

**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>

**NOVEMBER 10, 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 November 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 adjourned regular meeting of October 19, 2015, the regular meetings of October 20 and 27, 2015, and the regular meeting (cancelled) of November 3, 2015.

3. **Subject: Reclassification Of Maintenance Worker Positions In The Facilities Management Division Of The Public Works Department (530.01)**

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 Public Works Department, Effective November 14, 2015.

CONSENT CALENDAR (CONT'D)

4. **Subject: A Resolution Denying The Appeal Of The Montecito Association And Upholding The Decision Of The Parks And Recreation Commission Regarding Tree Removal At 1187 Coast Village Road. (570.08)**

Recommendation: That Council adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Denying The Appeal Of The Montecito Association And Upholding The Decision Of The Parks and Recreation Commission To Approve The Removal of Two Canary Island Pine Trees Located In The Front Setback at 1187 Coast Village Road, Pursuant to Council's Direction of October, 2015.

5. **Subject: Adoption Of Ordinance To Grant Easements To The County Flood Control District (150.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Granting of Easements on City-Owned Airport Properties to the County of Santa Barbara Flood Control and Water Conservation District for Flood Control and All Related Purposes, and Authorizing the City Administrator to Execute as Necessary the Grant Deeds in a Form Approved by the City Attorney.

6. **Subject: Contract For Construction Of Westside Sidewalk Access Ramp Project (530.04)**

Recommendation: That Council award a contract with Brough Construction, Inc., in their low bid amount of \$191,703 for construction of the Community Development Block Grant 2015-2016 Westside Sidewalk Access Ramp Project, Bid No. 3788, and authorize the Public Works Director to execute the contract and approve expenditures up to \$28,755 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.

7. **Subject: Contract For Design For The Zone 3 (Westside, Hidden Valley, Campanil, And West Mesa Neighborhoods) Pavement Maintenance Project (530.04)**

Recommendation: That Council:

- A. Approve the selection of Flowers & Associates, Inc., to provide professional engineering design and construction management services for the annual Pavement Maintenance Projects scheduled for Fiscal Years 2016 through 2018; and

(Cont'd)

CONSENT CALENDAR (CONT'D)

7. (Cont'd)

- B. Authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates, Inc., in the amount of \$106,544 for design services of the Fiscal Year 2016 Pavement Maintenance Project, and authorize the Public Works Director to approve expenditures of up to \$10,656 for extra services that may result from necessary changes in the scope of work.

8. **Subject: Emergency Increase In Purchase Order Authority For Repairs To The Laguna Channel (540.06)**

Recommendation: That Council authorize the General Services Manager to increase an existing maintenance and repair purchase order with Granite Construction Company, Inc., by \$84,000 for emergency repairs to the Laguna Channel for a new not-to-exceed total of \$157,985.

9. **Subject: Contract Amendment With USGS For Groundwater Modeling In Support Of Studying The Feasibility Of Alternatives To Screened Ocean Intake For Desalination (540.10)**

Recommendation: That Council authorize the Public Works Director to execute an Amendment to the Joint Funding Agreement with the United States Geological Survey (USGS) for groundwater modeling services in the amount of \$66,400, and approve expenditures of up to \$15,000 for extra services that may result from unforeseen changes in the scope of work, raising the City's portion of cost in the Joint Funding Agreement to \$488,325.

10. **Subject: Aircraft Noise Monitoring And Flight Tracking Services License And Maintenance / Technical Support Agreement (560.14)**

Recommendation: That Council:

- A. Authorize the City's General Services Manager to execute a 12-month agreement with Harris Inc. in the amount of \$71,000 pursuant to the Sole Source provisions of the Santa Barbara Municipal Code Section 4.52.070(K) for flight tracking services and maintenance and technical support for noise monitoring equipment at the Airport; and
- B. Authorize the City's General Services Manager to execute any agreements or change orders for a subsequent 12-months in the amount of \$78,000, for a two-year contract total not to exceed \$149,000.

CONSENT CALENDAR (CONT'D)

11. **Subject: Donation For Police K9 Program (520.04)**

Recommendation: That Council accept a donation of \$20,000 from the Santa Barbara Police Foundation for the Police K9 Program Trust Fund.

12. **Subject: Donations For Animal Control Program Equipment (520.05)**

Recommendation: That Council:

- A. Accept a donation of \$4,500 from the Deborah K. Oldham Trust of 2001;
- B. Approve an increase in appropriations and estimated revenues in the amount of \$4,500 in Fiscal Year 2016 in the Police Department Miscellaneous Grants Fund for Animal Control equipment that will help enhance public safety and service;
- C. Accept a donation of \$8,310 from Stephen and Joy Frank; and
- D. Approve an increase in appropriations and estimated revenues in the amount of \$8,310 in Fiscal Year 2016 in the Police Department Miscellaneous Grants Fund for an all-terrain vehicle (ATV) which will enhance public safety and service.

13. **Subject: Appropriation Of Human Services Grant Funds For Youth Apprenticeship And Santa Barbara Arts Alliance Programs (570.05)**

Recommendation: That Council increase appropriations and estimated revenues in the Fiscal Year (FY) 2016 Parks and Recreation Department Miscellaneous Grant Fund, in the amount of \$15,000, for two Human Services Grant awards.

14. **Subject: Contributions From Parks And Recreation Community Foundation (570.05)**

Recommendation: That Council:

- A. Accept a contribution from the Parks and Recreation Community (PARC) Foundation in the amount of \$45,000 for Parks and Recreation Department programs; and
- B. Increase appropriations and estimated revenues in the Fiscal Year (FY) 2016 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$45,000.

CONSENT CALENDAR (CONT'D)

15. Subject: Police Officer And Public Safety Dispatcher Recruitment Incentive Program (520.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Police Officer Recruitment Incentive Program Providing Referral Incentives for City Employees and Hiring Incentives for New Police Officers; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Public Safety Dispatcher Recruitment Incentive Program Providing Referral Incentives for City Employees and Hiring Incentives for New Public Safety Dispatchers.

CONSENT PUBLIC HEARING

16. Subject: TEFRA (Tax Equity And Fiscal Responsibility Act) Hearing For 510 N. Salsipuedes (Jardin De Las Rosas Apartments) Debt Issuance (660.01)

Recommendation: That Council hold a public hearing and adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority in an Aggregate Principal Amount not to exceed \$15,000,000 for the Purpose of Financing the Acquisition, Construction, Improvement, and Equipping of a 40-unit Multifamily Rental Housing Facility and Certain Other Matters Relating Thereto.

NOTICES

- 17. The City Clerk has on Thursday, November 5, 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.
- 18. A City Council site visit is scheduled for Monday, November 16, 2015, at 1:30 p.m. to the property located at 806 Alberta Avenue, which is the subject of an appeal hearing set for November 17, 2015, at 2:00 p.m.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

19. Subject: Updated City Council Rules Of Procedure (120.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance Of The Council Of The City Of Santa Barbara Amending Chapter 2.04 Of The Santa Barbara Municipal Code Pertaining To Council Meetings; and
- B. Adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Adopting Rules Of Procedure Governing The Conduct Of City Council Meetings And Rescinding Resolution No. 09-097.

20. Subject: Newly Adopted Medical Marijuana Legislation (160.02)

Recommendation: That Council:

- A. Receive an update on the potential impacts to the City of Santa Barbara resulting from new legislation regulating cultivation, sale, and licensing of medical marijuana;
- B. Provide direction to the Community Development Department and the City Attorney's Office related to mobile marijuana delivery services and the cultivation of marijuana for medicinal purposes within the City.

21. Subject: Short Term Residential Rental Subpoenas (350.05)

Recommendation: That Council receive certified copies of subpoenaed records related to unlawful vacation rentals that are subject to the City's Ordinance prohibiting their operation.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

22. Subject: Conference With City Attorney - Existing Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Karen Fox, et al. v. City of Santa Barbara, et al.*, SBSC Case No. 1469026.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

ADJOURNMENT

To Monday, November 16, 2015, at 1:30 p.m. at 806 Alberta Avenue. (See Agenda Item No. 18)



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 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 November 30, 2015.

DISCUSSION:

The City appreciates the loyalty to the community and the dedication to public service that are demonstrated by City employees throughout the organization every day. 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 November 30, 2015.

ATTACHMENT: November 2015 Service Awards

PREPARED BY: Jennifer Jennings, City Administrator's Office Supervisor

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

NOVEMBER 2015 SERVICE AWARDS

November 10, 2015 Council Meeting

5 YEARS

Kyle Crooks, Police Officer, Police Department

Sarah Fox, Records Technician, Administrative Services Department

Julio Gonzalez-Vasquez, Water District Operator II, Public Works Department

Jesus Jaimes, Senior Water District Operator, Public Works Department

David Rowell, Project Planner, Community Development Department

Andrew Ruiz, Wastewater Treatment Plant Operator II, Public Works Department

Ramon Urrutia, Wastewater Collection Systems Operator II, Public Works Department

10 YEARS

Heather Clark, Police Officer, Police Department

Kasi Corbett, Police Officer, Police Department

Brian Miller, Police Officer, Police Department

Moises Tinajera, Senior Water District Operator, Public Works Department

Matthew Tonello, Police Officer, Police Department

15 YEARS

Martin Goliszewski, Waterfront Maintenance Worker II, Waterfront Department

Camerino Sanchez, Police Chief, Police Department

Ignacio Valdez, Grounds Maintenance Crew Leader, Parks and Recreation Department

25 YEARS

Mirna Dubon, Administrative Specialist, Police Department



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING October 19, 2015 1187 COAST VILLAGE ROAD

CALL TO ORDER

Ordinance Committee Chair Randy Rowse called the meeting to order at 1:40 p.m.

ROLL CALL

Councilmembers present: Cathy Murillo, Ordinance Committee Chair Rowse.
Councilmembers absent: Dale Francisco, Gregg Hart, Frank Hotchkiss, Bendy White, Mayor Helene Schneider.
Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne.

Note: While there was not a quorum of the Council in attendance, those who were present continued with the scheduled site visit.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, October 15, 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: 1187 Coast Village Road

Recommendation: That Council make a site visit to the property located at 1187 Coast Village Road, which is the subject of an appeal hearing set for October 20, 2015, at 2:00 p.m.

Discussion:

Staff provided an overview of the plans for the project, including repairs to the driveway and the removal of existing trees.

ADJOURNMENT

Ordinance Committee Chair Rowse adjourned the meeting at 1:51 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

RANDY ROWSE
ORDINANCE COMMITTEE CHAIR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING October 20, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance and Ordinance Committees, 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, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco, Frank Hotchkiss.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring October 26 - 30, 2015, As National Red Ribbon Week (120.04)

Action: Proclamation presented to Ed Stonefelt, Luis Gomez, and Selena Rockwell, representatives of the Council on Alcoholism and Drug Abuse.

Councilmember Francisco entered the meeting at 2:09 p.m.

PUBLIC COMMENT

Speakers: Richard Robinson; Scott Wenz, Cars Are Basic; Melody Baker; Cruzito Herrera Cruz.

CONSENT CALENDAR (Item Nos. 2 – 4)

Motion:

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

Vote:

Unanimous voice vote (Absent: Councilmember Hotchkiss).

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meetings of September 22, and October 6, 2015, and the special meeting of October 12, 2015.

Action: Approved the recommendation.

3. Subject: Contract For Citywide Traffic Model Update (530.05)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services Agreement with Fehr & Peers Transportation Consulting Firm in the amount of \$79,675, for traffic modeling services to update the City's 2008 traffic model with counts, data, and projections for travel patterns based on 2015 land uses, employment, and population growth, as well as the Plan Santa Barbara 2030 horizon year General Plan provisions; and
- B. Approve an increase in appropriations in the Streets Fund by \$79,675, funded from available Streets Fund reserves.

Action: Approved the recommendation; Agreement No. 25,350 (October 20, 2015, report from the Public Works Director).

NOTICES

4. The City Clerk has on Thursday, October 15, 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

COMMUNITY DEVELOPMENT DEPARTMENT

5. Subject: Review Of Fiscal Year 2017 Human Services And Community Development Block Grant Funding Priorities, Application Release, And Funding Process (230.06)

Recommendation: That Council:

- A. Review and provide input and direction to the Community Development and Human Services Committee (CDHSC) on proposed funding priorities for the Fiscal Year 2017 Human Services and Community Development Block Grant allocation process;
- B. Authorize staff to release the Fiscal Year 2017 funding application along with the committee application review process, criteria, and schedule; and
- C. Establish a funding commitment for Fiscal Year 2017 from the General Fund in the amount of \$726,150 (3% increase over Fiscal Year 2016) for the Human Services Program.

Documents:

- October 20, 2015, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Community Development Programs Specialist Elizabeth Stotts.

Motion:

Councilmembers Hart/White to approve the recommendations.

Vote:

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

PUBLIC HEARINGS

6. Subject: Appeal Of Parks And Recreation Commission Action To Approve Removal Of Two Setback Trees Located At 1187 Coast Village Road (570.08)

Recommendation: That Council deny the appeal filed by the Montecito Association and uphold the Parks and Recreation Commission decision to approve the removal of two *Pinus canariensis* (Canary Island Pine Trees) located in the front setback at 1187 Coast Village Road.

(Cont'd)

6. (Cont'd)

Documents:

- October 20, 2015, report from the Acting Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.
- Correspondence from the Applicant:
 - September 28, 2015, letter from Westree.
 - October 14, 2015, letter from Suzanne Elledge Planning & Permitting Services, Inc.
 - PowerPoint presentation made during the public hearing.

Public Comment Opened:

2:31 p.m.

Speakers:

- Staff: Urban Forest Superintendent Timothy Downey, City Attorney Ariel Calonne, City Administrator Paul Casey, Acting Parks and Recreation Director Jill Zachary.
- Parks and Recreation Commission: Commissioner Beebe Longstreet.
- Street Tree Advisory Committee: Desmond O'Neill.
- Appellant (Montecito Association): President Cindy Feinberg, Executive Director Victoria Greene.
- Applicant: Heidi Jones, Suzanne Elledge Planning & Permitting Services.
- Members of the Public: Jennifer DeSandre, Karen Quinn, Tracey Crain, Rob Kooyman, Marie Schumacher, Trey Pinner, Lee Artman.

Public Comment Closed:

3:25 p.m.

Motion:

Councilmembers Hart/White to deny the appeal and approve the project, making the findings outlined in the Council Agenda Report, but direct Staff to return to Council in three weeks with a resolution of decision and findings which includes a condition of approval requiring the Applicant to install two skyline box trees, to be specified pursuant to discussion with City Staff, in the median adjacent to the subject property.

Vote:

Unanimous voice vote (Absent: Councilmember Hotchkiss).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

7. Subject: Stage Three Drought Update (540.05)

Recommendation: That Council receive an update on the status of the current drought, drought-response capital projects, and continuing conservation efforts.

Documents:

- October 20, 2015, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Water Supply Manager Kelley Dyer, Acting Water Conservation Coordinator Madeline Ward.

Discussion:

Staff's presentation included information on the weather forecast, the community's water conservation achievements, water supply strategy, Lake Cachuma operations, capital projects being undertaken to respond to the drought, and the City's Water Conservation Program. Councilmembers' questions were answered.

MAYOR AND COUNCIL REPORTS

8. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to October 27, 2015, and November 17, 2015.

(Estimated Time: 4:00 p.m.)

Documents:

October 20, 2015, report from the Administrative Services Director.

Speakers:

The following applicants were interviewed:

Arts Advisory Committee:

Joan Rosenberg-Dent

Margie Yahyavi

Nancy Gifford

Civil Service Commission:

Donna Lewis

Alan Kasehagen

(Cont'd)

8. (Cont'd)

Speakers (Cont'd):

Community Development and Human Services Committee:

Veronica Loza

Nicolas Crisosto

Community Events and Festivals Committee:

Doreen Stevenson

Brad Nack

Fire and Police Commission:

Melody Joy Baker

John Torell

Jennifer Christensen

Harbor Commission:

Stephen MacIntosh

Historic Landmarks Commission:

Michael Drury

Anthony Grumbine

Neighborhood Advisory Committee:

Nicolas Crisosto

Rental Housing Mediation Board:

Nicolas Crisosto

Lynn Goebel

Single Family Design Board:

Lisa James

Water Commission:

James Davis

Mayor Schneider stated that interviews would be continued on October 27, 2015.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on the following meetings/events: 1) activities to improve the Westside neighborhood; 2) a fundraiser for Special Olympics; and 3) the recent meeting of the South Coast Gang Task Force.
- Councilmember Rowse mentioned his involvement in judging an art contest sponsored by the Council on Alcoholism and Drug Abuse.
- Councilmember White reported on the proceedings of recent meetings of the Cachuma Operation and Maintenance Board, Neighborhood Advisory Council, Santa Barbara County Association of Governments, and the Santa Barbara County Air Pollution Control District.

(Cont'd)

Information (Cont'd):

- Mayor Schneider reported on a meeting of the U.S. Conference of Mayors' Water Council in Los Angeles; she also commented on her introduction of Robert Pearson, Chief Executive Officer of the Housing Authority of the City of Santa Barbara, for his receipt of a Lifetime Achievement Award from the National Association of Housing and Redevelopment Organizations.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:00 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING October 27, 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 met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

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, City Clerk Services Manager Gwen Peirce.

PUBLIC COMMENT

Speakers: Scott Wenz, Tom Becker, Richard Robinson, Tim Geist.

CONSENT CALENDAR (Item Nos. 1 – 13)

The titles of the ordinances and resolutions related to Consent Items were read.

Motion:

Councilmembers Rowse/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the special meeting of October 8, 2015, and the regular meeting of October 13, 2015.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance To Permit Car Share Operations On City-Owned Properties And Within The Right-Of-Way (670.08)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 10.73 to the Santa Barbara Municipal Code to Establish a Carshare Vehicle Permit Program.

Action: Approved the recommendation; Ordinance No. 5725.

3. Subject: Introduction Of Ordinance For The Grant Of Easements To The County Flood Control District On Airport Properties (150.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Granting of Easements on City-Owned Airport Properties to the County of Santa Barbara Flood Control and Water Conservation District, for Flood Control and All Related Purposes, and Authorizing the City Administrator to Execute as Necessary the Grant Deeds in a Form Approved by the City Attorney.

Action: Approved the recommendation (October 27, 2015, report from the Airport Director; proposed ordinance).

4. Subject: September 30, 2015, Investment Report And September 30, 2015, Fiscal Agent Report (260.02)

Recommendation: That Council:

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

Action: Approved the recommendations (October 27, 2015, report from the Finance Director).

5. Subject: Fiscal Year 2016 Interim Financial Statements For The Two Months Ended August 31, 2015 (250.02)

Recommendation: That Council accept the Fiscal Year 2016 Interim Financial Statements for the Two Months Ended August 31, 2015.

Action: Approved the recommendation (October 27, 2015, report from the Finance Director).

6. Subject: Renewal of Santa Barbara Regional Recycling Market Development Zone Designation (630.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Renewal of the Designation of the Santa Barbara Regional Recycling Market Development Zone and Authorizing the County of Santa Barbara Public Works Director or His or Her Designee to Submit an Application to CalRecycle, Requesting Renewal of the Santa Barbara Regional Recycling Market Development Zone, Comprised of the Unincorporated Areas of Santa Barbara County and the Cities of Buellton, Goleta, Lompoc, Santa Barbara, and Santa Maria.

Speakers:

Staff: Environmental Services Manager Matt Fore.

Action: Approved the recommendation; Resolution No. 15-085 (October 27, 2015, report from the Finance Director).

7. Subject: Capital Improvement Projects: First Quarter Report For Fiscal Year 2016 (230.01)

Recommendation: That Council receive the City's Capital Improvement Projects First Quarter Report for Fiscal Year 2016.

Action: Approved the recommendation (October 27, 2015, report from the Public Works Director).

8. Subject: Contract For Construction Of City Parking Lot No. 5 Lighting Project (550.05)

Recommendation: That Council award a contract with Scott and Sons Electrical, in their low bid amount of \$126,998 for construction of the City Parking Lot No. 5 Lighting Project, Bid No. 3774; and authorize the Public Works Director to execute the contract and approve expenditures up to \$25,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendation; Contract No. 25,353 (October 27, 2015, report from the Public Works Director).

9. Subject: Law Enforcement Digital Fingerprinting And Mug Shot Software (520.04)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the bidding process as provided in Municipal Code 4.52.070(k) and authorize the General Services Manager to issue a Professional Services Agreement to Dataworks for the initial purchase amount of \$76,000 plus an additional \$11,000 annually for the four following fiscal years for the maintenance of the fingerprinting, mug shot software and equipment, in accordance with approved budgets; and
- B. Increase appropriations from available reserves in the Asset Forfeiture Fund by \$76,000 in FY 2016.

Action: Approved the recommendations; Professional Services Agreement No. 25,354 (October 27, 2015, report from the Police Chief).

10. Subject: Central Coast Collaborative On Homelessness (C3H) Agreement (660.04)

Recommendation: That Council authorize the Community Development Director to execute a funding agreement for \$91,232 with the Northern Santa Barbara County United Way for the Central Coast Collaborative on Homelessness (C3H) effort.

Action: Approved the recommendation; Agreement No. 25,355 (October 27, 2015, report from the Community Development Director).

11. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval Of Concept Review For 521 Chiquita Road (640.07)

Recommendation: That Council:

- A. Set the date of November 10, 2015, at 2:00 p.m. for hearing the appeal filed by Kim Stevens and Greg Baker of the Architectural Board of Review's approval of concept review of project design for property owned by Gayle E. Gover and located at 521 Chiquita Road, Assessor's Parcel No. 031-263-003. Proposal to add a new residential unit beneath, and to the rear, of an existing two-story single-family dwelling on a 7,174 square-foot parcel. The new lower level floor area of 325 square feet will be attached to 483 square feet of remodeled existing basement space, resulting in an 808 square-foot attached unit. The existing 1,605 square-foot residence at street level will be altered at the rear to add a 185 square foot roof over an existing 153 square-foot deck. Also proposed on the existing residence is an expansion of the rear deck by 37 square feet, a new window, a new hot tub, and new garage door. The proposal includes two new uncovered parking spaces, permeable turf block paving, fencing, stairs, gate relocation, and minor door and window alterations. There will be 10 cubic yards of grading excavation. This is the third concept review. Project requires an environmental finding for a CEQA Guidelines Section 15183 Exemption - Projects Consistent with the General Plan; and

(Cont'd)

11. (Cont'd)

- B. Set the date of November 9, 2015, at 1:30 p.m. for a site visit to the property located at 521 Chiquita Road.

Action: Approved the recommendations (September 24, 2015, letter of appeal).

NOTICES

12. The City Clerk has on Thursday, October 22, 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. Receipt of communication advising of vacancy created on the Harbor Commission with the resignation of Dennis Power. This vacancy will be part of the next recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to review the September 30, 2015, Investment Report and September 30, 2015, Fiscal Agent Report, both of which were approved as Item No. 4 on the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

- 14. Subject: Citywide Performance Highlights for Fiscal Year 2015 and Comparative Indicators Report for Fiscal Year 2016 (170.01)**

Recommendation: That Council:

- A. Receive a summary of department performance management results and highlights for Fiscal Year 2015; and
- B. Receive a report on how the City of Santa Barbara compares with similar California communities on key indicators.

Documents:

- October 27, 2015, report from the City Administrator.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant to the City Administrator Nina Johnson, Administrative Analyst Kate Whan.

The Council received the presentation and their questions were answered.

FINANCE DEPARTMENT

15. Subject: Foodscraps Composting Partnership With Downtown Santa Barbara (630.01)

Recommendation: That Council receive a report from the Environmental Services Manager regarding the City's composting partnership with Downtown Santa Barbara.

Documents:

- October 27, 2015, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Environmental Services Manager Matt Fore, City Administrator Paul Casey.
- Engel & Gray Compost: Bob Engel.
- Downtown Santa Barbara: Executive Director Maggie Campbell, Operations Consultant Zahra Nahara-Moore.
- Members of the Public: Ethan Shenkman.

The Council received the presentation and their questions were answered.

RECESS

3:30 p.m. – 4:00 p.m. Mayor Schneider and Councilmember Francisco were absent. Mayor Pro Tempore Hart called the meeting back to order.

MAYOR AND COUNCIL REPORTS

16. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 17, 2015.
(Estimated Time: 4:00 p.m.)

Documents:

October 27, 2015, report from the Administrative Services Director.

Speakers:

The following applicants were interviewed:
Community Events and Festivals Committee:
Barry Dorsey
Creeks Advisory Committee:
Lee Moldaver

(Cont'd)

16. (Cont'd)

Speakers (Cont'd):

County of Santa Barbara Library Advisory Committee:

Patricia Saley

Planning Commission:

Addison Thompson

John P. Campanella

Water Commission:

Megan Birney

Barry Keller

Larry Falberg

Parks and Recreation Commission:

LeeAnne French

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss spoke regarding the Transportation Security Administration's (TSA) PreCheck Program at the Santa Barbara Airport.
- Councilmember White commented on his attendance at the Association of California Water Agencies (ACWA) Conference, where the history of and policy options for Lake Cachuma were discussed.
- Councilmember Murillo mentioned 1) the "Open Streets" festival; 2) the United Nations Day "Walk" event; and 3) the "Lights on for Afterschool" event in De la Guerra Plaza.

ADJOURNMENT

Mayor Pro Tempore Hart adjourned the meeting at 4:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

GREGG HART
MAYOR PRO TEMPORE

ATTEST: _____
GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
November 3, 2015
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on November 3, 2015, was cancelled by the Council on November 18, 2014.

The next regular meeting of the City Council is scheduled for November 10, 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

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Public Works Department

SUBJECT: Reclassification Of Maintenance Worker Positions In The Facilities Management Division Of The Public Works Department

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 Public Works Department, Effective November 14, 2015.

DISCUSSION:

The Public Works Department requested that Human Resources conduct an analysis to determine the appropriate classification of a maintenance employee at the Annex Yard whose position was transferred from the Streets Maintenance Division to the Facilities Management division of Public Works during the most recent budget cycle.

There are several facility maintenance worker classifications that exist within the City. The general class is the Maintenance Worker I/II, with Maintenance Worker I as the entry level and Maintenance Worker II as the full journey level. Certain specialized maintenance classifications (Airport Maintenance Worker I/II, Waterfront Maintenance Worker I/II, and Streets Maintenance Worker I/II), while engaged in similar activities, are paid about 5% higher to recognize additional breadth of skill required and the hazards applicable to these assignments. There is a separate series of classifications engaged in grounds maintenance, of which the journey level is Grounds Maintenance Worker I/II.

When initially created, the position in the Annex Yard was a rotation assignment on the Streets Maintenance crew, so the incumbent was classified as a Streets Maintenance Worker II. However, that position does not perform duties of a Streets Maintenance Worker. Now that it has become a permanent assignment in the Facilities Management division, it should be reclassified correctly. Since it is the intent of the department to rotate this position and a separate Maintenance Worker II position in the Facilities Management division, and to have each position serve as back-up for the

other, the appropriate classification was reviewed in light of the duties of both assignments.

Human Resources completed its analysis and recommends reclassifying both the Maintenance Worker II position in the Facilities Management division (currently \$1,655.42 to \$2,012.17/ biweekly) and the Streets Maintenance Worker II position that recently was transferred to Facilities Management (currently \$1,740.08 to \$2,115.07/bi-weekly) to a new classification called Facilities Maintenance Worker II. This new Facilities Maintenance Worker I/II position will be classified at the same salary level as Airport Maintenance Worker I/II, Waterfront Maintenance Worker I/I, and Streets Maintenance Worker I/II (\$1,740.08 to \$2,115.07/bi-weekly). The basis for this determination is because the additional breadth of skill required and hazards applicable to these assignments are similar to the other more specialized positions that are set at a differential above a Maintenance Worker I/II.

BUDGET/FINANCIAL INFORMATION:

No additional appropriations are needed for Fiscal Year 2016, as the increased cost can be absorbed into the existing budget.

The ongoing cost from increasing the salary of the Maintenance Worker II position in the Facilities Management division by approximately 5% in Fiscal Year 2017 and thereafter will be approximately \$3,343 annually.

PREPARED BY: Christie Lanning, 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 PUBLIC WORKS DEPARTMENT EFFECTIVE NOVEMBER 14, 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:

	<u>Full-Time Positions</u>		<u>Part-Time Positions</u>
	<u>Authorized</u>		<u>Authorized</u>
<u>PUBLIC WORKS DEPARTMENT:</u>			
<u>FACILITIES MANAGEMENT</u>			
<u>BUILDING MAINTENANCE</u>			
Maintenance Worker II	1		
Facilities Maintenance Worker II		2	
Division Total	19	20	
 <u>STREETS, PARKING AND TRANSPORTATION</u>			
<u>STREETS</u>			
Streets Maintenance Worker II	16	15	
Division Total	31	30	
 Department Total	 292	 292	 5.7

<u>Classification Title</u>	<u>FLSA</u>	<u>Status</u>	<u>Unit</u>	<u>Biweekly Salary</u>
Facilities Maintenance Worker II	N	C	14	\$1740.08 – \$2115.07



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: A Resolution Denying The Appeal Of The Montecito Association And Upholding The Decision Of The Parks And Recreation Commission Regarding Tree Removal At 1187 Coast Village Road

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Denying The Appeal Of The Montecito Association And Upholding The Decision Of The Parks and Recreation Commission To Approve The Removal of Two Canary Island Pine Trees Located In The Front Setback at 1187 Coast Village Road, Pursuant to Council's Direction of October 20, 2014.

DISCUSSION:

Council directed the addition of a condition requiring new street median trees to mitigate the loss of trees on-site. Staff proposed and the applicant agreed to the following new condition of approval which reads, in part, as follows:

Prior to removal of any trees, the applicant shall at its own expense and risk supply and install two 36 inch box *Eucalyptus deglupta*, Rainbow Gum Trees or *Eucalyptus leucoxylon*, White Ironbark Trees, preferably the Rainbow Gum, at locations to be determined by the City Arborist in the Coast Village Road median within close proximity of 1187 Coast Village Road.

The full condition is in the attached Resolution.

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL OF THE MONTECITO ASSOCIATION AND UPHOLDING THE DECISION OF THE PARKS AND RECREATION COMMISSION TO APPROVE THE REMOVAL OF TWO CANARY ISLAND PINE TREES LOCATED IN THE FRONT SETBACK AT 1187 COAST VILLAGE ROAD, PURSUANT TO COUNCIL'S DIRECTION OF OCTOBER, 2015.

WHEREAS, on July 10, 2015, the Parks and Recreation Department received a tree removal application from Heidi Jones of Susan Elledge Planning and Permitting Services on behalf of H&R Investments for three Canary Island Pines located at 1187 Coast Village Road. The property at 1187 Coast Village Road is zoned C-1 with a front setback of 10 feet. The basis for the applicant's tree removal request was to allow the owner to make improvements to the property, including repairs to the driveway and retaining walls, relocation of a stairway, and construction of dining decks within the front setback. The applicant initially proposed to plant three 36" box replacement trees; and

WHEREAS, on August 6 & 12, 2015, the Street Tree Advisory Committee (STAC) reviewed the tree removal application. The STAC determined the tree on the west end of the property could be preserved through alternate designs for the proposed stairs adjacent to the tree. When reviewing the information for the two trees at the east end of the project, the STAC determined the tree closest to the driveway would be destabilized by the proposed driveway improvements. The STAC further determined that although the second tree has a known defect, it could be preserved a while longer through cabling the two trunks together and trimming. The STAC recommended that the Parks and Recreation Commission (Commission) approve removal of the tree closest to the driveway on the east end, and deny the removal of the pine farthest from the driveway on the east end and the west end pine tree; and

WHEREAS, on August 26, 2015, the Commission considered the application and the STAC and staff recommendations at its regular meeting. Staff recommended that the tree farthest from the driveway on the east end be removed due the necessary root pruning on three sides of the tree, a defect in the tree, and exposure the tree would experience once the tree closest to the driveway is removed. Staff recommended that the Commission approve the removal of both trees at the east end and deny the removal of the tree on the west end. The Commission discussed the principals of good forest management, the reasonable development of the property and the character of the neighborhood considerations as outlined in SBMC 15.24.090 as well as amount of root pruning, the damage to the building, the unsafe condition of the existing trees and the

proposed replacement trees. The Commission voted to approve two of the removals and deny the third on the condition one *Brachychiton* Tree is planted; and

WHEREAS, the Montecito Association timely appealed to the City Council; and

WHEREAS, on October 20, 2015, the City Council conducted a duly noticed public hearing to consider the appeal. The City Council in the appeal hearing considered the entire record of proceedings, including without limitation the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a Council Agenda Report prepared by City staff discussing the appeal issues and a PowerPoint presentation.
2. The testimony, written material and slide presentations of representatives of the appellant and the applicant, as well as members of the public, the STAC and Commission.

All of the above evidence and the entire record of proceedings is incorporated by reference into this Resolution, which is based upon the entirety of the record of proceedings; and

WHEREAS, after consideration of all of the evidence presented, and after deliberation by the Council members, the City Council voted unanimously to direct the preparation of written findings which, consistent with the oral findings made by Council, would deny the appeal and conditionally grant the tree removal permit subject to additional conditions requiring installation of two median trees near the subject property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the STAC, Commission, and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings.

SECTION 3. The Council has carefully reviewed the evidence it obtained during the site visit and public hearing as described above and from the record of proceedings, and based upon that evidence denies the appeal and upholds the decision of the Commission with the addition of one condition of approval, making the findings and determinations set forth below as required by Santa Barbara Municipal Code section 15.24.090:

- A. That a reasonable and practical development of the property on which the tree is located requires removal of the tree or trees whose removal is sought because the trees' location within the front yard setback unreasonably hinders reuse and redevelopment of the property, including regarding of the driveway for safety reasons.
- B. That regard for the safety of persons or property dictates the removal of the trees because the dual trunked tree is in imminent danger of collapse and its removal will destabilize the other tree.

SECTION 4. The Council's action is conditioned on the performance of all conditions of approval previously specified by staff, particularly the requirement that one *Brachychiton* Tree be planted on the subject property. In addition, the tree removal is conditioned on the installation and maintenance of two street median trees as provided below:

Prior to removal of any trees, the applicant shall at its own expense and risk supply and install two 36 inch box *Eucalyptus deglupta*, Rainbow Gum Trees or *Eucalyptus leucoxylon*, White Ironbark Trees, preferably the Rainbow Gum, at locations to be determined by the City Arborist in the Coast Village Road median within close proximity of 1187 Coast Village Road. If, due to circumstances beyond the applicant's control, these species are not reasonably available in 36 inch box size, the City Arborist shall specify an alternate species of similar cost. These trees shall be inspected and approved by the City of Santa Barbara City Arborist prior to installation. The applicant shall also enter into an agreement in a form specified by the city attorney to irrigate and maintain the trees for a period of three (3) years from the date of installation, ("maintenance period") and shall provide a performance bond in the amount of \$10,000.00 to assure performance of the irrigation and maintenance. If during the maintenance period the trees are vandalized or damaged, the trees shall be replaced in kind by the applicant at its own expense. No later than sixty (60) days before the end of the three (3) year maintenance period, the applicant shall request and the City Arborist will inspect the condition of the trees to determine whether the applicant has faithfully honored the requirements of the maintenance period. The City Arborist shall accept the trees upon completion of the maintenance period if the trees are in good health, and upon acceptance of the trees the City will release the applicant's performance bond. If at the end of the maintenance period the City Arborist determines the trees are not established, or are otherwise not in acceptable condition, the City may at the discretion of the City Arborist extend the maintenance period and bonding requirement up to two additional years and/or require replacement trees.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE GRANTING OF EASEMENTS ON CITY-OWNED AIRPORT PROPERTIES TO THE COUNTY OF SANTA BARBARA FLOOD CONTROL AND WATER CONSERVATION DISTRICT, FOR FLOOD CONTROL AND ALL RELATED PURPOSES, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AS NECESSARY THE GRANT DEEDS IN A FORM APPROVED BY THE CITY ATTORNEY

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

WHEREAS, the Las Vegas and San Pedro Creeks Capacity Improvement Project (Project) is a multijurisdictional project between the County of Santa Barbara Flood Control and Water Conservation District (District), California Department of Transportation (Caltrans), Union Pacific Railroad (UPRR), and the City to reduce the risk of potential future flooding along San Pedro and Las Vegas Creeks during major storm and rainfall events;

WHEREAS, the intent of the Project between the City, District, Caltrans, and UPRR is to improve water conveyance capacity in the Las Vegas and San Pedro creeks (Creeks) so as to reduce the risk of future flooding;

WHEREAS, said Creeks are partially located on City-owned property where the Santa Barbara Airport facilities (Airport) are located, and said Airport property consists of several parcels, the granting of any permanent or temporary easements on such Airport parcels shall provide for enhanced Creeks access for maintenance and flood control purposes by the District; and

WHEREAS, the City and District have agreed to offer and accept respectively those certain easement interests as particularly described by the Grant Deeds to be executed by both parties subsequent to the approval of this Ordinance.

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

SECTION 1. That the City hereby grants to District easements for access, maintenance, flood control and related purposes on the City fee owned properties as particularly described and shown in the Legal Descriptions and Exhibits to the Easement Grant Deeds for APN No.s 073-080-066, 073-080-067, 073-080-068, 073-080-069, 073-080-071, 073-080-072, and Rex Eckles Road.

SECTION 2. That the City Administrator is authorized to execute, in the form approved by the City Attorney, the above referenced Easement Grant Deeds, and other related documents as maybe necessary.

SECTION 3. Following the effective date of this Ordinance, the City Clerk is hereby authorized to cause the recordation of said Easement Grant Deeds in the Official Records, in the Office of the County Recorder, County of Santa Barbara, State of California.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of Westside Sidewalk Access Ramp Project

RECOMMENDATION:

That Council award a contract with Brough Construction, Inc., in their low bid amount of \$191,703 for construction of the Community Development Block Grant 2015-2016 Westside Sidewalk Access Ramp Project, Bid No. 3788, and authorize the Public Works Director to execute the contract and approve expenditures up to \$28,755 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:

Project Description

The Community Development Block Grant 2015-2016 Westside Access Ramp Project (Project) consists of constructing a total of eighteen new sidewalk access ramps at five intersections along San Pascual Street between West Pedregosa Street and West Arrellaga Street (see Attachment). The ramp locations chosen for the Project were identified on the City's access ramp prioritization list and supported by the Neighborhood Advisory Council (NAC). The City applied for and received Community Development Block Grant (CDBG) funding, allowing for the completion of these important pedestrian sidewalk features.

The proposed access ramps are located within several blocks of La Cumbre Junior High School, and the Westside Boys and Girls Club and bus stops to Adams Elementary School. San Pascual Street is a main neighborhood street for travel to and from these nearby schools and the community center. Once these ramps are constructed, access for vulnerable users (i.e., disabled, elderly, and pedestrians with strollers) will be improved. The access ramps will be constructed in accordance with Title II of the Americans with Disabilities Act and per City Standard Details.

Contract Bids

A total of ten (10) bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Brough Construction, Inc. Arroyo Grande, CA	\$191,703.00
2.	Mainline Engineering Lompoc, CA	\$194,362.95
3.	J&T Engineering & Construction Camarillo, CA	\$203,725.00
4.	Lash Construction Santa Barbara, CA	\$215,269.50
5.	Draper Construction Somis, CA	\$216,724.10
6.	Newton Construction San Luis Obispo, CA	\$219,379.60
7.	JJ Fisher Construction Santa Maria, CA	\$229,291.50*
8.	G. Sosa Construction Orcutt, CA	\$233,462.00
9.	Toro Enterprises Oxnard, CA	\$274,270.00
10.	R.C. Becker & Sons Santa Clarita, CA	\$336,870.54

**corrected bid total*

The low bid of \$191,703 submitted by Brough Construction Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$28,755 or 15 percent is typical for this type of work and size of project.

Community Outreach

In November 2014, the NAC concurred with staff's recommendation to apply for CDBG funding for the high priority ramps identified in the Westside neighborhood that were eligible for this funding source. The Community Development and Human Service Committee reviewed the grant application in February 2015, and recommended that City Council approve funding for the Project's construction costs. In March 2015, Council approved the CDBG funding. The CDBG funding received by the City covers construction costs for all eighteen sidewalk access ramps.

Staff will notify adjacent property owners and residents located near the Project locations of the construction via mailers. The Contractor will provide final notice, via door hangers, 72 hours prior to construction.

Funding

The Project is funded by CDBG and the Streets Capital Fund. Estimated revenues and appropriations were increased in March 2015 for the CDBG amount of \$195,000, which will be used for construction and limited change order costs only. Streets Capital Fund existing appropriations will be used to cover the remaining Project costs for potential change orders, material testing, and City staff time for inspection and construction management.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Brough Construction, Inc.	\$191,703	\$28,755	\$220,458
TOTAL RECOMMENDED AUTHORIZATION			\$220,458

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

ESTIMATED TOTAL PROJECT COST

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

	CDBG Share	City Share	Total
City Staff Costs - Survey	\$0	\$6,983	\$6,983
City Staff Costs - Design	\$0	\$25,000	\$25,000
Design Subtotal	\$0	\$31,983	\$31,983
Construction Contract	\$191,703	\$0	\$191,703
Construction Change Order Allowance	\$3,297	\$25,458	\$28,755
Subtotal	\$195,000	\$25,458	\$220,458
Construction Management/Inspection (by City Staff)	\$0	\$26,000	\$26,000
Other Construction Costs (testing, survey, etc.)	0	\$15,200	\$15,200
Subtotal	\$0	\$41,200	\$41,200
Construction Subtotal	\$195,000	\$66,658	\$261,658
TOTAL PROJECT COST	\$195,000	\$98,641	\$293,641

SUSTAINABILITY IMPACT:

The Project will improve safety and accessibility for pedestrians within the CDBG eligible census tracts and will contribute to the City’s sustainability goals by encouraging more people to walk, reducing energy consumption and air pollution.

- ATTACHMENT:** Project Location Map
- PREPARED BY:** John Ewasiuk, Principal Civil Engineer/AU/mh
- SUBMITTED BY:** Rebecca J. Bjork, Public Works Director
- APPROVED BY:** City Administrator’s Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Design For The Zone 3 (Westside, Hidden Valley, Campanil, and West Mesa Neighborhoods) Pavement Maintenance Project

RECOMMENDATION: That Council:

- A. Approve the selection of Flowers & Associates, Inc., to provide professional engineering design and construction management services for the annual Pavement Maintenance Projects scheduled for Fiscal Years 2016 through 2018; and
- B. Authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates, Inc., in the amount of \$106,544 for design services of the Fiscal Year 2016 Pavement Maintenance Project, and authorize the Public Works Director to approve expenditures of up to \$10,656 for extra services that may result from necessary changes in the scope of work.

DISCUSSION:

Background

The Engineering Division hires design and construction consultants to provide services for delivery of its annual Pavement Maintenance Project, in order to make efficient use of staff time and increase the ratio of funds expended on construction. In recent years, a consultant has been selected to provide these services for a period of three years. Staff last sought proposals from local engineering firms for the City's annual pavement maintenance design and contract administration services in 2009, for Fiscal Years 2010 through 2012, and subsequently extended the selection for Fiscal Years 2012 through 2015.

Project Description

The City is divided into six pavement maintenance zones (Attachment). The Fiscal Year 2016 Pavement Maintenance Project (Project) will focus pavement maintenance efforts in Zone 3, which generally encompasses the Westside, Hidden Valley, Campanil, and West Mesa neighborhoods. The design contract for Zone 3 includes evaluating the condition of over 7.4 million square feet of asphalt and concrete streets within this zone, as well as other specific streets requiring repair outside of Zone 3. It also identifies and recommends repair and maintenance procedures to apply to the streets and prepares construction contract documents so the work can be bid, awarded, and constructed.

The proposed scope of services includes the following:

- Surveying the existing pavement condition;
- Marking streets for pavement repair work;
- Surveying and designing required curb ramps;
- Preparing specifications for pavement repairs; and
- Preparing construction cost estimates for all components of the construction phase, including pavement preparation, overlay, slurry seal, crack seal, and other alternative repair options.

The Project's design is scheduled to be completed in spring 2016, with construction work scheduled to occur in summer 2016.

Design Phase Consultant Engineering Services

Flowers & Associates, Inc. (Flowers), was selected as part of a Request for Proposals process in which six consulting firms were solicited for proposals. Two consultants submitted proposals, which were rated by staff based upon their qualifications and technical proposals. Based on the proposals, Flowers was ranked as the most qualified consultant for the Project. Negotiations with Flowers produced a fair and reasonable price.

Flowers is experienced in this type of work and has successfully delivered its design and construction management services for the City's annual pavement maintenance projects over the past six years. Staff will negotiate separate contracts for each fiscal year.

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers in the amount of \$106,544 for design and \$10,656 for potential extra services, for a total amount of \$117,200.

Funding

The Project is funded primarily through Streets Capital funds that were previously budgeted for pavement maintenance, which includes Measure A and Utility User Tax funds. There are sufficient funds in the Streets Fund to cover these costs.

The following summarizes all estimated total Project costs:

ESTIMATED TOTAL PROJECT COST

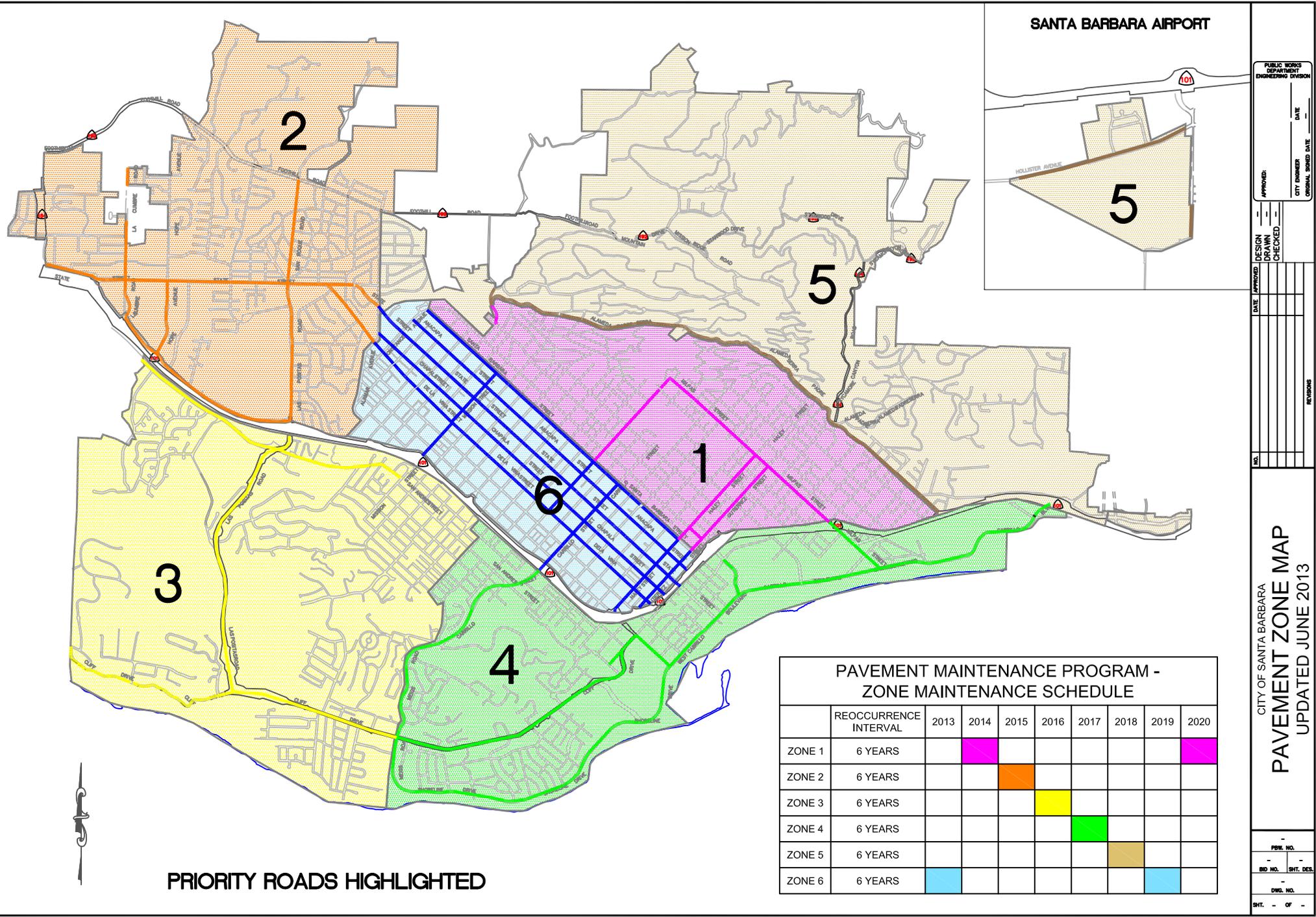
Design (by Contract)	\$117,200
Design Project Management (by City staff)	\$60,000
Subtotal	\$177,200
Estimated Construction Contract w/Change Order Allowance	\$2,300,000
Estimated Construction Management/Inspection (by Contract)	\$325,000
Estimated Construction Project Management (by City staff)	\$180,000
Subtotal	\$2,805,000
TOTAL PROJECT COST	\$2,982,200

ATTACHMENT: Pavement Zone Map

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



PRIORITY ROADS HIGHLIGHTED



**PAVEMENT MAINTENANCE PROGRAM -
ZONE MAINTENANCE SCHEDULE**

	REOCCURRENCE INTERVAL	2013	2014	2015	2016	2017	2018	2019	2020
ZONE 1	6 YEARS								
ZONE 2	6 YEARS								
ZONE 3	6 YEARS								
ZONE 4	6 YEARS								
ZONE 5	6 YEARS								
ZONE 6	6 YEARS								

PUBLIC WORKS
DEPARTMENT
ENGINEERING DIVISION

APPROVED: _____ DATE: _____
CITY ENGINEER

DESIGN _____
DRAWN _____
CHECKED _____

NO.	DATE	APPROVED	REVISIONS

CITY OF SANTA BARBARA
PAVEMENT ZONE MAP
UPDATED JUNE 2013

PBR. NO. _____
BID NO. _____ SHT. DES. _____
DWG. NO. _____
SHT. _____ OF _____



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Emergency Increase In Purchase Order Authority For Repairs To The Laguna Channel

RECOMMENDATION:

That Council authorize the General Services Manager to increase an existing maintenance and repair purchase order with Granite Construction Company, Inc., by \$84,000 for emergency repairs to the Laguna Channel for a new not-to-exceed total of \$157,985.

DISCUSSION:

Background

On February 25, 2014, Council approved an appropriation of \$500,000 of one-time General Fund monies for Laguna Flood Control Facility repairs. The funds were planned for short-term repairs for this facility, including removal of excess sediment in the channel, repair and stabilization of the channel walls, installation of an in-channel debris rack, wet well repairs, and a new pump station roof. Operations improvements, including lighting, cameras, and fiber-optic connectivity were also planned. Major rehabilitation work, however, is on hold until additional funding is identified.

Current Status

On September 16, 2015, Granite Construction Company, Inc., (Granite) was issued a purchase order in the amount of \$73,985 to complete sediment removal and to repair and stabilize the channel walls. The work consisted primarily of removal and disposal of accumulated sediment and vegetation from the flood control channel. Additional work included minor repairs to the channel walls and the installation of a wall cap to reduce future erosion and deposition of sediment into the channel. The work began on September 28, 2015, and was completed on October 6, 2015.

Following completion of the work, including the removal of sediment and vegetation, it was possible to perform a more thorough inspection of the concrete channel. It became apparent that a portion of the channel wall had failed and, due to the potential upcoming

El Niño rain season, was in need of immediate repairs. The failed channel wall is located on the east side of the channel, between the Chase Palm Park Craft Center and Cabrillo Boulevard. Portions of the wall have cracked and partially collapsed. Voids are evident behind the wall, potentially jeopardizing the integrity of the Craft Center building.

Due to this condition, staff developed a design for channel repairs and requested a quote from Granite to complete the emergency repairs. The work consists of removal of the failed concrete/rock wall, stabilization of embankment material, placement of a new rock rip rap wall, installation of a slurry curtain wall to protect the Craft Center, and concrete repairs to surface improvements. The work began in late October and is anticipated to be completed before November 10, 2015.

The remaining budgeted work at the Laguna Flood Control Facility, including tide gate maintenance and the replacement of the pump station roof, will take place in 2016, and will be subject to the normal public bidding requirements.

BUDGET/FINANCIAL INFORMATION:

Funding

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Amount
Initial Purchase Order	\$73,985
Proposed Increase	\$84,000
Totals	\$157,985

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

ESTIMATED TOTAL PROJECT COST

Design (by City Staff)		\$25,000
Biological Services		\$14,280
Design	Subtotal	\$39,280
Sediment Removal / Minor Channel Repairs		\$73,985
Emergency Channel Repairs		\$84,000
Additional Repair/Maintenance Contract(s)		\$159,744
Construction Management/Inspection (by City Staff)		\$25,000
Mitigation Measures		\$100,000
Biological Monitoring During Construction and Mitigation		\$17,991
Construction	Subtotal	\$460,720
Project Total		\$500,000

There are sufficient project funds from the original General Fund appropriation remaining in the Streets Capital Fund to cover the emergency work item. Additional funds may be required in the future, depending on the actual final cost of the remaining repair and maintenance items.

PREPARED BY: Brian D'Amour, Principal Civil Engineer/BD/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Contract Amendment With USGS For Groundwater Modeling In Support Of Studying The Feasibility Of Alternatives To Screened Ocean Intake For Desalination

RECOMMENDATION:

That Council authorize the Public Works Director to execute an Amendment to the Joint Funding Agreement with the United States Geological Survey (USGS) for groundwater modeling services in the amount of \$66,400, and approve expenditures of up to \$15,000 for extra services that may result from unforeseen changes in the scope of work, raising the City's portion of cost in the Joint Funding Agreement to \$488,325.

DISCUSSION:

As directed by Council and required by the City's amended National Pollutant Discharge Elimination System (NPDES) permit, staff is currently working with Carollo Engineers to evaluate the feasibility of alternatives to the screened ocean intake for the Desalination Plant. In order to understand the effects on the groundwater basin from subsurface intake or injection of recycled water into the aquifer, it is necessary to use a model of the City's groundwater basins that was developed by the USGS.

The City has an existing agreement with the USGS for the development of the groundwater basin model. Staff has negotiated an acceptable proposal with the USGS to perform the proposed additional modeling work in the amount of \$66,400. Staff recommends that Council authorize the Public Works Director to amend the Joint Funding Agreement with USGS by increasing the total project amount by \$66,400, and the City's portion of total costs to \$473,325; and approve expenditures of up to \$15,000 for extra services for unforeseen changes in the scope of work, for a total City project cost of \$488,325.

USGS can complete the additional modeling work and incorporate its findings into the technical evaluation and initial screening of the potable reuse options by summer 2016. This will meet the required timeline set forth by the RWCQB in the City's NPDES Permit. The revised schedule does not result in a change in the original Study scope or budget.

BACKGROUND

The City has a long-standing partnership with United States Geological Survey (USGS) in an effort to better understand the City groundwater basins. In 2009, the City and USGS entered into a Joint Funding Agreement for a Cooperative Water Resources Program to update and enhance groundwater models, evaluate the sustainable yield of the City's groundwater resources, and develop decision rules for use in managing supplies from groundwater. The work effort included updating and calibrating the existing MODFLOW-2000 groundwater flow model to SEAWAT-2000, which models seawater intrusion. On April 28, 2015, Council approved an amended agreement totaling \$586,055, which is shared between USGS and the City. The City's portion of the cost is \$406,925. The amendment was for additional modeling scenarios requested by the City to better understand the estimated sustainable yield of the basin. USGS has finished calibrating and running the updated model and is currently drafting the final technical report. The high resolution groundwater model is an appropriate and valuable tool in evaluating management strategies of our groundwater basin, including effects of groundwater replenishment with recycled water and subsurface intake alternatives.

BUDGET/FINANCIAL INFORMATION:

Staff successfully secured a \$55 million State Revolving Fund loan for the Desalination Project and related work. The \$55 million in appropriations included the cost of the SSI and Potable Reuse Feasibility Studies, with sufficient contingency funds to cover the cost of the proposed additional USGS modeling work. Therefore, no additional appropriation authority is needed.

PREPARED BY: Joshua Haggmark, Water Resources Manager/KD/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Certification / Operations, Airport Department

SUBJECT: Aircraft Noise Monitoring And Flight Tracking Services License And Maintenance / Technical Support Agreement

RECOMMENDATION: That Council:

- A. Authorize the City's General Services Manager to execute a 12-month agreement with Harris Inc. in the amount of \$71,000 pursuant to the Sole Source provisions of the Santa Barbara Municipal Code Section 4.52.070(K) for flight tracking services and maintenance and technical support for noise monitoring equipment at the Airport; and
- B. Authorize the City's General Services Manager to execute any agreements or change orders for a subsequent 12-months in the amount of \$78,000, for a two-year contract total not to exceed \$149,000.

DISCUSSION:

Background

The Airport Department has had a noise abatement program in place since 1978 and a noise monitoring system in place since 1991. The noise monitoring and flight tracking system (noise system) is used to monitor compliance with the Airport's noise abatement procedures. The noise system is the key to the Airport's ability to extract operational data necessary to effectively respond to citizen complaints regarding airplane noise. In 2014, the Airport had 104,706 aircraft operations (takeoffs and landings) and 632 noise complaints.

Noise System Maintenance and Technical Support

In 2005 Council adopted, and the Federal Aviation Administration (FAA) subsequently approved, the Airport's Updated Noise Compatibility Program which recommended upgrades to the Noise Monitoring and Flight Tracking System. The Airport received an FAA noise grant and completed phased upgrades in 2007 and 2010. The equipment and service upgrades in 2010 included internet or "cloud based" services. In Fiscal Year 2014 Council approved 24 months of additional sole source service for a total of \$168,000. The

vendor, Harris Inc., is the current name of the firm (Rannoch Corp.) that was selected via a competitive bid process in 2006 to construct and install the noise system upgrades. The noise system has performed well and the staff employed by Harris Inc. has provided maintenance and technical support services for the system since installation. The noise system software is proprietary and Harris Inc. is the only firm able to provide turnkey services to maintain the entire system (hardware and software).

Staff was able to negotiate a 12% reduction in the overall cost of the two year extension via a \$7,000 credit in the first year for the elimination of typically unused services from the scope of work, and operational issues experienced following a software upgrade in Fiscal Year 2015 that had minimal impact on our customer service. The negotiated contract price is \$78,000 per year, with a credit of \$7,000 being granted during the first extension year. The price for the first year of the extension will be \$71,000, and the price for the second extension year will be \$78,000. The total cost for the 2 year extension is \$149,000. The cost of negotiated agreement is below the industry standard for this type of service.

BUDGET/FINANCIAL INFORMATION:

Funds for this contract were included in the Airport's Fiscal Years 2016 and 2017 operating budgets.

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

PREPARED BY: Tracy C. Lincoln, Airport Operations Manager

SUBMITTED BY: Hazel Johns, Airport Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Patrol Division, Police Department

SUBJECT: Donation For Police K9 Program

RECOMMENDATION:

That Council accept a donation of \$20,000 from the Santa Barbara Police Foundation for the Police K9 Program Trust Fund.

DISCUSSION:

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations, to locate individuals, contraband, and to apprehend criminal offenders. This program relies on donations from the community for its existence. Donations from the community allow for the proper care and maintenance of the canines, as well as provide the necessary training for the canine handlers. For these reasons, the Police Department is receiving funds from the Police Foundation to further support the Canine Program.

BUDGET/FINANCIAL INFORMATION:

The funds will be held in the K9 Trust Fund until they are needed to cover expenses for the K9 Program.

PREPARED BY: Lorenzo Duarte, Lieutenant

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Administrative Services, Police Department

SUBJECT: Donations For Animal Control Program Equipment

RECOMMENDATION: That Council:

- A. Accept a donation of \$4,500 from the Deborah K. Oldham Trust of 2001;
- B. Approve an increase in appropriations and estimated revenues in the amount of \$4,500 in Fiscal Year 2016 in the Police Department Miscellaneous Grants Fund for Animal Control equipment that will help enhance public safety and service;
- C. Accept a donation of \$8,310 from Stephen and Joy Frank; and
- D. Approve an increase in appropriations and estimated revenues in the amount of \$8,310 in Fiscal Year 2016 in the Police Department Miscellaneous Grants Fund for an all-terrain vehicle (ATV) which will enhance public safety and service.

DISCUSSION:

The Deborah K. Oldham Trust annually donates money to the Animal Control Program. Mr. Stephen Frank, attorney for the trust, has specified that the donation be applied to the purchase of specific Animal Control equipment. The generous gift of \$4,500 will be used to purchase such items as:

- Safety work clothing
- Duty Gear Bags
- Animal Nets
- Pesticide Respirators

This equipment will enhance safety for both the animals and Animal Control Officers and enhance the quality service provided to the community.

The donation of \$8,310 to be used for the purchase of the all-terrain vehicle will allow Animal Control Officers to respond to calls in areas not accessible by the Animal Control vans. These areas include the Douglas Family Preserve, hiking and biking trails in the area of Elings Park, as well as calls for injured and sick animals along the beach front.

PREPARED BY: Todd Stoney, Lieutenant/LSP

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Appropriation Of Human Services Grant Funds For Youth Apprenticeship And Santa Barbara Arts Alliance Programs

RECOMMENDATION:

That Council increase appropriations and estimated revenues in the Fiscal Year (FY) 2016 Parks and Recreation Department Miscellaneous Grant Fund, in the amount of \$15,000, for two Human Services Grant awards.

DISCUSSION:

The Parks and Recreation Department is the recipient of two Human Services Grant awards in FY 2016 totaling \$15,000. These funds will support the following programs:

\$10,000 for Youth Job Apprenticeship program

The Youth Job Apprenticeship Program provides job training and job placement to approximately 60 at-risk community youth annually. Participating youth receive approximately 160 hours of paid employment. This funding will be utilized to pay hourly salaries of the youth who participate in the program.

\$5,000 for Santa Barbara Arts Alliance program

The Santa Barbara Arts Alliance program is a free art-based afterschool mentoring program that provides leadership and life skills development opportunities through hands-on community service projects. Based at the Franklin Neighborhood Center, approximately 40 low-income and under-served youth are served by this program annually. Program curricula includes art workshops, field trips, neighborhood clean-ups, and in the program year and culminates with the creation and installation of public murals in areas plagued by graffiti vandalism. This funding will be utilized to pay the hourly salaries of the artist mentors who lead the program.

BUDGET/FINANCIAL INFORMATION:

Appropriations and estimated revenues in the Fiscal Year 2016 Parks and Recreation Department Miscellaneous Grants Fund will be increased by \$15,000 as a result of these grant funds.

PREPARED BY: Judith McCaffrey, 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: November 10, 2015

TO: Mayor and Councilmembers

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Contributions From Parks And Recreation Community Foundation

RECOMMENDATION: That Council:

- A. Accept a contribution from the Parks and Recreation Community (PARC) Foundation in the amount of \$45,000 for Parks and Recreation Department programs; and
- B. Increase appropriations and estimated revenues in the Fiscal Year (FY) 2016 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$45,000.

DISCUSSION:

The Parks and Recreation Department will be the recipient of \$45,000 in grants, donations, and reimbursements received through and from the PARC Foundation. These funds will support the following programs:

\$9,500 – Youth Culinary Arts Program

The Youth Culinary Arts program is a free program that serves approximately 24 teens annually, grades 11 and 12, with a 17-week program at the Franklin and Westside Neighborhood Centers. The program provides youth job training experience and teaches nutrition and healthy cooking to develop skills that will last a lifetime. Participants work with local chefs who serve as mentors for the program. This funding is from the annual PARC Foundation fundraising event and will support the hourly coordinator for this program.

\$6,000 – Santa Barbara Arts Alliance Program

The Santa Barbara Arts Alliance program is a free art-based afterschool mentoring program that provides leadership and life skills development opportunities through hands-on community service projects. Based at the Franklin Neighborhood Center, approximately 40 low income and under-served youth are served annually. Curricula include art workshops, field trips, neighborhood clean-ups, and the creation and

installation of public murals in areas plagued by graffiti vandalism. This funding includes grant monies from the County Arts Commission and donations to the program. Funds will be utilized to purchase supplies and pay the artist mentors that lead the program.

\$3,000 – Job Apprentice Program

The American Public Works Association donated \$3,000 to sponsor a youth in the Job Apprentice Program who is interested in pursuing an engineering career in public service. The sponsored youth will be placed as an apprentice in the City Public Works Department. The funds will be utilized to pay the hourly salary of the sponsored youth.

The Job Apprentice Program provides job training and job placement to approximately 60 at-risk community youth annually. Participating youth receive approximately 160 hours of paid employment.

\$26,500 – Hourly Development Associate and Computer Purchase

The Parks and Recreation Department will be the recipient of funds from the PARC Foundation in FY16 to reimburse the City for the purchase of a new computer (\$1,500) and to fund a 20 hour a week hourly Development Associate (\$25,000) who is assisting with the administration of the PARC Foundation and its annual campaign as well as fund development events and activities that benefit PARC and the Parks and Recreation Department.

BUDGET/FINANCIAL INFORMATION:

Appropriations and estimated revenues in the FY 2016 Parks and Recreation Department Miscellaneous Grants Fund will be increased by \$45,000 as a result of the PARC Foundation contributions.

PREPARED BY: Judith McCaffrey, 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: November 10, 2015

TO: Mayor and Councilmembers

FROM: Administrative Services, Police Department

SUBJECT: Police Officer And Public Safety Dispatcher Recruitment Incentive Program

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Police Officer Recruitment Incentive Program Providing Referral Incentives for City Employees and Hiring Incentives for New Police Officers; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Public Safety Dispatcher Recruitment Incentive Program Providing Referral Incentives for City Employees and Hiring Incentives for New Public Safety Dispatchers.

DISCUSSION:

In order to effectively address recruitment and hiring difficulties faced by the Santa Barbara Police Department pertaining to the positions of Police Officer Trainee and Police Officer, a Police Recruitment Incentive Program should be established. The Police Referral Incentive will encourage current City employees to recommend qualified candidates to apply for these traditionally difficult-to-fill positions.

Additionally, a Police Hiring Incentive will encourage Police Officer Trainee and lateral Police Officer candidates to accept positions with the Santa Barbara Police Department.

The Police Recruitment Incentive Programs are as follows:

1. Referral Incentive
 - a. A City employee who refers a candidate for Police Officer Trainee or Police Officer that is hired into one of these positions by the City will receive referral incentive payments of \$1,000 upon the candidate's first day of paid

employment and \$1,000 upon the new employee's successful completion of the probationary period as a Police Officer, for a total of \$2,000 per new hire.

- b. Only one referral incentive will be paid for each new hire, and the new hire must designate the person to receive the referral incentive.
- c. All City employees will be eligible to participate in the Police Referral Incentive program with the exception of those directly involved in a candidate's hiring process, executive management employees, and elected officials.

2. Hiring Incentive

- a. The Police Chief may offer a candidate for Police Officer Trainee or Police Officer a hiring incentive paid as follows: \$3,000 upon completion of the Field Training Officer (FTO) program, \$3,000 upon successful completion of the probationary period as a Police Officer, and \$6,000 upon the third anniversary of the employee's hire date, for a total of \$12,000 per new hire.
- b. Only one hiring incentive can be paid to any person.

In order to effectively address recruitment and hiring difficulties faced by the Santa Barbara Police Department pertaining to the positions of Public Safety Dispatcher Trainee and Public Safety Dispatcher, a Police Recruitment Incentive Program should be established. The Police Referral Incentive will encourage current City employees to recommend qualified candidates to apply for these traditionally difficult-to-fill positions.

Additionally, a Police Hiring Incentive will encourage Public Safety Dispatcher Trainee and lateral Public Safety Dispatcher candidates to accept positions with the Santa Barbara Police Department.

The Police Recruitment Incentive Programs are as follows:

1. Referral Incentive

- a. A City employee who refers a candidate for Public Safety Dispatcher Trainee or Public Safety Dispatcher that is hired into one of these positions by the City will receive referral incentive payments of \$1,000 upon the candidate's first day of paid employment and \$1,000 upon the new employee's successful completion of the probationary period as a Public Safety Dispatcher, for a total of \$2,000 per new hire.

- b. Only one referral incentive will be paid for each new hire, and the new hire must designate the person to receive the referral incentive.
- c. All City employees will be eligible to participate in the Police Referral Incentive program with the exception of those directly involved in a candidate's hiring process, executive management employees, and elected officials.

2. Hiring Incentive

- a. The Police Chief may offer a candidate for Public Safety Dispatcher Trainee or Police Officer a hiring incentive paid as follows: \$3,000 upon completion of the Communications Training Officer (CTO) program, \$3,000 upon successful completion of the probationary period as a Public Safety Dispatcher, and \$6,000 upon the third anniversary of the employee's hire date, for a total of \$12,000 per new hire.
- b. Only one hiring incentive can be paid to any person.

BUDGET:

Funding for the incentive program is covered in the current budget through salary savings from unfilled positions. In future years, staff plans to budget funding for the incentive program.

The referral and hiring incentive program for Police Officer and Police Officer Trainee would be effective immediately upon adoption for lateral hires. For new hires, our next planned academy class is scheduled to begin in April of 2016, with an anticipated release date from the Field Training Program in March of 2017.

The referral and hiring incentive program would be effective immediately upon adoption for both lateral hires and Public Safety Dispatcher Trainees.

PREPARED BY: Lieutenant Todd Stoney, Assistant Division Commander

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA
ESTABLISHING A POLICE OFFICER RECRUITMENT INCENTIVE PROGRAM
PROVIDING REFERRAL INCENTIVES FOR CITY EMPLOYEES AND HIRING
INCENTIVES FOR NEW POLICE OFFICERS**

WHEREAS, the City Council has determined that in order to effectively address recruitment and hiring difficulties faced by the Santa Barbara Police Department pertaining to the positions of Police Officer Trainee and Police Officer, a Police Recruitment Incentive Program should be established; and

WHEREAS, a Police Referral Incentive will encourage current City employees to recommend qualified candidates to apply for these traditionally difficult-to-fill positions; and

WHEREAS, a Police Hiring Incentive will encourage Police Officer Trainee and lateral Police Officer candidates to accept positions with the Santa Barbara Police Department; and

WHEREAS, the Memorandum of Understanding with the Santa Barbara Police Officers Association allows the City to establish recruitment incentive programs, including an Employee Referral Bonus and/or a Signing Bonus.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Barbara, adopts the following Police Recruitment Incentive Programs:

1. Referral Incentive
 - a. A City employee who refers a candidate for Police Officer Trainee or Police Officer that is hired into one of these positions by the City will receive referral incentive payments of \$1,000 upon the candidate's first day of paid employment and \$1,000 upon the new employee's successful completion of the probationary period as a Police Officer, for a total of \$2,000 per new hire.
 - b. Only one referral incentive will be paid for each new hire, and the new hire must designate the person to receive the referral incentive.
 - c. All City employees will be eligible to participate in the Police Referral Incentive program with the exception of those directly involved in a candidate's hiring process, executive management employees, and elected officials.
2. Hiring Incentive
 - a. The Police Chief may offer a candidate for Police Officer Trainee or Police Officer a hiring incentive paid as follows: \$3,000 upon completion of the Field Training Officer (FTO) program, \$3,000 upon successful completion of the probationary period as a Police Officer, and \$6,000 upon the third anniversary of the employee's hire date, for a total of \$12,000 per new hire.
 - b. Only one hiring incentive can be paid to any person.
3. The City Administrator may establish additional standards and limitations for these incentives that are not inconsistent with these provisions.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA
ESTABLISHING A PUBLIC SAFETY DISPATCHER RECRUITMENT
INCENTIVE PROGRAM PROVIDING REFERRAL INCENTIVES FOR CITY
EMPLOYEES AND HIRING INCENTIVES FOR NEW PUBLIC SAFETY
DISPATCHERS**

WHEREAS, the City Council has determined that in order to effectively address recruitment and hiring difficulties faced by the Santa Barbara Police Department pertaining to the positions of Public Safety Dispatcher Trainee and Public Safety Dispatcher, a Police Recruitment Incentive Program should be established; and

WHEREAS, a Police Referral Incentive will encourage current City employees to recommend qualified candidates to apply for these traditionally difficult-to-fill positions; and

WHEREAS, a Police Hiring Incentive will encourage Public Safety Dispatcher Trainee and lateral Public Safety Dispatcher candidates to accept positions with the Santa Barbara Police Department; and

WHEREAS, the Memorandum of Understanding with the Santa Barbara Police Officers Association allows the City to establish recruitment incentive programs, including an Employee Referral Bonus and/or a Signing Bonus.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Barbara, adopts the following Police Recruitment Incentive Programs:

1. Referral Incentive
 - a. A City employee who refers a candidate for Public Safety Dispatcher Trainee or Public Safety Dispatcher that is hired into one of these positions by the City will receive referral incentive payments of \$1,000 upon the candidate's first day of paid employment and \$1,000 upon the new employee's successful completion of the probationary period as a Public Safety Dispatcher, for a total of \$2,000 per new hire.
 - b. Only one referral incentive will be paid for each new hire, and the new hire must designate the person to receive the referral incentive.
 - c. All City employees will be eligible to participate in the Police Referral Incentive program with the exception of those directly involved in a candidate's hiring process, executive management employees, and elected officials.
2. Hiring Incentive
 - a. The Police Chief may offer a candidate for Public Safety Dispatcher Trainee or Public Safety Dispatcher a hiring incentive paid as follows: \$3,000 upon completion of the Communications Training program, \$3,000 upon successful completion of the probationary period as a Public Safety Dispatcher, and \$6,000 upon the third anniversary of the employee's hire date, for a total of \$12,000 per new hire.
 - b. Only one hiring incentive can be paid to any person.
3. The City Administrator may establish additional standards and limitations for these incentives that are not inconsistent with these provisions.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

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

SUBJECT: TEFRA (Tax Equity And Fiscal Responsibility Act) Hearing For 510 N. Salsipuedes (Jardin De Las Rosas Apartments) Debt Issuance

RECOMMENDATION:

That Council hold a public hearing and adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara approving the issuance of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$15,000,000 for the purpose of financing the acquisition, construction, improvement, and equipping of a 40-unit multifamily rental housing facility and certain other matters relating thereto.

DISCUSSION:

Peoples' Self-Help Housing Corporation (PSHHC) acquired the Property located at 510 N. Salsipuedes with financial assistance from the City's former Redevelopment Agency with funds from the Housing Setaside in the form of a \$2,000,000 acquisition loan. PSHHC proposes to build thirty-nine (39) rental units for extremely low-, very low-, and low-income households plus one (1) manager's unit for a total of forty (40) units on the Property ("Project").

In 2013, the City provided a \$900,000 HOME loan for pre-development and construction costs. PSHHC attempted to secure additional financing for the Project through 9% Low Income Housing Tax Credits but has been unsuccessful in two competitive applications. PSHHC now intends to borrow funds through a tax-exempt bond financing issued by the California Municipal Finance Authority. Additionally, PSHHC will apply for non-competitive 4% housing tax credits.

The PSHHC is requesting that the California Municipal Finance Authority serve as the municipal issuer of revenue bonds in an aggregate principal amount not to exceed \$15,000,000. The proceeds of the bonds will be used, in conjunction with City financing already provided and non-competitive 4% tax credits, to enable Jardin De Las Rosas, L.P.

Council Agenda Report

TEFRA (Tax Equity And Fiscal Responsibility Act) Hearing For 510 N. Salsipuedes (Jardin De Las Rosas Apartments) Debt Issuance

November 10, 2015

Page 2

(the “Borrower”), to finance the construction of the 40-unit affordable multifamily rental housing facility located within the City of Santa Barbara.

Under federal and state law, in order for all or a portion of the bonds to qualify as tax-exempt, the governing body of any local entity within which bond proceeds are to be spent must: (1) conduct a public hearing and (2) approve the issuance of the debt. Therefore, because the new financing will benefit the Project, which is located within the City of Santa Barbara, the City Council must hold a public hearing and adopt a resolution approving the debt issuance. Council has held numerous such TEFRA (Tax Equity and Fiscal Responsibility Act) hearings.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the “Foundation”), acts as the Board of Directors for the California Municipal Finance Authority (CMFA). Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities such as the City and, in addition, donates a portion of the issuance fees for the support of local charities. With respect to the City of Santa Barbara, it is expected that 25% of the issuance fee, estimated at \$9,000, will be granted by the CMFA to the general fund of the City. Such a grant may be used for any lawful purpose of the City. The Borrower will also receive a 25% reduction in issuance fees.

It is important to understand that the City is in no way associated with the debt issuance and is not obligated to make debt service payments on the bonds. In addition, holding a public hearing and adopting a resolution in no way makes the City a party to the debt issuance. Federal laws governing these types of hearings recognize that non-profit agencies typically do not have the facilities to conduct their own public hearings; therefore, the local jurisdictions are allowed to loan their facilities and process to hold public hearings for the benefit of the issuing agency.

Staff recommends that the City hold the public hearing and adopt the resolution approving the issuance of bonds by the California Municipal Finance Authority.

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

SUBMITTED BY: George R. Buell, Community Development Director

APPROVED BY: City Administrator’s Office

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF A 40-UNIT MULTIFAMILY RENTAL HOUSING FACILITY AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Jardin De Las Rosas, L.P., a California limited partnership (collectively, the “Borrower”), has requested the California Municipal Finance Authority (the “Authority”) to issue one or more series of revenue bonds in an aggregate principal amount not to exceed \$15,000,000 (the “Bonds”) for the acquisition, construction, improvement and equipping of a 40-unit affordable multifamily rental housing facility (the “Project”) to be owned and operated by the Borrower and located within the City of Santa Barbara (the “City”); and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the City because the Project is to be located within the territorial limits of the City; and

WHEREAS, the City Council of the City (the “City Council”) is the elected legislative body of the City and is one of the “applicable elected representatives” required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies, including the City; and

WHEREAS, notice of a public hearing by the City Council regarding the financing of the Project has been duly given as required by the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has held a public hearing regarding the issuance of the Bonds at which all interested persons were given an opportunity to be heard on all matters relative to the location, operation and financing of the Project, including the Authority’s issuance of the Bonds and subsequent lending of the proceeds thereof to the Borrower to finance the Borrower’s Project; and

WHEREAS, it is in the public interest, for the public benefit and in furtherance of the public purpose of the City that the City Council approve the issuance of the Bonds by the Authority;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Santa Barbara, as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority to provide funds to make a loan to the Borrower to enable the Borrower to finance the Project.

Section 3. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code and (b) Section 4 of the Agreement.

Section 4. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Santa Barbara this 10th day of November, 2015.

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

[SEAL]

Attest:

By: _____
City Clerk



CITY OF SANTA BARBARA
COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Ariel Calonne, City Attorney
Gwen Peirce, City Clerk Services Manager

SUBJECT: Updated City Council Rules of Procedure

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance Of The Council Of The City Of Santa Barbara Amending Chapter 2.04 Of The Santa Barbara Municipal Code Pertaining To Council Meetings; and
- B. Adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Adopting Rules Of Procedure Governing The Conduct Of City Council Meetings And Rescinding Resolution No. 09-097.

EXECUTIVE SUMMARY:

The City Council's rules of procedure are outdated. The Ad Hoc Council Procedures Committee, City Attorney and City Clerk have prepared a comprehensive update for Council consideration. The updates will improve and streamline public participation in Council meetings and add several important due process, government transparency and sunshine protections.

DISCUSSION:

On May 12, 2015, the City Council appointed an Ad Hoc Council Procedures Committee and directed preparation of new Council Procedural Rules in conjunction with the City Attorney and City Clerk. The Committee included Council Members Hotchkiss, Murillo and White. The issues of concern identified at that time include eliminating the circa-1969 municipal code's reliance upon Robert's Rules of Order and modernizing the Council's public hearing procedures to meet current due process/fair hearing standards. The Committee met in June, July and September 2015 to consider revisions to the rules

of procedure. The City Administrator, City Clerk Services Manager and City Attorney provided staff support.

Several themes emerged. First and foremost, the Committee opted for several procedural changes that are designed to improve the public's opportunities to participate in Council meetings. These kinds of changes are referred to as government transparency or "sunshine" protections because they assure and expand the public's ability to monitor and participate in City business. Secondly, the Committee undertook changes to streamline public meeting and hearing procedures. Third, the Committee adopted sweeping due process/fair hearing revisions that will ensure Council hearings are conducted in accordance with modern legal requirements.

On September 25, 2015, the City Attorney circulated the draft rules of procedure to eight local land use attorneys for review and comment. Three comments were received.

Marc Chytlo expressed concern that the deadline for the submission of written materials established in section 3.4.1 was too early and that the requirement that 11 copies be provided was too burdensome. Council may wish to consider this section specifically.

Former County Counsel Shane Stark commented that the rules "are comprehensive and appear to balance orderly council business and protected rights of the public. A commendable effort. Kudos for using Rosenberg's Rules of Order. If I recall correctly, Rosenberg adapted Robert's Rules to modern local government practice."

Former City Attorney Steve Amerikaner commented favorably on the rules ("Overall it's an excellent job. Thorough, clear and easy to follow") and suggested further tightening the rule discouraging late submission of written material for quasi-judicial hearings by allowing the Council to disregard materials submitted after a 72 hour pre-council meeting deadline. The current proposal states:

3.4.2. The City Council shall be under no legal obligation to review any written or other materials that are ***submitted the day of the Council meeting***. The City Council may, but need not, review and consider late-submitted materials if it chooses to do so.

Council may wish to consider this section specifically.

The major changes are summarized below in tabular form for convenient reference:

Section	Impact	Benefit
3.1.5	Adds a second public comment period at the end of the meeting when necessary to accommodate more than 15 speakers.	Allows all public commenters to be accommodated at each meeting
3.3.3	Implements open meeting and open records requirements by urging Council Members to forward emails relating to Council agenda items to the City Clerk when it is apparent that the email has been sent to a majority of the Council.	Assures transparency of Council communications on agenda items
3.4	Discourages late submission of voluminous written materials by requiring materials to be submitted the Tuesday before the agenda packet is distributed.	Assures full consideration by Council of written materials
4.6	Adopts <i>Rosenberg's Rules of Order for the 21st Century</i> as a replacement for Robert's Rules. Limits reconsideration motions to the same meeting unless 2/3 of Council allows a later reconsideration by voting to suspend the rules.	Modernizes and streamlines archaic, cumbersome procedural rules
4.7.4	Formalizes existing memos that offer guidance on the conduct of site visits.	Publishes currently uncodified site visit procedures for the benefit of the public
4.7.11	Deletes 2.5 hour time limit for Council appeal hearings. Deletes 30 minute limit on Council deliberations.	Assures full consideration of important Council appeals
4.7.11.1.2 4.7.11.1.3	Reduces appellant and applicant presentation time from 30 to 20 minutes unless modified by action of the Mayor or Council.	Conforms time limits to typical presentation lengths while allowing for extended presentations if necessary
4.11	Requires Requests to Speak to be submitted before the agenda item is read by the Deputy City Clerk.	Prevents late submissions that disrupt time allocations by the Mayor
4.12.2	Doubles public comment time from 1 to 2 minutes. Creates a second public comment agenda item at the end of the meeting if more than 15 speakers sign up at the beginning of	Allows for more expansive public comment rights

Section	Impact	Benefit
	the meeting.	
4.12.3	Authorizes speakers to pool time up to ten minutes.	Allows speakers to work together for more impactful presentations
4.13.2	Updates prohibition on disrupting Council meetings to meet constitutional standards.	Eliminates outdated decorum rules that prohibit, for example, "impertinent" comments
4.13.3	Requires all electronic devices to be used in silent mode.	Prevents annoying meeting disruptions
4.13.4	Prohibits pole signs and certain large signs in the Council chambers.	Assures safety and visibility in the Council chambers
4.14	Establishes new Quasi-Judicial Hearing Rules of Procedure	Updates Council procedures to meet current due process standards for fair hearings
4.14.4	In order to provide notice to the public and Council, requires staff to identify on the agenda those items to which the quasi-judicial procedures apply.	Adds transparency by notifying Council and the public of quasi-judicial matters
4.14.5	Establishes Council policy to avoid and discourage <i>ex parte</i> contacts on quasi-judicial matters	Updates Council procedures to meet current due process/fair hearing standards
4.14.6	Requires disclosure of <i>ex parte</i> contacts that do occur.	Updates Council procedures to meet current due process/fair hearing standards
4.14.7	Forbids <i>ex parte</i> contacts after a public hearing is closed if a decision is still pending.	Updates Council procedures to meet current due process standards for fair hearings

Section	Impact	Benefit
4.14.13	Prohibits the use of electronic devices by Council Members for communications during quasi-judicial hearings. Allows the use of computers and other devices for research or reviewing agenda materials.	Assures transparency by eliminating the perception of secret communications during quasi-judicial hearings
5	Power of Censure	Establishes censure process as a means of addressing Council violation of procedures

We believe the foregoing changes will significantly improve Council meeting procedures.

ATTACHMENTS: Rosenberg's Rules of Order for the 21st Century

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be

as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



1400 K Street, Sacramento, CA 95814
(916) 658-8200 | Fax (916) 658-8240
www.cacities.org

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**AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING
CHAPTER 2.04 OF THE SANTA BARBARA
MUNICIPAL CODE PERTAINING TO
COUNCIL MEETINGS**

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

SECTION 1. Chapter 2.04 of Title 2 of the Santa Barbara Municipal Code is
amended in its entirety to read as follows:

2.04.010 Regular Meeting Schedule.

Regular meetings of the City Council shall be held in the Council Chambers in
the City Hall on each Tuesday of each week at a time set by resolution.

~~**2.04.020 Adjourned Meetings.**~~

~~Any regular Council meeting may be adjourned to any day between the regular
meetings commencing at such time as may be ordered, and such adjourned meetings
shall be deemed as a continuance of the last preceding regular meeting.~~

~~**2.04.030 Special Meetings - Time - Mayor.**~~

~~Special meetings may be held on any day, commencing at any hour and shall be
called by the Mayor or four (4) members of the Council in the following manner:~~

~~When called by the Mayor or by four (4) members of the Council, the Mayor or
four (4) members of the Council shall, by a written notice, require the City Clerk to issue
under his hand and seal a written notice of the time of holding such meeting. Such
notice must contain the subject to be discussed or acted upon at the special meeting.
Such notices shall be personally served by the Police Department upon the Mayor, City~~

~~Attorney, and each member of the Council, or left at the residence or place of business of such person not less than five (5) hours before such special meeting.~~

2.04.040020 Rules of DebateProcedure.

A. The City Council shall from time to time adopt by resolution rules of procedure governing the conduct of City Council meetings.~~(a) Getting the floor. Every Councilmember desiring to speak shall first address the chair, gain recognition by the presiding officer, and shall confine himself to the question under debate, avoiding personalities and indecorous language.~~

B. The rules of procedure adopted pursuant to this chapter are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the City Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

~~——(b) Questions to staff. Every Councilmember desiring to question the City staff shall, after recognition by the presiding officer, address his questions to the City Administrator, the City Clerk or the City Attorney, who shall be entitled to either answer the inquiry himself or to designate a member of his staff for that purpose.~~

~~——(c) Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, unless a point of order or personal privilege is raised by another Councilmember, or unless the speaker chooses to yield to a question by Councilmember. If a Council member, while speaking, is called to order, he shall cease speaking until the question of order is determined and, if determined to be in order, he may proceed. Members of the City staff after recognition~~

~~by the presiding officer shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.~~

~~——(d) Point of personal privilege. The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned or where the welfare of the Council is concerned. A Councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor only if the presiding officer recognizes the privilege.~~

~~——(e) Privilege of closing debate. The Councilmember moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate.~~

~~——(f) Limitation of debate. No Councilmember shall be allowed to speak more than once upon any particular subject until every other Councilmember desiring to do so shall have spoken. There shall be no debate or further discussion of the subject matter following order for roll call by the presiding officer.~~

~~——(g) Remarks of Councilmember and synopsis of debate. A Councilmember may request through the presiding officer the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.~~

~~——(h) Except as provided by the City Charter, by ordinance, by other rules adopted by the Council or by applicable provisions of State law, the procedures of the Council shall be governed by Robert's Rules of Order, revised, Seventy-Fifth Anniversary Edition.~~

~~——(i) Failure to observe rules of order. Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and~~

~~the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.~~

2.04.050 Addressing the Council.

~~(a) Manner of addressing the Council. Each person desiring to address the Council shall step up to the microphone in front of the rail, state his name and address for the record, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons. All remarks shall be addressed to the Council as a whole and not to any member thereof. No question shall be asked a Councilmember or a member of the City staff without the permission of the presiding officer.~~

~~(b) Limitation of discussion. In order to expedite matters and to avoid repetitious presentations, it shall be proper for the presiding officer to limit the number of persons addressing the Council on a given subject, and to also establish reasonable time limits for presentations.~~

~~(c) After motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so from the presiding officer.~~

2.04.060030 Decorum.

~~(a)A.~~ Councilmembers. While the City Council is in session, ~~the each~~ Councilmember ~~members~~ must preserve order and decorum, and a Council member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the City Council nor disturb any Council member while speaking or refuse to

obey the orders of the ~~presiding officer~~Mayor. ~~Members of the Council shall not leave their seats during a meeting without first obtaining the permission of the presiding officer.~~

~~(b)B.~~ B. Persons addressing the City Council and persons in attendance at City Council meetings. All persons addressing the City Council or in attendance at a City Council meeting shall comply with the rules of procedure adopted by resolution pursuant to this chapter. ~~Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the Council shall be called to order by the presiding officer and, if such conduct continues, may at the discretion of the presiding officer be ordered barred from further audience before the Council or excluded from the Chambers for the duration of that meeting.~~

~~(c) Members of the audience.~~ Any person in the audience who engages in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling and similar demonstrations, which conduct disturbs the peace and actually disrupts the good order of the meeting, or who refuses to comply with the lawful orders of the ~~presiding officer~~Mayor, shall be, upon instructions from the ~~presiding officer~~Mayor, removed from the ~~meeting~~Council Chambers by the sergeant-at-arms.

~~(d)C.~~ C. Enforcement of decorum. The Chief of Police, or such member or members of the Police Department as he or she may designate, shall be sergeant-at-arms of the City Council and shall carry out all orders given by the ~~presiding officer~~Mayor for the purpose of maintaining order and decorum at the Council meetings. Any Councilmember may move to require the ~~presiding officer~~Mayor to enforce the

rules and the affirmative vote of a majority of the Council shall require ~~him~~ the Mayor to do so.

~~(e)~~ D. Authorized persons within rail. No person except City officials, their representatives and news media representatives, shall be permitted within the rail in front of the Council Chambers, without the express consent of the ~~Council~~ Mayor.

~~2.04.070~~ **Procedure.**

~~(a) Motions; second not required. A motion by any member of the Council, including the presiding officer, may be considered or discussed by the Council without receiving a second.~~

~~(b) Voting procedure. Any vote of the Council, including a roll call vote, may be registered by the members by answering "Yes" for an affirmative vote or "No" for a negative vote upon his name being called by the City Clerk.~~

~~(c) Disqualification for conflict of interest. Any Councilmember who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the presiding officer state the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Councilmember affected, be decided by the other Councilmembers. A Councilmember who is disqualified by reason of a conflict of interest in any matter shall not remain in his seat during the debate and vote on such matter. A Councilmember stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.~~

~~(d) Failure to vote. Every Councilmember should vote unless disqualified by reason of a conflict of interest. A Councilmember who abstains from voting in effect consents that a majority of the quorum may decide the question voted upon.~~

~~(e) Tie vote. Tie votes shall be lost motions.~~

~~(f) Changing vote. A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.~~

~~(g) Reconsideration. A motion to reconsider any action taken by the Council may be made only at the meeting such action was taken or at the next regular meeting of the Council. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion may be made only by one (1) of the Councilmembers who voted with the prevailing side. Nothing herein shall be construed to prevent any Councilmember from making or remaking the same or any other motion at a subsequent meeting of the Council.~~

2.04.080040 Ordinances, Resolutions and Contracts.

~~(a)~~A. All ordinances shall be prepared for presentation to the City Council pursuant to the provisions of this chapter. All ordinances shall be prepared by the City Attorney.

~~(b)~~B. All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Administrator, subject to any time limit imposed by this Code.

~~(e)~~C. At the time of introduction or adoption of an ordinance or a resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmembers present. Such consent may be expressed by a statement by the ~~presiding officer~~Mayor to the effect that if there is no objection, the further reading of the ordinance or resolution shall be waived. All emergency ordinances must be read in full.

~~2.04.090 Charter Amendments – Preparation – Submission to Council.~~

~~—The Mayor or any member of the City Council may request the City Attorney to prepare a Charter amendment for submission to the vote of the electors. Such Charter amendment, when prepared by the City Attorney, shall be reviewed by the person or persons requesting the same, and shall thereupon be circulated to all members of the City Council, and shall not be introduced as a measure earlier than two (2) weeks following its submission to the City Council.~~

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA ADOPTING RULES OF
PROCEDURE GOVERNING THE CONDUCT OF
CITY COUNCIL MEETINGS AND RESCINDING
RESOLUTION NO. 09-097

WHEREAS, Santa Barbara Municipal Code section 2.04.020 and City Charter section 509 authorize the City Council to adopt by resolution rules of procedure governing the conduct of City Council meetings; and,

WHEREAS, the City Council wishes to adopt such rules of procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Santa Barbara City Council Rules of Procedures attached to this Resolution as Exhibit "A" are hereby adopted.

SECTION 2. Resolution No. 09-097 is hereby rescinded.

CITY OF SANTA BARBARA

CITY COUNCIL PROCEDURES



November 10, 2015

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SANTA BARBARA CITY COUNCIL PROCEDURES

1. INTRODUCTION

1.1. **Usage.** These City Council Procedures (“Procedures”) are intended to guide the preparation for and conduct of City Council meetings.

1.2. **Procedures are Directory Only.** These Procedures are directory, not mandatory. No action of the City Council shall be held invalid due to any failure to observe the provisions of these procedures, nor shall any person have a claim or cause of action against the City or any of its officers or employees as a result of any such failure.

2. MEETING PREPARATION

2.1. **Staff Placing Matters on the Agenda.** The City Administrator/City Clerk shall be responsible for establishing the City Council agenda, in consultation with the Mayor and Mayor Pro Tem. Each item of business to be considered at a regular City Council meeting must appear on the agenda for that meeting, except as provided in these procedures or under state law. The agenda shall include a brief general description of each item of business to be transacted or discussed. The description should reasonably inform the public as to the nature of the item and any potential action. For example, a land use item should include the street address of the property involved and a description of the approvals being sought, as well as the proposed form of environmental review. The draft Council Agenda Report and associated documents pertaining to an item on the agenda of the City Council and which is to be distributed with the agenda shall be delivered to the City Clerk no later than 12:00 p.m. on the Tuesday two weeks preceding the regular City Council meeting. Draft reports shall not be publicly disclosable until distributed to a majority of the City Council.

2.2. **Mayor and Council Agenda Requests.** Any two Councilmembers may direct that an item be placed on a City Council agenda by submitting a written request to the City Administrator/City Clerk. The written request must, at a minimum, contain all of the following:

2.2.1. A substantive outline or summary of the information that will be presented to the City Council;

2.2.2. A concise statement of the specific action the City Council will be asked to take on the item; and

2.2.3. A statement of the reasons why the requesting Councilmembers believe it is appropriate and within the jurisdiction of the City Council to consider this subject matter and to take the requested action.

SANTA BARBARA CITY COUNCIL PROCEDURES

2.3. **Public Agenda Requests.**

2.3.1. A member of the public may request that an item be placed on the City Council's agenda only by providing the City Administrator/City Clerk with a written request for such consideration. The written request must, at a minimum, contain all of the following:

2.3.1.1. A substantive outline or summary of the information that will be presented to the City Council;

2.3.1.2. A concise statement of the specific action the City Council will be asked to take on the item; and

2.3.1.3. A statement of the reasons why the requesting party believes it is appropriate and within the jurisdiction of the City Council to consider this subject matter and to take the requested action.

2.3.2. Upon receipt of such an agenda item request, the City Administrator/City Clerk shall forward a complete copy of the request to all Councilmembers, City Attorney, and to any other City staff the City Administrator/City Clerk deems appropriate. Thereafter, such an agenda item request shall be placed on a City Council agenda only upon a written request from at least two Councilmembers to the City Administrator/City Clerk.

2.3.3. A member of the public who makes an oral request during a City Council meeting that an item be placed on a future agenda shall be advised that, for such a request to be processed further, the request must be made in writing in accordance with the requirements of these procedures.

2.4. **Consent Calendar.** The Consent Calendar shall be comprised of items which, in the City Administrator/City Clerk's judgment, will not require discussion. A Consent Calendar item shall be 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 of the City Council. Items on the Consent Calendar will not be read unless the Deputy City Clerk is so directed by the Mayor; and the approval of a motion of the City Council to accept the Consent Calendar shall be deemed to have been preceded by a reading of each individual item by the Deputy City Clerk.

SANTA BARBARA CITY COUNCIL PROCEDURES

3. AGENDAS

3.1. Agenda Posting.

3.1.1. Physical Posting Locations. The agenda for each regular City Council and Standing Committee meeting shall be available and posted at the City Clerk's Office, City Hall Public Notice Board, and City's website on the Thursday preceding the meeting. The City Clerk's Office shall report to the City Council the date and place of posting the agenda for that meeting, and the report shall be reflected in the agenda and minutes of the meeting. The Council Agenda Packet also will be available at the Central Library on the Thursday preceding the meeting. Agenda revisions may be posted as late as 72 hours before the meeting.

3.1.2. Internet Agenda Posting. All agendas for City Council meetings and Standing Committee meetings shall be posted to the City's website no later than 72 hours before the meeting. In the event that the website goes down or otherwise is inaccessible for all or part of the 72 hours preceding the meeting due to technical difficulties or other factors not within the City's control, the meeting may proceed.

3.1.3. Significant Issues Before Council. The City Administrator/City Clerk shall develop and maintain an advance listing of significant issues that are likely to come before the Council.

3.1.4. Agenda Packet Distribution. The Council agenda packet consisting of the agenda and Council Agenda Reports will be distributed to each Councilmember and those City officers and employees designated by the City Administrator/City Clerk generally by 3:00 p.m. on Thursday preceding the regular City Council meeting. By that hour, copies of the agenda and Council Agenda Reports shall be available to the press and public in the City Clerk's Office and on the City's website. Any person may have a copy of an agenda mailed by the City Clerk's Office by providing a self-addressed, postage pre-paid envelope of sufficient size to accommodate the agenda. The City Administrator is authorized to direct early distribution of Council Agenda Reports that are large or of considerable public interest in order to achieve wider public distribution and more time for study by the City Council.

3.1.5. Order of Business. City Council business at a regular meeting shall be conducted in the following order except as otherwise directed by the City Council or the City Administrator/City Clerk, who is authorized to exercise flexibility in establishing the order of agenda items to be considered at each City Council meeting:

SANTA BARBARA CITY COUNCIL PROCEDURES

AFTERNOON SESSION – 2:00 P.M.

12:30 p.m. Finance Committee Meeting

12:30 p.m. Ordinance Committee Meeting

2:00 p.m. Regular Successor Agency Meeting

2:00 p.m. Regular City Council Meeting:

- Pledge of Allegiance
- Roll Call
- Ceremonial Items
- Changes to the Agenda
- Public Comment
- Consent Calendar
- Report from the Finance Committee
- Report from the Ordinance Committee
- Successor Agency Reports
- City Council Administrative and Attorney Reports
- Mayor and Council Reports
- Requests from the Public
- Board and Commission Reports
- Public Hearings
- Council and Staff Communications
- Councilmember Committee Assignment Reports
- Public Comment (If Necessary)
- Closed Sessions
- Work Sessions

EVENING SESSION – 6:00 P.M.

- Roll Call
- Public Comment
- Public Hearings
- Mayor and Council Reports
- Requests from the Public
- City Council Administrative and Attorney Reports
- Board and Commission Reports
- Work Sessions
- Public Comment (If Necessary)
- Adjournment

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3.2. **Adding Matters to an Agenda.** Except as provided in this paragraph or as otherwise provided by law, no action shall be taken at a regular City Council meeting on any item which does not appear on the posted agenda. An item may be added to the agenda after the agenda has been published and posted upon a determination by a two-thirds vote of the City Council (or a unanimous vote if less than two-thirds of the City Council is present); the vote shall be on a motion stating and finding that there is a need to take immediate action and the need for action came to the attention of the City after the agenda was published and posted. Any such motion shall be accompanied by distribution of a written statement, to be included in the record, stating the facts upon which it can be determined that the need to take action arose after the agenda was published and posted. If it is infeasible to present such a written statement of reasons, the City Clerk's Office shall include in the minutes of the meeting a statement of the reasons for the City Council's determination. In addition, action may be taken on an item not on the posted agenda under the circumstances stated in Government Code Sections 54954.2(b)(1) [emergency] and 54954.2(b)(3) [continued regular meetings].

3.3. **Written Materials and Public Records.**

3.3.1. Agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at an open meeting of the City Council are disclosable public records under the California Public Records Act.

3.3.2. If a writing that is a public record as provided above, and that relates to an agenda item for an open session of a regular meeting of the City Council, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection at the time the writing is distributed to all, or a majority of all, of the members of the Council. Any writing described above shall be available for public inspection in the City Clerk's Office. The City shall list the address of this office or location on the agendas for all meetings of the City Council. The City Clerk may also post the writing on the City's website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

3.3.3. The Mayor and each member of the City Council shall use their best efforts to forward to the City Administrator/City Clerk and City Clerk Services Manager any email received at an official City email address in connection with a matter subject to discussion or consideration at an open meeting when it is apparent from the address or cc lines that the email has been distributed to a majority of the City Council. Any writing described above shall be available for public inspection in the City Clerk's Office.

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3.4. **Submission of Materials by the Public for Council Consideration.**

3.4.1. In order to assure adequate time for consideration of voluminous and complex material, members of the public who wish to submit written or other materials for consideration by the City Council in connection with an agenda item should provide 11 copies of the material to the City Clerk's Office no later than Tuesday at 5:00 p.m. the week before the agenda item is to be heard by the City Council. The City Clerk shall distribute this material with the week's agenda packet on Thursday.

3.4.2. The City Council shall be under no legal obligation to review any written or other materials that are submitted the day of the Council meeting. The City Council may, but need not, review and consider late-submitted materials if it chooses to do so.

4. MEETING PROCEDURES

4.1. **Presiding Officer.**

4.1.1. Mayor. The Mayor shall be the presiding officer at all meetings of the City Council and shall be included as a member of the City Council for all purposes unless otherwise expressly provided. He or she shall be counted in determining a quorum and shall be entitled to vote on all matters, but shall possess no veto power. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. He or she shall be the official head of the City for all ceremonial purposes. The Mayor shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, decide all questions of order in accordance with these procedural rules, and announce the Council's vote on all actions or direct the City Administrator/City Clerk to do so. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. Any Councilmember, with the exception of the presiding officer, may move to appeal a decision of the presiding officer. If the appeal motion is seconded by another Councilmember, the Council shall vote on the appeal. If the appeal motion is not seconded, the presiding officer's decision shall stand. The presiding officer's name shall be called last on any question in voting. The Mayor shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, he or she may inform the people of any change in policy or program. The Mayor shall perform such other duties consistent with his office as may be prescribed by the Charter or as may be imposed by the City Council.

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4.1.2. **Mayor Pro Tempore.** The Mayor Pro Tempore shall perform the duties of the Mayor during the absence or disability of the Mayor.

4.1.3. **Succession to Mayor and Mayor Pro Tempore.** During the absence or disability of the Mayor and the Mayor Pro Tempore, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Ordinance Committee. During the absence or disability of the Mayor, Mayor Pro Tempore, and Chair of the Ordinance Committee, the duties of the Mayor shall be performed by the Councilmember serving as Chair of the Finance Committee.

4.2. **Recording Votes.** The vote of each Councilmember shall be recorded for each item of business on the agenda. The City Council shall publicly report any action taken and the vote or abstention on that action of each Councilmember present for the action.

4.3. **Disqualification for Conflict of Interest.** Pursuant to the regulations of the Fair Political Practices Commission, the Mayor, each Councilmember and any staff with a disqualifying conflict of interest shall, following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, do all of the following: (1) The public official shall publicly identify: (A) Each type of economic interest held by the public official which is involved in the decision and gives rise to the conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and (B) The following details identifying the economic interest(s): (i) if an investment, the name of the business entity in which each investment is held; (ii) if a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity; (iii) if real property, the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence; (iv) if income or gifts, then identification of the source; and (v) if personal financial effect, then identification of the expense, liability, asset or income affected. (2) Form of Identification: If the governmental decision is to be made during an open session of a public meeting, the public identification shall be made orally and shall be made part of the official public record.

4.4. **Changing Votes.** The Mayor or any Councilmember may change their vote only by announcing their request immediately after the vote in question and before the next agenda matter is announced for discussion.

4.5. **General Rule of Debate.** Each motion is to be clearly framed and stated. Each amendment to a motion shall be by separate motion. The following procedure shall be followed (except when the City Council is considering an appeal from the decision of a City board or commission):

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4.5.1. The item shall be presented by its proponent (Councilmember, staff, Commission member, public, etc.).

4.5.2. City Council questions to proponent.

4.5.3. City staff report and City Council questions to City staff.

4.5.4. Public input from persons who wish to speak.

4.5.5. City Council debate.

4.5.6. Decision.

4.6. **Rosenberg's Rules of Order.** The procedures of the City Council shall be governed by Rosenberg's Rules of Order, *Simple Rules of Parliamentary Procedure for the 21st Century* Rosenberg's Rules, as revised. The City Attorney shall serve as Parliamentarian.

4.6.1. Mayor and City Council Authority over Procedural Rules. The Mayor shall establish any procedural rule not specified in these procedures, subject to appeal by vote of a majority of those City Councilmembers present and voting.

4.7. **Types of Meetings.**

4.7.1. Regular Meetings. Regular meetings of the City Council shall be held in the Council Chambers in City Hall on each Tuesday of each week at 2:00 p.m., except when cancelled by the City Council.

4.7.2. Special Meetings. A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by delivering written notice to each member of the City Council and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the City's website. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the City Administrator/City Clerk a written waiver of notice. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. Notwithstanding any other law, the City

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Council shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in Government Code Section 3511.1(d).

4.7.3. Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the City Administrator/City Clerk may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

4.7.4. Site Visits. The City Council may conduct adjourned or special meeting to conduct site visits on agenda items.

4.7.4.1. The purpose of a site visit is to permit the City Council to view and inspect the physical aspects of real property and development projects that may be the subject of an agenda item.

4.7.4.2. The Mayor or City staff will state at the beginning of the site visit that the site visit is not an opportunity for anyone to make a statement regarding the agenda item. The only presentation will be an explanation of the agenda item by City staff. The City Council may ask questions of staff. Staff may refer specific questions about the physical aspects of the project to project applicants or appellants. All other public comment, argument or references to policy must be reserved for the noticed hearing on the agenda item.

4.7.4.3. Written materials shall not be distributed during the site visit.

4.7.5. Closed Sessions. The following policy and procedure shall govern the holding of closed sessions by the City Council:

4.7.5.1. Each closed session of the City Council shall be held in accordance with provisions of applicable law and these procedures.

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4.7.5.2. The subject to be discussed at each closed session shall be disclosed to Councilmembers in accordance with the provisions of the Ralph M. Brown Act.

4.7.5.3. The closed session shall not be held if the Mayor determines that the closed session is inappropriate, unless that determination is overruled by a majority vote of the City Council.

4.7.5.4. The Mayor shall preside at meetings of the City Council in closed session and shall terminate a closed session if the discussion departs from the announced subject.

4.7.5.5. A Councilmember may call for a vote to terminate a closed session at any time during the meeting.

4.7.5.6. Statements made and documents distributed or discussed in closed session are privileged from disclosure. No disclosure of any statement made in closed session or document protected from disclosure will be made by any Councilmember or by City staff, except as disclosure is authorized or required by applicable law.

4.7.5.7. If it is alleged that a Councilmember or City staff has violated these procedures:

4.7.5.7.1. The Mayor, a Councilmember, or the City Administrator/City Clerk may request a formal hearing be set at which the City Council shall hear the allegations, take sworn testimony, and review such information and evidence as may be presented.

4.7.5.7.2. The hearing shall be conducted by the Mayor, or, in the Mayor's absence, by the Mayor Pro Tempore; except that if the Mayor or the Mayor Pro Tempore shall be the individual charged, he or she shall not conduct the hearing. If both are charged, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Ordinance Committee; and if the Chair of the Ordinance Committee is unable to conduct the hearing, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Finance Committee. The City Attorney shall serve as the hearing officer and shall advise City Council on all procedural matters and may direct questions to any witness.

4.7.5.7.3. At the conclusion of the hearing, the City Council, by majority vote, shall make a finding as to whether or not any individual has violated the rules against disclosure of closed session information.

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4.7.5.7.4. If the City Council finds that a violation has occurred, the City Council shall direct the City Attorney to prepare the appropriate document for transmittal to the District Attorney or Grand Jury of Santa Barbara County requesting the bringing of an accusation for willful misconduct in office under Section 3060 of the Government Code of the State of California or as otherwise provided by law. In addition, the City Council may direct the City Attorney to undertake an appropriate civil action against the person accused, including, but not limited to, an action for breach of fiduciary duty.

4.7.6. Emergency Meetings. The City Council may conduct emergency meetings when authorized by The Ralph M. Brown Act under Government Code Section 54956.5. An emergency shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the City Council.

4.7.7. Work Sessions. A work session is ordinarily for the purpose of i) briefing Councilmembers on a subject; and ii) an informal discussion between City Council, City staff, City boards/commissions, or other agency representative(s). The City Council shall make no decisions at a work session, other than to give direction to staff for follow-up work. If there is no evening session, a work session may be set for an estimated time in the morning, such as 11:00 a.m. All Councilmembers will be polled for availability before a morning session is scheduled.

4.7.8. Teleconferenced Meetings. The City Council may conduct teleconferenced meetings pursuant to the Ralph M. Brown Act under Government Code Section 54953(b). If the City Council elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the City Council shall participate from locations within the City. The agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.

4.7.9. Budget Hearings. Pursuant to City Charter Section 1203, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

4.7.10. Public Hearings Required by Law. A public hearing on a specific agenda item shall be set for a specified time, and each written or published notice regarding that hearing shall announce its date and time. A person who

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wishes to address the City Council at a public hearing should first complete a "Request to Speak" form and deliver it to the City Administrator/City Clerk prior to the time that the item on the agenda is read by the Deputy City Clerk. The Mayor may allot the available time to those persons who have filed a Request to Speak, and the determination of the Mayor may be overruled by a majority vote of the City Council.

4.7.11. Appeals.

4.7.11.1. Presentations, comments and deliberations by the parties and City Council shall be limited as follows:

4.7.11.1.1. Presentation by City staff shall not exceed 20 minutes in length.

4.7.11.1.2. Presentation by appellant including petitioners and applicants who are appellants shall not exceed 20 minutes in length, including any time reserved for rebuttal or summation.

4.7.11.1.3. Presentation by an applicant who is not an appellant shall not exceed 20 minutes in length, including any time reserved for rebuttal or summation.

4.7.11.1.4. Presentation by City staff in response to issues raised by City Council, appellant and applicant shall not exceed 10 minutes in length.

4.7.11.1.5. Comments from any other persons shall not exceed 2 minutes in length.

4.7.11.1.6. The order and time limits may be modified by action of the Mayor or majority vote of the City Council.

4.7.11.2. The total amount of time allocated for a presentation shall include time used to respond to or to comment upon issues or facts raised by a subsequent speaker ("rebuttal"). An applicant, an appellant, or City staff may request leave of the Mayor to reserve all or a portion of their time for rebuttal. The total amount of time allocated for a presentation shall not include responses to questions posed by City Council during City Council deliberations.

4.7.11.3. These procedures set the maximum time allocated to each person or persons. Whenever feasible, presentations, comments and deliberations shall be shorter than the allocated time.

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4.7.11.4. Any person or persons whose presentation exceeds these time limits shall be ruled out of order and shall lose the floor, unless the time limit is extended by a majority vote of the City Council.

4.8. Forms of Council Action.

4.8.1. Ordinances and Resolutions. With the sole exception of emergency ordinances which take effect upon adoption, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five (5) days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of introduction or adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present, except that emergency ordinances shall be read in full. In the event that any ordinance is altered after its introduction, the same shall not finally be adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting. Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four (4) members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk. Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five (5) affirmative votes.

4.8.2. Proclamations and Letters of Recognition. Guidelines to be used for Proclamations and Letters of Recognition are the following: The request must pertain to a Santa Barbara event. The request must be submitted in writing at least three weeks in advance of the Council meeting. Only one proclamation or letter of recognition can be presented per Council meeting, with the exception of the first Tuesday of the month due to employees receiving service awards. The person making the request must be present at the Council meeting to receive the proclamation or letter of recognition. The Mayor will determine if the proposed request meets the intent of this policy and retains the right to decide if it will be issued. The Mayor retains the right to modify, edit, or otherwise amend the proposed proclamation or letter of recognition.

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4.8.3. Minute Orders. The Council may by minute order direct staff or take any other action authorized by law.

4.9. **Voting.**

4.9.1. Quorum. A majority of the Council, including the Mayor, shall constitute a quorum for the purposes of transacting City business.

4.9.2. Tie Votes. A tie vote results in rejection of the motion or action in question.

4.9.3. Votes Required on Specific Matters

4.9.3.1. General Plan and Zoning Amendments. No amendments to the City's General Plan and Zoning Ordinance shall be effective unless approved by five (5) affirmative votes of the City Council.

4.9.3.2. Franchises. Franchise shall be awarded by ordinance requiring the affirmative votes of at least four (4) members of the City Council. No franchise shall be amended except upon five (5) affirmative votes of the City Council.

4.9.3.3. Budget. The budget and any budget amendment or supplement shall require the affirmative votes of at least a majority of the total members of the Council.

4.10. **Minutes.** Upon the adoption of any order for the payment of money, or any ordinance, resolution, or upon the demand of any member, the City Administrator/City Clerk shall call the roll and shall cause the ayes and nays taken on such questions to be entered in the minutes of the meeting.

4.11. **Public Participation.** Any person wishing to address the City Council should first complete and deliver to the City Administrator/City Clerk a "Request to Speak" form prior to the time that the item on the agenda is initially read by the Deputy City Clerk. While the person's name and address is requested on the form, it need not be provided in order for a person to speak. A speaker shall not be heard during the "Public Comment" portion of the meeting on a matter scheduled before the City Council that same day.

4.12. **Public Comment.**

4.12.1. At the beginning of the 2:00 p.m. session of each regular City Council meeting, the City Council shall allow any member of the public to address them on any matter of interest that is within the subject matter jurisdiction of the City. Should City Council business continue into the evening session at 6:00 p.m.,

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the City Council shall allow any member of the public who did not address them during the 2:00 p.m. session to do so. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is not within the jurisdiction of the City.

4.12.2. Time Limits. The total amount of time for public comment shall be 30 minutes, and no individual speaker may speak for more than 2 minutes. Speakers who have submitted a "Request to Speak" form prior to the time that the item on the agenda is initially read by the Deputy City Clerk, but who cannot be heard during the initial public comment session due to the total amount of time exceeding 30 minutes, will be heard at the end of the meeting.

4.12.3. Pooling Time. Persons who speak during the public comment portion of the agenda or during public participation on an individual agenda item may pool their time with others when to do so will allow a group of speakers to consolidate and shorten their remarks. Persons who wish to pool their time shall so indicate on their Request to Speak. Each person who is donating time shall be present in the Council chambers to deliver the Request to Speak form and when the pooled-time speaker is heard. Time will be pooled up to a maximum of 10 minutes for any single speaker, regardless how many persons donate their time. A person may not donate only a portion of their time.

4.12.4. Council and Staff Responses. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public comment testimony rights. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

4.13. Decorum and Rules of Conduct.

4.13.1. Duty to Preserve Decorum. While the Council is in session, all persons shall preserve order and decorum. Any person disrupting the Council meeting shall be barred by the Mayor from further attendance at said meeting. Any member of the public who fails to comply with the rules of decorum and conduct after being warned by the Mayor, thereby requiring the Mayor to interrupt the meeting once again to restore order, shall be considered to be disrupting the Council meeting.

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4.13.2. Disruption Prohibited. No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council dais without consent. Individuals shall not be allowed to bring furniture into Council Chambers, or other items that might obstruct free passage within or ingress to or egress from Council Chambers, or to place any such obstructions in Council Chambers aisles or passage ways.

4.13.3. Electronic Devices. All electronic devices, such as phones, tablets or computers, shall be used in a silent mode so as not to disrupt the meeting with beeping, rings or other noises.

4.13.4. Signs. No sign shall be brought into the Council Chambers or displayed unless it can be held by one person without blocking the view of the dais by other persons seated in the Council Chambers. Signs shall not be affixed to poles or sticks. No sign or other material shall be affixed to the walls of the Council Chambers.

4.13.5. Sergeant-at-Arms. The Chief of Police (or representative) shall act as ex-officio sergeant-at-arms of the Council. The Police Chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum inside and outside of the Council Chambers. Persons who disrupt a Council meeting while in session are subject to arrest and prosecution. Upon instructions of the Mayor it shall be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who disrupts the proceedings of the Council meeting.

4.14. **Quasi-Judicial Hearings.**

4.14.1. Overview. It is the policy of the Council to avoid and discourage substantive oral communications or individualized written communications about quasi-judicial matters, except during a noticed public hearing. Written communications distributed to a majority of the Council shall be disclosed to the City Administrator/City Clerk and made public as required by the Ralph M. Brown Act. The following procedural guidelines are intended to implement this policy, but shall not be construed to create any remedy or right of action.

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4.14.2. Generally. These procedures are intended to assure that the due process rights of all persons are protected during quasi-judicial City hearings. Quasi-judicial hearings require a higher level of procedural due process because of the potential impact on life, liberty or property. In the land use context, quasi-judicial hearings typically involve a single parcel of land and apply facts and evidence in the context of existing law.

4.14.3. Applicability. Quasi-judicial hearing procedures will apply to the following City Council hearing matters:

4.14.3.1. Appeals from quasi-judicial matters, including but not limited to:

4.14.3.1.1. Actions of the Single Family Design Board

4.14.3.1.2. Actions of the Historic Landmarks Commission

4.14.3.1.3. Actions of the Architectural Board of Review

4.14.3.1.4. Actions of the Planning Commission

4.14.3.1.5. Permits issued by the Police or other departments that implicate liberty, property or life interests

4.14.3.1.6. Revocation of any permit in which the permittee has a vested property interest

4.14.4. Identification of Quasi-Judicial Matters on the Agenda. The City Administrator/City Clerk, in conjunction with the City Attorney, will identify agenda items involving quasi-judicial decisions on the Council agenda. This identification is intended to inform the Council, interested parties, and the public that this policy will apply to the item, but failure to identify an item shall not be cause for a continuance.

4.14.5. Policy to Avoid Ex Parte Contacts. Ex parte contacts are substantive oral or individual written communications concerning quasi-judicial matters that occur outside of noticed public hearings. City Councilmembers should avoid and discourage ex parte contacts if at all possible.

4.14.6. Disclosure of Ex Parte Contacts. If an ex parte contact does occur (which it might because the public has a hard time understanding that on quasi-judicial matters the Council's decision making is confined to the hearing), the Councilmember must disclose the contact and the substance of the information communicated on the record at the start of the public hearing. This disclosure allows people who may have a different point of view or contrary evidence to make

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their points during the hearing in response to the information you may have obtained through the ex parte contact. The disclosure might go something like this: "I was approached by the appellant last week and they told me that neighborhood traffic is much greater than the City's baseline assumptions."

4.14.7. Ex Parte Contacts After the Hearing. Ex parte contacts after a public hearing is closed and before a final decision is rendered are prohibited because there is no opportunity for rebuttal.

4.14.8. Hearings De Novo. Appeals to the Council shall be conducted *de novo*, meaning that new evidence and arguments may be presented and considered. All matters in the record before any other City board, commission or official shall be part of the record before the Council.

4.14.9. Burden of Proof. The applicant and appellant shall bear the burden of proof on all aspects of the action or relief they seek. The person with the burden of proof must offer evidence to the Council to support his or her position.

4.14.10. Rules of Evidence. Council hearings need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons rely in the conduct of serious affairs. The presiding officer may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Council.

4.14.11. Written Findings. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

4.14.12. Councilmembers Who Are Absent During Part of a Hearing. A Councilmember who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that he or she has watched or listened to a video or radio broadcast, or video or audio recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Councilmember deems himself or herself to be as familiar with the record and with the evidence presented

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at the hearing as he or she would have been had he or she personally attended the entire hearing.

4.14.13. **Council Use of Electronic Communication Devices During Meetings.** The Council's use of electronic communication devices, such as cell phones, during a quasi-judicial City Council hearing may lead to the public's perception that a Councilmember is not paying attention to the subject matter at hand or that a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving. Therefore, the Council's use of electronic communication devices (including cell phones), other than for the purpose of accessing agenda materials or conducting individual research, is prohibited during quasi-judicial City Council hearings

4.15. **Estimated Agenda Start Times for Large Groups.** The estimated time system is established to: i) minimize the amount of time that large groups would wait for City Council items; ii) recognize that estimating the duration of City Council items is imprecise and that an estimated time" should not create an unrealistic expectation that the time for taking an item is certain; and iii) avoid creating gaps in the City Council meeting flow. The estimated time system is established with the following guidelines:

4.15.1. An individual or group may request an estimated time for items with high public interest. High public interest means that a large group is planning to attend the meeting.

4.15.2. The intent of an estimated time would be to accommodate groups, not a specific individual scheduling request.

4.15.3. When an estimated time is established, the City Council item would be scheduled for the estimated time or later, e.g., 2:30 p.m. or later.

4.15.4. If multiple items are scheduled on an agenda for the same estimated time, the items would be taken in the order they appear on the agenda; for example, two items scheduled for 2:30 p.m. or later would be taken in the order they appear on the agenda.

4.15.5. Estimated time requests must be submitted to the City Administrator/City Clerk, who makes the final decision on whether to grant an estimated time request.

4.16. **Council Chambers Capacity.** Council chamber attendance is limited to the posted seating capacity. The City Administrator/City Clerk shall appropriately regulate entrance to the council chamber when the council chamber capacity is likely to be exceeded. Members of the public shall not remain standing

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in the seating area or aisles of the council chamber. Sitting on the floor is not permitted. The sergeant-at-arms shall enforce these procedures.

5. POWER OF CENSURE

The City Council establishes and reserves the power to censure members of the City Council who violate these procedures. The City Council may adopt supplemental procedures to govern censure proceedings upon the advice and counsel of the City Attorney.

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Newly Adopted Medical Marijuana Legislation

RECOMMENDATION: That Council:

- A. Receive an update on the potential impacts to the City of Santa Barbara resulting from new legislation regulating cultivation, sale, and licensing of medical marijuana; and
- B. Provide direction to the Community Development Department and the City Attorney's Office related to mobile marijuana delivery services and the cultivation of marijuana for medicinal purposes within the City.

EXECUTIVE SUMMARY:

Governor Jerry Brown recently signed legislation implementing the Medical Marijuana Regulation and Safety Act (MMRSA) creating a dual licensing system for the cultivation, transportation, and sale of medical marijuana between the state and local governments. Under this new legislation, if the city does not have an ordinance in place on March 1, 2016 prohibiting or regulating cultivation of marijuana it will lose the authority to regulate or ban cultivation within the City limits, and the State will become the sole licensing authority. Additionally, if the City does not have an ordinance in place prohibiting or regulating marijuana delivery services when the State's medical marijuana licensing scheme becomes operational, mobile delivery of marijuana will be permitted within the City limits by any state licensed dispensary, including delivery by dispensaries existing outside of the City limits. The City Attorney's Office and the Community Development Department are seeking direction regarding whether or not Council would like to adopt an ordinance regulating cultivation and/or delivery of marijuana within the City.

DISCUSSION:

On October 9, 2015, MRRSA, comprising three discrete pieces of legislation, was signed into law. The purpose of the new legislation is to provide clarity to existing law pertaining to medical marijuana, namely the Compassionate use Act and the Medical Marijuana Program Act, which provide a defense against prosecution for possession

and use of marijuana by individuals possessing a medical marijuana identification card, and allows individuals or their primary caregivers to collectively cultivate marijuana for personal consumption of its collective members. MMRSA, made up of Assembly Bills 243 and 266, and Senate Bill 643, governs the licensing and control of all medical marijuana businesses in the state, including cultivation, transportation, testing, and sale of marijuana, and provides criminal immunity for licensees. In general, the package of bills increases and reinforces local control.

Assembly Bill 266

Assembly Bill 266 establishes the Bureau of Medical Marijuana Regulation (BMMR) within the Department of Consumer Affairs to oversee the permitting and licensing of medical marijuana. The Bill creates a dual licensing structure between the state and local governments. Under the new law, both a state license, and a local permit or license, will be required to operate a dispensary in a local jurisdiction that has an ordinance setting forth permitting requirements and has not banned medical marijuana dispensaries. In the event a permit is revoked by the local agency, the local agency must notify the State, and the dispensary may not continue to operate in the jurisdiction, even if it holds a current state license. Delivery of marijuana (i.e. mobile delivery service) will be permitted by state licensed dispensaries unless a local ordinance is in place regulating or prohibiting delivery. Separate state licensing categories have been created for cultivation, manufacture, dispensary operation, distribution, and cannabis testing. Generally, with the exception of testing, a licensee may only hold one other license in a separate licensing category. Testing of all marijuana is required before distribution, and testing operators are not permitted to hold a license or have a financial interest in any other licensing category. The State anticipates that it will be ready to issue licenses through BMMR for dispensary operation, manufacture, and transportation in January 2018. Until then, dispensaries permitted under local ordinance can continue to operate absent a State license.

Assembly Bill 243

Assembly Bill 243 places the Department of Food and Agriculture in charge of licensing and regulating indoor and outdoor cultivation sites. It also creates various licensing types based on location and size of proposed cultivation site. Unless a local agency has a land use ordinance in place either banning or regulating the cultivation of marijuana prior to March 1, 2016, the State will be the sole licensing authority for medical marijuana cultivation applicants, and a local jurisdiction may neither ban nor regulate cultivation within its limits.

Senate Bill 643

Senate Bill 643 places restrictions on advertising physician recommendations and provides that recommendation of medical marijuana without prior examination by a physician would constitute unprofessional conduct. Also, importantly, this bill upholds local power to levy fees and taxes.

MMRSA's Impact on the City of Santa Barbara

The City's Medical Marijuana Dispensary Ordinance ("Dispensary Ordinance"), codified in Chapter 28.80 of the Santa Barbara Municipal Code, establishes land use restrictions through permitting regulations on medical marijuana dispensaries within the City. The Dispensary Ordinance presently allows up to three dispensaries for storefront operation. The City has issued one permit for an operation on upper State Street, however, this dispensary is not yet operating. Two other applications are being processed for locations on Milpas and De La Vina.

The City's Dispensary Ordinance is not in conflict with the newly adopted legislation, however, the new legislation does specifically regulate cultivation and mobile delivery of marijuana. Because the City does not have an ordinance that regulates or prohibits cultivation or delivery of medical marijuana, unless a new ordinance is adopted, the City will be subject to State jurisdiction and licensing regulations.

Cultivation

Of the most immediate concern, is the City's present lack of an ordinance relating to cultivation of medical marijuana. Unless the City has an ordinance in place before March 1, 2016, the State Department of Food and Agriculture will be the sole licensing authority for cultivation, and the City will be subject to State regulation. In other words, local marijuana cultivation will be allowed in Santa Barbara to the extent it is now permitted by the Zoning Ordinance. Because the City's Dispensary Ordinance does not address local cultivation, and because cultivation presents a host of difficult land use impacts, we believe Council may wish to consider whether local cultivation is in the best interest of Santa Barbara.

If Council wishes to retain jurisdiction over cultivation of medical marijuana, either through prohibition or regulation, immediate action must be taken. In order to have an ordinance in place before March 1, 2016, the proposed ordinance must first be presented to the Planning Commission, and introduced for its first reading at City Council on or before January 19, 2016. The second reading before Council will need to occur on or before January 26, 2016. Due to the constrained timeframe between the enactment of this new legislation, its potential impact to the health, safety, and welfare of the community, and the pending March 1st deadline, if necessary the Council may declare this an emergency measure under Section 511 of the City Charter, and the ordinance would become effective upon adoption.

Alternatively, the Council could, upon the finding that the implementation of State legislation would potentially allow for cultivation of marijuana in zones not compatible with the City's presently zoned uses or its General Plan, which could jeopardize public, health, safety, and welfare, adopt an interim ordinance for up to one year establishing a moratorium on cultivation under Government Code section 65858. This alternative would allow the Council time to consider more fully the impacts on cultivation within certain areas of the City. There is some risk that the State may argue, on a technicality, that because Government Code section 65858 only provides for the "temporary" prohibition of a proposed land use (in order to consider its impacts to health and safety), it does not qualify as a land use ordinance that actually "prohibits" cultivation, and the City is therefore preempted by state law from enacting any subsequent legislation regulating or banning cultivation.

Delivery

While the City does not presently have an ordinance regulating or prohibiting mobile delivery of medical marijuana, the need to enact an ordinance to retain City control over mobile delivery does not have the same time constraints as the cultivation issue. Since the State has indicated that it will not be ready to implement licensing of medical marijuana dispensaries, which also includes mobile delivery of marijuana, until around January 2018, the Council has a broader window of time to consider whether regulation of mobile delivery of medical marijuana is in the best interest of the City. Under the new legislation, any State licensed medical marijuana dispensary may engage in mobile delivery of marijuana in jurisdictions that do not specifically prohibit delivery. This means that unless the City enacts an ordinance that bans or restricts delivery of medical marijuana, dispensaries from other jurisdictions (e.g. Goleta, Ventura, or unincorporated areas of the County) could engage in delivery of marijuana within the City. If the City wishes to regulate delivery it has the option of either enacting a complete prohibition or limiting delivery in the City to only dispensaries permitted under the City's dispensary ordinance. Again, we believe there are substantial local land use and law enforcement impacts associated with marijuana delivery that the Council should consider.

BUDGET/FINANCIAL INFORMATION:

The City does not presently impose any tax on the sale of Medical Marijuana through its permitted dispensaries, however, Senate Bill 643 upholds the City's right to levy taxes should it so choose.

SUMMARY:

The City Attorney's Office and the Community Development Department require immediate direction with respect to City Council's desire to regulate or prohibit the cultivation of medical marijuana within the City through enactment of a permanent zoning ordinance, or an interim ordinance establishing a moratorium. Additionally, the City Attorney's Office requests that Council provide direction on whether or not the City would like to consider regulating the mobile delivery of marijuana so that an ordinance can be prepared for review and consideration.

ATTACHMENT: League of Cities Summary on MMRSA Impacts to Cities

PREPARED BY: Tava Ostrenger, Assistant City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

Medical Marijuana Regulation and Safety Act¹ What Cities Need to Know About the New Law

Overview -- Here's what you need to know:

- **Local prohibition or regulation:** Cities may prohibit or regulate medical marijuana businesses within their jurisdictions. **Local authority remains intact under the new law.**
- **State license required:** All medical marijuana businesses – dispensary sales, delivery service, cultivation, or transport – must have a State license².
- **State license not enough:** A medical marijuana business in any city may only operate if it has permission from the State **and** permission from the city (“dual licensing”).
- **Enforcement:** Revocation of local permission to operate means a medical marijuana business must terminate operation because the new law requires dual licensing. Upon approval of the State, a city may enforce State law.
- **State law penalties for unlicensed activity:** There are civil penalties and criminal penalties for operating without a State license.

Cultivation -- Here's what you need to know:

If your city does **not** have a land use ordinance in place regulating or prohibiting the cultivation of marijuana, *either expressly or otherwise under the principles of permissive zoning*, or chooses not to administer a conditional permit program, then commencing **March 1, 2016**, the State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applicants.

Cultivation -- Here's what you need to do:

Determine if your city fits within City #1 or City #2 as described below:

- **City #1:** Municipal Code that does not expressly prohibit nor expressly regulate cultivation of medical marijuana and is not a “permissive zoning” code. ***Need to take action.***

ACTION REQUIRED: Adopt a land use ordinance regulating or prohibiting the cultivation of medical marijuana. The ordinance must be effective by February 28, 2016. The ordinance may be adopted as an “urgency ordinance,” or second reading must occur on or before January 29, 2016.

¹ AB 266 (Bonta, Cooley, Jones-Sawyer, Lack, Wood); AB 243 (Wood); and SB 643 (McGuire). Effective 1/1/2016.

² The Department of Consumer Affairs estimates it will begin issuing State licenses in January 2018. The Department of Food and Agriculture and the Department of Public Health also have licensing authority under the new law. Businesses operating in compliance with local ordinances will get priority in the State licensing application process.

- City #2: Municipal Code that is a “permissive zoning” code and does not enumerate cultivation of medical marijuana as a permitted or conditional use. **Need to take action.**

ACTION REQUIRED: (1) Check and confirm that your city’s zoning code is adopted and implemented under the principles of permissive zoning. If not, take action recommended for City #1. (2) If confirmed, adopt a resolution that includes the following provisions:

- States that Health & Safety Code section 11362.777(b)(3) provides that the Department of Food and Agriculture may not issue a State license to cultivate medical marijuana within a city that prohibits cultivation under principles of permissive zoning;
- Re-affirms and confirms that the Zoning Code is adopted and operates under the principles of permissive zoning;
- States this means that cultivation of marijuana is not allowed within City #2 because it is not expressly permitted; and
- Therefore, the State is not allowed to issue a license for the cultivation of medical marijuana within City #2.

Delivery -- Here’s what you need to know:

If a city does not expressly prohibit the delivery of medical marijuana within its jurisdiction, delivery will be allowed (with a State dispensary license). This means that if your city wishes to prohibit the delivery of medical marijuana within its jurisdiction, the city must adopt an ordinance expressly prohibiting delivery services and mobile dispensaries.

Delivery -- Here’s what you need to do:

- Determine whether your city currently bans delivery services for medical marijuana.
- If you have a ban, determine whether it is an affirmative ban, or a ban enacted via permissive zoning (i.e., it is not listed in your zoning or other codes as a permitted activity within the city limits).
- If you have an affirmative ban specifically identifying marijuana deliveries as a prohibited activity, you do not need to take further action.
- If you wish to prohibit delivery services but do not have an express ban, **you need to take further action.**

ACTION REQUIRED: Adopt an ordinance expressly banning deliveries within your jurisdiction. If you do not adopt an express ban ordinance before the State begins issuing any State licenses, a State-licensed dispensary will be able to deliver medical marijuana within your jurisdiction. Therefore, any ordinance must be in place before the State begins issuing State licenses. The State currently estimates that it will begin issuing dispensary licenses in January 2018, but that could certainly happen sooner.

Be sure to consult with your city attorney before taking any of the actions recommended in this document.

League of California Cities®
October 27, 2015



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Ariel Pierre Calonne, City Attorney
John Steve Doimas, Deputy City Attorney

SUBJECT: Short Term Residential Rental Subpoenas

RECOMMENDATION:

That Council receive certified copies of subpoenaed records related to unlawful vacation rentals that are subject to the City's Ordinance prohibiting their operation.

DISCUSSION:

On August 11, 2015, the City Council authorized the Mayor to sign, and the City Clerk's Office to serve, subpoenas on websites that have listings for vacation rentals in the City of Santa Barbara. Pursuant to this authorization, the Mayor signed subpoenas which the City served on the websites.

These subpoenas required the websites to appear and/or produce certified copies of certain records related to the operation of vacation rentals in the City. If the subpoenaed parties fail to appear or produce the requested records by November 10, 2015 at 4:00 pm, the Mayor is authorized to submit a report of noncompliance to the Santa Barbara Superior Court.

Superior Court review is necessary before remedies can be sought for failure to comply with the legislative subpoena. Upon an order from the court, a writ of attachment may be issued directing the Santa Barbara County Sheriff to bring the individual before the court. Upon appearance before the court, a judge has jurisdiction to issue a contempt order. The punishment for disobedience of a legislative subpoena is the same as if contempt has been committed in a civil trial in superior court.

PREPARED BY: John Steve Doimas, Deputy City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With City Attorney – Existing Litigation

RECOMMENDATION:

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

The pending litigation is *Karen Fox, et al. v. City of Santa Barbara, et al.*, SBSC Case No. 1469026.

SCHEDULING: Duration, 15 minutes; anytime
REPORT: None anticipated
SUBMITTED BY: Ariel Calonne, City Attorney
APPROVED BY: City Administrator's Office