee thereof for any damages that result from any discharger’s reliance on this Chapter or any administrative decision lawfully made thereunder.

**Section 15.01.080. Prohibition of illegal discharges.**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

A. Illegal discharges from industrial and/or commercial sources into the Storm Drain System or waters of the state include, but are not limited to, the following, and are prohibited, unless the discharge is permitted under a separate NPDES permit, or as allowed by the proper application of BMPs adopted by the City:

1. Water from the cleaning of gas stations, vehicle service garages, or other types of vehicle service facilities;
2. Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial activities;
3. Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners (Individual private vehicle washing is exempt per §15.01.090 **B**);
4. Water from the washing or rinsing of vehicles, with or without soap, from auto body repair shops;
5. Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning;
6. Vehicle fluids;

7. Mat wash and hood cleaning water from food service facilities;
8. Food and kitchen cleaning water from food service facilities;
9. Leakage from dumpsters or trash containers;
10. Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained;
11. Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces;
12. Wastewater or cleaning fluids from carpet cleaning;
13. Swimming pool and spa water, unless dechlorinated;
14. Wash out from concrete trucks;
15. Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored, except as allowed by §15.01.100;
16. Super-chlorinated water normally associated with the disinfection of potable water systems;
17. Construction debris, such as, but not limited to, paint, dirt, and wash water;
18. Sewage or other forms of pollutants from recreational activities including boating and camping, and from recreational vehicles and boats;
19. Wine, beer, and/or distillery manufacturing wastes such as beverage (alcoholic and non-alcoholic) manufacturing wastes such as pomace, lees, diatomaceous earth, stems, spent grain, spent hops, trub, yeast, caustic and acid cleaners, and waste wine, waste beer, waste alcohol, or other associated industry waste;

B. The commencement, conduct or continuance of any illegal discharge to the Storm Drain System is prohibited except as described as follows:

1. Discharges from the following sources will not be considered a source of Pollutants to the Storm Drain System and to waters of the state when properly managed to ensure that no potential Pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this Chapter:

- a. potable water line flushing;
- b. pumped groundwater not containing Pollutants and other discharges from potable water sources;
- c. landscape irrigation and lawn watering;
- d. diverted stream flows;
- e. rising groundwater;
- f. groundwater infiltration (as defined at 40 CFR § 35.2005(20)) not containing Pollutants;

- g. foundation and footing drains not containing Pollutants;
- h. water from crawl space pumps not containing Pollutants;
- i. air conditioning condensation;
- j. non-industrial roof drains not containing Pollutants;
- k. springs;
- l. individual private vehicle washing;
- m. flows from riparian habitats and wetlands;
- n. dechlorinated swimming pool discharges; and
- o. flows from firefighting.

C. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City of Buellton for any discharge to the Storm Drain System.

D. With written concurrence of the Regional Board, the City may exempt in writing other non-stormwater discharges which are not a source of pollutants to the Storm Drain System or waters of the state.

#### **Section 15.01.090. Prohibition of illicit connections.**

A. The construction, use, maintenance or continued existence of illicit connections to the Storm Drain System is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

#### **Section 15.01.100. Discharges in violation of industrial or construction activity NPDES stormwater discharge permit.**

Any person subject to an Industrial or Construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to or as a condition of a subdivision map, grading permit, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

**Section 15.01.110. Requirement to prevent, control, and reduce stormwater pollutants.**

A. Generally. Any person engaging in activities that may result in Pollutants entering the City's stormwater system shall undertake all practicable measures to reduce such Pollutants. Examples of such activities include the use of premises that may be a source of Pollutants, such as parking lots, gasoline stations, industrial facilities, business enterprises, dwelling units and open spaces/parks.

B. Litter. No person shall throw, deposit, leave, keep or maintain any refuse, rubbish, garbage or other discarded or abandoned objects, articles or other litter in or upon any street, alley, sidewalk, business place, creek, stormwater system, river or any other body of water, or upon any public or private parcel of land, except in proper waste receptacles/containers (for the purposes of trash collection) or in lawfully established waste disposal facilities.

C. Authorization to Adopt and Impose Best Management Practices. The City may adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the Storm Drain System, or waters of the state as a separate BMP Guidance Series. Where BMPs requirements are promulgated by the City or any Federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of Pollutants to the Storm Drain System or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

D. The Director will periodically report to the City Council on the status of implementation of the Stormwater Program.

E. New Development and Redevelopment. The City shall require any owner or person developing real property to identify appropriate BMPs to control the volume, rate, and potential Pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of Pollutants during the course of construction. The City shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required. In addition, the City shall require any owner or person developing real property to integrate post construction requirements that will control the volume, rate and potential Pollutant load of runoff. These post construction requirements shall comply with the California Regional Water Quality Control Board, Central Coast Region Resolution No. R3-2013-0032, "Post-Construction Stormwater Management Requirements for Developmental Projects in the Central Coast Region."

F. These requirements may include a combination of structural and non-structural BMPs, and shall include requirements to ensure the proper long-term operation and maintenance of these BMPs.

G. Construction Sites. BMPs to reduce pollutants in any stormwater runoff activities shall be incorporated in any land use entitlement and construction or building-related permit. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required by the City.

H. Responsibility to Implement and Maintain Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A, B and C above, any person or entity engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the Storm Drain System, or waters of the state shall implement and maintain BMPs to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal Storm Drain System or waters of the state. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be maintained at the operator's/property owner's expense.

I. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, will be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit or stormwater/water quality management plan shall be provided and maintained at the owner or operator's expense.

**Section 15.01.120. Requirement to eliminate illegal discharges.**

Notwithstanding the requirements of §15.01.180 herein, the Director may require by written notice that a person or entity responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

**Section 15.01.130. Requirement to eliminate or secure approval for illicit connections.**

A. The Director may require by written notice that a person or entity responsible for an illicit connection to the Storm Drain System comply with the requirements of this Chapter to eliminate or secure approval for the illicit connection by a specified date, regardless of whether the connection or discharges had been established or approved prior to the effective date of this Ordinance.

B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person or entity can demonstrate that an illegal discharge will no longer occur, said person or entity may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible party's expense.

**Section 15.01.140. Watercourse protection.**

Every person or entity owning property through which a watercourse passes, or such owner's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, or remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner or such owner's lessee shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

**Section 15.01.150. Requirement to remediate.**

Whenever the Director finds that a discharge of Pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the Storm Drain System, or waters of the U.S., the Public Works Director may require by written notice to the owner of the property and/or the responsible person or entity that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of §§15.01.220 through 15.01.250 below.

**Section 15.01.160. Requirement to monitor and analyze.**

The Director may require by written notice that any person or entity engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the Storm Drain System or waters of the state, to undertake at said person's or entity's expense such monitoring and analyses and furnish such reports to the City of Buellton as deemed necessary to determine compliance with this Chapter.

**Section 15.01.170. Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the Storm Drain System, or water of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the City's Public Works/Engineering Department in person or by phone or email no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall

be confirmed by written notice addressed and mailed to the City's Public Works/Engineering Department, within three business days of the phone/email notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge, the actions taken to contain and clean-up the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**Section 15.01.180. Compliance letter for stormwater management facilities.**

By October 31<sup>st</sup> of every year, property owners of parcels or premises containing stormwater management facilities shall submit a compliance letter to the Public Works Department. The compliance letter shall certify that the stormwater site design measures, treatment measures and source control measures (as applicable) have been properly operated and maintained during the preceding year, and have been recently inspected and repaired as necessary to ensure continued operation. The compliance letter shall also include certification and signature from the property owner, and qualified stormwater practitioner (QSP).

**Section 15.01.190. Authority to inspect.**

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Director (or the designee) may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**Section 15.01.200. Authority to sample, establish sampling devices, and test.**

During any inspection as provided herein, the Public Works Director or designee may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

**Section 15.01.210. Access to facilities.**

The City of Buellton, its staff, authorized contract staff or other designee [authorized enforcement agency] shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

A. Facility operators shall allow the City of Buellton, its staff, authorized contract staff or other designee [authorized enforcement agency] ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

B. The City of Buellton, its staff, authorized contract staff or other designee [authorized enforcement agency] shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

C. The City of Buellton, its staff, authorized contract staff or other designee [authorized enforcement agency] has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Buellton, its staff, authorized contract staff or other designee [authorized enforcement agency] and shall not be replaced. The costs of clearing such access shall be borne by the operator.

E. Unreasonable delays in allowing the City of Buellton, its staff, authorized contract staff or other designee [authorized enforcement agency] access to a permitted facility is a violation of a stormwater discharge permit and of this Chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.

F. If the City of Buellton, its staff, authorized contract staff or other designee [authorized enforcement agency] has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

#### **Section 15.01.220. Enforcement and administration.**

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the authorized enforcement agency may order compliance by written notice of violation to the responsible person.

Violations of this Chapter may be remedied using the procedures set forth in Title 1, Chapter 1.28 Code Violations, Penalties and Enforcement, of the Buellton City Code. These remedies include the issuance of Administrative Citations (Buellton City Code, Chapter 1.30). These remedies shall be in addition to all other legal remedies, criminal or civil, which may be

pursued by the City to address any violations of this Chapter. In addition, the Director may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- E. The implementation of source control or treatment BMPs;
- F. Payment of a fine to cover administrative and remediation costs (fines shall be a minimum of \$3000 per day and equitable to those imposed through violations of the California State Water Code Section 13385 and Federal Clean Water Act Section 301 – penalties of up to \$10,000 per day of violation and \$10 per gallon of waste discharged.);
- G. Cease and Desist of operations and shut-off of water meter.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

#### **Section 15.01.230. Urgency abatement.**

The Director is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Director, the City of Buellton, its staff, authorized contract staff or other designee is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City of Buellton shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the City from seeking other and further relief authorized under this Chapter.

#### **Section 15.01.240. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

**Section 15.01.250. Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act.**

Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability.

**Section 15.01.260. Civil penalties to be deposited in the general fund.**

Any civil penalties collected by the City as a result of violations of this Chapter shall be deposited in the General Fund for appropriation to fund costs related to stormwater compliance programs.

**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 shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of September 2013.

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Judith Dale  
Mayor

**ATTEST:**

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Linda Reid  
City Clerk

**CITY OF BUELLTON**  
City Council Agenda Staff Report

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

To: The Honorable Mayor and City Council  
From: Ralph D. Hanson, City Attorney  
Meeting Date: September 26, 2013  
Subject: Approval of City Manager Contract

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The City Manager contract will be made available on September 23 or 24, 2013.

**CITY OF BUELLTON**  
City Council Agenda Staff Report

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

To: The Honorable Mayor and City Council

From: Marc Bierdzinski, Interim City Manager  
John Herrera, Interim Finance Director

Meeting Date: September 26, 2013

Subject: Resolution No. SA 13-01 – “A Resolution of the Successor Agency of the Former Buellton Redevelopment Agency, Transferring Housing Conservation Program Loan to County of Santa Barbara”

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**BACKGROUND**

The Successor Agency of the former Buellton Redevelopment Agency (“RDA”) has a \$19,665 Housing Conservation Program loan on the books that should be transferred to and serviced by the County of Santa Barbara.

The \$19,665 loan was originated on January 25, 2009 between the Buellton RDA and Bernie Guerra and Terry J. Guerra, husband and wife, as joint tenants for property located at 453 Kendale Road, Buellton, CA 93427. The loan is for 45 years, with “interest forgiveness” granted at a rate of 2.22% per year for each year that the borrowers occupy the property (see Attachment 1).

**FISCAL IMPACT**

None; the Low Income Housing Loan is an asset that accrues no economic or spendable resources to the City of Buellton and is now an asset that more appropriately belongs on the books of the County of Santa Barbara.

**RECOMMENDATION**

That Successor Agency consider the approval and adoption of Resolution No. SA 13-01 – “A Resolution of the Successor Agency of the Former Buellton Redevelopment Agency, Transferring Housing Conservation Program Loan to County of Santa Barbara”.

**ATTACHMENTS**

Resolution No. SA 13-01  
Attachment 1 – Loan Repayment Agreement

**RESOLUTION NO. SA 13-01**

**A RESOLUTION OF THE SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY, TRANSFERRING HOUSING CONSERVATION PROGRAM LOAN TO COUNTY OF SANTA BARBARA**

**I. THE SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY DOES HEREBY FIND AND DETERMINE AS FOLLOWS:**

A. The County of Santa Barbara has assumed ownership of Low Income Housing assets and administration of related programs.

**II. NOW, THEREFORE, THE SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:**

A. Authorizes the County of Santa Barbara to assume ownership and servicing of the \$19,665 rehabilitation loan entered into by the former Buellton Redevelopment Agency with borrowers Bernie Guerra and Terry J. Guerra, on January 5, 2009 for property located at 453 Kendale Road, Buellton, CA 93427.

B. Authorizes the City Attorney to formalize documents, for approval by the City Manager, to allow said transfer of \$19,665 loan from the responsibility of the City of Buellton to the County of Santa Barbara.

C. Authorizes the Finance Director to account for and remove the \$19,665 loan from the City's financial statements for transfer to the County of Santa Barbara.

D. The Agency Secretary shall certify to the adoption of this Resolution.

**PASSED, APPROVED, and ADOPTED** this 26th day of September 2013.

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Holly Sierra  
Mayor

ATTEST:

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Linda Reid  
City Clerk

LOAN REPAYMENT AGREEMENT

## INTEREST BEARING DEFERRED PAYMENT LOAN

HOUSING CONSERVATION PROGRAM  
CITY OF BUELLTON

THIS AGREEMENT is made and executed this 5<sup>th</sup> day of January, 2009, by and between the Buellton Redevelopment Agency (hereinafter referred to as "Sponsor"), Bernie Guerra and Terry J. Guerra, husband and wife, as joint tenants, (hereinafter referred to as "Borrower(s)").

## WITNESSETH:

WHEREAS, in accordance with the terms and conditions of that certain agreement between Sponsor and Borrower(s) dated January 5, 2009, and entitled "Participation Agreement" (hereinafter referred to as "Participation Agreement"), Sponsor has loaned to Borrower(s) the sum of NINETEEN THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS (\$19,665.00) under Sponsor's Housing Conservation Program ("Program") for the purpose of facilitating Borrower('s/s') rehabilitation of that certain property improved with a single family residence, situated in Buellton, California, and described in the Participation Agreement (hereinafter referred to as "Property"); and

WHEREAS, by this Loan Repayment Agreement (hereinafter "Loan Repayment Agreement"), Sponsor and Borrower(s) desire to set forth the terms and conditions under which the loan made by Sponsor to Borrower(s) will be repaid by Borrower(s) or otherwise discharged; and

WHEREAS, this Loan Repayment Agreement and Borrower('s/s') obligation to repay this loan made by Sponsor to Borrower(s) in the manner and within the time provided herein shall be secured by a deed of trust which shall be a lien on the Property and executed and recorded on even date herewith (hereinafter referred to as "Deed of Trust").

NOW, THEREFORE, in consideration of the premises hereinbefore set forth, Sponsor and Borrower(s) agree as follows:

**1. Borrower's Promise to Pay.** In consideration of the loan made by Sponsor to Borrower(s), Borrower(s) agree(s) to pay Sponsor the principal sum of NINETEEN THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS (\$19,665.00) (hereinafter referred to as "Principal") together with interest thereon as hereafter set forth below, all such principal and interest to be due and payable at the time and in the manner hereinafter provided for by this Loan Repayment Agreement.

a. **Interest Computation.** Interest on the Program Loan Amount shall accrue in the form equity sharing. The Equity Share Amount payable to Sponsor is determined by dividing the Program Loan Amount by the After Rehabilitation Value and multiplying the resulting percentage by Property Appreciation.

Program Loan Amount	\$	<u>19,665.00</u>
Current Market Value	\$	<u>350,000.00</u>
After Rehabilitation Value	\$	<u>359,832.50.</u>
Program Loan Amount Divided by After Rehabilitation Value		
Equals Sponsor's Equity Share Factor		<u>5.46</u> %

b. **Interest Forgiveness.** Commencing upon the date of the Loan Repayment Agreement, for each full year that Borrower owns and occupies the Property as Borrower's principal residence, interest due and payable on the Program Loan shall be reduced by 2.22% per full year (no prorations for partial years).

2. **Definitions.** For purposes of Paragraph 1, the terms set forth in bold face type below shall have the following definitions:

**"After Rehabilitation Value"** means the fair market value of the Property as of the date of execution of this Loan Agreement plus an amount equal to fifty percent (50%) of the Program Loan Amount.

**"Current Market Value"** means the fair market value of the Property at the time of repayment of the Program Loan as determined by one of the following means:

i. **Sale of Property.** If the Loan Repayment is triggered by sale of the Property, Current Market Value may, at the sole discretion of the Sponsor, be the price to be paid by to the Borrower for fee simple ownership the Property, less reasonable and customary escrow fees, title insurance costs, broker's commissions, loan fees or any other closing or transaction costs actually paid by Borrower in connection with such transaction. The Sponsor may elect to appoint a certified, independent appraiser to conduct an appraisal of the Property, at Borrower's expense, to determine if the sales price is at or near the current fair market value of the Property. The appraiser shall have been previously approved by the Federal National Mortgage Association or the Federal Housing Administration and placed upon their list of approved single family housing appraisers. If the sales price is determined by the appraisal to be less than the fair market value of the Property as estimated in such

appraisal, then the sales price for purposes of determining the Equity Sharing Amount shall be the fair market value of the Property established in such appraisal.

ii. **Refinance or Default.** In the event of refinancing, failure to occupy the Property or default or breach of any provision of the Loan Repayment Agreement which causes the Program Loan to become immediately due and payable, the Current Market Value for purposes of determining the Equity Sharing Amount, shall be determined by an appraisal of the Property. For this purpose, the Sponsor shall appoint a certified independent appraiser to conduct an appraisal of the Property, at Borrower's expense. The appraiser shall have been previously approved by the Federal National Mortgage Association or the Federal Housing Administration and placed upon their list of approved single family housing appraisers. However, nothing in this Loan Repayment Agreement shall preclude Sponsor and Borrower from establishing the fair market value of the Property by mutual agreement in lieu of an appraisal. In such event, Borrower agrees that the Current Market Value for purposes of determining the Equity Sharing Amount shall be the fair market value of the Property as established in such appraisal.

**"Equity Share Amount"** means the amount of interest payable to the Sponsor determined by multiplying the Equity Share Factor by Property Appreciation.

**"Equity Share Factor"** means the percentage resulting from dividing the Program Loan Amount by the After Rehabilitation Value.

**"Program Loan"** means the loan that Sponsor makes to Borrower under this Loan Repayment Agreement.

**"Program Loan Amount"** means the principal sum of the Program Loan specified in Paragraph 1 of this Loan Repayment Agreement.

**"Property Appreciation"** means the difference between the After Rehabilitation Value and the Current Market Value of the Property. Property Appreciation shall be utilized in determining the amount of the Sponsor's Equity Share.

3. **Loan Repayment.** The principal and any outstanding interest which hereafter accrues under this Loan Repayment Agreement shall be due and payable in full upon the first occurrence of any of the following events:

a. In the event of any sale, transfer or conveyance of the Property, without the prior consent of Sponsor, whether such sale, transfer or conveyance be voluntary or not voluntarily;

b. In the event Borrower(s) refinance any debt secured by a deed of trust on the Property without the prior written consent of Sponsor, which refinance must

conform to guidelines then in effect and adopted by the Sponsor governing the Program;

c. In the event that Borrower(s) cease(s) to occupy the Property as Borrower('s/s') principal place of residence;

d. In the event that Borrower(s) default on any debt secured by a deed of trust on the Property senior to the Deed of Trust securing this Loan Repayment Agreement resulting in commencement of foreclosure; or

e. Forty-five (45) years following the date of execution of this Loan Repayment Agreement.

#### 4. Additional Terms

a. **Definition of Transfer.** As used in Paragraph 3, the term "transfer" shall mean the sale, execution of any land sale contract, or other conveyance of the Property but shall not include the situation where the death of Borrower(s) results in his or her spouse receiving by law the full title in the Property after having held the Property as a joint tenant or as community property. In addition, the term "transfer" shall not include the situation wherein the death of Borrower(s) results in a child or children of Borrower(s) receiving title to the Property so long as at least one child who is legal heir to the Property occupies the Property as his or her principal residence.

b. **Loan Prepayment.** The prepayment of principal under this Loan Repayment Agreement may be made by Borrower(s) at any time, in whole or in part, without penalty for such prepayment. Prepayment shall not, however, release Borrower from the requirements of this Loan Repayment Agreement nor shall it affect the computation of interest due pursuant to Paragraph 1.

c. **Place for Payment.** All principal and interest, when due, shall be payable in lawful money of the United States of America and shall be paid at the Office of the Sponsor which is located at 107 W. Highway 246, Buellton, California, 93427 or at such other place as Sponsor may specify in writing.

d. **Loan Assumption.** The Program Loan may not be assumed by a subsequent purchaser of the Property.

e. **Joint and Several.** The Borrower, if more than one, shall be jointly and severally liable hereunder for the repayment of the Program Loan

f. **Borrower(s) Waivers.** Borrower(s) waive any rights to require Sponsor to: (i) demand payment of amounts due (known as "presentment"), (ii) give notice that amounts due have not been paid (known as "notice of dishonor") and (iii) obtain an official certification of nonpayment (known as "protest").

**g. Notice to Sponsor.** Borrower(s) (or Borrower's heirs following the death of Borrower) agree to notify Sponsor not less than thirty (30) days prior to: (i) the sale of Property; (ii) the transfer, including, without limitation, lease exchange or other dispositions of any interest in the Property; (iii) any proposed refinancing of any First Lien; or (iv) the close of Borrower(s)' probate estate.

**5. Secured Note.** In addition to the protections given to Sponsor under this Loan Repayment Agreement, a Deed of Trust (sometimes called the "Security Instrument") dated the same date of this Loan Repayment Agreement, protects Sponsor from possible losses which might result in the event of default by Borrower. The Deed of Trust describes how and under what conditions Borrower may be required to make immediate payment in full of all amounts owed under this Loan Repayment Agreement. Some of those conditions are described as follows:

"B-7. Should Trustor, without the consent in writing of Beneficiary:

(a) voluntarily sell, transfer, or convey his/her interest in the Property or any part thereof, or if by operation of law, it should be sold, transferred, or conveyed;

(b) refinance any debt secured by a deed of trust on the Property, which refinance must conform to guidelines then in effect and adopted by Beneficiary;

(c) discontinue of use of the Property as the primary residence of the Trustor;

(d) default on any debt secured by a deed of trust on the Property senior to the Deed of Trust securing the Loan Repayment Agreement resulting in commencement of foreclosure; or

(e) violate any of the terms and conditions of the Loan Repayment Agreement, Deed of Trust, or Participation Agreement entered into by and between Trustor and Beneficiary governing use of the loan proceeds derived from the Loan Repayment Agreement, and Trustor fails to cure the default within thirty (30) days following receipt of written notice from Beneficiary specifying the default, or commence to cure the default within said period and if the default cannot be cured within said period, Trustor thereafter does not diligently proceed to complete the curing of the default;

then Beneficiary may, at its option, declare all sums secured hereby immediately due and payable. As used herein, the term "transfer" shall mean the sale, execution of any land sale contract, or other conveyance of Property but shall not include the situation where the death of Trustor results in his or her spouse receiving by law the full title in

the Property after having held Property as a joint tenant or as community property. In addition, the term "transfer" shall not include the situation wherein the death of Trustor results in a child or children of Trustor receiving title to the Property so long as at least one child who is legal heir to the Property occupies the Property as his or her principal residence. Beneficiary's consent to any one transaction listed in subparagraphs (a) through (e) of this Paragraph B-7 shall not be deemed to be a waiver of the right to require such consent to future or successive transactions."

IN WITNESS WHEREIN the parties have executed this Agreement in Buellton, California, on the dates set forth below.

12-29-'08  
Date

*Ferry Jeanine Guerra*  
BORROWER

12-29-08  
Date

*B. D.*  
BORROWER

BUELLTON REDEVELOPMENT AGENCY

1-5-09  
Date

*Steven L Thompson*  
By: Executive Director

APPROVED AS TO FORM:

*Ralph D. Hansen*  
Agency Legal Counsel

**ACKNOWLEDGMENT**

State of California  
County of  Santa Barbara  )

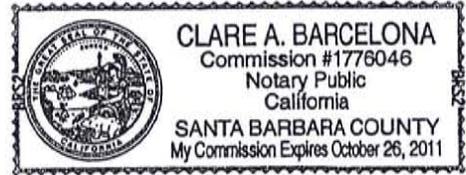
On  December 29, 2008  before me,  Clare A. Barcelona, A Notary Public   
(insert name and title of the officer)

personally appeared  Bernie Guerra, Terry Jeanine Guerra ,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  is/are   
subscribed to the within instrument and acknowledged to me that he/she/ they  executed the same in  
his/her/ their  authorized capacity (ies) , and that by his/her/ their  signature (s)  on the instrument the  
person (s) , or the entity upon behalf of which the person (s)  acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  *Clare A. Barcelona*  (Seal)



## ACKNOWLEDGMENT

State of California  
County of Santa Barbara )

On January 5, 2009 before me, Clare A. Barcelona, A Notary Public  
(insert name and title of the officer)

personally appeared Steven L. Thompson,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) are  
subscribed to the within instrument and acknowledged to me that (he) she/they executed the same in  
(his) her/their authorized capacity(ies), and that by (his) her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Clare A. Barcelona (Seal)

