

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>

SEPTEMBER 8, 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.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2015.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meetings of July 28, August 4, and August 11, 2015, the adjourned regular meeting of August 3, 2015, and the regular meetings (cancelled) of August 18, August 25, and September 1, 2015.

3. Subject: Introduction Of Ordinance To Amend Municipal Code Chapter 5.66, News Racks (530.01)

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 5.66 of the Santa Barbara Municipal Code to Establish News Rack Regulations.

CONSENT CALENDAR (CONT'D)

4. Subject: Introduction Of Ordinance For Amendment To Agreement For Elings Park Recycled Water Booster Pump Station (540.13)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Amendment No. 1 to Agreement No. 24,316 Between the City of Santa Barbara and The Elings Park Foundation Dated January 10, 2013, for the Use and Delivery of the City's Recycled Water and for the Construction of an On-Site Recycled Water Booster Pump Station at Elings Park.

5. Subject: Increase In Construction Change Order Authority For Elings Park Recycled Water Pump Station Project (540.13)

Recommendation: That Council:

- A. Approve a transfer of \$214,795 from Water Operating Fund reserves to the Water Capital Fund;
- B. Increase appropriations and estimated revenues by \$214,795 in the Water Capital Fund for the Elings Park Recycled Water Pump Station Project;
- C. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Elings Park Recycled Water Pump Station Project, Contract No. 25,181, with Pacific Coast Excavation, Inc., in the amount of \$150,000, for a total project expenditure authority of \$385,264;
- D. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Elings Park Recycled Water Pump Station Project, Contract No. 24,879 for design services with Stantec, in the amount of \$7,500, for a total project change order expenditure authority of \$54,800; and
- E. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Elings Park Recycled Water Pump Station Project, Contract No. 25,182 for construction support services with Mimiaga Engineering Group, in the amount of \$32,289, for a total project change order expenditure authority of \$58,029.

6. Subject: Adoption Of Ordinance Amending Purchasing Code (340.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Chapter 4.52 of Title 4 of the Santa Barbara Municipal Code Providing Procedures for the Purchase of Equipment, Supplies, and Services.

CONSENT CALENDAR (CONT'D)

7. Subject: Adoption Of Ordinance For Annexation Of Santa Barbara Museum Of Natural History's Western Parcels (680.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Zoning Upon Annexation of Assessor's Parcel Nos. 023-250-039, -066, and -068, and a Portion of the Las Encinas Road Easement, in the Upper East Neighborhood.

8. Subject: Public Safety Communications Manager Salary Range (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. 15-056, the Position and Salary Control Resolution for Fiscal Year 2016, Affecting the Salary Range for Public Safety Communications Manager Effective September 8, 2015.

9. Subject: July 2015 Investment Report (260.02)

Recommendation: That Council accept the July 2015 Investment Report.

10. Subject: Office Lease With Brophy & Sons, Inc., In The Santa Barbara Harbor (330.04)

Recommendation: That Council approve a five-year lease agreement with Brophy and Sons, Inc., for administrative and accounting office space at 125 Harbor Way, at an initial base rent of \$1,177 per month.

11. Subject: Lease Agreements With Nonprofit Organizations At The Westside Neighborhood Center And Louise Lowry Davis Center (330.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute lease agreements for office space for the Independent Living Resources Center, Special Olympics Southern California, and UCP/Work Inc at the Westside Neighborhood Center; and for the United Cerebral Palsy Association of Los Angeles, Ventura, and Santa Barbara Counties at the Louise Lowry Davis Center.

CONSENT CALENDAR (CONT'D)

12. Subject: Service Agreement With Ecco Wireless To Provide Wireless Internet Service To The Harbor Area (570.03)

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

13. Subject: Agreements For Afterschool Recreation Programs (570.06)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into three agreements with the Santa Barbara Unified School District (SBUSD) for the Recreation Afterschool Program (RAP), Afterschool Opportunities for Kids (A-OK), and Junior High Afterschool Sports Program; and
- B. Reduce revenues and appropriations in the Fiscal Year 2016 Parks and Recreation Miscellaneous Grants Fund for the A-OK program in the amount of \$16,098.

14. Subject: Contract For Construction Of El Estero Wastewater Treatment Plant Sodium Hypochlorite Line (540.13)

Recommendation: That Council award a contract with Lash Construction in the low bid amount of \$114,100 for construction of the El Estero Wastewater Treatment Plant Sodium Hypochlorite Line, Bid No. 3761, and authorize the Public Works Director to execute the contract and approve expenditures up to \$11,410 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.

15. Subject: Contract Change Order For Interim City Engineer With MCM Management Company (530.01)

Recommendation: That Council authorize an increase in the Professional Services contract with MCM Management Company in the amount of \$75,000, for a total contract amount to not exceed \$110,000, for Desi Alvarez to serve as Interim City Engineer for no more than six months.

16. Subject: Assignment Of Lease With Madame Rosinka At Stearns Wharf (330.04)

Recommendation: That Council approve the assignment of Lease Agreement No. 23,986 from Barbara Adams, d.b.a. Madame Rosinka, to John and Dolly Adams, for the 153 square-foot retail space located at 221-B Stearns Wharf, at a monthly rent of \$786.40.

CONSENT CALENDAR (CONT'D)

17. Subject: Assignment Of Agreement For Energy Management System (630.06)

Recommendation: That Council authorize the Public Works Director to assign Agreement No. 388117 from McKinstry, Inc., to Energy Hippo, Inc.

18. Subject: State Grant To Address Underage Drinking, Excessive Drinking And Alcohol-Related Vehicle Accidents (520.04)

Recommendation: That Council:

- A. Accept \$28,498 from the County of Santa Barbara Alcohol, Drug & Mental Health Services Strategic Prevention Framework State Incentive Grant to address underage and excessive drinking and alcohol-related motor vehicle accidents for Fiscal Year 2016; and
- B. Increase appropriations and estimated revenues by \$28,498 in the Police Miscellaneous Grants Fund for Fiscal Year 2016.

19. Subject: Increase Grant Revenues And Appropriations For The Highway Safety Improvements Program Traffic Signal Upgrades Project (530.05)

Recommendation: That Council:

- A. Accept Highway Safety Improvements Program Grant funding in the total amount of \$417,984 for the Highway Safety Improvements Program Traffic Signal Upgrades Project;
- B. Reverse the transfer and appropriation of \$417,984 from the Streets Capital Fund to the Streets Grant Fund; and
- C. Authorize an increase of \$417,984 in estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund for the Highway Safety Improvements Program Traffic Signal Upgrades Project.

20. Subject: Approval Of Parcel Map And Execution Of Agreements For 3626 San Remo Drive (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,818 and standard agreements relating to the approved subdivision at 3626 San Remo Drive, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title record.

CONSENT CALENDAR (CONT'D)

NOTICES

21. The City Clerk has on Thursday, September 3, 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.
22. Recruitment For City Advisory Groups:
 - A. The City Clerk's Office will accept applications through Tuesday, October 6, 2015, at 5:30 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Wednesday, September 23, 2015;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, October 20, 2015, at 4:00 p.m. (Estimated Time), Tuesday, October 27, 2015, at 4:00 p.m. (Estimated Time), and Tuesday, November 17, 2015, at 6:00 p.m.; and
 - C. The City Council will make appointments to fill the vacancies on various City Advisory Groups on Tuesday, December 8, 2015.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

23. **Subject: Funding Recommendations For Events And Festivals, Contract With The Santa Barbara County Arts Commission, And Community Arts Update (610.04)**

Recommendation: That Council:

- A. Review and approve the Arts Advisory Committee and Community Events and Festivals Committee funding recommendations for Fiscal Year 2016;
- B. Authorize the City Administrator to execute an agreement with the Santa Barbara County Arts Commission in the amount of \$461,000 as approved in the Fiscal Year 2016 budget; and
- C. Receive an update from the County Arts Commission on community art programs and the status of the Community Arts Workshop.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

CITY ATTORNEY

24. Subject: Sign Regulations After The United States Supreme Court's Decision In Reed v. Town Of Gilbert, Arizona (640.02)

Recommendation: That Council appoint an 11-member Sign Ordinance Review Committee to review the City's sign regulations in order to assure compliance with the First Amendment. The Committee would make check-in reports to Council at strategic points during the process and offer recommended ordinance amendments in a final report to the Ordinance Committee and Council.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2015.

DISCUSSION:

Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years of service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through September 30, 2015.

ATTACHMENT: September 2015 Service Awards

PREPARED BY: Myndi Hegeman, Administrative Specialist

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

SEPTEMBER 2015 SERVICE AWARDS

September 8, 2015, Council Meeting

5 YEARS

Engin Tekince, Pool Technician, Parks and Recreation Department

Jennifer McKenzie, Airport Operations Specialist, Airport Department

10 YEARS

Jill Prioreshi, Finance Analyst I, Finance Department

Kelly Brodison, Assistant Planner, Community Development Department

15 YEARS

Jon Turner, Fire Captain, Fire Department

Scott Watters, Firefighter, Fire Department

Kathleen Sizemore, Fire Captain, Fire Department

Arthur Derueda, Plumber, Public Works Department

Charles Christman, Senior Tree Trimmer, Parks and Recreation Department

Zenon Moran, Custodian, Airport Department

25 YEARS

Lorenzo Duarte, Police Lieutenant, Police Department

Michael Lazarus, Police Sergeant, Police Department

Micaela Hase, Administrative Assistant, Public Works Department

John Scott, Airport Maintenance Worker II, Airport Department



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING July 28, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee and Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco (2:07 p.m.), Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

Speakers: Tariq Kadri; Phil Walker; Richard Robinson; John Palminteri; Tom Widroe, City Watch.

CONSENT CALENDAR (Item Nos. 1 – 13)

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

Motion:

Councilmembers Hotchkiss/Rowse 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 regular meeting of July 14, 2015.

Action: Approved the recommendation.

2. Subject: Resolution Approving A Grant Application For The Las Positas Creek Restoration Project (540.14)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Application for Grant Funds for the California River Parkways Grant Program.

Action: Approved the recommendation; Resolution No. 15-063 (July 28, 2015, report from the Parks and Recreation Director; proposed resolution).

3. Subject: Acceptance Of A Public Street Easement At 406 East Haley Street (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a New Public Street Easement on the Private Property Known as 406 East Haley Street, Located at the Corner of East Haley Street and Laguna Street, For All Street Purposes.

Action: Approved the recommendation; Resolution No. 15-064; Deed No. 61-444 (July 28, 2015, report from the Public Works Director; proposed resolution).

4. Subject: Introduction Of Ordinance To Designate Fishing Areas On Stearns Wharf (570.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Section 17.13.060 to Designate Fishing Areas on Stearns Wharf.

Action: Approved the recommendation (July 28, 2015, report from the Waterfront Director; proposed ordinance).

5. Subject: June 30, 2015, Investment Report And June 30, 2015, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the June 30, 2015, Investment Report; and
- B. Accept the June 30, 2015, Fiscal Agent Report.

(Cont'd)

5. (Cont'd)

Action: Approved the recommendation (July 28, 2015, report from the Acting Assistant City Administrator/Finance Director).

6. Subject: Fiscal Year 2015 Interim Financial Statements For The Eleven Months Ended May 31, 2015 (250.02)

Recommendation: That Council accept the Fiscal Year 2015 Interim Financial Statements for the Eleven Months Ended May 31, 2015.

Action: Approved the recommendation (July 28, 2015, report from the Acting Assistant City Administrator/Finance Director).

7. Subject: Professional Services Contract With Hunt Design, Inc., For The Parks And Recreation Facility Sign Replacement Project (570.08)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a professional services agreement with Hunt Design, Inc., in the amount of \$45,000 to develop a comprehensive sign program for City parks and recreation facilities; and
- B. Authorize the Parks and Recreation Director to approve additional expenditures of up to \$5,000 to cover cost increases that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 25,272 (July 28, 2015, report from the Parks and Recreation Director).

8. Subject: Contract For Final Design Of The Arroyo Burro Restoration Project At Barger Canyon (540.14)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a Professional Services Agreement with Questa Engineering Corporation in the amount of \$78,080 to prepare final design plans and construction specifications for the Arroyo Burro Restoration Project at Barger Canyon; and
- B. Authorize the Parks and Recreation Director to approve expenditures of up to \$7,800 for extra services from Questa Engineering Corporation that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 25,273 (July 28, 2015, report from the Parks and Recreation Director).

9. Subject: Mesa Business Association Flag Agreement (530.04)

Recommendation: That Council authorize the Public Works Director to enter into a five-year agreement with the Mesa Business Association to allow them to install flags on City-owned streetlight poles.

Speakers:

Members of the Public: John Kelley, Mesa Architects.

Action: Approved the recommendation; Agreement No. 25,274 (July 28, 2015, report from the Public Works Director).

10. Subject: Community Promotion Contract With Old Spanish Days (230.02)

Recommendation: That Council authorize the City Administrator to execute a community promotion contract with Old Spanish Days in an amount of \$101,000, covering the period from July 1, 2015, to June 30, 2016.

Action: Approved the recommendation; Contract No. 25,275 (July 28, 2015, report from the City Administrator).

11. Subject: Adoption Of Ordinances For Reactivation Of The Charles E. Meyer Desalination Facility (540.10)

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the City of an Installment Sale Agreement in Connection with the Desalination Plant Reactivation Project Drinking Water State Revolving Fund Project No. 4210010-005C;
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval, Subject to Receipt of SRF Loan For Project No. 4210010-005C, and Execution by the Public Works Director of a Contract to Design, Build, and Operate the Charles E. Meyer Desalination Facility With IDE Americas, Inc., in the Amount of \$43,437,234 and Approve Expenditures up to \$1,864,420 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; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Acceptance and Execution by the Public Works Director of a Lease for a Term of 25 Years With the State Of California State Lands Commission for the Continued Use and Maintenance of One 48-Inch Diameter Sewer Outfall Pipeline and Maintenance of One 42-Inch Diameter Non-Operational Outfall Pipeline and Associated Facilities, as Further Described on Exhibit "A" Attached Thereto.

(Cont'd)

11. (Cont'd)

Action: Approved the recommendations; Ordinance Nos. 5709 – 5711;
Agreement Nos. 25,276 – 25,278.

NOTICES

12. The City Clerk has on Thursday, July 23, 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.
13. A City Council site visit is scheduled for Monday, August 3, 2015, at 1:30 p.m. to the property located at 3425 Sea Ledge Lane, which is the subject of an appeal hearing set for August 4, 2015, at 2:00 p.m.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to review the June 30, 2015, Investment and Fiscal Agent Reports. The Committee accepted and forwarded the reports to the City Council, which approved them as part of this agenda's Consent Calendar (Item No. 5).

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Randy Rowse reported that the Committee met to review proposed Municipal Code amendments regarding: 1) the improvement to the management and permitting of news racks; and 2) bidding thresholds. The Committee voted to forward both ordinances to the full Council for introduction and subsequent adoption.

PUBLIC HEARINGS

14. Subject: Solar Energy System Permits Ordinance (630.06)

Recommendation: That Council conduct a public hearing, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 22.91 to the Municipal Code and Amending Sections 28.04.050 and 28.93.030 Relating to Permitting Procedures and Construction Requirements for Solar Energy Systems.

Documents:

- July 28, 2015, report from the Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- July 28, 2015, e-mail from Virginia Rehling.

(Cont'd)

14. (Cont'd)

The title of the proposed ordinance was read.

Public Comment Opened:
2:20 p.m.

Speakers:

- Staff: Chief Building Official Andrew Stuffer, Assistant City Attorney Scott Vincent, City Attorney Ariel Calonne.
- Members of the Public: April Price, Community Environmental Council.

Public Comment Closed:
2:39 p.m.

Motion:

Councilmembers Hart/White to introduce the ordinance.

Vote:

Unanimous voice vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

15. Subject: Status Of The Resource Recovery Project At Tajiguas Landfill (630.01)

Recommendation: That Council:

- A. Receive a report on the status of the proposed Resource Recovery Project at Tajiguas Landfill; and
- B. Direct staff to work with County of Santa Barbara staff to study and evaluate a public financing model for the Resource Recovery Project.

Documents:

- July 28, 2015, report from the Acting Assistant City Administrator/Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Environmental Services Manager Matthew Fore, Acting Assistant City Administrator/Finance Director Robert Samario.
- County of Santa Barbara: Deputy Public Works Director Mark Schleigh.
- Members of the Public: Derek Carlson, MarBorg Industries.

(Cont'd)

15. (Cont'd)

Motion:

Councilmembers Murillo/Rowse to approve recommendation B.

Vote:

Unanimous voice vote.

Councilmember Francisco left the meeting at 3:37 p.m. and returned at 3:43 p.m.

PARKS AND RECREATION DEPARTMENT

16. Subject: Council Direction On Operating Options For Santa Barbara Golf Club (570.02)

Recommendation: That Council:

- A. Receive a report on three operating models evaluated for Santa Barbara Golf Club; and
- B. Direct staff to proceed with Option B, to include a Request for Proposals for professional golf management services for golf course management, Pro Shop, and course maintenance operations; and negotiate contractual terms with the existing operators of Mulligan's Café and Bar to provide food and beverage services at the golf course.

Documents:

- July 28, 2015, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.
- Binder consisting of public comment/correspondence received regarding this issue.

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Administrative Analyst Mark Sewell.
- Parks and Recreation Commission: Chair Lesley Wiscomb.
- Members of the Public: Anna Dato; Lila Anne Bartz; Brian MacDonald; Cynthia Goena, Service Employees International Union Local 620; Bret Hughes; Karen Hughes; Beebe Longstreet; Tom Widroe, City Watch; Celeste Barber; Mike Thompson; Robert Garcia; Chris Talerico; Gretchen Ostergren; Mario Medina; Lani Medina; Melissa Osuna; Richard Chavez; Mary Hulme; Dominic Namnath; Ronnie Shahbazian; Michael Woodard; Valerie Ekern; Steve Metsch.

Motion:

Councilmembers White/Francisco to approve recommendation B, including direction to Staff to ensure that the cooperation between the golf course operation and the restaurant is improved.

Vote:

Majority voice vote (Noes: Councilmembers Hart, Murillo, Mayor Schneider.

RECESS

5:30 p.m. – 5:42 p.m.

MAYOR AND COUNCIL REPORTS

17. **Subject: Request From Mayor Schneider And Mayor Pro Tempore Hart Regarding Phillips 66 Rail Extension Project Proposal (630.12)**

Recommendation: That Council consider the request from Mayor Schneider and Mayor Pro Tempore Hart to send correspondence to the San Luis Obispo County Planning Commission and Board of Supervisors to express concerns about the Phillips 66 Rail Spur Extension Project regarding the safety impacts of the increased frequency of oil trains along freight corridors and request denying the Project.

Documents:

- July 28, 2015, report from the City Administrator.
- PowerPoint presentation prepared and made by the Mayor.
- July 27, 2015, e-mail from Richard Hall.
- July 27, 2015, letter from the Community Environmental Council.
- July 28, 2015, letter from California State Senator Hannah-Beth Jackson.
- Written remarks made by Larry Bishop during public comment.
- Map submitted by Linda Krop, representing the Environmental Defense Center.

Speakers:

Members of the Public: Felix Esparza; Hillary Blackerby, representing Assemblymember Das Williams; Jane Baxter, Santa Barbara County Action Network; Robert Miller, Westside Goleta Coalition; Ken Hough, Santa Barbara County Action Network; James Joyce, representing State Senator Hannah-Beth Jackson; Fred Shaw; Larry Bishop; Katie Davis, Sierra Club; Dr. Lee Heller, Environmental Defense Center; Dr. Matthew Margulies; Sharon Broberg; Rebecca Claassen, Food and Water Watch; Vivian Stanton; Jefferson Litten, Community Environmental Council; Scott Burnett; Linda Krop, Environmental Defense Center.

Motion:

Councilmembers Hart/Murillo to direct Staff to draft a letter for the Mayor's signature opposing the Phillips 66 Rail Spur Extension Project.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Hotchkiss).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo mentioned the following events/meetings which had taken place in the last week: 1) Westside cleanup; 2) Police Department's Explorer Program Menudo Festival; 3) celebration of the 25th anniversary of the Americans with Disabilities Act; and 4) discussion of vacation rentals sponsored by the City/County Affordable Housing Task Group.
- Councilmember White reported on issues discussed at the most recent meeting of the Cachuma Operation and Maintenance Board.
- Councilmember Rowse commented on his attendance at the Westside and Eastside cleanups; he also met with the Mesa Architects group regarding the flag program intended to celebrate the Mesa Neighborhood identity.
- Mayor Schneider thanked Westmont College and the local chapter of Special Olympics for their contributions in hosting athletes from four foreign countries participating in the Special Olympic games being held in Los Angeles.

RECESS

The Mayor recessed the meeting at 6:40 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 18, and she stated that no reportable action is anticipated.

CLOSED SESSIONS

18. Subject: City Attorney Compensation Negotiations (160.01)

Recommendation: That Council hold a closed session with Kristine Schmidt, Administrative Services Director, pursuant to CA Government Code Section 54957(b)(1) and Section 54957.6 regarding the negotiation of the salary and fringe benefits applicable to the City Attorney.

Negotiators: Kristine Schmidt, Administrative Services Director

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

July 28, 2015, report from the City Administrator.

Time:

6:43 p.m. – 6:58 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:58 p.m. to Monday, August 3, 2015, at 1:30 p.m. at 3425 Sea Ledge Lane.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING August 3, 2015 3425 SEA LEDGE LANE

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:45 p.m.

ROLL CALL

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

Councilmembers absent: Gregg Hart, Bendy White.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, July 30, 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: 3425 Sea Ledge Lane

Recommendation: That Council make a site visit to the property located at 3425 Sea Ledge Lane, which is the subject of an appeal hearing set for August 4, 2015, at 2:00 p.m.

Discussion:

Staff provided an overview of the issues and Councilmembers were led on a tour around the subject pool area, including a view of the pool from the bottom of the property.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 2:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 4, 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: Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

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

CEREMONIAL ITEMS

1. **Subject: Employee Recognition - Service Award Pins (410.01)**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through August 31, 2015.

Documents:

August 4, 2015, report from the Administrative Services Director.

Speakers:

Staff: City Administrator Paul Casey.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation and the following employees were recognized:

5 Years

Simon Perez, Wastewater Collection System Operator II, Public Works Department
Jerrold Holcomb, Custodian, Airport Department

10 Years

Catherine Chan, Police Technician, Police Department
German Padilla, Parking Enforcement Officer, Police Department
Steven Foley, Supervising Transportation Planner, Public Works Department
Garrett Reynolds, Welder / Fabricator, Public Works Department
Timothy Burgess, Water Resources Specialist, Parks and Recreation Department
Jill Murray, Water Quality Research Coordinator, Parks and Recreation Department

15 Years

Gregory Corral, Purchasing Supervisor, Finance Department
Garrett Osgood, Painter, Public Works Department

25 Years

Richard Brade, Grounds Maintenance Crew Leader, Parks and Recreation Department

30 Years

Janet C. Neuhauser, Public Safety Dispatch Supervisor, Police Department
Michael Jones, Custodian, Public Works
James Jenkins, Water Distribution Supervisor, Public Works Department

PUBLIC COMMENT

Speakers: Linda Matthews, representing the Toba, Japan, Sister Cities group; Students involved in the Student Exchange Program between Toba, Japan, and Santa Barbara; Cas Stimson, El Presidente, Old Spanish Days; Priscilla Hernandez, Westside Boys and Girls Club; Juan Hernandez Casterjon; Diego Martinez Rubio; Jasmine DeJesus; Michael Baker, Boys and Girls Club; Scott Wenz; Dr. Robert Johns; Cruzito Herrera Cruz; Richard Robinson.

CHANGES TO THE AGENDA

City Administrator Casey announced that Assistant Parks and Recreation Director Jill Zachary will be presenting an update on the Andree Clark Bird Refuge under Council and Staff Communications, directly following Public Comment.

Motion:

Councilmembers Hart/Rowse to move Council and Staff Communications to be heard directly after Public Comment.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

COUNCIL AND STAFF COMMUNICATIONS

Assistant Parks and Recreation Director Jill Zachary explained the “odor event” that is occurring at the Andree Clark Bird Refuge and described potential long-term solutions to the problem.

CONSENT CALENDAR (Item Nos. 1 – 14)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

2. Subject: Cancellation Of The September 1, 2015, And Reinstatement Of The September 8, 2015, City Council Meetings (120.09)

Recommendation: That Council cancel the September 1, 2015, City Council meeting and reinstate the previously cancelled September 8, 2015, City Council meeting.

Action: Approved the recommendation (August 4, 2015, report from the City Administrator).

3. Subject: Adoption Of Ordinance To Designate Fishing Areas On Stearns Wharf (570.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Section 17.13.060 to Designate Fishing Areas on Stearns Wharf.

Action: Approved the recommendation; Ordinance No. 5712.

4. Subject: Adoption Of Solar Energy System Permits Ordinance (630.06)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 22.91 to the Municipal Code and Amending Sections 28.04.050 and 28.93.030 Relating to Permitting Procedures and Construction Requirements for Solar Energy Systems.

Action: Approved the recommendation; Ordinance No. 5713.

5. Subject: Approval Of License And Introduction Of Ordinance For Lease Agreement With D&G Lin, LLC For An Automobile Dealership At The Airport (330.04)

Recommendation: That Council:

- A. Authorize the Airport Director to execute a three-year License Agreement with D&G Lin, LLC, a California Limited Liability Company, for construction of an automobile dealership on 167,713 square feet of land at 6210 Hollister Avenue, at the Santa Barbara Airport, at a monthly rental of \$1,000, effective upon the date of execution by both parties; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Twenty-Year Lease Agreement, With Two Five-Year Options, for 167,713 Square Feet of Land at 6210 Hollister Avenue, at the Santa Barbara Airport, With D&G Lin, LLC, a California Limited Liability Company, at a Monthly Rental of \$20,000, Exclusive of Utilities, Effective Upon Issuance of a Certificate of Occupancy by the City.

Action: Approved the recommendations; License Agreement No. 25,280 (August 4, 2015, report from the Airport Director; proposed ordinance).

6. Subject: Professional Services Agreement With Mitchell & Associates For Audit Services Of Percentage Rent Tenants At The Waterfront (570.03)

Recommendation: That Council authorize the City Administrator to execute a Professional Services Agreement with Mitchell & Associates for revenue examinations/audits of percentage rent tenants at the Waterfront in a total amount not to exceed \$35,000 for Fiscal Year 2016.

Action: Approved the recommendation; Professional Services Agreement No. 25,281 (August 4, 2015, report from the Waterfront Director).

7. Subject: State Of California Office Of Traffic Safety Selective Traffic Enforcement Grant (520.04)

Recommendation: That Council:

- A. Accept a grant from the State of California, Office of Traffic Safety, in the amount of \$280,000, and authorize the Chief of Police to execute the grant agreement; and
- B. Increase appropriations and estimated revenues by \$280,000 in the Miscellaneous Grants Fund for Fiscal Year 2016 for the Selective Traffic Enforcement Program.

Action: Approved the recommendations (August 4, 2015, report from the Police Chief).

8. Subject: Contract For Construction Of The Zone 2 (Upper State Street, Samarkand, and San Roque Neighborhoods) Pavement Preparation/Overlay Project (530.04)

Recommendation: That Council:

- A. Award a contract with Granite Construction Company in their low bid amount of \$2,415,969 for construction of the Zone 2 Pavement Preparation/Overlay Project, and authorize the Public Works Director to execute the contract and approve expenditures up to \$193,278 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;
- B. Authorize the Public Works Director to execute a contract with Flowers & Associates, Inc., in the amount of \$179,905 for construction support services, and approve expenditures of up to \$17,991 for extra services that may result from necessary changes in the scope of work;
- C. Authorize an increase in appropriations by \$313,232 from reserves in the Measure A Fund for the Zone 2 Pavement Preparation/Overlay Project; and
- D. Authorize an increase in appropriations and estimated revenues by \$54,400 in the Streets Capital Fund for the Zone 2 Pavement Preparation/Overlay Project funded from revenues received from Vista Oceano La Mesa Venture LLC.

Action: Approved the recommendations; Contract Nos. 25,282 - 25,283 (August 4, 2015, report from the Public Works Director).

9. Subject: Contract For Construction Of The Zone 2 (Upper State Street, Samarkand, and San Roque Neighborhoods) Slurry Seal Project (530.04)

Recommendation: That Council:

- A. Award a contract with American Asphalt South, Inc., in their low bid amount of \$489,389 for construction of the Zone 2 Slurry Seal Project, and authorize the Public Works Director to execute the contract and approve expenditures up to \$48,939 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; and
- B. Authorize the Public Works Director to execute a contract with Flowers & Associates, Inc., in the amount of \$106,675 for construction support services, and approve expenditures of up to \$10,668 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 25,284 - 25,285 (August 4, 2015, report from the Public Works Director).

10. Subject: Contract For Design Of Light Industrial Buildings On Airport Parcels 17 And 22 (560.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Kupiec Architects PC, in the amount of \$280,000, for design services of the Airport Parcels 17 and 22 Development Project, and authorize the Public Works Director to approve expenditures of up to \$28,000 for extra services of Kupiec Architects PC that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 25,286 (August 4, 2015, report from the Public Works Director).

11. Subject: Introduction Of Ordinance For Grant Funding Agreement For Recycled Water Plant Replacement Project (540.13)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the Public Works Director of a Proposition 84 Integrated Regional Water Management Subgrant Agreement with the Santa Barbara County Water Agency, Pertaining to the Grant Funding Award of \$1,045,222 for the City of Santa Barbara Recycled Water Enhancement (or Replacement) Project.

Action: Approved the recommendation (August 4, 2015, report from the Public Works Director; proposed ordinance).

12. Subject: Sole Source Authorization To Purchase Acoustic Testing Equipment For The Wastewater Collection System (540.13)

Recommendation: That Council:

- A. Approve and authorize the General Services Manager to issue a Sole Source Purchase Order to 3T Equipment Company for \$51,510.64, for the purchase of sanitary sewer acoustic testing equipment; and
- B. Find it to be in the City's best interest to approve equipment standardization for sanitary sewer acoustic testing equipment for the next five-year period, in accordance with Sections 4.52.070 (k) and (l) of the Municipal Code.

Action: Approved the recommendations (August 4, 2015, report from the Public Works Director).

13. Subject: Response To 2014-2015 Santa Barbara County Grand Jury Report On Zoning Information Reports (150.04)

Recommendation: That Council:

- A. Receive the Santa Barbara County Grand Jury Report on Zoning Information Reports; and
- B. Authorize the Mayor to send a letter forwarding the City's response to the Grand Jury Report.

Speakers:

Members of the Public: Reyne Staplemann, Santa Barbara Association of Realtors.

Action: Approved the recommendations (August 4, 2015, report from the Community Development Director).

NOTICES

14. The City Clerk has on Thursday, July 30, 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.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

15. Subject: Capital Improvement Projects: Annual Report For Fiscal Year 2015 (230.01)

Recommendation: That Council receive the City's Capital Improvement Projects Fourth Quarter and Annual Report for Fiscal Year 2015.

Documents:

- August 4, 2015, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Assistant Public Works Director/City Engineer Pat Kelly.

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

Councilmember Francisco arrived at the meeting at 2:58 p.m.

PUBLIC HEARINGS

16. Subject: Appeal Of Planning Commission Approval Of An Amended Coastal Development Permit For A New Pool At 3425 Sea Ledge Lane (640.07)

Recommendation: That Council deny the appeal of Chris Krach-Bastian, and uphold the decision of the Planning Commission to approve an Amendment to a Coastal Development Permit for a new pool, spa, pool equipment and safety fencing at 3425 Sea Ledge Lane, making the findings and adopting the conditions specified in Planning Commission Resolution No. 011-15.

Councilmembers Francisco, Hotchkiss, White and Mayor Schneider mentioned that they had brief, non-substantial ex-parte communications with the Applicant.

Documents:

- August 4, 2015, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- PowerPoint presentation prepared and made by the Applicant.
- PowerPoint presentation prepared and made by the Appellant.

Public Comment Opened:

3:09 p.m.

Speakers:

- Staff: Senior Planner Beatriz Gularte.
- Planning Commission: Chair Addison Thompson.
- Appellant: Chris Krach-Bastian.
- Applicant: Peter Becker, Architect; Alicia Harrison, Land Use Planner, Brownstein Hyatt Farber Schreck; Adam Sims, Engineer and Geologist.

Public Comment Closed:

4:01 p.m.

Motion:

Councilmembers Hotchkiss/Rowse to deny the appeal of Chris Krach-Bastian, and uphold the decision of the Planning Commission to approve an Amendment to a Coastal Development Permit for a new pool, spa, pool equipment and safety fencing at 3425 Sea Ledge Lane, making the findings and adopting the conditions specified in Planning Commission Resolution No. 011-15.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo mentioned her attendance at the 50th Anniversary of MediCare event that was sponsored by Health Care for All and League of Women Voters.
- Mayor Schneider spoke regarding her attendance at the Tesla “Soft Opening” event at the new Hitchcock location.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:13 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 11, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 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 (2:09 p.m.), Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Mayor Schneider.

Councilmembers absent: Councilmember Bendy White.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Deborah L. Applegate.

PUBLIC COMMENT

Speakers: William L.; Richard Robinson, Black Hole Productions; Matthew Strzepek; Phil Walker; Andrea Roselinsky; Tom Widroe; Kenneth Loch.

CONSENT CALENDAR (Item Nos. 1 – 11)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember White).

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the special meeting of July 20, 2015, and the regular meeting of July 21, 2015.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance For Lease Agreement With D&G Lin, LLC (330.04)

Recommendation: Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Twenty-Year Lease Agreement, With Two Five-Year Options, for 167,713 Square Feet of Land at 6210 Hollister Avenue, at the Santa Barbara Airport, With D&G Lin, LLC, a California Limited Liability Company, at a Monthly Rental of \$20,000, Exclusive of Utilities, Effective Upon Issuance of a Certificate of Occupancy by the City.

Action: Approved the recommendation; Ordinance No. 5714; Agreement No. 25,290.

3. Subject: Authorization To Submit A Recreational Trails Program Grant Application For The Douglas Family Preserve Trails Restoration Project (570.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Application for Grant Funds for up to \$300,000 from the Recreational Trails Program.

Action: Approved the recommendation; Resolution No. 15-065 (August 11, 2015, report from the Acting Parks and Recreation Director; proposed resolution).

4. Subject: Proposed Amendments To Purchasing Code (340.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 4, Chapter 4.52, of the Santa Barbara Municipal Code to Update and Increase the Monetary Thresholds Governing the Solicitation of Informal Quotations and Formal Bids for the Purchase of Ordinary Goods and Services.

Action: Approved the recommendation (August 11, 2015, report from the Finance Director/Acting City Administrator; proposed ordinance).

5. Subject: Resolution To Accept A Waterline Easement And To Vacate The Superseded Waterline Easements At 182 And 202 La Vista Grande (540.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Accepting an Easement for a Public Waterline on a Portion of the Real Property Commonly Known as 202 La Vista Grande, Santa Barbara County Assessor's APN 015 130 002, and Adopting an Order Summarily Vacating and Abandoning Certain Superseded Portions of the Existing Easement for Water Pipelines at 182 and 202 La Vista Grande, Both Within the Limits of Said City.

Action: Approved the recommendation; Resolution No. 15-066; Agreement No. 25,292 and Deed No. 61-445 (August 11, 2015, report from the Public Works Director; proposed resolution).

6. Subject: Adoption Of Ordinance For Grant Funding Agreement For Recycled Water Enhancement Project For A Grant Of \$1,045,222 (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the Public Works Director of a Proposition 84 Integrated Regional Water Management Subgrant Agreement with the Santa Barbara County Water Agency, and Any Amendments Thereto, Subject to Approval as to Form by the City Attorney, Regarding Grant Funding Award for the City of Santa Barbara Recycled Water Enhancement Project.

Action: Approved the recommendation; Ordinance No. 5715; Agreement No. 25,293.

7. Subject: Contract For Construction Of The Highway Safety Improvement Program Traffic Signal Upgrades Project (530.05)

Recommendation: That Council:

- A. Award a contract with Lee Wilson Electric Company, Inc., in their low bid amount of \$1,208,570 for construction of the Highway Safety Improvement Program Traffic Signal Upgrades Project, Bid No. 3682; and authorize the Public Works Director to execute the contract and approve expenditures up to \$120,857 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;
- B. Transfer \$582,227 of available appropriations from the Streets Capital Fund to the Streets Grant Fund and appropriate for the use of the project; and
- C. Increase appropriations and estimated revenues related to the Highway Safety Improvement Program grant funding by \$900,000 in the Fiscal Year 2016 Streets Grant Fund to cover the cost of construction for the Traffic Signal Upgrades Project. (Cont'd)

7. **(Cont'd)**

Action: Approved the recommendations; Agreement No. 25,294 (August 11, 2015, report from the Public Works Director).

8. **Subject: Resolution To Postpone Proceedings To Form A New Business Improvement District In The Milpas Or Eastside Area (550.10)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Policy That Council Will Not Accept Petitions or Initiate Proceedings for the Formation of a New Business Improvement District in the Milpas or Eastside Area Prior to January 12, 2016.

Action: Approved the recommendation; Resolution No. 15-067 (August 11, 2015, report from the Public Works Director; proposed resolution).

Speakers:

Members of the Public: Tom Widroe, City Watch; Alan Bleecker.

9. **Subject: Adoption Of Resolution For Sole Source Authorization For The Secondary Process Improvements Project at El Estero Wastewater Treatment Plant (540.13)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Specification of REXA Actuators as Sole Source Equipment for the Secondary Process Improvement Project at El Estero Wastewater Treatment Plant, Pursuant to California Public Contracting Code 3400(C).

Action: Approved the recommendation; Resolution No. 15-068 (August 11, 2015, report from the Public Works Director; proposed resolution).

Speakers:

Members of the Public: Missy Zeitsoff.

10. **Subject: Resolutions To Execute Documents To Collect Prepaid Mobile Telephony Services Surcharges And To Examine Records (270.06)**

Recommendation: That Council:

- A. Authorize the City Administrator to Enter Into an Agreement with the California Board of Equalization in Order to Receive Utility Users Taxes Imposed on Consumers of Prepaid Mobile Services;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator and the City Attorney to Execute Certain Documents Required by the Board of Equalization to Collect the City's Utility Users Tax on Prepaid Wireless Service; and

(Cont'd)

10. (Cont'd)

- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records.

Action: Approved the recommendations; Agreement No. 25,295 Finance Director; Resolution No.15-069 and Resolution No. 15-070 (August 11, 2015, report from the Finance Director; proposed resolutions).

NOTICES

11. The City Clerk has on Thursday, August 6, 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.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

12. **Subject: Introduction Of Ordinance To Amend Municipal Code Chapter 5.66, News Racks (530.04)**

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 5.66 of the Santa Barbara Municipal Code to Establish News Rack Regulations.

Documents:

- August 11, 2015, report from the Public Works Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the proposed ordinance was read.

Speakers:

- Staff: Principal Engineer John Ewasiuk.
- Members of the Public: Elizabeth Wright; Scott Kaufman, Santa Barbara Independent; Joe Cole, Santa Barbara Independent; Mark Schiffmacker, Trade Express.

(Cont'd)

12. (Cont'd)

Motion:

Councilmembers Hart/Hotchkiss to amend the Ordinance to include a 60 day notification to news rack owners in advance of proposed fee increases above the annual Consumer Price Index adjustment and to bring the ordinance back to Council on the Consent Calendar on September 8, 2015, for re-introduction.

Vote:

Unanimous roll call vote. (Absent: Councilmember Bendy White).

PUBLIC HEARINGS

13. Subject: Introduction Of An Ordinance And Adoption Of Resolutions For Annexation Of The Santa Barbara Museum Of Natural History's Western Parcels (680.04)

Recommendation: That Council:

- A. Consider the Planning Commission's recommendation to annex the Santa Barbara Museum of Natural History's Western Parcels;
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Zoning Upon Annexation of Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement, in the Upper East Neighborhood;
- C. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara and Detachment from the Mission Canyon Lighting District, Santa Barbara County Fire Protection District, and County Service Area 12 for Certain Real Property Known Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement;
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement Which Will Be Annexed to the City of Santa Barbara; and
- E. Consider and determine the project exempt from the California Environmental Quality Act.

(Cont'd)

13. (Cont'd)

Documents:

- August 11, 2015, report from the Community Development Director.
- Proposed Ordinance.
- Proposed Resolutions.
- August 5, 2015, Letter from Nancy Martz.
- August 6, 2015, Letter from Robin Yardi.
- August 6, 2015, Letter from Francesca Galt.
- August 7, 2015, Letter from Shelley Bookspan.
- August 10, 2015, Letter from Graham M. Lyons.
- August 10, 2015, Letter from Grace Corselius-Wilson
- August 10, 2015, Letter from Susan Elledrige.
- August 10, 2015, Letter from Cathy Wilkins.
- August 11, 2015, Letter from LAFCO, Paul Hood, Salud Carbajal, Doreen Farr, Janet Wolf, William Dillion.
- PowerPoint presentation prepared and made by Staff.

The title of the proposed ordinance and resolutions were read.

Public Comment Opened:

3:23 p.m.

Speakers:

- Staff: Project Planner Daniel Gullett.
- Company: Suzanne Ellridge, representing the Santa Barbara Natural History Museum; Peter Brown, attorney for the Santa Barbara Natural History.
- Members of the Public: Rosanne Crawford; Barbara Lyon; Paulina Conn; Fran; Elizabeth Fowler, Santa Barbara Museum of Natural History; Bobbie Kinnear, Santa Barbara Museum of Natural History; Tom Jacobs; Alastair Winn; Robert N. Muller.

Public Comment Closed:

3:37 p.m.

Motion:

Councilmembers Hart/Hotchkiss to approve the recommendations; Resolution No. 15-071 and 15-072.

Vote:

Unanimous roll call vote (Absent: Councilmember Bendy White).

14. Subject: Appeal Of Single Family Design Board Final Approval For Additions To A Residence At 1912 Mission Ridge Road (640.07)

Recommendation: That Council deny the appeal of Trevor Martinson, agent for adjacent neighbors Rinaldo and Lalla Brutoco, and uphold the Single Family Design Board decision to grant Final Approval for additions to an existing single-family residence.

Documents:

- August 11, 2015, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- August 9, 2015, Letter from Jane and Craig Morrison.
- August 10, 2015, Letter from Trever Martinson.
- August 11, 2015, Fax/Letter from Paula Conn.
- August 11, 2015, Fax/Letter from Kate Neiswender.

Public Comment Opened:

3:46 p.m.

Speakers:

- Staff: Senior Planner Jaime Limon; City Attorney Calonne; Assistant City Attorney Scott Vincent.
- Appellant: Kate Neiswender, Law Office of K.M. Neiswender, attorney for Appellant.
- Applicant: Jeff Shelton, Architect for the Applicant; Craig Morrison, Owner.
- Members of the Public: Trever Martinson.

Public Comment Closed:

4:32 p.m.

Motion:

Councilmembers Hart/Hotchkiss to deny the appeal and direct the City Attorney to draft a resolution to affirm Council's action.

Vote:

Majority voice vote (Absent: Councilmember Bendy White).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Schneider commended everyone involved in making Old Spanish Days and Fiesta a huge success.
- Councilmember Hotchkiss reported on his attendance at the Collaborative Courts Graduation and congratulated the recent graduating class.

RECESS

4:44 p.m. – 6:00 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hart, Hotchkiss, Murillo, Rowse, Mayor Schneider.

Councilmembers absent: Councilmember Bendy White.

Staff Present: City Administrator Casey, City Attorney Calonne, Deputy City Clerk Applegate.

PUBLIC COMMENT

No one wished to speak.

PUBLIC HEARINGS

15. **Subject: Vacation Rental Enforcement And Home Sharing Ordinance (640.09)**

Recommendation: That Council:

- A. Allocate \$80,000 from the General Fund appropriated reserves to the City Attorney's Office Fiscal Year 2016 budget to cover the cost of legal services;
- B. Allocate \$90,000 from the General Fund appropriated reserves to the Community Development Department's Fiscal Year 2016 budget and incur as an ongoing cost to augment existing zoning enforcement staff and cover the cost of increased zoning enforcement related to Vacation Rentals;
- C. Allocate \$10,000 from the General Fund appropriated reserves to the Finance Department's Fiscal Year 2016 budget and incur as an ongoing cost for staffing overtime costs related to increased zoning enforcement of Vacation Rentals; and
- D. Initiate a Zoning Ordinance amendment to allow Home Sharing Rentals.

Documents:

- August 11, 2015, report from the Finance Director/Acting City Administrator.
- PowerPoint presentation prepared and made by Staff.
- July 24, 2015, Letter from Allied Neighborhoods Association, Judith D. Orias.
- July 30, 2015, Email from Laurence Hauben.
- July 30, 2015, Email from Laurence Hauben (2).
- July 31, 2015, Letter from Gary and Janet Gordon.
- August 5, 2015, Letter from Catherine Crane.
- August 6, 2015, Letter from Cliff O'Sullivan.

(Cont'd)

15. (Cont'd)

Documents (Cont'd):

- August 7, 2015, Email from Andrew Manning.
- August 7, 2015, Email from Joel Ohlgren.
- August 8, 2015, Email from Margaret Steinmetz.
- August 9, 2015, Letter from Pamela Boehr.
- August 10, 2015, Letter from Allan H. Hendrix.
- August 10, 2015, Email from Bonnie Freeman.
- August 10, 2015, Email from Cathey Wilkins.
- August 10, 2015, Letter from Allan H. Hendrix and Frances M. Govean.
- August 10, 2015, Letter from Pamela Boehr.
- August 10, 2015, Letter from Jack Ucciferri.
- August 11, 2015, Letter from Stephen Pearson.
- August 11, 2015, Letter from Joe Rution.
- August 11, 2015, Letter from Michael Conaway.
- August 11, 2015, Letter from Michael Merrill.
- August 11, 2015, Email from Denise Adams.
- August 11, 2015, Email from Denice Spangler Adams.
- August 11, 2015, Letter from Sybil Rosen.
- August 11, 2015, Email from Barbara Lindemann.

Public Comment Opened:

6:18 p.m.

Speakers:

- Staff: Community Development Director George Buell; City Attorney Ariel Calonne; Project Planner Liz Limon; City Planner Renee Brooke; Deputy City Attorney John Dolmas.
- Members of the Public: Tom Widroe, City Watch; Joel Ohlgren; Michael Conaway; Bill Boyd; Katherine Wolfe; Dick Buford; Eric E. Kelley; Bryan Smith; Judy Blankenship; Brooke Meek; Chris Bender; Brian Kenny; David Bolton; Bob Bartlett; Bonnie Raisin; Anne H. Roja; Barry Keenan; Howard Grea; Michael Hofmann; Theo Kracke; Todd Jacobs; Samantha Ireland; Glyn Davies; Bradley Bennett.

Public Comment Closed:

7:20 p.m.

(Cont'd)

15. (Cont'd)

Motion:

Councilmembers Francisco/Hotchkiss to approve staff recommendations A, B, and C, allocating funding to start enforcement for: 1) existing and new complaints, 2) rentals in Single Family, R-2 and R-3 Zones who have no business license and are not paying Transient Occupancy Tax (TOT), and 3) Rentals in R-4 and Commercial Zones with no business license and not paying TOT through the end of calendar year 2016. Staff was directed to: 1) submit status reports of enforcement progress to Council within six months and notify all Vacation Rentals advising them that the City is starting enforcement.

Vote:

Unanimous voice vote (Absent: Councilmember White).

Motion:

Councilmembers Hart/Schneider to approve staff recommendation D, initiating a Zoning Ordinance amendment to allow Home Sharing Rentals.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember White).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

16. Subject: Issuance of Legislative Subpoena To Support Vacation Rental Enforcement (640.09)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Issuing Subpoenas for Certain Records Related to Short-Term Vacation Rentals in the City.

The title of the resolution was read.

Documents:

- August 11, 2015, report from the City Attorney.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Community Development Director George Buell, City Attorney Ariel Calonne, Project Planner Elizabeth Limon, City Planner Renee Brooke, Deputy City Attorney John Dolmas.

(Cont'd)

16. (Cont'd)

Motion:

Councilmembers Hart/Francisco to approve the staff recommendation.

Vote:

Unanimous roll call vote (Absent: Councilmember White).

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:45 p.m. in memory of Bruce Bartlett who was a former member of the Architectural Board of Review and Planning Commission.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLGATE
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
August 18, 2015
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on August 18, 2015, was cancelled by the Council on November 18, 2014.

The next regular meeting of the City Council is scheduled for September 8, 2015, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
August 25, 2015
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on August 25, 2015, was cancelled by the Council on November 18, 2014.

The next regular meeting of the City Council is scheduled for September 8, 2015, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
September 1, 2015
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on September 1, 2015, was cancelled by the Council on August 4, 2015.

The next regular meeting of the City Council is scheduled for September 8, 2015, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ ATTEST: _____
HELENE SCHNEIDER
MAYOR
GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

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

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 5.66 of the Santa Barbara Municipal Code to Establish News Rack Regulations.

DISCUSSION:

EXECUTIVE SUMMARY

The News Rack Ordinance is being amended to respond to public complaints about the condition of some of the news racks in the City, to fund inspections and compliance, and to simplify the permit submittal requirements for news rack owners. The long-standing news rack maintenance requirements of the original ordinance largely remain unchanged. The amendments, as discussed in more detail below, will enhance public safety and create a more unified appearance through an annual inspection and registration program.

BACKGROUND

For many years, City staff has received complaints about the condition of the news racks in the City. In past years, staff responded to the complaints on a case-by-case basis, with some success. More recently, however, the number of complaints has increased. In response to the rise in complaints, City staff completed an inventory and inspection in the spring of 2014 of all existing news racks in the City using new inventory and tracking software. Through this inspection, staff located and photographed 770 news racks. The inventory revealed that many news racks were in poor condition.

After the inspection and inventory, staff initiated a public outreach process with the news rack stakeholders, in an effort to gain voluntary compliance with the maintenance standards set forth in the existing ordinance. Some of the news racks were never claimed, and the City was forced to remove them at the City's own cost. Based on the increase in

complaints and the condition of the news racks discovered during the initial inventory and inspection, it has become clear that an annual inspection and registration program is necessary to ensure compliance with the City's maintenance requirements.

The existing ordinance does not presently provide for annual registration and inspection of the news racks, or account for the costs associated with implementing an inspection program. The proposed ordinance amendment will require that news rack owners register their racks annually and take a more proactive approach in maintaining the racks. The newly proposed news rack nominal fee is intended to cover the cost necessary to process the registration paperwork and perform an annual inspection of the news racks. The annual fee will never exceed the actual cost to administer the News Rack Inspection Program and (at the request of the news rack owners) requires that the City notify registered news rack owners a minimum 60 days in advance of adoption by Council of any proposed Fee Resolution that would increase fees above the annual Consumer Price Index (CPI) percentage adjustment for Urban Consumer of the Los Angeles – Riverside – Orange County, CA.

The new field inventory software purchased by the City provides detailed information of each news rack's field condition and allows the City to quickly identify each corresponding owner, resulting in effective and efficient management of the proposed News Rack Inspection Program.

PUBLIC MEETINGS

Since June 2014, staff has been meeting with publishers, news rack owners, and other interested parties to discuss proposed amendments to the existing ordinance. There have been eight working meetings and six public (noticed) meetings.

On April 27, 2015, staff met with the Architectural Board of Review (ABR), and on May 6, 2015, staff met with the Historic Landmarks Commission (HLC) regarding the maintenance standards of citywide news racks (see Attachment 1). At both meetings, the ABR and HLC approved the proposed news rack styles and colors (Attachment 2). These approvals were incorporated into the maintenance requirements of the proposed Ordinance amending Chapter 5.66, of the Municipal Code.

ORDINANCE CHANGES

The proposed fundamental changes to the existing ordinance include:

- Annual registration that will ensure news racks meet the maintenance requirements that are identified and that they are repaired;
- Annual news rack fees to provide cost recovery of the permitting process and inspection;
- A method to determine how space in any newly installed City-owned news rack cabinet will be assigned, specifically in the Downtown corridor and lower State Street areas;

- More explicit aesthetic standards that will eventually lead to a more uniform appearance as existing news racks are cycled out due to maintenance or other issues (i.e., newly installed news racks will be painted Malaga green, as opposed to the existing ordinance provision that allows for brown news racks, and all future news racks that are installed will be the same general model); and
- Reorganization of the ordinance to make it easier to understand by the public and news rack owners.

On June 30, 2015, staff made a presentation to the Ordinance Committee recommending approval of amending Municipal Code Chapter 5.66, relating to the permitting and maintenance of news racks existing on public property within the City. During the meeting, at public comment, representatives of the Santa Barbara News-Press (News-Press) and Santa Barbara Independent (Independent) expressed concern over the proposed ordinance language, specifically with respect to permitting fees; the lack of clarity as to whether or not the prohibition against advertising on news racks included advertising to promote the publications contained within the news rack; the impact to existing news racks affixed to shared pedestals that may be removed during the initial permitting implementation period; the lack of a person other than the Public Works Director to hear appeals regarding the removal of a news rack; and the possible lack of consistency within the proposed ordinance with regard to the definition of “obscene” material. The Ordinance Committee recommended that staff, in conjunction with the City Attorney, meet with stakeholders from the News-Press and the Independent to discuss possible revisions to the proposed ordinance to address the concerns articulated at the meeting. The Ordinance Committee directed staff to put the matter back on the agenda within two weeks, or as soon as possible, for subsequent discussion and further review.

On July 6, 2015, staff, with the City Attorney, met with the stakeholders from the News-Press and the Independent. The parties discussed all of the concerns raised at the June 30, 2015, Committee meeting, including the scope of the language requiring news rack owners to maintain insurance and naming the City as additional insured during the term of the permit. The City Attorney agreed to make certain revisions to the existing ordinance language to address their concerns. Specifically, in part, the City Attorney revised the language in the proposed ordinance to provide for greater clarification with respect to registration fees, the definition of “obscenity,” and the application of the new maintenance standards to existing news racks. The City Attorney further revised the language to provide for a person other than the Public Works Director to hear appeals pertaining to the removal of news racks and set a limit of one million dollars on the insurance requirements.

On July 10, 2015, a draft containing the City Attorney’s revisions to the originally proposed ordinance was emailed to the news rack stakeholders. Staff returned to the Ordinance Committee on July 28, 2015, and advised the committee members of the changes that were made to the proposed ordinance in order to address the concerns expressed by the Independent and the News-Press at the June 30, 2015, Ordinance Committee meeting. After hearing the presentation by staff, the Ordinance Committee moved 2/1 to bring the proposed amended ordinance to the City Council for approval.

On August 11, 2015, staff made a presentation to the City Council recommending approval of amending Municipal Code Chapter 5.66, as discussed above. During the meeting, at public comment, representatives of the Independent and the Trade Express stated their support for the proposed ordinance update. Prior to the August 11 meeting, representatives from the Independent and the News Press requested that a sentence be added to the proposed ordinance requiring the City to notify the news rack owners in advance of proposed fee increases above the annual CPI percentage adjustment. At that time, the proposed ordinance did not contain a provision for notifying news rack owners of fee increases above the annual CPI.

Council unanimously supported the proposed ordinance and continued this item to September 8, 2015, Consent Calendar so staff can work with the Attorney's Office to finalize the added sentence. Council also supported the recommendation to add a sentence that would require that the City notify owners at least 60 days in advance of any proposed Fee Resolution that would increase fees above the annual CPI percentage adjustment.

ADOPTION AND IMPLEMENTATION OF THE AMENDED ORDINANCE

Once the amended ordinance is adopted by City Council and becomes effective, news rack owners will have 30 days to submit their news rack registration. Registered news racks owners are required to achieve compliance with the amended ordinance conditions and maintenance standards (except for existing news racks, which will not have to meet the color and model specifications until the existing rack is past its useful life and requires replacement), pay an annual fee, and obtain a permit within 90 days of registration. News rack owners with more than 30 news racks may request approval from the City for an implementation plan that may take longer than 90 days; however, compliance of all news racks is anticipated by July 1, 2016, or soonest thereafter.

BUDGET/FINANCIAL INFORMATION:

Currently, no City funds are budgeted for news rack inspections and management. Staff has proposed new news rack fees to replace the prior fee structure. All existing news racks will have their registration fee waived. Further, the proposed fee pertaining to City-owned cabinets in the Downtown corridor will also cover the anticipated cost of maintaining the City cabinets.

The proposed fees in the amended ordinance would be limited to cost recovery of staff time to process permit applications and manage, annually inspect, and enforce the proposed news rack maintenance requirements.

Council Agenda Report

Introduction Of Ordinance To Amend Municipal Code Chapter 5.66, News Racks

September 8, 2015

Page 5

The current news rack fees were presented to the Finance Committee on May 5, 2015, for their review and comments. The Finance Committee agreed with the fees. In summary, the annual registration fees are \$13 for privately owned news racks, \$18 for news racks in City cabinets, and an initial application fee of \$236 (which is waived for existing news racks). The current fees, which were approved by Council by Resolution 15-053 on June 24, 2015, are shown on Attachment 3.

- ATTACHMENTS:**
1. Excerpts from ABR and HLC Meeting Minutes
 2. ABR/HLC Approved News Rack Styles
 3. News Rack Fees

PREPARED BY: John Ewasiuk, Principal Civil Engineer/TS/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 NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY
OF SANTA BARBARA AMENDING CHAPTER 5.66
OF THE SANTA BARBARA MUNICIPAL CODE TO
ESTABLISH NEWS RACK REGULATIONS

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

SECTION 1. Chapter 5.66 of Title 5 of the Santa Barbara Municipal Code is
amended in its entirety to read as follows:

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.

COUNCIL INTRODUCTION DRAFT
SEPTEMBER 8, 2015
AMENDING CURRENT CODE IN ITS ENTIRETY

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, as defined in Section 313 of the Penal Code, 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 on public property. 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, and which shall be available on the City's website.

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 (CPI) 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. The City will notify registered news rack owners in writing a minimum sixty (60) days in advance of a proposed adoption by City Council of any Fee Resolution that will result in any fee increase above the annual CPI percentage adjustment.

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. Existing news racks that are affixed to a shared pedestal as of the effective date of this ordinance but are relocated to an adjacent area on a standalone mount during the initial application process set forth in subparagraph B below, shall be considered existing news racks for the purpose of this section.

4. Existing New Racks in City Modular Cabinets in the Downtown

Plaza. News ~~r~~Racks in the City ~~Modular-modular C~~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~~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 submitted shall be 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~~Owner of each publication subject to the permit(s). For news racks 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.

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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~~ Owner shall deposit with the Public Works Director a certificate of insurance evidencing that a liability insurance policy in a minimum amount of one million dollars (\$1,000,000) per occurrence and in the general aggregate, 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. The Public Works Director shall issue a permit under an application complies with the provisions of this chapter. If a permit is denied, the City shall, within ten (10) business days, mail to the ~~owner~~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 for a new, replaced, or relocated news rack 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 (51) 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~~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~~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.

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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, they 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.

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- 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:
 - (1) Within ten (10) feet of any marked or unmarked crosswalk;
 - (2) Within five (5) feet of any fire hydrant, fire call box, police call box, traffic signal controller, or traffic signal;
 - (3) Within three (3) feet of any utility meter, manhole, service box, parking meter, street light pole, or other public works facility;
 - (4) Within ten (10) feet of any driveway or alley approach;
 - (5) Within five (5) feet of a bike rack;
 - (6) 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;
 - (7) Within three (3) feet of any bus bench or public bench;
 - (8) At any location whereby the clear space for the passage of pedestrians is reduced to less than four (4) feet;
 - (9) Within four (4) feet of any permitted sidewalk dining area;

(10) 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

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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 or news rack card shall be used for off-premises 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

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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 eOwner 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 ~~r~~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 ~~O~~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~~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~~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 for violation of the ordinance, 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 and the permit, which shall constitute adequate notice. If available, the City will also send the written notice of violation by email. 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 written notice shall state the nature of the violation and the location, shall specify actions necessary to correct the violation, and shall give the ~~owner~~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~~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. If the Public Work Director is unable to conduct the hearing due to bias or legal disability, the City Administrator or mutually agreed upon third party shall conduct the hearing.

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~~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~~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 (2) 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 (2) 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~~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~~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.

SECTION 2. CEQA.

This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance For Amendment To Agreement For Elings Park Recycled Water Booster Pump Station

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Amendment No. 1 to Agreement No. 24,316 Between the City of Santa Barbara and The Elings Park Foundation Dated January 10, 2013, for the Use and Delivery of the City's Recycled Water and for the Construction of an On-Site Recycled Water Booster Pump Station at Elings Park.

DISCUSSION:

The City owns multiple real properties underlying Elings Park (Park). Since 1980, the Park has been leased for improvement and operation by various non-profit foundations. On April 24, 2003, the City entered into Lease Agreement No. 20,930 with The Elings Park Foundation (Foundation).

The City has been delivering water to the Park for necessary irrigation of onsite landscaped areas since 1991. On January 10, 2013, the City entered into Agreement No. 24,316 with the Foundation to deliver recycled water, which is being delivered by a pipeline located within Las Positas Road, fronting Elings Park.

The City is currently constructing a recycled water booster pump station at Elings Park, which will further improve the City's delivery pressure and the Foundation's use of recycled water for irrigation purposes. The approximate location of the new booster pump station facility is shown on the attached Vicinity Map.

In addition to the ongoing use of recycled water at the Park, Engineering staff recommends the proposed Amendment No. 1 to Agreement No. 24,316 with the Elings Park Foundation to provide the City with access for the construction and subsequent operation of the recycled water booster pump station. Except for the City's access, and to enhance or clarify certain minor provisions set forth in Agreement No. 24,316, all other terms and conditions shall remain the same.

In accordance with pertinent sections of the Charter of the City of Santa Barbara, Agreement No. 24,316 was approved by Ordinance No. 5605, which was adopted by Council on December 11, 2012. The proposed Amendment No. 1 to Agreement No. 24,316 must also be adopted by Council by ordinance.

SUSTAINABILITY IMPACT:

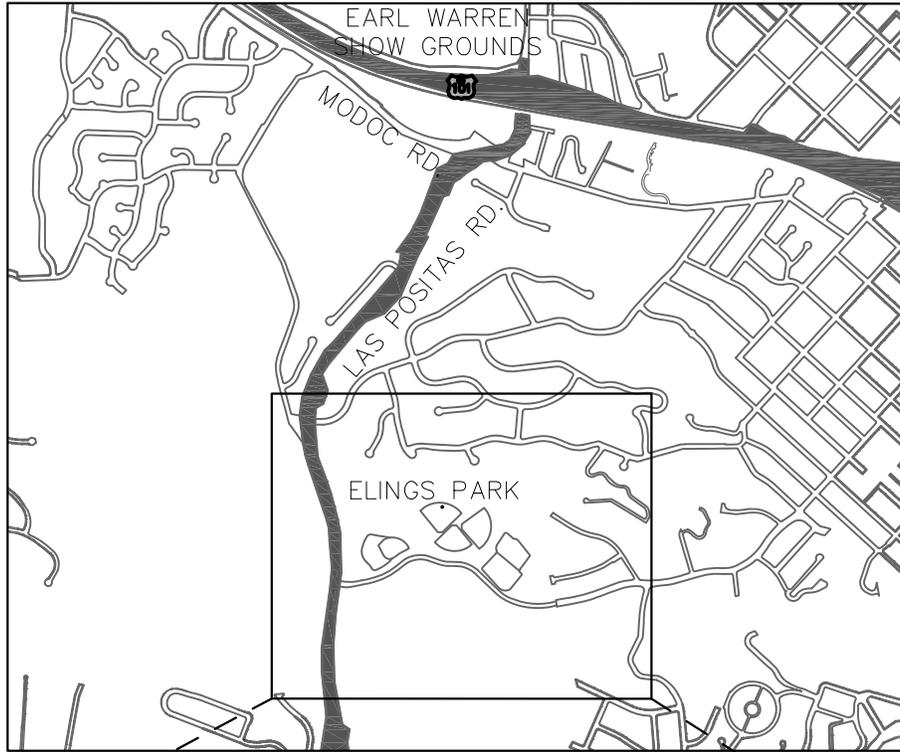
For all of the sites in the City of Santa Barbara using recycled water for irrigation and toilet flushing instead of using potable water, approximately 800 acre feet per year of potable water is saved.

ATTACHMENT(S): Vicinity Map

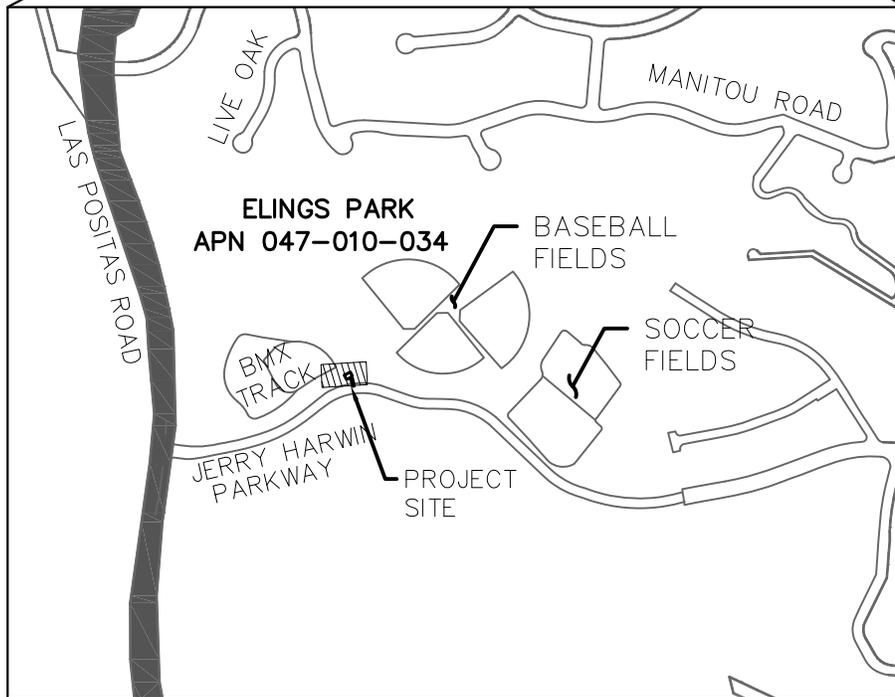
PREPARED BY: John Ewasiuk, Principal Civil Engineer/DI/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



VICINITY MAP
N.T.S.



ELINGS PARK
VICINITY MAP
EXHIBIT A-3

DATE	<u>2/10/15</u>
DRAWN	<u>CW</u>
BID NO.	<u>N/A</u>
SCALE	<u>N.T.S.</u>
SHEET	<u>1</u> OF <u>X</u>

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AMENDMENT NO. 1 TO AGREEMENT NO. 24,316 BETWEEN THE CITY OF SANTA BARBARA AND THE ELINGS PARK FOUNDATION DATED JANUARY 10, 2013, FOR THE USE AND DELIVERY OF THE CITY'S RECYCLED WATER AND FOR THE CONSTRUCTION OF AN ON-SITE RECYCLED WATER BOOSTER PUMP STATION AT ELINGS PARK

WHEREAS, the potable water supply of the City of Santa Barbara (City) is limited, and therefore, water conservation is important to ensure adequate water supplies;

WHEREAS, the City operates a recycled water treatment plant which produces recycled water of satisfactory quality for safe use in irrigating landscape areas within the City;

WHEREAS, the Elings Park Foundation operates and maintains landscaped areas to be irrigated, using recycled water, at its leased site known as Elings Park, located at 1298 Las Positas Road, Santa Barbara, California;

WHEREAS, the Elings Park Foundation has agreed, as set forth in Agreement No. 24,316, dated January 10, 2013, as approved by Ordinance No. 5605, to accept recycled water for irrigation of its landscaped areas, and the City has agreed to deliver recycled water to Elings Park under the terms and conditions set forth in said Agreement No. 24,316; and

WHEREAS, the Elings Park Foundation has also agreed to permit the construction by the City of an onsite recycled water booster pump station at Elings Park to further improve the system to deliver recycled water to Elings Park, and to allow periodic access by City personnel, contractors, permittees, and franchisees necessary for the construction, operation and ongoing maintenance of certain related portions of such improvements.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Amendment No. 1 to Agreement No. 24,316 between the City and the Elings Park Foundation for the City to deliver recycled water to Elings Park, located at 1298 Las Positas Road, Santa Barbara, California, for their purchase and use of recycled water, and for the City to construct, operate and maintain an onsite recycled water booster station, is approved in accordance with the City Charter.

SECTION 2. The Public Works Director is authorized to execute said Amendment No. 1 to Agreement No. 24,316.

SECTION 3. Following the effective date of this Ordinance, the City Clerk is hereby authorized to cause the recordation of said Amendment No. 1 to Agreement No. 24,316 in the Official Records, in the Office of the County Recorder, County of Santa Barbara, California.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For Elings Park Recycled Water Pump Station Project

RECOMMENDATION: That Council:

- A. Approve a transfer of \$214,795 from Water Operating Fund reserves to the Water Capital Fund;
- B. Increase appropriations and estimated revenues by \$214,795 in the Water Capital Fund for the Elings Park Recycled Water Pump Station Project;
- C. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Elings Park Recycled Water Pump Station Project, Contract No. 25,181, with Pacific Coast Excavation, Inc., in the amount of \$150,000, for a total project expenditure authority of \$385,264;
- D. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Elings Park Recycled Water Pump Station Project, Contract No. 24,879 for design services with Stantec, in the amount of \$7,500, for a total project change order expenditure authority of \$54,800; and
- E. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Elings Park Recycled Water Pump Station Project, Contract No. 25,182 for construction support services with Mimiaga Engineering Group, in the amount of \$32,289, for a total project change order expenditure authority of \$58,029.

DISCUSSION:

BACKGROUND

The Reclaimed Water System has been developed in multiple phases, adding customers as appropriate. However, operational constraints limit the options available to staff to optimally manage the system. One major constraint is the pressure required to move water up to higher elevations at Elings Park (from 70 feet at the bottom to 375 feet at the top). To maintain this elevated pressure, a significant portion of the system must operate at above normal pressures for extended periods. This pressure is maintained by operating both the Golf Course and La Mesa Pump Stations.

Council Agenda Report

Increase In Construction Change Order Authority For Elings Park Recycled Water Pump Station Project

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Incorporating a smaller booster pump station at Elings Park will provide reliable service to this customer while allowing the remainder of the system to operate at a lower, steady pressure. The pump station will not increase the total quantity of water delivered. The water that is delivered will be at a higher pressure allowing sprinklers to function more efficiently.

The project as designed consists of building two concrete pads, a retaining wall, and the installation of a skid-mounted pump station. A black vinyl chain link fence will be installed around the pump station and there will be one parking space for a maintenance vehicle. The project includes a landscape plan that screens the pump station from Jerry Harwin Parkway. Elings Park staff will install and maintain landscaping for this project.

CURRENT STATUS

On April 14, 2015, Council awarded a contract in the amount of \$213,874, with a change order authority of \$21,390, to Pacific Coast Excavation for the construction of the Elings Park Recycled Water Pump Station (Project), Bid No. 3722.

Work on site began on July 21, 2015. During excavation, the Contractor discovered landfill trash at levels not anticipated per the soils report. City staff is working with the geotechnical engineer, structural engineer, and environmental personnel on a potential design solution. Because any proposed re-design will require review through the City's Building and Safety Division and potentially the Architectural Board of Review, the completion of the Project may be extended as far as February 2016.

Nearly all of the construction change order authority has been used for the installation of a Southern California Edison intercept box that was not required during design, and the removal and hauling of the landfill trash, and unsuitable soils that were encountered during excavation. The balance of the current construction change order authority will not be sufficient to cover the anticipated costs of extra work needed to complete the Project.

On June 24, 2014, Council awarded a contract to Penfield and Smith (now Stantec) in the amount of \$47,300, including extra services. This contract included design of the Project and support during the construction phase. The concrete pads for the transformer and pump station and the retaining walls around the site will need to be re-evaluated and potentially strengthened and raised. The small amount remaining on their contract will not be enough to cover the re-evaluation.

On April 14, 2015, Council awarded a contract in the amount of \$23,400 with change order authority of \$2,340, to Mimiaga Engineering Group for construction support services. The increase in Mimiaga's contract will be used to support the monitoring of excavation once construction restarts for hazardous materials in the trash, such as construction debris.

Of the \$214,795 requested from Water Fund Reserves, \$189,789 will be used to increase contract change order authority and the remaining \$25,006 will be for materials testing and Staff construction management costs.

BUDGET/FINANCIAL INFORMATION:

FUNDING

The following summarizes the additional expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract		Change Order	Total
	Base Contract	Initial Change Order	Increased Change Order Amount	Total
Pacific Coast Excavation	\$213,874	\$21,390	\$150,000	\$385,264
Stantec	\$43,000	\$4,300	\$7,500	\$54,800
Mimiaga Engineering Group	\$23,400	\$2,340	\$32,289	\$58,029
Pacific Materials Laboratory	\$1,500		\$5,000	\$6,500
Construction Management (City Staff)	\$33,866		\$20,006	\$53,872
Totals	\$315,640	\$28,030	\$214,795	\$558,465

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/AF/MM/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 4.52 OF TITLE 4 OF THE SANTA BARBARA MUNICIPAL CODE PROVIDING PROCEDURES FOR THE PURCHASE OF EQUIPMENT, SUPPLIES, AND SERVICES.

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

SECTION 1. Chapter 4.52 of Title 4 of the Santa Barbara Municipal Code is amended to read as follows:

4.52.010 System Adopted - Purpose.

In order to establish efficient procedures for the purchase of equipment, supplies, and services at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases, a purchasing system is adopted. To the greatest extent practicable, the City shall endeavor to develop purchasing specifications that will result in the purchase of equipment, supplies, and services that are environmentally preferred. Competitive bidding for the purchase of equipment, supplies, and services is preferred as a matter of City policy and good purchasing practice. Even when competitive bids are not required by this Chapter, competitive proposals or bids should be obtained if reasonably practicable and compatible with the City's interests.

4.52.020 Definitions.

The following words and phrases shall have the following meaning and construction for purposes of this chapter.

A. **ENVIRONMENTALLY PREFERRED PURCHASES.** A manner of purchasing equipment, supplies, and services that results in less harm to the natural environment. Environmentally preferred purchases involve the purchase of equipment, supplies, and services in a manner that uses less harmful materials, employs recycled or recovered materials (where appropriate and available), and utilizes techniques intended to result in less impact on the environment than other available methods.

B. **EMERGENCY PURCHASE.** A purchase made to address a situation that creates an immediate and serious need for equipment, supplies, or services which cannot be met through normal purchasing procedures and where the lack of such equipment, supplies, or services would seriously threaten the functioning of City government, the preservation of property, or the health or safety of any person.

C. **WITHIN THE BUDGET APPROVED BY THE CITY COUNCIL.** Purchases that fall within the annual financial budget adopted by the City Council for the Department against whose account the purchase will be applied. A particular purchase need not be

a specific line item of the Department's budget in order to be considered included within the budget approved by the City Council.

D. **INFORMATION TECHNOLOGY.** Includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications that include voice, video, and data communications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

E. **MAINTENANCE AND REPAIR.** The routine, recurring, or usual work for the restoration or preservation of the condition of an existing facility, structure, or equipment, as opposed to the purchase of a new or replacement facility, structure, or equipment. If a question arises as to the proper characterization of a purchase as maintenance and repair or a public work, the Purchasing Agent shall determine in writing whether the primary purpose of the purchase is to restore or preserve the condition of an existing facility, structure, or equipment or to obtain a new or replacement facility, structure, or equipment.

F. **PERSONAL PROPERTY.** All property other than real estate, including, but not limited to, equipment, supplies, and materials.

G. **PROFESSIONAL SERVICES.** Services that require specialty training, education, or experience, including, but not limited to, financial, economic, accounting, engineering, legal, or administrative matters.

H. **PURCHASE.** To obtain equipment, supplies, or services in exchange for money or its equivalent. For purposes of this Chapter, the term purchase shall also include the acquisition of equipment or supplies by lease.

I. **PURCHASING AGENT.** The general services manager of the City of Santa Barbara. J. **REVERSE AUCTION.** A process where the City announces its need for equipment, supplies, or services on the Internet, or some other manner, and suppliers bid against one another in a real-time, open, and interactive bidding environment to supply the City with required equipment, supplies, or services.

K. **SERVICES INVOLVING PECULIAR ABILITY.** Services that typically require artistic or creative skill and advanced or specialized training or experience. For purposes of this Chapter, the construction trades are not services involving peculiar ability.

4.52.030 Purchasing Agent - Duties.

The Purchasing Agent shall be under the direction, supervision, and control of the Director of Finance. The Purchasing Agent shall:

A. Negotiate, purchase, and contract for equipment, supplies (other than library books and library periodicals), routine laboratory tests, nonprofessional services, or services not involving peculiar ability required by any office, department, or agency of the City in accordance with purchasing procedures prescribed by this chapter, and such other rules and regulations as shall be prescribed by the City Council.

B. Act to procure for the City the needed quality in equipment, supplies, routine laboratory tests, nonprofessional services, or services not involving peculiar ability at least expense to the City.

C. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.

D. Prepare and recommend to the City Council rules governing the purchase of supplies, services and equipment for the City.

E. Stay informed of current developments in the field of purchasing, prices, market conditions and new products.

F. Prescribe and maintain such purchasing forms as are reasonably necessary to the operation of this chapter and other rules and regulations.

G. Maintain a bidders' list, vendors' catalog file and records needed for the efficient operation of the Purchasing Division.

4.52.040 Estimates of Requirements.

All departments shall file detailed estimates of their requirements for supplies and equipment in such manner, at such time, and for such future periods as the Purchasing Agent shall prescribe.

4.52.050 Contracting Authority.

A. **COUNCIL AUTHORIZATION.** Pursuant to Section 518 of the City Charter, the City Council may, by ordinance or resolution, authorize the City Administrator or other officer to bind the City for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council.

B. **EXERCISE OF AUTHORITY.** To the extent the City Council grants written purchasing authority to the City Administrator or another officer, the City Administrator or such other officer shall exercise such authority in accordance with the procedures specified in this Chapter or as otherwise specified in the ordinance or resolution granting such authority.

C. **DELEGATION OF AUTHORITY.** To the extent the City Council grants purchasing authority to the City Administrator, the City Administrator may delegate such authority to a subordinate in a manner that does not conflict with Section 518 of the City Charter, the provisions of any applicable City ordinance, or the provisions of the Council resolution or ordinance granting the purchasing authority to the City Administrator.

4.52.55 Exceptions to Competitive Bidding.

The following purchases of equipment, supplies, and services are exempt from the competitive bidding requirements specified in Sections 4.52.060 or 4.52.070 of this Code to the extent such purchases are within the budget approved by the City Council. The City Administrator is authorized to negotiate and contract for such equipment, supplies, and services without complying with competitive bidding subject to the conditions as specified below:

A. Purchases of advertising services (print, television, radio, internet, etc.) upon a showing that the proposed services are a cost effective means of reaching the targeted audience.

B. Software license renewals where the software has been shown to have

continuing value to the operation of the City organization.

C. Housing and furniture rental for police department cadets.

4.52.060 Contracts Up to \$75,000.

A. **REQUISITIONS.** All departments of the City shall submit requests for equipment, supplies (other than library books and library periodicals), routine laboratory tests, nonprofessional services, or services not involving peculiar ability to the Purchasing Agent by standard requisition request forms.

B. **BIDDING PROCEDURE.** Purchases of equipment, supplies (other than library books and library periodicals), routine laboratory tests, nonprofessional services, or services not involving peculiar ability, of a value of up to \$75,000, may be made by the Purchasing Agent in the open market pursuant to the bidding procedures described herein.

1. **Purchases of up to \$7,500.** Purchases of goods or services of a value up to \$7,500 may be made without competitive bidding.

2. **Sole Source Purchases.** Where only one source is available for the goods or services, the purchase may be made without competitive bidding.

3. **Purchases over \$7,500 and up to \$75,000.** Purchases of goods or services of a value over \$7,500 and up to \$75,000 shall be bid in the following manner:

a. **Minimum Number of Quotations.** Purchases shall whenever possible be based on at least three (3) quotations, and shall be awarded to the person submitting the lowest responsible quotation.

b. **Notice Inviting Quotations.** The Purchasing Agent shall solicit quotations by written requests to prospective vendors or by telephone.

c. **Written quotations shall be submitted to the Purchasing Agent who shall keep a record of all open market orders and quotes for a period of one (1) year after the submission of quotes or the placing of orders.**

C. **CONFIRMATION OF VERBAL QUOTATIONS.** For all purchases made pursuant to this section, verbal quotations over \$7,500 require written confirmation.

D. **WRITTEN CONTRACTS.** All purchases made pursuant to this section shall be made by purchase order or other form approved by the City Administrator and the City Attorney. The Purchasing Agent is authorized to execute such contracts on behalf of the City.

E. **ENCUMBRANCE OF FUNDS.** Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for equipment, supplies, or services for which there is an insufficient appropriation in the budgetary account against which said purchase is to be charged.

4.52.070 Formal Contract Procedures (Purchases Greater than \$75,000).

Except as otherwise provided herein, purchases of supplies (other than library books and library periodicals), nonprofessional services, services not involving peculiar ability, and equipment, of a value greater than seventy-five thousand dollars (\$75,000), shall be by written contract with the lowest responsible bidder pursuant to the following procedures:

A. **REQUISITION.** All departments of the City shall submit requests for equipment, supplies (other than library books and library periodicals), and nonprofessional services or services not involving peculiar ability to the Purchasing Agent by standard City requisition forms.

B. **NOTICE INVITING BIDS.** The Purchasing Agent shall issue a notice inviting bids that includes a general description of the articles to be purchased or the services sought, states where the bid forms and specifications may be secured, and announces the time and place for opening bids.

1. Published Notice. Notices inviting bids shall be published at least ten (10) working days before the date of opening of bids. Notices shall be published at least once in a newspaper of general circulation, published in the City of Santa Barbara.

2. Bidders' List. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the City's bidders' list or who have requested their names to be added thereto.

C. **BIDDERS' SECURITY.** When deemed necessary by the Purchasing Agent, bidders' security may be required. Bidders shall be entitled to a return of bid security upon execution of the contract or upon the re-advertisement for bids, provided that the successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after notice of contract has been deposited in the United States mail. The City Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the City Council awards the contract to the next lowest responsible bidder, the bidder first awarded the contract shall forfeit only the portion of his security which is equal to the difference between his bid and the bid of the next lowest responsible bidder. If the next lowest responsible bidder is awarded the contract, he shall forfeit his bid security if he fails or refuses to execute the contract.

D. **BID OPENING PROCEDURE.** Bids may be submitted in physical form or electronically, as specified in the notice inviting bids. Physical bids shall be submitted to the Purchasing Agent in a sealed envelope and shall be identified as "bid" on the envelope. Bids submitted electronically shall be identified as "bid" in the subject line of the e-mail or by other conspicuous method. Bids shall be opened at a location open to the public at the time and place stated on the notice inviting bids or as may otherwise be announced to all bidders. A tabulation of all bids received shall be open for public inspection during regular City business hours for a period of not less than thirty (30) calendar days after the bid opening.

E. **REJECTION OF BIDS.** In its discretion, the City Council may reject any and all bids presented and re-advertise for bids pursuant to the procedure described herein. In cases where the Purchasing Agent is authorized to award a contract, the Purchasing Agent may, in his or her discretion, reject any and all bids presented and re-advertise for bids pursuant to the procedure described herein.

F. **AWARD OF CONTRACTS.** Contracts shall be awarded by the City Council to the lowest responsible bidder who submits a bid responsive to the specifications except as otherwise provided herein.

G. **AWARD OF CONTRACTS BY PURCHASING AGENT.** The Purchasing Agent is authorized to award contracts to the lowest responsible bidder when the City Council has approved a Departmental budget that includes funds specifically for the purchase of

the item(s) and the amount of the award is not more than the budgeted amount.

H. **TIE BIDS.** If two (2) or more bids received are for the same total amount or unit price, quality, service and delivery being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council may in its discretion accept the one (1) it chooses or accept the lowest bona fide offer made by and after negotiation with the bidders who were tied at the time of the bid opening.

I. **NO BIDS RECEIVED.** If no bids are received within ten (10) days of the publication of the notice inviting bids or such other time specified in the notice inviting bids for the receipt of bids, the Purchasing Agent may either publish a new notice inviting bids or solicit bids without further publication.

J. **PERFORMANCE SECURITY.** The Purchasing Agent shall have the authority to require a performance security before entering into a contract in such amount as it shall find reasonably necessary to protect the best interests of the City. If the Purchasing Agent requires a performance security, the form and amount of the security shall be described in the terms, conditions or general provisions of bid documents.

K. **SOLE SOURCE PURCHASES.** Purchases of goods or services which can be obtained from only one (1) source may be made by the Purchasing Agent without advertising and after a determination by the City Council that the goods or services are only available from one source and approval of the purchase by the City Council.

L. **BEST INTEREST WAIVER.** The City Council may authorize purchase of equipment, supplies (other than library books and library periodicals), and nonprofessional services or services not involving peculiar ability without complying with the above procedures when, in the opinion of the Council, compliance with the procedure is not in the best interest of the City.

M. **ENCUMBRANCE OF FUNDS.** Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for equipment, supplies, or services for which there is an insufficient appropriation in the budgetary account against which said purchase is to be charged.

4.52.080 Emergency Purchases.

An emergency purchase of any equipment, supplies, or services shall be made in accordance with the following procedures:

A. **DECLARATION OF NEED TO MAKE AN EMERGENCY PURCHASE.** The City Administrator or a City department head must declare the need to make an emergency purchase in writing. The declaration shall specify the reasons why an emergency purchase of equipment, supplies, or services is necessary.

B. **SCOPE OF AUTHORITY.** When the need to make an emergency purchase is declared, the City Administrator or the department head declaring the need to make an emergency purchase may purchase any equipment, supplies, or services needed to address the emergency. Emergency purchases are only allowed as necessary to address an immediate need. Even when normal purchasing procedures are not followed for reasons relating to the emergency, competitive bidding shall be used to the greatest extent practicable under the circumstances.

C. **DOCUMENTATION.** All emergency purchases shall be documented in writing.

D. **ENCUMBRANCE OF FUNDS.** When emergency purchases are requested of

equipment, supplies, or services for which no funds have been encumbered, the emergency requisition shall so state and the interested department head shall initiate a request for fund transfer within four (4) hours after the start of the next regular work day.

E. REPORT TO CITY COUNCIL. Any time the value of emergency purchases made without compliance with normal purchasing procedures exceeds \$35,000 in the aggregate for a single emergency, a report shall be made to the City Council within thirty (30) days of the declaration of the need for an emergency purchase.

4.52.090 Inspection and Testing.

The Purchasing Agent may inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract. The Purchasing Agent shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

4.52.100 Central Stores.

The Purchasing Agent is responsible for the City storage control program. Under direction of the Purchasing Agent, the City Stores Manager is responsible for the custody of and accounting for the supplies. This includes the maintenance of a perpetual inventory record for each item carried in stock and making quantity checks at frequent intervals to verify the ledger count and value. The City Stores Manager is to exercise full control and reporting of all materials received, withdrawn, or returned to stock.

4.52.110 Information Technology Purchases.

The City recognizes that purchasing information technology on the basis of lowest purchase price alone may not always serve the best interests of the City. Therefore, the Purchasing Agent is hereby authorized to purchase information technology, within the budget approved by the City Council, on a "best value basis." In determining the best value for the City, the Purchasing Agent may consider the following factors:

- A. The purchase price or cost;
- B. The quality of the vendor's goods or services;
- C. The extent to which the vendor's goods or services meet the City's needs;
- D. The total long-term cost to the City of the good or service;
- D. The reputation of the vendor and the vendor's goods or services;
- E. The vendor's past relationship with the City;
- F. The impact of the proposed purchase on the City's ability to comply with laws relating to the procurement of goods or services from persons with disabilities;
- G. The impact of the proposed purchase on the City's ability to comply with laws relating to the procurement of goods or services from historically underutilized businesses; and
- H. Any relevant criteria specifically listed in the request for proposals or bids.

The preceding list of factors is not listed in order of priority and not all factors will be relevant to all purchases. Unless the request for proposals or bids assigns a particular weight to one factor or another, the Purchasing Agent may assign priority of the factors as appropriate for the individual purchase based on the information available at the time of the purchase with the goal of obtaining the optimum combination of economy, quality, and effectiveness that is the result of fair, efficient, and practical procurement decision-making.

4.52.120 Contract Splitting Prohibited.

It is unlawful to split or separate any purchase into smaller increments for the purpose of evading the provisions of the Charter or this Chapter requiring advertising and competitive bidding.

4.52.130 Surplus Personal Property.

All City departments shall submit to the Purchasing Agent, at such times and in such forms as the Agent shall prescribe, reports showing all supplies, equipment or personal property of any nature which are no longer used or which have become obsolete or worn out. The Purchasing Agent shall have the authority to exchange or trade on new supplies and equipment, or to sell, all supplies and equipment which cannot be used by any department or which have become unsuitable for City use. The Purchasing Agent shall also have the authority to make transfers between departments of any usable surplus supplies or equipment. The Purchasing Agent, upon obtaining the specific written approval of the City Finance Director, may, without published notice of the intended sale or competitive bidding, sell items of surplus personal property to: 1. any interested party if the value of the item does not exceed \$500, or 2. any governmental entity as long as the value of the item does not exceed \$10,000.

4.52.140 Cooperative Purchasing.

A. **COOPERATIVE PURCHASING AGREEMENTS.** Nothing contained in this chapter shall prohibit the participation by the City of Santa Barbara in any voluntary cooperative purchasing agreement, agreements, or programs entered into between the City of Santa Barbara and any local, state, or federal government, or association of governmental agencies within the United States which is authorized by state or federal law or regulations.

B. **SURROGATE BIDDING.** Nothing contained in this chapter shall prohibit the participation by the City of Santa Barbara in a surrogate bidding process where the City purchases equipment, supplies, or services at the same price as a contract awarded by another local, state, or federal government, or association of governmental agencies within the United States following a competitive bidding process that substantially conforms to the City's purchasing procedures.

C. **CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACTS AND LEVERAGE PROCUREMENT AGREEMENTS.** Nothing contained in this chapter shall prohibit the participation by the City of Santa Barbara in any purchase under a California

Multiple Award Schedule Contract or Leverage Procurement Agreement.

D. **AUTHORITY TO ACT.** The Purchasing Agent is hereby empowered and authorized to act under the provisions of this chapter, to procure for the City supplies and equipment in conjunction with such voluntary cooperative purchasing agreement, surrogate bidding process, California Multiple Award Schedule Contract, or California Leverage Procurement Agreement to the extent such purchases are within the budget approved by the City Council. Sections 4.52.060 and 4.52.070 of this chapter shall not apply to the purchase of supplies or equipment pursuant to any voluntary cooperative purchasing agreement, surrogate bidding process, California Multiple Award Schedule Contract, or California Leverage Procurement Agreement entered into under the provisions of this section. All formal contract and bidding procedures to be followed in such cases shall be those specifically enumerated in the voluntary cooperative purchasing agreement, the surrogate bid, California Multiple Award Schedule Contract, or California Leverage Procurement Agreement.

4.52.150 Future Expenditures.

No contract to be executed in a future fiscal year or years for purchases of goods or services as described in this chapter shall be valid unless appropriations for such purchase shall have been made in the year in which the contract was entered into.

4.52.160 Public Works Contracts.

A. **COMPLIANCE WITH THE CHARTER.** Bidding and advertising and award of contracts for public works, excluding maintenance and repair, shall be as required by Section 519 of the City Charter.

B. **PREVAILING WAGES REQUIRED IN COMPLIANCE WITH SB 7.** The state prevailing wage law requires contractors on public works projects to be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed. Under California Constitution Article XI, Section 5, the laws of chartered cities supersede state law with respect to municipal affairs of the city. The City of Santa Barbara is a chartered city duly organized and validly existing under the laws of the State of California, and thus the city may exempt itself from prevailing wage requirements. California Senate Bill No. 7 ("SB 7"), approved October 13, 2013, provides that the state has limited financial resources and resolves only to extend financial assistance to construction projects of those chartered cities that require compliance with the prevailing wage law on all their municipal construction projects. Effective January 1, 2015, unless the contract was advertised for bid prior to that date, chartered cities are additionally disqualified from receiving financial assistance under SB 7 if the city has awarded, within the prior two (2) years, a public works contract without requiring the contractor to comply with prevailing wage requirements. Chartered cities that have charter provisions exempting city projects from prevailing wage requirements may adopt a local prevailing wage ordinance with requirements equal to or greater than state prevailing wage law in order to avoid disqualification.

For at least the last 25 years, the City has generally required prevailing wages to be paid on capital improvement projects. Compliance with SB 7, however, requires the

adoption of an ordinance and the payment of prevailing wages beyond capital improvement projects to include maintenance and repair work, as described in the Labor Code. Notwithstanding the City's constitutional right to exempt locally funded projects from prevailing wage, the City Council finds that the City's financial interests are best served by complying with California's prevailing wage law as delineated in SB 7.

C. Prevailing wages shall be paid on all public works contracts in accordance with Labor Code section 1782 (SB 7).

D. The provisions of this ordinance do not restrict the city from receiving or using state funding or financial assistance awarded prior to January 1, 2015, or from receiving or using state funding or financial assistance to complete a contract awarded prior to January 1, 2015. Further, this ordinance does not disqualify or amend any contracts awarded prior to January 1, 2015.

E. If SB 7 is, for any reason, held to be invalid or inapplicable to charter cities by any court of competent jurisdiction or is otherwise repealed, this ordinance shall automatically sunset and be of no further effect immediately thereafter.

4.52.170 Library Books and Periodicals.

The City Administrator or his designee may purchase library books and library periodicals in accordance with the budget approved by the City Council.

4.52.180 Professional Services.

The award of contracts for professional services shall comply with Section 518 of the City Charter or any other procedures established by ordinance or resolution of the City Council consistent with Charter Section 518.

4.52.190 Debarment.

The City Administrator shall prepare and promulgate procedures for the suspension or debarment of nonresponsible bidders or contractors, and such procedures shall be approved by resolution of the City Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE MAP) OF TITLE 28 OF THE MUNICIPAL CODE PERTAINING TO ZONING UPON ANNEXATION OF ASSESSOR'S PARCEL NOS. 023-250-039, -066, AND -068, AND A PORTION OF THE LAS ENCINAS ROAD EASEMENT, IN THE UPPER EAST NEIGHBORHOOD

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

Upon annexation of the subject property, Sheet SC02 of the City's Sectional Zone Maps specified in Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended to designate Assessor's Parcel Numbers 023-250-039; -066; AND -068, and a portion of the Las Encinas Road Easement, and legally described in Exhibit A and depicted in Exhibit B, as E-1 (One Family Residence) Zone.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Public Safety Communications Manager Salary Range

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 15-056, the Position and Salary Control Resolution for Fiscal Year 2016, Affecting the Salary Range for Public Safety Communications Manager Effective September 8, 2015.

DISCUSSION:

The Santa Barbara Police Department's Combined Communication Center has been managed by a Police Lieutenant since 2002. This fiscal year, a non-sworn Public Safety Communications Manager position was added to the Police Department budget at a salary range of \$92,769.30 - \$112,761.74 annually.

In preparing to recruit for this new position, Human Resources staff reviewed labor market compensation survey data and the internal alignment of the Public Safety Communications Manager position in comparison with other Police and citywide management positions. Based upon the responsibility and complexity of the management of the Combined Communication Center, it was determined the salary range should be increased to \$99,478.60 - \$120,916.90 annually.

BUDGET/FINANCIAL INFORMATION:

No additional appropriations are needed for Fiscal Year 2016 as the increased cost can be absorbed within the existing Police Department budget. The increased ongoing cost in Fiscal Year 2017 and thereafter is estimated at \$10,674.

PREPARED BY: Graciela Reynoso, Human Resources Analyst II

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 15-056, THE POSITION AND SALARY CONTROL RESOLUTION FOR FISCAL YEAR 2016, AFFECTING THE SALARY RANGE FOR PUBLIC SAFETY COMMUNICATIONS MANAGER EFFECTIVE SEPTEMBER 8, 2015

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT Resolution No. 15-056, the Position and Salary Control Resolution for Fiscal Year 2016, is hereby amended as follows:

1. The following employment classification is amended as shown:

<u>Classification Title</u>	<u>FLSA</u>	<u>Service Status</u>	<u>Unit</u>	<u>Biweekly Salary</u>
Public Safety Communications Manager	E	U	M	\$3,568.05 - \$4,336.99 \$3,826.10 - \$4,650.65

2. The balance of Resolution No. 15-056 remains in full force and effect.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015
TO: Mayor and Councilmembers
FROM: Treasury Division, Finance Department
SUBJECT: July 2015 Investment Report

RECOMMENDATION:

That Council accept the July 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 July 31, 2015.

ATTACHMENT: July 2015 Investment Report
PREPARED BY: Julie Nemes, Treasury Manager
SUBMITTED BY: Robert Samario, Finance Director
APPROVED BY: City Administrator's Office

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

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

	\$ -
Total	\$ -

SALES, MATURITIES, CALLS OR WITHDRAWALS

7/1 Blackrock Treasury Trust Inst. Funds (TTTXX) - Sold	\$ (2,000,000)
7/14 Federal Farm Credit Bank (FFCB) - Call	(2,000,000)
7/29 LAIF Withdrawal - City	(4,000,000)
Total	\$ (8,000,000)

ACTIVITY TOTAL

\$ (8,000,000)

INVESTMENT INCOME

POOLED INVESTMENTS

Interest Earned on Investments	\$ 161,838
Amortization	(11,438)
Total	\$ 150,401

INCOME TOTAL

\$ 150,401

CITY OF SANTA BARBARA

Investment Portfolio

July 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
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.320	0.320	26,000,000.00	26,000,000.00	26,000,000.00	0.00	
Subtotal, LAIF							26,000,000.00	26,000,000.00	26,000,000.00	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	249,322.50	(677.50)	FDIC Certificate 35328
CAPITAL ONE BANK USA NA	10/29/14	10/29/19	-	-	1.900	1.900	250,000.00	250,000.00	249,272.50	(727.50)	FDIC Certificate 33954
GE CAPITAL BANK	10/17/14	10/17/19	-	-	2.000	2.000	250,000.00	250,000.00	249,262.50	(737.50)	FDIC Certificate 33778
GOLDMAN SACHS BANK USA	10/29/14	10/29/19	-	-	2.150	2.150	250,000.00	250,000.00	249,277.50	(722.50)	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	8,997,135.00	(2,865.00)	
TREASURY SECURITIES - COUPON											
U S TREASURY NOTE	10/25/12	10/31/15	Aaa	AA+	1.250	0.397	2,000,000.00	2,004,223.01	2,005,460.00	1,236.99	
U S TREASURY NOTE	02/22/13	05/15/16	Aaa	AA+	5.125	0.442	2,000,000.00	2,073,268.25	2,075,320.00	2,051.75	
U S TREASURY NOTE	02/22/13	08/31/16	Aaa	AA+	1.000	0.502	2,000,000.00	2,010,681.38	2,013,280.00	2,598.62	
U S TREASURY NOTE	02/22/13	02/28/17	Aaa	AA+	0.875	0.607	2,000,000.00	2,008,358.04	2,010,620.00	2,261.96	
Subtotal, Treasury Securities							8,000,000.00	8,096,530.68	8,104,680.00	8,149.32	
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	2,023,220.00	23,220.00	
FED AGRICULTURAL MTG CORP	12/12/13	12/12/18	-	-	1.705	1.705	2,000,000.00	2,000,000.00	2,036,980.00	36,980.00	
FEDERAL FARM CREDIT BANK	01/22/15	07/22/19	Aaa	AA+	1.720	1.720	2,000,000.00	2,000,000.00	1,996,160.00	(3,840.00)	Callable, 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	2,000,060.00	60.00	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	1,998,740.00	(1,260.00)	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	2,028,520.00	28,520.00	
FEDERAL FARM CREDIT BANK	12/16/14	12/16/19	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,007,180.00	7,180.00	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	1,999,720.00	(280.00)	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	2,024,600.00	24,600.00	
FEDERAL FARM CREDIT BANK	07/17/13	07/17/17	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,020,720.00	20,720.00	
FEDERAL FARM CREDIT BANK	06/24/15	06/24/19	Aaa	AA+	1.520	1.520	2,000,000.00	2,000,000.00	2,012,220.00	12,220.00	
FEDERAL HOME LOAN BANK	09/13/13	09/14/18	Aaa	AA+	2.000	1.910	2,000,000.00	2,005,325.05	2,051,020.00	45,694.95	
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 10/16/15, 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	2,024,300.00	24,300.00	
FEDERAL HOME LOAN BANK	06/29/15	06/29/18	Aaa	AA+	1.170	1.170	2,000,000.00	2,000,000.00	1,999,260.00	(740.00)	Callable 06/29/16, once
FEDERAL HOME LOAN BANK	06/26/14	06/26/19	Aaa	AA+	1.250	2.062	2,000,000.00	2,000,000.00	2,002,720.00	2,720.00	SU 1.25%-6% Call 09/26/15, 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	2,001,720.00	1,720.00	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	2,006,436.05	2,033,880.00	27,443.95	
FEDERAL HOME LOAN BANK	06/18/14	06/09/17	Aaa	AA+	1.000	1.003	2,000,000.00	1,999,875.26	2,010,160.00	10,284.74	
FEDERAL HOME LOAN BANK	10/22/14	11/18/16	Aaa	AA+	0.750	0.500	2,000,000.00	2,006,435.34	2,007,160.00	724.66	
FEDERAL HOME LOAN MTG CORP	06/30/15	06/25/20	Aaa	AA+	1.800	2.070	2,000,000.00	2,000,000.00	2,003,900.00	3,900.00	SU 1.8%-3.5% Call 09/25/15, then qtrly
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	1,999,600.00	(400.00)	Callable 09/12/15, 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	4,005,560.00	5,560.00	Callable 10/16/15, then qtrly
FEDERAL HOME LOAN MTG CORP	11/20/13	09/29/17	Aaa	AA+	1.000	1.030	1,000,000.00	999,361.47	1,003,360.00	3,998.53	

CITY OF SANTA BARBARA

Investment Portfolio

July 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 NATL MORTGAGE ASSN	01/30/13	01/30/18	Aaa	AA+	1.030	1.030	3,000,000.00	3,000,000.00	3,004,890.00	4,890.00	Callable 10/30/15, 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	1,994,820.00	(5,180.00)	Callable 09/12/15, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/15/13	10/26/17	Aaa	AA+	0.875	1.062	2,000,000.00	1,991,831.03	2,002,420.00	10,588.97	
FEDERAL NATL MORTGAGE ASSN	12/11/13	11/27/18	Aaa	AA+	1.625	1.606	2,000,000.00	2,001,205.38	2,028,660.00	27,454.62	
FEDERAL NATL MORTGAGE ASSN	11/08/12	11/08/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,998,440.00	(1,560.00)	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	1,998,440.00	(1,560.00)	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	4,002,320.00	2,320.00	Callable 09/26/15, 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	2,004,940.00	4,940.00	
FEDERAL NATL MORTGAGE ASSN	12/10/10	10/26/15	Aaa	AA+	1.625	2.067	2,000,000.00	1,998,023.12	2,006,560.00	8,536.88	
FEDERAL NATL MORTGAGE ASSN	02/05/13	02/05/18	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,992,200.00	(7,800.00)	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	1,991,472.46	2,002,420.00	10,947.54	
FEDERAL NATL MORTGAGE ASSN	06/30/15	06/30/20	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,005,500.00	5,500.00	Callable 06/30/16, then qtrly
Subtotal, Federal Agencies							78,000,000.00	77,999,965.16	78,319,970.00	320,004.84	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN	12/15/10	12/15/15	Aa2	AA	2.450	2.530	2,000,000.00	1,999,441.67	2,013,580.00	14,138.33	
BERKSHIRE HATHAWAY INC	11/29/13	02/09/18	Aa2	AA	1.550	1.550	2,000,000.00	2,000,000.00	2,011,220.00	11,220.00	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	A1	AA+	2.250	2.250	2,000,000.00	2,000,000.00	2,009,080.00	9,080.00	
GENERAL ELECTRIC CAPITAL CORP	01/14/14	01/14/19	A1	AA+	2.300	2.250	2,000,000.00	2,003,245.61	2,028,340.00	25,094.39	
PROCTOR & GAMBLE	09/20/11	11/15/15	Aa3	AA-	1.800	1.085	2,000,000.00	2,004,027.83	2,007,640.00	3,612.17	
TOYOTA MOTOR CREDIT	09/26/11	09/15/16	Aa3	AA-	2.000	1.800	2,000,000.00	2,004,272.60	2,026,760.00	22,487.40	
Subtotal, Corporate Securities							12,000,000.00	12,010,987.71	12,096,620.00	85,632.29	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	3.500	4.195	5,061,002.86	5,061,002.86	5,061,002.86	0.00	
Subtotal, SBA Note							5,061,002.86	5,061,002.86	5,061,002.86	0.00	
CHECKING ACCOUNT											
MUFG UNION BANK NA CHKNG ACCNT	-	-	-	-	0.400	0.400	19,415,683.60	19,415,683.60	19,415,683.60	0.00	
Subtotal, Checking Account							19,415,683.60	19,415,683.60	19,415,683.60	0.00	
TOTALS							157,476,686.46	157,584,170.01	157,995,091.46	410,921.45	

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: September 8, 2015

TO: Mayor and Councilmembers

FROM: Business Services Division, Waterfront Department

SUBJECT: Office Lease With Brophy & Sons, Inc., In The Santa Barbara Harbor

RECOMMENDATION:

That Council approve a five-year lease agreement with Brophy and Sons, Inc., for administrative and accounting office space at 125 Harbor Way, at an initial base rent of \$1,177 per month.

DISCUSSION:

Brophy & Sons Inc. (Brophy's) has leased office space in the Marine Center Building at 125 Harbor Way since 1996. The current lease for Suites 14, 15 and 22 (490 square feet) expires on September 30, 2015. The lease is separate from the Brophy Brothers Restaurant lease. The basic lease terms of the proposed lease are as follows:

- **Term:** Five years;
- **Rent:** \$1,177 per month (\$2.40 per square foot);
- **Annual Rent Adjustment:** Cost of Living increases based on the Consumer Price Index (CPI);
- **Utilities:** Tenant pays a fixed electrical surcharge in addition to the monthly rent equivalent to \$0.15 per square foot.

The offices are used as accounting and management offices for Brophy Brothers' restaurant operations in Santa Barbara and Ventura.

Since the lease is with a corporation, Susan Bennett signed the City's personal guarantee. There are no significant changes to the business terms of the lease. A copy of the lease is available for review at the Waterfront Department administration office. The Harbor Commission recommended approval of the Brophy and Sons, Inc. lease agreement at the August 13, 2015, meeting.

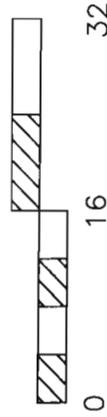
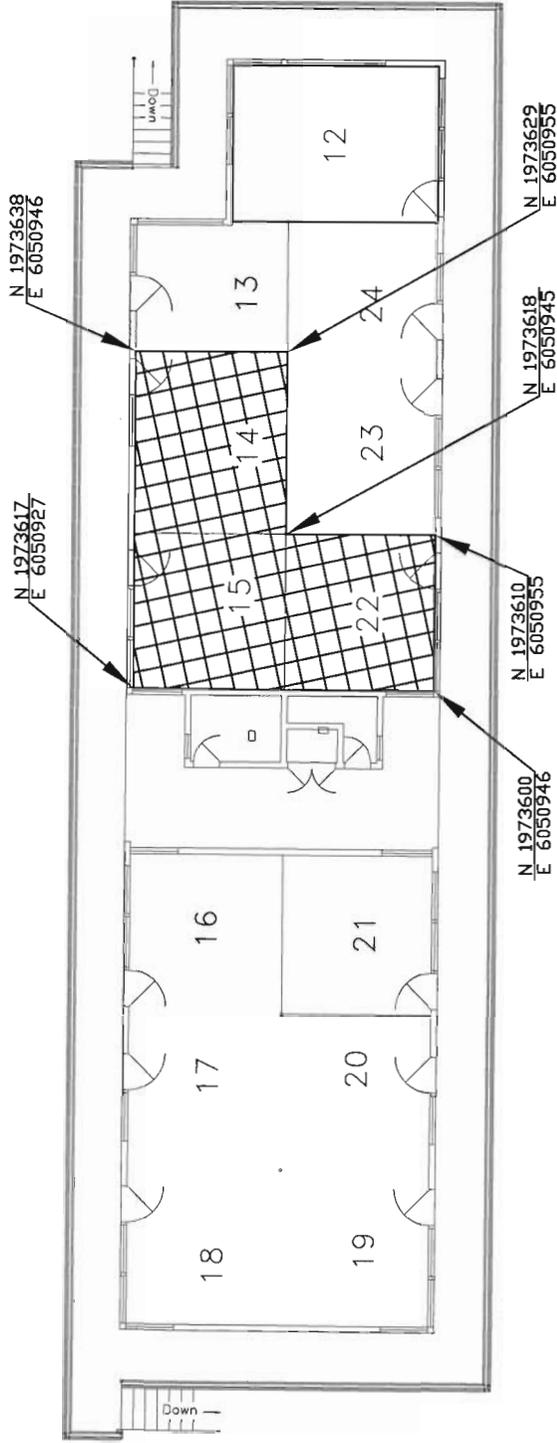
ATTACHMENT: Site Plan

PREPARED BY: Brian J. Bosse, Waterfront Business Manager

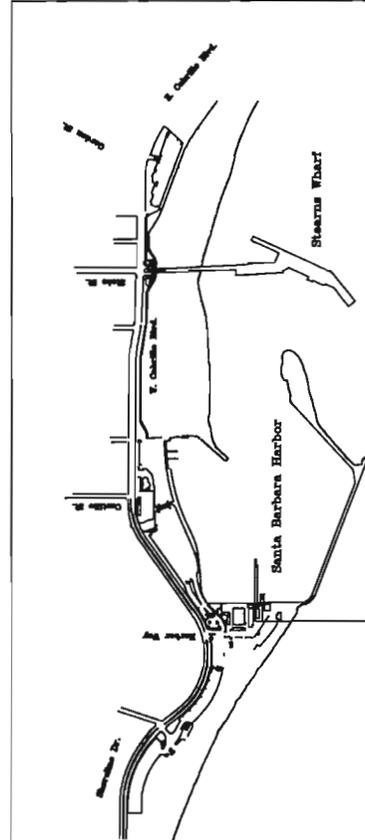
SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

Second Floor Plan
 125 Harbor Way #14, #15 & #22
 Brophy & Sons, Inc
 Lease Area - 490 S.F.



Scale (Feet)



Project Area
HARBOR VICINITY

NTS

Lease Area
 Exhibit A

REVISIONS	DATE	5/12/05	APPROVED BY:	L. NELSON
	ADDRESS	125 Harbor Way #14, #15 & #22		
		City of Santa Barbara		
		Waterfront Department		
			SHEET NO.	1 of 1
			DRAWING NO.	1250-034





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Lease Agreements With Nonprofit Organizations At The Westside Neighborhood Center And Louise Lowry Davis Center

RECOMMENDATION:

That Council authorize the Parks and Recreation Director to execute lease agreements for office space for the Independent Living Resources Center, Special Olympics Southern California, and UCP/Work Inc at the Westside Neighborhood Center; and for the United Cerebral Palsy Association of Los Angeles, Ventura, and Santa Barbara Counties at the Louise Lowry Davis Center.

DISCUSSION:

The Parks and Recreation Department administers lease agreements for facility space at below market rates with local non-profit social service providers at neighborhood centers. All leases are negotiated annually and commence on July 1, 2015. The non-profit agencies listed are renewal leases.

Copies of these agreements are available in the City Clerk's office for public review.

BUDGET/FINANCIAL INFORMATION:

The monthly rental rate for leased space is \$1.26 per square foot, as adopted by Council on June 23, 2015

ATTACHMENT: Fiscal Year 2016-17 Lease Schedules

PREPARED BY: Mark Alvarado, Senior Neighborhood and Outreach Supervisor

SUBMITTED BY: Jill E. Zachary, Acting Parks and Recreation Director

APPROVED BY: City Administrator's Office

NEIGHBORHOOD CENTERS FY 16 LEASE SCHEDULE

Lease rate at \$1.26 per square foot

FRANKLIN NEIGHBORHOOD CENTER 1136 East Montecito Street

<u>Organization</u>	<u>Leased</u>	<u>Allocated Space</u>	<u>Total Sq. Ft</u>	<u>Per Month</u>	<u>PER YEAR</u>
County of SB	5,255	1378	6,633	\$8,357.58	\$100,290.96
Community Policing (set amt)	552	145	697		\$10,000.00
	5,807	1,523	7,330	\$8,357.58	\$110,290.96

WESTSIDE COMMUNITY CENTER 423 W. Victoria Street

<u>Organization</u>	<u>Leased</u>	<u>Allocated Space</u>	<u>Total Sq. Ft</u>	<u>Per Month</u>	
Work Inc.	3,022	474	3,496	\$4,404.96	\$52,859.52
Independent Living Resource Center	2,976	490	3,466	\$4,367.16	\$52,405.92
Santa Barbara Special Olympics	992	164	1156	\$1,456.56	\$17,478.72
	6,990	1128	8,118	\$10,228.68	\$122,744.16

LOUISE LOWRY DAVIS CENTER 1232 De La Vina Street

<u>Organization</u>	<u>Leased</u>	<u>Allocated Space</u>	<u>Total Sq. Ft</u>	<u>Per Month</u>	
United Cerebral Palsy of Los Angeles, Ventura, and Santa Barbara Counties	173	0	173	\$217.98	\$2,615.76

YOUTH SPORTS CENTER 701 E. Haley Street

<u>Organization</u>	<u>Leased</u>	<u>Allocated Space</u>	<u>Total Sq. Ft</u>	<u>Per Month</u>	
Channel Islands YMCA	1,500	0	1,500	\$1,890.00	\$22,680.00

TOTAL PROJECTED RENTS: \$258,330.88



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Business Services Division, Waterfront Department

SUBJECT: Service Agreement With Ecco Wireless To Provide Wireless Internet Service To The Harbor Area

RECOMMENDATION:

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

DISCUSSION:

Ecco Wireless (Ecco) has been providing wireless internet service to slips in the Harbor since the fall of 2011. Ecco was the selected company following a competitive Request for Proposal process to provide wireless internet services in the Harbor. Since that time, Ecco has provided consistent service to slips in the Harbor and has continually upgraded their infrastructure to better serve the public. The business terms of the proposed agreement are summarized as follows:

- **Term:** Five-year service agreement;
- **Concession Fee Paid To Waterfront:** \$900 in year one, \$1,200 in year two, \$1,500 in year three and \$1,800 in year four and five;
- **Service Options Paid By Subscribers:** \$4.95/hour, \$9.95/day, \$24.95/three days or \$39.95/week, paid by the subscriber.

There is only a nominal fee from this concession, since the primary purpose of the WiFi service is to provide an amenity for Harbor users rather than a revenue source for the Department. The Harbor Commission recommended approval of the Ecco Wireless agreement at the August 13, 2015, meeting.

PREPARED BY: Brian J. Bosse, Waterfront Business Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Agreements For Afterschool Recreation Programs

RECOMMENDATION: That Council:

- A. Authorize the Parks and Recreation Director to enter into three agreements with the Santa Barbara Unified School District (SBUSD) for the Recreation Afterschool Program (RAP), Afterschool Opportunities for Kids (A-OK), and Junior High Afterschool Sports Program; and
- B. Reduce revenues and appropriations in the Fiscal Year 2016 Parks and Recreation Miscellaneous Grants Fund for the A-OK program in the amount of \$16,098.

DISCUSSION:

Each year, the City and SBUSD enter into agreements to define terms and budgets for the administration of afterschool recreation programs (RAP, A-OK, and Junior High). The programs are an important City service that provides essential support to families during the crucial afterschool hours. National statistics show that the afterschool hours, between 3:00 to 6:00 p.m., have the highest incidents of juvenile crime and youth engaging in inappropriate behaviors.

Recreation Afterschool Program (RAP)

The RAP provides recreation services, homework help, and afterschool care at four elementary school sites for 16 hours per week. In Fiscal Year 2015, 477 participants attended the program. With continuing program quality improvements and the support of school principals, staff expects a slight increase in participation during Fiscal Year 2016. The program is very affordable; participants either pay \$150 for 30 days of service, \$75 for a drop-in 10-day pass, or a one-day drop-in fee of ten dollars per day. The City continues its support by providing \$60,000 through the General Fund for scholarships and administrative support. Scholarship recipients are usually students receiving "free or reduced" lunches through the SBUSD, or those in need of assistance as identified by school Principals.

Afterschool Opportunities for Kids (A-OK)

Jointly funded since Fiscal Year 2000, A-OK provides an afterschool tutorial and enrichment program at seven Title I elementary school sites through After School Education and Safety (ASES) state grant funding. Title I schools have over 50% of their student population receiving “free or reduced” lunches. The SBUSD leads the program, which targets students achieving academic scores below grade level. The program is provided through collaboration with and funding by the SBUSD, City, Healthy Start, and several other non-profit partners. During Fiscal Year 2015, 862 participants attended the program, which averaged 680 participants per day. Participants pay \$20-\$30 per month (sliding scale) for the program. The SBUSD contracts with the Parks and Recreation Department to provide recreation and enrichment activities. The Fiscal Year 2016 A-OK agreement contract increased this year at the SBUSD’s request to add an additional staff member at Adams Elementary School to assist with increased program participation.

Junior High Afterschool Sports Program

The Junior High Afterschool Sports Program has been offered for over 20 years on all four junior high campuses through collaboration with the SBUSD. In Fiscal Year 2015, the SBUSD took over operation of the program. They implemented the program utilizing certificated teachers and coaches, who have the best chance of engaging student participants. This year’s agreement reflects an increase for the City’s support of this program. The SBUSD provided program reports at the Parks and Recreation Commission and the Joint City Council and School Board meeting, which highlighted an increase in afterschool sports offerings and significant program growth. Following these presentations, the City received an official request by the SBUSD to increase the City’s annual contribution from \$20,000 to \$32,000. The justification included the recent program growth and the increased costs associated with delivering an improved afterschool sports program for youth at the Junior High level.

BUDGET/FINANCIAL INFORMATION:

Council adopted the A-OK budget of \$262,515 in the Fiscal Year 2016 Miscellaneous Grants Fund, Youth Activities program. This includes \$16,098 for an additional A-OK site at Monroe Elementary School. The additional program site has since, not received ASES state grant funding; therefore, revenues and expenses associated with this service can be reduced to reflect the new agreement, bringing the budget to \$246,417.

Copies of all agreements are available for public to view in the City Clerk’s office.

PREPARED BY: Rich Hanna, Recreation Manager
SUBMITTED BY: Jill E. Zachary, Acting Parks and Recreation Director
APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of El Estero Wastewater Treatment Plant Sodium Hypochlorite Line

RECOMMENDATION:

That Council award a contract with Lash Construction in the low bid amount of \$114,100 for construction of the El Estero Wastewater Treatment Plant Sodium Hypochlorite Line, Bid No. 3761, and authorize the Public Works Director to execute the contract and approve expenditures up to \$11,410 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 El Estero Wastewater Treatment Plant (El Estero) treats an average of approximately seven million gallons of wastewater each day. It is an activated sludge plant that uses microorganisms to biologically remove organic contaminants from wastewater.

A certain type of microorganism, Filamentous Bacteria (Filament), is beneficial to the biological treatment process in small amounts. However, in large quantities it poses problems with treatment in the secondary clarifiers. At El Estero, there are certain times of the year when Filaments are present in large quantities, and they are controlled using sodium hypochlorite.

The existing sodium hypochlorite line is reaching the end of its useful life and needs to be replaced. Through coordination with the Tertiary Filtration Replacement Project (Tertiary Project), a portion of this line was designed and constructed. This was done as a cost savings measure because new sodium hypochlorite lines were needed at the Tertiary Facility; therefore, construction costs to add another line were minimal.

Council Agenda Report

Contract For Construction Of El Estero Wastewater Treatment Plant Sodium Hypochlorite Line

September 8, 2015

Page 2

On November 18, 2014, Council awarded a contract with MNS Engineers (MNS) for design services to replace the sodium hypochlorite line.

PROJECT DESCRIPTION

Construction of the El Estero Wastewater Treatment Plant Sodium Hypochlorite Line Project (Project) generally consists of replacing the remaining portion of the sodium hypochlorite line, and connecting the new line to existing chemical feed pumps at the chemical storage location, and at the point of application.

CONTRACT BIDS

A total of four bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Lash Construction Santa Barbara, CA	\$114,100
2.	Schock Contracting Santa Barbara, CA	\$132,000
3.	Hanly Engineering Santa Ynez, CA	\$155,240
4.	Sansone Company San Luis Obispo, CA	\$212,334

The low bid of \$114,100, submitted by Lash Construction, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$11,410, or ten percent, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

As part of this Project, contracts have been issued through separate professional services agreements with MNS Engineers, Inc., in the amount of \$19,167.50 for construction support services, with Fugro Consultants, Inc., in the amount of \$5,417.50 for compaction testing during construction, and with Dudek in the amount of \$8,525.00 for biological and archeological services. Because these contracts are under \$35,000 each, they are not being submitted for Council approval.

FUNDING

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Lash Construction	\$114,100	\$11,410	\$125,510
TOTAL RECOMMENDED AUTHORIZATION			\$125,510

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

ESTIMATED TOTAL PROJECT COST

Design (by Contract)	\$56,215.00
City Staff Costs	13,187.00
Survey Services	2,000.00
Subtotal	\$71,402.00
Construction Contract	\$114,100.00
Construction Change Order Allowance	11,410.00
Subtotal	\$125,510.00
Compaction Testing	\$5,417.50
Construction Support Services (by Contract)	19,167.50
Biological and Archaeological Services	8,525.00
Construction Management/Inspection (by City Staff)	19,599.00
Subtotal	\$52,709.00
TOTAL PROJECT COST	\$249,621.00

This Project is funded by the Wastewater Capital Fund, and there are sufficient appropriated funds to cover the cost of this Project.

PREPARED BY: Lisa Arroyo, Supervising Civil Engineer/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Administration Division, Public Works Department

SUBJECT: Contract Change Order For Interim City Engineer With MCM Management Company

RECOMMENDATION:

That Council authorize an increase in the Professional Services contract with MCM Management Company in the amount of \$75,000, for a total contract amount to not exceed \$110,000, for Desi Alvarez to serve as Interim City Engineer for no more than six months.

DISCUSSION:

Pat Kelly, Assistant Public Works Director/City Engineer, retired on August 21, 2015, after 22 years of City service. The Public Works Department is conducting an open recruitment to fill this vacancy. The position will remain open until filled, but the first viewing of resumes will occur in early October 2015, with the hope of a City Engineer starting by January 4, 2016.

In the interim, the Public Works Department has negotiated a contract with MCM Management Company, for Desi Alvarez to provide the services of a City Engineer. He will perform all duties as assigned and directed by the Public Works Director, including but not limited to: managing the day-to-day operations of the Engineering Division; managing the work of three principal Engineers, the City Surveyor, and the Traffic Engineer; and advising the Public Works Director on issues related to organizational improvement and efficiency.

Mr. Alvarez is an experienced Public Works manager with over 30 years of high-level agency experience, and he has a proven track record of long-term strategic planning and program management with a citywide focus.

Mr. Alvarez started this interim position on August 19, 2015. This contract amendment is to increase the hours and time needed to ensure appropriate management coverage through the 2015 calendar year.

BUDGET/FINANCIAL INFORMATION:

There are sufficient funds in the General Fund, Public Works Department, to cover this contract as there will be salary savings realized due to the vacancy of the City Engineer, and additional funding is available from current budgeted professional services.

PREPARED BY: Michele DeCant, Public Works Business Manager/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Business Services Division, Waterfront Department

SUBJECT: Assignment Of Lease With Madame Rosinka At Stearns Wharf

RECOMMENDATION:

That Council approve the assignment of Lease Agreement No. 23,986 from Barbara Adams, d.b.a. Madame Rosinka, to John and Dolly Adams, for the 153 square-foot retail space located at 221-B Stearns Wharf, at a monthly rent of \$786.40.

DISCUSSION:

The Rosinka Family has operated the spiritual consultancy, Madame Rosinka, on Stearns Wharf since 1951, long before the City owned Stearns Wharf. The 153 square feet of commercial space is located at 221-B Stearns Wharf (Attached). The base rent is currently \$789.40 (\$5.15/square foot), subject to annual Cost of Living increases based on the Consumer Price Index.

In late 2014, Ms. Barbara Adams passed away and, as part of her will, stated her wishes that the lease be assigned to John and Dolly Adams upon her death. Dolly Adams has been involved with Madame Rosinka's spiritual consultancy for many years. The Department has processed the transfer as a normal lease assignment and reviewed Mr. and Mrs. Adams' credit, financial information, and other documentation relevant to the transaction.

Ms. Barbara Adams was considered a tenant in good standing for the purpose of assigning the lease since she had no default notices on file and was 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. Madame Rosinka, under Mr. and Mrs. Adams, will continue to provide spiritual consultancy services similar to those provided for the past 64 years on Stearns Wharf.

The Harbor Commission recommended approval of the lease assignment at the August 13, 2015, meeting.

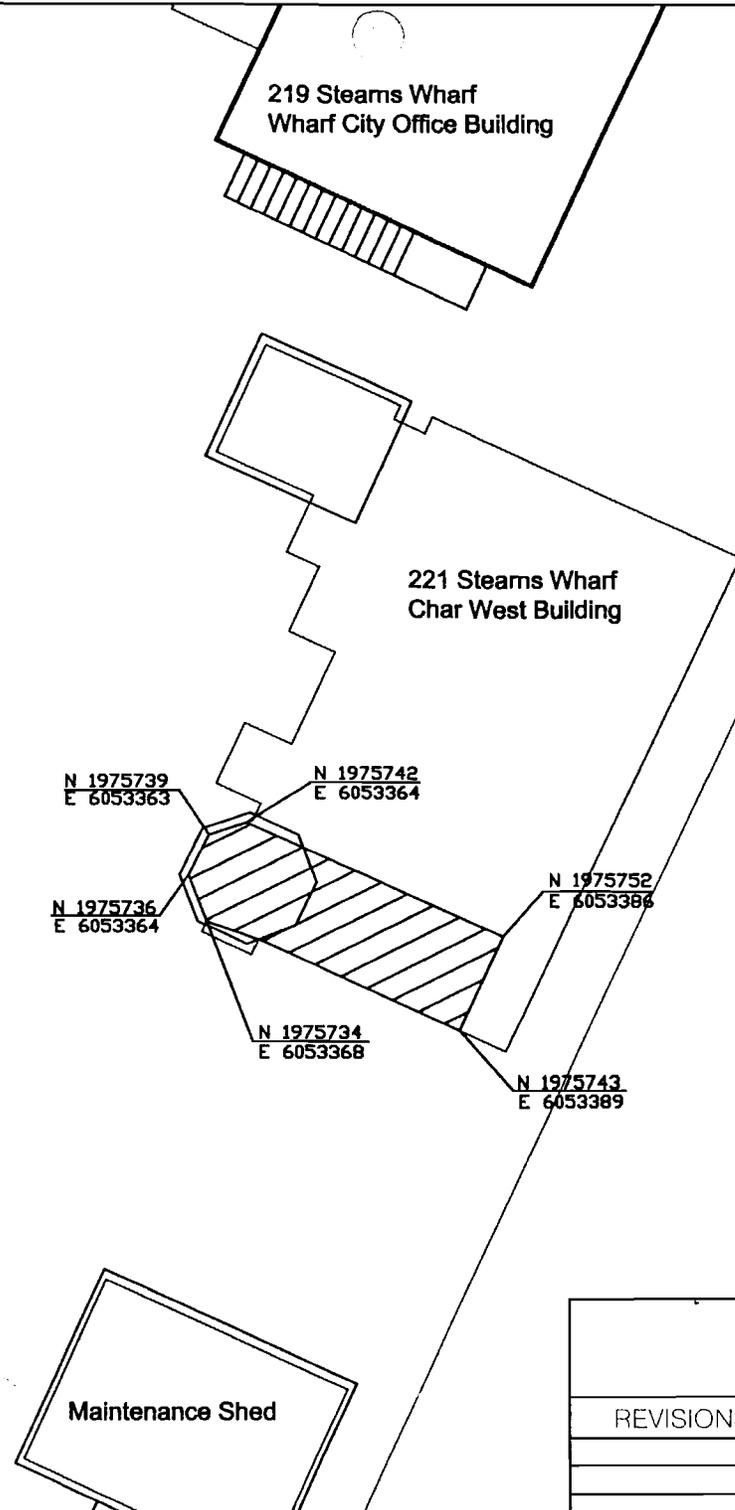
ATTACHMENT: Site Plan

PREPARED BY: Brian J. Bosse, Waterfront Business Manager

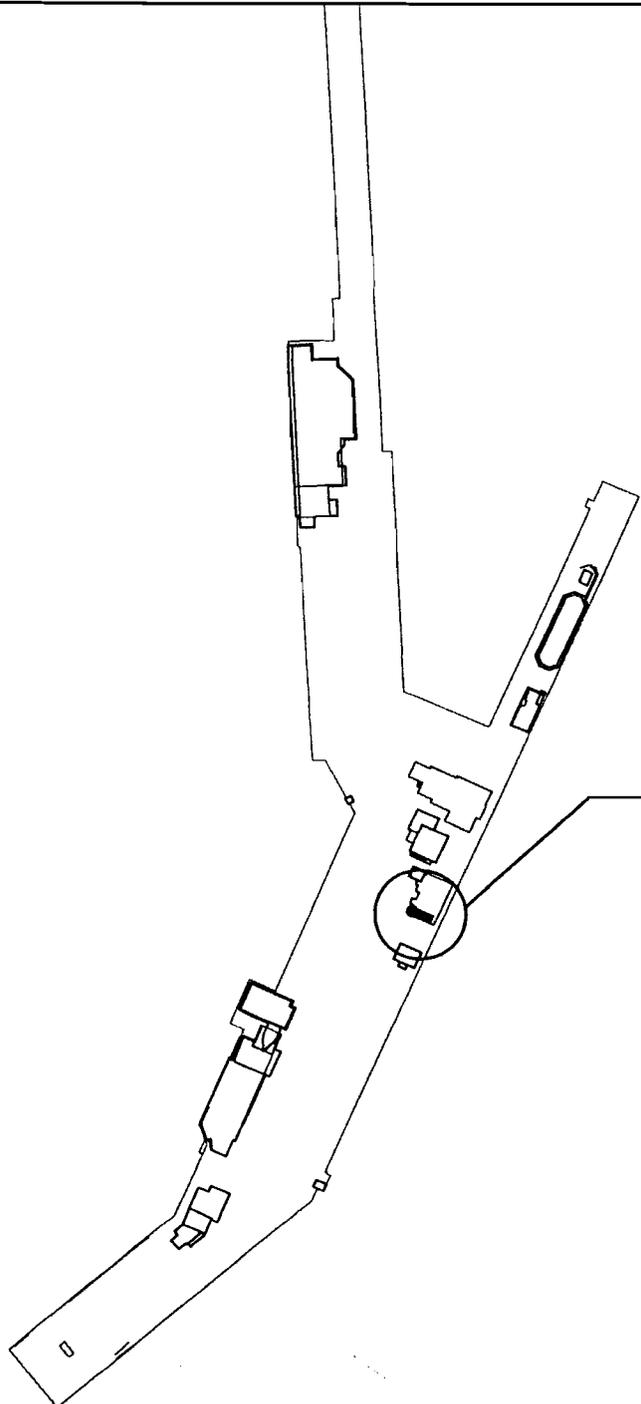
SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

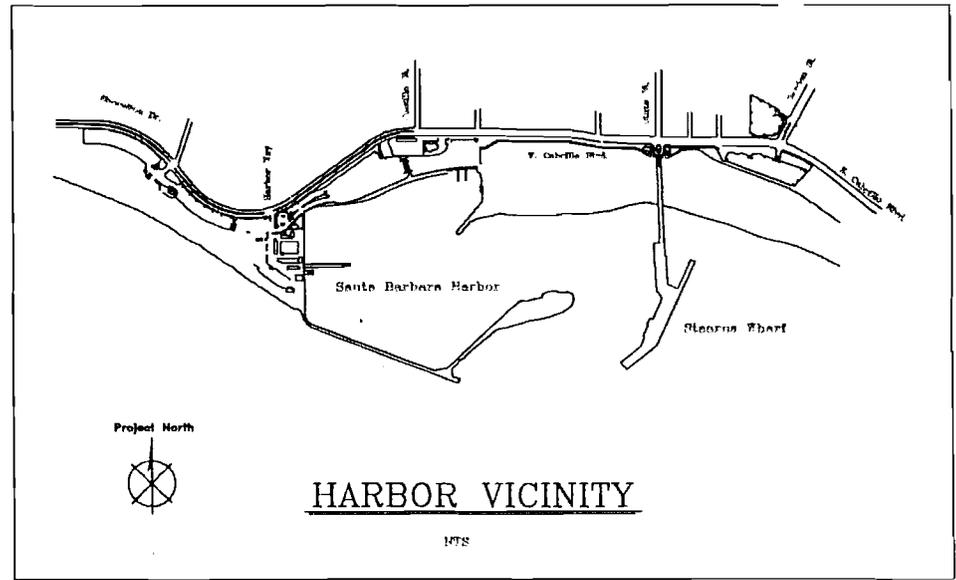
**Madame Rosinka
Exhibit "A"
153 Square Feet**



Proposed Lease Area Exhibit A						
REVISIONS	DATE:	4/23/03	APPROVED BY:	A.W.Pryor	DRAWN BY:	L.Nelson
	ADDRESS:	221 Stearns Wharf		SHEET NO.	2 of 2	
	City of Santa Barbara Waterfront Department				DRAWING NO.	2210-008



Proposed
Lease Area



Proposed Lease Area Exhibit A			
REVISIONS	DATE	4/23/03	APPROVED BY: A.W.Pryor
	ADDRESS:	221 Stearns Wharf	
	City of Santa Barbara Waterfront Department		DRAWN BY: L.Nelson
			SHEET NO: 1 of 2
			DRAWING NO: 2210-008



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Facilities Division, Public Works Department

SUBJECT: Assignment Of Agreement For Energy Management System

RECOMMENDATION:

That Council authorize the Public Works Director to assign Agreement No. 388117 from McKinstry, Inc., to Energy Hippo, Inc.

DISCUSSION:

In 2012, the City entered into an agreement with McKinstry, Inc., (McKinstry) to implement and host the City's Enterprise Energy Management Information System (EEMIS) for a period of five years after system launch. The agreement expires on September 30, 2019. The EEMIS is a software program that receives 15-minute interval data from the City's 25 largest electric meters and three largest gas meters as well as bill data from the City's 500 electrical accounts and 70 gas accounts. Staff is then able to use the software to produce a wide variety of reports on energy usage and costs.

The many benefits of an EEMIS include the ability to perform bill analysis, energy use analysis, electricity rate analysis, demand point management, greenhouse gas reporting, and energy efficiency and conservation opportunity identification. By creating a database of facility and energy data, the City will be able to identify the best and worst performing sites and prioritize energy management activities. The collection of real-time interval data from large electricity accounts will allow the City to better manage daily energy demand and usage, and identify cost saving measures that will allow shifting power usage to non-peak hours.

The City's EEMIS is in the final stages of implementation after experiencing some significant delays on the Southern California Edison (SCE) side with receiving bill data. It took nearly two years for SCE to dependably and regularly deliver the necessary historical and current data, and an additional six months for McKinstry to filter through the massive amount of data. This was a necessary and cumbersome step in order to input three years of historical data into the software and have the ability to do historical analyses.

In April of 2015, McKinstry sold its Enterprise Energy Management software to Energy Hippo, Inc., (Energy Hippo). Energy Hippo is operated by former McKinstry employees and contractors who will continue to provide the City with expertise and further investment in the software.

Staff is therefore requesting that Council authorize the Public Works Director to negotiate and assign the City's existing hosting and maintenance contract with McKinstry to Energy Hippo.

SUSTAINABILITY IMPACT:

The EEMIS will enable the City to forecast energy usage on a day-ahead basis and execute load control commands to help the City reach its demand-reduction goals in response to California grid conditions, as indicated by the California Independent System Operator. The City may achieve additional permanent load reductions using the analytic capabilities of EEMIS to identify inefficient end uses and prioritize energy conservation measures related to plug load, as well as mechanical and lighting systems.

By reducing peak demand of electricity, the City will reduce the burden on California's peak power plants and will help negate the need to build additional power plants in the future. An EEMIS is the first step toward achieving this goal because it will help end users manage and reduce their energy use.

PREPARED BY: Jim Dewey, Facilities & Energy Manager/AP/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Police Department, Patrol Division

SUBJECT: State Grant To Address Underage Drinking, Excessive Drinking And Alcohol-Related Vehicle Accidents

RECOMMENDATION: That Council:

- A. Accept \$28,498 from the County of Santa Barbara Alcohol, Drug & Mental Health Services Strategic Prevention Framework State Incentive Grant to address underage and excessive drinking, and alcohol-related motor vehicle accidents for Fiscal Year 2016; and
- B. Increase appropriations and estimated revenues by \$28,498 in the Police Miscellaneous Grants Fund for Fiscal Year 2016.

DISCUSSION:

The Police Department will collaborate with County of Santa Barbara Alcohol, Drug & Mental Health Services (ADMHS), Council on Alcoholism and Drug Abuse (CADA), the Prevention Research Center, and the State Department of Alcohol and Drug Programs, in order to address underage and excessive drinking and alcohol related motor vehicle accidents as part of the Strategic Prevention Framework State Incentive Grant. The aim of the grant is to reduce underage drinking among individuals 12 to 25 years of age with a special focus on reducing excessive drinking by individuals aged 21 to 25.

BUDGET/FINANCIAL INFORMATION:

The funds from the grant will be used to cover costs related to the administration of the grant, training and proactive enforcement programs.

PREPARED BY: Lorenzo Duarte, Police Lieutenant

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase Grant Revenues And Appropriations For The Highway Safety Improvements Program Traffic Signal Upgrades Project

RECOMMENDATION: That Council:

- A. Accept Highway Safety Improvements Program Grant funding in the total amount of \$417,984 for the Highway Safety Improvements Program Traffic Signal Upgrades Project;
- B. Reverse the transfer and appropriation of \$417,984 from the Streets Capital Fund to the Streets Grant Fund; and
- C. Authorize an increase of \$417,984 in estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund for the Highway Safety Improvements Program Traffic Signal Upgrades Project.

DISCUSSION:

BACKGROUND

The Federal Highway Administration's Highway Safety Improvement Program (HSIP) previously awarded the City of Santa Barbara a \$900,000 grant for construction of the HSIP Traffic Signal Upgrades Project (Project), which is administered through Caltrans. On August 11, 2015, Council awarded the construction contract to Lee Wilson Electric Company, Inc. to make safety enhancements to 40 traffic signalized intersections in Santa Barbara (see the attached Project Location Map). The low bid amount awarded by Council for construction is \$1,208,570, with up to \$120,857 authorized to cover any cost increases that may result from contract change orders.

CURRENT STATUS

After bids were received, Caltrans notified City staff that the Project could potentially be eligible to receive additional HSIP grant funds based on the actual bid results. On August 12, 2015, the City of Santa Barbara was notified by Caltrans staff that this Project was approved for an additional \$417,984 in HSIP grant funding. This increases the total grant funding amount to \$1,317,984. These extra grant funds help reduce the

City's share for this Project. The total Project cost including design and construction is \$1,579,372.

BUDGET/FINANCIAL INFORMATION:

FUNDING

This Project is primarily funded by a HSIP grant, which covers 90 percent of construction and construction management costs. The initial \$900,000 of HSIP grant funds was appropriated with a prior Council Agenda Report on August 11, 2015, and the additional \$417,984 is to be appropriated with this Council action. The City's share for construction and construction management is \$164,243, with the City's total Project costs, including design and construction, being \$261,388. The additional grant funding will allow \$210,832.29 to be transferred back to the Traffic Signal Maintenance Project account and \$207,151.71 to be transferred back to the Traffic Signal Upgrades Project account from the Streets Grant Fund.

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

ESTIMATED TOTAL PROJECT COST

	CITY SHARE	HSIP SHARE	TOTAL
Design (by City Staff)	\$80,145	\$0	\$80,145
City-Supplied Equipment	17,000	0	17,000
<i>Design Subtotal</i>	\$97,145	\$0	\$97,145
Construction Contract	\$120,857	\$1,087,713	\$1,208,570
Construction Change Order Allowance	12,086	108,771	120,857
Construction Management/Inspection (by City Staff)	13,500	121,500	135,000
Survey (by City Staff)	17,800	0	17,800
<i>Construction Subtotal</i>	\$164,243	\$1,317,984	\$1,482,227
TOTAL PROJECT COST	\$261,388	\$1,317,984	\$1,579,372

ATTACHMENT: Project Location Map

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA

HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) TRAFFIC SIGNAL UPGRADES PROJECT

FEDERAL AID PROJECT # HSIPL-5007 (058) PROJECT NO. 7767, BID NO. 3682



PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

APPROVED: _____ DATE _____
CITY ENGINEER ORIGINAL SIGNED DATE _____

DESIGN DRAWN _____
CHECKED _____

NO.	DATE	APPROVED	REVISIONS

HIGHWAY SAFETY IMPROVEMENT PROGRAM TRAFFIC SIGNAL UPGRADES PROJECT
PROJECT LOCATION MAP

2015-00834
PBW. NO.

3682 | G1
BID NO. | SHT. DES.

C-1-4704
DWG. NO.

SHT. 1 OF 46



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 3626 San Remo Drive

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,818 and standard agreements relating to the approved subdivision at 3626 San Remo Drive, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title record.

DISCUSSION:

A Tentative Map for the subdivision located at 3626 San Remo Drive (Attachment 1), was conditionally approved on August 14, 2014, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 022-14 (Attachment 2).

The project involves a four-lot subdivision for four new single-family residences. Public improvements include a new fire hydrant, a street light, and a sidewalk along the street frontage on San Remo Drive. Staff has reviewed the Parcel Map and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the PC approval, the Owners (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2014-01399. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

Staff recommends that Council authorize the City Administrator to execute the required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property* and the *Agreement for Land Development Improvements*.

The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

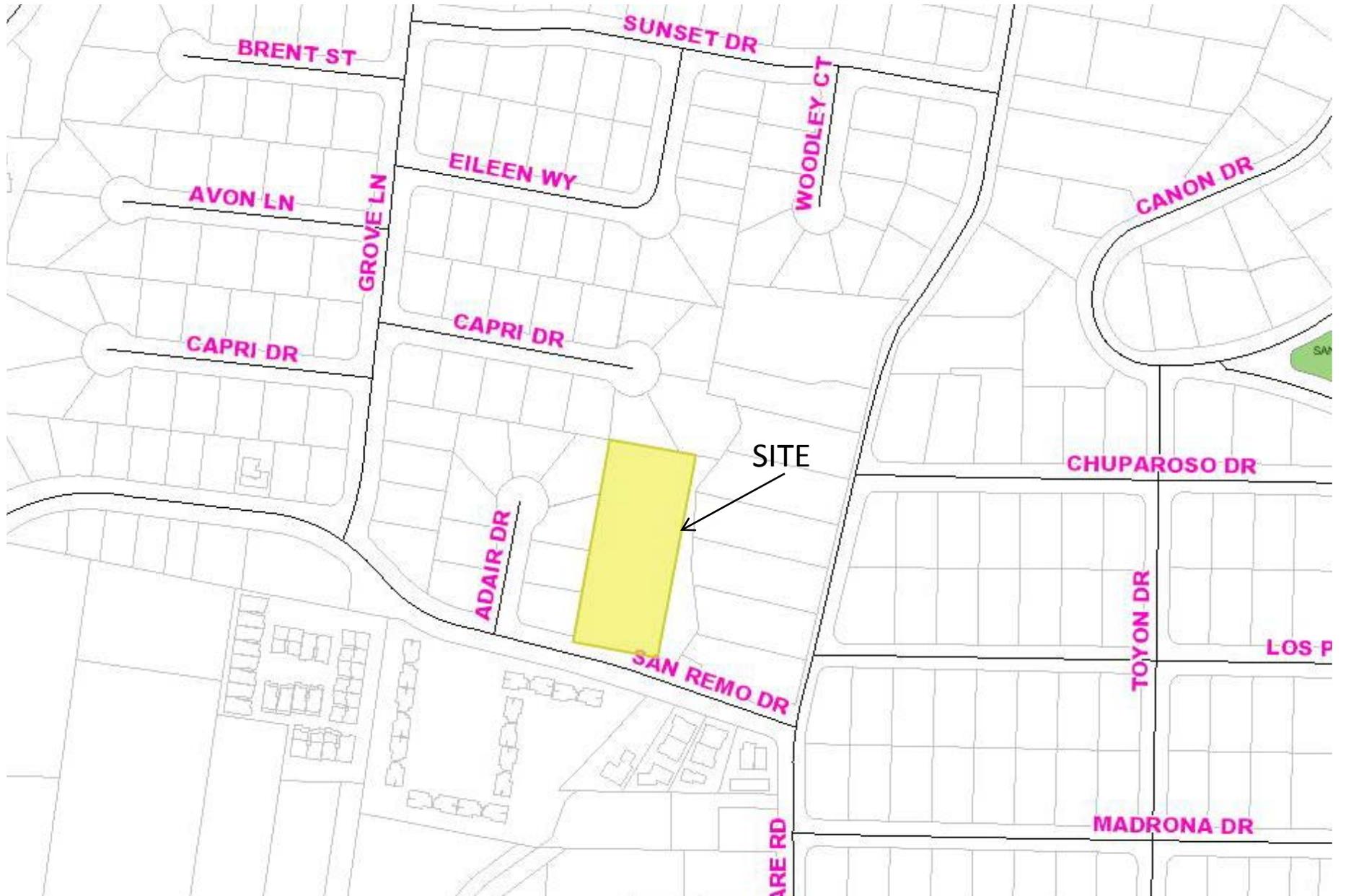
THE PARCEL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,818 by the Planning Commission Conditions of Approval Resolution Number 022-14
 3. List of Owners/Trustees

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DAS/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,818 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NO. 022-14

3626 San Remo Drive

Said approval is subject to the following conditions:

Approved Development: The development of the Real Property approved by the Planning Commission on August 14, 2014 is limited to the subdivision of a 66,372 square foot property into four lots ranging in size between 14,094 square feet and 17,350 square feet; demolition of the existing garage, studio apartment, the existing residence, shed, lath house, and driveway; construction of a new driveway, drainage improvements, implementation of a creek restoration plan, and approximately 1,492 cubic yards of total grading; documentation of the existing residence; a view corridor easement; and the improvements shown on the Tentative Subdivision Map signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara with the following changes:

a. The portion of the View Corridor on Parcel 4 shall be expanded westward to include the area between the western top bank and a line 45 feet west of and parallel to the western top of bank.

2. **Design Review for Future Residences:** Any new residence proposed for construction on Lots 1, 2 or 4 created by the subdivision, shall be subject to review and approval of the Single Family Design Board. Demolition of, or alterations to, the existing residence on Lot 3 require approval by the Historic Landmarks Commission because the existing house is on the City's List of Potential Historic Resources
3. **Tree Removal Timing:** No tree greater than 4 inches in diameter at four feet above grade shall be removed for the development of the individual lots until after the tree removal receives Final Approval by the Single Family Design Board in association with the subdivision grading plan or a landscape plan for the development of each of the individual lots. Tree removals may occur, however, if it is demonstrated that a tree is diseased and the tree's condition is a source of present danger to healthy trees in the immediate vicinity, the tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property, the tree is dead, or the Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.
4. **Lighting:** All outdoor lighting shall conform with the City's Outdoor Lighting and Streetlight Design Guidelines and Chapter 22.75 of the Municipal Code (Outdoor Lighting). Exterior lighting shall be designed to control glare, minimize light trespass into the riparian habitat area and onto adjacent properties, and minimize direct upward light transmission.

5. **Uninterrupted Water Flow:** The Owner(s) shall provide for the uninterrupted flow of water onto the Real Property including but not limited to, swales, natural watercourses, conduits and any access road as appropriate.
6. **Recreational Vehicle Storage Limitation:** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board.
7. **Landscape Plan Compliance:** The Owner(s) shall comply with the Landscape Plan approved by the Single Family Design Board or Historic Landmarks Commission, as applicable. Such plan shall not be modified unless prior written approval is obtained from the Single Family Design Board or Historic Landmarks Commission. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the Single Family Design Board or Historic Landmarks Commission, as applicable, the Owner(s) is responsible for its immediate replacement. The following tree protection measures shall be incorporated:
 - a. **Tree Protection:** The existing trees shown on the Oak Tree Inventory and Mitigation Plan prepared by Bill Spiewak, dated November 11, 2013, shall be preserved, protected, and maintained in accordance with the recommendations contained in the accompanying arborist's report prepared by Bill Spiewak.
 - b. **Irrigation:** No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - c. **Herbicides and Fertilizer:** The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree except as provided by the Tree Protection Measures in the aforementioned Arborist's Report.
8. **Storm Water Pollution Control and Drainage System Maintenance:** Owner(s) shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state and in accordance with the Storm Water Management Plan BMP Guidance Manual. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate and/or treat water, or result in increased erosion, the Owner(s) shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner(s) is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

9. **Development Rights Restrictions:** The Owner(s)(s) shall not make any use of the property contained in the Conservation Easement other than passive recreation, native plantings, creek restoration and stormwater facilities. The restricted areas shall be shown on the Parcel Map. The Owner(s) shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
10. **Required Private CC&Rs:** The Owner(s)s shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance:** An express method for the appropriate and regular maintenance of the common areas, including landscaping; common access ways; common utilities and other similar shared or common facilities or improvements of the development, including the driveway, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various Owner(s)s of the parcels.
11. **Pesticide or Fertilizer Usage Near Creeks:** The use of pesticides or fertilizer shall be prohibited within the Conservation Easement area adjacent to San Roque Creek.
12. **Geotechnical Liability Limitation:** The Owner(s) understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement or subsidence and assumes liability for such Hazards. The Owner(s) unconditionally waives any present, future and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner(s) agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner(s)(s)'s successor-in-interest or third parties.

ATTACHMENT 3

3626 SAN REMO DRIVE

CAPITAL PACIFIC DEVELOPMENT

LIST OF OWNERS

Gavin Moores, CEO and President

Michael O' Flynn, CFO and Secretary



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Administration, Arts & Community Promotion

SUBJECT: Funding Recommendations For Community Events And Festivals, Annual Contract With The Santa Barbara County Arts Commission, And Community Arts Update

RECOMMENDATION: That Council:

- A. Review and approve the Arts Advisory Committee and Community Events and Festivals Committee funding recommendations for Fiscal Year 2016;
- B. Authorize the City Administrator to execute an agreement with the Santa Barbara County Arts Commission in the amount of \$461,000 as approved in the Fiscal Year 2016 budget; and
- C. Receive an update from the County Arts Commission on community art programs and the status of the Community Arts Workshop.

DISCUSSION:

In the Fiscal Year 2016 budget, Council authorized funds to the Santa Barbara County Arts Commission to provide grants for Community Arts, Organizational Development, and Community Events & Festivals, and staffing to the City Arts Advisory Committee, Visual Arts in Public Places and Community Events & Festivals Committees. The funding supports city arts and cultural organizations and community promotion, and continue the development of the Downtown Cultural Arts District and other special projects. The funding also provides technical assistance to artists, arts organizations, and cultural promotion groups. The individual grant categories and recommendations are listed below.

Community Events & Festivals

The Community Events & Festivals Committee met on June 8, 2015, to review applications, interview organization applicants and make recommendations for the Events & Festivals Grant Program. The base amount for this program is \$103,000 in Fiscal Year 2016.

A total of \$165,250 was requested by 9 non-profit organizations. All nine applicants were awarded funding. Groups applying for Community Events & Festivals grants are not eligible to apply for Community Arts or Organizational Development grants.

Organizational Development

The Organizational Development Subcommittee met on June 17, 2015 and reviewed all of the applications submitted to the Organizational Development Grant Program. The subcommittee's recommendations were reviewed and unanimously approved on August 20, 2015 by the City Arts Advisory Committee. The base amount for this program is \$146,100. There was a one-time carry over in the amount of \$3,800 of unused grant funds from the previous fiscal year and, due to the significant number of grant applications in this category, \$14,700 was carried over from the Community Arts Grants category to meet the funding demand. The total funding, therefore, is \$164,600.

A total of \$431,250 was requested by 40 nonprofit organizations. Thirty-seven of the applicants were awarded funding. Groups applying for Organizational Development grants are not eligible to apply for Community Arts or Community Events & Festivals grants.

Community Arts

The Community Arts Subcommittee met on June 11, 2015 and reviewed all applications submitted to the Community Arts Grant Program. The subcommittee's recommendations were reviewed and unanimously approved on August 20, 2015 by the City Arts Advisory Committee. The base amount allocated for this program is \$47,000, with a one-time carry over in the amount of \$3,170 of unused grant funds from the previous fiscal year, which makes a total of \$50,170. The recommended amount to be awarded in Community Arts Grants was \$35,470. Due to the overwhelming amount of applicants for Organizational Development grants and significantly fewer applicants for Community Arts Grants, staff recommended that the remaining \$14,700 be transferred to Organizational Development.

A total of \$82,200 was requested by 16 nonprofit organizations. Fourteen of the applicants were awarded funding. Groups applying for Community Arts grants are not eligible to apply for Organizational Development or Community Events & Festivals grants.

Special Projects

The Santa Barbara County Arts Commission allocation includes \$17,500 for the following special projects: \$5,000 for Cultural District Touring, \$5,000 for Cultural District Programs, and \$7,500 for miscellaneous art projects, such as Annual Arts Symposium, City Poet Laureate Honorarium, Jardin de las Granadas, and City Hall Gallery Exhibitions.

BUDGET/FINANCIAL INFORMATION:

The City's Fiscal Year 2016 budget appropriated \$461,000 for this contract which includes a total of \$296,100 for grants, \$17,500 for special projects and \$147,400 for coordination and administration of the City Arts programs. There is also \$6,970 of Fiscal Year 2015 unspent grants that have been carried over to the current Fiscal Year by the Arts Commission.

	FY2016	FY 2015 Carryover	Total
Coordination and Administration of City Arts Programs	\$147,400		\$147,400
Arts Projects	7,500		7,500
Cultural District Promotions	10,000		10,000
Grants (see below for funding by grant category)	296,100	\$ 6,970	303,070
Total	\$461,000	\$ 6,970	\$467,970

Grant Categories	FY2016	FY 2015 Carryover	Total
Community Events and Festivals Grants	\$103,000		\$103,000
Organizational Development Grants	146,100	\$3,800	164,600*
*Includes \$14,700 one-time transfer from CA Grant Funds			
Community Arts Grants	47,000	3,170	35,470**
**Includes one-time transfer of \$14,700 to OD Grant Funds			
Total	\$296,100	\$ 6,970	\$303,070

Attachments 1, 2 and 3 contained detailed descriptions for each applicant.

Council will also receive an update on community art programs and the Community Arts Workshop. On May 6, 2014, Council approved \$300,000 to fund improvements to a City-owned property at 631 Garden Street to develop a Community Arts Workshop. The Community Arts Workshop is the permanent home for Summer Solstice activities and a year-round resource for arts organizations to be used for workshops, exhibits, rehearsals, classes, and community meetings.

- ATTACHMENTS:**
1. Community Events & Festivals Recommendations
 2. Organizational Development Recommendations
 3. Community Arts Recommendations

PREPARED BY: Ginny Brush, Executive Director of the County Arts Commission

SUBMITTED BY: Nina Johnson, Assistant to the City Administrator

APPROVED BY: City Administrator's Office

2015-2016 Events and Festivals

Event	Request	Award	2014/2015	2013/2014	2012/2013
Mainstage Opera Productions	14,000	14,000	10,000	11,000	11,500
Santa Barbara Open Streets/Calle Vivas!	20,000	13,750	7,500	15,000	-
ArtAbounds	40,000	20,000	18,000	18,000	18,500
Founding Day Festival	8,000	4,000	1,500	2,000	3,500
Brazilian Festival	20,000	7,000	-	-	-
On Edge Festival Performance Art	6,250	6,250	5,000	-	-
Christmas Revels	21,000	13,500	7,000	10,000	12,000
Lobero LIVE	30,000	18,500	15,000	16,000	-
DANCEworks Residency	6,000	6,000	-	5,000	4,000
	165,250	103,000			
EF Grant Funding Available (Includes 3% increase):					
		\$103,000			
Unused Funding from previous grant cycles:					
		\$0			
Total Available Grant Funding:					
		\$103,000			
Amount Requested:					
		\$165,250			
Difference of Amount Available and Amount Rquested:					
		-\$62,250			
Amount Remaining:					
		\$0			

2015-2016 Organizational Development Grants

Artist/Organization	Request	Award	2014/2015	2013/2014	2012/2013
American Dance & Music	12,000	3,000	3,500	3,000	4,000
Art Without Limits	15,000	1,000	1,000	-	2,000
Arts Mentorship Program	6,000	2,000	1,000	-	2,000
Boxtales Theatre Company	10,000	5,000	5,000	5,000	6,500
Camerata Pacifica	5,000	3,000	3,500	3,500	3,500
Center Stage Theater	10,000	7,500	7,500	6,000	6,000
City at Peace - Santa Barbara	12,000	7,000	8,000	6,500	6,500
Community School, Inc.	8,000	3,500	4,000	5,000	4,000
DramaDogs	7,500	800	1,100	2,700	3,263
Ensemble Theatre Company	18,000	6,500	5,500	5,500	5,500
Everybody Dance Now	14,750	8,500	8,000	4,500	2,949
Explore Ecology	18,000	6,500	5,500	5,500	6,000
Fishbon	4,500	1,000	1,000	300	-
Flamenco Arts Festival	10,000	4,000	3,513	3,000	3,500
Future Traditions Foundation DBA ArtBark	5,000	1,000	1,000	2,500	2,750
Ganna Walska Lotusland	5,000	2,500	2,500	2,500	-
Lit Moon Theatre Company	18,000	6,500	6,500	6,000	6,000
Marjorie Luke Theatre - SB Comm Youth Perf Arts Ctr	14,400	8,000	7,500	5,500	5,500
Media4Good - Youth Interactive	7,000	7,000	8,000	4,500	2,500
Music Academy of the West	18,000	3,500	1,500	1,500	2,000
Notes for Notes	15,000	5,000	750	4,500	4,250
Out of the Box Theatre Company, Inc.	10,000	4,000	3,000	3,000	3,000
Outrageous Film Festival - Pacific Pride	5,000	3,500	3,500	3,000	3,000
PlayFest Santa Barbara	12,000	-	-	-	-
Profant Foundation for the Arts	18,000	-	-	-	-

2015-2016 Organizational Development Grants

Artist/Organization	Request	Award	2014/2015	2013/2014	2012/2013
Quire of Voyces - SBCC	15,600	4,000	-	-	-
Santa Barbara Arts Collaborative	12,000	9,000	-	-	-
Santa Barbara Chamber Orchestra Society	7,000	2,500	-	-	-
Santa Barbara Children's Chorus	10,000	4,500	4,000	3,500	2,000
Santa Barbara Choral Society	7,500	2,500	2,750	2,500	1,000
Santa Barbara Dance Institute	10,000	6,500	6,500	6,000	6,500
Santa Barbara Education Foundation	5,000	5,000	5,000	2,750	3,000
Santa Barbara Maritime Museum	5,000	3,000	3,000	4,000	3,000
Santa Barbara Master Chorale	3,000	1,300	1,230	2,500	1,500
Santa Barbara Symphony Orchestra Association	12,000	3,000	3,000	3,000	4,500
Santa Barbara Theatre Company	18,000	-	-	-	-
SlingShot Alpha Art Forum - Alpha Resource Center	12,000	5,500	4,500	-	-
Speaking of Stories	10,000	6,500	6,000	4,700	6,000
State Street Ballet	18,000	6,000	5,000	5,000	5,000
Teen Star Santa Barbara - The Lambert Foundation	8,000	5,000	4,500	4,000	4,000
	431,250	164,600			

OD Grant Funding Available (Includes 3% increase):	\$146,100			
Unused Funding from previous grant cycles:	\$3,800			
Carryover from CA Grant:	\$14,700			
Total Available Grant Funding:	\$164,600			
Amount Requested:	\$431,250			
Difference between Amount Available and Amount Rquested:	-\$266,650			
Amount Remaining:	\$0			

2015-2016 Community Arts Grants

Artist/Organization	Request	Award	2014/2015	2013/2014	2012/2013
Brad Nack	6,000	-			
Children's Creative Project	6,000	3,400	3,000	2,100	2,250
Derrick Curtis Productions	5,800	3,000	-	-	-
Flamenco Santa Barbara	5,000	2,600	-	2,500	-
Friends of VADA	6,000	2,400	2,100	2,400	2,300
Inner Light Community Gospel Choir	3,000	3,000	2,100	2,700	2,000
La Casa de la Raza	6,000	1,500	-	-	-
Mental Wellness Center	1,800	1,800	1,450	-	-
Nebula Dance Lab	6,000	3,000	1,500	1,500	1,500
Pacific Pride Foundation	4,000	2,000	1,700	2,200	2,900
PARC Foundation	6,000	3,370	2,500	3,500	2,100
Performing and Visual Arts Camp	6,000	3,200	2,700	3,800	2,900
Santa Barbara County Park Foundation	2,600	2,600	2,800	3,400	2,700
SB County Alliance for Arts Education	6,000	1,600	-	-	-
Sol Hill	6,000	-			
Viva el Arte de Santa Barbara	6,000	2,000	3,400	2,600	2,650
	82,200	35,470			

CA Grant Funding Available (Includes 3% increase):	\$47,000			
Unused Funding from previous grant cycles:	\$3,170			
Total Available Grant Funding:	\$50,170			
Total Amount Requested:	\$82,200			
Recommmended Amount to be Awarded:	\$35,470			
Difference of Amount Available and Amount Rquested:	-\$46,730			
Amount Remaining (To be transferred to OD Grants):	\$14,700			



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Sign Regulations After The United States Supreme Court's Decision In *Reed v. Town Of Gilbert, Arizona*

RECOMMENDATION:

That Council appoint an 11-member Sign Ordinance Review Committee to review the City's sign regulations in order to assure compliance with the First Amendment. The Committee would make check-in reports to Council at strategic points during the process and offer recommended ordinance amendments in a final report to the Ordinance Committee and Council.

EXECUTIVE SUMMARY:

A recent United States Supreme Court ruling potentially renders portions of Santa Barbara's sign ordinance unconstitutional. Cities around the country are working to respond to this landmark decision. Council should take action to begin the process of revising the ordinance to meet these new constitutional requirements.

DISCUSSION:

On June 18, 2015, the United States Supreme Court issued its landmark ruling in *Reed v. Town of Gilbert, Arizona* (2015) 135 S. Ct. 2218. The Court held that the Town of Gilbert had violated the First Amendment free speech rights of a church group by enforcing "content-based" sign regulations against temporary event signs the church used to advertise its meetings.¹ "Content-based" means that the nature and degree of the regulation depends upon what the sign says.

¹ The Town failed to justify its sign regulations under the so-called "strict scrutiny" test. When a governmental regulation discriminates against or restricts speech on the basis of the *content* or *viewpoint* of the message being expressed, the courts will *strictly*

The ruling dramatically changes local sign ordinance law because the Court expansively redefined what most commentators had thought to be content-based regulation. Like hundreds of cities around the country, the Town of Gilbert (southeast of Phoenix with a population of over 200,000) had stricter rules for temporary signs directing the public to nonprofit group events than it did for signs conveying other messages. The Court determined that by *categorizing* different sign regulations, such as temporary, political and ideological signs, based upon the signs' messages, the town had regulated on the basis of content. It did not matter that the Town had a benign motive for the law; nor did it matter that the Town's regulations treated all similar events identically and neutrally.²

The Supreme Court explained:

The Town's Sign Code is content based on its face. It defines "Temporary Directional Signs" on the basis of whether a sign conveys the message of directing the public to church or some other "qualifying event." It defines "Political Signs" on the basis of whether a sign's message is "designed to influence the outcome of an election." And it defines "Ideological Signs" on the basis of whether a sign "communicat [es] a message or ideas" that do not fit within the Code's other categories. It then subjects each of these categories to different restrictions.

scrutinize the regulation. Under the strict scrutiny test, the government must show that the regulations are **narrowly tailored** to serve **compelling** government interests. The government regulation almost always fails under this standard.

² By way of contrast, the Ninth Circuit Court of Appeals (whose decision was overturned by the Supreme Court) had previously "held that distinctions based on the speaker or the event are permissible where there is no discrimination among similar events or speakers. 587 F.3d at 979 ('We conclude that § 4.402(P) is not a content-based regulation: It does not single out certain content for differential treatment, and in enforcing the provision an officer must merely note the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.'). Thus, under *Reed*, the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs are content-neutral. That is to say, each classification and its restrictions are based on objective factors relevant to Gilbert's creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign. (*Reed v. Town of Gilbert, Ariz.* (9th Cir. 2013) 707 F.3d 1057, 1069 *cert. granted*, (2014) 134 S.Ct. 2900 [189 L.Ed.2d 854] and *rev'd and remanded*, (2015) 135 S.Ct. 2218.)

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke's *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government. More to the point, the Church's signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. (*Reed v. Town of Gilbert, Ariz.* (2015) 135 S.Ct. 2218, 2227; internal citations omitted.)

The *Reed* opinion was unanimous, but it included three separate concurring opinions that, while agreeing with the result, added their own gloss to the ruling. Justice Alito, joined by Justices Kennedy and Sotomayor, wrote the concurrence that might be the most informative to cities. Justice Alito laid out a road map to the kinds of regulation which may still be available to cities:

As the Court holds, what we have termed “content-based” laws must satisfy strict scrutiny. Content-based laws merit this protection because they present, albeit sometimes in a subtler form, the same dangers as laws that regulate speech based on viewpoint. Limiting speech based on its “topic” or “subject” favors those who do not want to disturb the status quo. Such regulations may interfere with democratic self-government and the search for truth.

As the Court shows, the regulations at issue in this case are replete with content-based distinctions, and as a result they must satisfy strict scrutiny. This does not mean, however, that municipalities are powerless to enact and enforce reasonable sign regulations. I will not attempt to provide anything like a comprehensive list, but here are some rules that would not be content based:

Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today's decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives. (*Reed v. Town of Gilbert, Ariz.* (2015) 135 S.Ct. 2218, 2233-34; citations and footnote omitted.)

Santa Barbara's sign regulations, like those of most cities in the state and country, categorize some signs based upon their content.³ The City's regulations distinguish construction signs, election signs, real estate signs and open house signs, among

³ The City's sign regulations from Santa Barbara Municipal Code Chapter 22.70 are attached for review and reference.

others, based upon the content of their messages. In other words, the City's ordinance establishes different size, location and timing criteria based upon the content of the sign's copy.

For example, Santa Barbara Municipal Code section 22.70.030 B establishes exemptions from the general sign permit requirement. Temporary construction signs are exempt from permitting so long as the sign:

- (i) does not exceed six (6) square feet in one- and two-family residence zones and does not exceed twenty-four (24) square feet in all other zones,
- (ii) is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent, and financing company,
- (iii) is displayed during construction only,
- (iv) does not exceed the height limitations of a ground sign, and
- (v) meets all other applicable restrictions of this Chapter. (SBMC, § 22.70.030 B.3.)

The temporary construction sign rules thus apply only to signs that bear a specific message – the name of the construction project and the names and locations of the project professionals.

Temporary real estate signs, on the other hand, are regulated very differently, based solely upon their content:

A temporary real estate sign which indicates that the property is for sale, rent, or lease. Only one such sign is allowed on each street frontage of the property. A temporary real estate sign may be displayed only for such time as the lot or any portion of the lot is actively offered for sale, rent, or lease. Such a sign may be single-faced or double-faced and is limited to a maximum area on each face of four (4) square feet or less on property in residential zones and twelve (12) square feet or less on property in nonresidential zones. Signs allowed pursuant to this exemption shall not exceed the height limitations of a ground sign (six feet (6')). (SBMC, § 22.70.030 B.7.)⁴

Thus, under the *Reed* analysis, different rules apply depending upon whether the sign is talking about construction or real estate.

⁴ It should be noted that the constitutionality of Civil Code section 713, which limits local government real property for-sale sign regulations based upon their content, is also in doubt.

We believe Santa Barbara's sign regulations need to be reevaluated comprehensively so that revisions comporting with the Supreme Court's new content-neutral sign paradigm can be developed. New sign regulations should not refer to the content of the sign to establish different regulatory requirements, unless a compelling government interest, like traffic safety, can be substantiated.

This does not mean that the City is powerless to regulate signs effectively to promote esthetic and safety concerns. As described by Justice Alito's concurrence, quoted above, there remain many ways the City might regulate signs using only the "intermediate" scrutiny applicable to time, place and manner regulations.⁵ Size, location, lighting, movable copy, placement on public property, commercial vs. residential distinctions, on-premises vs. off-premises, restrictions on the total number of signs in a given location, and time restrictions for one-time events all appear to be subjects still open for regulation under the intermediate scrutiny standard. Moreover, it is at least conceivable that traffic safety and other legitimate, substantiated safety concerns might support content-based regulation under the strict scrutiny standard. For example, different rules for off-site real estate open house signs conceivably might be justified due to driver distraction.⁶

PROCESS

The City Administrator and City Attorney recommend appointment of a Sign Ordinance Review Committee. Because so many divergent business, residential and governmental interests are at stake, the committee should include a broad cross-section of the community. We recommend that the Committee (which would be subject to the Brown Act's open meeting requirements) consist of the following 11 members:

- Two City Council Members

⁵ The Council may generally enact reasonable time, place and manner restrictions upon constitutionally protected speech, provided that the regulations are content-neutral, narrowly drawn, necessary to further a significant government interest, and allow for ample alternative channels for communication.

⁶ Please note that, as of August 7, 2015, the rationale of the *Reed* case has been extended to panhandling regulations by the Seventh Circuit of the United States Court of Appeals. (*Norton v. City of Springfield, Ill.* (7th Cir., Aug. 7, 2015, 13-3581) 2015 WL 4714073; see also *Thayer v. City of Worcester, Mass.* (2015) 135 S.Ct. 2887 [First Circuit decision upholding panhandling "bubble" ordinance remanded for further consideration in light of *Reed*.]) Santa Barbara's panhandling regulations may need to be revisited if the Ninth Circuit determines that panhandling regulations are content-based.

- One Sign Committee Member
- One Architectural Board of Review Member
- One Historic Landmarks Commission Member
- One Planning Commissioner
- One Chamber of Commerce Representative
- One Santa Barbara Association of Realtors Representative
- Two At-Large Residential Community Representatives
- One News Media Representative or First Amendment Advocate

In addition, City staff support from the City Administrator, City Attorney, Community Development and Public Works Departments would be required.

The Committee would be charged with undertaking a comprehensive review of the City's existing sign regulations in order to assure compliance with the First Amendment.⁷ The Committee would make ordinance amendment and public process reports to Council during several check-in sessions, and in a final report to the Ordinance Committee and Council. We expect this effort would take at least a year.

BUDGET/FINANCIAL INFORMATION:

This work effort will require significant staff resources for support and implementation. These resources will be provided within existing budget authorizations to the greatest extent possible. It is possible that supplemental resources may be necessary. If so, staff will return to Council with an appropriations request.

ATTACHMENT: Santa Barbara Sign Ordinance, SBMC Chapter 22.70

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

⁷ We do not believe it necessary or advisable to reopen every policy issue presented in the sign ordinance. To the contrary, we would advise retaining as much of the existing ordinance's policy perspective as possible.

B. **EXCLUSIONS OF TIME.** The time period specified in this Chapter for the validity of a Project Design Approval shall not include any period of time during which either of the following applies:

1. a City moratorium ordinance on the issuance of building permits is in effect; or
2. a lawsuit challenging the validity of the Project's approval by the City is pending in a court of competent jurisdiction. (Ord. 5537, 2010; Ord. 5518, 2010; Ord. 5416, 2007.)

Chapter 22.70

SIGN REGULATIONS

Sections:

<p>22.70.010 General Provisions.</p> <p>22.70.020 Definitions.</p> <p>22.70.030 Sign Regulations.</p> <p>22.70.040 Sign Standards.</p> <p>22.70.050 Sign Permits.</p> <p>22.70.060 Revocation of Sign Permits.</p> <p>22.70.070 Exceptions.</p>	<p>22.70.080 Nonconforming Signs.</p> <p>22.70.090 Non-Current, Illegal or Unsafe Signs.</p> <p>22.70.095 Vending Machines Readily Visible From a Public Right-of-Way.</p> <p>22.70.100 Sign Enforcement and Penalties.</p>
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22.70.010 General Provisions.

A. **TITLE.** This Chapter shall be known and cited as the Sign Ordinance of the City of Santa Barbara.

B. **PURPOSE AND INTENT.** The City of Santa Barbara has a national and international reputation as a community of natural beauty, distinctive and historic architecture and historic tradition. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of the neighborhood. Since the City of Santa Barbara relies on its scenery and physical beauty to attract tourists and commerce, aesthetic considerations assume economic value. It is the intent of the City of Santa Barbara, through this ordinance, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signing. In addition, it is the intent of the City to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

In view of these facts, the City of Santa Barbara adopts the policy that the sign should serve primarily to identify an establishment, organization or enterprise. As identification devices, signs must not subject the citizens of the City to excessive competition for their visual attention. As appropriate identification devices, signs must harmonize with the building, the neighborhood and other signs in the area.

C. **COMPLIANCE WITH CHAPTER.** It is unlawful for any person to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the City of Santa Barbara except in conformance with this chapter. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.020 Definitions.

As used in this Chapter, the following terms and phrases shall have the indicated meanings:

A. **ACCESSORY SIGN.** A separate unit displaying information related to the principal business conducted on the premises, which is not attached to or supported by any other sign, and not made a part thereof.

B. **ARCHITECTURAL FEATURE.** Any window frame, recessed area, door, detail or other feature that is part of any building, or is a specific element of a recognized style of architecture.

C. **AWNING SIGN.** Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

D. **BACK-LIT SIGN.** Any internally illuminated sign with opaque, reverse pan channel, halo-lit letters and elements with concealed light sources in which the light projects away from the viewer.

E. **BALLOON.** A lighter-than-air or inflated object no larger than eighteen (18) inches in any dimension.

F. **BANNER.** A bunting or other flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face, or across any public street of the City. The banner may or may not include copy or other graphic symbols.

G. **BENCH SIGN.** Any sign painted on or otherwise attached to a bench or other seat placed in an exterior area.

H. **BILLBOARD.** A freestanding sign which exceeds the size limitations of a ground or wall sign. A billboard may be on-premises or off-premises.

I. **CIVIC EVENT SIGN.** A sign, other than a commercial sign, posted to advertise or provide direction to a civic event sponsored by a public agency, the City, a school, church, civic-fraternal organization or similar noncommercial organization.

J. COMMERCIAL, OFFICE OR INDUSTRIAL COMPLEX. A group of contiguous businesses which employs a homogeneous design theme as a common perimeter treatment.

K. COMMERCIAL SIGN. Any sign which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered, and which is to be viewed from public streets or public parking areas.

L. DIGITAL DISPLAY. A sign that displays still images, scrolling images, or moving images, including video or animation, through a series of grid lights, including cathode ray, light emitting diode display, liquid crystal display, plasma screen, fiber optic, or other electronic media or technology, where the display can be changed through electronic means. The definition of digital display does not include time and temperature signs or electronic signs placed in the right-of-way that function as traffic control devices.

M. EAVE. That portion of the roofline extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of an eave, or the lowest horizontal line on any roof.

N. ELECTION SIGN. A noncommercial sign pertaining to an election for public office or to a ballot measure to be placed before the voters in a federal, state or local election.

O. ERECT. To build, construct, attach, hang, place, suspend, affix, fabricate (which shall also include painting of wall signs and window signs or other graphics), or project light in a manner that creates a projected light sign.

P. FACADE. The front of a building or structure facing a street.

Q. FLAG. A piece of fabric of distinctive design (customarily rectangular) that is used as a symbol of a nation, state, city, agency, corporation or person, or as a signaling device, and is usually displayed hanging free from a staff or halyard to which it is attached by one edge.

R. FRONTAGE. The width of any face of a building.

1. Dominant building frontage. The principal frontage of the building where its main entrance is located or which faces the street upon which its address is located.

2. Subordinate building frontage. Any frontage other than the dominant frontage.

S. GROUND SIGN. Any sign advertising goods manufactured, produced or sold, or services rendered on the premises upon which the sign is placed, or identifying in any fashion the premises or any owner or occupant, and which is supported by one (1) or more uprights or braces on the ground, the overall total height of which does not exceed (i) six (6) feet above grade measured at the edge of the public right-of-way, or (ii) six feet above the base of the sign structure when the grade at the public right-of-way is at least three and one-half feet lower than the grade at the base of the sign, whichever is higher. In no case shall an artificial grade be established for the sole purpose of placing a sign at more than six (6) feet above the grade at the edge of the public right-of-way.

T. HANGING SIGN. A sign attached to and located below any eave, roof, canopy, awning, or wall bracket.

U. ILLUMINATED SIGN. A physical sign that is illuminated internally or from an exterior light source. An illuminated sign is distinguished from a projected light sign by the fact that a projected light sign uses light to create the sign rather than using light to illuminate a sign of physical material.

V. INFLATABLE SIGNS. A lighter-than-air or inflated object tethered or otherwise attached to the ground, structure or other object. This definition includes, but is not limited to, inflated representations of blimps, products, cartoon characters, animals and the like. Balloons are a distinct subset of inflatable signs.

W. KIOSK. A small, freestanding structure permanently affixed to the ground, requiring a building permit, which may have one or more surfaces used to display temporary advertising signs.

X. LETTER HEIGHT. The height of a letter from its bottom to its top, including any shadow line.

Y. LIGHTING STANDARD. A device for providing artificial light on the sign surface.

Z. LOGO SIGN WITH COURTESY PANELS. Prefabricated signs bearing a brand name, registered trademark or logo with space for the name of a local business or occupant or other items of information to be applied thereto or erected thereon.

AA. MARQUEE. A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

BB. MARQUEE SIGN. Any sign attached to a marquee.

CC. MOBILE SIGN. A sign on a boat or on a vehicle, other than on a public transit vehicle designed to carry at least 19 passengers, advertising a good, service, or entity other than that for which the boat or vehicle is principally used.

DD. MURAL. A painting or picture applied to and made part of a wall or window which may be pictorial or abstract, and is characteristically visually set off or separated from the background color or architectural environment.

EE. NONCOMMERCIAL SIGN. Any sign which is intended to convey a noncommercial message of social, political, educational, religious or charitable commentary.

FF. OFF-PREMISES SIGN. A commercial sign not located on the premises of the business or entity indicated or advertised by said sign, or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

GG. PARAPET. A low wall used to protect the edge of a roof from view, also called a parapet wall.

HH. PARAPET OR PERGOLA SIGN. Any sign or other graphic attached to a parapet, ramada, pergola, or other similar structure.

II. PENNANT. A small triangular or rectangular flag or multiples thereof, individually supported or attached to each other by means of a string, rope, or other material, and meant to be stretched across or fastened to buildings, or between poles and/or structures.

JJ. PERGOLA. A structure usually consisting of parallel colonnades supporting an open roof of girders and cross-rafters, also known as an arbor, trellis or ramada.

KK. POLE SIGN. Any sign, other than a ground sign, supported by one (1) or more uprights or braces on the ground, the height of which is greater than a ground sign, and which is not part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

LL. PORTABLE SIGN. Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

MM. PROJECTED LIGHT SIGN. A projection of light onto a physical surface in a manner designed to communicate a message by creating a variable intensity of light on the physical surface in the form of letters, shapes, or symbols.

NN. PROJECTING SIGN. Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.

OO. ROOF. The cover of any building, including the eaves and similar projections. False roofs on store fronts, coverings on or over oriels, bay windows, canopies and horizontally projecting surfaces other than marquees shall be considered roofs.

PP. ROOF SIGN. Any sign any part of which is on or over any portion of any roof or eave of a building or structure and any sign which extends above a parapet of a building or structure.

QQ. SIGN. Any form of visual communication including any physical object, projection of light, digital display, or open flame (with or without lettering, a symbol, logo) used to announce, declare, demonstrate, display, or otherwise present a message to or attract the attention of the public. A sign may include a commercial or noncommercial sign. A sign includes all parts, portions, units and materials used in constructing the sign, together with the illumination, frame, background, structure, support and anchorage thereof. A mural is not a sign.

RR. TEMPORARY. A period of time not exceeding thirty (30) consecutive days, unless otherwise specified.

SS. VENDING MACHINE. A machine or other mechanical device or container that dispenses a product or service through a self-service method of payment, but not including an automatic bank teller machine incorporated within a wall or a façade of a building; a newsrack; a machine dispensing fuel, compressed air, or water at an automobile service station; or a public telephone.

TT. WALL SIGN. Any sign affixed directly to or painted on or otherwise inscribed on an exterior wall or solid fence, the principal face of which is parallel to said wall or fence and which projects from that surface no more than twelve (12) inches at all points.

UU. WINDOW SIGN. A sign that is attached to, affixed to, leaning against, or otherwise placed within six (6) feet of a window in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use. (Ord. 5552, 2011; Ord. 5549, 2011; Ord. 5236, 2002; Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.030 Sign Regulations.

A. PERMIT REQUIRED. It is unlawful for any person to erect, repair, alter, relocate or maintain any sign within the City, or to direct or authorize another person to do so, except pursuant to a sign permit obtained as provided in this Chapter, unless the sign is specifically exempted from permit requirements by the provisions of this Chapter. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign unless the structure, design, color or character is altered.

B. EXEMPT SIGNS. The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, or area of signs allowed on a building or parcel:

1. Any official federal, state, or local government sign and notice issued by any court, person, or officer in performance of a public duty, or any sign erected or placed on park or beach property owned or controlled by the City and which (i) pertains to an event not exceeding five (5) days in duration and (ii) has been approved by the agency with authority over such property.

2. Any temporary sign warning of construction, excavation, or similar hazards so long as the hazard exists.

3. One temporary construction sign, provided the sign (i) does not exceed six (6) square feet in one- and two-family residence zones and does not exceed twenty-four (24) square feet in all other zones, (ii) is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent, and financing company, (iii) is displayed during construction only, (iv) does not exceed the height limitations of a ground sign, and (v) meets all other applicable restrictions of this Chapter.

4. Any temporary sign relating to Fiesta, Solstice, or any official City holiday except banners, blinking lights, or signs and any related lighting that require a building, electrical, or other permit. Any such decorations or displays and any related lighting must be removed within ten (10) days following the event for which they were erected.

5. A sign consisting of a display of no more than twelve (12) balloons for any single business or residence, displayed at a height which is not above the roof ridge line of the main building or fifteen (15) feet, whichever is lower.

6. A noncommercial sign not exceeding six (6) square feet total for each lot in residential zones and twenty-four (24) square feet total for each lot in nonresidential zones. Such a sign shall be erected only with the permission of property owner or tenant. An election sign shall not be displayed for more than ninety (90) days prior to the election or for more than ten (10) days following the election for which it is erected.

7. A temporary real estate sign which indicates that the property is for sale, rent, or lease. Only one such sign is allowed on each street frontage of the property. A temporary real estate sign may be displayed only for such time as the lot or any portion of the lot is actively offered for sale, rent, or lease. Such a sign may be single-faced or double-faced and is limited to a maximum area on each face of four (4) square feet or less on property in residential zones and twelve (12) square feet or less on property in nonresidential zones. Signs allowed pursuant to this exemption shall not exceed the height limitations of a ground sign (six feet (6')).

8. Any temporary sign located on a kiosk.

9. Any "No Trespassing" sign, prohibiting or restricting access to property, provided it is (i) not more than one (1) square foot in size, (ii) placed at each corner and each entrance to the property and (iii) at intervals of not less than fifty (50) feet or in compliance with the requirements of law.

10. One identification sign of no more than one (1) square foot for a residence.

11. Any parking lot or other private traffic directional sign not to exceed two (2) square feet in area having black letters on a white or building color background, and limited to guidance of pedestrian or vehicular traffic within the premises. There shall be erected no more than three (3) such signs in each parking lot or more than one (1) sign per entrance.

12. Any informational commercial signs provided the sign (i) is in a nonresidential zone, (ii) has an aggregate area (when combined with all other similar signs on the parcel) of not more than one-and-one-half (1½) square feet at each public entrance nor more than five (5) square feet total, (iii) indicates address, hours and days of operation, whether a business is open or closed, credit information, and emergency address and telephone numbers. Lettering shall not exceed two (2) inches in height except for street numbers. Neon or light-emitting diode (LED) signs with the text "open" may be erected under this exemption subject to the following conditions: (i) no more than one (1) such sign may be erected per business, (ii) the letter height of any such sign shall not exceed six (6) inches and the overall height of the sign shall not exceed twelve (12) inches, and (iii) such signs are not allowed in El Pueblo Viejo, unless the sign is located inside the building and at least ten (10) feet back from any window or other opening in the façade of the building.

13. Any street name and address stamped or painted on a sidewalk or curb.

14. Any civic event sign, except a banner. Such a sign shall be removed within twenty-four (24) hours after the time of the event, shall not exceed twenty-four (24) square feet in size and may be erected for a period not to exceed five (5) days out of any thirty (30) day period. Only one (1) such sign shall be erected per lot.

15. Temporary open house signs. Open house signs erected pursuant to this exemption shall contain only the address of the property where the open house is being held and the name of the real estate agent and/or real estate agency or party holding the open house. Open house signs may be single-faced or double-faced. Open house signs shall be erected and removed on the day the open house is held. Open house signs shall not be fastened or attached in any way to a building façade or architectural element.

a. On-Site Open House Signs. Pursuant to this exemption, one (1) on-site open house sign may be erected on each street frontage of the property that is for sale. Each face of an on-site open house sign shall have an area of three (3) square feet or less, and the height of the on-site open house sign, including the supporting structure, shall not exceed four (4) feet.

b. Off-Site Open House Signs. In addition to the on-site open house sign(s) allowed pursuant to this exemption, a maximum of five (5) off-site open house signs may be erected. Each face of an off-site open house sign shall have an area of three (3) square feet or less, and the height of the off-site open house sign, including the supporting structure, shall not exceed three (3) feet. Off-site open house signs shall not be erected on private property without the permission of the property owner. In addition to complying with the requirements listed above applicable to off-site open house signs, off-site open house signs may be erected within the public right-of-way if such signs comply with all of the following standards:

i. Signs shall not be erected in a manner which obstructs the pedestrian path of travel or which constitutes a hazard to pedestrians or vehicular traffic;

ii. Signs shall not be placed on vehicles;

iii. Signs shall not be placed in street medians; and

iv. Decorative attachments (i.e., balloons, streamers, etc.) shall not be attached to any sign.

16. Any sign on a telephone booth or newsrack, provided the sign (i) identifies only the product contained therein or displays operating instructions, and (ii) the lettering does not exceed two inches in height.

17. Flags flown on a temporary basis for purposes of honoring national or civic holidays which do not exceed eight (8) feet long in largest dimension. No more than two (2) flags may be flown pursuant to this exemption on a single parcel.

18. The official flag of a government, governmental agency, public institution, religion, corporation, business, or other similar entity. Only one (1) flag pole with a maximum height of twenty-five (25) feet and with a maximum dimension on the flag of eight (8) feet and which is not attached to the building shall be exempt. No more than two (2) flags may be flown pursuant to this exemption on a single parcel. Corporate or business flags displaying the emblem, name, logo, or other information of a business shall be included in the calculation of the maximum allowable sign area for the business.

19. Signs, except banners, announcing the opening of a new business which, in the aggregate, do not exceed ten (10) square feet in area or twenty-five percent (25%) of the window area, whichever is greater. Such signs shall be erected no more than thirty (30) days prior to the scheduled opening of the business and shall be removed no later than thirty (30) days after the opening of the business, but in no case shall such a sign be erected for more than forty-five (45) days within this period. The business owner or manager shall provide proof of opening date upon request.

20. Temporary window signs, except banners, not exceeding four (4) square feet or fifteen percent (15%) of the window area of each facade, whichever is greater. For windows which are more than twenty-five (25) feet from the public right-of-way, such signs shall not exceed twenty-five percent (25%) of such window area. No temporary window signs on a building or parcel shall be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year. Signs erected pursuant to this exemption shall not be illuminated. Unless specifically exempt pursuant to this subsection B, any illuminated sign erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

21. Signs specifically required by federal, state, or City law, of the minimum size required.

22. Signs on the air operation side of the Santa Barbara Municipal Airport which are designed and oriented to provide information to aircraft.

23. A sign, such as a menu, which (i) shows prices of goods or services not on window display to the public, (ii) does not exceed twenty-four (24) inches by eighteen (18) inches, (iii) has letters and numbers not exceeding three-quarters (3/4) of an inch in height, and (iv) is located on a wall or in a window.

24. Signs on public transit vehicles designed to transport at least 19 passengers. No more than one sign may be displayed on each side of these vehicles, except as approved by the Sign Committee.

25. Temporary "Garage Sale" or other similar signs located only on the premises upon which the sale is occurring.

26. Digital displays on gasoline pumps, provided the digital displays conform to all of the following standards:

- a. Each digital display shall not measure more than twenty-six (26) inches on the diagonal;
- b. Each digital display is integrated into the face of the gasoline pump and is not a stand-alone display;
- c. No more than one digital display is erected on each face of a gasoline pump.
- d. The luminance of each digital display shall not exceed 1500 nits;
- e. Any audio associated with a digital display shall not exceed 65 dB, measured at the nearest property line, between the hours of 7:00 a.m. and 10:00 p.m., and 55 dB, measured at the nearest property line, between the hours of 10:00 p.m. and 7:00 a.m.; and
- f. No digital display shall be installed within twenty-five (25) feet of any property zoned exclusively for residential use.

27. Digital displays on automated teller machines (ATMs), provided, (i) the digital display only displays the name of the financial institution that operates the ATM and the instructions for operating the ATM and (ii) the lettering does not exceed two inches in height.

C. PROHIBITED SIGNS. In addition to any sign not conforming to the provisions of this Chapter, the following signs are prohibited:

1. Any sign which, by color, shape, working, or location, resembles or conflicts with any traffic control sign or device.
2. Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal, historical marker, or any other official traffic control device.
3. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress or egress from any door, window, or fire escape.
4. Signs erected on public or private property without the permission of the property owner.
5. Signs visible from the public street or parking lot attached to or placed on merchandise or materials stored or displayed outdoors except for parking lot sales of less than four (4) days in duration.
6. Signs that rotate, move, glare, flash, change, reflect, blink, or appear to do any of the foregoing, except time and temperature devices and digital displays otherwise exempted by this Chapter.
7. Off-premises signs, including billboards, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15 and digital displays erected in compliance with the standards specified in Section 22.70.030.B.26.
8. Any sign displaying obscene, indecent, or immoral matter as defined under the California Penal Code.
9. Signs on awnings or canopies except on the valance.
10. Signs that create a hazard by obstructing clear views of pedestrian and vehicular traffic.
11. Portable signs.
12. Mobile signs.
13. Any sign (generally known as a "snipe sign") tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or the exterior of a building or other structure, where the information appearing thereon is not applicable to the present use of the premises upon which such sign is located. Whenever a sign is found so placed, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign.
14. Bench signs.

15. Banners, including any banner inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

16. Roof signs and any other graphics which extend, wholly or in part, above the eave line of the structure to which it is attached.

17. Any parapet or pergola sign placed above or partially above the parapet or pergola.

18. Logo signs with courtesy panels.

19. Pennants.

20. Signs which cover or interrupt architectural features.

21. Signs containing changeable copy, except theater marquee signs, business directories, church and museum signs, gas price signs and restaurant interior menu boards.

22. Historical markers placed on the structure, tree or other historical monument itself, except as approved by the Historic Landmarks Commission.

23. Pole signs.

24. Exposed cabinet/raceways behind channel letters.

25. Inflatable signs, except for balloon displays exempted by this Chapter.

26. Unless otherwise exempted by this Chapter, digital displays, including any digital display inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

D. GENERAL REQUIREMENTS.

1. No sign, other than a sign installed by a public agency, shall be allowed to be erected, installed, placed or maintained in or on any public property, including sidewalks and parkways, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15.

2. Churches, schools, and other public or semi-public facilities may have one (1) on-site sign not exceeding eighteen (18) square feet in any area, provided that, except for the name of the premises, the lettering shall not exceed three (3) inches in height, and such signs in residential zones shall not be internally illuminated.

3. Any sign which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and be subject to the corresponding standards.

4. Accessory signs will be considered only if they are designed in conjunction with or made an integral part of the signing existing on the subject building or project. Said signs shall not exceed twenty-five (25%) percent of the building's total signage.

5. A temporary window sign in excess of four (4) square feet, or fifteen percent (15%) of the window area of each facade, whichever is greater, requires a permit, unless the sign is otherwise exempt from the permit requirements of this chapter. For a window which is more than twenty-five (25) feet from the public right-of-way, such a sign shall not exceed twenty-five percent (25%) of the window area. Such signs shall not be displayed for more than thirty (30) consecutive days nor for more than a total of sixty (60) days per calendar year. Unless specifically exempted in subsection B above, all illuminated signs erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

6. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy or language translation, shall be used in computing the area of a sign. Signing and illumination shall be on two opposing faces only.

7. In order to calculate the size of a sign, the following provisions apply:

a. If the sign is enclosed by a box or outline, the area of the sign includes that portion of the sign comprised of said box or outline.

b. If the sign consists of individual letters attached directly to the building or wall, the size is calculated by drawing a rectangle around each line of copy.

c. If the sign is a ground sign, the base or support structure shall be included in calculating the height of the sign.

8. If a building consists of two (2) or more above-ground stories, no sign shall be allowed more than five feet six inches (5'6") above the second floor line or in conformance with Subsection D.11 below, where applicable.

9. Prior to issuance of a sign permit, a ground sign shall be approved by the traffic engineer to ensure that placement of the sign would not adversely affect traffic or pedestrian safety.

10. A non-temporary window sign shall be not larger than twenty-five percent (25%) of the window area of the facade on which it is displayed.

11. A wall sign may be attached flat against or pinned away from the wall. A wall sign placed in the space between windows on the same story shall not exceed more than two-thirds (2/3) of the height of the window, or major architectural details related thereto. A wall sign placed between windows on adjacent stories shall not exceed two-thirds (2/3) the height of the space between said windows.

12. A projecting or hanging sign must clear the nearest sidewalk by a minimum of seven (7) feet and may project no more than four (4) feet into the public right-of-way. Such a sign for a business in the second story of a building is allowed only if the business has a separate street or public parking lot entrance and may be placed at the entrance only.

13. A device displaying time or temperature is permitted in all zones except residential zones and designated historic districts, subject to the provisions herein regulating various types of signs. Such devices are limited to one (1) per block. Only a logo is allowed to appear on the same structure as such a device.

14. A kiosk is permitted in all nonresidential zones, subject to approval by the Sign Committee and (i) the Historic Landmarks Commission if within El Pueblo Viejo Landmark District or another landmark district, or (ii) the Architectural Board of Review in other parts of the City.

15. A relocated sign shall be considered to be a new sign, unless the relocation is required by a public agency as a result of a public improvement, in which case approval shall be obtained only for the new location and base of the sign.

16. Except as otherwise stated in this Chapter, letter height shall be limited to a maximum of twelve (12) inches, except where it can be found that said letter size is inconsistent with building size, architecture and setback from the public right-of-way.

17. A ground sign which exceeds six (6) square feet in area shall not be located within seventy-five (75) feet of any other ground sign.

18. All signs on parcels immediately adjacent to El Pueblo Viejo Landmark District are subject to El Pueblo Viejo regulations. (Ord. 5552, 2011; Ord. 5549, 2011; Ord. 5236, 2002; Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4850, 1994; Ord. 4484, 1987; Ord. 4382, 1986; Ord. 4338, 1985; Ord. 4259, 1984.)

22.70.040 Sign Standards.

A. GENERAL REQUIREMENT. All signs shall conform to the following standards.

1. Residential Uses. The following sign standards shall apply to any residential use in any zone in the City:
a. An apartment or condominium project identification sign identifying an apartment or condominium complex by name or address. One (1) such sign shall be allowed for each complex, shall not exceed ten (10) square feet in size if less than twenty-five (25) units, nor twenty-five (25) square feet if larger than twenty-five (25) units, and shall not be internally illuminated.

b. The Sign Committee may authorize one (1) ground sign or wall sign, not to exceed an area of twenty-four (24) square feet, to identify a neighborhood or subdivision, other than an apartment or condominium project, at the entrance to such subdivision or neighborhood. Such sign shall not be internally illuminated.

c. Any existing legal nonconforming use in a residential zone may have one-half (½) the number and size of signs as are allowed in commercial zones.

2. Office Uses. The following sign standards shall apply to office uses in any zone:

a. The aggregate area for all signs identifying a building or complex shall not exceed one-half (½) square foot of sign area per linear foot of building frontage or twenty (20) square feet, whichever is less.

b. Establishments within an office building or complex may collectively place a directory sign at each public entrance to said building listing establishments within.

c. An office complex which maintains a group identity shall submit to the Sign Committee a sign program for all signs proposed within the complex. Upon approval, the sign program shall apply to all tenants. This sign program shall be included as a provision in the lease for each individual tenant. Proof of said inclusion in the standard lease for the office complex shall be submitted to the Planning Division by the lessor.

3. Commercial and Industrial Uses. The following sign standards shall apply to commercial and industrial uses, including hotels and motels in any zone:

a. The total area for all signs identifying a business shall not exceed the following:

(1) For a dominant building frontage up to one hundred (100) linear feet, one (1) square foot of sign area per linear foot of building frontage, or sixty-five (65) square feet, whichever is less.

(2) For a dominant building frontage with more than one hundred (100) linear feet, three-quarters (¾) square foot of sign area per linear foot of dominant building frontage or ninety (90) square feet, whichever is less.

(3) For a building occupied by more than one tenant, the dominant building frontage for each business is that portion of the building elevation adjacent to the business. For a business which is not on the ground floor, one-half (½) square foot of sign area per linear foot of dominant building frontage is permitted.

b. For a commercial or industrial complex containing four (4) or more occupants, the following sign standards apply:

(1) One (1) sign per frontage to identify the commercial or industrial complex, allowing one (1) square foot of sign area per linear foot of complex frontage or seventy-five (75) square feet, whichever is less, on the dominant facade.

(2) For each individual business with frontage on a public street or parking lot, one-half (½) square foot of sign area per linear foot or twenty-five (25) square feet, whichever is less.

(3) One (1) directory sign not exceeding ten (10) square feet in size may be allowed at each public entrance.

(4) A commercial or industrial complex which maintains a group identity shall submit to the Sign Committee a sign program for all signs proposed within the complex. Upon approval, the sign program shall apply to all tenants. This sign program shall be included in the lease for each individual tenant. Proof of said inclusion shall be submitted to the Planning Division by the lessor.

B. EL PUEBLO VIEJO LANDMARK DISTRICT. Signs in El Pueblo Viejo Landmark District (EPV) shall contribute to the retention or restoration of the historical character of the area. In addition to the other standards and restrictions in this Chapter, signs in EPV shall comply with the following:

1. Colors shall be consistent with the Hispanic styles specified in Chapter 22.22.
2. The typeface used on all signs in EPV shall be consistent with the Hispanic styles specified in Chapter 22.22, except that where the business logo or trademark uses a particular typeface, it may be used.
3. Letter height shall be limited to a maximum height of ten (10) inches, except where it can be found that said letter size is inconsistent with building size, architecture, and setback from the public right-of-way.
4. No internally illuminated signs, except back-lit signs, are allowed. Traditional materials and methods are to be used as defined in Section 22.22.104 and described in Subsection 5 below. Internally illuminated projecting cabinet signs are prohibited.
5. The choice of materials is left to the discretion of the applicant, subject to the approval of the Sign Committee; however, the following materials and/or methods are acceptable and desirable:
 - a. Sign face, supports, and standards made of resawn or rough sawn wood and/or wrought iron with painted or stained backgrounds and lettering.
 - b. Sign face, supports, and standards made of smooth wood trimmed with moldings of historically based design and lettering.
 - c. Signs painted directly on the face of the building.
 - d. Projecting signs.
 - e. Use of wood cutouts, wrought iron, or other metal silhouettes further identifying the business.
 - f. Glass.
 - g. Lighting standards and style typical of the building's architecture and period.
 - h. Flush or inset mounted signs of tile or stone.
6. The following materials and details are not acceptable:
 - a. Contemporary finish materials such as plastics, aluminum, and stainless steel.
 - b. Imitation wood or imitation marble.
 - c. Fluorescent paint.
 - d. Spot lights, neon tubing, and exposed electrical conduits on the exterior of any building or structure.
 - e. Neon tubing, light rope, or similar illuminated displays located within ten (10) feet of any window (except "open" signs as provided in Section 22.70.030.B.12 and "no vacancy" signs as provided in subparagraph 7 below).
7. For hotels and motels in the El Pueblo Viejo Landmark District (EPV), a single neon "No Vacancy" sign shall be allowed if the following conditions are met:
 - a. Only one (1) double-faced neon "No Vacancy" sign per property or business.
 - b. Letter size to be three (3) inches maximum height.
 - c. Tube size to be twelve (12) mm. maximum diameter.
 - d. Neon color to be clear red.
8. Landscaping:
 - a. Landscaping in EPV shall conform to the El Pueblo Viejo Guidelines' list of preferred plants.
 - b. Low shrubs or dense ground cover is required to conceal non-decorative lighting fixtures.
 - c. Irrigation plans shall be included where applicable.

(Ord. 5549, 2011; Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.050 Sign Permits.

A. **APPLICATION.** Any person desiring to construct, maintain or display a sign for which a permit is required shall submit an application to the Planning Division of the Community Development Department. The application shall be made upon forms provided by the Community Development Department and shall be accompanied by the following materials:

1. Two copies of a plan showing:
 - a. The position of each sign and its relation to adjacent buildings or structures.
 - b. The proposed design, size, colors, and location on the premises of each sign including the type and intensity of any proposed lighting.
2. A statement showing the sizes and dimensions of all signs existing on the premises at the time of making such application.
3. Such other information as the Director of the Community Development Department may require to show full compliance with this and all other ordinances of the City of Santa Barbara.
4. A written authorization to submit the sign permit application signed by the property owner or lessee.

B. **FEES.** The sign permit application shall be accompanied by the appropriate fee established by the City Council by resolution. If installation of a sign is commenced before an application for a permit is made or before the plans are approved by the Sign Committee, the applicant shall be charged an additional field inspection fee equal to the permit fee.

C. **PROCESSING APPLICATIONS.**

1. Community Development Department staff shall review the application and accept it as complete or reject it as incomplete within three (3) working days from the date of filing.

2. No sign permit application will be accepted if:

a. The applicant has installed a sign in violation of the provisions of this Chapter and, at the time of the submission of the application, each illegal sign has not been legalized, removed or included in the application; or

b. Any sign under the control of the applicant on the premises of the proposed sign was installed in violation of this Chapter and at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application; or

c. The sign permit application is substantially the same as an application previously denied by staff or the Sign Committee or, on appeal, by the Historic Landmarks Commission, the Architectural Board of Review, or the City Council, unless:

(i) Twelve (12) months have elapsed from the date of the final decision on the application; or

(ii) New evidence or proof of changed conditions is furnished in the new application.

3. **Assignment of Level of Review.** Community Development Staff will review each sign permit application and assign each complete application to one of three review categories: conforming review, consent review, or full board review. Sign permit applications will be assigned to conforming review based on the criteria found in Section 22.70.050.E. Most other sign permit applications will be assigned to consent review. Sign permit applications that involve multiple exception requests, a large number of signs, or a large volume of signage will be assigned to full board review. Prior to a hearing on Consent Review, any member of the Sign Committee, Architectural Board of Review, or the Historic Landmarks Commission may request that an application assigned for consent review be re-assigned for full board review.

D. **BUILDING AND ELECTRICAL PERMITS.** After a sign has been approved by the Sign Committee the applicant shall obtain all required building and electrical permits from the Building and Safety Division of the Community Development Department.

E. **CONFORMING AND CONSENT SIGN REVIEW.**

1. **Sign Conformance Determination.** Applications for signs conforming to the Sign Ordinance and Sign Review Guidelines may be eligible for review and approval by the Chair or Vice-Chair of the Sign Committee or their designated alternate. Conforming signs which meet the following criteria shall be referred by Staff for Conforming Sign Review:

a. Signs where the size, shape, color, placement, and any lighting of the sign are consistent with adopted guidelines;

b. Signs located within El Pueblo Viejo Landmark District that comply with the requirements of Section 22.70.040.B and would be compatible with the required architectural style described in Section 22.22.104;

c. Minor wording, name, color and/or face changes which do not affect the character or location of a sign;

d. Signs for a commercial or industrial complex where a previously approved sign program is in effect and the proposed sign conforms to the program;

e. Thirty (30) day extension of temporary signage;

f. Conceptually approved signs, if all Committee conditions are met; and

g. Awning signs.

Sign applications which do not meet these specific criteria may be referred by Staff or the Chair, Vice-Chair or their designated alternate for Conforming Sign Review, if deemed appropriate. In addition, the full Sign Committee may also direct some projects or portions of projects to Conforming Sign Review for approval.

2. **Conforming Review.** Conforming reviews are conducted by any one (1) member of the Sign Committee.

3. **Consent Review.** Consent reviews are conducted by any two (2) members of the City Committee.

4. **Standard of Review and Findings.** Conforming Review and Consent Review are conducted using the review criteria provided in Section 22.70.050.G and making the findings required in Section 22.70.050.H.

F. **FULL BOARD REVIEW.** Full Board Review is conducted by the ABR or, if the sign is located in El Pueblo Viejo Landmark District or the sign is proposed on a site that is a designated historic resource or potential historic resource, the HLC. When conducting a Full Board Review of a sign permit application, the ABR or HLC shall assume the role of the Sign Committee, as provided in Chapter 22.70 and amended by this ordinance. The ABR or HLC shall employ the current adopted Sign Review Guidelines and shall conduct its review using the review criteria provided in Section 22.70.050.G and making the findings required in Section 22.70.050.H.

G. SIGN REVIEW CRITERIA.

1. In reviewing a sign permit application, staff and the Sign Committee shall apply the following criteria as the basis for action:

- a. The sign shall be in proportion with and visually consistent with the architectural character of the building.
- b. The sign shall not constitute needless repetition, redundancy or proliferation of signing.
- c. The location of the proposed sign and the design of its visual elements (lettering, colors, decorative motif, spacing and proportion) shall result in a sign which is legible under normal viewing conditions existing at the sign's proposed location.
- d. The sign shall not obscure from view or unduly detract from existing signing.
- e. If the proposed sign will be adjacent to, in or near a residential area, it shall be harmonious and compatible with the residential character of the area.
- f. The size, shape, color and placement of the sign and any lighting shall be compatible to and harmonious with the building which it identifies and with the area in which it will be located.
- g. If the sign is to be located in El Pueblo Viejo Landmark District, the sign shall comply with the requirements of Section 22.70.040.E and shall be compatible with the required architectural style described in Section 22.22.104.

2. If a sign permit application satisfies the above criteria and complies with the other provisions of this Chapter, it shall be approved.

H. FINDINGS. If a sign permit application is denied, specific and detailed findings setting forth the reasons why the proposed sign violates the criteria set forth above or other provisions of this Chapter shall be prepared in writing and mailed to the applicant or his agent and sign contractor within seven (7) days.

I. APPEALS. The applicant or any interested person may appeal decisions concerning sign permit applications as follows:

1. Appeals to the Architectural Board of Review or the Historic Landmarks Commission. Any action of the Sign Committee or of the Division staff may be appealed by the applicant or any interested party to the Architectural Board of Review or, if the sign is in El Pueblo Viejo Landmark District or if the sign is proposed on a site that is a designated historic resource or potential historic resource, to the Historic Landmarks Commission. Said appeal shall be in writing, shall state reasons for the appeal and shall be filed with the staff of the Architectural Board of Review or the Historic Landmarks Commission within ten (10) days of the meeting at which the decision being appealed was rendered. A hearing shall be held by the Architectural Board of Review or the Historic Landmarks Commission, as appropriate, at the first available meeting of the Architectural Board of Review or the Historic Landmarks Commission following the filing of the appeal. Notice of the time and place of the hearing shall be sent to the applicant and appellant no later than five (5) days prior to said hearing. The Board or Commission may affirm, reverse or modify the decision of the Sign Committee or staff concerning the sign permit application. Said action shall take place within twenty-eight (28) days from the date of the filing of the appeal. Failure to act within said period will result in the sign permit application being deemed approved to the extent that it complies with the provisions of this Chapter. Upon such an automatic approval, the Division of Land Use Controls shall issue the permit. No member of the Board or Commission who is also a member of the Sign Committee and who participated in the decision of the Sign Committee shall act on the appeal.

2. Appeal to the City Council. An appeal to the City Council from the decision of the Architectural Board of Review or the Historic Landmarks Commission shall be made pursuant to the provisions of Section 1.30.050 of this Code.

J. EXPIRATION OF PENDING APPLICATION. Signs must be installed within six months of the date of approval or the approval is void, unless the applicant has requested and received an extension not exceeding six (6) months from the Community Development Director. (Ord. 5537, 2010; Ord. 5444, 2008; Ord. 5136, 1999; Ord. 4917, 1995; Ord. 4850, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.060 Revocation of Sign Permits.

A. GROUNDS. Any permit issued under this Chapter may be revoked by order of the City Council when it is shown by substantial evidence that:

1. The permit was issued without or in excess of the authority provided in this Chapter. Permittee shall be compensated for any and all costs incurred as a result of said revocation to the extent it occurs through no fault of the permittee.
2. The application for a permit contained any material misrepresentation of fact.

B. HEARING. Prior to revoking a sign permit, the City Council shall hold a hearing concerning said revocation. Written notice of said hearing shall be given to the permittee not less than ten (10) days prior to the date of said hearing. Following the hearing, if the City Council revokes the sign permit, it shall adopt findings setting forth the basis for its decision. The findings shall be mailed to the permittee. (Ord. 4484, 1987; Ord. 4259, 1984.)

22.70.070 Exceptions.

A. APPLICATION. When a person desires to erect a sign which does not comply with the provisions of this Chapter, he shall file an application for an exception. An application for an exception shall be filed with a sign permit application, shall be accompanied by a fee established by the City Council by resolution, shall state the specific section or sections of this Chapter which the applicant desires to have waived, and shall state the grounds for the exception.

B. GROUNDS. Before an exception may be granted, the following shall be shown:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity.

2. The granting of the exception will not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity.

3. The proposed sign is in conformance with the stated purpose and intent of the Sign Ordinance.

C. HEARING. A hearing on the exception application shall be held by the Sign Committee prior to considering the sign permit application. The time limits for the Sign Committee's action shall be the same as those set forth in Section 22.70.050.F of this Chapter.

D. APPEAL. The provisions for the appeal of the decision of the Sign Committee concerning an exception application shall be the same as those set forth in Section 22.70.050.I. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.080 Nonconforming Signs.

A. DEFINITION. Every sign legally in existence on the effective date of (i) the ordinance adopting this Chapter, or (ii) any ordinance amending this Chapter, which violates or does not conform to the provisions of such ordinance or any such amendment, shall be a "nonconforming sign."

B. GENERAL PROVISIONS. A nonconforming sign may not be:

1. Changed to another nonconforming sign.

2. Structurally altered so as to extend its useful life.

3. Expanded.

4. Relocated.

C. REMOVAL.

1. A sign which does not conform to the provisions of this Chapter, but which legally existed and was maintained on January 1, 1976, and which did not conform to provisions of the Sign Ordinance in effect at that time shall be removed or made to conform within one-hundred eighty (180) days after written notice from the Community Development Department. Said one-hundred eighty (180) day period shall be extended in the following circumstances:

a. The owner of a nonconforming sign submits to the Community Development Department a declaration signed under penalty of perjury, on a form provided by the Community Development Department, stating that he intends to terminate the business identified by said sign within twelve (12) months of the date of the notice from the Community Development Department.

b. The owner agrees in writing, on a form provided by the Community Development Department, to voluntarily remove said sign upon the expiration of the twelve-month period described in Subsection C.1.a. above or the date he terminates his business, whichever occurs first, and further agrees as consideration for this further extension of time to remove said sign(s) to waive any and all rights he may have to challenge the validity of the provisions of this Section.

2. A sign which becomes nonconforming upon the effective date of (i) the ordinance by which this Chapter is adopted, or (ii) an ordinance amending this Chapter shall be removed or made to conform within sixty (60) days after written notice by the Community Development Department upon change of use of the premises.

3. Exceptions to the provisions of this Section shall be granted by the Sign Committee upon the application of any owner of an on-site sign who presents substantial evidence showing the following:

a. There are exceptional circumstances applicable to the property on which the nonconforming sign is located, including size, shape, topography, location, or surroundings which make it practically impossible to effectively identify the property to the public if strict application of all the provisions of this Chapter is required; or

b. The original cost of the sign has not been fully amortized for tax purposes under Section 167 of the Internal Revenue Code by the sign's original owner. Such exception shall only be granted until completion of amortization pursuant to Section 167. Request for such extension shall be supported by legal documents, sworn statements, affidavits or other documents clearly establishing the need for additional time to amortize the original cost of the sign; or

c. The sign possesses unique features which make it a significant part of the historical heritage of the area in which it is located.

4. Denial of a request for an exception may be appealed pursuant to the provisions of Section 22.70.050.I. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.090 Non-Current, Illegal or Unsafe Signs.

A. **NON-CURRENT SIGNS.** Any sign, including its supporting structure, which no longer identifies the current occupant or which otherwise fails to serve its original purpose after a lapse of three (3) months shall be deemed to be a public nuisance and shall be removed by the owner of the property on which it is located upon thirty (30) days written notice by the Community Development Department.

B. **UNSAFE SIGNS.** Any sign that, in the opinion of the City Building Official, is unsafe or insecure shall be deemed a public nuisance and shall be corrected or removed, together with any supporting structure, by the owner of the property on which the sign is located, within ten (10) days written notice by the Community Development Department.

C. **ILLEGAL SIGNS.** Any sign, including its supporting structure, which is installed or maintained on private property in violation of this Chapter shall be deemed to be a public nuisance and shall be removed by the owner of the property on which it is located upon thirty (30) days written notice by the Community Development Department.

D. **FAILURE TO ABATE.** In the event the property owner has not begun removal of the sign and its supporting structure within the time limits set forth in Subsections A, B and C above, Community Development Department Staff shall cause to be filed for record with the County Recorder a Notice of Intention to Record a Notice of Order to Abate describing the real property, naming the property owner thereof, describing the violation and giving notice of a City Council hearing. Community Development Department Staff shall give written notice by personal delivery or mail to the property owner that the City intends to carry out the removal of the sign and supporting structure and have the cost of said removal be made a charge against the property owner and lien against the property, unless the sign is removed, repaired or reconstructed so as to eliminate the condition that is violative of this Chapter. Community Development Department Staff shall also advise the property owner that he has a right to a scheduled hearing before the City Council of the City of Santa Barbara for the purpose of final determination that the sign is non-current, illegal or unsafe as defined under this Section. Said hearing shall begin no later than thirty (30) days after the date of the personal delivery or mailing of the notice and may be continued by the City Council.

E. **FINDINGS.** Upon completion of the hearing, the City Council shall find as to the fact that the sign is a non-current, illegal or unsafe sign and upon such fact being found shall determine that the sign shall be removed, repaired, or reconstructed by the property owner within a prescribed time or the City shall cause the sign and supporting structure to be removed. Said determination shall be made based upon the evidence presented and a report from the Community Development Director regarding the existing condition of the sign, the estimated costs of repair, reconstruction and/or removal. If the City Council makes such a determination, written findings and an order shall be approved. After said hearing, the City Clerk shall cause to be filed a Notice of Order to Abate with the County Recorder and shall give all parties who have a recorded interest in the property notice of such recordation by mail.

F. **DUTIES OF PUBLIC WORKS DIRECTOR.** The Public Works Director shall, after completion of the hearing and approval of the findings by the City Council that the sign is non-current, illegal or unsafe, and after the failure of property owner to remove, repair or reconstruct the sign within the prescribed time as set forth in the order, obtain the necessary services by contract or by using City forces to carry out the removal of the sign and its supporting structure as directed by the City Council. A record shall be kept of all costs incurred by the City including time spent for the preparation of plans and the supervision of the work to carry out the removal of the sign and supporting structure. Upon completion of said efforts, the Public Works Director shall file a report with the City Council as to the costs incurred. The property owner shall be provided a copy of said report, notice of a hearing before the City Council, and an opportunity to appear before the City Council to be heard regarding the reasonableness of the costs incurred by the City.

G. **COSTS TO BE BORNE BY PROPERTY OWNER, PERSON BENEFITTED BY THE SIGN.** Upon completion of the hearing before the City Council as to the reasonableness of the costs, the City Council shall determine the reasonable costs incurred by the City to remove the non-current, illegal or unsafe sign and in the case of private property, the property owner shall be advised of said amount which shall be due and payable to the City. Upon request of the property owner, the City may agree to a mutually acceptable payment schedule. In the case of signs on public property, the costs of removal shall be borne by the person benefited by the sign.

H. **LIEN.** In the event the amount determined to be due and payable to the City is not paid within thirty (30) days after the determination by the City Council or as otherwise agreed, said amount shall become a charge against the property involved. The City Administrator shall thereafter cause the amount of said charge to be recorded on the assessment roll as an assessment and lien against and upon the property. Any portion of said assessment remaining unpaid after the due date for payment thereof shall be subject to the penalties and proceedings then in effect for property taxes due within the City of Santa Barbara.

I. **INTEREST CHARGES.** The City shall be entitled to interest at the rate applicable for unpaid taxes on all costs incurred by the City as determined pursuant to Subsection F.

J. **SIGNS ON PUBLIC PROPERTY.** Any sign, including its supporting structure, which is installed, placed or maintained on public property, other than a sign installed by, or with the permission of a public agency, is illegal and subject to removal. The person benefited by the sign shall receive notice of the violation and must remove the sign within the time stated in the notice. If the sign remains at the end of the stated period, the sign will be removed in accordance with the provisions of Section 22.70.090.E. Costs for such removal shall be borne by the person benefited by the sign. (Ord. 4917, 1995; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.095 Vending Machines Readily Visible From a Public Right-of-Way.

A. VENDING MACHINES WITHIN THE PUBLIC RIGHTS-OF-WAY. No owner of real property shall install, operate, or maintain a vending machine which is located on or encroaches within or over a City public right-of-way, such as a City street, sidewalk, paseo, or alleyway except for those machines which encroach in the public right-of-way on the date of the enactment of this amendment to Chapter 22.70, provided that the owner or operator of such an encroaching vending machine obtains a vending machine license agreement pursuant to the requirements of Santa Barbara Municipal Code Chapter 9.48 within one year of the adoption of this amendment and provided that such machine dispenses drinking water only.

B. VENDING MACHINES IN A CITY LANDMARK DISTRICT. No owner of real property located within a City Landmark District (as such districts are designated by Santa Barbara Municipal Code Chapter 22.22) shall install, operate, or maintain a vending machine upon such real property under circumstances where the vending machine is readily visible from an area accessible to public.

C. VENDING MACHINES – NON-RESIDENTIAL USES.

1. Generally. No owner of real property located outside of a City Landmark District shall install, operate, or maintain a vending machine on such real property under circumstances where the machine is readily visible from an area accessible to the public unless and until the property owner or vending machine operator (or an authorized agent thereof) has obtained the permits required by this Section and has completed the design review and approval required by this Section, where applicable. No business shall be allowed or permitted to have more than four (4) vending machines at each business location.

2. Residential Properties. No owner of real property used exclusively for residential purposes shall install, operate, or maintain a vending machine upon such property.

D. REVIEW AND ISSUANCE OF VENDING MACHINE PERMITS.

1. Machine Locations with Not More Than Two (2) Vending Machines. A vending machine which is visible from an area readily accessible to the public may be installed, operated, and maintained on real property zoned or being used for non-residential purposes and located outside of a City Landmark District only under the following circumstances:

a. No More Than Two (2) Machines. The real property upon which the machine will be located will have no more than two (2) vending machines installed or operated upon the same location at any one time; and

b. Necessary Permits. The owner or operator of the vending machine has obtained a building permit from the City Building and Safety Division and a vending machine sign permit from the City Sign Committee in accordance with the procedures established for sign permits set forth herein; and

c. Size and Machine Panel Design. The size, design, and the use of illumination for the vending machine is installed in full compliance with the City's Outdoor Vending Machine Design Guideline requirements for unscreened vending machines.

d. Signage Illumination. A vending machine may not have signage which is internally illuminated.

2. Machine Locations with More Than Two (2) Vending Machines. A vending machine which is readily visible from an area accessible to the public may be installed, operated, and maintained on non-residential real property located outside of a City Landmark District where the real property will have more than two vending machines but less than five (5) machines only under the following circumstances:

a. ABR Design Review. The owner or operator of the vending machine has obtained design and screening review and approval from the City Architectural Board of Review and the machine is installed in full compliance with the City's Outdoor Vending Machine Design Guidelines; and

b. Required Permits. The owner or operator of the vending machine has obtained both a building permit from the City Division of Building and Safety and a sign permit in accordance with the procedures established for sign permits set forth herein from the City Sign Committee for the machine; and

c. Compliance with Conditions of Approval. The vending machine is installed and maintained in accordance with any conditions of approval issued by either the Sign Committee or the ABR in connection with the approved permits or design review.

d. Automobile Service Station Locations. The real property is not being used as a gasoline service or automobile service station.

3. Vending Machines in a Shopping, Office, or Industrial Center. Vending machines located on real property being used as a Commercial, Office, or Industrial Complex [as defined in Section 22.70.020(I)] may be permitted only pursuant to a Complex Vending Machine Program approved by the Sign Committee in a manner similar to the Sign Committee's review and approval of Complex Sign Programs pursuant to Subsection (A)(3)(b) of Section 22.70.040 hereof and where such machines are designed and located in accordance with the City's Outdoor Vending Machine Design Guidelines.

E. OUTDOOR VENDING MACHINE DESIGN GUIDELINES.

1. Adoption of Machine Design and Locational Guidelines. Within thirty (30) days of the adoption of the ordinance enacting this Section, the City Council shall approve Outdoor Vending Machine Design Guidelines which shall be approved pursuant to a resolution of the City Council.

2. Exceptions to Guideline Requirements. Upon the written request of an applicant for an outdoor vending machine permit, the Sign Committee, or, where applicable, the City's Architectural Board of Review may grant appropriate exceptions to the Outdoor Vending Machine Design Guidelines provided that all of the following grounds for the exception are determined to be applicable:

- a. There are exceptional or extraordinary circumstances or conditions applicable to the real property involved which do not apply generally to other real properties in the vicinity.
- b. The granting of the exception will not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity.
- c. The proposed vending machine installation is in conformance with the stated purpose and general intent of the Outdoor Vending Machine Design Guidelines and this Chapter.
- d. A public benefit will be derived from the proposed outdoor vending machine location and a hardship otherwise exists due to the physical constraints of the site which make the strict application of City vending machine requirements impractical or not readily feasible.

F. COMPLIANCE ESTABLISHED BY VENDING MACHINE PERMIT STICKER. Compliance with the requirements of this Section shall be conclusively established by the City's issuance of an appropriate permit sticker which shall be posted or affixed to and maintained on the permitted vending machine by the operator thereof and which shall serve as conclusive proof of compliance with the requirements of this Section.

G. VENDING MACHINES INSTALLED PRIOR TO ADOPTION. Except with respect to the prohibition on internally illuminated signage contained in subparagraph (D)(1)(d) hereof, the requirements of this Section (including the Outdoor Vending Machine Design Guidelines) shall be applicable to any vending machines installed prior to the adoption of the ordinance enacting this Section upon the expiration of one year after the effective date of the Ordinance. Permit applicants may be granted additional time for compliance with the requirements of this Chapter (not to exceed one year) by the Community Development Director upon a showing by the applicant of due diligence in seeking to obtain the permits and design review required by this Chapter.

H. APPEALS. A decision of the Sign Committee or a decision of the Architectural Board of Review made pursuant to this Section may be appealed in accordance with the applicable appeal procedures of subsection (I) of Section 22.70.050.

I. DEFINITION OF "READILY VISIBLE TO THE PUBLIC." For the purposes of this Section, the phrase "readily visible to the public" shall mean that a majority of the face panel of a vending machine can typically, reasonably, and usually be observed by an average person standing or traveling upon a City public right-of-way or visible from a parking or other area generally open for public use, including those vending machines which are located indoors but visible and less than four (4) feet from a window. Where necessary whether a machine is "readily visible to the public" may be determined by the Community Development Director. (Ord. 5236, 2002.)

22.70.100 Sign Enforcement and Penalties.

A. ENFORCEMENT.

1. Every sign erected in the City shall be subject to inspection by the Community Development Director, or his deputy, to insure compliance with all provisions of the Sign Ordinance.
2. With respect to all signs existing on the effective date of this Chapter, and to all signs constructed, maintained, displayed, or altered after the effective date of this Chapter, it shall be the duty of the Community Development Director to enforce this Chapter.
3. It shall be the duty of the Community Development Director to enforce this Chapter for any signs installed contrary to the approved plans or to any conditions imposed by the Sign Committee.
4. The Community Development Director or any of his deputies shall have the right to enter upon any premises upon which any sign has been erected to enforce compliance with the provisions of this Chapter and to cause the removal of any sign maintained in violation of this Chapter. Whenever a sign is installed, erected or maintained in violation of this Chapter, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign and shall be held responsible therefore.

B. PENALTIES. Any person who violates the provisions of this Chapter shall be subject to the penalties described on Chapter 1.28 of the Santa Barbara Municipal Code. (Ord. 4484, 1987; Ord. 4259, 1984.)