

**CITY OF SANTA BARBARA
CITY COUNCIL**

Helene Schneider
Mayor
Gregg Hart
Mayor Pro Tempore
Randy Rowse
Ordinance Committee Chair
Dale Francisco
Finance Committee Chair
Frank Hotchkiss
Cathy Murillo
Bendy White



Paul Casey
City Administrator

Ariel Pierre Calonne
City Attorney

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

**JUNE 30, 2015
AGENDA**

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

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

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

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

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

AMERICANS WITH DISABILITIES ACT: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

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

ORDER OF BUSINESS

12:30 p.m. - Ordinance Committee Meeting, Council Chamber

2:00 p.m. - City Council Meeting

ORDINANCE COMMITTEE MEETING - 12:30 P.M. IN THE COUNCIL CHAMBER (120.03)

Subject: Ordinance To Amend Municipal Code Chapter 5.66, News Racks

Recommendation: That the Ordinance Committee review proposed improvements to the management and permitting of news racks and forward to Council for introduction An Ordinance of the Council of the City of Santa Barbara Amending Chapter 5.66 of the Municipal Code in its Entirety.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the adjourned regular meeting of June 15, 2015, and the regular meeting of June 16, 2015.

2. Subject: Adoption Of Ordinance Approving Supervisors Memorandum Of Understanding And Salary Plans For Unrepresented Management (Safety and Non-Safety) And City Administrator

Recommendation: That Council adopt, by reading of title only:

- A. An Ordinance of the Council of the City of Santa Barbara Amending The 2012-2015 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees Bargaining Unit, adopted by Ordinance No. 5587 and previously amended by Ordinance No. 5623, and extending the term through June 30, 2016;
- B. An Ordinance of the Council of the City of Santa Barbara Setting Forth and Approving a Salary Plan for Unrepresented Managers and Professional Attorneys for Fiscal Year 2016 and Fiscal Year 2017; and
- C. An Ordinance of the Council of the City of Santa Barbara Setting Forth and Approving a Salary Plan for the City Administrator for Fiscal Year 2016 and Fiscal Year 2017.

CONSENT CALENDAR (CONT'D)

3. Subject: Introduction Of Ordinance Establishing Speed Limits On Certain Portions Of Loma Alta Drive (530.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Amending Section 10.60.015, Establishing Prima Facie Speed Limits on Certain Portions of Loma Alta Drive.

4. Subject: Adoption Of Resolution Relating To The General Municipal Election Of November 3, 2015 (110.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling for the Holding of a Vote-By-Mail General Municipal Election to be Held in the City on Tuesday, November 3, 2015, for the Election of Certain Officers as Required by the Provisions of the Charter and That Certain Settlement Agreement Dated March 10, 2015, in *Banales, et al. v. City Of Santa Barbara*.

5. Subject: Salary And Benefit Continuation For City Employees On Active Military Duty Leave Of Absence (420.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Continuance of Employee Salary and Benefits During a Military Leave of Absence Effective May 18, 2015.

6. Subject: May 2015 Investment Report (260.02)

Recommendation: That Council accept the May 2015 Investment Report.

7. Subject: Grant Agreement With South Coast Community Media Access Center (510.04)

Recommendation: That Council authorize the Finance Director to execute a grant agreement, in a form acceptable to the City Attorney, with the South Coast Community Media Access Center for management of the public and educational access television channels in an amount of \$303,900 plus an amount for public, educational and government access (PEG) capital expenditures equal to 50% of the actual PEG fees received by the City for Fiscal Year 2016.

CONSENT CALENDAR (CONT'D)

8. Subject: Assignment Of Lease Agreement No. 23,408 - Ocean Aire Electronics (330.04)

Recommendation: That Council approve the assignment of Lease Agreement No. 23,408 from Doug Chessmore, d.b.a. Ocean Aire Electronics, to Jon Payne, for the 339 square-foot retail space located at 125 Harbor Way, Suite #7, at a monthly rent of \$1,085.

9. Subject: Renewal Of Agreement With Major League Softball (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute a two-year agreement with Major League Softball, Inc. (MLS), to perform adult softball league services at an annual cost of \$28,000 in Fiscal Years 2016 and 2017.

10. Subject: Airline Rates And Charges For Fiscal Year 2016 (560.01)

Recommendation: That Council approve and authorize the Airport Director to establish Airline rates and charges of \$99 per square foot annually for Airline Terminal building space, boarding bridge fees of \$43 per turn, and landing fees of \$3.70 per thousand pounds of gross landed weight, effective July 1, 2015, through June 30, 2016.

11. Subject: Consent To Sublease Agreement Between Ampersand Aviation, LLC, And Plains All American Pipeline, LP (330.04)

Recommendation: That Council approve and authorize the Airport Director to execute a Consent to Sublease Agreement between Ampersand Aviation, LLC, a California Limited Liability Company, and Plains All American Pipeline, LP, whose principal address is 333 Clay Street, Suite 1600, Houston, TX 77002, for the use of 30,240 square feet of office space in Building 245 and associated parking, at 495 South Fairview Avenue, at the Santa Barbara Airport, effective May 29, 2015.

12. Subject: Donation From The Santa Barbara Police Foundation For The Department Explorer Program (520.04)

Recommendation: That Council accept a donation of \$2,500 from the Santa Barbara Police Foundation for the Department Explorer Program and increase appropriations and estimated revenues in the Fiscal Year 2016 Police Department Explorer Program by \$2,500.

CONSENT CALENDAR (CONT'D)

13. Subject: Contract For Influent Flow Monitoring And Sampling Services At The El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Utility Systems, Science and Software, Inc., in the amount of \$129,630 for flow monitoring and sampling services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$19,444 for extra services that may result from necessary changes in the scope of work.

14. Subject: Purchase Order For The California Conservation Corps To Assist With The Invasive Plant Removal Program In City Creeks (540.14)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process per Municipal Code Section 4.52.070.L, and authorize the City's General Services Manager to issue a Purchase Order to the California Conservation Corps, in the amount of \$75,000 for Fiscal Years 2015 and 2016, for labor to assist with the Invasive Plant Removal Program;
- B. Authorize the City's General Services Manager to renew the Purchase Order with the California Conservation Corps annually through Fiscal Year 2018, subject to Council approval of the annual Creeks Restoration and Water Quality Improvement Fund budget; and
- C. Authorize the Parks and Recreation Director to enter into a Co-Sponsorship Agreement with the California Conservation Corps, subject to review and approval by the City Attorney as to form and content.

15. Subject: Downtown Santa Barbara Maintenance Agreement For Fiscal Year 2016 (530.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute a one-year agreement in the amount of \$636,798 with Downtown Santa Barbara (DSB) for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the Highway 101 underpass and various cross streets, from July 1, 2015, through June 30, 2016.

CONSENT CALENDAR (CONT'D)

16. Subject: Request To Amend Affordable Housing Covenant On Property Located At 2612 Modoc Road (Sarah House) (660.04)

Recommendation: That Council:

- A. Approve the amendment of the Affordable Housing Covenant on subject property to remove the occupancy and rental restrictions on one of the property's two-bedroom units;
- B. Approve the use of the unrestricted unit for administrative and private meeting space; and
- C. Authorize the Community Development Director to execute, subject to approval as to form by the City Attorney, such agreements and related City documents as necessary.

17. Subject: Contract For Construction Of On-Call Sewer Main Point Repairs - Fiscal Year 2016 (540.13)

Recommendation: That Council award a contract with Tierra Contracting in their low bid amount of \$305,488 for construction of the On-Call Sewer Main Point Repairs - Fiscal Year 2016, Bid No. 3777, and authorize the Public Works Director to execute the contract and approve expenditures up to \$61,100 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

18. Subject: Benefit Increase For 1927 Police And Fire Employee Retirement Plan (430.08)

Recommendation: That Council approve an increase in monthly pension benefits paid to the remaining three retirees in the City's 1927 Police and Fire Retirement Plan by 10%, which would increase the total monthly benefits paid to all retirees by \$512, from \$5,123 to \$5,635.

19. Subject: Increase In Construction Change Order Authority For The De La Vina At Arrellaga Traffic Signal Project (530.05)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the De La Vina At Arrellaga Traffic Signal Project, Contract No. 24,993, in the amount of \$20,803, for a total Project expenditure authority of \$112,175;

(Cont'd)

CONSENT CALENDAR (CONT'D)

19. (Cont'd)

- B. Authorize an appropriation of \$46,000 in the Fiscal Year 2015 Streets Fund from reserves to fund a transfer to the Streets Grant Fund; and
- C. Authorize an increase in appropriations and estimated revenues by \$46,000 in the Fiscal Year 2015 Streets Grant Fund to cover the cost of the extra work for the De La Vina at Arrellaga Traffic Signal Project, funded from a transfer from the Streets Fund.

20. **Subject: Memorandum Of Understanding With The Community Action Commission For The South Coast Task Force On Youth Gangs (520.04)**

Recommendation: That Council authorize the City Administrator to execute a Memorandum of Understanding with the Community Action Commission related to the City's participation in the South Coast Task Force on Youth Gangs.

21. **Subject: Adoption Of Ordinance Regarding Buellton Library Property Lease (570.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Library Director to Execute a Lease Agreement Between the City of Santa Barbara and the City of Buellton for the Buellton Library Property.

22. **Subject: Increase Grant Revenues And Appropriations For The Anapamu, Cabrillo, De La Guerra, Quinientos, And Gutierrez Street Bridge Replacement Projects (Dept. Head: RJB; Other Depts: APC)**

Recommendation: That Council:

- A. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$225,000 for the Anapamu Street Bridge Replacement Project;
- B. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by \$225,000 for the Anapamu Street Bridge Replacement Project;
- C. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$354,120 for the Cabrillo Street Bridge Replacement Project;
- D. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by \$354,120 for the Cabrillo Street Bridge Replacement Project;

(Cont'd)

CONSENT CALENDAR (CONT'D)

22. (Cont'd)

- E. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$66,398 for the De La Guerra Street Bridge Replacement Project;
- F. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by \$66,398 for the De La Guerra Street Bridge Replacement Project;
- G. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$225,000 for the Quinientos Street Bridge Replacement Project;
- H. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by \$225,000 for the Quinientos Street Bridge Replacement Project;
- I. Authorize an appropriation of \$25,000 from Streets Fund Reserves and transfer to the Streets Grant Fund to cover a portion of the ongoing City share associated with the design phase of the Quinientos Street Bridge Replacement Project; and
- J. Authorize an appropriation of \$25,000 from Streets Fund Reserves and transfer to the Streets Grant Fund to cover a portion of the ongoing City share associated with the design phase of the Gutierrez Street Bridge Replacement Project.
- K. Authorize an increase to appropriations and estimated revenues of \$50,000 in the Fiscal Year 2016 Streets Grant Fund for the Quinientos Street Bridge Replacement Project (\$25,000) and Gutierrez Street Bridge Replacement Project (\$25,000) funded from a transfer of reserves from the Streets Fund.

23. **Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 1818 Castillo Street (Dept. Head: GB)**

Recommendation: That Council:

- A. Set the date of July 21, 2015, for hearing the appeal filed by Brian Barnwell, on behalf of adjacent neighbors, of the Architectural Board of Review approval of an application for property owned by DB Partners, LLC, and located at 1818 Castillo Street, Assessor's Parcel No. 027-012-023, R-4 Hotel-Motel-Multiple Residence Zone, General Plan Designation: Residential (15-27 dwelling units/acre). The project proposes to demolish an existing single-family home, studio apartment, detached garage, and two sheds, and construct a three-story, seven-unit residential apartment building under the Average Unit Size Density Incentive Program. The 12,656 square-foot parcel is designated as Medium High density with a maximum average density project proposed at 27 dwelling units/acre which allows 945 square feet per unit. The average unit size for this project will be 938 square feet; and
- B. Set the date of July 20, 2015, for a site visit to the property located at 1818 Castillo Street.

CONSENT CALENDAR (CONT'D)

NOTICES

24. The City Clerk has on Thursday, June 25, 2015, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
25. Cancellation of the regular City Council meeting of July 7, 2015.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

SUCCESSOR AGENCY REPORTS

26. **Subject: Status Report And Contract Services For The Cabrillo Pavilion And Bathhouse Renovation Project (570.07)**

Recommendation: That the Successor Agency:

- A. Receive a status report on the Cabrillo Pavilion and Bathhouse Renovation Project; and
- B. Authorize the Executive Director to execute a contract between the Successor Agency and FGI Farnsworth Group, Inc., in the amount of \$47,300 to provide LEED commissioning services for the above project, and authorize the Executive Director to approve extra work, as necessary, in an amount not to exceed \$4,730.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

27. **Subject: Loan To Grace Village Apartments, L.P., For A New Affordable Housing Project At 3869 State Street (Grace Village Apartments) (660.04)**

Recommendation: That Council:

- A. Approve a request from the Housing Authority of the City of Santa Barbara (Housing Authority) for a \$1,000,000 loan to Grace Village Apartments, L.P., to support the development and construction of a new low income senior rental project located at 3869 State Street;
- B. Authorize the appropriation of \$500,000 from the Socio-Economic Mitigation Program (SEMP) fund and \$500,000 from the Housing Successor Entity fund for the requested loan;

(Cont'd)

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT (CONT'D)

27. (Cont'd)

- C. Authorize the appropriation of \$500,000 in the Successor Agency Housing Fund from reserves to fund a portion of the requested loan;
- D. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary; and
- E. Consider a recommendation from the Finance Committee to transfer \$528,797 of unrestricted monies in the Revolving Loan Fund, which originated from the General Fund, back to the General Fund.

PUBLIC WORKS DEPARTMENT

28. Subject: Increase In Construction Change Order Authority For The Recycled Water Treatment Plant Replacement Project (540.13)

Recommendation: That Council:

- A. Approve a transfer of \$1,342,271.95 from Water Fund Operating Fund Reserves to the Water Capital Fund;
- B. Increase appropriations and estimated revenues by \$1,342,271.95 in the Water Capital Fund for the Recycled Water Treatment Plant Replacement Project;
- C. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 21400193 with Schock Contracting Corporation, in the amount of \$879,000, for a total Project change order expenditure authority of \$1,758,000;
- D. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 24,826, for construction management services with MNS Engineers in the amount of \$386,326.00, for a total Project change order expenditure authority of \$456,941.40; and
- E. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 24,828, for environmental and support services with Dudek in the amount of \$14,945.95, for a total Project change order expenditure authority of \$20,976.95.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

29. Subject: Conference With City Attorney - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Justin Williams v. City of Santa Barbara*; WCAB Case numbers ADJ8592814, ADJ8729223 and ADJ9464749.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: June 30, 2015
TIME: 12:30 p.m.
PLACE: Council Chambers

Randy Rowse, Chair
Frank Hotchkiss
Cathy Murillo

Office of the City
Administrator

Office of the City
Attorney

Kate Whan
Administrative Analyst

Ariel Pierre Calonne
City Attorney

ITEMS FOR CONSIDERATION

Subject: Ordinance To Amend Municipal Code Chapter 5.66, News Racks

Recommendation: That the Ordinance Committee review proposed improvements to the management and permitting of news racks and forward to Council for introduction An Ordinance of the Council of the City of Santa Barbara Amending Chapter 5.66 of the Municipal Code in its Entirety.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Ordinance Committee

FROM: Engineering Division, Public Works Department

SUBJECT: Ordinance To Amend Municipal Code Chapter 5.66, News Racks

RECOMMENDATION:

That the Ordinance Committee review proposed improvements to the management and permitting of news racks and forward to Council for introduction An Ordinance of the Council of the City of Santa Barbara Amending Chapter 5.66 of the Municipal Code in its Entirety.

DISCUSSION:

The majority of news racks existing in the City are in need of maintenance and repair. Over the past several years, staff has received numerous complaints regarding the poor condition of existing news racks. There is a need for more effective news rack management and a need to update the antiquated Chapter 5.66 of the Municipal Code. There is also a need to cover City expenses related to the permitting of news racks and enforcement of regulations regarding news rack maintenance. A new fee for Fiscal Year 2016 is proposed, which would result in news rack owners and/or publishers paying for City staff time for improved news rack management, and for maintaining City-owned cabinets on a cost recovery basis.

In 2012, the City was named in a lawsuit following an incident where a news rack fell on an individual. The City was released from the lawsuit, but it became clear at that time that the City's ordinance and permitting scheme should be revised.

In spring of 2014, staff took complete inventory of all news racks in the City and identified those that do not meet the current news rack ordinance. At that time, there were approximately 770 news rack boxes in the City. These news rack boxes house printed materials and are owned and maintained by private owners. The City owns and maintains 18 cabinets that house privately-owned news rack boxes on State Street in the Downtown corridor. The City-owned cabinets include 14 green metal cabinets and 4 masonry cabinets in the Downtown corridor.

For the past year, staff has met regularly with news rack owners and stakeholders to identify ordinance update recommendations and suggested news rack related

management improvements. These collaborative meetings have resulted in a unified effort to amend the current ordinance in its entirety.

Staff made four presentations to the Architectural Board of Review (ABR) and Historic Landmarks Commission (HLC). The ABR and HLC direction and comments were incorporated in the proposed amended ordinance. On April 27, 2015, the ABR approved the staff and news rack owner/stakeholder recommendations for news rack colors, styles, and related aesthetic issues. These recommendations were also approved at the HLC meeting of May 6, 2015. See Attachment 1 for excerpts from the ABR and HLC meeting minutes and Attachment 2 for the approved news rack styles.

Pending Ordinance Committee approval, the next steps include Council review and approval, free registration of all news racks within the City, payment of fees by news rack owners and implementation of the updated ordinance. News rack owners with less than 30 news racks must be in compliance with the amended ordinance within 90 days after registration of the existing news rack. News rack owners who own more than 30 news racks may request City approval of an implementation plan that may take longer than 90 days; however, compliance is required before July 1, 2016.

BUDGET/FINANCIAL INFORMATION:

Currently, no City funds are budgeted for news rack inspection and management. Staff has proposed new news rack fees to replace current fees. These proposed fees would reflect cost recovery of anticipated staff time to manage, inspect, and enforce the proposed news rack ordinance update. Further, the proposed fee pertaining to City-owned cabinets in the Downtown corridor is to cover the cost of maintaining the cabinets.

The proposed news rack fees were presented to the Finance Committee on May 5, 2015, for their review and comments. The Finance Committee agreed with the proposed fees. The current and proposed fees are shown on Attachment 3.

- ATTACHMENTS:**
1. Excerpts from ABR and HLC Meeting Minutes
 2. ABR/HLC Approved News Rack Styles
 3. Proposed News Rack Fees
 4. Draft Ordinance Amending Chapter 5.66 of the Municipal Code

PREPARED BY: John Ewasiuk, Principal Civil Engineer/sk

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

- D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.
- 1) Ms. Gantz made the following announcements:
 - a) Board Member Tripp will be stepping down on Items 6 and 7 at 401 E. Haley Street and 412 E. Haley Street, respectively;
 - b) Board Member Miller will be stepping down on Item 2 at 110 S. Hope Avenue; and
 - c) Board Member Poole will attend the meeting from 3:00 p.m. – 5:45 p.m.
- E. Subcommittee Reports.
No reports were made.

CONCEPT REVIEW - CONTINUED ITEM

1. CITYWIDE NEWS RACKS ROW Zone

(3:15) Assessor’s Parcel Number: 000-000-0RW
 Application Number: MST2014-00599
 Owner: City of Santa Barbara

(Proposal to update the City's News Rack Ordinance in order to provide more effective news rack management and maintenance.)

(Second Concept Review. Action may be taken if sufficient information is provided. Project was last reviewed on February 2, 2015.)

Actual time: 3:09 p.m.

Present: John Ewasiuk, Principal Civil Engineer.

Public comment opened at 3:27 p.m.

- 1) Elizabeth Wright, expressed support with submitted personal suggestions as a self-appointed “community liaison”.
- 2) Joe Cole, Agent for the SB Independent, expressed support as an independent distributor representative.

Public comment closed at 3:30 p.m.

Board comments:

- 1) No advertizing would be allowed on the new rack boxes or pedestals.
- 2) A majority of the Board is in support of clean, simple, and uniform smaller size new racks with a minimalistic design (#KJ-50E).
- 3) If multiple rack boxes are used, a majority of the Board was in favor of smaller size boxes on a common rack, and positioned as close together as possible.
- 4) Standardize and minimize the size of the newspaper and magazine logos and contact information as much as possible, to be placed only on the front centered bottom portion of the boxes so as not to be seen from the street.
- 5) A majority of the Board found supportable an overall Malaga green color, including support post.



City of Santa Barbara Planning Division

HISTORIC LANDMARKS COMMISSION MINUTES

Wednesday, May 6, 2015

David Gebhard Public Meeting Room: 630 Garden Street

1:30 P.M.

COMMISSION MEMBERS:

- PHILIP SUDING, *Chair*
- BARRY WINICK, *Vice-Chair*
- MICHAEL DRURY
- WILLIAM LA VOIE
- BILL MAHAN
- FERMINA MURRAY
- JUDY ORÍAS
- CRAIG SHALLANBERGER
- JULIO JUAN VEYNA

ADVISORY MEMBER:

DR. MICHAEL GLASSOW

CITY COUNCIL LIAISON:

DALE FRANCISCO

PLANNING COMMISSION LIAISON:

SHEILA LODGE

STAFF:

- JAIME LIMÓN, Design Review Supervisor / Historic Preservation Supervisor
- NICOLE HERNÁNDEZ, Urban Historian
- JOANNA KAUFMAN, Planning Technician
- GABRIELA FELICIANO, Commission Secretary

Website: www.SantaBarbaraCA.gov

An archived video copy of this regular meeting of the Historic Landmarks Commission is viewable on computers with high speed internet access on the City website at www.santabarbaraca.gov/hlc and then clicking on the Videos under Explore.

CALL TO ORDER.

The Full Commission meeting was called to order at 1:30 p.m. by Chair Suding.

ATTENDANCE:

Members present: Drury, La Voie, Mahan, Orías, Shallanberger, Suding, and Winick.

Members absent: Murray and Veyna.

Staff present: Limón (until 2:25p.m. and again at 3:08 p.m. until 3:25 p.m.), Hernández (until 6:25 p.m.), Kaufman, and Feliciano.

GENERAL BUSINESS:

A. Public Comment:

No public comment.

Motion: Continued to the Planning Commission with comments:

Proposal:

1. The project as proposed is not acceptable.
2. The thoroughness of the AUD and solar presentation is appreciated.

Setbacks:

3. The proposed setbacks from the street are appropriate and extremely important, but they are too narrow.
4. The side and rear setbacks from the historic resource are not appropriate for this site.

Size, bulk and scale:

5. The size, bulk and scale are not appropriate for this site.
6. The proposed height is not compatible with the surrounding neighborhood with its one and two story buildings. The Commission finds the fourth story is unsupportable.
7. The massing needs to be reduced.
8. The density of the proposed number of units should be appropriate to the site, neighborhood, and adjacent historic resources not withstanding what the AUD would allow. The AUD should be appropriately applied to this site and the neighborhood.

Architecture/Design:

9. The design is too contemporary and should be restudied.
10. The architecture should be compatible with the historic context. The project should respect the adjacent historic resources and should be compatible with the neighborhood.
11. Restudy the courtyard concept. Look to the historic El Paseo’s courtyard for inspiration.
12. The north elevation should be treated as a primary elevation and not as a back-of-house. It is viewed from a significant historic resource and is adjacent to Anacapa School which is diminutive in scale.

Landscaping:

13. The loss of landscaping is of concern. Significant trees on the site should be retained. Landscaping should be used to tie the project into the neighborhood.

Mixed-Use:

14. The multi-use aspect, especially the commercial component, should take into consideration the amenities of the neighborhood and the project, and the needs of future residents.

Action: Winick/Drury, 7/0/0. (Murray/Veyna absent.) Motion carried.

**** THE COMMISSION RECESSED FROM 5:40 PM TO 5:47 PM ****

CONCEPT REVIEW - CONTINUED

7. **CITYWIDE NEWS RACKS** ROW Zone
 (5:00) Assessor’s Parcel Number: 000-000-0RW
 Application Number: MST2014-00599
 Owner: City of Santa Barbara
 (Proposal to update the city's news rack ordinance in order to provide more effective news rack management and maintenance.)

(Second Concept Review; action can be taken if sufficient information is provided. Project last reviewed on February 11, 2015.)

Actual time: 5:47 p.m.

Present: John Ewasiuk, Principal Engineer

Public comment opened at 5:57 p.m.

Elizabeth Wright, local community liaison, spoke in support of the project and requested consistency. She also asked that there be less news racks in front of the main post office downtown. She urged the public to report graffiti on news racks to the graffiti hotline.

Mike Park, Santa Barbara News-Press representative, spoke in support of the project and expressed appreciation for the collaboration between staff and news rack owners.

Scott Kaufman, Santa Barbara Independent representative, spoke in support of the project and expressed appreciation for staff's efforts to offer newspapers in an attractive way.

Public comment closed at 6:01 p.m.

Motion: Project Design Approval with recommendations to the Ordinance Committee in the process of updating the city's news rack ordinance:

1. Malaga green shall be used for the news rack boxes and pedestals in El Pueblo Viejo Landmark District.
2. Double periodical racks shall be consolidated as well as the single racks.
3. New installations shall be placed inside the sidewalk and/or near a wall rather than on the curb.
4. The smaller bases shall be less obtrusive.

Action: Mahan/Drury, 7/0/0. (Murray/Veyna absent.) Motion carried.

CONCEPT REVIEW – CONTINUED / HISTORIC STRUCTURES REPORT

8. **713 SANTA BARBARA ST** C-2 Zone

(5:20) Assessor's Parcel Number: 031-081-007
 Application Number: MST2014-00390
 Owner: Santa Barbara Historical Society
 Architect: Richard Redmond

(This is a revised project description. Proposal to install a new air-conditioning compressor unit on a concrete base adjacent to the northeastern corner of the Historic Adobe at the Santa Barbara Historical Museum. No changes are proposed to the existing Covarrubias Adobe or the Santa Barbara Historical Museum buildings. Both the Historic Adobe (1825) and the Covarrubias Adobe (1830) are City and State Designated Historic Landmarks. The Santa Barbara Historical Museum is on the City's List of Potential Historic Resources.)

a) (Historic Structures/Sites Report prepared by Alex Cole. Report concludes the project would have a less than significant impact on the significant historic resource.)

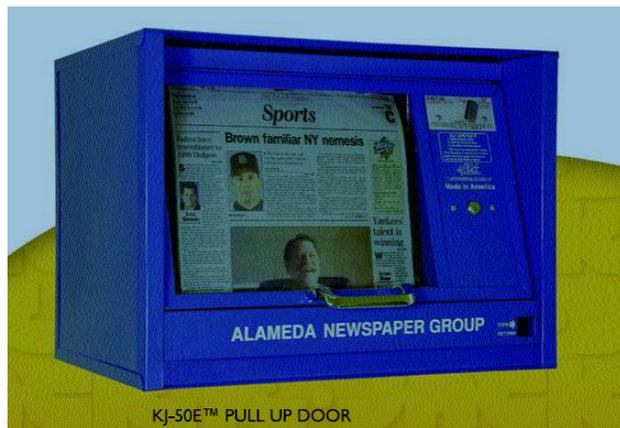
Actual time: 6:17 p.m. and again at 6:23 p.m.

Present: Alex Cole, Historical Consultant
 Richard Redmond, Architect
 Warren Miller, Santa Barbara Historical Society

ABR/HLC Approved News Rack Styles



K-JACK Model KJ-125T



INSERTED INTO CITY NEWS RACK CABINETS & ON PEDESTALS

E. News Racks (SBMC 5.66)

Registration (1 to 10 racks)	\$18.54/box
Registration (over 10 racks)	\$8.76/box
Annual fee	\$13/box
Annual fee for news racks in City cabinets (in addition to the annual fee)	\$18/box
Application fee for a new news rack	\$236

Ordinance for Introduction

DRAFT

June 30, 2015

SHOWING CHANGES FROM CURRENT CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 5.66 OF THE MUNICIPAL CODE IN ITS ENTIRETY

5.66.010 Purpose and Legislative Findings

A. Purpose. The purpose of this chapter is to promote the public health, safety, and welfare by establishing objective standards for locating news racks through the regulation of location, appearance, size, and maintenance of news racks on City rights-of-way in order to:

1. Protect the right to distribute information, protected by the United States and California Constitutions, through the use of news racks.
2. Provide for pedestrian and vehicular safety and convenience.
3. Minimize interference with the flow of pedestrian or vehicular traffic, including but not limited to ingress into or egress from any place of business or residence, from the street to the sidewalk or from parked vehicles to the sidewalk, by establishing objective standards for locating news racks.
4. Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes, and similar appurtenances, and access to locations used for public transportation purposes.
5. Reduce visual blight on City streets, promote tourism, encourage well-designed and aesthetically compatible news racks, and protect the aesthetics and value of surrounding properties.

B. Legislative Findings. The City Council finds that, with the exception of those regulations governing the display of harmful matter, the time, place and manner restrictions established by this chapter are content-neutral, narrowly tailored to serve significant government interests, and leave open ample alternative channels of communication in that:

1. The news rack location, appearance, size, and maintenance regulations established in this chapter apply regardless of the content of the publication.
2. The news rack location, appearance, size, and maintenance regulations established in this chapter serve a substantial government interest by protecting the aesthetic appearance of the City, avoiding visual clutter,

assuring safe and convenient pedestrian circulation, helping to promote tourism and economic vitality, and preventing dangerous installations of news racks.

3. The number, size, construction, placement and appearance of news racks can have a significantly adverse visual impact in designated Landmarks District like El Pueblo Viejo and other aesthetically sensitive areas.
4. The Downtown Plaza has become very congested, with street furniture and other sidewalk encroachments, automobiles, and other means of travel competing with pedestrians for the public space; and that special standards for the design and location of news racks, in conjunction with a program for the furnishing and installation of uniform street furniture, and the enforcement of existing regulations for other encroachments in the downtown commercial area, will help to create a sense of order and provide a friendly environment for those who come to the area. The Downtown Plaza is both crucial and unique for the City because it is the congregating point for most tourism and establishes the basic character of the City.
5. The news rack location, appearance, size, and maintenance regulations established in this chapter for the Downtown Plaza leaves open ample alternative channels of communication in that only a small fraction of the City is subject to the required use of City owned and maintained modular news rack cabinets, and hundreds, if not thousands, of locations remain available in the City for the installation of privately owned and maintained news racks.
6. With respect to the display of harmful matter, there is a compelling government interest in protecting the welfare of minors by preventing access to materials deemed obscene as to minors, and that the use of blinder racks is a narrowly tailored solution to serve this interest.
7. Annual permit renewal fees for news racks located in City owned modular cabinets within the Downtown Plaza will be higher than registration fees for independently owned and maintained news racks due to depreciation of the condominiums and maintenance during the useful life of the modular cabinets.

5.66.020 Organization of this Chapter.

This chapter establishes the sole regulations governing the placement and maintenance of news racks within the City. This chapter establishes application and permit requirements including location, appearance, size, and maintenance standards for all news racks in the City. In addition, this chapter establishes special time, place and manner regulations for the Downtown Plaza where City owned and maintained modular news rack cabinets have been installed. In the Downtown Plaza, freestanding private news racks are not permitted. This chapter also establishes regulations governing the display of harmful matter in news racks. Finally, this chapter establishes definitions of the significant terms it uses.

5.66.030 Definitions

For the purposes of this chapter, the following words and phrases are defined and shall be given the meaning set out in this section unless it is apparent from the context that a different meaning is intended:

- A. **ABANDONED NEWS RACK.** Any news rack which remains empty for fourteen (14) consecutive days. A news rack or news rack unit within a City owned modular cabinet without a permit or expired permit. Notwithstanding the forgoing, a news rack remaining empty due to labor strike or any temporary and extraordinary interruption of distribution or publication by the newspaper or other publication sold or distributed from that news rack shall not be deemed abandoned.
- B. **BEACHFRONT AREA.** Cabrillo Boulevard/Shoreline Drive between the easterly end of Shoreline Park and the intersection of Cabrillo Boulevard and Channel Drive.
- C. **CITY INVENTORY.** The record of approved applications, permits and field inventory data that may be established and updated from time to time by the City.
- D. **DOWNTOWN PLAZA.** State Street and within 200 feet of State Street between its intersection with Cabrillo Boulevard and Victoria Street, and all publicly owned or controlled paseos or walkways which connect with State Street between Cabrillo Boulevard and Victoria Street.
- E. **FEES.** Annual permit fee for each news rack and the additional fee for news racks in the City modular news rack cabinets shall be established by Council resolution in an amount not to exceed the actual costs of the news rack program including permitting, inspection, and administration. This fee may be adjusted annually for inflation by the percentage change in the Consumer Price Index for Urban Consumer (CPI-U) of the Los Angeles – Riverside – Orange County, CA as published by the Bureau of Labor Statistics, commencing on July 1, 2016. Indexing shall be considered as part of the annual fee resolution update.
- F. **EXISTING NEWS RACK.** Any news rack located within the City, including news racks located within City modular cabinets in the Downtown Plaza, prior to of the effective date of this Ordinance, which has been verified by the City Inventory as of the effective date of this Ordinance.
- G. **LANDMARKS DISTRICT.** A district established pursuant to Chapter 22.22 of the Code.
- H. **NEWS RACK.** Any self-service or coin-operated box, container, storage unit or other dispenser, installed, used or maintained for the display, distribution or sale of any written or printed material, including but not limited to, newspapers, news periodicals, magazines, books, pictures, photographs, advertising circulars, and records (hereinafter collectively referred to as "news rack material").
- I. **OWNER.** The person or representative of a business with current City Business License duly responsible for news rack ownership, application submittal, application requirements, placement, maintenance, removal, payment of fees and signatory of the permit for a news rack in a right of way. Owner may also be referred to as person, applicant, distributor, publisher or vendor.

- J. **PARKWAY.** The area between the sidewalk and the curb of a street and, where there is no sidewalk, the area between the edge of the roadway and the nearest right of way boundary line and any area within a roadway not used for vehicular traffic.
- K. **PERSON.** An individual, corporation, business entity, or association, and their principals, officers, agents or employees.
- L. **PUBLIC PROPERTY.** Public property refers to all improved or unimproved real property owned, maintained, or leased by a public agency or governmental entity.
- M. **PUBLIC WORKS DIRECTOR.** The Director of the City Public Works Department or his or her designee.
- N. **RIGHT OF WAY.** Any public property under the ownership and control of the City and used for public street and related purposes.
- O. **ROADWAY.** The portion of a right of way designed and used for vehicular traffic.
- P. **SHARED PEDESTAL.** The foundation, columns, and rack assembly used for attachment of multiple news rack units and maintained by designated owner according to the annual permit.
- Q. **SIDEWALK.** Any public surface provided for the use of pedestrians.
- R. **STREET.** That area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys, and sidewalks.

5.66.040 Permit Required

It is unlawful for any person to install, place or maintain a news rack on or projecting onto public property, roadways, streets, sidewalks, or right of way unless and until a news rack has been registered and an annual permit has been obtained from the Public Works Director. No other City permit shall be required.

5.66.050 Application, Registration and Standards for Permit Issuance.

- A. **Submittal of Applications.** Applications for news rack permits shall be made to the Public Works Director on forms established by the City with payment of an annual permit application fee. Applications that are on file with the City that have current information may be used for permit of subsequent annual permits.
 1. **Proposed New Installation or Relocation of News Rack.** An application shall be approved and permit granted if the application proposes a new installation or relocation of a news rack in conformance with all requirements of this chapter. An application that proposes new installation of a news rack not in conformance with all requirements of this chapter shall be denied and no permit issued.
 2. **Existing News Rack with Current Permit.** Existing news racks with evidence of an existing permit are subject to submittal of application and annual permit fee.
 3. **Existing News Rack without Current Permit.** News racks located within the City prior to enactment of this Ordinance, which have been verified by the current City Inventory, without evidence of a current permit will be required to

submit an application and obtain an annual permit pursuant to subparagraph B, below.

4. Existing New Racks in City Modular Cabinets in the Downtown Plaza. News Racks in the City Modular Cabinets in the Downtown Plaza prior to enactment of this Ordinance, which have been verified by the City Inventory upon the effective date of this Ordinance may continue to remain in use in the same location by the same owner and publication if an application is submitted, and approved.

5. Existing City Modular Cabinets that Become Available in the Downtown Plaza after the Effective Date of the Ordinance. With respect to permits for news racks located in City owned modular cabinets that become available due to abandonment, applications shall be received and approved for that specific location on a first-come first-served basis.

6. New City Modular Cabinet Spaces for News Racks Located within the City Downtown Plaza. With respect to permits for news racks that are newly installed by the City in the Downtown Plaza an initial implementation period shall take place, at which time the City shall accept permit applications for the new spaces for a period of sixty (60) calendar days from the rack becoming installed. Permits shall be issued within twenty (20) days of the last day of the initial implementation period in accordance with subparagraphs a) and b) of this section.

- a) **Initial Implementation Period for Permit Applications Fewer than the Number of Available Cabinets.** Where fewer permit applications are received during the initial implementation period than the number of available cabinets, applications will be approved on a first come first-served basis. If there is more than one application for a specific geographic location pending, then the priority for granting the applications shall be set forth in subparagraph b) of this section.
- b) **Initial Implementation Period for Permit Applications Greater than the Number of Available Cabinets.** If permit applications exceed the number of potential locations that are then available, priority shall be given based on frequency of publication, with the higher priority given to publications for which new editions or issues were published on a daily or weekly basis in the full calendar month preceding the date of application. If no applications are submitted by publications issued on a daily or weekly basis, then priority shall next be given based on frequency of publication based on the number of new editions or issues published most frequently in the full calendar month preceding the date of application. Within groups of applicants with the same priority, permits shall be granted to the maximum allowable in a block by the drawing of lots in a process established by the Public Works Director. It shall be a condition of any permit granted according to a priority set forth in this

section to maintain editions in the news rack according to the frequency for which the priority was given.

- B. Registration and Application for Existing News Rack.** Any Owner of existing news racks, including existing new racks located within City modular cabinets in the Downtown Plaza, shall within thirty (30) days of the effective date of this Chapter, provide the City with Owner's news rack registration numbers and location consistent with the City Inventory. The registration of the existing news rack shall be the basis for accepting applications for the initial annual permit of existing news racks. Any Owner of an existing news rack shall then within ninety (90) days of registration, submit an application for an annual permit and pay fees to obtain a City annual permit pursuant to Section 5.66.050C., and shall from the date and permitting be subject to the provisions of this Chapter. The Public Works Director may approve alternative compliance and permitting schedules, which shall not extend beyond the fiscal year of the effective date of this Ordinance for owners of thirty (30) or more registered existing news racks. Failure to obtain an approved annual permit within ninety (90) days or the date specified by the Public Works Director in the approved alternate schedule shall subject the existing news rack to enforcement and removal pursuant to Section 5.66.100. The initial permit is valid for the remainder of the fiscal year and shall be renewed pursuant to section 5.66.060. Permit fees shall not be reduced or prorated based off the remaining months in the fiscal year for which the permit issues.
- C. Contents of Application.** Applications forms will be provided by the Public Works Director and shall include all of the following information :
1. The applicant's name, street and mailing address, email address, and telephone number for the purposes of receiving copies of notices of violations and other official communications. The name, street and mailing address, email address and telephone number of the owner of each publication subject to the permit(s); For news rack not in the City Inventory, the application will include a description of the exact proposed location, including a map or site plan, drawn to scale, with adequate location information to verify conformance with this chapter.
 2. For news racks not in the City Inventory, the application will include a description of each proposed news rack, including its dimensions, brand and model type, the number of publication spaces it will contain, and whether it contains a coin-operated mechanism;
 3. The name and frequency of publication of each publication to be contained in each news rack.
 4. A statement signed by the news rack owner that the owner agrees to indemnify, defend and hold harmless, the City and its representatives from all claims, demands, loss, fines or liability to the extent arising out of or in connection with the installation, location, use or maintenance of any news rack on public property by or on behalf of any such person, except such injury or harm as may be caused solely and exclusively by the negligence of the City or its authorized representatives.

5. A statement signed by the applicant that the applicant agrees, upon removal of a news rack, to repair at applicant's cost, any damage to the public property caused by the news rack or its removal.

6. An acknowledgement that prior to the issuance of the Permit, the owner shall deposit with the Public Works Director a certificate of insurance evidencing that a liability insurance policy in minimum amounts set by the City Risk Manager has been issued, naming the City as an additional insured under the same terms and conditions as the primary insured, and containing a provision that the policy cannot be cancelled except upon ten (10) days' advance written notice to the City of the fact of such cancellation; and that if such insurance is cancelled at any time during the terms of such permit, same shall be grounds for revocation of the said permit.

D. Review of Application. A permit shall be granted or denied within twenty (20) business days after a completed application is filed in conformance with this ordinance. If a permit is denied, the City shall, within ten (10) business days, mail to the owner a notice of denial that identifies the reasons for denial. Applicant may resubmit an updated application that has been denied, one time, within ten (10) business days from the date of denial without payment of a new application fee. Failure to complete the application review and obtain permit within ninety (90) business days shall void the application.

E. Issuance of Permit. Upon approval of a news rack application the City shall issue a Public Works Permit that applies to the news rack at the approved location for the remainder of the fiscal year. If an annual permit is obtained after the beginning of a fiscal year, the permit shall expire at the end of the fiscal year without a reduction in fees. The Public Works Permit shall be signed by the applicant as the agreement to conform to the requirements of this ordinance. Permits shall be renewed per Section 5.66.060. Upon issuance of permit for new or replaced news rack the City will provide a registration sticker and update the City Inventory. Each registration sticker provided shall be affixed to the top front metal door frame of each corresponding permitted news rack.

5.66.060 Renewal Term.

A news rack permit shall be valid for a period of one fiscal year or the remainder of the fiscal year during which the permit is obtained and shall be renewed each successive fiscal year period by timely payment of a renewal fee established by resolution of the City Council.

5.66.070 General Standards.

A. Each new, replaced, or relocated news rack shall conform to the following general standards. No news rack permit application shall be approved unless it is demonstrated that the proposed news rack or news racks will conform to each of the following general standards. It is unlawful for any person to install, place or maintain a news rack in violation of any of the provisions of this section.

1. No news rack shall project onto, or rest upon, along or over, any part of the roadway of any public street.
2. No news rack shall, in whole or in part, rest upon, in or over any sidewalk or Parkway when such site or location is used for public utility purposes, public transportation purposes, or other government use, or the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location, or when such news rack interferes with the cleaning of any sidewalk or street by the use of mechanical sidewalk cleaning machinery.
3. Any news rack which in whole or in part rests upon, in or over any sidewalk or parkway shall comply with the following conditions:
 - a) No news rack shall exceed fifty one inches in height, thirty (30) inches in width, or two (2) feet in depth, except that news racks located in the Beachfront Area shall not exceed forty-eight (48) inches in height measured from the sidewalk to the top of the news rack, unless approved and permitted by the Public Works Director.
 - b) Name, address and telephone number, and email address of the owner of the news rack shall be displayed on the front of the news rack in such a manner as to be readily visible to and readable by a prospective customer. A sticker shall be affixed to each news rack stating, "For graffiti and maintenance reporting please email or call the Owner at (insert email address) or (insert phone number) with registration number." The owner shall keep this contact information up to and shall maintain a written record of reporting for a period of one year to be provided to the City upon request.
 - c) News racks located in the Landmarks District will not have an adverse impact on access to, or views of designated landmarks, structures of merit, or structures of interest. News racks in the Landmarks District shall carry no advertising except the name of the newspaper or periodical being dispensed on the bottom one third (1/3) of the plastic hood or, if there is no plastic hood on the news rack, the name shown at not more than two locations on the news rack.
 - d) News racks shall be painted Malaga Green (also identified as RAL 6005). Any shared pedestals supporting news racks shall be painted black, except in the Landmarks District, the pedestals shall be painted Malaga Green.
 - e) News racks shall only be placed near a curb or adjacent to the wall of a building. The City shall determine the final locations. News racks placed near the curb shall be placed such that the back of the news rack shall be no fewer than eighteen (18) inches nor greater than twenty-four (24) inches from the face of the curb. News racks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six (6) inches from the wall. No news

rack shall be placed or maintained on a sidewalk or parkway opposite a news stand or another news rack.

- f) If eight (8) or more news racks are placed at a single location, whether placed on a single pedestal or shared pedestal mounts, shall be placed next to each other and a space of no fewer than three (3) feet shall separate each such group, except as permitted at the direction of the Public Works Director.
- g) News racks shall not be affixed or bolted to a sidewalk improved with decorative tile or other distinctive surface, except as permitted at the direction of the Public Works Director.
- h) Each news rack installed on the public sidewalk shall be bolted to the City sidewalk in accordance with City standards and specifications.
- i) News racks may not be chained or otherwise attached to one another; nor to any street sign, street light pole, traffic signal equipment, power pole, bike rack, public bench, bus shelter, or other public street furniture.
- j) No news rack shall weigh in excess of 250 pounds when empty.
- k) New news racks shall be “K-Jack” model KJ-50E, KJ-100, or KJ-125T, or equivalent, unless otherwise approved by the Public Works Director.
- l) No news rack shall be placed, installed, used or maintained:
 - i. Within ten (10) feet of any marked or unmarked crosswalk;
 - ii. Within five (5) feet of any fire hydrant, fire call box, police call box, traffic signal controller, or traffic signal;
 - iii. Within three (3) feet of any utility meter, manhole, service box, parking meter, street light pole or other public works facility;
 - iv. Within ten (10) feet of any driveway or alley approach;
 - v. Within five (5) feet of a bike rack;
 - vi. Within four (4) feet of any bus boarding and a lighting area consisting of the bench and/or shelter, sign and clear zones for boarding and alighting of busses as required by the Americans with Disabilities Act;
 - vii. Within three (3) feet of any bus bench or public bench;
 - viii. At any location whereby the clear space for the passage of pedestrians is reduced to less than four (4) feet;
 - ix. Within four (4) feet of any permitted sidewalk dining area;
 - x. Within the boundary of a marked valet parking area or loading zone, or as otherwise restricted by the Americans with Disabilities Act.

B. Condition and Maintenance of News Racks. Each news rack shall be maintained in a clean and neat condition and in good repair at all times. Without limiting this general obligation, the following maintenance criteria shall apply to all new and existing news racks:

1. Each news rack shall be routinely maintained and serviced so that it is reasonably free of:
 - a) Dirt and grease;
 - b) Chipped, faded, peeling, and cracked paint or graffiti on any visible painted areas;
 - c) Rust and corrosion on any visible unpainted metal areas;
 - d) Cracks, dents, blemishes, and discoloration in the clear plastic and glass parts, if any, through which publications are viewed;
 - e) Tears, peeling, or fading in the paper or cardboard parts and inserts;
 - f) Broken and misshapen structural parts; and
 - g) Unauthorized stickers on any surface of the rack.
2. Each news rack, including any coin-return mechanism, shall be mechanically operable at all times.
3. News racks shall contain current editions of the publication for which the permit was issued and new editions placed in the news rack at no less than the frequency for which any priority was given for a permit in that location. Owner shall inform the Public Works Director of all changes to frequency of publication within five (5) business working days of said changes.
4. No news rack shall be used for advertising signs other than that directly related to the display, sale or purchase of the publication sold therein.
5. No news rack shall remain empty for a period of fourteen (14) consecutive days or longer.
6. No news rack may contain a publication other than the ones for which the permit was issued.
7. Each news rack shall have the name, address, and telephone number of the Owner, as described in subsection A.3.b) above, as well as the City registration number, affixed to the front of the news rack in a place where it may be easily seen by anyone viewing the news rack.
8. Shared pedestals shall be registered to a single owner of a permitted news rack which is affixed to the shared pedestal. Any shared pedestal that has not been permitted to a single news rack owner within one hundred twenty (120) days of the effective date of this Ordinance will be deemed abandoned and will result in the City posting and removing the shared pedestal and news racks in accordance with Section 5.66.100.
9. Shared pedestals shall be fully occupied by the maximum number of news racks designed to be affixed to the shared pedestal. The owner shall notify the City in writing prior removing units from shared pedestal. Failure to maintain the shared pedestal with the maximum number of new racks for fourteen (14) consecutive days will result in its removal pursuant to section 5.66.100. Shared pedestals may be modified to fit remaining news racks with City approval and revisions to the annual permit. Where a shared pedestal is not maintained in a fully occupied condition it shall be removed and the location restored to its previous condition by the owner of the shared pedestal, including, but not limited to, repair of any portion of the

sidewalk or parkway damaged by the pedestal or its removal, and according to specifications provided by the Public Works Director. An acceptable repair is typically filling in the holes required for securing the news rack to the concrete. Failure to remove the shared pedestal will result in the City posting and removing the shared pedestal and affixed news racks in accordance with Section 5.66.100.

10. When use of a news rack is discontinued for a period of fourteen (14) consecutive days or longer, it shall be removed, along with its shared pedestal if applicable, and the location restored to its previous condition by the news rack owner, including, but not limited to, repair of any portion of the sidewalk or parkway damaged by the news rack or its removal, and according to specifications provided by the director. Failure to remove the news rack will result in the City posting and removing the news rack in accordance with Section 5.66.100
 11. Existing news racks that require painting, shall be painted Malaga Green unless otherwise approved by the Public Works Director. When painting is required, the pedestal and base shall be painted black, except that pedestals and base in the Landmarks District shall be painted Malaga Green.
 12. News Racks with a current annual permit that are removed for maintenance and substituted in kind, and in compliance with this section, will not be required to obtain a new permit due to the substitution. The owner shall notify City Public Works of the in kind substitution in writing prior to the substitution.
- C. Costs.** The costs of installation, maintenance, replacement, removal and relocation of news racks or shared pedestals shall be at the sole expense of the news rack owner. Upon removal of a news rack, the owner shall, at his or her sole expense, cause the public right of way and any improvements thereon to be promptly restored to the satisfaction of the Public Works Director in a condition which would have existed had the news rack not been placed at that location. If those repairs are not made within seven (7) days of removal of the news rack, the City may undertake that repair work and collect from the owner the costs thereof, including reasonable attorneys' fees and related costs of collection.

5.66.080 Downtown Plaza Requirements.

- A. Finding of Special Circumstances.** The City Council hereby finds that special circumstances require special design, placement and other standards for news racks located in the Downtown Plaza, and any other area which may be designated by City Council upon findings that the special circumstances of the area require special design, placement and other standards for news racks.
- B. Special Standards and Placement.** Notwithstanding any contrary provisions in this chapter, no news rack shall be located in the Downtown Plaza except within a City modular news rack cabinet (hereinafter referred to as a "City news rack cabinet") owned and provided by the City. All news racks to be inserted into a City news rack cabinet shall be provided by the applicant at its sole expense.

5.66.090 Prohibition on the Display of Harmful Matter.

No material which is harmful to minors, as defined in Section 313 of the Penal Code of the State, shall be displayed in a public place, other than a public place from which minors are excluded, unless blinder racks are placed in front of the material so that the lower two-thirds (2/3) of the material is not exposed to view.

5.66.100 Removal of News Racks; Required Hearing.

- A. Removal by the City.** Any news rack or shared pedestal, installed or maintained in violation of this chapter may be removed by the City, subject to the notice and hearing procedures set forth in this section.
- B. Notice of Violation.** Before removal of any news rack, the City shall notify the Owner or distributor of the violation by written notification via first class mail to the address or addresses shown on the offending news rack, which shall constitute adequate notice. Before removal of any shared pedestal, written notification will be sent via first class mail to all owners of the news racks affixed to the offending pedestal. The City may, but need not, affix an additional notice tag onto the offending news rack or shared pedestal. If no identification is shown on the news rack, posting of the notice on the news rack alone shall be sufficient. The notice shall state the nature of the violation, shall specify actions necessary to correct the violation, and shall give the owner or distributor ten (10) business days from the date appearing on the notice to either remedy the violation or to request a meeting before the Public Works Director. The date on the notice shall be no earlier than the date on which the notice is mailed or affixed to the news rack, as the case may be.
- C. Meeting and Decision.** Any owner or distributor notified under Subsection B may request a meeting with the Public Works Director by making a written request within ten (10) business days from the date appearing on the notice. The meeting shall be informal, but oral and written evidence may be given by both sides. The Public Works Director shall give his or her written decision within ten (10) business days after the date of the meeting. Any action by the City to remove the news rack shall be stayed pending the written decision of the Public Works Director following the meeting.
- D. Removal and Impoundment.** The City may remove and impound a news rack or shared pedestal in accordance with this section following the written decision of the Public Works Director upholding the determination of a violation, or if the owner or distributor has neither requested a meeting nor remedied the violation within ten (10) business days from the date on the notice. An impounded news rack shall be retained by the City for a period of at least thirty (30) calendar days following the removal, and may be recovered by the owner upon payment of a fee as may be established by resolution. An impounded news rack and its contents may be disposed of by the City after thirty (30) calendar days.
- E. Summary Abatement.** Notwithstanding the provisions of Subsections B and C, prior notice and an opportunity to be heard shall not be required before removal of any news rack or shared pedestal that is installed or maintained in such a

place or manner as to pose an immediate or clear and present danger to persons, vehicles or property or any news rack that is placed in any location without a permit. In such case, the City shall proceed in the following manner:

1. Within one (1) working day following removal, the City shall notify the Owner by telephone of the removal. In the case of an unpermitted news rack or shared pedestal, where possible, the City shall notify the Owner of the news rack or a person whose name is shown on the news rack, by telephone of the removal. Within three (3) business days, the Public Works Director or designee shall send written confirmation of the telephoned notice. The written confirmation shall contain the reasons for the removal and information supporting the removal, and shall inform the recipient of the right to request, in writing or in person, a post-removal meeting within four (4) business days of the date of such written notice.
2. Upon timely request, the Public Works Director shall provide a meeting within two working days of the request, unless the requesting party agrees to a later date. The proceeding shall be informal, but oral and written evidence may be given by both sides. The Public Works Director shall give his or her decision in writing to the requesting party within two working days after such meeting. If the Public Works Director finds that the removal was in accordance with this chapter and City regulations, he or she shall notify the requesting party to pay any applicable penalties and costs and recover the news rack. If the Public Works Director finds that the removal was improper and that placement of the news rack was in accordance with City regulations and lawful, the Public Works Director shall order that the news rack be released and reinstalled without charge.
3. If the owner of an unpermitted news rack cannot be determined and the news rack does not contain the required identification, no notice of the removal shall be required.

5.66.110 Abandoned News Racks.

An abandoned news rack or shared pedestal may be removed by the City and impounded, pursuant to the notice and hearing procedures set forth in Section 5.66.100. The City may dispose of the news rack or shared pedestal if the owner does not claim the news rack and pay any required fees within thirty (30) days of its removal.

5.66.120 Public Nuisance.

The operation or maintenance of any news rack or shared pedestal contrary to the provisions of this chapter shall constitute a public nuisance, which in addition to or in lieu of criminal proceedings, may be abated, removed or enjoined by appropriate legal action brought by the City Attorney.

5.66.130 Severability.

If any section, sentence, clause, phrase or provision of this chapter, or the application thereof to any person or circumstances, is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions or provisions of this chapter or their applicability to distinguishable situations or circumstances. In enacting this chapter, it is the desire of the City Council to regulate validly to the full measure of its legal authority in the public interest. To that end, the City Council would have adopted this chapter and each section, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions thereof might be invalid, in whole or in part, as applied to any particular situation or circumstance, and, to this end, the provisions of this chapter are intended to be severable.

Ordinance for Introduction

DRAFT

June 30, 2015

SHOWING CHANGES FROM CURRENT CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 5.66 OF THE MUNICIPAL CODE IN ITS ENTIRETY

5.66.010 Purpose and Legislative Findings

A. Purpose. The purpose of this chapter is to promote the public health, safety, and welfare by establishing objective standards for locating news racks through the regulation of location, appearance, size, and maintenance of news racks on City rights-of-way in order to:

1. Protect the right to distribute information, protected by the United States and California Constitutions, through the use of news racks.
2. Provide for pedestrian and vehicular safety and convenience.
3. Minimize interference with the flow of pedestrian or vehicular traffic, including but not limited to ingress into or egress from any place of business or residence, from the street to the sidewalk or from parked vehicles to the sidewalk, by establishing objective standards for locating news racks.
4. Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes, and similar appurtenances, and access to locations used for public transportation purposes.
5. Reduce visual blight on City streets, promote tourism, encourage well-designed and aesthetically compatible news racks, and protect the aesthetics and value of surrounding properties.

B. Legislative Findings. The City Council finds that, with the exception of those regulations governing the display of harmful matter, the time, place and manner restrictions established by this chapter are content-neutral, narrowly tailored to serve significant government interests, and leave open ample alternative channels of communication in that:

1. The news rack location, appearance, size, and maintenance regulations established in this chapter apply regardless of the content of the publication.
2. The news rack location, appearance, size, and maintenance regulations established in this chapter serve a substantial government interest by protecting the aesthetic appearance of the City, avoiding visual clutter,

- assuring safe and convenient pedestrian circulation, helping to promote tourism and economic vitality, and preventing dangerous installations of news racks.
3. The number, size, construction, placement and appearance of news racks can have a significantly adverse visual impact in designated Landmarks District like El Pueblo Viejo and other aesthetically sensitive areas.
 4. The Downtown Plaza has become very congested, with street furniture and other sidewalk encroachments, automobiles, and other means of travel competing with pedestrians for the public space; and that special standards for the design and location of news racks, in conjunction with a program for the furnishing and installation of uniform street furniture, and the enforcement of existing regulations for other encroachments in the downtown commercial area, will help to create a sense of order and provide a friendly environment for those who come to the area. The Downtown Plaza is both crucial and unique for the City because it is the congregating point for most tourism and establishes the basic character of the City.
 5. The news rack location, appearance, size, and maintenance regulations established in this chapter for the Downtown Plaza leaves open ample alternative channels of communication in that only a small fraction of the City is subject to the required use of City owned and maintained modular news rack cabinets, and hundreds, if not thousands, of locations remain available in the City for the installation of privately owned and maintained news racks.
 6. With respect to the display of harmful matter, there is a compelling government interest in protecting the welfare of minors by preventing access to materials deemed obscene as to minors, and that the use of blinder racks is a narrowly tailored solution to serve this interest.
 7. Annual permit renewal fees for news racks located in City owned modular cabinets within the Downtown Plaza will be higher than registration fees for independently owned and maintained news racks due to depreciation of the condominiums and maintenance during the useful life of the modular cabinets.

5.66.020 Organization of this Chapter.

This chapter establishes the sole regulations governing the placement and maintenance of news racks within the City. This chapter establishes application and permit requirements including location, appearance, size, and maintenance standards for all news racks in the City. In addition, this chapter establishes special time, place and manner regulations for the Downtown Plaza where City owned and maintained modular news rack cabinets have been installed. In the Downtown Plaza, freestanding private news racks are not permitted. This chapter also establishes regulations governing the display of harmful matter in news racks. Finally, this chapter establishes definitions of the significant terms it uses.

5.66.030 Definitions

For the purposes of this chapter, the following words and phrases are defined and shall be given the meaning set out in this section unless it is apparent from the context that a different meaning is intended:

- A. **ABANDONED NEWS RACK.** Any news rack which remains empty for fourteen (14) consecutive days. A news rack or news rack unit within a City owned modular cabinet without a permit or expired permit. Notwithstanding the forgoing, a news rack remaining empty due to labor strike or any temporary and extraordinary interruption of distribution or publication by the newspaper or other publication sold or distributed from that news rack shall not be deemed abandoned.
- B. **BEACHFRONT AREA.** Cabrillo Boulevard/Shoreline Drive between the easterly end of Shoreline Park and the intersection of Cabrillo Boulevard and Channel Drive.
- C. **CITY INVENTORY.** The record of approved applications, permits and field inventory data that may be established and updated from time to time by the City.
- D. **DOWNTOWN PLAZA.** State Street and within 200 feet of State Street between its intersection with Cabrillo Boulevard and Victoria Street, and all publicly owned or controlled paseos or walkways which connect with State Street between Cabrillo Boulevard and Victoria Street.
- E. **FEES.** Annual permit fee for each news rack and the additional fee for news racks in the City modular news rack cabinets shall be established by Council resolution in an amount not to exceed the actual costs of the news rack program including permitting, inspection, and administration. This fee may be adjusted annually for inflation by the percentage change in the Consumer Price Index for Urban Consumer (CPI-U) of the Los Angeles – Riverside – Orange County, CA as published by the Bureau of Labor Statistics, commencing on July 1, 2016. Indexing shall be considered as part of the annual fee resolution update.
- F. **EXISTING NEWS RACK.** Any news rack located within the City, including news racks located within City modular cabinets in the Downtown Plaza, prior to of the effective date of this Ordinance, which has been verified by the City Inventory as of the effective date of this Ordinance.
- G. **LANDMARKS DISTRICT.** A district established pursuant to Chapter 22.22 of the Code.
- H. **NEWS RACK.** Any self-service or coin-operated box, container, storage unit or other dispenser, installed, used or maintained for the display, distribution or sale of any written or printed material, including but not limited to, newspapers, news periodicals, magazines, books, pictures, photographs, advertising circulars, and records (hereinafter collectively referred to as "news rack material").
- I. **OWNER.** The person or representative of a business with current City Business License duly responsible for news rack ownership, application submittal, application requirements, placement, maintenance, removal, payment of fees and signatory of the permit for a news rack in a right of way. Owner may also be referred to as person, applicant, distributor, publisher or vendor.

- J. PARKWAY.** The area between the sidewalk and the curb of a street and, where there is no sidewalk, the area between the edge of the roadway and the nearest right of way boundary line and any area within a roadway not used for vehicular traffic.
- K. PERSON.** An individual, corporation, business entity, or association, and their principals, officers, agents or employees.
- L. PUBLIC PROPERTY.** Public property refers to all improved or unimproved real property owned, maintained, or leased by a public agency or governmental entity.
- M. PUBLIC WORKS DIRECTOR.** The Director of the City Public Works Department or his or her designee.
- N. RIGHT OF WAY.** Any public property under the ownership and control of the City and used for public street and related purposes.
- O. ROADWAY.** The portion of a right of way designed and used for vehicular traffic.
- P. SHARED PEDESTAL.** The foundation, columns, and rack assembly used for attachment of multiple news rack units and maintained by designated owner according to the annual permit.
- Q. SIDEWALK.** Any public surface provided for the use of pedestrians.
- R. STREET.** That area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys, and sidewalks.

5.66.040 Permit Required

It is unlawful for any person to install, place or maintain a news rack on or projecting onto public property, roadways, streets, sidewalks, or right of way unless and until a news rack has been registered and an annual permit has been obtained from the Public Works Director. No other City permit shall be required.

5.66.050 Application, Registration and Standards for Permit Issuance.

- A. Submittal of Applications.** Applications for news rack permits shall be made to the Public Works Director on forms established by the City with payment of an annual permit application fee. Applications that are on file with the City that have current information may be used for permit of subsequent annual permits.
 - 1. Proposed New Installation or Relocation of News Rack.** An application shall be approved and permit granted if the application proposes a new installation or relocation of a news rack in conformance with all requirements of this chapter. An application that proposes new installation of a news rack not in conformance with all requirements of this chapter shall be denied and no permit issued.
 - 2. Existing News Rack with Current Permit.** Existing news racks with evidence of an existing permit are subject to submittal of application and annual permit fee.
 - 3. Existing News Rack without Current Permit.** News racks located within the City prior to enactment of this Ordinance, which have been verified by the current City Inventory, without evidence of a current permit will be required to

submit an application and obtain an annual permit pursuant to subparagraph B, below.

4. Existing New Racks in City Modular Cabinets in the Downtown Plaza. News Racks in the City Modular Cabinets in the Downtown Plaza prior to enactment of this Ordinance, which have been verified by the City Inventory upon the effective date of this Ordinance may continue to remain in use in the same location by the same owner and publication if an application is submitted, and approved.

5. Existing City Modular Cabinets that Become Available in the Downtown Plaza after the Effective Date of the Ordinance. With respect to permits for news racks located in City owned modular cabinets that become available due to abandonment, applications shall be received and approved for that specific location on a first-come first-served basis.

6. New City Modular Cabinet Spaces for News Racks Located within the City Downtown Plaza. With respect to permits for news racks that are newly installed by the City in the Downtown Plaza an initial implementation period shall take place, at which time the City shall accept permit applications for the new spaces for a period of sixty (60) calendar days from the rack becoming installed. Permits shall be issued within twenty (20) days of the last day of the initial implementation period in accordance with subparagraphs a) and b) of this section.

- a) **Initial Implementation Period for Permit Applications Fewer than the Number of Available Cabinets.** Where fewer permit applications are received during the initial implementation period than the number of available cabinets, applications will be approved on a first come first-served basis. If there is more than one application for a specific geographic location pending, then the priority for granting the applications shall be set forth in subparagraph b) of this section.
- b) **Initial Implementation Period for Permit Applications Greater than the Number of Available Cabinets.** If permit applications exceed the number of potential locations that are then available, priority shall be given based on frequency of publication, with the higher priority given to publications for which new editions or issues were published on a daily or weekly basis in the full calendar month preceding the date of application. If no applications are submitted by publications issued on a daily or weekly basis, then priority shall next be given based on frequency of publication based on the number of new editions or issues published most frequently in the full calendar month preceding the date of application. Within groups of applicants with the same priority, permits shall be granted to the maximum allowable in a block by the drawing of lots in a process established by the Public Works Director. It shall be a condition of any permit granted according to a priority set forth in this

section to maintain editions in the news rack according to the frequency for which the priority was given.

- B. Registration and Application for Existing News Rack.** Any Owner of existing news racks, including existing new racks located within City modular cabinets in the Downtown Plaza, shall within thirty (30) days of the effective date of this Chapter, provide the City with Owner's news rack registration numbers and location consistent with the City Inventory. The registration of the existing news rack shall be the basis for accepting applications for the initial annual permit of existing news racks. Any Owner of an existing news rack shall then within ninety (90) days of registration, submit an application for an annual permit and pay fees to obtain a City annual permit pursuant to Section 5.66.050C., and shall from the date and permitting be subject to the provisions of this Chapter. The Public Works Director may approve alternative compliance and permitting schedules, which shall not extend beyond the fiscal year of the effective date of this Ordinance for owners of thirty (30) or more registered existing news racks. Failure to obtain an approved annual permit within ninety (90) days or the date specified by the Public Works Director in the approved alternate schedule shall subject the existing news rack to enforcement and removal pursuant to Section 5.66.100. The initial permit is valid for the remainder of the fiscal year and shall be renewed pursuant to section 5.66.060. Permit fees shall not be reduced or prorated based off the remaining months in the fiscal year for which the permit issues.
- C. Contents of Application.** Applications forms will be provided by the Public Works Director and shall include all of the following information :
1. The applicant's name, street and mailing address, email address, and telephone number for the purposes of receiving copies of notices of violations and other official communications. The name, street and mailing address, email address and telephone number of the owner of each publication subject to the permit(s); For news rack not in the City Inventory, the application will include a description of the exact proposed location, including a map or site plan, drawn to scale, with adequate location information to verify conformance with this chapter.
 2. For news racks not in the City Inventory, the application will include a description of each proposed news rack, including its dimensions, brand and model type, the number of publication spaces it will contain, and whether it contains a coin-operated mechanism;
 3. The name and frequency of publication of each publication to be contained in each news rack.
 4. A statement signed by the news rack owner that the owner agrees to indemnify, defend and hold harmless, the City and its representatives from all claims, demands, loss, fines or liability to the extent arising out of or in connection with the installation, location, use or maintenance of any news rack on public property by or on behalf of any such person, except such injury or harm as may be caused solely and exclusively by the negligence of the City or its authorized representatives.

5. A statement signed by the applicant that the applicant agrees, upon removal of a news rack, to repair at applicant's cost, any damage to the public property caused by the news rack or its removal.

6. An acknowledgement that prior to the issuance of the Permit, the owner shall deposit with the Public Works Director a certificate of insurance evidencing that a liability insurance policy in minimum amounts set by the City Risk Manager has been issued, naming the City as an additional insured under the same terms and conditions as the primary insured, and containing a provision that the policy cannot be cancelled except upon ten (10) days' advance written notice to the City of the fact of such cancellation; and that if such insurance is cancelled at any time during the terms of such permit, same shall be grounds for revocation of the said permit.

D. Review of Application. A permit shall be granted or denied within twenty (20) business days after a completed application is filed in conformance with this ordinance. If a permit is denied, the City shall, within ten (10) business days, mail to the owner a notice of denial that identifies the reasons for denial. Applicant may resubmit an updated application that has been denied, one time, within ten (10) business days from the date of denial without payment of a new application fee. Failure to complete the application review and obtain permit within ninety (90) business days shall void the application.

E. Issuance of Permit. Upon approval of a news rack application the City shall issue a Public Works Permit that applies to the news rack at the approved location for the remainder of the fiscal year. If an annual permit is obtained after the beginning of a fiscal year, the permit shall expire at the end of the fiscal year without a reduction in fees. The Public Works Permit shall be signed by the applicant as the agreement to conform to the requirements of this ordinance. Permits shall be renewed per Section 5.66.060. Upon issuance of permit for new or replaced news rack the City will provide a registration sticker and update the City Inventory. Each registration sticker provided shall be affixed to the top front metal door frame of each corresponding permitted news rack.

5.66.060 Renewal Term.

A news rack permit shall be valid for a period of one fiscal year or the remainder of the fiscal year during which the permit is obtained and shall be renewed each successive fiscal year period by timely payment of a renewal fee established by resolution of the City Council.

5.66.070 General Standards.

A. Each new, replaced, or relocated news rack shall conform to the following general standards. No news rack permit application shall be approved unless it is demonstrated that the proposed news rack or news racks will conform to each of the following general standards. It is unlawful for any person to install, place or maintain a news rack in violation of any of the provisions of this section.

1. No news rack shall project onto, or rest upon, along or over, any part of the roadway of any public street.
2. No news rack shall, in whole or in part, rest upon, in or over any sidewalk or Parkway when such site or location is used for public utility purposes, public transportation purposes, or other government use, or the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location, or when such news rack interferes with the cleaning of any sidewalk or street by the use of mechanical sidewalk cleaning machinery.
3. Any news rack which in whole or in part rests upon, in or over any sidewalk or parkway shall comply with the following conditions:
 - a) No news rack shall exceed fifty one inches in height, thirty (30) inches in width, or two (2) feet in depth, except that news racks located in the Beachfront Area shall not exceed forty-eight (48) inches in height measured from the sidewalk to the top of the news rack, unless approved and permitted by the Public Works Director.
 - b) Name, address and telephone number, and email address of the owner of the news rack shall be displayed on the front of the news rack in such a manner as to be readily visible to and readable by a prospective customer. A sticker shall be affixed to each news rack stating, "For graffiti and maintenance reporting please email or call the Owner at (insert email address) or (insert phone number) with registration number." The owner shall keep this contact information up to and shall maintain a written record of reporting for a period of one year to be provided to the City upon request.
 - c) News racks located in the Landmarks District will not have an adverse impact on access to, or views of designated landmarks, structures of merit, or structures of interest. News racks in the Landmarks District shall carry no advertising except the name of the newspaper or periodical being dispensed on the bottom one third (1/3) of the plastic hood or, if there is no plastic hood on the news rack, the name shown at not more than two locations on the news rack.
 - d) News racks shall be painted Malaga Green (also identified as RAL 6005). Any shared pedestals supporting news racks shall be painted black, except in the Landmarks District, the pedestals shall be painted Malaga Green.
 - e) News racks shall only be placed near a curb or adjacent to the wall of a building. The City shall determine the final locations. News racks placed near the curb shall be placed such that the back of the news rack shall be no fewer than eighteen (18) inches nor greater than twenty-four (24) inches from the face of the curb. News racks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six (6) inches from the wall. No news

- rack shall be placed or maintained on a sidewalk or parkway opposite a news stand or another news rack.
- f) If eight (8) or more news racks are placed at a single location, whether placed on a single pedestal or shared pedestal mounts, shall be placed next to each other and a space of no fewer than three (3) feet shall separate each such group, except as permitted at the direction of the Public Works Director.
 - g) News racks shall not be affixed or bolted to a sidewalk improved with decorative tile or other distinctive surface, except as permitted at the direction of the Public Works Director.
 - h) Each news rack installed on the public sidewalk shall be bolted to the City sidewalk in accordance with City standards and specifications.
 - i) News racks may not be chained or otherwise attached to one another; nor to any street sign, street light pole, traffic signal equipment, power pole, bike rack, public bench, bus shelter, or other public street furniture.
 - j) No news rack shall weigh in excess of 250 pounds when empty.
 - k) New news racks shall be “K-Jack” model KJ-50E, KJ-100, or KJ-125T, or equivalent, unless otherwise approved by the Public Works Director.
 - l) No news rack shall be placed, installed, used or maintained:
 - i. Within ten (10) feet of any marked or unmarked crosswalk;
 - ii. Within five (5) feet of any fire hydrant, fire call box, police call box, traffic signal controller, or traffic signal;
 - iii. Within three (3) feet of any utility meter, manhole, service box, parking meter, street light pole or other public works facility;
 - iv. Within ten (10) feet of any driveway or alley approach;
 - v. Within five (5) feet of a bike rack;
 - vi. Within four (4) feet of any bus boarding and a lighting area consisting of the bench and/or shelter, sign and clear zones for boarding and alighting of busses as required by the Americans with Disabilities Act;
 - vii. Within three (3) feet of any bus bench or public bench;
 - viii. At any location whereby the clear space for the passage of pedestrians is reduced to less than four (4) feet;
 - ix. Within four (4) feet of any permitted sidewalk dining area;
 - x. Within the boundary of a marked valet parking area or loading zone, or as otherwise restricted by the Americans with Disabilities Act.

B. Condition and Maintenance of News Racks. Each news rack shall be maintained in a clean and neat condition and in good repair at all times. Without limiting this general obligation, the following maintenance criteria shall apply to all new and existing news racks:

1. Each news rack shall be routinely maintained and serviced so that it is reasonably free of:
 - a) Dirt and grease;
 - b) Chipped, faded, peeling, and cracked paint or graffiti on any visible painted areas;
 - c) Rust and corrosion on any visible unpainted metal areas;
 - d) Cracks, dents, blemishes, and discoloration in the clear plastic and glass parts, if any, through which publications are viewed;
 - e) Tears, peeling, or fading in the paper or cardboard parts and inserts;
 - f) Broken and misshapen structural parts; and
 - g) Unauthorized stickers on any surface of the rack.
2. Each news rack, including any coin-return mechanism, shall be mechanically operable at all times.
3. News racks shall contain current editions of the publication for which the permit was issued and new editions placed in the news rack at no less than the frequency for which any priority was given for a permit in that location. Owner shall inform the Public Works Director of all changes to frequency of publication within five (5) business working days of said changes.
4. No news rack shall be used for advertising signs other than that directly related to the display, sale or purchase of the publication sold therein.
5. No news rack shall remain empty for a period of fourteen (14) consecutive days or longer.
6. No news rack may contain a publication other than the ones for which the permit was issued.
7. Each news rack shall have the name, address, and telephone number of the Owner, as described in subsection A.3.b) above, as well as the City registration number, affixed to the front of the news rack in a place where it may be easily seen by anyone viewing the news rack.
8. Shared pedestals shall be registered to a single owner of a permitted news rack which is affixed to the shared pedestal. Any shared pedestal that has not been permitted to a single news rack owner within one hundred twenty (120) days of the effective date of this Ordinance will be deemed abandoned and will result in the City posting and removing the shared pedestal and news racks in accordance with Section 5.66.100.
9. Shared pedestals shall be fully occupied by the maximum number of news racks designed to be affixed to the shared pedestal. The owner shall notify the City in writing prior removing units from shared pedestal. Failure to maintain the shared pedestal with the maximum number of new racks for fourteen (14) consecutive days will result in its removal pursuant to section 5.66.100. Shared pedestals may be modified to fit remaining news racks with City approval and revisions to the annual permit. Where a shared pedestal is not maintained in a fully occupied condition it shall be removed and the location restored to its previous condition by the owner of the shared pedestal, including, but not limited to, repair of any portion of the

sidewalk or parkway damaged by the pedestal or its removal, and according to specifications provided by the Public Works Director. An acceptable repair is typically filling in the holes required for securing the news rack to the concrete. Failure to remove the shared pedestal will result in the City posting and removing the shared pedestal and affixed news racks in accordance with Section 5.66.100.

10. When use of a news rack is discontinued for a period of fourteen (14) consecutive days or longer, it shall be removed, along with its shared pedestal if applicable, and the location restored to its previous condition by the news rack owner, including, but not limited to, repair of any portion of the sidewalk or parkway damaged by the news rack or its removal, and according to specifications provided by the director. Failure to remove the news rack will result in the City posting and removing the news rack in accordance with Section 5.66.100
 11. Existing news racks that require painting, shall be painted Malaga Green unless otherwise approved by the Public Works Director. When painting is required, the pedestal and base shall be painted black, except that pedestals and base in the Landmarks District shall be painted Malaga Green.
 12. News Racks with a current annual permit that are removed for maintenance and substituted in kind, and in compliance with this section, will not be required to obtain a new permit due to the substitution. The owner shall notify City Public Works of the in kind substitution in writing prior to the substitution.
- C. Costs.** The costs of installation, maintenance, replacement, removal and relocation of news racks or shared pedestals shall be at the sole expense of the news rack owner. Upon removal of a news rack, the owner shall, at his or her sole expense, cause the public right of way and any improvements thereon to be promptly restored to the satisfaction of the Public Works Director in a condition which would have existed had the news rack not been placed at that location. If those repairs are not made within seven (7) days of removal of the news rack, the City may undertake that repair work and collect from the owner the costs thereof, including reasonable attorneys' fees and related costs of collection.

5.66.080 Downtown Plaza Requirements.

- A. Finding of Special Circumstances.** The City Council hereby finds that special circumstances require special design, placement and other standards for news racks located in the Downtown Plaza, and any other area which may be designated by City Council upon findings that the special circumstances of the area require special design, placement and other standards for news racks.
- B. Special Standards and Placement.** Notwithstanding any contrary provisions in this chapter, no news rack shall be located in the Downtown Plaza except within a City modular news rack cabinet (hereinafter referred to as a "City news rack cabinet") owned and provided by the City. All news racks to be inserted into a City news rack cabinet shall be provided by the applicant at its sole expense.

5.66.090 Prohibition on the Display of Harmful Matter.

No material which is harmful to minors, as defined in Section 313 of the Penal Code of the State, shall be displayed in a public place, other than a public place from which minors are excluded, unless blinder racks are placed in front of the material so that the lower two-thirds (2/3) of the material is not exposed to view.

5.66.100 Removal of News Racks; Required Hearing.

- A. Removal by the City.** Any news rack or shared pedestal, installed or maintained in violation of this chapter may be removed by the City, subject to the notice and hearing procedures set forth in this section.
- B. Notice of Violation.** Before removal of any news rack, the City shall notify the Owner or distributor of the violation by written notification via first class mail to the address or addresses shown on the offending news rack, which shall constitute adequate notice. Before removal of any shared pedestal, written notification will be sent via first class mail to all owners of the news racks affixed to the offending pedestal. The City may, but need not, affix an additional notice tag onto the offending news rack or shared pedestal. If no identification is shown on the news rack, posting of the notice on the news rack alone shall be sufficient. The notice shall state the nature of the violation, shall specify actions necessary to correct the violation, and shall give the owner or distributor ten (10) business days from the date appearing on the notice to either remedy the violation or to request a meeting before the Public Works Director. The date on the notice shall be no earlier than the date on which the notice is mailed or affixed to the news rack, as the case may be.
- C. Meeting and Decision.** Any owner or distributor notified under Subsection B may request a meeting with the Public Works Director by making a written request within ten (10) business days from the date appearing on the notice. The meeting shall be informal, but oral and written evidence may be given by both sides. The Public Works Director shall give his or her written decision within ten (10) business days after the date of the meeting. Any action by the City to remove the news rack shall be stayed pending the written decision of the Public Works Director following the meeting.
- D. Removal and Impoundment.** The City may remove and impound a news rack or shared pedestal in accordance with this section following the written decision of the Public Works Director upholding the determination of a violation, or if the owner or distributor has neither requested a meeting nor remedied the violation within ten (10) business days from the date on the notice. An impounded news rack shall be retained by the City for a period of at least thirty (30) calendar days following the removal, and may be recovered by the owner upon payment of a fee as may be established by resolution. An impounded news rack and its contents may be disposed of by the City after thirty (30) calendar days.
- E. Summary Abatement.** Notwithstanding the provisions of Subsections B and C, prior notice and an opportunity to be heard shall not be required before removal of any news rack or shared pedestal that is installed or maintained in such a

place or manner as to pose an immediate or clear and present danger to persons, vehicles or property or any news rack that is placed in any location without a permit. In such case, the City shall proceed in the following manner:

1. Within one (1) working day following removal, the City shall notify the Owner by telephone of the removal. In the case of an unpermitted news rack or shared pedestal, where possible, the City shall notify the Owner of the news rack or a person whose name is shown on the news rack, by telephone of the removal. Within three (3) business days, the Public Works Director or designee shall send written confirmation of the telephoned notice. The written confirmation shall contain the reasons for the removal and information supporting the removal, and shall inform the recipient of the right to request, in writing or in person, a post-removal meeting within four (4) business days of the date of such written notice.
2. Upon timely request, the Public Works Director shall provide a meeting within two working days of the request, unless the requesting party agrees to a later date. The proceeding shall be informal, but oral and written evidence may be given by both sides. The Public Works Director shall give his or her decision in writing to the requesting party within two working days after such meeting. If the Public Works Director finds that the removal was in accordance with this chapter and City regulations, he or she shall notify the requesting party to pay any applicable penalties and costs and recover the news rack. If the Public Works Director finds that the removal was improper and that placement of the news rack was in accordance with City regulations and lawful, the Public Works Director shall order that the news rack be released and reinstalled without charge.
3. If the owner of an unpermitted news rack cannot be determined and the news rack does not contain the required identification, no notice of the removal shall be required.

5.66.110 Abandoned News Racks.

An abandoned news rack or shared pedestal may be removed by the City and impounded, pursuant to the notice and hearing procedures set forth in Section 5.66.100. The City may dispose of the news rack or shared pedestal if the owner does not claim the news rack and pay any required fees within thirty (30) days of its removal.

5.66.120 Public Nuisance.

The operation or maintenance of any news rack or shared pedestal contrary to the provisions of this chapter shall constitute a public nuisance, which in addition to or in lieu of criminal proceedings, may be abated, removed or enjoined by appropriate legal action brought by the City Attorney.

5.66.130 Severability.

If any section, sentence, clause, phrase or provision of this chapter, or the application thereof to any person or circumstances, is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions or provisions of this chapter or their applicability to distinguishable situations or circumstances. In enacting this chapter, it is the desire of the City Council to regulate validly to the full measure of its legal authority in the public interest. To that end, the City Council would have adopted this chapter and each section, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions thereof might be invalid, in whole or in part, as applied to any particular situation or circumstance, and, to this end, the provisions of this chapter are intended to be severable.

DRAFT



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING June 15, 2015 3740 PESCADERO DRIVE

CALL TO ORDER

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

ROLL CALL

Councilmembers present: Dale Francisco, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Mayor Schneider.

Councilmembers absent: Bendy White.

Staff present: City Administrator Paul Casey, Assistant City Attorney Scott Vincent.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, June 11, 2015, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

SITE VISIT

Subject: 3740 Pescadero Drive

Recommendation: That Council make a site visit to the property located at 3740 Pescadero Drive, which is the subject of an appeal hearing set for June 16, 2015, at 2:00 p.m.

Discussion:

Staff provided an overview of the issues and Councilmembers were led on a tour around the subject tree.

ADJOURNMENT

The meeting was adjourned at 1:25 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

GWEN PEIRCE
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 16, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White (2:04 p.m.), Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, City Clerk Services Manager Gwen Peirce.

PUBLIC COMMENT

Speakers: Phil Walker; Victor Reyes; Melody Baker; Claudia Bratton, Summer Solstice; Tom Widroe, City Watch; Geof Bard.

CONSENT CALENDAR (Item Nos. 1 – 10)

The titles of the ordinance and resolution related to Consent Items were read.

Motion:

Councilmembers Murillo/Hart to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the special meeting of June 1, 2015.

Action: Approved the recommendation.

2. Subject: Adoption of Ordinance For Extension of Fire Management Memorandum of Understanding to June 30, 2018 (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5260, the Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Fire Managers Association and Extending the Term of the Agreement Through June 30, 2018.

Action: Approved the recommendation; Ordinance No. 5703; Agreement No. 24,502.1.

3. Subject: Reclassification Of Police Technician Positions In The Police Department (410.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 14-046, the Position and Salary Control Resolution for Fiscal Year 2015, Affecting the Police Department, Effective December 27, 2014.

Action: Approved the recommendation; Resolution No. 15-046 (June 16, 2015, report from the Police Chief; proposed resolution).

4. Subject: Professional Services Agreement For The Police Memorial Statue Project (520.04)

Recommendation: That Council approve a Professional Services Agreement with Genesis Bronze in the amount of \$60,000, for the creation of a bronze memorial statue to honor fallen Santa Barbara Police Officers.

Action: Approved the recommendation; Agreement No. 25,219 (June 16, 2015, report from the Police Chief).

5. Subject: Contract For Construction Of High School Well Raw Water Main Project (540.10)

Recommendation: That Council award a contract to Tierra Contracting, Inc., in their low bid amount of \$472,310 for construction of the High School Well Raw Water Main Project, Bid No. 3757; and authorize the Public Works Director to execute the contract and approve expenditures up to \$47,231 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendation; Agreement No. 25,220 (June 16, 2015, report from the Public Works Director).

6. Subject: Transfer Of All Grant Activities From The Streets Capital Fund To The Streets Grants Fund (230.05)

Recommendation: That Council approve the changes to the Streets Capital Fund and Streets Grants Fund as presented in the Schedule of Proposed Streets Budget Adjustments in order to transfer all grant-related activity for Fiscal Year 2015 into the Streets Grants Fund.

Action: Approved the recommendation (June 16, 2015, report from the Finance Director/Acting Assistant City Administrator and Public Works Director).

7. Subject: Community Action Commission CalGRIP Grant Funding For Youth Employment (570.06)

Recommendation: That Council:

- A. Accept a disbursement from the Community Action Commission (CAC) in the amount of \$38,028 for the Youth Employment Program in the Parks and Recreation Department; and
- B. Increase appropriations and estimated revenues in the Fiscal Year 2015 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$38,028.

Action: Approved the recommendations (June 16, 2015, report from the Parks and Recreation Director).

8. Subject: Request For Funding The Buellton Library As Part Of The Santa Barbara Public Library System (570.04)

Recommendation: That Council:

- A. Increase estimated revenues by \$35,000 in Fiscal Year 2015 representing the expected balance in County reserves for the benefit of the Buellton Library to be transferred to the City of Santa Barbara;

(Cont'd)

8. (Cont'd)

- B. Increase appropriations by \$20,000, funded from the expected receipt of the reserves in the City of Santa Barbara County Library Fund Fiscal Year 2015 budget to cover expected costs to operate the Buellton Library through June 30, 2015; and
- C. Increase estimated revenues and appropriations totaling \$191,000 in the County Library Fund Fiscal Year 2016 budget for ongoing operations at the Buellton Library.

Action: Approved the recommendations (June 16, 2015, report from the Library Director).

NOTICES

- 9. The City Clerk has on Thursday, June 11, 2015, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 10. A City Council site visit is scheduled for Monday, June 22, 2015, at 1:30 p.m. to the Franceschi House, located at 1510 Mission Ridge Road, which is the subject of a Council Administrative Item on June 23, 2015, at 2:00 p.m.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

11. Subject: Stage Three Drought Update (540.05)

Recommendation: That Council:

- A. Receive an update on the status of the current drought and related efforts; and
- B. Approve extending three Water Resources Specialist positions that were authorized only through June 30, 2015, and temporarily increasing hours for two regular part-time Water Resources Specialist positions, through June 30, 2016.

Documents:

- June 16, 2015, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Resources Manager Joshua Haggmark.
- Members of the Public: Kira Redmond, Santa Barbara Channelkeeper.

(Cont'd)

11. (Cont'd)

Discussion:

Staff's presentation included current rainfall totals and the outlook for continued drought conditions, the status of supplemental water supplies, the community's response to the need for conservation, capital projects, drought staffing, and features of the City's Water Conservation Program, specifically requests for graywater systems. Councilmembers' questions were answered.

Motion:

Councilmembers White/Francisco to approve Recommendation B.

Vote:

Unanimous voice vote.

12. Subject: Award Of Contract For The Charles E. Meyer Desalination Plant - Final Design Phase (540.10)

Recommendation: That Council:

- A. Appropriate \$3,755,884 from the Water Operating Fund reserves for the transfer to the Water Drought Fund for reactivation of the Charles E. Meyer Desalination Plant;
- B. Increase appropriations and estimated revenues in the Water Drought Fund by \$3,755,884 to cover the costs of the proposed contracts and City staff costs related to the reactivation of the Desalination Plant, funded from a transfer of reserves from the Water Operating Fund;
- C. Authorize the Public Works Director to execute a Professional Services Agreement, subject to approval as to form by the City Attorney, with IDE Americas, Inc. in the amount of \$1,320,000 for the planning phase of the design/build/operate project for the Charles E. Meyer Desalination Plant;
- D. Authorize the Public Works Director to execute a contract, subject to approval as to form by the City Attorney, with Carollo Engineers in the amount of \$2,032,622 for owner support services, and approve expenditures of up to \$203,262 for extra services of Carollo Engineers that may result from necessary changes in the scope of work;
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Replacing Resolution No. 15-017 Stating the City's Intent to Reimburse Expenditures Paid Prior to Either the Issuance of Obligations or the Approval by the State Water Resources Control Board of the Project Funds for Reactivation of the Charles E. Meyer Desalination Plant; and
- F. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Approving an Addendum to the 1991 Environmental Impact Report (State Clearinghouse No. 9010859) and 1994 Environmental Impact Report (State Clearinghouse No. 91121020) in Support of the Reactivation of the Charles E. Meyer Desalination Plant in Santa Barbara, California.

(Cont'd)

12. (Cont'd)

Documents:

- June 16, 2015, report from the Public Works Director.
- Proposed resolutions.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Speakers:

- Staff: Principal Engineer Linda Sumansky, Water Resources Manager Joshua Haggmark, Assistant City Attorney Sarah Knecht, Public Works Director Rebecca Bjork.
- Consultants to the City: Joe Monaco, Dudek; Joe Lambert, IDE Americas, Inc.
- Members of the Public: Tom Widroe, City Watch; Kira Redmond, Santa Barbara Channelkeeper.

Motion:

Councilmembers White/Hotchkiss to approve Recommendations A – F; Resolution Nos. 15-047 and 15-048; Agreement Nos. 25,221 – 25,222.

Vote:

Unanimous roll call vote.

PUBLIC HEARINGS

13. **Subject: Public Hearing Regarding Proposed Utility Rate Increases For Fiscal Year 2016 (540.13)**

Recommendation: That Council:

- Hold a public hearing, as required by State law, regarding proposed utility rate increases for wastewater and solid waste collection services for Fiscal Year 2016; and
- Provide direction to staff regarding any changes to the proposed Fiscal Year 2016 utility rates for wastewater and solid waste collection services.

Documents:

- June 16, 2015, report from the Finance Director/Acting Assistant City Administrator.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened:

3:48 p.m.

Speakers:

- Staff: Wastewater System Manager Christopher Toth, Environmental Services Manager Matt Fore.
- Members of the Public: Bonnie Raisin. (Cont'd)

13. (Cont'd)

Public Comment Closed:
3: 58 p.m.

Motion:

Councilmembers Rowse/Francisco to approve Recommendation B.

Vote:

Unanimous voice vote.

RECESS

4:01 p.m. – 4:15 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

FINANCE DEPARTMENT

14. Subject: Fiscal Year 2016 Recommended Operating And Capital Budget (230.05)

Recommendation: That Council:

- A. Hear and consider the proposed balancing plan based on City Council direction provided to staff at the June 1, 2015 special budget hearing regarding the Fiscal Year 2016 Recommended Budget; and
- B. Provide final direction in preparation of Council's approval of adopting budget resolutions scheduled for approval on June 23, 2015 for Fiscal Year 2016 that begins on July 1, 2015.

Documents:

- June 16, 2015, report from the Finance Director/Acting Assistant City Administrator.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Finance Director/Acting Assistant City Administrator Robert Samario, Assistant Parks and Recreation Director Jill Zachary.
- Parks and Recreation Commission: Chair Lesley Wiscomb.
- Members of the Public: Tom Widroe, City Watch.

Motion:

Councilmembers Francisco/Rowse to approve a two-year plan for returning to policy reserve levels, to be included in the Fiscal Year 2016 Recommended Budget.

Vote:

Majority voice vote (Noes: Councilmember Hart).

CITY ADMINISTRATOR

15. Subject: Potential Ballot Measure On Sales Tax Increase For Infrastructure Needs (110.03)

Recommendation: That Council consider direction to staff to place a possible sales tax measure on the November 3, 2015 ballot, including the amount of the tax, and size, composition, and duties of an independent oversight committee.

Documents:

- June 16, 2015, report from the City Administrator.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Assistant to the City Administrator Nina Johnson, City Attorney Ariel Calonne.
- Members of the Public: Tom Widroe, City Watch; Bonnie Raisin; Steve Bellamy.

Motion:

Councilmembers White/Rowse to draft a half-cent sales tax measure with the intent of funding infrastructure, that would 1) be in place for 20 years; 2) be a general tax; and 3) include an oversight committee as described in the staff report.

Vote:

Failed to carry by voice vote because a super-majority vote was required to approve the motion (Ayes: Councilmembers Murillo, Rowse, White, Mayor Schneider; Noes: Councilmembers Francisco, Hart, Hotchkiss).

Motion:

Councilmembers Murillo/White to draft a quarter-cent sales tax measure with the intent of funding infrastructure, that would 1) be in place for 20 years; 2) be a general tax; and 3) include an oversight committee as described in the staff report.

Councilmember Murrillo withdrew the motion.

Motion:

Councilmember Hotchkiss to draft a half-cent sales tax measure that would be a specific tax and require a 2/3 majority to pass.

The motion died for a lack of second.

PARKS AND RECREATION DEPARTMENT

16. Subject: Elings Park Foundation Annual Report Presentation (570.05)

Recommendation: That Council receive a presentation by the Elings Park Foundation on the 2013-2014 Annual Report for the Las Positas Tennis Courts and the 2014 Annual Report for Elings Park.

Documents:

- June 16, 2015, report from the Parks and Recreation Director.
- March 2015 Elings Park Foundation Annual Report.
- PowerPoint presentations prepared and made by Staff and Elings Park Foundation Staff.

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Environmental Services Manager Matt Fore, City Planner Renee Brooke.
- Elings Park Foundation: President of the Board of Directors John Britton, Executive Director Mike Nelson.
- Members of the Public: Glenn Gibbons, Karin Van Holk, David Niles, John Milton, Steve Bellamy, Casey Dellabarca, Paul Conliffe, Phil Hill, Bruce Giffin.

By consensus, the Council received the report and their questions were answered.

RECESS

7:18 p.m. – 7:26 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

17. Subject: Appeal Of Parks And Recreation Commission Action To Deny The Removal Of The Street Tree At 3740 Pescadero Drive (570.08)

Recommendation: That Council deny the appeal filed by Carey Ludford, and uphold the Parks and Recreation Commission decision to deny the removal of one Schinus terebinthifolius (Brazilian Pepper Tree) located in the parkway at 3740 Pescadero Drive.

Documents:

- June 16, 2015, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.
- Video presentation prepared and made by the Appellant.

Public Comment Opened:

7:30 p.m.

(Cont'd)

17. (Cont'd)

Speakers:

- Staff: Assistant Parks and Recreation Director Jill Zachary, City Arborist Tim Downey.
- Street Tree Advisory Committee: Member Duke McPherson.
- Parks and Recreation Commission: Chair Lesley Wiscomb.
- Appellant: Carey Ludford.

Public Comment Closed:

7:55 p.m.

Motion:

Councilmembers Murillo/Rowse to deny the appeal filed by Carey Ludford, and uphold the Parks and Recreation Commission decision to deny the removal of one Schinus terebinthifolius (Brazilian Pepper Tree) located in the parkway at 3740 Pescadero Drive.

Vote:

Majority voice vote (Noes: Councilmember Francisco).

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:01 p.m. to Monday, June 22, 2015, at 1:30 p.m. at the Franceschi House at 1510 Mission Ridge Road.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE 2012-2015 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY SUPERVISORY EMPLOYEES BARGAINING UNIT, ADOPTED BY ORDINANCE NO. 5587 AND PREVIOUSLY AMENDED BY ORDINANCE NO. 5623, AND EXTENDING THE TERM THROUGH JUNE 30, 2016.

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

SECTION 1. The 2012-2015 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees Bargaining Unit, adopted by Ordinance No. 5587 and amended by Ordinance No. 5623, is hereby amended to include the supplemental agreement attached hereto and incorporated herein by reference as Exhibit A.

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

SECTION 3. During the term of the M.O.U., the City Administrator is hereby authorized to implement the terms of the M.O.U. without further action by the City Council, unless such further Council action is required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the annual budget.

2015-2016 SUPERVISORS SUPPLEMENTARY AGREEMENT

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et seq. of the Government Code, the duly authorized representatives of the City of Santa Barbara (“The City”) and the Santa Barbara City Employee Supervisor Association (“The Association”), having met and conferred in good faith, agree that the existing 2012-2015 Memorandum of Understanding (MOU), as previously amended, shall be supplemented with the following agreement:

1. TERM

The term of the agreement will be extended by 12 months, through June 30, 2016.

2. SALARIES

Effective June 27, 2015 the following across-the-board base salary increases will be implemented:

Classification	Regular Increase	Compaction Increase	Total Increase
Urban Forest Superintendent	3.0%	5.0%	8.00%
Information Systems Supervisor	3.0%	2.0%	5.00%
Harbor Patrol Supervisor	7.0%	--	7.00%
All Other Classifications	3.0%	--	3.00%

3. HARBOR PATROL SUPERVISOR RETIREMENT

1. The Harbor Patrol Supervisor will continue cost sharing 3% on a post-tax basis through June 26, 2015 at which time this deduction will be discontinued.
2. Effective June 27, 2015, the employee will instead begin paying the full 9% member contribution, and the City’s Employer Paid Member Contribution (EPMC) will be eliminated. The resolution to report the EPMC to PERS as compensation earnable under Government Code 20636(c)(4) will also be rescinded effective this date.

4. RETIREE HEALTH SAVINGS ACCOUNT (RHSA)

No Retiree Health Savings Plan will be established during the remaining term of the agreement.

5. RETIREE MEDICAL

Effective for retirements on or after July 1, 2015 the retiree medical provisions will be applicable to employees who retire from City service with 10 or more years of classified or unclassified service (instead of 15 years).

6. SALARY

{The prior language is replaced with the following agreement}

The City will conduct a total compensation survey for reference during negotiations for a successor agreement. The City will survey the same benchmark positions surveyed during the 2005-2006 Supervisors compensation survey, and the same comparable survey agencies as used in the 2015 General employees bargaining unit survey, unless otherwise agreed by the Association. The City will provide the Association with the opportunity to meet at least monthly, beginning in July 2015, to discuss the progress of the survey and provide feedback. The City will present survey results to the Association not later than April 1, 2016. {See attachment A survey agencies and benchmarks}

7. HOLIDAY CLOSURE

If the City chooses to close some or all offices to the public during the 2015 holiday period, employees will either work, use their own paid leave banks, or take unpaid leave in accordance with the 2012 Holiday Closure Plan contained in Appendix F, with the following updates:

- The closure periods are tentatively planned to be, subject to change:
 - 2015 Closure: Thursday, December 24th, 2015 through Sunday, January 3rd, 2016
- Employees who wish to work during the Holiday Closure must advise their Manager no later than:
 - 2015 Closure: November 15, 2015.

Signed:

For the City	For the Association
<hr/> Kristine Schmidt Employee Relations Manager	<hr/> Victor Garza, President Parking Superintendent

Attachment A

SURVEY AGENCIES*

City of Santa Barbara
County of Santa Barbara
City of Santa Cruz
City of Santa Monica
City of Morro Bay
City of Huntington Beach
City of Redondo Beach
City of Lompoc
County of Ventura
County of San Luis Obispo
City of Burbank
City of Oxnard
City of Ventura
City of Newport Beach
City of Pasadena
County of Los Angeles
City of Los Angeles
City of Santa Maria
City of Long Beach
County of Orange
County of Sacramento

* As of 5/13/2015: Subject to change based on negotiations with SEIU General Unit

BENCHMARK CLASSIFICATIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA SETTING FORTH AND APPROVING A SALARY PLAN FOR UNREPRESENTED MANAGERS AND PROFESSIONAL ATTORNEYS FOR FISCAL YEAR 2016 AND FISCAL YEAR 2017

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

SECTION 1. The Salary Plan for Fiscal Year 2016 and Fiscal Year 2017, applicable to Unrepresented Managers and Professional Attorneys, attached hereto and incorporated herein by reference as Exhibit "A", (hereinafter the "Salary Plan") is hereby approved.

SECTION 2. During the term of the Salary Plan, the City Administrator is hereby authorized to implement the terms of the Salary Plan without further action by the City Council, unless such further Council action is required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the annual budget.

**2015-2017 Management Salary Plan
Applicable to Unrepresented Managers and Professional Attorneys
(Management Salary Plan)**

1. This Management Salary Plan sets forth a plan for salary and benefit adjustments for certain unrepresented management employees for Fiscal Year 2016 and Fiscal Year 2017, from July 1, 2015 to June 30, 2017.

2. This Management Salary Plan will apply to all non-safety management employees, professional attorneys, and safety managers that are not represented by a recognized employee organization, except the City Administrator and the City Attorney.

3. Salary Increases: Unrepresented management and professional attorney salaries will be increased in the following amount:

Effective June 27, 2015	3.0%
Effective June 25, 2016	3.0%

4. The Management Performance and Compensation Plan and the Professional Attorneys Compensation Plan, will be amended, as necessary, to include these changes to compensation and benefits.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA SETTING FORTH AND APPROVING A
SALARY PLAN FOR THE CITY ADMINISTRATOR FOR
FISCAL YEAR 2016 AND FISCAL YEAR 2017

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

SECTION 1. The Salary Plan for Fiscal Year 2016 and Fiscal Year 2017, applicable to the City Administrator, attached hereto and incorporated herein by reference as Exhibit "A" (hereinafter the "Salary Plan"), is hereby approved.

SECTION 2. During the term of the Salary Plan, the City Administrator is hereby authorized to implement the terms of the Salary Plan without further action by the City Council, unless such further Council action is required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the annual budget.

**2015-2017 Management Salary Plan
City Administrator**

1. This Management Salary Plan sets forth a plan for salary and benefit adjustments for the City Administrator for Fiscal Year 2016 and Fiscal Year 2017, from July 1, 2015 to June 30, 2017.

2. Salary Increases: The salary for the City Administrator will be increased in the following amount:

Effective June 27, 2015 3.0%

Effective June 25, 2016 3.0%

3. The Management Performance and Compensation Plan will be amended, as necessary, to include these changes to compensation and benefits.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance Establishing Speed Limits On Certain Portions Of Loma Alta Drive

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Amending Section 10.60.015, Establishing Prima Facie Speed Limits on Certain Portions of Loma Alta Drive.

DISCUSSION:

California Vehicle Code (CVC) Section 40802 prohibits the enforcement of speed limits on non-local streets using radar unless the speed limit is justified by a current Engineering and Traffic Survey (ETS).

Recently, it was discovered that the 25 mph posted speed limit on Loma Alta Drive, between Canon Perdido Street and Coronel Street, did not match the 30 mph speed limit listed in the Santa Barbara Municipal Code and the ETS completed in 2010. Posted speed limit signs should match the Municipal Code and the supporting ETS. Consequently, the 25 mph signs were replaced with 30 mph signs.

The City received feedback from nearby residents that the 30 mph speed limit signs will encourage drivers to travel faster than speeds appropriate for a neighborhood setting. In consultation with the Santa Barbara Police Department, speed enforcement on Loma Alta Drive is challenging due to the terrain and roadway geometry. Without Police enforcement, the speed limit signs do not serve a purpose.

Staff recommends the removal of Loma Alta Drive between Canon Perdido Street and Coronel Street from Section 10.60.015 of the Santa Barbara Municipal Code so that the 30 mph signs can be removed. (See the attached Vicinity Map).

Warning signs giving drivers notice of appropriate operating speeds will be installed.

Council Agenda Report

Introduction Of Ordinance Establishing Speed Limits On Certain Portions Of Loma Alta Drive

June 30, 2015

Page 2

The basic speed limit law (California Vehicle Code 22350) would still apply, which requires drivers to operate their vehicles at speeds reasonable for roadway conditions.

The existing 25 mph school speed limit zone that is adjacent to McKinley Elementary will not change.

ATTACHMENT: Vicinity Map

PREPARED BY: Derrick Bailey, Supervising Transportation Engineer/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

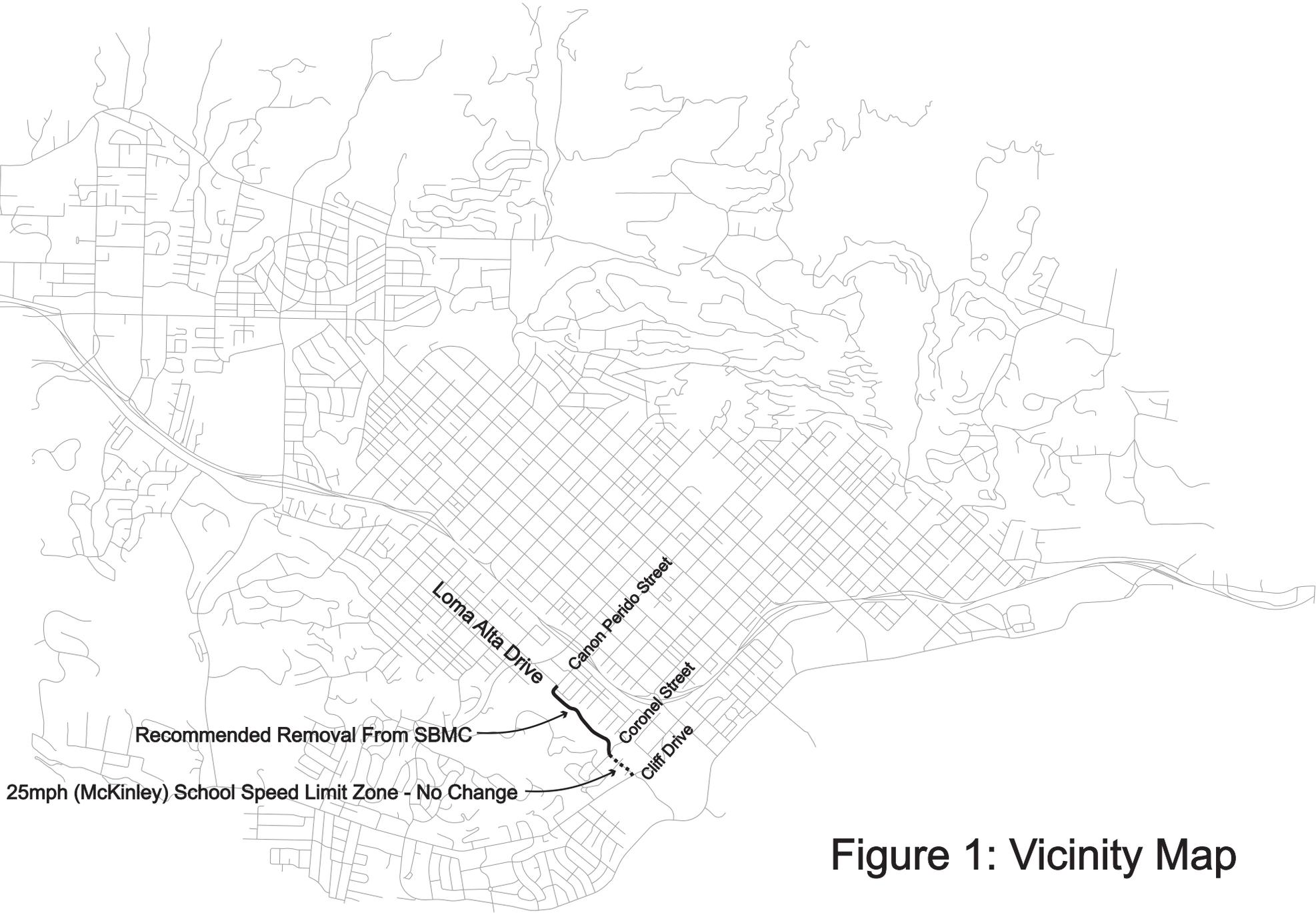


Figure 1: Vicinity Map

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 10.60 OF THE MUNICIPAL CODE BY AMENDING SECTION 10.60.015, ESTABLISHING PRIMA FACIE SPEED LIMITS ON CERTAIN PORTIONS OF LOMA ALTA DRIVE

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

SECTION 1. Chapter 10.60 of the Santa Barbara Municipal Code is revised to read as follows:

10.60.015 Streets of Modified Speed Limits.

In accordance with Section 10.20.015, and when properly sign posted, the prima facie speed limit on the following streets, or portions of streets, shall be as follows:

55 miles per hour:

LAS POSITAS ROAD – Cliff Drive to a point 870 feet north of Las Positas Place

45 miles per hour:

CALLE REAL - Las Positas Road to Hitchcock Way
HOLLISTER AVENUE - Fairview Avenue to the westerly City limits
MODOC ROAD - Las Positas Road to westerly City limits
OLD COAST HIGHWAY - Harbor View Drive to Hot Springs Road

40 miles per hour:

CALLE REAL - Hitchcock Way to La Cumbre Road
CARRILLO STREET - San Andres Street to La Coronilla Drive
CLIFF DRIVE – Loma Alta Drive to Las Positas Road
MEIGS ROAD - Cliff Drive to La Coronilla Road

35 miles per hour:

ALAMAR AVENUE - Foothill Road to State Street
ALSTON ROAD - City limits to Eucalyptus Hill Road
BARKER PASS ROAD - Eucalyptus Hill Road to the northerly City limits
CABRILLO BOULEVARD – Calle Cesar Chavez to US Highway 101
CLIFF DRIVE - Westerly City limits to Las Positas Road

FAIRVIEW AVENUE - Placencia Street to Calle Real, those portions within the City limits
HOPE AVENUE - State Street to Pueblo Avenue
HOPE AVENUE - Calle Real to State Street
LA CUMBRE ROAD - Via Lucero to northerly City limits
LA COLINA ROAD - La Cumbre Road to Verano Drive
LAS POSITAS ROAD - State Street to a point 870 feet north of Las Positas Place
LOMA ALTA DRIVE - Cliff Drive (SR 225) to Shoreline Drive
MEIGS ROAD - Cliff Drive to Salida Del Sol
MODOC ROAD - Mission Street to Las Positas Road
OLD COAST HIGHWAY - Salinas Street to Harbor View Drive
SHORELINE DRIVE - Castillo Street to La Marina
STATE STREET - Mission Street to the westerly City limits
VERONICA SPRINGS ROAD - Those portions within the City limits
YANONALI STREET – Calle Cesar Chavez to Garden Street

30 miles per hour:

ALAMAR AVENUE - De La Vina Street to Junipero Street
ALAMEDA PADRE SERRA - Los Olivos Street to Sycamore Canyon Road
ALAMEDA PADRE SERRA - Sycamore Canyon Road to Eucalyptus Hill Road
ANACAPA STREET - Arrellaga Street to Constance Avenue
ANAPAMU STREET - Santa Barbara Street to Milpas Street
BATH STREET - US Highway 101 northbound offramp to Mission Street
CABRILLO BOULEVARD – Castillo Street to Calle Cesar Chavez
CALLE REAL – Pueblo Street to Las Positas Road
CANON PERDIDO STREET - Santa Barbara Street to Milpas Street
CASTILLO STREET – Cabrillo Boulevard to Mission Street
CHAPALA STREET – Gutierrez Street to Alamar Avenue
CLIFF DRIVE – Montecito Street to Loma Alta Drive
CLINTON TERRACE - Samarkand Drive to Tallant Road
COAST VILLAGE ROAD - Olive Mill Road to Cabrillo Boulevard
CONSTANCE AVENUE - State Street to Garden Street
DE LA GUERRA STREET - Santa Barbara Street to Milpas Street
DE LA VINA STREET - State Street to Micheltorena Street
DE LA VINA STREET - Micheltorena Street to Haley Street
GARDEN STREET - Micheltorena Street to Junipero Street
HITCHCOCK WAY - Calle Real to State Street
LA CUMBRE ROAD - Southerly City limits (US Highway 101) to Via Lucero
~~LOMA ALTA DRIVE – Coronel Street to Canon Perdido Street~~
MILPAS STREET - Anapamu Street to Cabrillo Boulevard
MIRAMONTE DRIVE - Carrillo Street to Via Del Cielo
ONTARE ROAD - Sunset Drive to Foothill Road
SALINAS STREET - US Highway 101 to Sycamore Canyon Road
SAMARKAND DRIVE - De La Vina to Clinton Terrace
SAN PASCUAL STREET - Canon Perdido Street to Coronel Place
SAN ROQUE ROAD - Foothill Road to State Street
SANTA BARBARA STREET - Anapamu Street to Constance Avenue

SHORELINE DRIVE - Salida Del Sol to La Marina
STATE STREET – Victoria Street to Mission Street
TREASURE DRIVE - Tallant Road to Calle Real
VERANO DRIVE - Primavera Road to southerly City limits
YANONALI STREET - Garden Street to State Street

25 miles per hour:

ANACAPA STREET - Arrellaga Street to US Highway 101
BATH STREET – Mission Street to Quinto Street
CARPINTERIA STREET - Milpas Street to Salinas Street
CARRILLO STREET – Chapala Street to San Andres Street
CASTILLO STREET – Mission Street to Pueblo Street
COTA STREET – Santa Barbara Street to Alameda Padre Serra
GUTIERREZ STREET – Santa Barbara Street to Alameda Padre Serra
HALEY STREET – Chapala Street to Milpas Street
MICHELTORENA STREET – San Andres Street to California Street
MISSION STREET – Robbins Street to Anacapa Street
ONTARE ROAD - State Street to Sunset Drive
PUESTA DEL SOL - Alamar Avenue to easterly City limits
SAN ANDRES STREET - Mission Street to Canon Perdido Street
VALERIO STREET – Gillespie Street to westerly cul-de-sac

(Ord. 5684, 2015; Ord. 5563, 2011; Ord. 5530, 2010; Ord. 5491, 2009; Ord. 5466, 2008;
Ord. 5251, 2002; Ord. 5194, 2001; Ord. 5157, 2000; Ord. 5127, 1999; Ord. 4988, 1996;
Ord. 4958, 1996; Ord. 4875, 1994; Ord. 4818, 1993; Ord. 4769, 1992; Ord. 4734, 1991;
Ord. 4660, 1990; Ord. 4566, 1989; Ord. 4527, 1988; Ord. 4516, 1988; Ord. 4486, 1987;
Ord. 4398, 1986; Ord. 4384, 1986; Ord. 4367, 1985; Ord. 4341, 1985; Ord. 4322, 1985;
Ord. 4309, 1984; Ord. 4290, 1984; Ord. 4267, 1984; Ord. 4248, 1984; Ord. 4233, 1983;
Ord. 4232, 1983; Ord. 4069, 1980; Ord. 3787, 1975; Ord. 3775, 1975; Ord. 3697, 1974;
Ord. 3629, 1974; Ord. 3628, 1974; Ord. 3611, 1973; Ord. 3551, 1972; Ord. 3457, 1970;
Ord. 3429, 1970; Ord. 3348, 1969; Ord. 3299, 1968; Ord. 3294, 1968; Ord. 3208, 1967;
Ord. 3168, 1966; Ord. 2713, 1959; prior Code §31.121.)



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department
City Attorney's Office

SUBJECT: Adoption Of Resolution Relating To The General Municipal Election
Of November 3, 2015

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling for the Holding of a Vote-By-Mail General Municipal Election to be Held in the City on Tuesday, November 3, 2015, for the Election of Certain Officers as Required by the Provisions of the Charter and That Certain Settlement Agreement Dated March 10, 2015, in *Banales, et al. v. City Of Santa Barbara*.

DISCUSSION:

As required by the City Charter and the California Elections Code, the City Council is requested to adopt the appropriate resolution, which calls for the election and authorizes the conduct of a vote-by-mail election. The purpose of the election is to fill three Councilmember seats in Districts 1, 2, and 3. The candidate filing period will be July 13 through August 7, 2015. The terms of Councilmembers Dale Francisco, Cathy Murillo, and Randy Rowse will be expiring in January 2016. The November 3, 2015 Election will be the first by-district election conducted pursuant to the Settlement Agreement in *Banales, et al. v. City Of Santa Barbara*. The proposed resolution states that the City Council will approve that Districts 1, 2 and 3 will be up for election this year. Attached to the resolution are the final approved electoral district map and legal description.

On May 19, 2015, Council authorized staff to conduct a Vote-By-Mail election with drop-off centers throughout the City, allowing voters the option to vote in person. Following the Council discussion at the meeting of May 19, the City Clerk's Office has reserved Franklin Neighborhood Center (District 1), Holy Cross Church (District 2), Calvary Baptist Church (District 3), and City Hall as drop-off centers. The three drop-off centers other than City Hall are located within the three districts that will be voted on in this election. Also, the locations other than City Hall are utilized by Santa Barbara County for their statewide general and primary elections, therefore residents are accustomed to

voting at those locations. The remaining polling locations that the County utilizes will be provided with signage, directing voters to the four designated drop-off centers, and providing the direct phone number to the City Clerk's Office.

Voters will have the opportunity to vote by mail beginning October 5 and continuing through Election Day, November 3, 2015. The City Clerk's Office will be accepting mailed ballots that are postmarked on Election Day, November 3, 2015, and received by the City Clerk's Office through the mail or delivery service by Friday, November 6, 2015. Additionally, between October 5 and continuing through Election Day, voters may vote in person at City Hall, during regular business hours, and on Saturday, October 31, 2015, from 8:00 a.m. to 5:00 p.m. All four drop-off centers will be open from 7:00 a.m. to 8:00 p.m. on Election Day.

The California Elections Code allows each candidate for a nonpartisan elective office in a city to prepare a statement which will be mailed to each registered voter as part of a voter information pamphlet. Per Resolution No. 09-055, candidates will be permitted to submit candidate's statements containing up to 200 words; and there will be no charge to the candidate for the printing of the statement.

BUDGET/FINANCIAL INFORMATION:

The Fiscal Year 2016 proposed budget for the City Clerk's Office includes \$300,000 to cover the estimated cost of the election.

PREPARED BY: Gwen Peirce, CMC, City Clerk Services Manager

SUBMITTED BY: Kristine Schmidt, Administrative Services Director
Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA CALLING FOR THE HOLDING OF A VOTE-BY-MAIL GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 3, 2015, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE CHARTER AND THAT CERTAIN SETTLEMENT AGREEMENT DATED MARCH 10, 2015, IN *BANALES, ET AL. V. CITY OF SANTA BARBARA*

WHEREAS, under the provisions of the Charter of the City of Santa Barbara and that certain Settlement Agreement dated March 10, 2015 in *Banales, et al. v. City of Santa Barbara*, a General Municipal Election shall be held on November 3, 2015, for the election of three municipal officers by electoral district; and

WHEREAS, the City Council has determined that Districts 1, 2 and 3 as depicted on the attached electoral district map and legal description shall be up for election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the Charter of the City of Santa Barbara and that certain Settlement Agreement dated March 10, 2015 in *Banales, et al. v. City of Santa Barbara*, there is called and ordered to be held in the City of Santa Barbara on Tuesday, November 3, 2015 (“Election Day”), a General Municipal Election for the purpose of electing three Councilmembers for terms expiring in accordance with Section 500 of the City Charter.

SECTION 2. That Districts 1, 2 and 3 as depicted on the attached electoral district map and legal description shall be up for election; and

SECTION 3. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That pursuant to section 1306 of the Santa Barbara City Charter and Elections Code section 4108, the election shall be conducted as a vote-by-mail ballot, and shall be conducted pursuant to the applicable requirements of Chapter 2 of Division 4 (commencing with section 4100) of the California Elections Code only insofar as required by law. Ballots cast in this election shall be returned to the office of the City Clerk in the timeframe specified in Elections Code section 4103 (as amended by Stats. 2014, c. 618 [S.B. 29]).

SECTION 5. Elections Code Section 3019 shall apply with the added provision that the City Clerk may compare a copy of a voter's signature produced from the original ballot envelope to the voter's signature on the original affidavit, or may arrange with the County Registrar of Voters to compare such signature copies on the City's behalf, and if a ballot shall be rejected on the basis of such comparison an appropriate notation shall be marked on the original ballot envelope as required by Section 3019.

SECTION 6. That the drop-off center located at City Hall, 735 Anacapa Street, for the election shall be open at 8:00 o'clock a.m. on the Saturday preceding Election Day (October 31, 2015), and shall remain open continuously from that time until 5 o'clock p.m. of the same day when the center shall be closed pursuant to Elections Code section 10242. Further, that all drop-off centers for the election shall be open at 7 a.m. on Election Day, and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the centers shall be closed pursuant to Elections Code section 10242, except as provided in Elections Code section 14401.

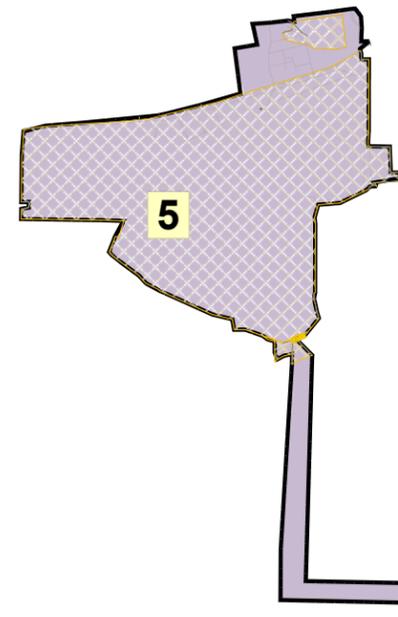
SECTION 7. That pursuant to Elections Code section 12310, a stipend for services for the persons named as election board members is fixed at the sum of \$160 for each Inspector and \$120 for each Clerk for the election. In addition, the sum of \$20 will be paid to each Inspector and the sum of \$10 for each Clerk to attend a training class; the sum of \$10 will be given to each Inspector to pick up the precinct supplies; and the sum of \$10 will be paid to each bilingual election board member.

SECTION 8. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by state law for holding vote-by-mail elections.

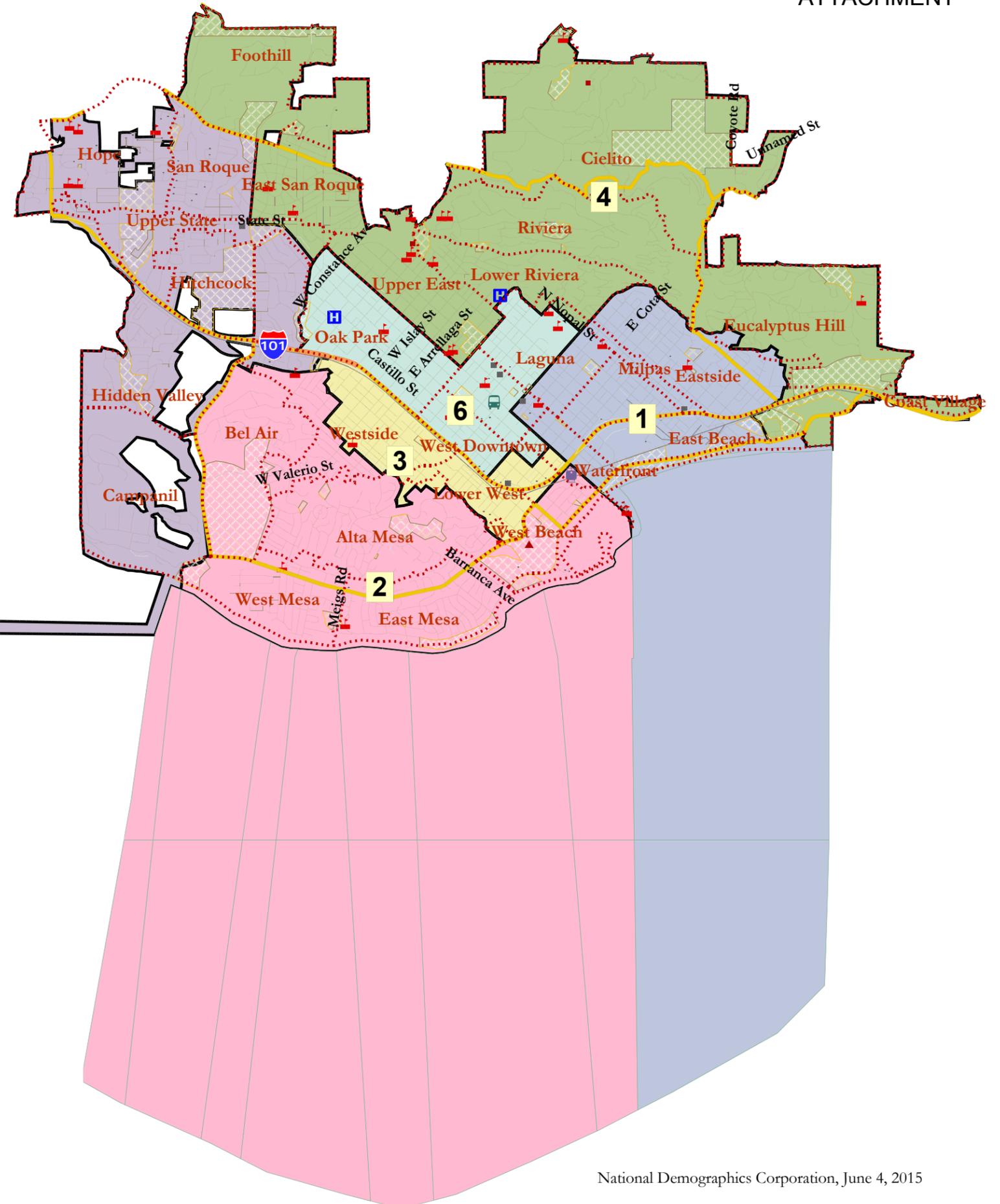
SECTION 9. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form, and manner as required by law.

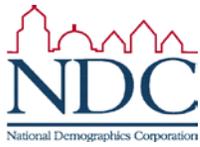
2015 Adopted Plan

City of Santa Barbara 2015 Districting



- Map layers**
- Adopted Plan
 - Census Block
 - Landmark Area
 - Pipeline/Power Line
 - Railroad
 - Landmark Point
 - Streets
 - GP Neighborhoods





2015 Council District Boundary Description

City of Santa Barbara

District 1

Beginning at the intersection of Canon Perdido St and State St; thence proceeding northeasterly along Canon Perdido St to the intersection of Canon Perdido St and Medio Rd; thence proceeding easterly along the extension of Canon Perdido St to Los Pueblos Rd; thence proceeding easterly along Los Pueblos Rd to De La Guerra Rd; thence proceeding easterly along De La Guerra Rd to Alameda Padre Serra; thence proceeding southeasterly along Alameda Padre Serra to the northern point of parcel APN 015192021 (123 Alameda Padre Serra); thence proceeding southeasterly, southerly, westerly, southerly, and westerly along the northern and eastern borders of parcel APN 015192021 and parcel APN 015221004 to the northern border of parcel APN 015221005 (1501 Clifton St); thence proceeding westerly, southwesterly and southeasterly along the northern and western borders of parcel APN 015221005 to Clifton St; thence proceeding easterly along Clifton St to Eucalyptus Rd; thence proceeding easterly along Eucalyptus Rd to the northern border of parcel APN 015202036 (1479 Lou Dillon Ln); thence proceeding easterly along the northern borders of parcels APN 015202036, 015202041 (1476 Lou Dillon Ln), and 015202042 (1478 Lou Dillon Ln); thence proceeding southerly along the eastern border of parcel APN 015202042 to the northern border of parcel APN 015202047 (1480 Lou Dillon Ln); thence proceeding easterly, southerly, easterly, and southerly along the northern and eastern border of parcel APN 015202047 to the northern border of parcel APN 015271006 (445 Scenic Dr); thence proceeding westerly and southerly along the northern and western border of parcel APN 015271006 to Scenic Dr; thence proceeding easterly along Scenic Dr to Harbor View Dr; thence proceeding southerly along Harbor View Dr to Old Coast Highway; thence proceeding westerly along Old Coast Hwy to Park Pl; thence proceeding southerly along Park Pl and its extension to the Highway 101 northern offramp; thence proceeding westerly along the offramp and the onramp to Highway 101 and south across Highway 101 to the Union Pacific Railroad; thence proceeding southwestly along the Railroad to Sycamore Creek; thence proceeding southerly along Sycamore Creek to Cabrillo Blvd; thence proceeding easterly along Cabrillo Blvd to the western border of parcel APN 017383002 (1407 E Cabrillo Blvd); thence proceeding southerly along the western border of parcel APN 017383002 to the Ocean then easterly along the water line to the City border, and including the ocean area within City borders east and southeast of the pier (consisting of Census Blocks 060839900000043, 060830008041034 and 060839900000048); thence proceeding westerly to the Pier; thence proceeding around (and including) the pier to State St; thence proceeding northwesterly along State St to the point of beginning.

District 2

Beginning at the intersection of State St, Cabrillo Blvd., the southwestern side of the Pier, and including within its boundaries the City Harbor and the ocean area within City borders west and southwest of the pier and east and southeast of Arroyo Burro Creek (consisting of Census Blocks 060830012061017, 060839900000036 through 42; 060839900000047; 060839900000057 through 60; 060839900000085 and 060839900000086; and proceeding from the Pier southerly, westerly, and northerly around those listed census blocks to, and clockwise along, the city border to Arroyo Burro Creek; thence proceeding northerly along Arroyo Burro Creek to Cliff Dr; thence proceeding northeasterly along Cliff Dr to Las Positas Rd; thence proceeding northerly along Las Positas Rd to the westerly extension of Hacienda Way; thence proceeding easterly along Hacienda Way to Hacienda Dr; thence proceeding northerly along Hacienda Dr to Modoc Rd; thence proceeding easterly along Modoc Rd to the northernmost point of parcel APN 043083007 (2043 Modoc Rd); thence proceeding southwestly along the northwestern border of parcel APN 043083007 to the western border of parcel APN 043083040 (41

2015 District Boundary Description City of Santa Barbara

Tinker Way); thence proceeding southerly along the western border of parcel APN 043083040 to Tinker Way; thence proceeding southwesterly along Tinker Way to Lorinda Way; thence proceeding southerly along Lorinda Way to Chino St; thence proceeding southeasterly along Chino St to Pedregosa St; thence proceeding southwesterly along Pedregosa St to Robbins St; thence proceeding southeasterly along Robbins St to Valerio St; thence proceeding southwesterly along Valerio St to Mountain Ave; thence proceeding southeasterly along Mountain Ave to the Arrellaga St alley on the southeastern side of parcel APN 043203014 (1625 Robbins St); thence proceeding northeasterly along the Arrellaga St alley to Robbins St; thence proceeding southwesterly along Robbins St to Victoria St; thence proceeding northeasterly along Victoria St to the northeastern border of parcel APN 035360044 (929 W Victoria St); thence proceeding southeasterly along the northeastern borders of parcel APN 035360044 and parcel APN 035360045 (914 W Anapamu St) to the western border of parcel APN 035013003 (925 W Anapamu St); thence proceeding southeasterly along the western border of parcel APN 035013003 to Carrillo St; thence proceeding southerly along Carrillo St to the southwestern corner to the Vista del Pueblo Apartments parcel APN 035370CA1 (1050 Vista del Pueblo); thence proceeding southerly and easterly along the parcel border to the southern point of parcel APN 035023003 (930 Miramonte Dr); thence proceeding northwesterly, northeasterly, and southeasterly along the border of parcel APN 035023003 to the northwestern border of parcel APN 035050041 (848 Miramonte Dr); thence proceeding northeasterly along the northwestern borders of parcels APN 035050041 and 035050042 (842 Miramonte Dr); thence proceeding southeasterly along the northeastern borders of parcels APN 035050042 and 035050043 (836 Miramonte Dr) to the southwestern border of parcel APN 035050029 (935 San Andres St); thence proceeding southeasterly northeasterly along the southern border of parcel APN 035050029 to Loma Alta Dr; thence proceeding southeasterly along Loma Alta Dr to Cliff Dr; thence proceeding northeasterly along Cliff Dr to Montecito St; thence proceeding northeasterly along Montecito St to State St; thence proceeding southeasterly along State St to the point of beginning.

District 3

Beginning at the intersection of Interstate 101 and the northeasterly extension of Kentia Ave; thence proceeding due south to the Union Pacific Railroad; thence proceeding northwesterly along the Railroad to the northeastern corner of Pilgrim Terrace Park; thence proceeding southwesterly along the border of Pilgrim Terrace Park to Modoc Rd; thence proceeding easterly along Modoc Rd to the northernmost point of parcel APN 043083007 (2043 Modoc Rd); thence proceeding southwesterly along the northwestern border of parcel APN 043083007 to the western border of parcel APN 043083040 (41 Tinker Way); thence proceeding southerly along the western border of parcel APN 043083040 to Tinker Way; thence proceeding southwesterly along Tinker Way to Lorinda Way; thence proceeding southerly along Lorinda Way to Chino St; thence proceeding southeasterly along Chino St to Pedregosa St; thence proceeding southwesterly along Pedregosa St to Robbins St; thence proceeding southeasterly along Robbins St to Valerio St; thence proceeding southwesterly along Valerio St to Mountain Ave; thence proceeding southeasterly along Mountain Ave to the Arrellaga St alley on the southeastern side of parcel APN 043203014; thence proceeding northeasterly along the Arrellaga St alley to Robbins St; thence proceeding southwesterly along Robbins St to Victoria St; thence proceeding northeasterly along Victoria St to the northeastern border of parcel APN 035360044 (929 W Victoria St); thence proceeding southeasterly along the northeastern borders of parcel APN 035360044 and parcel APN 035360045 (914 W Anapamu St) to the western border of parcel APN 035013003 (925 W Anapamu St); thence proceeding southeasterly along the western border of parcel APN 035013003 to Carrillo St; thence proceeding southerly along Carrillo St to the southwestern corner to the Vista del Pueblo Apartments parcel APN 035370CA1 (1050 Vista del Pueblo); thence

2015 District Boundary Description City of Santa Barbara

proceeding southerly and easterly along the parcel border to the southern point of parcel APN 035023003 (930 Miramonte Dr); thence proceeding northwesterly, northeasterly, and southeasterly along the border of parcel APN 035023003 to the northwestern border of parcel APN 035050041 (848 Miramonte Dr); thence proceeding northeasterly along the northwestern borders of parcels APN 035050041 and 035050042 (842 Miramonte Dr); thence proceeding southeasterly along the northeastern borders of parcels APN 035050042 and 035050043 (836 Miramonte Dr) to the southwestern border of parcel APN 035050029 (935 San Andres St); thence proceeding southeasterly and northeasterly along the southern border of parcel APN 035050029 to Loma Alta Dr; thence proceeding southeasterly along Loma Alta Dr to Cliff Dr; thence proceeding northeasterly along Cliff Dr to Montecito St; thence proceeding northeasterly along Montecito St to State St; thence proceeding southeasterly along State St to Haley St; thence proceeding southwesterly along Haley St to De La Vina St; thence proceeding northwesterly along De La Vina St to Ortega St; thence proceeding southwesterly along Ortega St to Highway 101; thence proceeding northwesterly along Highway 101 to the point of beginning.

District 4

Beginning at the intersection of Foothill Rd and the City's northwestern border at the northwest corner of parcel APN 057271015 (3739 Foothill Rd); thence proceeding southeasterly along Foothill Rd to San Roque Rd; thence proceeding southerly along San Roque Rd to State St; thence proceeding easterly along State St to De La Vina St; thence proceeding southeasterly along De La Vina St to Mission Creek at the northwestern point of parcel APN 05122015 (2726 De La Vina St); thence proceeding northerly along Mission Creek to State St; thence proceeding southeasterly along State St to Sola St; thence proceeding northeasterly along Sola St to Olive St; thence proceeding northwesterly along Olive St to Micheltorena St; thence proceeding northeasterly along Micheltorena St to Alta Vista Rd; thence proceeding southeasterly along Alta Vista Rd to Anapamu St; thence proceeding northeasterly along Anapamu St to Nopal St; thence proceeding southeasterly along Nopal St to Canon Perdido St; thence proceeding northeasterly along Canon Perdido St to the intersection of Canon Perdido St and Medio Rd; thence proceeding easterly along the extension of Canon Perdido St to Los Pueblos Rd; thence proceeding easterly along Los Pueblos Rd to De La Guerra Rd; thence proceeding easterly along De La Guerra Rd to Alameda Padre Serra; thence proceeding southeasterly along Alameda Padre Serra to the northern point of parcel APN 015192021 (123 Alameda Padre Serra); thence proceeding southeasterly, southerly, westerly, southerly, and westerly along the northern and eastern borders of parcel APN 015192021 and parcel APN 015221004 to the northern border of parcel APN 015221005 (1501 Clifton St); thence proceeding westerly, southwesterly and southeasterly along the northern and western borders of parcel APN 015221005 to Clifton St; thence proceeding easterly along Clifton St to Eucalyptus Rd; thence proceeding easterly along Eucalyptus Rd to the northern border of parcel APN 015202036 (1479 Lou Dillon Ln); thence proceeding easterly along the northern borders of parcels APN 015202036, 015202041 (1476 Lou Dillon Ln), and 015202042 (1478 Lou Dillon Ln); thence proceeding southerly along the eastern border of parcel APN 015202042 to the northern border of parcel APN 015202047 (1480 Lou Dillon Ln); thence proceeding easterly, southerly, easterly, and southerly along the northern and eastern border of parcel APN 015202047 to the northern border of parcel APN 015271006 (445 Scenic Dr); thence proceeding westerly and southerly along the northern and western border of parcel APN 015271006 to Scenic Dr; thence proceeding easterly along Scenic Dr to Harbor View Dr; thence proceeding southerly along Harbor View Dr to Old Coast Highway; thence proceeding westerly along Old Coast Hwy to Park Pl; thence proceeding southerly along Park Pl and its extension to the Highway 101 northern offramp; thence proceeding westerly along the offramp and the onramp to Highway 101 and south across Highway 101

2015 District Boundary Description City of Santa Barbara

to the Union Pacific Railroad; thence proceeding southwesterly along the Railroad to Sycamore Creek; thence proceeding southerly along Sycamore Creek to Cabrillo Blvd; thence proceeding easterly along Cabrillo Blvd to the western border of parcel APN 017383002 (1407 E Cabrillo Blvd); thence proceeding southerly along the western border of parcel APN 017383002 to the Ocean and the City border; thence proceeding counter-clockwise along the City border to the point of beginning.

District 5

Beginning at the intersection of Foothill Rd and the City's northwestern border at the northwest corner of parcel APN 057271015 (3739 Foothill Rd); thence proceeding southeasterly along Foothill Rd to San Roque Rd; thence proceeding southerly along San Roque Rd to State St; thence proceeding easterly along State St to De La Vina St; thence proceeding southeasterly along De La Vina St to Mission Creek at the northwestern point of parcel APN 05122015 (2726 De La Vina St); thence proceeding southerly along Mission Creek to Junipero St; thence proceeding southerly along Junipero St and its extension to Highway 101; thence proceeding southeasterly along Highway 101 to its intersection with the northeasterly extension of Kentia Ave; thence proceeding due south to the Union Pacific Railroad; thence proceeding northwesterly along the Railroad to the northeastern corner of Pilgrim Terrace Park; thence proceeding southwesterly along the border of Pilgrim Terrace Park to Modoc Rd; thence proceeding westerly along Modoc Rd to Hacienda Dr; thence proceeding southerly along Hacienda Dr to Hacienda Way; thence proceeding westerly along Hacienda Way and its extension to Las Positas Rd; thence proceeding southerly along Las Positas Rd to Cliff Dr; thence proceeding westerly along Cliff Dr to Arroyo Burro Creek; thence proceeding southwesterly along Arroyo Burro Creek to the Ocean; thence proceeding clockwise along the City border around (and including) the Santa Barbara Airport and the Ocean portions of the City west and southwest of Arroyo Burro Creek, to the point of beginning.

District 6

Beginning at the intersection of Canon Perdido St and State St; thence proceeding northeasterly along Canon Perdido St to Nopal St; thence proceeding northwesterly along Nopal St to Anapamu St; thence proceeding southwesterly along Anapamu St to Alta Vista Rd; thence proceeding northwesterly along Alta Vista Rd to Micheltoarena St; thence proceeding southwesterly along Micheltoarena St to Olive St; thence proceeding southeasterly along Olive St to Sola St; thence proceeding southwesterly along Sola St to State St; thence proceeding northwesterly along State St to Mission Creek at the north point of parcel APN 051142005 (2707 State St); thence proceeding southerly along Mission Creek to Junipero St; thence proceeding southerly along Junipero St and its extension to Highway 101; thence proceeding southeasterly along Highway 101 to Ortega St; thence proceeding northeasterly along Ortega St to De La Vina St; thence proceeding southeasterly along De La Vina St to W Haley St; thence proceeding northeasterly along Haley St to State St; thence proceeding northwesterly along State St to the point of beginning.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Human Resources Division, Administrative Services Department

SUBJECT: Salary And Benefit Continuation For City Employees On Active Military Duty Leave Of Absence

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Continuance of Employee Salary and Benefits During a Military Leave of Absence Effective May 18, 2015.

DISCUSSION:

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

In order to support City employees while they are serving our country, in October 2001, City Council first approved, for a six month period, salary differentials and benefit continuation to those employees called to active military duty due to the terrorist action on September 11, 2001. Council then further approved differentials and benefit continuation in April 2002, May 2003, May 2004, October 2005, March 2007, May 2009, and July 2011. Since October 2001, 11 employees have been eligible for the City's military leave salary differential and benefit continuation at a cost of approximately \$263,835.

Currently a Police Officer is deployed on active duty for approximately 12 months. The City-paid salary differential is the difference between the amount the employee receives from their regular City gross bi-weekly wage (not including overtime), and the amount the employee receives from the military, including all allowances (from the employee's Military Leave and Earning Statements). The City receives the military earnings forms so that the differential can be accurately calculated. The salary differential is subject to Federal, State and Medicare taxes and, if applicable, would be part of the employee's W-2 wages at the end of the year. The City-paid portion of health insurance and

Council Agenda Report

Salary And Benefit Continuation For City Employee On Active Military Duty Leave Of
Absence

June 30, 2015

Page 2

retirement are also continued. The attached resolution would ensure that the salary and benefits for this City employee and his family is not interrupted while serving on Active Military Leave for an indefinite period of time. At any time, Council may cancel this policy by adopting a new resolution.

BUDGET/FINANCIAL INFORMATION:

The projected total cost for 12 months of salary and benefit continuation for the employee who is on active military duty is estimated to be \$81,157, plus adjustments if any. No additional appropriations are necessary since the monies are already included in the Police Department's Fiscal Year 2015 and 2016 budget.

PREPARED BY: Christie Lanning, Human Resources Analyst II

SUBMITTED BY: Kristy Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE CONTINUANCE OF EMPLOYEE SALARY AND BENEFITS DURING A MILITARY LEAVE OF ABSENCE EFFECTIVE MAY 18, 2015.

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

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

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

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY RESOLVE THAT the City is authorized to continue employee salary differentials and benefits during a military leave of absence for active duty effective May 18, 2015, as follows:

Section 1: Salary – When an employee is called to active duty, the City will pay the employee the difference between their City salary (excluding overtime) and their military salary, including housing and subsistence pay, such that the employee will continue to receive the equivalent of their City salary for the duration of their active duty. The City-paid salary supplement to military pay shall be paid.

Section 2: Benefits – The City will continue to pay the City contribution to health insurance (medical, dental, vision, psychological, and basic life insurance coverage), subject to evidence of insurability for an employee called to active duty.

Section 3: Retirement – Upon return of the City employee from active military duty, the City will pay any City-paid employer and/or employee contribution to the California Public Employees' Retirement System (PERS) for the employee's military leave of absence.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Treasury Division, Finance Department

SUBJECT: May 2015 Investment Report

RECOMMENDATION:

That Council accept the May 2015 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of May 31, 2015.

ATTACHMENT: May 2015 Investment Report

PREPARED BY: Julie Nemes, Treasury Manager

SUBMITTED BY: Robert Samario, Finance Director/ Acting Assistant City Administrator

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
May 31, 2015

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

5/29 LAIF Deposit - City	\$ 4,000,000
Total	\$ 4,000,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

5/26 Federal Home Loan Mortgage Corp (FHLMC) - Call	\$ (2,000,000)
5/27 Federal Home Loan Bank (FHLB) - Maturity	(2,000,000)
Total	\$ (4,000,000)

ACTIVITY TOTAL

\$ -

INVESTMENT INCOME

POOLED INVESTMENTS

Interest Earned on Investments	\$ 163,744
Amortization	(11,438)
Total	\$ 152,307

INCOME TOTAL

\$ 152,307

CITY OF SANTA BARBARA

Investment Portfolio

May 31, 2015

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
			MOODY'S	S & P							
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.290	0.290	28,000,000.00	28,000,000.00	28,000,000.00	0.00	
Subtotal, LAIF							28,000,000.00	28,000,000.00	28,000,000.00	0.00	
CERTIFICATES OF DEPOSIT											
AMERICAN EXPRESS BANK FSB	10/23/14	10/23/19	-	-	2.200	2.200	250,000.00	250,000.00	253,132.50	3,132.50	FDIC Certificate 35328
CAPITAL ONE BANK USA NA	10/29/14	10/29/19	-	-	1.900	1.900	250,000.00	250,000.00	253,105.00	3,105.00	FDIC Certificate 33954
GE CAPITAL BANK	10/17/14	10/17/19	-	-	2.000	2.000	250,000.00	250,000.00	253,092.50	3,092.50	FDIC Certificate 33778
GOLDMAN SACHS BANK USA	10/29/14	10/29/19	-	-	2.150	2.150	250,000.00	250,000.00	253,087.50	3,087.50	FDIC Certificate 33124
MONTECITO BANK & TRUST	11/18/13	11/18/15	-	-	0.600	0.600	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
UNION BANK	08/31/12	08/31/15	-	-	1.230	1.247	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
UNION BANK	08/31/12	08/31/17	-	-	1.490	1.511	4,000,000.00	4,000,000.00	4,000,000.00	0.00	
Subtotal, Certificates of deposit							9,000,000.00	9,000,000.00	9,012,417.50	12,417.50	
TREASURY SECURITIES - COUPON											
U S TREASURY NOTE	10/25/12	10/31/15	Aaa	AA+	1.250	0.397	2,000,000.00	2,007,053.81	2,009,540.00	2,486.19	
U S TREASURY NOTE	02/22/13	05/15/16	Aaa	AA+	5.125	0.442	2,000,000.00	2,088,786.87	2,091,560.00	2,773.13	
U S TREASURY NOTE	02/22/13	08/31/16	Aaa	AA+	1.000	0.502	2,000,000.00	2,012,326.74	2,015,160.00	2,833.26	
U S TREASURY NOTE	02/22/13	02/28/17	Aaa	AA+	0.875	0.607	2,000,000.00	2,009,241.65	2,011,880.00	2,638.35	
Subtotal, Treasury Securities							8,000,000.00	8,117,409.07	8,128,140.00	10,730.93	
FEDERAL AGENCY ISSUES - COUPON											
FED AGRICULTURAL MTG CORP	10/03/13	10/03/18	-	-	1.720	1.720	2,000,000.00	2,000,000.00	2,028,040.00	28,040.00	
FED AGRICULTURAL MTG CORP	12/12/13	12/12/18	-	-	1.705	1.705	2,000,000.00	2,000,000.00	2,042,220.00	42,220.00	
FEDERAL FARM CREDIT BANK	01/22/15	07/22/19	Aaa	AA+	1.720	1.720	2,000,000.00	2,000,000.00	1,995,860.00	(4,140.00)	Callable, continuous
FEDERAL FARM CREDIT BANK	07/09/14	07/09/18	Aaa	AA+	1.470	1.470	2,000,000.00	2,000,000.00	2,002,460.00	2,460.00	Callable 07/09/15, then continuous
FEDERAL FARM CREDIT BANK	01/22/15	01/22/19	Aaa	AA+	1.480	1.480	2,000,000.00	2,000,000.00	2,005,820.00	5,820.00	Callable 01/22/16, then continuous
FEDERAL FARM CREDIT BANK	08/15/12	08/15/17	Aaa	AA+	0.980	0.980	2,000,000.00	2,000,000.00	1,998,780.00	(1,220.00)	Callable, continuous
FEDERAL FARM CREDIT BANK	09/18/13	09/18/17	Aaa	AA+	1.550	1.550	2,000,000.00	2,000,000.00	2,031,340.00	31,340.00	
FEDERAL FARM CREDIT BANK	12/16/14	12/16/19	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,010,000.00	10,000.00	Callable 12/16/15, then continuous
FEDERAL FARM CREDIT BANK	02/11/15	02/11/19	Aaa	AA+	1.520	1.520	2,000,000.00	2,000,000.00	2,001,500.00	1,500.00	Callable 02/11/16, then continuous
FEDERAL FARM CREDIT BANK	02/16/11	02/16/16	Aaa	AA+	2.570	2.570	2,000,000.00	2,000,000.00	2,032,520.00	32,520.00	
FEDERAL FARM CREDIT BANK	07/17/13	07/17/17	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,022,960.00	22,960.00	
FEDERAL HOME LOAN BANK	09/13/13	09/14/18	Aaa	AA+	2.000	1.910	2,000,000.00	2,005,609.56	2,058,620.00	53,010.44	
FEDERAL HOME LOAN BANK	01/16/13	01/16/18	Aaa	AA+	1.000	1.000	4,000,000.00	4,000,000.00	3,987,600.00	(12,400.00)	Callable 07/16/15, then qtrly
FEDERAL HOME LOAN BANK	01/17/14	04/17/18	Aaa	AA+	1.480	1.480	2,000,000.00	2,000,000.00	2,026,860.00	26,860.00	
FEDERAL HOME LOAN BANK	06/26/14	06/26/19	Aaa	AA+	1.250	2.062	2,000,000.00	2,000,000.00	2,001,360.00	1,360.00	SU 1.25%-6% Call 06/26/15, then qtrly
FEDERAL HOME LOAN BANK	11/26/14	11/26/19	Aaa	AA+	1.500	2.102	2,000,000.00	2,000,000.00	2,005,160.00	5,160.00	SU 1.5%-5% Call 08/26/15, then qtrly
FEDERAL HOME LOAN BANK	12/16/13	12/14/18	Aaa	AA+	1.750	1.650	2,000,000.00	2,006,754.40	2,039,940.00	33,185.60	
FEDERAL HOME LOAN BANK	06/18/14	06/09/17	Aaa	AA+	1.000	1.003	2,000,000.00	1,999,864.05	2,012,360.00	12,495.95	
FEDERAL HOME LOAN BANK	10/22/14	11/18/16	Aaa	AA+	0.750	0.500	2,000,000.00	2,007,262.14	2,008,820.00	1,557.86	
FEDERAL HOME LOAN MTG CORP	06/26/13	06/26/18	Aaa	AA+	1.400	1.400	2,000,000.00	2,000,000.00	1,999,700.00	(300.00)	Callable 06/26/15, then qtrly

CITY OF SANTA BARBARA

Investment Portfolio

May 31, 2015

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN MTG CORP	12/18/13	12/18/18	Aaa	AA+	1.500	1.839	1,000,000.00	1,000,000.00	1,000,650.00	650.00	SU 1.5%-2.75% Call 06/18/15, then qtrly
FEDERAL HOME LOAN MTG CORP	06/30/14	06/30/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	2,001,440.00	1,440.00	Callable 06/30/15, once
FEDERAL HOME LOAN MTG CORP	09/12/12	09/12/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,999,320.00	(680.00)	Callable 06/12/15, then qtrly
FEDERAL HOME LOAN MTG CORP	01/16/13	01/16/18	Aaa	AA+	1.050	1.050	4,000,000.00	4,000,000.00	4,004,880.00	4,880.00	Callable 07/16/15, then qtrly
FEDERAL HOME LOAN MTG CORP	06/26/13	06/26/18	Aaa	AA+	1.500	1.500	2,000,000.00	2,000,000.00	2,001,660.00	1,660.00	Callable 06/26/15, then qtrly
FEDERAL HOME LOAN MTG CORP	11/20/13	09/29/17	Aaa	AA+	1.000	1.030	1,000,000.00	999,312.22	1,003,780.00	4,467.78	
FEDERAL NATL MORTGAGE ASSN	01/30/13	01/30/18	Aaa	AA+	1.030	1.030	3,000,000.00	3,000,000.00	2,994,900.00	(5,100.00)	Callable 07/30/15, then qtrly
FEDERAL NATL MORTGAGE ASSN	12/12/12	12/12/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,989,500.00	(10,500.00)	Callable 06/12/15, then qtrly
FEDERAL NATL MORTGAGE ASSN	06/19/13	12/19/16	Aaa	AA+	0.750	0.750	2,000,000.00	2,000,000.00	2,000,540.00	540.00	Callable 06/19/15, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/15/13	10/26/17	Aaa	AA+	0.875	1.062	2,000,000.00	1,991,222.17	2,001,120.00	9,897.83	
FEDERAL NATL MORTGAGE ASSN	12/11/13	11/27/18	Aaa	AA+	1.625	1.606	2,000,000.00	2,001,265.85	2,029,560.00	28,294.15	
FEDERAL NATL MORTGAGE ASSN	11/08/12	11/08/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,999,280.00	(720.00)	Callable 08/08/15, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/08/12	11/08/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,999,280.00	(720.00)	Callable 08/08/15, then qtrly
FEDERAL NATL MORTGAGE ASSN	12/26/12	12/26/17	Aaa	AA+	1.000	1.000	4,000,000.00	4,000,000.00	3,994,160.00	(5,840.00)	Callable 06/26/15, then qtrly
FEDERAL NATL MORTGAGE ASSN	09/21/10	09/21/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,011,540.00	11,540.00	
FEDERAL NATL MORTGAGE ASSN	12/10/10	10/26/15	Aaa	AA+	1.625	2.067	2,000,000.00	1,996,627.68	2,011,780.00	15,152.32	
FEDERAL NATL MORTGAGE ASSN	02/05/13	02/05/18	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,989,140.00	(10,860.00)	Callable 08/05/15, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/20/13	10/26/17	Aaa	AA+	0.875	1.070	2,000,000.00	1,990,836.86	2,001,120.00	10,283.14	
Subtotal, Federal Agencies							<u>81,000,000.00</u>	<u>80,998,754.93</u>	<u>81,345,570.00</u>	<u>346,815.07</u>	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN	12/15/10	12/15/15	Aa2	AA	2.450	2.530	2,000,000.00	1,999,191.67	2,022,280.00	23,088.33	
BERKSHIRE HATHAWAY INC	11/29/13	02/09/18	Aa2	AA	1.550	1.550	2,000,000.00	2,000,000.00	2,022,020.00	22,020.00	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	A1	AA+	2.250	2.250	2,000,000.00	2,000,000.00	2,016,360.00	16,360.00	
GENERAL ELECTRIC CAPITAL CORP	01/14/14	01/14/19	A1	AA+	2.300	2.250	2,000,000.00	2,003,402.28	2,045,460.00	42,057.72	
PROCTOR & GAMBLE	09/20/11	11/15/15	Aa3	AA-	1.800	1.085	2,000,000.00	2,006,351.57	2,012,640.00	6,288.43	
TOYOTA MOTOR CREDIT	09/26/11	09/15/16	Aa3	AA-	2.000	1.800	2,000,000.00	2,004,907.14	2,031,140.00	26,232.86	
Subtotal, Corporate Securities							<u>12,000,000.00</u>	<u>12,013,852.66</u>	<u>12,149,900.00</u>	<u>136,047.34</u>	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	3.500	4.195	<u>5,200,181.75</u>	<u>5,200,181.75</u>	<u>5,200,181.75</u>	<u>0.00</u>	
Subtotal, SBA Note							<u>5,200,181.75</u>	<u>5,200,181.75</u>	<u>5,200,181.75</u>	<u>0.00</u>	
CHECKING ACCOUNT											
MUFG UNION BANK NA CHKNG ACCNT	-	-	-	-	0.400	0.400	<u>24,432,436.16</u>	<u>24,432,436.16</u>	<u>24,432,436.16</u>	<u>0.00</u>	
Subtotal, Checking Account							<u>24,432,436.16</u>	<u>24,432,436.16</u>	<u>24,432,436.16</u>	<u>0.00</u>	
TOTALS							<u>167,632,617.91</u>	<u>167,762,634.57</u>	<u>168,268,645.41</u>	<u>506,010.84</u>	

Market values have been obtained from the City's safekeeping agent, MUFG Union Bank NA - The Private Bank (UBTPB). UBTPB uses Interactive Data Pricing Service, Bloomberg and DTC.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Julie Nemes, Treasury Manager

SUBJECT: Grant Agreement With South Coast Community Media Access Center

RECOMMENDATION:

That Council authorize the Finance Director to execute a grant agreement, in a form acceptable to the City Attorney, with the South Coast Community Media Access Center for management of the public and educational access television channels in an amount of \$303,900 plus an amount for public, educational and government access (PEG) capital expenditures equal to 50% of the actual PEG fees received by the City for Fiscal Year 2016.

DISCUSSION:

Since January 1, 2003, upon its formation, the South Coast Community Media Access Center, doing business as TV Santa Barbara (TVSB), has been designated by the County of Santa Barbara under its cable franchise with Cox Communications as the nonprofit entity to manage the public and educational access channels in the Santa Barbara South Coast region. The City has maintained annual grant agreements with TVSB since that time.

The Fiscal Year 2016 adopted budget includes \$303,900 in base funding for management of the public and educational access television channels in the Community Promotions program. In accordance with the adopted Fiscal Year 2016 budget, the operational funding for TVSB provided in this agreement includes a 3% increase in funding as compared to the Fiscal Year 2015 agreement. The adopted Community Promotions budget also includes an additional amount not to exceed \$144,045 for PEG capital expenditures generated from PEG fees levied on Cox Communications.

The following is a summary of the major provisions of the proposed grant agreement with TVSB for Fiscal Year 2016:

1. Term: July 1, 2015 – June 30, 2016.
2. Base Funding: The City will grant TVSB quarterly advance payments of \$72,225 for public and educational access support. Additionally, the City will grant \$15,000 to be paid in January 2016, dedicated for support of educational access. The total annual base funding of \$303,900 represents a 3% increase in funding as compared to the Fiscal Year 2015 agreement.
3. PEG Capital Funding: Under the current state video franchising law (DIVCA), PEG fees may be levied on video service providers and are limited exclusively for PEG-related capital expenditures. The City will grant TVSB an additional amount not to exceed \$141,000 from PEG fees received by the City for Fiscal Year 2016 to be used solely for capital to cover the third year of capital expenditures contained in its Five Year Capital Improvement Plan.

Resolution No. 13-049, adopted on June 18, 2013, includes a PEG fee of 1.0% of which 0.5% percent is designed to provide for capital funding to TVSB. The PEG capital funding will be paid quarterly, based on actual PEG fee collections during the previous quarter. The PEG capital funding of \$141,000 is an increase from the current \$138,000 contained in the Fiscal Year 2015 agreement. The increased capital funding will be paid by the additional PEG fees levied on Cox and, while not required to do so, Cox may elect to pass through the PEG fee increase to its subscribers on their cable bills.

In addition to the PEG capital funding of \$141,000 for Fiscal Year 2016, the City will grant TVSB an amount equal to \$3,045, representing 50% of additional actual PEG fees received by the City for Fiscal Year 2015, to be used solely for capital expenditures.

4. Indemnification: The City will be indemnified against any and all claims and actions arising from the performance of services under the agreement. Indemnification is a standard provision in all City grant agreements, including human services and community promotions grants. All nonprofit entities receiving City grant funds are required to defend and indemnify the City from any and all claims which may arise as a result of the actions of the Grantee.
5. Insurance: The insurance provisions are standard insurance requirements for City grant recipients with the exception of the liability policy requirements. Because of the specialized nature of services provided under the agreement, this agreement requires a media and broadcaster's liability policy. This is the same type of policy required of Cox Communications under the City's prior franchise agreement.

6. Compliance with Laws and Regulations: The agreement states that TVSB will comply with all applicable state and federal laws and regulations with specific reference to the Ralph M. Brown Act and the Public Records Act. This language is consistent with the County of Santa Barbara's legal compliance provisions in their operating agreement with CMAC and the previous City agreements with TVSB.

The TVSB board reviewed and accepted the agreement at its May 28, 2015 board meeting. Staff recommends Council authorize the Finance Director to execute the agreement.

PREPARED BY: Julie Nemes, Treasury Manager

SUBMITTED BY: Robert Samario, Assistant City Administrator / Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Assignment Of Lease Agreement No. 23,408 – Ocean Aire Electronics

RECOMMENDATION:

That Council approve the assignment of Lease Agreement No. 23,408 from Doug Chessmore, d.b.a. Ocean Aire Electronics, to Jon Payne, for the 339 square-foot retail space located at 125 Harbor Way, Suite #7, at a monthly rent of \$1,085.

DISCUSSION:

Doug Chessmore has owned and operated Ocean Aire Electronics (Ocean Aire) for 29 years. The base rent is currently \$1,085.85 (\$3.20/square foot), subject to annual Cost of Living increases based on the Consumer Price Index. The lease also includes variable percentage rent provisions (1% - 10%) based on the type of service being provided. The use of the site is limited to sales and service of marine motors, electronics, and hardware.

Earlier this month, Mr. Chessmore requested to assign the lease to Jon Payne. Mr. Payne has been in the maritime industry for over 20 years including the past 15 years as the owner of Mobius Rigging. The Department has reviewed Mr. Payne's credit and received the \$3,000 lease assignment review fee, financial information, and other documentation relevant to the transaction. Mr. Payne's business concept can be found in Attachment 2.

The current owner, Mr. Chessmore, is considered a tenant in good standing for the purpose of assigning the lease since he has no default notices on file and is prompt with rent payments.

In accordance with the Department's lease assignment procedure, no changes to the business terms of the lease will occur as part of this lease assignment. Ocean Aire Electronics, under Mr. Payne, will continue to provide sales and service of marine motors, electronics, and hardware. The Harbor Commission recommended approval of the lease assignment during its meeting on June 18, 2015.

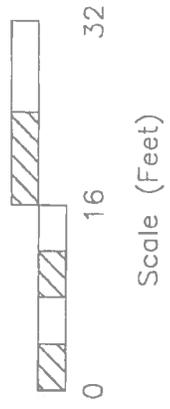
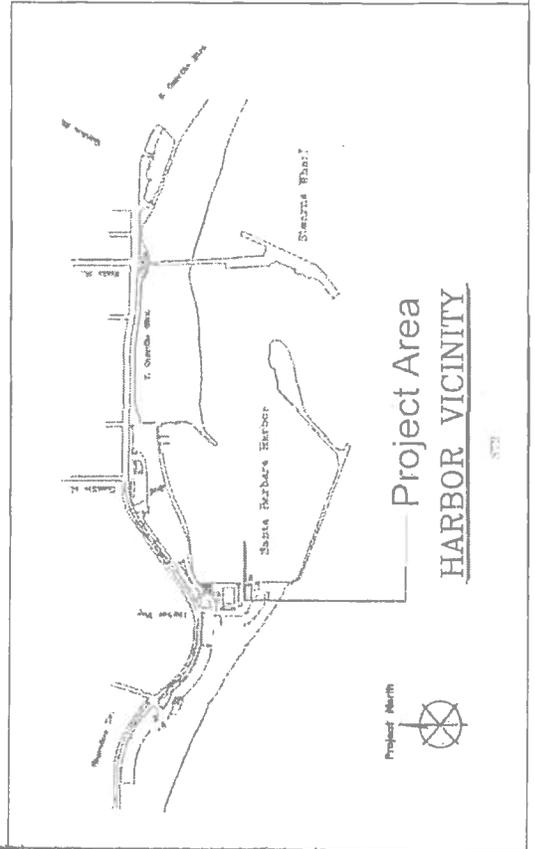
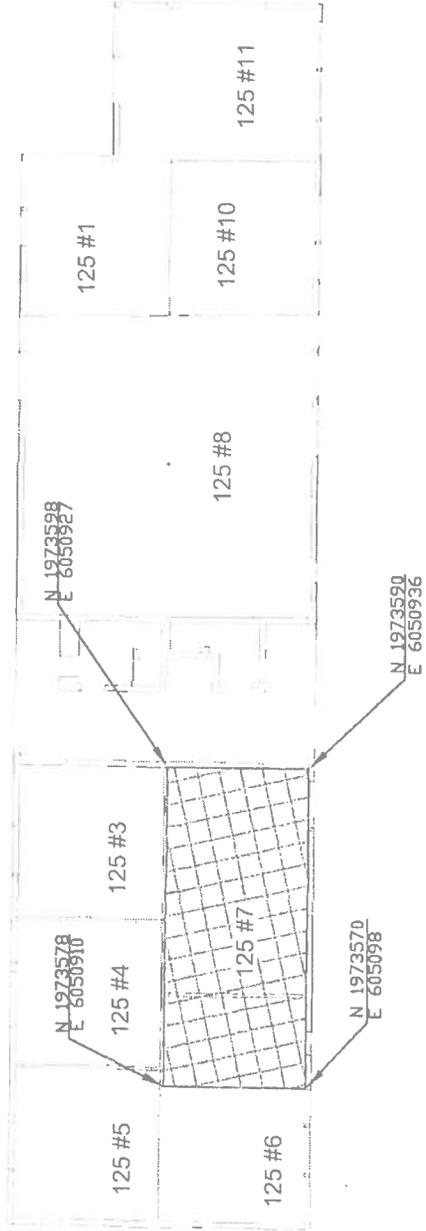
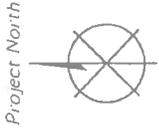
ATTACHMENTS: 1. Ocean Air Site Plan
2. Jon Payne's Business Plan

PREPARED BY: Brian Bosse, Waterfront Business Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

First Floor Plan
125 Harbor Way Suite 7
339 Square Feet



REVISIONS		DATE	DESCRIPTION
Lease Area Exhibit A		PROJECT NO.	125 Harbor Way #5
		CITY OF	Santa Barbara
		DEPARTMENT	Waterfront Department
		PROJECT NO.	1250-028
		DATE	11/17/17
		SCALE	1"=50'-0"
		SHEET NO.	1 of 1
		PROJECT NO.	1250-028

June 8, 2015

Ocean Aire Electronics : Assignment of Lease Agreement

Business Concept

Mr. Doug Chessmore has operated Ocean Aire Electronics [OAE] from 125 Harbor Way, Suite #7, since 1986 and has amassed an impressive array of marine electronics vendors and service offerings.

Mr. Jon Payne, currently operating the BAP "Mobius Rigging," intends to acquire from Mr. Chessmore the lease assignment for Ocean Aire Electronics and has established the sole proprietorship DBA "Ocean Aire" and intends to carry the name forward in this location and continue offering as many existing vendor product lines and service offerings as possible. Furthermore Mr. Payne intends to expand these product lines and service offerings to meet the growing demand for technological advancements in marine electronics and ancillary fields. While Mr. Payne has been operating as a rigging concern in name for many years, he and his team have amassed considerable expertise in the marine electronics field and are currently engaged in a number of state of the art electronics and electrical installations. Extensive recommendations in this regard are available upon request.

Mr. Chessmore has agreed to remain available for a determined time period as both a technical advisor and an installation specialist in order to facilitate a smooth transition between business owners. Especially as it pertains to critical services such as National Marine Fisheries Service Vessel Monitoring Systems, [VMS] Automatic Identification Systems [AIS] and Emergency Position-Indicating Radio Beacon [EPIRB] service, our aim is to provide uninterrupted sales and services of these specific items that will meet or exceed current expectations.

Jon Payne
Mobius Rigging
805 708-2427

June 8, 2015

Ocean Aire Electronics : Assignment of Lease Agreement

Details

1. Business name*, phone number and operating hours and practices will remain unchanged. [*Ocean Aire Electronics will become "Ocean Aire"]

As possible, existing dealerships, service and warranty contracts will be formally transferred.

2. A high priority will be placed on refreshing the physical manifestation of the location as time allows with the advent of our busiest season.

Goals:

- clean up the exterior by removing stickers and signage in and on the windows
- re-activate window in SW corner
- updating of office furniture and display cases
- update of office electronics and computers
- removal of back stock of parts and accessories
- removal of carpet, replace with either brushed concrete or hardwood floors
- removal or movement of interior wall (longer term)
- interior paint
- ceiling repair – water damage evident
- build a website



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Renewal Of Agreement With Major League Softball

RECOMMENDATION:

That Council authorize the Parks and Recreation Director to execute a two-year agreement with Major League Softball, Inc. (MLS), to perform adult softball league services at an annual cost of \$28,000 in Fiscal Years 2016 and 2017.

DISCUSSION:

MLS has been under contract with the City since August 24, 2004, to provide adult softball league programs for the Parks and Recreation Department. In 2011, the Parks and Recreation Department publicly solicited proposals for the future operation of adult softball league programs. MLS was the only respondent with a formal proposal that met the requirements and expectations for operating these services for the City of Santa Barbara Parks and Recreation Department. The current agreement provides for a two-year extension period. The proposed agreement would expire on June 30, 2017.

MLS has provided adult softball program administration and ball field maintenance services since 1986, and currently serves 28 cities and five counties in Southern California. Since 2004, MLS has provided the City softball program with registration services, infield maintenance, league coordination, staffing, computerized scoring, and statistics for four seasons per year. MLS staff has also been available to complete any additional field improvements as needed by the Parks Division. The agreement with MLS has permitted the Department to continue to provide a quality adult softball program, while keeping the fees competitive and affordable for program participants. The Parks and Recreation Department has great confidence in MLS continuing to provide quality adult softball league services in this community.

MLS Performance

During the most recent contract period 2013–2015, MLS at the request of staff, has exceeded the maintenance and repair requirements contained in the agreement. Through a

cooperative partnership, good timing, and strong communication between the City and MLS, additional field repairs and rehabilitative measures were accomplished at Pershing, and Cabrillo ball fields. The cost for MLS to complete these projects was \$9,000.

The chart below outlines the participation numbers in MLS programs since 2004. A recent survey by staff shows participation in adult softball leagues is slightly down across the State. This trend, combined with fierce competition from Elings Park for softball teams in Santa Barbara, is challenging. Expectations remain positive for continued team participation and growth as a result of a plan to increase marketing and the development and implementation of a seasonal softball tournament program.

Adult Softball Total Team Participation:

Fiscal Year	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15
Total Teams	241	210	194	217	226	220	262	249	235	229	212

MLS President, Dave Johnson, his staff, and Parks and Recreation Sports and Parks staff have maintained open lines of communication and developed good working relationships over the last eleven years.

Although participation in adult softball recreation leagues is down regionally, MLS continues to evaluate and enhance programming to maximize participation. Revenue received from MLS has helped to partially offset budgeted utility costs for lights and a portion of the outfield maintenance provided by the Parks Division. The MLS agreement continues to provide a more cost effective option for the Parks and Recreation Department to implement the Adult Softball program.

BUDGET/FINANCIAL INFORMATION:

The revenue and expense related to services provided by MLS are included in the Parks and Recreation General Fund Fiscal Year 2016 budget.

A copy of the agreement is available for public review in the City Clerk's Office.

PREPARED BY: Rich Hanna, Recreation Manager
 Jeff Smith, Recreation Sports Supervisor

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Business & Property Division, Airport Department

SUBJECT: Airline Rates And Charges For Fiscal Year 2016

RECOMMENDATION:

That Council approve and authorize the Airport Director to establish Airline rates and charges of \$99 per square foot annually for Airline Terminal building space, boarding bridge fees of \$43 per turn, and landing fees of \$3.70 per thousand pounds of gross landed weight, effective July 1, 2015, through June 30, 2016.

DISCUSSION:

Background

The airlines serving Santa Barbara operate under annual operating permits, rather than lease agreements. The Operating Permit establishes rental rates for airline terminal space, landing fees, boarding bridge fees and addresses security and operational requirements.

Methodology for Calculating Airline Rates & Charges

The new rates have been developed by using the proposed Fiscal Year 2016 operating budget for the Airport Department of \$14,281,000. Airport expense is defined as all reasonable costs and expenses incidental to, necessary for, or arising out of maintaining and repairing the Airport. The calculation of airline rates, fees, and charges is based on recovering the following costs from the Fiscal Year 2016 Department Budget:

- i. Direct and indirect operating expenses
- ii. Debt service associated with capital improvements less any grants, passenger facility charge (PFC) revenues, or customer facility charge (CFC) revenues, and
- iii. Annual deposits to the Mandatory Reserve Funds and the Capital Reserve Fund

These projected expenses are allocated to five cost centers as follows:

1. Airfield – including runways, taxiways, ramp and grass areas totaling 30% of the budget;
2. Terminal building – the terminal buildings including the sidewalk and curb adjacent to the landside of the terminal and the various non-airline functions in the building totaling 55% of the budget;
3. Boarding bridges – at the request of the airlines a separate cost center was established for the bridges which channel passengers between the terminal and certain aircraft;
4. Commercial and Industrial – non-aviation resources including Airport property leased to private commercial and industrial tenants north and south of Hollister and comprise 10% of the budget; and
5. Other buildings and areas – including general aviation, cargo, automobile parking, landscaping, roadways, parking lots, etc. and comprise 5% of the budget.

The allocated costs are reduced by Airport revenues. The net amount for the Terminal buildings, boarding bridges, and airfield (landing fee) is recovered from the airlines in annual square foot building rates, boarding bridge fees, and landing fees. The calculation for establishing the Airline Rates and Charges is more fully described in the Attachment to this report.

Airline Negotiations

An updated rate calculation spreadsheet was distributed to the airlines and reviewed with the Airline representatives from United Airlines, Alaska Airlines, and American/US Airways, on January 21, 2015.

After a thorough review of the budget data, the airlines agreed to accept the following proposed rates for Fiscal Year 2016:

- The building rental rate will increase from \$94 to \$99 per square foot
- The per turn cost for the boarding bridges will decrease from \$90 to \$43
- The landing fee will increase from \$3.52 to \$3.70 per thousand pounds of gross landed weight.

With a changing mix of aircraft and a shift toward larger planes that need boarding bridges, more planes are using the boarding bridges. The per turn cost will decline because the anticipated costs were divided by a larger number of airlines. In addition, the Fiscal Year 2015 negotiated fuel flowage fee for commercial airlines of \$.04 per gallon of fuel sold will continue.

Cost Per Enplaned Passenger

Airlines use “Cost per Enplaned Passenger” (CPE) as a key indicator for their decision about where to locate air service. The CPE is a ratio, not a specific charge. It represents the total costs of airport operations that are allocated to airlines and are charged to them in landing fees, rents or other specific charges, divided by the number of passengers boarding planes each year.

As enplanements decrease, the CPE ratio will increase, or as costs increase the ratio will increase. All things being equal, CPE will get lower as passenger activity increases. Airports use the CPE ratio as a guide for cost containment, and for comparison with competing and/or similar sized airports.

The actual CPE for Fiscal Year 2014 was \$10.81 and the target rate for Fiscal Year 2015 will be greater due to the loss of Frontier Airlines flight to Denver. The Fiscal Year 2016 recommended airlines rates and charges coupled with projected passenger traffic results in a CPE for FY 2016 of \$13.38.

Airport Commission Recommendation

On May 20, 2015, Airport Commission recommended that Council approve the proposed Airline Rates and Charges for Fiscal Year 2015.

ATTACHMENT: Calculation of Airline Rates and Charges

PREPARED BY: Rebecca Fribley, Sr. Property Management Specialist

SUBMITTED BY: Hazel Johns, Airport Director

APPROVED BY: City Administrator's Office

**CALCULATION OF
AIRLINE RATES AND CHARGES**

Airline Terminal Building Rental Rate

The Airline Terminal building rental rate is calculated by adding the allocation of the Airport maintenance and operating costs, Council mandated reserves, the building's debt service, and the amortization amount for Airport cash funded capital projects. The Total Terminal Cost for FY 2015 equals \$9,561,076.

Revenue generated from Terminal passengers in the rental car, gift and food and beverage concessions is deducted from the Total Terminal Cost, leaving a Terminal Building Requirement of \$7,265,383 that needs to be recovered from airline rentals.

The rental rate charged to the airlines is calculated by dividing the amount to be recovered (\$7,265,383) by the total Terminal building square footage (67,586). The result of that calculation is the annual Terminal Building square footage rate which is \$107. However, a rate of \$99 was negotiated.

Boarding Bridge Fee

This cost center only applies to airlines that use the passenger boarding bridges.

The boarding bridge fee is calculated by adding the allocation of maintenance and operating costs, Council mandated reserves, and the debt service amount attributed to the three boarding bridges which equals the Boarding Bridge Requirement to be recovered, or \$247,500.

The fee charged to the airlines is calculated by estimated the number of times the airlines will use the boarding bridges during the year based on their schedules. Each use of the bridge is called a "turn". It is estimated that there will be 5,726 "turns". The Passenger Boarding Bridge Requirement to be recovered (\$247,500) is divided by the number of "turns" (5,726) which equals \$43, the fee charged for each use of the boarding bridge.

Airline Landing Fee

The Landing Fee is a residual fee. The costs for maintenance and operation, the net debt service requirement, Council mandated reserves, and the amortization amount for Airport cash-funded capital projects are added together for a total Airport Cost Base of \$16,754,000.

The Cost Base Amount is then reduced by the total revenue projected from Commercial/Industrial properties, all other non-airline revenues, the projected Airline Terminal Building space rental, and the Boarding Bridge fees. The remaining amount equals \$2,592,370 which is the Airline Landing Fee Requirement.

Next the Projected Airline Landed Weight is estimated by using the airline schedules to project the number of landings and aircraft type and weight for the year. The weight used for each aircraft type is based on the published maximum gross landed weight. The landed weight projection for FY 2016 is 410,649 (1,000-pound units).

The Airline Landing Fee Requirement (\$2,592,370) is divided by the projected landed weight (410,649) which equals the landing fee rate (per 1,000 lbs. of landed weight) of \$6.31. However, a rate of \$3.70 was negotiated.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Business & Property, Airport Department

SUBJECT: Consent To Sublease Agreement Between Ampersand Aviation, LLC, And Plains All American Pipeline, LP

RECOMMENDATION:

That Council approve and authorize the Airport Director to execute a Consent to Sublease Agreement between Ampersand Aviation, LLC, a California Limited Liability Company, and Plains All American Pipeline, LP, whose principal address is 333 Clay Street, Suite 1600, Houston, TX 77002, for the use of 30,240 square feet of office space in Building 245 and associated parking, at 495 South Fairview Avenue, at the Santa Barbara Airport, effective May 29, 2015.

DISCUSSION:

On May 19, 2015, a pipeline operated by Plains All American Pipeline, LLC ruptured, resulting in an oil spill along the coast near Gaviota State Beach. The resulting oil spill clean-up and investigation into the cause of the leakage involved multiple governmental agencies. Initially housed in the Santa Barbara County Emergency Operations Center (EOC), it became apparent that these agencies would need to be moved to another location to leave the EOC available to respond to fire or other potential disasters in the County.

Ampersand Aviation, LLC, an Airport tenant since December 1998, had available space in Building 245, formerly occupied by the Deckers Corporation. Ampersand requested that the Airport consent to a short-term sublease, pursuant to the subleasing provision of Ampersand's Lease, which requires City's consent. Subleases must comply and be consistent with provisions of the master lease.

Ampersand has entered into an agreement with Plains All American Pipeline, LP, for the use of 30,240 square feet of office space in Building 245 and associated parking, effective May 29, 2015. The use conforms to existing zoning. The space will be used to house the following agencies and subcontractors:

- U.S. Environmental Protection Agency
- Pipeline and Hazardous Materials Safety Administration
- U.S. Fish and Wildlife Service
- U.S. Coast Guard
- California Governor's Office of Emergency Services
- NOAA – National Oceanic and Atmospheric Administration
- Santa Barbara County Office of Emergency Management
- Office of Spill Prevention and Response
- California Department of Fish and Wildlife
- Santa Barbara County Fire Department

Staff has reviewed the proposed sublease agreement between Ampersand Aviation, LLC, and Plains All American Pipeline, LP, and finds it to be in compliance with the master lease. No revenue from the sublease will accrue to the Airport.

Airport Commission

Airport Commission reviewed the proposed sublease at its May 20, 2015 meeting and recommends Council approval.

PREPARED BY: Rebecca Fribley, Sr. Property Management Specialist

SUBMITTED BY: Hazel Johns, Airport Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Community and Media Relations, Police Department

SUBJECT: Donation From The Santa Barbara Police Foundation For The Department Explorer Program

RECOMMENDATION:

That Council accept a donation of \$2,500 from the Santa Barbara Police Foundation for the Department Explorer Program and increase appropriations and estimated revenues in the Fiscal Year 2016 Police Department Miscellaneous Grants Fund by \$2,500.

DISCUSSION:

The primary objective of the Santa Barbara Police Department's Explorer Post is to prepare local youth for future careers in law enforcement, with an emphasis on jobs at the Santa Barbara Police Department. The Explorer program is supported by donations and fundraising efforts like the Menudo Festival.

The Santa Barbara Police Foundation is donating \$2,500 to the Explorer Program, which is consistent with their objective in continuing to support the Police Department with the purchase of necessary equipment not provided for in the Department's budget.

This money will be used to pay for uniforms and equipment, as well as travel and expenses associated with participation in multi-agency competitions and attendance in an Explorer Academy.

The Santa Barbara Police Department's Explorer post currently has 21 Police Explorers, ages 14-21.

PREPARED BY: Riley Harwood, Sergeant/LSP

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Contract For Influent Flow Monitoring And Sampling Services At The El Estero Wastewater Treatment Plant

RECOMMENDATION:

That Council authorize the Public Works Director to execute a City Professional Services contract with Utility Systems, Science and Software, Inc., in the amount of \$129,630 for flow monitoring and sampling services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$19,444 for extra services that may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

The El Estero Wastewater Treatment Plant (El Estero) treats an average of approximately seven million gallons of wastewater each day. However, plant influent measurements such as flow and loading (a concentration of constituents) into El Estero are not directly monitored. Rather, flow and loading measurements are taken on the confluent line, which is located downstream of the Influent Pump Station and includes recycled flows from several other plant processes.

In 2012, Council authorized the City to enter into a contract with V&A Consulting Engineers, Inc., (V&A) to install flow meters and samplers on El Estero's four influent lines. V&A was selected through a Request for Proposals process and was the only respondent. The hardware (meters and samplers) was procured in 2012, and the installation was completed in 2013. V&A's contract also included equipment maintenance and flow monitoring services. However, staff encountered maintenance problems associated with the meters and samplers and questioned the validity of the samples and accuracy of the flow data collected. As a result, the City terminated its remaining contract with V&A in June 2014.

At the same time, Council authorized the Public Works Director to execute a contract with Utility Systems, Science and Software Inc., (US3) to evaluate and verify the accuracy of the existing flow metering and sampling equipment, calibrate the flow meters and samplers to accurately collect and record the desired data, and provide ongoing routine maintenance of the meters for a year.

Over the last 12 months, US3 evaluated the City's existing system and, as a result, installed new custom flow meter communication equipment between the samplers and flow meters, which provided improved accuracy and consistency of samples. US3 identified maintenance issues with the sampling tube locations and relocated the tubing mounts to minimize future maintenance. US3 performed quarterly maintenance to clean the flow meter sensors and check the sampler tubing. From this work effort with US3, the City has been successful in implementing flow-paced sampling and analyzing the samples for desired constituents on each of El Estero's four influent lines.

PROJECT DESCRIPTION

US3 will continue to provide flow monitoring and sampling maintenance, and data delivery services. In addition, El Estero's current influent meters are in-line flow meters that require confined space entry to access and maintain. Staff has found that, over time, debris in the wastewater stream accumulates on the in-line flow metering equipment and interrupts the operation of the sensors, causing the meters to require a high-level of maintenance and reduced flow measurement accuracy. US3 will replace the existing meters with a different type of meter that does not make contact with the wastewater, thereby increasing the consistency and accuracy of the measured flows, and reduces maintenance costs.

SOLE SOURCE SELECTION

Staff recommends that Council authorize a sole source contract with US3 to provide flow monitoring and sampler maintenance, and data delivery services to the City for the next three years.

US3, with their expertise in flow monitoring and sampling, and firsthand knowledge of El Estero's current configuration, would be able to continue maintenance of the existing integrated software and hardware system. Measuring and sampling El Estero's four influent lines has proven to be very complex, and US3 has successfully provided Staff with the ability to implement a continuous flow-paced monitoring and sampling program. Additionally, Staff is familiar with US3's data management software. Changing providers poses significant challenges and risks to continuing the program with the current configuration of flow meters, samplers, and communication equipment.

In addition to their performance at El Estero, US3 has also successfully provided flow monitoring and sampling services for the Collection System Rate Study, which was competitively bid in 2013, and will be performing ongoing hydrogen sulfide monitoring services for the City's Hydrogen Sulfide Reduction Study.

Staff has reviewed the costs and scope of work for the proposed three-year maintenance agreement and determined that it is consistent with the cost of similar services in previous flow monitoring and sampling contracts.

FUNDING

The following summarizes all estimated total Project costs:

ESTIMATED TOTAL PROJECT COST

Flow Metering and Sampling Maintenance (by Contract)	\$129,630
Extra Services	19,444
Project Management (by City)	60,000
TOTAL PROJECT COST	\$209,074

There are sufficient appropriated funds in the Wastewater Operating Fund Budget to cover these costs.

The extra services funding recommendation of \$19,444, or 15 percent, is above the 10 percent extra services typically recommended for this professional service contract due to the unpredictable nature of metering and sampling wastewater flows.

PREPARED BY: Christopher J. Toth, Wastewater System Manager/BR/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Creeks Division, Parks and Recreation Department

SUBJECT: Purchase Order For The California Conservation Corps To Assist With The Invasive Plant Removal Program In City Creeks

RECOMMENDATION: That Council:

- A. Find it in the City's best interest to waive the formal bid process per Municipal Code Section 4.52.070.L, and authorize the City's General Services Manager to issue a Purchase Order to the California Conservation Corps, in the amount of \$75,000 for Fiscal Years 2015 and 2016, for labor to assist with the Invasive Plant Removal Program;
- B. Authorize the City's General Services Manager to renew the Purchase Order with the California Conservation Corps annually through Fiscal Year 2018, subject to Council approval of the annual Creeks Restoration and Water Quality Improvement Fund budget; and
- C. Authorize the Parks and Recreation Director to enter into a Co-Sponsorship Agreement with the California Conservation Corps, subject to review and approval by the City Attorney as to form and content.

DISCUSSION:

The Invasive Plant Removal Program (Program) is focused on removing non-native, invasive plants from City creeks to improve wildlife habitat and water quality. The Program is currently targeting giant reed (*Arundo donax*), a large and invasive plant that covers approximately five acres of Arroyo Burro. It is largely concentrated in the lower watershed, below Veronica Springs Road to Cliff Drive. The Creeks Division has partnered with the County Flood Control District and the Agricultural Commissioner's Office to remove giant reed from Arroyo Burro and then replant the sites with native trees and shrubs.

The California Conservation Corps (CCC) is a state workforce development program that provides young men and women ages 18 to 25 years with job skills training in environmental stewardship, fire protection, energy conservation, and emergency services. It is particularly designed to provide underprivileged youth with job skills for future employment and to educate them about environmental issues facing the State of

California. Since giant reed is very labor intensive to remove, a cost-effective work force that is specifically trained to work in sensitive environments is required for the Program to be effective. City staff has worked with the CCC before, and they are well-suited for the Program.

The remaining giant reed on Arroyo Burro will be removed during the next two years in coordination with private landowners and other Project partners. The CCC will also assist with replanting the affected areas with native trees and shrubs to restore the creek ecosystem. Any irrigation used for the native plantings will be done in compliance with the City's drought regulations in effect at the time of installation.

BUDGET/FINANCIAL INFORMATION:

Funding for the Invasive Plant Removal Program is included in the Creeks Operating Fund Budget for Fiscal Years 2015 and 2016. Subject to Council approval of the annual Creeks budget, subsequent purchase orders may be issued for the CCC annually through Fiscal Year 2018.

SUSTAINABILITY IMPACT:

Removing non-native, invasive plants and restoring habitat diversity will benefit wildlife and improve water quality.

A copy of the contract/agreement is available for public review in the City Clerk's Office.

PREPARED BY: George Thomson, Creeks Planner

SUBMITTED BY: Nancy Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Parks Division, Parks and Recreation Department

SUBJECT: Downtown Santa Barbara Maintenance Agreement For Fiscal Year 2016

RECOMMENDATION:

That Council authorize the Parks and Recreation Director to execute a one-year agreement in the amount of \$636,798 with Downtown Santa Barbara (DSB) for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the Highway 101 underpass and various cross streets, from July 1, 2015, through June 30, 2016.

DISCUSSION:

At the beginning of each fiscal year, the City of Santa Barbara contracts with DSB to provide landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street and many of the cross streets between Chapala and Anacapa Streets. The primary purpose of the contract is to maintain State Street in a clean, neat, and attractive condition. Services provided by DSB include:

- Landscape maintenance and plant installation in accordance with State Street Maintenance Guidelines
- Trash and litter removal from sidewalks and planter areas
- Sidewalk washing using a water recovery system
- Cleaning and painting of all vertical surfaces of kiosks, planters, fountains, electrical boxes
- Cleaning and maintenance of drinking and decorative fountains; cleaning of drinking fountains
- Trash and litter removal from sidewalks on the Paseo between Marshalls and the Fiesta Five movie theater
- Repair of vandalized or broken irrigation system components
- Trash and litter removal from sidewalks and planters at Storke Placita

Additionally, DSB will be adhering to the City of Santa Barbara Stage 3 Drought Regulations and Waste of Water Prohibition established by the Santa Barbara City Council on May 5, 2015. This includes turning off the three decorative fountains; equipping hoses with an automatic shut-off nozzle; spot treatment cleaning of sidewalks only when there is a potential threat to health and safety; and irrigating plant material in the early morning and ending at 10:30 a.m.

BUDGET/FINANCIAL INFORMATION:

Funding for this contract in the amount of \$636,798 is included in the adopted Parks and Recreation Department, General Fund, Fiscal Year 2016 budget. The Downtown Parking Fund will provide \$318,399 (50%) in funding toward the contract and has included its share in the Fiscal Year 2016 budget.

SUSTAINABILITY IMPACT:

Landscape maintenance on State Street is consistent with the City's Integrated Pest Management Strategy. The DO uses hand weeding and mulch in the landscaped planters to control weeds. These methods help the City of Santa Barbara achieve its sustainability goals.

A copy of this agreement is available in the City Clerk's office for public review.

PREPARED BY: Santos Escobar, Parks Manager

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Administration, Housing and Human Services Division, Community Development Department

SUBJECT: Request To Amend Affordable Housing Covenant On Property Located At 2612 Modoc Road (Sarah House)

RECOMMENDATION: That Council

- A. Approve the amendment of the Affordable Housing Covenant on subject property to remove the occupancy and rental restrictions on one of the property's two-bedroom units;
- B. Approve the use of the unrestricted unit for administrative and private meeting space; and
- C. Authorize the Community Development Director to execute, subject to approval as to form by the City Attorney, such agreements and related City documents as necessary.

DISCUSSION:

Background:

On September 17, 1992, the Planning Commission approved Modifications, a Conditional Use Permit and a rezone for the Sarah House project (Resolution No. 045-92). In 1993, the City provided two grants to assist with the construction of Sarah House, an 11-unit residential facility with 8 single room occupancy (SRO) units and 3 two-bedroom units. The first grant was for \$720,000 using federal Home Investment Partnerships (HOME) funds. A second grant was provided by the City's former Redevelopment Agency in the amount of \$25,000. In conjunction with the grants, an Affordable Housing Covenant was recorded that restricted the occupancy and rents of each of the 11 units in accordance with HOME requirements until September 17, 2013.

In 2007, a Housing Rehabilitation Loan Program (HRLP) grant of \$140,000 using Community Development Block Grant (CDBG) funds was awarded to Sarah House for needed rehabilitation work. As a condition of this grant, the Affordable Housing Covenant was amended such that the HOME restrictions still expired in 2013; however the City's restrictions continued another 30 years until 2043.

Sarah House provides a unique social model hospice care home for homeless and low-income individuals. Sarah House has requested the City's approval to amend the Affordable Housing Covenant to remove the occupancy and rental restrictions on one of the project's two-bedroom units. The unit will be utilized to provide both administrative space and private space for the families of residents to meet with staff to discuss the painful and emotional aspects of their loved one's end-of-life care ("revised project").

The City's Planning Division Staff has reviewed this request and determined that the revised project is in substantial conformance with the project approval granted by the Planning Commission.

Staff supports this request. The unique end-of-life services provided can result in high and unpredictable vacancy rates. Changing the use of one unit will not materially impact Sarah House's ability to accommodate residents. Utilizing one unit as administrative space will enhance their overall service to residents and their families.

PREPARED BY: David Rowell, Housing Project Planner/DER/SLG

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of On-Call Sewer Main Point Repairs - Fiscal Year 2016

RECOMMENDATION:

That Council award a contract with Tierra Contracting in their low bid amount of \$305,488 for construction of the On-Call Sewer Main Point Repairs - Fiscal Year 2016, Bid No. 3777, and authorize the Public Works Director to execute the contract and approve expenditures up to \$61,100 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

DISCUSSION:

BACKGROUND

The City of Santa Barbara owns and operates a 257-mile municipal wastewater collection system which undergoes routine cleaning and inspection activities throughout the year. At times, these routine maintenance activities identify sewer mains that are damaged and in need of immediate repair.

In an effort to efficiently respond in a timely manner, staff has developed an on-call sewer main repair contract to bring damaged infrastructure into a good state of repair. Staff has effectively managed this type of on-call repair contract over the past several years and found it beneficial to have a contractor available to respond to collection system related emergencies within a 2-hour, 24-hour or 20-day period, depending on the severity of the situation. In past years, the on-call contractor has repaired up to 30 sewer pipes under this type of on-call repair contract.

PROJECT DESCRIPTION

The work consists of performing repairs on sanitary sewer mains and manholes at various locations throughout the city that are in immediate need of repair. This is an on-call contract and repairs will be performed as needed throughout the fiscal year.

CONTRACT BIDS

A total of three (3) bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Tierra Contracting Goleta, CA	\$305,488.00
2.	Lash Construction, Incorporated Santa Barbara, CA	\$334,525.00
3.	D-KAL Engineering, Incorporated San Luis Obispo, CA	\$381,037.00

The low bid of \$305,488.00, submitted by Tierra Contracting, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$61,100, or approximately 20 percent, is recommended for this contract. This is an on-call contract intended to respond to urgent and emergency sewer main and manhole repair work. At this time, the actual number of repairs the contractor will perform over this year-long contract is unknown.

COMMUNITY OUTREACH

The contractor is required to provide door hangers to affected residences and businesses 72 hours prior to construction.

FUNDING

The On-Call Sewer Main Point Repairs - Fiscal Year 2016 Project is funded by the Wastewater Capital Fund, and there are sufficient appropriated funds to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Tierra Contracting	\$305,488	\$61,100	\$366,588
TOTAL RECOMMENDED AUTHORIZATION			\$366,588

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

ESTIMATED TOTAL PROJECT COST

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

Design: City Staff Costs	\$17,788
Subtotal	\$17,788
Construction Contract	\$305,488
Construction Change Order Allowance	61,100
Subtotal	\$366,588
City Construction Staff: Construction Management, Inspection	\$34,192
City Design Staff: Design Support Services and Record Drawings	16,647
Materials Testing	5,000
Subtotal	\$55,839
TOTAL PROJECT COST	\$440,215

PREPARED BY: Linda Sumansky, Principal Civil Engineer/LA/KT/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Administration Division, Finance Department

SUBJECT: Benefit Increase For 1927 Police And Fire Employee Retirement Plan

RECOMMENDATION:

That Council approve an increase in monthly pension benefits paid to the remaining three retirees in the City's 1927 Police and Fire Retirement Plan by 10%, which would increase the total monthly benefits paid to all retirees by \$512, from \$5,123 to \$5,635.

DISCUSSION:

The City currently administers three defined benefit pension plans created for police and fire personnel pursuant to Article XV of the 1927 City Charter. All of these plans were created prior to the City's enrollment in the CalPERS retirement system and are "closed" plans, which means no new members have been added since the City enrolled in CalPERS in the 1960s.

The Article XV-A Service Retirement Plan ("Plan") is governed by a Board of Fire and Police Pension Commissioners appointed by City Council. The Board meets quarterly, primarily to discuss the funding status of the Plan and investment results. The Plan currently has three remaining pensioners, with two having spouses that would continue to receive benefits if their husbands precede them.

When the Plan was first created, a retirement trust fund was created into which contributions from both covered employees while employed with the City and the City's General Fund were made based on periodic actuarial valuations performed by consultants. Once all employees retired, the only source of additional funds have come from earnings on plan investments and any contributions the City's General Fund may have made since then.

Although records are not available, it appears the Plan may have been fully funded as early as 1992, which would have been based on an actuarial valuation done at that time. The valuation would have included assumptions as to the expected numbers of years the pensioners would receive benefits and expected returns on invested plan

assets. However, from 1992 through 2009, these assumptions proved inaccurate. Most notably, pensioners have exceeded the original life expectancies assumed by the actuarial valuations. As a result, by June 2009 the Plan was underfunded by \$493,626. In order to ensure the Plan had sufficient funds to pay the promised benefits, in July 2010 Council approved a one-time contribution of \$493,626 from funds available in the Self Insurance Fund that were earmarked for Police and Fire employees.

It is important to note that the General Fund is ultimately responsible for ensuring the Plan has sufficient assets to pay the expected benefits. If any funds remain after all pensioners have passed away, they would return to the General Fund. Likewise, if the benefits payments exceed the assets in the fund, including future earnings, the General Fund would need to make up the difference.

While the Plan is now fully funded based on the most recent actuarial study, and pensioners not having received a cost of living increase since 1992, the Fire and Police Pension Commission recommended last year a 10% increase in benefits. The 10% increase amounted to \$596 per month, which the City Council approved, and increased monthly payments from \$5,965 to \$6,561.

Since that time, one of the pensioners whose life expectancy was over four years as of June 30, 2014 passed away. This leaves three pensioners, with two having spouses that would continue to receive the benefits if they survive their husbands. With the passing of a pensioner, who was the surviving spouse, the total monthly pension payments dropped from \$6,561 to \$5,123.

Because of the many years the pensioners had gone without a cost of living increase until last year, and the feeling on the part of the Commission that the pensioners may not reach their projected life span relative to the actuarial projections, as evidenced by the premature passing of a surviving spouse this year, the Commission recommends increasing benefits again by 10%.

Based on the June 30, 2014 actuarial valuation, the present value of the total expected benefits to be paid over the remaining lives of the pensioners and any surviving spouse is \$552,063. Since that time, a total of \$46,107 in benefits have been paid from July 2014 through March 31, 2015, which would likely lower that liability to approximately \$525,000 on a present value basis. A 10% increase in monthly benefits would correspondingly increase the total expected benefits payments by \$55,206 (10%), from an estimated \$525,000 to \$577,500. In contrast, as of March 31, 2015 the Plan had \$517,464 in assets (investments) to pay these benefits.

If the 10% increase in monthly benefits were approved, the Plan's funded status would decrease from 98.6% to 89.6%, which means the Plan would be actuarially underfunded by approximately \$60,000.

Finance Committee Recommendation

On Tuesday, June 23, 2015, the Finance Committee received a report from staff and the recommendation of the Police and Fire Pension Commission. The Committee voted unanimously to recommend City Council's approval of the 10% increase in benefits.

BUDGETARY IMPACT:

There is no immediate budgetary impact to the City since the increase in benefit payments would continue to be funded from assets available in the Plan. However, the City's General Fund may be impacted to the extent the increase in monthly pension benefits results in a shortfall in assets that would have to be made up by the General Fund.

PREPARED BY: Robert Samario, Finance Director/Acting Assistant City Administrator

SUBMITTED BY: Robert Samario, Finance Director/Acting Assistant City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For The De La Vina At Arrellaga Traffic Signal Project

RECOMMENDATION: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the De La Vina at Arrellaga Traffic Signal Project, Contract No. 24,993, in the amount of \$20,803, for a total Project expenditure authority of \$112,175;
- B. Authorize an appropriation of \$46,000 in the Fiscal Year 2015 Streets Fund from reserves to fund a transfer to the Streets Grant Fund; and
- C. Authorize an increase in appropriations and estimated revenues by \$46,000 in the Fiscal Year 2015 Streets Grant Fund to cover the cost of the extra work for the De La Vina at Arrellaga Traffic Signal Project, funded from a transfer from the Streets Fund.

DISCUSSION:

BACKGROUND

In the spring of 2013, the City completed its first annual collision report. Lists of high-collision locations were generated based on overall quantity and by specific type of collision (i.e., broadside, rear end, etc.). The collision data was also mapped in an effort to identify clusters of different types of collisions. The intersection of De La Vina and Arrellaga Streets ranked number one for non-signalized broadside collisions and number eleven for overall number of collisions. The number of broadside collisions at this intersection has been fairly consistent since 2000 (the limit of collision records).

Due to the collision history, types of collisions, and need to maintain vehicular mobility on De La Vina Street, a traffic signal was determined to be the most appropriate form of traffic control at this intersection.

Council Agenda Report

Increase In Construction Change Order Authority For The De La Vina At Arrellaga Traffic Signal Project

June 30, 2015

Page 2

City staff applied for and successfully obtained a Highway Safety Improvement Program (HSIP) grant to install a new traffic signal at the intersection of De La Vina and Arrellaga Streets. The grant will cover 90% of construction costs, up to \$141,100. The De La Vina at Arrellaga Traffic Signal Project (Project) does not include any changes to the existing intersection geometrics.

On September 30, 2014, Council awarded a contract for construction to Lee Wilson Electric Co. for the Project in their low bid amount of \$83,065, with an authorization for increases up to \$8,307 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

CURRENT STATUS

On April 20, 2015, the new traffic signal at De La Vina and Arrellaga Streets was successfully put into operation, and the Project is substantially complete. This request for an increase in change order authority is to construct an underground conduit run on De La Vina Street, between Arrellaga Street and Micheltorena Street, to provide better signal coordination between the two intersections. In addition, the request includes additional funds due to actual quantities measured for payment exceeding estimated bid quantities and additional construction management/inspection for the extra work.

BUDGET/FINANCIAL INFORMATION:

FUNDING

The following summarizes the additional expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Total
Initial Contract Amount	\$83,065	\$8,307	\$91,372
Proposed Increase	\$0	\$20,803	\$20,803
Totals	\$83,065	\$29,110	\$112,175

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

ESTIMATED TOTAL PROJECT COST

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

Design (by City Staff)	Subtotal	\$23,862
Construction Contract		\$83,065
Construction Change Order Allowance		29,110
Construction Management/Inspection (by City Staff)		36,807
City Supplied Equipment		48,200
Construction	Subtotal	\$197,182
	Project Total	*\$221,044

With the recommended appropriation, there will be sufficient appropriated funds in the Streets Grant Fund to cover the extra work item, including staff time necessary to manage the extra work.

PREPARED BY: Brian D'Amour, Principal Engineer/KY/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Administration, Parks and Recreation Department

SUBJECT: Memorandum Of Understanding With The Community Action Commission For The South Coast Task Force On Youth Gangs

RECOMMENDATION:

That Council authorize the City Administrator to execute a Memorandum of Understanding with the Community Action Commission related to the City's participation in the South Coast Task Force on Youth Gangs.

DISCUSSION:

In July 2010, the Community Action Commission (CAC) agreed to serve as the host agency for a regional effort to prevent youth gang violence in the Santa Barbara South Coast area. The City has been a co-sponsor since that time. The Cities of Goleta and Carpinteria and the County of Santa Barbara continue as sponsors and the Community Action Commission continues to act as the host agency.

The proposed Memorandum of Understanding (MOU) with CAC is for a two-year term and would commit the City's funding of \$67,729 for Fiscal Year 2015 and \$67,665 for Fiscal Year 2016. The MOU states the guiding principles and vision of the program, defines the role of the Task Force Coordinator employed by the host agency, identifies planned program improvements and a program budget, and updates the basis for cost sharing in Fiscal Year 2016.

Council Agenda Report
 Memorandum Of Understanding With The Community Action Commission For The
 South Coast Task Force On Youth Gangs
 June 30, 2015
 Page 2

The funding partners proposed contributions are:

	2010	2010-2014	2015	2015	2016
Agency	Population	Annual Share	Proposed Share	Population Updated	Proposed Share
City of Santa Barbara	90,305	\$67,729	\$ 67,729	91,088	\$ 67,665
City of Carpinteria	13,231	\$9,923	\$ 9,923	13,547	\$ 10,063
City of Goleta:	30,400	\$22,800	\$ 22,800	30,765	\$ 22,854
Unincorporated County South Coast:	67,245	\$50,434	\$ 50,434	67,716	\$ 50,303
TOTALS	201,181	\$150,886	\$ 150,886	203,116	\$ 150,886
Cost Per Resident			\$0.75		\$0.74
Annual Share from Local Government			\$150,886		\$150,886
In-kind contribution by CAC:			\$37,370		\$38,442

The City of Santa Barbara appreciates that the CAC is serving as the Host Agency by supervising the Task Force Coordinator and providing approximately \$38,000 of in-kind support each year. With a county-wide presence and a track record of success, the CAC is well-qualified and respected to continue this effort.

BUDGET/FINANCIAL INFORMATION:

Funding for this MOU is included in the adopted Fiscal Year 2015 and Fiscal Year 2016 budgets.

A copy of the contract/agreement is available for public review in the City Clerk's Office.

PREPARED BY: Kate Whan, Administrative Analyst

SUBMITTED BY: Nancy Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE LIBRARY DIRECTOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF SANTA BARBARA AND THE CITY OF BUELLTON FOR THE BUELLTON LIBRARY PROPERTY.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain lease agreement between the City of Santa Barbara and the City of Buellton for the Buellton Library property, is hereby approved.

SECTION 2. The Library Director is authorized to execute said lease agreement on behalf of the City.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase Grant Revenues And Appropriations For The Anapamu, Cabrillo, De La Guerra, Quinientos, And Gutierrez Street Bridge Replacement Projects

RECOMMENDATION: That Council:

- A. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$225,000 for the Anapamu Street Bridge Replacement Project;
- B. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by \$225,000 for the Anapamu Street Bridge Replacement Project;
- C. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$354,120 for the Cabrillo Street Bridge Replacement Project;
- D. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by \$354,120 for the Cabrillo Street Bridge Replacement Project;
- E. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$66,398 for the De La Guerra Street Bridge Replacement Project;
- F. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by \$66,398 for the De La Guerra Street Bridge Replacement Project;
- G. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$225,000 for the Quinientos Street Bridge Replacement Project;
- H. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by \$225,000 for the Quinientos Street Bridge Replacement Project;
- I. Authorize an appropriation of \$25,000 from Streets Fund Reserves and transfer to the Streets Grant Fund to cover a portion of the ongoing City share associated with the design phase of the Quinientos Street Bridge Replacement Project; and
- J. Authorize an appropriation of \$25,000 from Streets Fund Reserves and transfer to the Streets Grant Fund to cover a portion of the ongoing City share associated with the design phase of the Gutierrez Street Bridge Replacement Project.
- K. Authorize an increase to appropriations and estimated revenues of \$50,000 in the Fiscal Year 2016 Streets Grant Fund for the Quinientos Street Bridge Replacement

Council Agenda Report

Increase Grant Revenues And Appropriations For The Anapamu, Cabrillo, De La Guerra, Quinientos, And Gutierrez Street Bridge Replacement Projects

June 30, 2015

Page 2

Project (\$25,000) and Gutierrez Street Bridge Replacement Project (\$25,000) funded from a transfer of reserves from the Streets Fund.

DISCUSSION:

Council has authorized and accepted Federal Highway Administration (FHWA) bridge replacement grant funds to initiate design or construction of the above mentioned projects. Caltrans Local Assistance provides project oversight on FHWA funded projects located off the state interstate highway system.

The Anapamu, De La Guerra, Quinientos, and Gutierrez Bridge projects are in the design phase, and the Cabrillo Bridge project is currently under construction. The project design scopes have evolved, and additional costs have been identified for the projects in design. Additional right of way costs of \$354,120 are also needed for the Cabrillo Bridge project. Caltrans has authorized increased federal funding for the additional costs.

FHWA funds will be used to continue reimbursement to the City for eligible design, right of way, and construction costs. The reimbursement rate is 88.53 percent of grant eligible expenses for the Cabrillo, De La Guerra, and Gutierrez Street Bridge Replacement Projects and 100 percent for the Anapamu and Quinientos Street Bridge Replacement Projects.

City funds are appropriated as needed to ensure that adequate funds are available to cover the City match, plus any non-participating items. Both the Quinientos and Gutierrez projects need City funds at this time. Staff will return to Council for additional appropriation of City funds as needed for each of the projects currently in design (Gutierrez, De la Guerra, Quinientos, and Anapamu Street Bridges).

The attached table summarizes the current estimated total cost share for each of the five projects.

Council Agenda Report

Increase Grant Revenues And Appropriations For The Anapamu, Cabrillo, De La Guerra, Quinientos, And Gutierrez Street Bridge Replacement Projects

June 30, 2015

Page 3

BUDGET/FINANCIAL INFORMATION:

City project managers completed a periodic review of all budgetary items associated with these projects and have received authorization to obligate additional funds for these projects from FHWA. The following table summarizes each of the adjusted total project costs.

Bridge Replacement Project	FHWA Share	City Share*	Total Project
Anapamu Street Bridge	\$7,226,450	\$160,000	\$7,386,450
Cabrillo Street Bridge	\$22,921,206	\$4,861,145	\$27,782,351
De la Guerra Street Bridge	\$5,634,935	\$880,065	\$6,515,000
Gutierrez Street Bridge	\$5,916,460	\$916,540	\$6,833,000
Quinientos Street Bridge	\$7,775,000	\$160,000	\$7,935,000

*Includes 11.47% of eligible expenditures plus estimated non-participating costs

ATTACHMENT: Estimated Cost Share Summary Table for Anapamu, Cabrillo, De La Guerra, Gutierrez, and Quinientos Bridge Replacement Projects

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Estimated Cost Share Summary Table for Anapamu, Cabrillo, De La Guerra, Gutierrez, and Quinientos Bridge Replacement Projects

Project Cost Summary (Grant and City Share)					
	Anapamu	Cabrillo	De la Guerra	Gutierrez	Quinientos
Prior Grant Amount	\$7,001,450	\$22,567,086	\$5,568,537	\$5,916,460	\$7,550,000
<i>Grant Increase</i>	\$225,000 ⁽¹⁾	\$354,120 ⁽²⁾	\$66,398 ⁽³⁾	\$0	\$225,000 ⁽⁴⁾
Total Grant Amount	\$7,226,450	\$22,921,206	\$5,634,935	\$5,916,460	\$7,775,000
City Match	\$0	\$3,287,645	\$730,066	\$766,540	\$0
Estimated Non-Participating Costs	\$160,000	\$1,573,500	\$150,000	\$150,000	\$160,000
Total City Funds Required	\$160,000	\$4,861,145	\$880,066	\$916,540	\$160,000
Prior Appropriations	\$25,000	\$5,015,265	\$74,555	\$86,025	\$25,000
<i>Current Appropriation</i>	\$0	\$0	\$0	\$25,000 ⁽⁵⁾	\$25,000 ⁽⁶⁾
Future Appropriations Needed	\$135,000	-\$154,120	\$805,511	\$805,515	\$110,000
Total Project Cost	\$7,386,450	\$27,782,351	\$6,515,001	\$6,833,000	\$7,935,000

(1) Recommendations A & B

(2) Recommendations C & D

(3) Recommendations E & F

(4) Recommendations G & H

(5) Recommendations J & K

(6) Recommendations I & K



CITY OF SANTA BARBARA
JOINT CITY COUNCIL/SUCCESSOR AGENCY
TO THE CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY
AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Successor Agency Members

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Status Report And Contract Services For The Cabrillo Pavilion And Bathhouse Renovation Project

RECOMMENDATION: That the Successor Agency:

- A. Receive a status report on the Cabrillo Pavilion and Bathhouse Renovation Project; and
- B. Authorize the Executive Director to execute a contract between the Successor Agency and FGI Farnsworth Group, Inc., in the amount of \$47,300 to provide LEED commissioning services for the above project, and authorize the Executive Director to approve extra work, as necessary, in an amount not to exceed \$4,730.

DISCUSSION:

The primary objectives of the Cabrillo Pavilion and Bathhouse Renovation Project (Project) are to achieve a viable community recreation center and return the building to its original status as the "crown jewel of East Cabrillo Boulevard." Located on East Beach, the building was constructed in 1926 and gifted to the City in 1927 by David Gray, with the stipulation that it be dedicated for park purposes and public recreation. Designated a City Structure of Merit in 1991, and a contributing building to the East Cabrillo Boulevard Parkway State Historic District in 1992, the building has served as a key coastal recreation facility in Santa Barbara for almost 90 years. Despite interior and site renovations over time, the building's outdated interiors, structural deficiencies, failing mechanical, electrical, and plumbing systems, as well as poor site accessibility, significantly limit its potential to serve Santa Barbara residents and visitors.

The Project includes complete renovation of the facility's mechanical, electrical, plumbing, and communication systems, and associated structural and seismic, fire protection upgrades. Exterior building improvements will achieve accessibility standards; restore the beach level promenade; renovate exterior building modifications;

repair the building façade; and renovate site landscaping, outdoor showers, and the covered walkway (stoa) adjacent to the playground. For the Bathhouse floor, interior renovations will address the lobby, shower/locker facility, and restaurant concession area as well as new multi-purpose rooms and a small tenant space. Improvements for the Pavilion floor will redesign the lobby to create one large room; renovate the main special event room and restrooms; install a modern prep kitchen; and renovate the enclosed terrace. An elevator will connect the two floors.

Project Status

The Successor Agency Board was last updated on November 4, 2014. Since that time, the Parks and Recreation Department (Department) completed a number of technical studies and submitted the Coastal Development Permit (CDP) application. The CDP application review is complete and the project is tentatively scheduled for Planning Commission consideration on August 20, 2015.

Prior to Planning Commission review, the Parks and Recreation Commission will receive a status report on the project. The Department will also review the project with the Access Advisory Committee and conduct a second community open house to discuss future programming for the renovated facility.

Coastal Hazards and Sea Level Rise Vulnerability Assessment

Consistent with the City's General Plan, Climate Action Plan, and Local Coastal Program as well as the October 2013 Draft Sea-level Rise Policy Guidance released by the California Coastal Commission (CCC), a coastal hazards and sea level rise vulnerability assessment was prepared for the Project. The coastal hazards/sea level rise report analyzes current conditions, models projected impacts to the Project site, and provides recommendations for adapting to sea level rise as well as the potential impacts from coastal storm events.

Since the assessment indicates that, under high sea level rise projections, there could be impacts from periodic flooding beginning in 2065, the Project includes flood proofing for the building at the time of renovation. The report also outlines other steps to protect the site that could be pursued in the future, if warranted. These include beach nourishment, direct placement of harbor sediment, and construction of a winter sand berm. These measures are consistent with existing City harbor sediment and beach management practices.

Although the Project is not within the original jurisdiction of the California Coastal Commission, the Department plans to review the project and the assessment findings with Coastal Commission staff due to the increased focus on sea level rise projections throughout coastal California.

Leadership in Energy & Environmental Design (LEED) Commissioning Agent Services

The purpose of a LEED Commissioning Agent is to work as an independent third-party to ensure renovation of the Cabrillo Pavilion and Bathhouse is designed, constructed, and tested to meet the California Energy Code and LEED criterion. A LEED Commissioning Authority is required to have a project LEED Certified.

The Department recommends that the Successor Agency approve the execution of a contract with FGI Farnsworth Group, Inc. The firm was selected through a competitive request for proposal (RFP) process. The RFP was distributed to seven firms and posted on the City's Purchasing Office bid website. FGI Farnsworth Group, Inc. was selected as a qualified company due to the firm's understanding of the project scope, work experience on similar government projects, and local knowledge earned working with Westmont College as a LEED Commissioning Authority. The scope of work covers the Design, Construction, Acceptance and Warranty Phases of LEED certification.

BUDGET/FINANCIAL INFORMATION:

On December 17, 2013, the Successor Agency approved funding of \$9,117,026 for design and construction of the Project from the 2001 and 2003 Redevelopment Agency bond funds. To date, the Successor Agency has approved \$1,147,861 in contract services for the project. The contract with FGI Farnsworth Group, Inc. in the amount of \$52,030 will support services needed for LEED design and commissioning.

SUSTAINABILITY IMPACT:

The Project will further the City's Sustainability Program goals through LEED Certification. The Project goal is to attain a LEED Silver certification rating.

A copy of the contract/agreement is available for public review in the City Clerk's Office.

PREPARED BY: Jill E. Zachary, Assistant Parks and Recreation Director

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Administration, Housing and Human Services Division, Community Development Department

SUBJECT: Loan To Grace Village Apartments, L.P., For A New Affordable Housing Project At 3869 State Street (Grace Village Apartments)

RECOMMENDATIONS: That Council:

- A. Approve a request from the Housing Authority of the City of Santa Barbara (Housing Authority) for a \$1,000,000 loan to Grace Village Apartments, L.P., to support the development and construction of a new low income senior rental project located at 3869 State Street;
- B. Authorize the appropriation of \$500,000 in the Revolving Loan Fund from Socio-Economic Mitigation Program (SEMP) reserves to fund a portion of the requested loan;
- C. Authorize the appropriation of \$500,000 in the Successor Agency Housing Fund from reserves to fund a portion of the requested loan;
- D. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary; and
- E. Consider a recommendation from the Finance Committee to transfer \$528,797 of unrestricted monies in the Revolving Loan Fund, which originated from the General Fund, back to the General Fund.

DISCUSSION:

Background & Project Description

Grace Lutheran Church donated property located at 3869 State Street to the Housing Authority for the express purpose of constructing a new affordable housing project for low-income seniors. Grace Village Apartments is designed as a three-story residential building with 58 housing units (57 one-bedroom affordable apartments and one one-bedroom manager's apartment) to serve low-income seniors (Project). Approval of the requested loan will increase the chances that Grace Village Apartments L.P. will obtain an award of Tax Credits.

Project Costs

Site Acquisition & Preparation:	\$ 3,921,036
Building Materials:	4,528,004
Professional Labor:	3,018,669
Architect/Eng/Permits/Taxes/Insurance:	1,803,228
Fees/Financing/Interest:	1,685,316
Dev. Overhead/Contingency:	1,415,336
Total:	<u>\$16,371,589</u>

Project Financing

The Low Income Housing Tax Credit (Tax Credit) program, coupled with local affordable housing dollars, is essentially the only vehicle available today for the development of affordable rental housing. The Grace Village Apartments, L.P. will apply for Tax Credits in July 2015. These Tax Credits will provide approximately 50% of the total project cost. The financing details on this Project are as follows:

Land Donation	\$ 3,000,000
Tax Credit Equity	8,612,367
1st Mortgage	2,519,593
City of Santa Barbara Loan	1,000,000
Housing Authority Loan	1,000,000
Deferred Developer Fee	239,629
Total:	<u>\$16,371,589</u>

The requested \$1,000,000 funds for this critical community-serving low-income senior project results in a local housing subsidy cost per unit of \$17,241 which is lower than the City's historical per unit subsidy of \$120,000.

If Grace Village Apartments, L.P. is successful in obtaining a reservation of tax credits, construction will begin in late 2015 and be completed and occupied within 14 months of commencement of construction.

Project Ownership Structure

As is typical for Housing Authority Tax Credit projects, the Housing Authority will form a Limited Partnership. The proposed Managing General Partner will be Garden Court Inc., and the proposed Co-general Partners will be Hearthstone Housing Foundation and 2nd Story Associates (the same partners that developed Bradley Studios). The Limited Partner has yet to be determined. Housing Authority will retain fee title ownership of the property and will lease the land to the Limited Partnership under a long-term ground lease.

Grace Village Apartments, LP will construct and own the new rental housing apartment building.

City Loan

If approved, the proposed \$1,000,000 City loan will have a 30-year term bearing 3 percent interest with a maturity date of 2045. Payments will be due on the loan on a “residual receipts” basis. No payments will be due until the net income of the project, after payment of necessary operating expenses, is sufficient to support such payments. Any unpaid balance remaining at the end of the term is due and payable in full. These terms are typical of affordable housing loans. Lending these funds at 3% will provide a return on investment of up to \$30,000 per year. The loan will be secured by a deed of trust recorded against the leasehold.

Long-term Affordability

An Affordability Control Covenant Imposed on Real Property (Covenant) will be recorded covering the Project and recorded against the leasehold requiring that the property remains affordable to low-income senior residents until the year 2105, or 90 years. A Tax Credit Regulatory Agreement with a 55-year term that has similar affordability restrictions to the City’s Covenant will be recorded with this Project’s Tax Credit financing. The City’s Covenant will be subordinate to the Tax Regulatory Agreement for the first 55 years.

BUDGET/FINANCIAL INFORMATION:

Funding for this requested \$1,000,000 loan will come from two accounts:

Socio-Economic Mitigation Program (SEMP)	\$ 500,000
Successor Agency Housing Fund	<u>500,000</u>
Total Loan	<u>\$ 1,000,000</u>

In the 1980’s and 1990’s, the City received SEMP Funds from oil developers to help mitigate the impact on the low and moderate-income housing supply due to an influx of south coast oil extraction operations employees.

Since the dissolution of the Redevelopment Agency, loan repayments to the Successor Agency Housing Fund have been used to support the administration and monitoring of the City’s Affordable Housing Programs with repayments in excess of these Program costs retained for future affordable housing projects.

Closing Summary

By 2030, the number of persons 65 and older will reach 71.5 million in the United States. It is expected that many of these growing seniors will need affordable living options that include various types of senior-centered housing: independent living, assisted living, nursing homes, home care, and others.

High housing prices and high rents, combined with a low supply of senior affordable housing opportunities, make this project ideal for the City of Santa Barbara. Both the City's 5-Year Consolidated Plan and the Housing Element state that the City places a high priority on affordable senior housing.

Finance Committee Recommendation

On June 23, 2015, the City's Finance Committee reviewed and recommended that City Council approve the requested loan to Grace Village Apartments, L.P. The Committee also recommended that \$528,797 of unrestricted funds in the Revolving Loan Fund be transferred to the General Fund. These monies were transferred from the General Fund to the Revolving Loan Fund many years ago to fund several housing loans. The \$528,797 represents the amount repaid through the current date.

ATTACHMENT: Housing Authority Funding Request letter dated May 15, 2015

PREPARED BY: David Rowell, Housing Project Planner/SG/DR

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office



HOUSING

AUTHORITY OF THE
CITY OF SANTA BARBARA808 Laguna Street / Santa Barbara
California / 93101Tel (805) 965-1071
Fax (805) 564-7041

May 15, 2015

David Rowell, Project Planner
Community Development Department
City of Santa Barbara
P. O. Box 1990
Santa Barbara, CA 93102-1990

RE: FUNDING REQUEST FOR CITY SUBSIDY FOR THE DEVELOPMENT OF 3869 STATE STREET AS A 58 UNIT AFFORDABLE RENTAL SENIOR HOUSING COMPLEX – GRACE VILLAGE

Dear David:

As previously discussed, the Housing Authority is seeking City funding for the Grace Village development in order to increase our chances to successfully garner an allocation of tax credits from the California Tax Credit Allocation Committee (CTCAC). The Low Income Housing Tax Credit (LIHTC) program coupled with local affordable housing dollars is essentially the only vehicle available today for the development of affordable rental housing in the U.S. The 9% LIHTC program, to which we intend to apply in July 2015, would provide approximately 60% of the total project cost. The remaining portion needs to be covered through other local public funding sources such as City Community Development funds and Housing Authority funds or donation.

As you will recall from our discussions and your previous communications with Front Porch, Grace Village is designed as 58 affordable housing units (57 one-bedroom apartments and a one-bedroom manager's apartment) and is intended to serve low-income seniors. The project will replace the current structure and function of Grace Lutheran Church at 3869 State Street. If successful in obtaining a reservation of tax credits, construction would begin in late-2015 and be completed and occupied within 14 months of commencement of construction.

The project proforma is currently structured as a \$16 million project overall with tax credits of about \$9.6 million. The proforma also incorporates a land value of \$3 million which we intend a major portion of the land value to be donated. We are requesting \$1 million in support funds from the City of Santa Barbara. We will be seeking other funding sources, such as an AHP grant which may be in the range of \$250,000. While we expect to be competitive in our application, the applicants with higher "local" public subsidies are able to request a lesser amount of tax credits which garner them a higher score in California's very competitive LIHTC awards process.

Mr. David Rowell
Re: Funding Request for Grace Village
May 15, 2015Page 2

I included a draft proforma, but there are some adjustments to be made. We want to show all of the land as a donation if possible, and we hope to get some costs down and not have deferred developer fees. In short, the proforma is a work in progress at this time. The land was transferred to the Housing Authority earlier this year and agreements with Grace Lutheran Church, Front Porch and Cal Lutheran Homes are virtually complete.

We thank you in advance for your consideration of this request and would greatly appreciate your response. Please contact me if you have any questions about this request or require additional information.

Sincerely,

HOUSING AUTHORITY OF THE
CITY OF SANTA BARBARA



SKIP SZYMANSKI
Deputy Executive Director / CEO

cc: Housing Authority Commission
R. Pearson
R. Fredericks
B. Peirson
D. Aazam



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For The Recycled Water Treatment Plant Replacement Project

RECOMMENDATION: That Council:

- A. Approve a transfer of \$1,342,271.95 from Water Fund Operating Fund Reserves to the Water Capital Fund;
- B. Increase appropriations and estimated revenues by \$1,342,271.95 in the Water Capital Fund for the Recycled Water Treatment Plant Replacement Project;
- C. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 21400193 with Schock Contracting Corporation, in the amount of \$ 879,000, for a total Project change order expenditure authority of \$1,758,000;
- D. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 24,826, for construction management services with MNS Engineers in the amount of \$386,326.00, for a total Project change order expenditure authority of \$456,941.40; and
- E. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 24,828, for environmental and support services with Dudek in the amount of \$14,945.95, for a total Project change order expenditure authority of \$20,976.95.

DISCUSSION:

BACKGROUND

The City's Recycled Water Treatment Plant (Plant) was constructed in 1989 at the El Estero Wastewater Treatment Plant. It was one of the first recycled water facilities in California and was designed to produce approximately four million gallons of recycled water per day, thereby reducing the need for potable water. The Plant has been in

operation for over 20 years, and was in need of significant rehabilitation to allow for the effective production of recycled water.

On April 29, 2014, Council awarded a contract in the amount of \$8,490,000 with change order authority of \$879,000 to Schock Contracting Corporation (Schock) for the construction of the Recycled Water Treatment Plant Replacement Project (Project), Bid No. 3688A. The work generally consisted of demolishing the existing Recycled Water Treatment Plant's media filters and constructing the new Microfiltration/Ultrafiltration Complex, including ancillary facilities for cleaning the membranes and associated chemical systems. Additional work included rehabilitation of the recycled water storage reservoir, replacement of the chlorine contact basin pumps, motors and variable frequency drives, reconfiguring piping and existing chemical storage sites, and improvements to the storm water drainage system.

On April 29, 2014, Council also awarded a contract to MNS Engineers (MNS) for construction management services for the Project in the amount of \$776,769.40, including extra services.

Also on April 29, 2014, Council awarded a contract to Dudek for environmental monitoring and support services in the amount of \$66,335.40 including extra services.

CURRENT STATUS

During the construction of the Project, it was discovered that CDM Smith, the Project designer, included water quality data that was not representative of the current feed to the Plant. Because this data was used as the basis for selecting and purchasing the filtration membranes, the membranes purchased by Schock will not produce water treated to the quality levels needed by the City. City staff is working with the design engineer and the construction contractor on potential solutions. This will impact the timing of the Project. Currently, staff's estimate for start-up of the plant is late October, 2015.

Current construction Change Order Authority has been used for unforeseen circumstances including removal of a buried concrete structure in the filter area, rerouting of underground pipe due to an electrical duct bank, and repairs to the reclaimed water tank, in addition to other items. Because, the Project is 80 percent complete, the balance of the current construction Change Order Authority will not be sufficient to cover the anticipated costs of extra work needed to produce quality recycled water. Staff is requesting an additional \$879,000 in Change Order Authority, for a total Change Order Authority of \$1,758,000. With the approach of the summer season, it is essential to move forward as quickly as possible with the necessary repairs. Failure to implement changes as needed will result in a delay of the production of recycled water and require the continued use of potable water to supply recycled water users. As the costs for the total repair are quantified, staff may return to further increase the Change Order Authority.

Council Agenda Report

Increase In Construction Change Order Authority For The Recycled Water Treatment Plant Replacement Project

June 30, 2015

Page 3

To date, MNS Engineers (MNS) has not used any of their extra services funds. Staff recommends increasing the Change Order Authority for MNS by \$386,326 for a total Change Order Authority of \$456,941.40. This will extend the MNS contract for active construction until October, 2015 and start up testing by three months, plus allow MNS to compile information for a potential errors and omissions claim against CDM Smith to recover Project expenses.

Dudek has been providing environmental monitoring and support services for the project. With the extension of active construction and start-up of the project, environmental monitoring performed by Dudek will need to continue until completion. Staff recommends increasing the Change Order Authority for Dudek by \$14,945.95.

An amount of \$49,000 is also requested to be transferred from Reserves for the Project to account for the anticipated increase in staff's time. This increase in budget will allow staff to continue to work on the repair and participate in any claim process for a time frame similar to that mentioned for MNS above. An amount of \$13,000 is requested to be transferred from Reserves for permit application fees with the State Water Resources Control Board.

BUDGET/FINANCIAL INFORMATION:

FUNDING

The following summarizes the additional expenditures recommended in this report:

CONTRACT FUNDING SUMMARY

	Base Contract	Initial Change Order	Increased Change Order	Total
Schock	\$8,490,000.00	\$879,000.00	\$879,000.00	\$10,248,000
MNS	\$706,154.00	\$70,615.40	\$386,326.00	\$1,163,095.40
Dudek	\$60,304.40	\$6,031.00	14,945.95	\$81,281.35
Staff	\$153,061.00		\$49,000.00	\$202,061.00
SWRCB Permit			\$13,000	\$13,000
TOTAL	\$9,409,519.40	\$955,646.40	\$1,342,271.95	\$11,707,437.75

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

ESTIMATED TOTAL PROJECT COST

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

Design	Subtotal	\$1,379,870
Construction Contract		\$8,490,000
Construction Change Order Allowance		\$1,758,000
Construction Management/Inspection (by City Staff)		\$202,061
Construction Management (Contract)		\$1,163,095
Design Support Services During Construction (by Contract)		\$540,120
Environmental Monitoring and Support Services (Contract)		\$81,281
Other Construction Costs (testing, etc.)		\$21,000
Construction	Subtotal	\$12,255,557
Total Project Cost		\$13,635,427

Staff requests the transfer and appropriation of funds from Water Fund reserves to the Water Capital Fund to cover the extra work items.

PREPARED BY: Linda Sumansky, Principal Civil Engineer/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 30, 2015
TO: Mayor and Councilmembers
FROM: City Attorney's Office
Risk Management Division, Finance Department
SUBJECT: Conference With City Attorney – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Justin Williams v. City of Santa Barbara*; WCAB Case numbers ADJ8592814, ADJ8729223 and ADJ9464749.

Scheduling: Duration, 20 minutes; anytime
Report: None anticipated

PREPARED BY: Ariel Calonne, City Attorney
Mark W. Howard, Risk Manager
SUBMITTED BY: Robert Samario, Finance Director
APPROVED BY: City Administrator's Office