

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



Paul Casey
City Administrator

Ariel Pierre Calonne
City Attorney

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

**SEPTEMBER 6, 2016
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.

ORDER OF BUSINESS

2:00 p.m. - City Council Meeting

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2016.

2. Subject: Proclamation Declaring September 2016 Suicide Prevention Month

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

3. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meetings of May 3, May 11, May 24, June 21, July 5, July 19, August 2, August 9, August 16, August 23, and August 30, 2016 and the special meeting of June 15, 2016.

CONSENT CALENDAR (CONT'D)

4. Subject: Introduction Of Ordinance Approving Supervisors Memorandum of Understanding (440.02)

Recommendation: That Council ratify the labor agreement with the Supervisory Employees bargaining unit through introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending The 2012-2016 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit, adopted by Ordinance No. 5587 and previously amended by Ordinance Nos. 5623 and 5704, and extending the term through June 30, 2017.

5. Subject: Introduction Of Ordinance Granting Easements To County Flood Control District As Part Of The Mason Street Bridge Replacement (330.03)

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 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 the Grant Deeds in a Form Approved by the City Attorney.

6. Subject: Introduction Of Ordinance Establishing Speed Limits (530.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Revising Section 10.60.015 and Establishing Prima Facie Speed Limits on Certain Portions of Anacapa Street, De La Vina Street, La Colina Road, Loma Alta Drive, Verano Drive, and Yanonali Street.

7. Subject: Introduction Of An Ordinance Amending Municipal Code Provisions Pertaining to Harbor Slip Assignments (570.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Amending Section 17.20.005 of Chapter 17.20 of Title 17 Pertaining to Harbor Slip Assignments.

CONSENT CALENDAR (CONT'D)

8. Subject: Introduction Of Ordinance For Advertising Concession Agreement With Clear Channel Airports (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Five Year Concession Agreement with One Five-Year Option with Interspace Services, Inc. dba Clear Channel Airports to Manage Advertising Sales at Santa Barbara Airport (SBA).

9. Subject: Introduction Of Ordinance Approving Memorandum Of Understanding With Police Unit (440.02)

Recommendation: That Council Ratify the Memorandum of Understanding between the City and the Santa Barbara Police Officers' Association by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting A Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers Association for the Period of July 1, 2016 through June 30, 2019.

10. Subject: Resolution For Acceptance Of Easements For The Gutierrez And De La Guerra Streets Bridge Replacement Projects (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Permanent and Temporary Construction Easement Interests Located at 123 West Gutierrez Street, and 317 and 326 West De La Guerra Street, and Authorizing the City Administrator to Execute all Agreements and Related Documents as Necessary in a Form Approved by the City Attorney.

11. Subject: July 2016 Investment Report (260.02)

Recommendation: That Council accept the July 2016 Investment Report.

12. Subject: Rejection Of The Westside Neighborhood Pavement Maintenance Project Bid (530.04)

Recommendation: That Council reject the bid for the construction of the Westside Neighborhood Pavement Maintenance Project and direct staff to re-bid the project.

CONSENT CALENDAR (CONT'D)

13. Subject: Contract For On-Call Survey Services (230.01)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Cardenas and Associates Surveying, Inc., in the amount not to exceed \$100,000, for on-call services of various Capital Improvement Program projects.

14. Subject: Agreement For Sanitary Sewer Chemical Root Control Services (570.05)

Recommendation: That Council find that, pursuant to Santa Barbara Municipal Code Section 4.52.070(L), it is in the best interest of the City to authorize the Public Works Director to execute an agreement with Duke's Root Control, Inc., in the amount \$138,477.85 for sanitary sewer chemical root cleaning services, and authorize the Public Works Director to approve expenditures of up to \$13,847.00 for extra services that may result from necessary changes in the scope of work.

15. Subject: Approval Of Parcel Map And Execution Of Agreements For 2334 De La Vina Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,821 and standard agreements relating to the approved subdivision at 2334 De La Vina Street, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document.

16. Subject: Agreement With Santa Barbara Community College District For Student Neighborhood Assistance Program Funding (150.05)

Recommendation: That Council:

- A. Approve a grant agreement with the Santa Barbara Community College District for one-half of the initial start-up costs needed to implement the Police Department's Student Neighborhood Assistance Program (SNAP); and
- B. Increase the estimated revenues and appropriations in the Miscellaneous Grants Fund by \$103,308.53 in Fiscal Year 2017 for the implementation of SNAP.

CONSENT CALENDAR (CONT'D)

17. Subject: Office of Traffic Safety Grant (530.01)

Recommendation: That Council:

- A. Accept a grant from the State of California, Office of Traffic Safety in the amount of \$250,000 and authorize the Chief of Police to execute the grant agreement; and
- B. Increase estimated revenues and appropriations by \$250,000 in the Miscellaneous Grants Fund for Fiscal Year 2017 for the Selective Traffic Enforcement Program.

18. Subject: Approval Of Dooley Enterprises As Sole Source Vendor To Provide Duty And Practice Ammunition For The Police Department (520.04)

Recommendation: That Council waive the formal bid process as authorized by Municipal Code Section 4.52.070(K) and authorize the City General Services Manager to issue a purchase order to Dooley Enterprises, as the single and most favorable source for providing the City with its authorized ammunition needs, in an amount not to exceed \$60,000 for Fiscal Year 2017.

NOTICES

- 19. The City Clerk has on Thursday, September 1, 2016, 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.
- 20. Recruitment For City Advisory Groups:
 - A. The City Clerk's Office will accept applications through Tuesday, October 11, 2016, at 5:30 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Tuesday, September 20, 2016;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, October 25, 2016, at 4:00 p.m. (Estimated Time), Tuesday, November 1, 2016, at 4:00 p.m. (Estimated Time), and Tuesday, November 15, 2016, at 6:00 p.m.; and
 - C. The City Council will make appointments to fill the vacancies on various City Advisory Groups on Tuesday, December 6, 2016.
- 21. Receipt of communication advising of vacancy created on the Community Development and Human Services Committee with the resignation of Amy Winslow. This vacancy will be part of the current recruitment.

This concludes the Consent Calendar.

PUBLIC HEARINGS

22. Subject: Public Hearing And Expansion Of Residential Permit Parking Near Santa Barbara City College (550.01)

Recommendation: That Council:

- A. Conduct a public hearing to expand Permit Parking Area M; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Expanding Resident Permit Parking Area M in the Mesa Area to include the 400 and 500 Blocks of La Marina.

23. Subject: Interim Emergency Ordinance Prohibiting Non-Medical Marijuana-Related Businesses (800.07)

Recommendation: That Council of the City of Santa Barbara adopt by reading in full, and by four-fifths vote, An Interim Emergency Zoning Ordinance of the Council of the City of Santa Barbara Prohibiting Non-Medical Marijuana-Related Businesses.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2016.

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 September 30, 2016.

ATTACHMENT: September 2016 Service Awards

PREPARED BY: Nicole Grisanti, City Administrator's Office Supervisor

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

September 2016 SERVICE AWARDS

September 6, 2016 Council Meeting

5 YEARS

Norma Cervantes, Administrative Analyst I, Library Department
Melisa "Lisa" Clendenen, Litigation Paralegal, City Attorney Office
Aaron Denbrook, Police Officer, Police Department
Martha "Alicia" Guzman, Police Records Specialist, Police Department
Katie Houseknecht, Public Safety Dispatcher III, Police Department
Marisa Lopez, Police Services Specialist, Police Department

10 YEARS

Nuvia Alvarez, Library Technician, Library Department
Artemio Aranda, Grounds Maintenance Worker II, Parks and Recreation Department
Caroline Dosa, Accounting Coordinator, Finance Department
Antoine "Marlowe" Durosseau, Geographic Information Systems Technician,
Administrative Services Department
Ryan Kelly, Harbor Patrol Officer, Waterfront Department
Holly Perea, Executive Assistant, Mayor and Council Office
Timothy "Tim" Petter, Waterfront Maintenance Crew Leader, Waterfront Department
John Velasco, Park Ranger, Parks and Recreation Department

15 YEARS

Oscar Gonzalez, Police Officer, Police Department
Shawn Hill, Police Sergeant, Police Department
Nicole Lvoff, Library Assistant I, Library Department
Joshua Morton, Police Sergeant, Police Department
Jon Palka, Police Officer, Police Department
Charles "Charlie" Venable, Police Officer, Police Department
Brian Walsh, Fire Captain, Fire Department

20 YEARS

Catherine "Cathy" Taylor, Water Systems Manager, Public Works Department

25 YEARS

Riley Harwood, Police Sergeant, Police Department

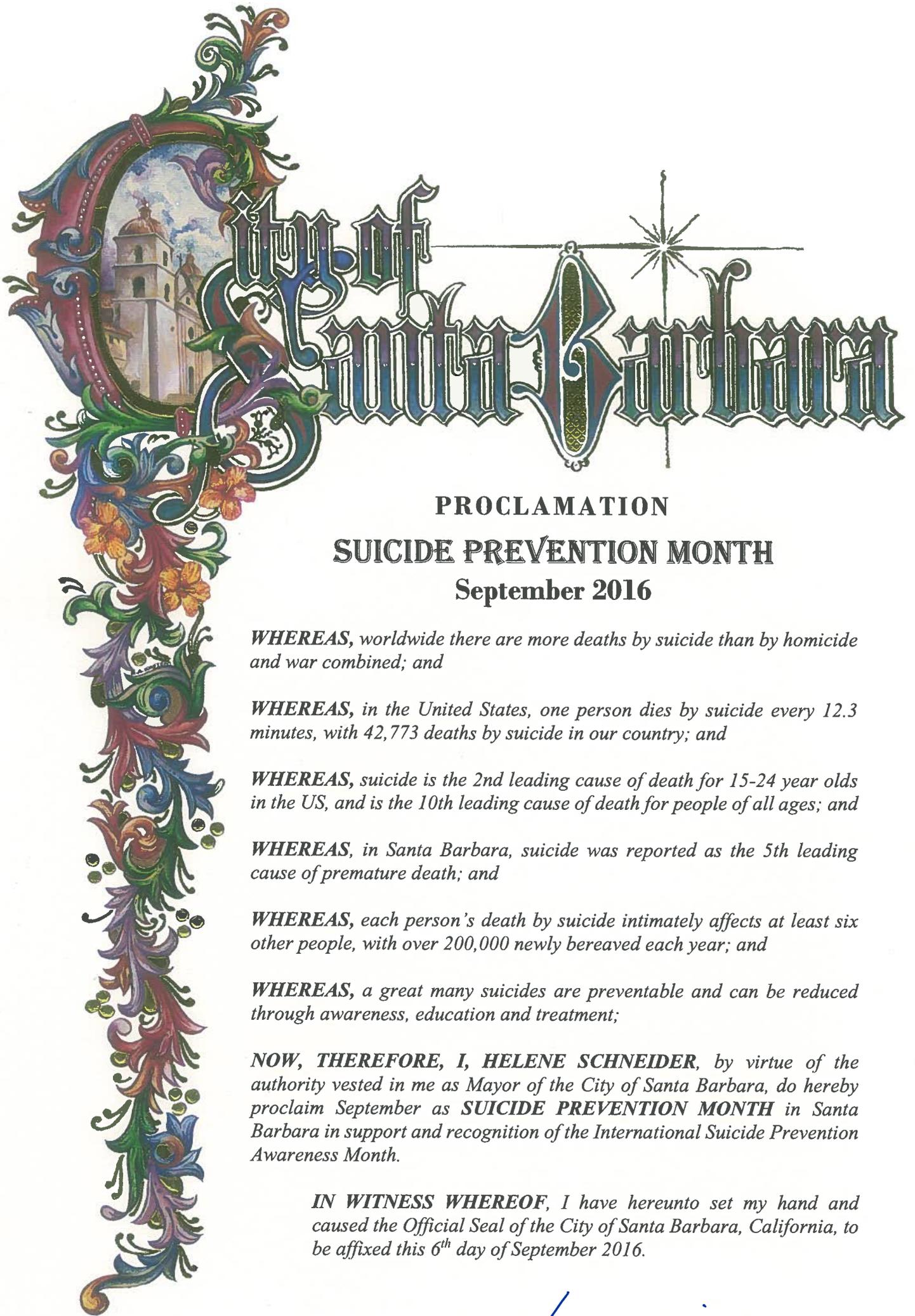
David "Dave" Henderson, Police Sergeant, Police Department

30 YEARS

Terri Yamada, Administrative Assistant, Parks and Recreation Department

35 YEARS

Patrick "Pat" McElroy, Fire Chief, Fire Department



PROCLAMATION
SUICIDE PREVENTION MONTH
September 2016

WHEREAS, worldwide there are more deaths by suicide than by homicide and war combined; and

WHEREAS, in the United States, one person dies by suicide every 12.3 minutes, with 42,773 deaths by suicide in our country; and

WHEREAS, suicide is the 2nd leading cause of death for 15-24 year olds in the US, and is the 10th leading cause of death for people of all ages; and

WHEREAS, in Santa Barbara, suicide was reported as the 5th leading cause of premature death; and

WHEREAS, each person's death by suicide intimately affects at least six other people, with over 200,000 newly bereaved each year; and

WHEREAS, a great many suicides are preventable and can be reduced through awareness, education and treatment;

*NOW, THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, do hereby proclaim September as **SUICIDE PREVENTION MONTH** in Santa Barbara in support and recognition of the International Suicide Prevention Awareness Month.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 6th day of September 2016.


HELENE SCHNEIDER
Mayor



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 3, 2016 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: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

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 May 31, 2016.

Documents:

May 3, 2016, report from the Administrative Services Director.

Speakers:

Staff: City Administrator Paul Casey, Award Recipient Ed Olsen.

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

1. (Cont'd)

5-Year Pin

Michael McNeil, Senior Electronics/Communication Technician,
Public Works Department

Madeline Ward, Water Conservation Coordinator, Public Works Department

Carson Wollert, Project Engineer II, Public Works Department

10-Year Pin

Justin Berman, Parking Coordinator, Public Works Department

Graciela Reynoso, Human Resources Analyst II,
Administrative Services Department

Johny Salas, Assistant Parking Coordinator, Public Works Department

Elizabeth Stotts, Community Development Program Specialist,
Community Development Department

15-Year Pin

Bryan Jensen, Police Sergeant, Police Department

Christina Ortega, Police Officer, Police Department

Kevin Rhyne, Police Officer, Police Department

20-Year Pin

Susan Gantz, Planning Technician II, Community Development Department

Susan Gray, Community Development Business Manager,
Community Development Department

25-Year Pin

Onalisa Hoodes, Police Services Coordinator, Police Department

Ed Olsen, Police Lieutenant, Police Department

Paul Rodriguez, Senior Airport Maintenance Worker, Airport Department

30-Year Pin

Steven Berman, Fire Captain, Fire Department

Michael Gordon, Water Distribution Operator Technician II,
Public Works Department

Brian Porter, Fire Captain, Fire Department

PUBLIC COMMENT

Speakers: Kathy King, Community Environmental Council (CEC); Pete Dal Bello.

ITEM REMOVED FROM CONSENT CALENDAR

10. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2017 For The Wildland Fire Suppression Assessment (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to Be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Continue Assessments for Fiscal Year 2017; and Establishing a Time of 2:00 P.M. on Tuesday, May 17, 2016, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

Councilmembers Bendy White, Frank Hotchkiss, and City Attorney Ariel Calonne stated they would recuse themselves from participating in this item due to conflicts of interest related to ownership of property within the district. They left the meeting at 2:23 p.m.

Documents:

- May 3, 2016, report from the Fire Chief.
- Proposed resolution.

The title of the resolution was read.

Speakers:

Member of the Public: Pete Dal Bello.

Motion:

Councilmembers Hart/Rowse to approve the recommendation; Resolution No. 16-024.

Vote:

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, White)

Councilmembers White, Hotchkiss, and City Attorney Calonne returned to the meeting at 2:26 p.m.

CONSENT CALENDAR (Item Nos. 2 - 9, 11 and 12)

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of April 5, 2016 (cancelled), and the special meeting of April 7, 2016.

Action: Approved the recommendation.

3. Subject: Adoption of Ordinance to Amend the Water Supply Agreement between the Central Coast Water Authority and the City of Santa Barbara (540.10)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the City of the First Amendment to the Water Supply Agreement.

Action: Approved the recommendation; Ordinance No. 5746; Agreement No. 16,162.1.

4. Subject: Adoption Of Ordinance Approving Sale Of Excess City Land At 536 Bath Street Related To The Cota Street Bridge Replacement Project (330.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute the Land Purchase Agreement, Escrow Instructions, and Grant Deed for the Sale of Certain City Excess Land Located at 536 Bath Street to NGC FUND 1, LLC, a Delaware limited liability company, in the amount of \$579,000.

Action: Approved the recommendation; Ordinance No. 5747; Agreement No. 25,555; Deed No. 61-464.

5. Subject: Increase In Appropriations In The Self-Insurance Fund To Cover Increased Workers' Compensation Costs (350.08)

Recommendation: That Council approve an increase in appropriations in the amount of \$700,000 in the Self-Insurance Fund from reserves to cover the cost of workers' compensation claims in the current fiscal year.

Action: Approved the recommendation (May 3, 2016, report from the Finance Director).

6. Subject: Donation Of Equipment For The Police Department (330.05)

Recommendation: That Council accept a donation of three covered shields with upgraded ballistic plates valued at \$4,600 from the Santa Barbara Police Foundation for placement in the three Police Department marked supervisor patrol vehicles.

Speakers:

Santa Barbara Police Foundation: Greg Hons.

Action: Approved the recommendation (May 3, 2016, report from the Chief of Police).

7. Subject: Introduction Of Ordinance For Rayne Santa Barbara, Inc., Brine Discharge Agreement (540.13)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Agreement with Two Consecutive Five-Year Options with Rayne Santa Barbara, Inc., for Salt Brine Conveyance at the El Estero Wastewater Treatment Plant, Effective June 9, 2016.

Action: Approved the recommendation (May 3, 2016, report from the Public Works Director; proposed ordinance).

8. Subject: Approval Of Emergency Purchase Order For Eastside Lighting Repairs (530.04)

Recommendation: That Council approve an Emergency Purchase Order, pursuant to Santa Barbara Municipal Code Section 4.52.080, to Imperial Electric Co. in the amount of \$55,000.00 for emergency repairs to a failed high-voltage street light system on Lou Dillon Lane.

Action: Approved the recommendation (May 3, 2016, report from the Public Works Director).

9. Subject: Contract For Installation Of Radio Equipment On University Of California, Santa Barbara Property, To Serve City Beach Areas (520.02)

Recommendation: That Council authorize the City Administrator to enter into a four-year license agreement with the Regents of the University of California, Santa Barbara, for the installation and operation of radio equipment on University of California, Santa Barbara, property.

Action: Approved the recommendation; Agreement No. 25,556 (May 3, 2016, report from the Public Works Director).

NOTICES

11. The City Clerk has on Thursday, April 28, 2016, 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.
12. City Council site visits are scheduled for Monday, May 9, 2016, at 1:30 p.m. to the properties located in the 300 block of Grove Lane and at 118 N. Milpas Street; these properties are the subjects of appeal hearings set for May 10, 2016, at 2:00 p.m. and 4:00 p.m., respectively.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Gregg Hart reported that the Committee met to hear a report from staff regarding General Fund non-departmental revenues and assumptions contained in the Fiscal Year 2017 Recommended Budget, and an updated multi-year financial forecast of the General Fund.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

13. Subject: Presentation From Santa Barbara County Association Of Governments On Rail Safety Education (150.04)

Recommendation: That Council receive a presentation from the Santa Barbara County Association of Governments (SBCAG) on Rail Safety education.

Documents:

- May 3, 2016, report from the City Administrator.
- PowerPoint presentation prepared and made by Operation Lifesaver California.

Speakers:

Members of the Public: Scott Spaulding, Santa Barbara County Association of Governments (SBCAG); Nancy Sheehan-McCulloch, State Coordinator for Operation Lifesaver California.

Councilmembers heard the presentation and their questions were answered.

PUBLIC HEARINGS

14. Subject: Appeal Of Planning Commission Approval And Introduction Of An Ordinance And Adoption Of Resolution For 251 S. Hope Avenue Project (640.07)

Recommendation: That Council:

- A. Deny the appeal of Santa Barbara Urban Creeks Council of the application of RRM Design Group, architect for the Housing Authority of the City of Santa Barbara, and uphold the Planning Commission's approval of the project and Zoning Modifications, with the proposed revised condition;
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Assessor's Parcel Number 051-240-008;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to Specific Plan No. 4 (Rancho Arroyo), for Specific Plan Area A-2, Assessor's Parcel Number 051-240-008, Subject to Environmental Findings and Findings of Consistency with the General Plan;
- D. Determine that the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with the General Plan); and
- E. Direct Staff to return to Council with Decision and Findings reflecting the outcome of the appeal.

Documents:

- May 3, 2016, report from the Community Development Director.
- Proposed resolution.
- Proposed ordinance.
- PowerPoint presentation prepared and made by Staff.
- April 22, 2016, email from Eddie Harris, Santa Barbara Urban Creeks Council.
- April 26, 2016, email from Samara Canfield.
- April 28, 2016, letter from John Fowler, Peoples' Self-Help Housing.
- April 28, 2016, email from Carlos Jimenex, Peoples' Self-Help Housing.
- April 28, 2016, email from Vijaya Jammalamadaka.
- April 29, 2016, email from Eddie Harris, Santa Barbara Urban Creeks Council (SBUCC).
- April 29, 2016, email from Dr. Scott D. Cooper, University of California Santa Barbara.
- May 2, 2016, letter from Michael Towbes, The Towbes Group, Inc.
- May 2, 2016, email from Robert Pearson, Housing Authority of the City of Santa Barbara.

(Cont'd)

14. (Cont'd)

The titles of the ordinance and resolution were read.

Ex-Parte Communications:

- Councilmember Hart reported that on March 26, 2016, he had a meeting with Rick Frickman, Eddie Harris, Kathy Rodriguez and Dan McCarter from the Urban Creeks Council where they talked about the project, specifically their concerns regarding the creek setback issues and potential alternatives. On April 28, 2016, he had a phone conversation with Robert Pearson from the City of Santa Barbara Housing Authority where they discussed the same issue.
- Councilmember Murillo reported that as the staff liaison to the Housing Authority Commission she has attended several meetings where this project has been the topic of conversation. She also reported a short phone conversation with Mr. Harris from the Urban Creeks Council where they generally talked about the watershed.
- Councilmember White reported that he ran into Mark Chytilo who advocated for the appellant, at a party. The conversation was brief, about two sentences.
- Councilmember Hotchkiss reported that he had several emails on this topic.
- Mayor Schneider reported that: 1) on April 6, 2016, she had a conversation with Rick Frickman and Dan McCarter from the Urban Creeks Council regarding the 50' setback and their experiences with Allen Road; 2) she has had some conversations with Robert Pearson from the City of Santa Barbara Housing Authority regarding a 25' vs. 50' setback, the conservation easement and the issuance of and the funding for road changes; 3) she had a conversation with Skip Szymanski, Santa Barbara Housing Authority, regarding timing of the tax credit deadline as it relates to this project; and 4) she had a meeting with Eddie Harris from the Urban Creeks Council where they discussed the long-term flood control easement issues.

Public Comment Opened:
2:46 p.m.

Speakers:

- Staff: Associate Planner Kathleen Kennedy, Supervising Transportation Engineer Derrick Bailey, Creeks Restoration and Clean Water Manager Cameron Benson, Assistant City Attorney Scott Vincent.
- Planning Commission: Commissioner June Pujo, Commissioner Deborah Schwartz.

(Cont'd)

14. (Cont'd)

Speakers (Cont'd):

- Appellant: Rick Frickman, Urban Creeks Council.
- Applicant: Robert Pearson, City of Santa Barbara Housing Authority; Lisa Pickard.
- Members of the Public: Marjorie Shore; Sean Donovan; Elizabeth Twright; Nancy Cook; Mickey Flacks; Eddie Harris, Santa Barbara Urban Creeks Council; Jacob Lesner-Buxton, Independent Learning Resource Center; Petra Lowen, Independent Learning Resource Center; Dan McCarter, Friends of Arroyo Burro Clean Water, Clean Creeks; Lesley Wilson, New Beginnings Counseling Center; Chris Skiff; Kathleen Rodriguez, Arroyo Burro Creek Study Group; Lee Moldaver.

Public Comment Closed:
4:58 p.m.

RECESS

4:58 p.m. – 5:02 p.m.

Motion:

Councilmembers White/Hotchkiss to approve recommendations B and C from the staff recommendation with the modification that the resolution not take effect until 30 days from the date of approval; Resolution No. 16-025.

Vote:

Unanimous roll call vote.

Motion:

Councilmembers Hart/Hotchkiss to approve recommendations A, D, and E from the staff recommendation and to include the following conditions: 1) the addition of the Conservation Easement; 2) a change in project design to provide a 50-foot setback from the top of the creek bank to the parking area; and 3) to have the parking area redesigned to eliminate those parking spaces that intrude into the 50-foot creek setback area.

Amended Motion:

Councilmembers Hart/Hotchkiss to approve recommendations A, D, and E from the staff recommendations and to include the following conditions: 1) a change in project design to provide a 50-foot creek setback from the theoretical top of the creek bank to the parking area; 2) re-design the parking area to eliminate those parking spaces that intrude into the 50-foot creek setback areal and 3) add a new Condition of Approval C.12 to require the applicant to construct and maintain the public trail.

Vote on Amended Motion:

Majority voice vote (Noes: Councilmembers Murillo, White).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at: 1) the City Sustainability Committee meeting; 2) a meeting at Social Ventures Partners Santa Barbara; 3) the Affordable Housing Task Group meeting; 4) Central Coast Water Authority meeting; 5) a fundraiser for Freedom4Youth; and 6) the Reader's Embassy and State of the Library events at the Santa Barbara Library.
- Councilmember Hart reported on his attendance at the: 1) State of the Zoo Event; 2) Fire and Police Commission meeting; 3) Transportation and Circulation Committee meeting; 4) Santa Barbara Police Activities League, "Putting Kids First" Gala; and 5) a speech event at Santa Barbara City College.
- Councilmember White mentioned his attendance at the Central Coast Water Authority meeting.
- Mayor Schneider reported on her attendance at the Jewish Festival and the California League of Cities conference in Sacramento with Councilmember White.
- Councilmember Hotchkiss reported on his attendance at the State of the Zoo event, and he shared a video with Council of one of the zoo's newest members.

PUBLIC COMMENT

No one indicated a desire to speak.

CHANGES TO THE AGENDA

Item Removed From Agenda

Mayor Schneider stated that the following item was being removed from the Agenda:

15. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiators Kristine Schmidt, Administrative Services Director, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the General Bargaining Unit, Firefighters Association, and Police Officers Association.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:04 p.m. to Monday, May 9, 2016, at 1:30 p.m. to the properties located in the 300 block of Grove Lane and at 118 N. Milpas Street.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**SPECIAL MEETING
May 11, 2016
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 3:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None

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

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, May 5, 2016, 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.

PUBLIC HEARINGS

1. Subject: Fiscal Year 2017 Recommended Operating and Capital Budget (230.05)

Recommendation: That Council hear presentations from the Airport Department, Waterfront Department, and Solid Waste Fund (Finance Department) on their Fiscal Year 2017 Recommended Budgets.

Documents:

- May 11, 2016, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.
- May 2016 letter from Anne Anderson and Sue LaFond.

Public Comment Opened (continued from May 9, 2016):
3:02 p.m.

Speakers:

- Staff: Waterfront Director/Harbor Master Scott Riedman, Waterfront Business Manager Brian Bosse, Waterfront Facilities Manager Karl Treberg; Airport Director Hazel Johns; Airport Administrative Analyst II Tom Bullers, Airport Operations Manager Tracy Lincoln, Finance Director Robert Samario; Environmental Services Manager Matthew Fore.
- Members of the Public: Anne Anderson, Westside Community Group; Susan Lafond, Westside Community Group.

Discussion:

Waterfront Business Manager Brian Bosse informed Council that the Waterfront Department is asking for a \$40,767 increase, for a total recommended budget of about \$13.1 million, due in part to the addition of new security cameras for parking services. The Santa Barbara Municipal Airport is seeking an increase of \$69,611 over what was projected last year, boosting its budget to about \$19.3 million, partially due to the need to hire an administrative specialist. Environmental Services Manager Matthew Fore presented information about The Solid Waste Fund, which accounts for management of city waste collection, requesting a \$491,915 increase in its budget, bringing it to a total of approximately \$21.5 million.

The public hearing was continued to May 16, 2016, at 3:00 p.m.

RECESS

The Mayor recessed the meeting at 5:30 p.m. in order for the Council to reconvene in closed session for Item No. 2. She stated that no reportable action is anticipated.

CLOSED SESSIONS

2. Subject: Conference with Labor Negotiator (440.05)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiators Kristine Schmidt, Administrative Services Director, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the General Bargaining Unit, Firefighters Association, and Police Officers Association. (Cont'd)

2. (Cont'd)

Documents:

May 11, 2016, report from the Administrative Services Director.

Time:

5:30 p.m. – 6:20 p.m.

No report made.

Councilmember Murillo left the meeting at 5:50 p.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:20 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 24, 2016 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 12:00 p.m. and 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: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator Paul Casey requested that the following item be removed from the agenda:

12. 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.

PUBLIC COMMENT

Speakers: Joe; Ellie Hollinshead, CalPIRG; Phil Walker; Yvonne Ashton, Micheltorena Neighborhood Association; Maggie Campbell, Downtown Santa Barbara; John Holehowe, Micheltorena Neighborhood Association.

CHANGES TO AGENDA

Item Removed From Consent Calendar

1. Subject: Revised Waterfront Hotel Development Agreement (640.10)

Recommendation: That Council: (re)-introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Development Agreement for the Waterfront Hotel By and Between the City of Santa Barbara and American Tradition, LLC.

Documents:

Proposed ordinance.

The title of the ordinance was read. City Attorney Callonne announced that this item was not being (re)-introduced but being adopted.

Speakers:

Member of the Public: Phil Walker.

Motion:

Councilmembers White/Rowse to approve the staff recommendation; Ordinance No. 5751; Agreement No. 25,564.

Vote:

Majority roll call vote (Noes: Councilmember Murillo).

CONSENT CALENDAR (Item Nos. 2 – 10)

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Adoption Of Ordinance For The Approval Of A Building Encroachment Agreement At 6 State Street And 13 East Cabrillo Boulevard (330.10)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute an Encroachment Agreement to Virginia Castagnola-Hunter, as Trustee of the Virginia Castagnola-Hunter Trust Created u/d/t Dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust Created u/d/t Dated January 15, 2014; for Building Improvements on a Portion of 6 State Street (Santa Barbara County Assessor's Parcel Number 033-111-011) and 13 East Cabrillo Boulevard (Santa Barbara County Assessor's Parcel Number 033-111-012) That Will Encroach Into the Public Flood Control Easement.

Action: Approved the recommendation; Ordinance No. 5752; Agreement No. 25,565.

3. Subject: Adoption Of Ordinance To Quitclaim And Release The 1983 Flood Control Easement On 13 East Cabrillo Boulevard (330.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a Quitclaim Deed Releasing the 1983 Flood Control Easement on 13 East Cabrillo Boulevard, and to Record Same in the Office of the Santa Barbara County Recorder Upon Recordation of the Final Order of Condemnation in Santa Barbara Superior Court Case Number 1469840, City of Santa Barbara v. Virginia Castagnola-Hunter, et al.

Action: Approved the recommendation; Ordinance No. 5753; Agreement No. 25,566; Deed No. 61-468.

4. Subject: Records Destruction For Administrative Services Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Administrative Services Department in the City Clerk's Office and Human Resources Division.

Action: Approved the recommendation; Resolution No. 16-034 (May 24, 2016, report from the Administrative Services Director; proposed resolution).

5. Subject: Introduction Of Ordinance For Lease Agreement With Mulligan's Café Inc. at Santa Barbara Golf Club (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Parks and Recreation Director to Execute a Ten-Year Concession Lease Agreement, with Mulligan's Café, Inc., a California Corporation, for the 3,480 Square Feet of Interior Space, and Approximately 3,200 Square Feet of Exterior Patio Space at Santa Barbara Golf Club, 3500 McCaw Avenue, Santa Barbara.

Action: Approved the recommendation (May 24, 2016, report from the Parks and Recreation Director; proposed ordinance).

6. Subject: April 2016 Investment Report (260.02)

Recommendation: That Council accept the April 2016 Investment Report.

Action: Approved the recommendation (May 24, 2016, report from the Finance Director).

7. Subject: Integrated Pest Management 2015 Annual Report (330.01)

Recommendation: That Council accept the Integrated Pest Management (IPM) 2015 Annual Report that addresses the use of pesticides and alternatives to control weeds or eliminate pests on City property.

Speaker:

Staff: Parks Manager Santos Escobar.

Action: Approved the recommendation (May 24, 2016, report from the Parks and Recreation Director).

8. Subject: Fiscal Year 2016 Third Quarter Review (210.01)

Recommendation: That Council:

- A. Receive a report from staff on the status of revenues and expenditures in relation to budget for the nine months ended March 31, 2016;
- B. Accept the Fiscal Year 2016 Interim Financial Statements for the Nine Months Ended March 31, 2016; and
- C. Approve the proposed third quarter adjustments to Fiscal Year 2016 appropriations and estimated revenues as detailed in the attached schedule of Proposed Third Quarter Adjustments.

Action: Approved the recommendations (May 24, 2016, report from the Finance Director).

9. Subject: Professional Services Contract For Cater Valve Replacement Project (540.10)

Recommendation: That Council:

- A. Approve and authorize the Public Works Director to execute a Professional Services contract with Pacific Rim Automation, Inc., in the amount of \$369,188 for the Cater Valve Replacement Project; and
- B. Authorize the Public Works Director to approve expenditures of up to \$36,919 for extra services of Pacific Rim Automation, Inc., that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 25,567 (May 24, 2016, Report from the Public Works Director).

NOTICES

- 10. The City Clerk has on Thursday, May 19, 2016, 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.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Gregg Hart reported that the Finance Committee met to hear a staff report regarding staff-recommended adjustments and newly proposed administrative fine/fees for noise disturbances. They also considered options for increasing planning and development-related fees, and developed final recommendations that will be presented to the City Council on June 1, 2016.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

11. Subject: Medical Marijuana Regulations: Report On Legislative Issues And Options Relating To Cultivation, Transportation, Delivery, Manufacturing, Fees And Taxes (150.02)

Recommendation: That Council:

- A. Receive a report and presentation on the effects of the City's medical marijuana regulations and the regulatory options presented by new state marijuana laws; and
- B. Provide direction regarding potential regulation of storefront marijuana dispensaries, taxes, fees, manufacturing, mobile delivery, and other marijuana-related issues.

(Cont'd)

11. **(Cont'd)**

Documents:

- March 24, 2016, report from the City Attorney.
- PowerPoint Presentation prepared and made by Staff.
- March 23, 2016, email from Anna Marie Gott.

Speakers:

Staff: City Attorney Ariel Calonne; Assistant City Attorney Tava Ostrenger; Community Development Director George Buell; Finance Director Robert Samario.

Motion:

Councilmember Murillo/Rowse for staff to return to Council with possible ballot initiatives addressing multiple issues related to medical marijuana taxation for a possible ballot measure in November, 2016.

Vote:

Unanimous voice vote.

Motion:

Councilmember Hotchkiss/Rowse forward item to the Ordinance Committee where a possible amendment to the current dispensary ordinance, potential regulation of storefront marijuana dispensaries, taxation fees, mobile delivery, and other marijuana-related issues can be addressed.

Vote:

Unanimous voice vote.

RECESS

3:49 p.m. - 3:57 p.m.

13. **Subject: Annual Wastewater Collection System Report (540.13)**

Recommendation: That Council receive a report from staff on the wastewater collection system maintenance and management activities.

Documents:

- May 24, 2016, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- May 24, 2016, handout from Kira Redmond, Santa Barbara Channelkeeper.

Speakers:

- Staff: Supervising Engineer Lisa Arroyo.
- Members of the Public: Kira Redmond, Santa Barbara Channelkeeper.

(Cont'd)

13. (Cont'd)

Councilmembers heard the reports and their questions were answered.

MAYOR AND COUNCIL REPORTS

14. Subject: Request From Councilmembers White And Dominguez Regarding Growth Management Ordinance And Development Mitigation Fees (610.01)

Recommendation: That Council consider the request from Councilmembers White and Dominguez to consider adoption of a growth management ordinance on multi-family units and development mitigation fees.

Documents:

- May 24, 2016, report from the Public Works Director.
- May 24, 2016, handout from Deborah L. Schwartz, Planning Commissioner.
- May 24, 2016, handout from Detlev Peikert, RRM Design Group.

Speakers:

- Staff: City Administrator Paul Casey.
- Planning Commission: Deborah L. Schwartz, Shelia Lodge; John Campanella.
- Members of the Public: Lindsey Baker, League of Women Voters; Joan Marshall; Sheila Lodge; Anna Marie Gott, Allied Neighborhoods Association; Joe Rution, Allied Neighborhood Association; Greg Reitz, Rethink Development; Lisa Plowman; Mark Kirkhart; Detlev Peikert, RRM Design Group; Mickey Flacks; Cynthia Goena, SEIU Local 620; Alma Soriano, Rental Housing Roundtable; Frank Rodriguez, CAUSE and Rental Housing Roundtable; Steve Fort, Coastal Housing Coalition; Hillary Blackerby.

Councilmembers heard the report and their questions were answered.

PUBLIC COMMENT

No one wished to speak.

Mayor recessed the meeting at 6:28 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 15.

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Rolland Jacks, et al., v. City Of Santa Barbara*; Supreme Court Case No. S225589.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

May 24, 2016, report from the City Attorney.

Time:

5:00 p.m. – 5:35 p.m.

Report:

No report made.

RECESS

6:28 p.m. – 6:33 p.m.

Mayor Schneider presiding.

Councilmembers Present: Dominguez, Hart, Hotchkiss, Murillo, Rowse, White, Mayor Schneider.

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

PUBLIC COMMENT

No one wished to speak.

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 June 14, 2016.

(Continued from May 17, 2016, Item No. 12)

Documents:

May 24, 2016, report from the Administrative Services Director.

16. (Cont'd)

Speakers:

The following applicants were interviewed:

Building and Fire Code of Appeals:

Eric Norton Petersen

John Maloney

Kevin Steenberge

Community Development and Human Services Committee:

Lang Sligh

Downtown Parking Committee:

Trish Allen

Harbor Commission:

Merit McCrea

Lang Sligh

Housing Authority Commission:

Geoff Green

Lang Sligh

Lawrence G. Larsson

Neighborhood Advisory Council:

Brad Hardison

Parks and Recreation Commission:

Brad Hardison

Santa Barbara Youth Council:

Alexandria Marx

Camille Cosio

By consensus, the Council continued the interviews to June 14, 2016, at 2:00 p.m.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss reported on his attendance at Waterfront's Clean Sweep event.
- Councilmember Murillo reported on a recent meeting of the Santa Barbara Youth Council.
- Mayor Schneider reported on her attendance at the retirement party of Dr. Nancy Leffert, president of Antioch University Santa Barbara.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:10 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING June 15, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

1. CALL TO ORDER/ ROLL CALL

Mayor Helene Schneider called the meeting to order at 4:00 p.m.

Councilmembers present: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

The Santa Barbara City College Board of Trustees meeting was called to order, and the meeting continued in joint session.

City College Trustees present: Jonathan Abboud, Veronica Gallardo, Peter Haslund, Marianne Kugler, Craig Nielsen, Emily Gribble, Board President Marsha Croninger.

City College Trustees absent: Marty Blum.

Staff present: Superintendent Lori Gaskin.

2. PLEDGE OF ALLEGIANCE

Mayor Schneider.

3. PUBLIC COMMENT

Speakers: Susan Harper, Jeanne Surber.

4. PURPOSE FOR JOINT MEETING

Mayor Schneider remarked that this joint meeting is a regular opportunity for the Council and Board of Trustees to discuss issues of mutual interest. Board of Trustees President Croninger expressed appreciation for the public's attendance at today's meeting.

5. NEIGHBORHOOD TASK FORCE IMPLEMENTATION UPDATE

Documents:

- June 15, 2016, report from Staff of the City's Community Development and Police Departments and of the College's Business Services and Student Affairs.
- PowerPoint presentation prepared and made by City Staff.
- Statement submitted by Frank Surber.

Speakers:

- City Staff: Community Development Director George Buell, Police Sergeant Riley Harwood, City Attorney Ariel Calonne.
- City College Staff: Vice President of Business Services Joseph Sullivan, Superintendent Lori Gaskin.
- Members of the Public: Mark Taylor, Ed St. George, David Stone, Al Meskimen.

Discussion:

Several City Councilmembers and City College Trustees commented on or asked questions about the recommendations of the Neighborhood Task Force. City College Superintendent Gaskin also provided information related to a significant decline in enrollment experienced by the college over the last several years.

6. Subject: Student Housing - Discussion of Role of Santa Barbara City College

Documents:

- July 14, 2016, letter from Suzanne Elledge Planning & Permitting Services, Inc.
- Document submitted by Jeanne Surber.
- Printed copies of public comments made by Sue Mellor and Mary Turley, along with associated documents.

Speakers:

- City College Staff: Superintendent Lori Gaskin.
- City Staff: City Administrator Paul Casey, Community Development Director George Buell, City Attorney Ariel Calonne.
- Members of the Public: Jeanne Surber, Sue Mellor, Katie Fallon, Laura Nissley, Mary Turley, Michael Bono, Laurel Perez, Mike Larbig, Mark Taylor, Susan Owens, Tama Takahashi, Ed St. George, Ethan Bertrand, Jacob Lebell, Beebe Longstreet, Robin Unander.

Discussion:

All City Councilmembers and City College Trustees present made comments regarding this issue.

The Board of Trustees meeting was adjourned at 6:56 p.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:56 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
July 5, 2016
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on July 5, 2016, was cancelled by the Council on November 24, 2015.

The next regular meeting of the City Council is scheduled for July 12, 2016, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING July 19, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Harwood White 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 Pro Tempore Harwood White.

ROLL CALL

Councilmembers present: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Mayor Pro Tempore Bendy White.

Councilmembers absent: Mayor Schneider.

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

PUBLIC COMMENT:

Speakers: Michael Baker, United Boys and Girls Clubs; Karen Hamada, United Boys and Girls Clubs; Fran Forman; Mark Schniepp, California Economic Forecast; Theo Kracke; Becky Kracke.

ITEMS REMOVED FROM CONSENT CALENDAR

2. **Subject: Adoption Of Ordinance For City Administrator Merit Salary Increase (170.01)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5706, the Salary Plan for the City Administrator for Fiscal Year 2016 and Fiscal Year 2017, to Provide a 5% Merit Increase Effective February 6, 2016.

(Cont'd)

2. (Cont'd)

Documents:

- July 19, 2016, report from Mayor Schneider.
- Proposed ordinance.

The title of the ordinance was read.

Motion:

Councilmembers Murillo/Rowse to approve the recommendation; Ordinance No. 5760.

Vote:

Majority roll call vote. (Noes: Councilmember Gregg Hart; Absent: Mayor Schneider).

5. Subject: Community Promotion Contract For The Santa Barbara Region Chamber Of Commerce To Support A Visitor Information Center (180.01)

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with the Santa Barbara Region Chamber of Commerce in an amount of \$59,500 to support year-round expenses of the Visitor Information Center, covering the period from July 1, 2016, to June 30, 2017.

Documents:

- July 19, 2016, report from the City Administrator.

Speakers:

Member of the Public: Ken Oplinger, Santa Barbara Region Chamber of Commerce.

Motion:

Councilmembers Hotchkiss/Rowse to approve the recommendation; Agreement No. 25, 645.

Vote:

Majority voice vote. (Noes: Councilmember Cathy Murillo; Absent: Mayor Schneider).

CONSENT CALENDAR (Item Nos. 1, 3, 4, 6 – 11)

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

Motion:

Councilmembers Rowse/Hart to approve the remainder of the Consent Calendar as recommended.

Vote:

Unanimous roll call vote. (Absent: Mayor Schneider).

1. Subject: Adoption Of Ordinance To Approve Two Encroachment Permit Agreements Related To Peabody Stadium Project At Santa Barbara High School (330.10)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving An Encroachment Permit Agreement to Allow Santa Barbara High School Peabody Stadium Facilities to Encroach Within Portions of City Lands Underlying a Vacated Portion of Figueroa Street, an Untraveled Portion of Figueroa Street, and a Vacated Portion of Salsipuedes Street, and Also Approving An Encroachment Permit Agreement to Allow Other Portions of Peabody Stadium Facilities to Encroach Within an Untraveled Portion of Rinconada Road, Both Agreements with the Santa Barbara Unified School District, the Owner of Santa Barbara High School at 700 East Anapamu Street, Santa Barbara County Assessor's Parcel Numbers 029-180-009, 029-240-003 and 029-240-008, and Authorizing the Public Works Director to Execute Same.

Action: Approved the recommendation, Ordinance No. 5759.

3. Subject: Acceptance Of Water Meter Agreement And Easement For 510 And 520 North Salsipuedes Street And 601 East Haley Street (540.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving an Agreement for Access to Water Meters and Sub-meters, and Accepting a Grant of Easement for 510 and 520 North Salsipuedes Street and 601 East Haley Street.

Action: Approved the recommendation, Resolution No. 16-051 (July 19, 2016, report from the Public Works Director; proposed resolution).

4. Subject: Designation Of Voting Delegate For League Of California Cities Annual Conference (180.01)

Recommendation: That Council designate a voting delegate and up to 2 alternates to represent the City of Santa Barbara at the League of California Cities Annual Meeting on October 7, 2016.

Action: Approved the recommendation (July 19, 2016, report from the City Administrator).

6. Subject: Contract For Legal Services For Wastewater Collection System Consent Decree (540.13)

Recommendation: That Council authorize the City Attorney to execute, and approve as to form, a City Professional Services contract with Meyers, Nave, Riback, Silver & Wilson not to exceed the amount of \$75,000 for legal services pertaining to the implementation of the Santa Barbara Channelkeeper Consent Decree.

Action: Approved the recommendation, Agreement No. 25,646 (July 19, 2016, report from the Public Works Director).

7. Subject: Conceptual Design Contract For The Lower Arroyo Burro Restoration Project (570.05)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a Professional Services Agreement with Waterways Consulting, Inc., in the amount of \$56,300 to prepare conceptual design plans for the Lower Arroyo Burro Restoration Project; and
- B. Authorize the Parks and Recreation Director to approve expenditures of up to \$5,600 for extra services from Waterways Consulting Inc., that may result from necessary changes in the scope of work.

Action: Approved the recommendations, Agreement No. 25,646 (July 19, 2016, report from the Parks and Recreation Director).

8. Subject: Community Promotion Contract With Santa Barbara International Film Festival (230.02)

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with Santa Barbara International Film Festival in the amount of \$80,700 to support film festival programming and year-round administrative expenses.

Action: Approved the recommendation, Agreement No. 25,647 (July 19, 2016, report from the City Administrator).

NOTICES

- 9. The City Clerk has on Thursday, July 14, 2016, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 10. Receipt of communication advising of vacancy created on the Parks and Recreation Commission with the resignation of Mark Rincon-Ibarra. This vacancy will be part of the next recruitment.

11. A City Council site visit is scheduled for Monday, July 25, 2016, at 1:30 p.m. at the property located at 1417 San Miguel Avenue, which is the subject of an appeal hearing set for July 26, 2016, at 2:00 p.m.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

12. **Subject: Presentation From South Coast Task Force On Youth Safety (520.04)**

Recommendation: That Council receive an update from Saul Serrano, Task Force Coordinator, regarding the work of the South Coast Task Force on Youth Safety.

Documents:

- July 19, 2016, report from the City Administrator.
- PowerPoint presentation prepared and presented by Staff.

Speakers:

- South Coast Task Force On Youth Safety: Sal Serrano, coordinator.
- Staff: Neighborhood and Outreach Services Supervisor Mark Alvarado.
- Members of the Public: Fran Wageneck, Santa Barbara Unified School District.

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

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Gregg Hart reported that the Committee met to hear a report of the Facilities Maintenance Operating and Capital Budget design and capital cost modeling.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at the meeting of Central Coast Collaborative on Homelessness.
- Mayor Pro Tempore White reported on his attendance at the following meetings: 1) Cachuma Operation and Maintenance Board where a discussion was held regarding the maintenance of the South Coast Conduit; and 2) Cachuma Conservation and Maintenance Board where the Downstream Release Act and preservation of the steelhead were discussed.
- Councilmember Dominguez reported on his attendance at the Milpas Action Task Force meeting.

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Jared Hall v. City of Santa Barbara*, WCAB case numbers ADJ9948858; ADJ10302165.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

July 19, 2016, report from the City Attorney and Risk Manager.

Time:

3:45 p.m. – 3:50 p.m. Mayor Schneider was absent.

No report made.

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *John Franklin v. City of Santa Barbara*, WCAB case number ADJ10400903.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

July 19, 2016, report from the City Attorney and Risk Manager.

Time:

3:50 p.m. – 4:00 p.m. Mayor Schneider was absent.

No report made.

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Kent Wojciechoski v. City of Santa Barbara*, WCAB case number unassigned.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

(Cont'd)

15. (Cont'd)

Documents:

July 19, 2016, report from the City Attorney and Risk Manager.

Time:

4:00 p.m. – 4:10 p.m. Mayor Schneider was absent.

No report made.

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Troy Kuhlman v. City of Santa Barbara*, WCAB case numbers ADJ9587351; ADJ10376910.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

July 19, 2016, report from the City Attorney and Risk Manager.

Time:

4:10 p.m. – 4:17 p.m. Mayor Schneider was absent.

No report made.

ADJOURNMENT

Mayor Pro Tempore White adjourned the meeting at 4:17 p.m. to Monday, July 25, 2016, at 1:30 p.m. at the property located at 1417 San Miguel Avenue.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HARWOOD WHITE
MAYOR PRO TEMPORE

DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 2, 2016 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: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through August 31, 2016.

Documents:

August 2, 2016, report from the Administrative Services Director.

Speakers:

Staff: City Administrator Paul Casey, Award Recipients Marie Crusinberry, Mike McGrew.

(Cont'd)

1. (Cont'd)

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

5-Year Pin

Derrick Bailey, Supervising Transportation Engineer, Public Works Department
Bradley "Brad" Rahrer, Project Engineer II, Public Works Department

10-Year Pin

Yolanda "Yoli" McGlinchey, Emergency Services Manager, Fire Department
Julie Thomas, Recreation Coordinator, Parks and Recreation Department

15-Years Pin

Rick Hubbard, Harbor Patrol Officer, Waterfront Department
George Johnson, Creeks Supervisor, Parks and Recreation Department
Chris Short, Senior Plan Check Engineer, Community Development Department

20-Year Pin

Margaret Douville, Applications Analyst, Administrative Services Department
Andrew "Andy" Hill, Police Officer, Police Department
David "Dave" Shoemaker, Senior Engineering Technician, Public Works Department

25-Year Pin

Marie Crusinberry, Library Assistant I, Library Department

30-Year Pin

Michael "Mike" McGrew, Police Sergeant, Police Department

PUBLIC COMMENT

Speakers: Linda Mathews, representing Santa Barbara's Sister City, Toba City, Japan, who allowed local students and their Japanese partners to introduce themselves; J. C. Gordon, Old Spanish Days 2016 El Presidente; Richard Mauthey; Phil Parson; Phil Walker; Richard.

CONSENT CALENDAR (Item Nos. 2 – 11)

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of June 14, 2016.

Action: Approved the recommendation.

3. Subject: Introduction Of Ordinance For Encroachment Permits For Victoria Hall Theater Facilities At 33 West Victoria Street And Parking Lot No. 5 (330.10)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving An Encroachment Permit Agreement with Child Abuse Listening Mediation, Inc., a California Nonprofit Public Benefit Corporation, Ensemble Theatre Company, Inc., a California Nonprofit Corporation, and Luria-New Vic, LLC, a California Limited Liability Company, Affecting the Properties Known as 1236 Chapala Street and 33 West Victoria Street, and Approving An Encroachment Permit Agreement With Ensemble Theatre Company, Inc., a California Nonprofit Corporation, Affecting the Property Known as 33 West Victoria Street, Each Agreement Intended to Terminate and Supersede Encroachment Permit Agreement 24,521, Approved by Ordinance 5621, and Adopted by Council on June 4, 2013, for Portions of Site Improvements That Were Authorized to Encroach Along and Into the Frontage of Victoria Street, and a Portion of City Parking Lot No. 5, and Authorizing the Public Works Director to Execute Both Encroachment Permit Agreements.

Speakers:

Members of the Public: Derek Westen, representing Ensemble Theatre.

Action: Approved the recommendation (August 2, 2016, report from the Public Works Director; proposed ordinance).

4. Subject: Adoption Of Ordinance Granting An Easement On City Property At 125 State Street To Southern California Edison (330.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Granting An Easement to Southern California Edison for Public Utilities In and Under the City-Owned Property at 125 State Street, and the Execution and Recording of Said Easement Deed for This Property.

Action: Approved the recommendation; Ordinance No. 5761.

5. Subject: Approval Of Final Map And Execution Of Agreements For 1298 Coast Village Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,813 and standard agreements relating to the approved subdivision at 1298 Coast Village Road, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document.

Action: Approved the recommendation; Agreement Nos. 25,655 and 25,656 (August 2, 2016, report from the Public Works Director).

Note: After the meeting, Councilmember White provided a written statement to the City Clerk's Office advising that he forgot to announce his recusal on this item due to a conflict of interest, although he was aware of the issue and had been prepared to report his recusal orally at the meeting. His statement has been made part of the record.

6. Subject: Community Promotion Contract With Summer Solstice Celebration (180.02)

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with Summer Solstice Celebration, Inc., in the amount of \$68,000 to support year-round administrative expenses for the community event.

Action: Approved the recommendation; Contract No. 25,657 (August 2, 2016, report from the City Administrator).

7. Subject: Response To Grand Jury Report Regarding Lake Cachuma (150.04)

Recommendation: That Council:

- A. Consider and adopt the findings and recommendations in a letter to the Honorable James Herman, Presiding Judge, Santa Barbara Superior Court (Attachment 1) as the City's response to the 2015-2016 Grand Jury report entitled "Lake Cachuma, Protecting a Valuable Resource, You Can't Drink Paper Water" (Attachment 2);
- B. Authorize the Mayor to sign and forward the letter and responses to the Presiding Judge of Santa Barbara County Superior Court; and
- C. Determine, pursuant to the California Environmental Quality Act Guidelines section 15378(b)(5), that the above actions are not a project that is subject to the California Environmental Quality Act review, because they are organizational or administrative activities that will not result in direct or indirect physical changes to the environment.

7. (Cont'd)

Speakers:

Members of the Public: Phil Walker.

Action: Approved the recommendations (August 2, 2016, report from the Public Works Director).

8. **Subject: Response to Grand Jury Report Regarding "City of Santa Barbara Commissions, Committees, and Boards" (150.04)**

Recommendation: That Council review and approve a draft letter in response to the findings and recommendations of the 2015-2016 Santa Barbara County Civil Grand Jury report titled, City of Santa Barbara, Commissions, Committees, and Boards and authorize the City Administrator to sign the response letter and forward it to the Presiding Judge.

Action: Approved the recommendation (August 2, 2016, report from the Administrative Services Director).

9. **Subject: Increase In Construction Change Order Authority For The Charles E. Meyer Desalination Facility (540.10)**

Recommendation: That Council:

- A. Increase appropriations and estimated revenues in the State Revolving Fund (SRF) Loan by \$3,950,000 to cover the costs of the proposed contracts and City staff costs related to the reactivation of the Charles E. Meyer Desalination Facility, funded from an expected increase in the SRF loan;
- B. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the contract for the Charles E. Meyer Desalination Facility with IDE Americas, Inc., Contract No. 25,221, in the amount of \$3,750,000, for a total Project expenditure authority of \$51,351,654; and
- C. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra services for the contract for Owner Support Services for the Charles E. Meyer Desalination Facility with Carollo Engineers, Inc., Contract No. 25,222, in the amount of \$125,000, for a total Project expenditure authority of \$2,423,782.

Action: Approved the recommendations (August 2, 2016, report from the Public Works Director).

10. Subject: Authorization For Agreement For Legal Services With Colantuono, Highsmith & Whatley, PC (160.03)

Recommendation: That Council authorize the City Attorney to execute a legal services agreement with Colantuono, Highsmith & Whatley, PC, in an amount not to exceed \$75,000, for special counsel services relating to utility rates.

Action: Approved the recommendation (August 2, 2016, report from the City Attorney).

NOTICES

11. The City Clerk has on Thursday, July 28, 2016, 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.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Gregg Hart reported that the Committee met to consider and acted to approve the transfer of the Eleanor Apartments located at 518 East Canon Perdido Street to the Housing Authority of the City of Santa Barbara. This item will be submitted to the full Council next week.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

12. Subject: Capital Improvement Program Annual Report For Fiscal Year 2016 (230.01)

Recommendation: That Council accept the Capital Improvement Program Annual Report for Fiscal Year 2016.

Documents:

- August 2, 2016, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: City Engineer Brian D'Amour, Public Works Director Rebecca Bjork.

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

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White reported on projects of the Central Coast Water Authority to increase flow in the state water importation pipeline and to refinance revenue bonds.
- Councilmember Murillo reported on recent meetings of the City/County Affordable Housing Task Group and the Santa Barbara Youth Group.
- Mayor Schneider commended all those involved with the coordination of the annual Greek Festival event.

RECESS

The Mayor recessed the meeting at 2:55 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 13. She stated that no reportable action is anticipated.

CLOSED SESSIONS

13. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiator Kristine Schmidt, Administrative Services Director, regarding negotiations with the Santa Barbara City Employees' Association, Local 620 Service Employees' International Union.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

August 2, 2016, report from the Administrative Services Director.

Time:

2:56 p.m. – 3:35 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:35 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 9, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Jason Dominguez, 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, Deborah L. Applegate Deputy City Clerk.

PUBLIC COMMENT

Speakers: Virginia Sato; Raquel; Christian Heslin, Oceanhills Covenant Church; Alysse Mastromarino and Jeff Shaffer, Free Methodist Church; Phil Walker; Mark Sheridan; David Davis.

Deputy City Clerk Applegate read a memorandum, dated August 2, 2016, from Mayor Pro Tempore Bendy White, stating that he had inadvertently failed to recuse himself from voting on Consent Item No. 5 of the August 2, 2016 Council meeting.

CONSENT CALENDAR (Item Nos. 1 – 12)

The title of the ordinance related to the Consent Item was read.

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Adoption Of Ordinance For Encroachment Permits For Victoria Hall Theater Facilities At 33 West Victoria Street And Parking Lot No. 5 (330.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving An Encroachment Permit Agreement with Child Abuse Listening Mediation, Inc., a California Nonprofit Public Benefit Corporation, Ensemble Theatre Company, Inc., a California Non-profit Corporation, and Luria New Vic, LLC, a California Limited Liability Company, Affecting the Properties Known as 1236 Chapala Street and 33 West Victoria Street, and Approving An Encroachment Permit Agreement With Ensemble Theatre Company, Inc., a California Non Profit Corporation, Affecting the Property Known as 33 West Victoria Street, Each Agreement Intended to Terminate and Supersede Encroachment Permit Agreement 24,521, Approved by Ordinance 5621, and Adopted by Council on June 4, 2013, for Portions of Site Improvements That Were Authorized to Encroach Along and Into the Frontage of Victoria Street, and a Portion of City Parking Lot No. 5, and Authorizing the Public Works Director to Execute Both Encroachment Permit Agreements.

Action: Approved the recommendation; Ordinance No. 5762; Agreement No. 25,658 and 25,659.

2. Subject: Transfer Of 518 East Canon Perdido (Eleanor Apartments) To The Housing Authority Of The City Of Santa Barbara (660.01)

Recommendation: That Council:

- A. Approve Assignment and Assumption Agreement that assigns all contractual rights, duties and obligations of all City documents to the Housing Authority;
- B. Increase appropriations in the amount of \$122,000 in the Housing Successor Agency Fund, from reserves, to cover the cost of the additional loan amount;
- C. Increase the allocation to City Loan Agreement No. 18,701 account by \$122,000 from the Housing Successor Agency Fund;
- D. Approve the Amendment to the City Loan Agreement No. 18,701, including forgiveness of \$592,000 of accrued interest;

(Cont'd)

2. (Cont'd)

- E. Approve the Additional Advance of \$122,000 to the City Deed of Trust;
- F. Approve the Amendment of the Affordability Control Covenant Imposed on Real Property; and
- G. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary.

Action: Approved the recommendations; Agreement Nos. 25,660 and 18,701.01 (August 9, 2016, report from the Community Development Director).

Speakers:

- Staff: Project Planner David Rowell
- Members of the Public: Robert Pearson, Housing Authority of the City of Santa Barbara.

3. Subject: Consent To Sublease Between Museum Of Exploration And Innovation (MOXI) And Chicken Little At 125 State Street (330.04)

Recommendation: That Council approve and authorize the City Administrator to execute a Consent to Sublease Agreement between the Children's Museum of Santa Barbara, Inc., dba MOXI, and Chicken Little, LLC for approximately 400 square feet of space within the City-owned property at 125 State Street.

Action: Approved the recommendation; Agreement No. 25,661 (August 9, 2016, report from the City Administrator).

4. Subject: Contract For Preliminary Design And Environmental Studies For Cabrillo Boulevard And Union Pacific Railroad Bridge (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Ty-Lin International in the amount of \$689,207 for design services of the Cabrillo Boulevard at Union Pacific Railroad Underpass Project, and authorize the Public Works Director to approve expenditures of up to \$68,920 for extra services of Ty-Lin International that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,662 (August 9, 2016, report from the Public Works Director).

5. Subject: Acceptance Of Grant Revenues And Increase The Design Contract For The Gutierrez Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Authorize an increase in the extra services amount with Drake Haglan and Associates, for bridge design services for the Gutierrez Street Bridge Replacement Project, Contract No. 24,338, in the amount of \$83,194, for a total project expenditure authority of \$733,617;
- B. Accept Federal Highway Administration Highway Bridge Program Grant Funding in the total amount of \$885,300 for right of way phase costs for the Gutierrez Street Bridge Replacement Project;
- C. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2017 Streets Grant Fund by \$221,325 of the total \$885,300 approved grant for the required right of way costs related to the Gutierrez Street Bridge Replacement Project; and
- D. Approve a transfer of \$28,675 from existing Street Capital Fund appropriations to the Streets Grant Fund to cover the anticipated City Funds required for right of way costs for the Gutierrez Street Bridge Replacement Project, and appropriate these funds in the Streets Grant Fund.

Action: Approved the recommendations; Contract No. 24,338.01 (August 9, 2016, report from the Public Works Director).

6. Subject: Contract For Contaminated Soils Management Of Water Main Replacement In The 100 To 300 Blocks Of Calle Cesar Chavez (540.06)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Rincon Consultants, Inc., in the amount of \$44,587 for environmental consulting services of the Cabrillo and Alameda Padre Serra Water Line Replacement Project at the 100-300 blocks of Calle Cesar Chavez, and authorize the Public Works Director to approve expenditures of up to \$8,917 for extra services of Rincon Consultants, Inc., that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,663 (August 9, 2016, report from the Public Works Director).

7. Subject: Authorize Out-Of-City Sewer Service Agreement For 529 Apple Grove Lane (540.13)

Recommendation: That Council authorize the Public Works Director to execute an agreement for out-of-City sewer service for 529 Apple Grove Lane.

Action: Approved the recommendation; Agreement No. 25,664 (August 9, 2016, report from the Public Works Director).

8. Subject: Montecito Water District Funding Agreement (540.10)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a Funding Agreement with the Montecito Water District for Phase 1 work associated with ongoing development of a Water Sales Agreement in relation to the City's Charles E. Meyer Desalination Plant as a potential regional water supply;
- B. Authorize the City Attorney to negotiate and execute a Professional Services contract in the amount of \$150,000 with Best, Best & Krieger, for special legal support in the drafting of the Water Sales Agreement;
- C. Authorize the increase of estimated revenues in the Water Operating Fund by \$193,594, which is the Montecito Water District's portion of the Phase I work of the Funding Agreement;
- D. Approve, and authorize the Public Works Director to execute a Professional Services contract in the amount of \$425,187 with Carollo Engineers, for technical support services related to the Water Sales Agreement;
- E. Authorize the Public Works Director to approve expenditures of up to \$42,518.70 for extra services of Carollo Engineers that may result from necessary changes in the scope of work; and
- F. Authorize the City Attorney to make both minor and technical changes to the Funding Agreement necessary to effectuate the final Agreement with the Montecito Water District.

Action: Approved the recommendations; Agreement Nos. 25,665 - 25,667 (August 9, 2016, report from the Public Works Director).

Speakers:

- Staff: Water Manager Joshua Haggmark.

9. Subject: Increase To Contract Number 25,572 With PlanetBids For Electronic Bidding System (520.02)

Recommendation: That Council approve increasing contract number 25,572 by \$6,500 for a new not to exceed amount of \$58,975 to add a license for an Emergency Operations module.

Action: Approved the recommendation; Agreement No. 25,572.01 (August 9, 2016, report from the Finance Director).

10. Subject: Contract For Measuring The Impact Of Neonicotinoid Pesticides On Estuaries And Coastal Streams (570.05)

Recommendation: Authorize the Parks and Recreation Director to execute a Joint Funding Agreement with the United States Geological Survey (USGS) in the amount of \$50,000 to conduct laboratory testing in support of the "Impact of Neonicotinoid Pesticides on Estuaries and Coastal Streams Research Project."

Action: Approved the recommendation; Agreement No. 25,668 (August 9, 2016, report from the Parks and Recreation Director).

11. Subject: Purchase Order With T-2 Systems For Luke Parking Stations (550.08)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.070.K, and authorize the General Services Manager to issue a purchase order to T-2 Systems for eight Luke Parking Payment Stations in an amount not-to-exceed \$90,000.

Action: Approved the recommendation (August 9, 2016, report from the Waterfront Director).

NOTICES

12. The City Clerk has on Thursday, August 4, 2016, 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.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Hotchkiss reported that the Ordinance Committee met to hear a presentation on a proposed ordinance related to amendment Section 17.20.005 of the Santa Barbara Municipal Code related to the Slip Assignment Policy that would extend the time allowed for a slip permittee to replace a vessel that is donated, stolen, destroyed or otherwise permanently removed from the slip from 120 days to 180 days and eliminate the Lottery List Assignment Fee for slips assigned from the Lottery Waiting List.

PUBLIC HEARINGS

13. Subject: Fiscal Year 2017 Water Rates Public Hearing And Adoption Of Resolution Amending A Portion Of Resolution No. 16-044 Establishing Water Rates And Fees (540.10)

Recommendation: That Council:

- A. Hold the continued public hearing for Fiscal Year 2017 water rates from June 14, 2016; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution 16-044 and Establishing Certain Water Service Rates for Fixed Monthly Service Charges and Metered Volumetric Charges.

Documents:

- August 9, 2016, report from the Public Works Director.
- Proposed resolution.
- August 1, 2016, letter from Ruth Warkentim.
- August 8, 2016, letter from Mike McBirney.
- August 8, 2016, letter from John Beardsmore.
- August 8, 2016, letter from Curtis C. Ridling.
- August 9, 2016, email from Anna McMillin.
- August 9, 2016, email from Anna Marie Gott.
- August 9, 2016, letter from Lawrence Thompson.

Public Comment Opened:

2:49 p.m.

Speakers:

- Staff: Water Supply Manager Kelly Dyer.
- Members of the Public: Ed Behrman; Michael McBritney; Denise Adams, Montecito Vista Subdivision; Deborah Kirkhoff, Montecito Vista Subdivision; Ted Tedesco.

Public Comment Closed:

2:59 p.m.

Motion:

Councilmembers White/Murillo to approve the staff recommendations; Resolution No. 16-054.

Vote:

Unanimous roll call vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

14. Subject: Development Impact Fees (290.00)

Recommendation: That Council:

- A. Discuss the potential merits and drawbacks of development impact fees; and
- B. Direct staff on the process to bring the item back to Council, if needed.

Documents:

- August 9, 2016, report from the Community Development Director and Community Development Business Manager.
- PowerPoint presentation prepared and made by Staff.
- August 9, 2016, letter from Joe Rution and Anna Marie Gott.

Speakers:

- Staff: Community Development Director George Buell; City Planner Renee Brooke.
- Members of the Public: Ken Oplinger, Chamber of Commerce; Bob Hart, Santa Barbara Association of Realtors; Jeff Eckles, Home Builders Association of the Central Coast.

Motion:

Councilmembers White/Rowse for staff to add this item to the pending list of projects for the Community Development department and bring back for future discussion at the joint meeting of Planning Commission and City Council in Spring, 2017.

Vote:

Majority voice vote. (Noes: Councilmembers Murillo, Hart and Hotchkiss)

RECESS

4:38 p.m. – 4:43 p.m.

FINANCE DEPARTMENT

15. Subject: New Online Payment System For Utility Bills (210.01)

Recommendation: That Council receive a demonstration of the City's new electronic bill presentment and payment services system for utility bills.

Documents:

- August 9, 2016, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

15. (Cont'd)

Speakers:

Staff: Treasury Manager Julie Nemes.

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

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Schneider commended all those involved with the coordination of this year's Old Spanish Days.
- Councilmember White reported on his recent meeting at the Cachuma Conservation Release Board.
- Councilmember Murillo reported on her attendance at the Boys and Girls Club of Santa Barbara First Annual Fiesta Celebration Car Show.

RECESS

The Mayor recessed the meeting at 5:05 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 16. She stated that no reportable action is anticipated.

CLOSED SESSIONS

16. Subject: Conference with City Attorney - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to Government Code sections 54956.9(d)(2) & (e)(1) and take appropriate action as needed.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

August 9, 2016, report from the City Attorney.

Time:

5:05 p.m. – 6:25 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:25 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLGATE
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
August 16, 2016
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on August 16, 2016, was cancelled by the Council on November 24, 2015.

The next regular meeting of the City Council is scheduled for September 6, 2016, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLGATE
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
August 23, 2016
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on August 23, 2016, was cancelled by the Council on November 24, 2015.

The next regular meeting of the City Council is scheduled for September 6, 2016, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLGATE
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
August 30, 2016
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on August 30, 2016, was cancelled by the Council on November 24, 2015.

The next regular meeting of the City Council is scheduled for September 6, 2016, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 21, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

PUBLIC COMMENT

Speakers: Lee Moldaver, Phil Walker.

CHANGES TO AGENDA

Items Continued to Future Meetings

The Council agreed to continue the following items:

14. Subject: Lease Agreements With Nonprofit Organizations At The Westside Neighborhood Center (580.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute annual lease agreements for office space at the Westside Neighborhood Center (Westside Center) for the Independent Living Resource Center, UCP/Work, Inc., United Cerebral Palsy Association of Los Angeles, Ventura, and Santa Barbara Counties, and the Santa Barbara Unified School District-Quetzal program.

25. Subject: Public Employee Performance Evaluation - Government Code Section 54957(b)(1) (160.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation, including salary and fringe benefits, per Government Code Section 54957(b)(1).

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

Items Removed From Consent Calendar

Councilmember Rowse recused himself from the following items due to his ownership of a business within the Downtown District.

16. Subject: Downtown Santa Barbara Maintenance Agreement For Fiscal Year 2017 (530.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute a one-year agreement in the amount of \$689,602 with Downtown Organization of Santa Barbara, Inc., for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the Highway 101 underpass and various cross streets, from July 1, 2016, through June 30, 2017.

Documents:

June 21, 2016, report from the Parks and Recreation Director.

Motion:

Councilmembers Murillo/Hotchkiss to approve the recommendation;
Agreement No. 25,599. (Cont'd)

16. (Cont'd)

Vote:

Majority voice vote (Abstention: Councilmember Rowse).

20. Subject: Parking And Business Improvement Area Annual Assessment Rates For Fiscal Year 2017 - Public Hearing (550.10)

Recommendation: That Council:

- A. Consider any appropriate protests to the Parking and Business Improvement Area Annual Assessment Report For Fiscal Year 2017, as required under the California Parking and Business Improvement Area Law of 1989;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2017, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2017; and
- C. Direct staff and the City Attorney to review the Parking and Business Improvement Area assessment methodology for consistency with current industry standards.

Documents:

- June 21, 2016, report from the Public Works Director.
- Proposed resolution.

The title of the resolution related to item was read.

Motion:

Councilmembers Murillo/Hotchkiss to approve the recommendations; Resolution No. 16-041.

Vote:

Majority roll call vote (Abstention: Councilmember Rowse).

CONSENT CALENDAR (Items 1 - 13, 15, 17 - 19, 21)

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

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of May 3, 2016, and the special meeting of June 1, 2016.

Action: Approved the recommendation.

2. Subject: Appropriation Of Asset Forfeiture Funds For The Council On Alcoholism And Drug Abuse Criminal Justice Early Identification Specialist Position And "Kids Fight Drugs" Calendar (520.04)

Recommendation: That Council:

- A. Authorize the Chief of Police to execute a three-year agreement with the Council on Alcoholism and Drug Abuse (CADA) to fund the Early Identification Specialist position;
- B. Increase appropriations by \$147,000 for Fiscal Year 2017 in the Police Department Asset Forfeiture and Grants Fund from available asset forfeiture reserves for continued funding for CADA's Criminal Justice Early Identification Specialist position through Fiscal Year 2019; and
- C. Increase appropriations by \$15,000 for Fiscal Year 2017 in the Police Department Asset Forfeiture and Grants Fund from available asset forfeiture reserves to pay CADA for the City of Santa Barbara's share of the cost for administering the "Kids Fight Drugs" calendar through Fiscal Year 2019.

Action: Approved the recommendations; Agreement No. 25,590 (June 21, 2016, report from the Police Chief).

3. Subject: Appointment of Sign Ordinance Review Committee (640.02)

Recommendation: That Council appoint members to a Sign Ordinance Review Committee to review the City's existing sign regulations to assure compliance with the First Amendment.

Action: Approved the recommendation. (June 21, 2016, report from the City Attorney).

4. Subject: Acceptance Of A Public Street Easement At Jardin de las Rosas Apartments, 510 North Salsipuedes Street (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Dedication of a Street Easement Deed for Street and All Related Purposes on the Private Property Known as 510 North Salsipuedes Street.

Action: Approved the recommendation; Resolution No. 16-039; Agreement No. 25,591 (June 21, 2016, report from the Public Works Director; proposed resolution).

5. Subject: Acceptance Of Water Meter Easement For 1200 And 1212 Mission Canyon Road (540.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Agreement for Access to Water Meters and Grant of Easement for 1200 and 1212 Mission Canyon Road.

Action: Approved the recommendation; Resolution No. 16-040; Agreement No. 25,592 (June 21, 2016. report from the Public Works Director; proposed resolution).

6. Subject: Approval Of Three-Year Pre-Qualified Supervisory Control And Data Acquisition Vendors (540.01)

Recommendation: That Council:

- A. Approve a pre-qualified vendor list to provide support for Water Resources' Supervisory Control And Data Acquisition systems for a three-year period; and
- B. Authorize the General Services Manager to issue purchase orders to vendors on the approved list, in accordance with approved budgets, through June 21, 2019.

Action: Approved the recommendation (June 21, 2016, report from the Public Works Director).

7. Subject: Contract For Water Quality Monitoring Services (570.03)

Recommendation: That Council authorize the Waterfront Director to execute a five-year agreement between the City and Leidos, Inc. for Water Quality Monitoring Services for the Waterfront Department, in an amount not to exceed \$46,470 over the term of the contract; and authorize the Waterfront Director to approve expenditures of up to \$4,600 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,593 (June 21, 2016, report from the Waterfront Director).

8. Subject: Approval Of Equipment Standardization List For The Water Resources Division (540.01)

Recommendation: That Council find it to be in the City's best interest to approve an Equipment Standardization List for the Water Resources Division for the next three years, in accordance with Section 4.52.080 (L) of the Municipal Code.

Action: Approved the recommendation (June 21, 2016, report from the Public Works Director).

9. Subject: Professional Services Agreement For Conceptual Design Of Santa Barbara Fire Station 7 (530.01)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Agreement with RRM Design Group in the amount of \$47,400, with \$9,480 available for extra services, for the conceptual design of Santa Barbara Fire Station 7 located at 2411 Stanwood Drive.

Action: Approved the recommendation; Agreement No. 25,594 (June 21, 2016, report from the Public Works Director).

10. Subject: Animal Control Shelter Services Amendment To Agreement With The County of Santa Barbara (520.05)

Recommendation: That Council authorize the Chief of Police to execute an amendment to the agreement with the County of Santa Barbara to provide animal control shelter services for Fiscal Year 2017 through Fiscal Year 2018 (July 1, 2016, to June 30, 2018).

Action: Approved the recommendation; Agreement No. 25,594 (June 21, 2016, report from the Chief of Police).

11. Subject: School Crossing Guard Agreements With The Santa Barbara Unified And Hope School Districts (150.05)

Recommendation: That Council:

- A. Authorize the Chief of Police to execute a Memorandum of Understanding with the Santa Barbara Unified School District for School Crossing Guard services, including Peabody School, from July 1, 2016, through June 30, 2019; and
- B. Authorize the Chief of Police to execute a Memorandum of Understanding with the Hope School District for School Crossing Guard services from July 1, 2016, through June 30, 2019.

Action: Approved the recommendation; Agreement Nos. 25,595 and 25,596 (June 21, 2016, report from the Chief of Police).

12. Subject: Increase Contract For Professional Services For Polygraphs For Police Department Personnel (520.04)

Recommendation: That Council authorize the Chief of Police to execute an increase of \$15,000 in the professional services agreement with Polygraph Examiner Joe Delia, bringing the total cost of a three-year agreement from \$30,000 to \$45,000 to cover the cost of performing all polygraph tests for potential Police Department personnel.

Action: Approved the recommendation; Agreement No. 25,597 (June 21, 2016, report from the Chief of Police).

13. Subject: Rejection Of The Westside Neighborhood Zone 3 Pavement Maintenance Project Bid (530.04)

Recommendation: That Council reject the bid for the construction of the Westside Neighborhood Pavement Maintenance Project.

Action: Approved the recommendation (June 21, 2016, report from the Public Works Director).

14. Subject: Lease Agreements With Nonprofit Organizations At The Westside Neighborhood Center (580.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute annual lease agreements for office space at the Westside Neighborhood Center (Westside Center) for the Independent Living Resource Center, UCP/Work, Inc., United Cerebral Palsy Association of Los Angeles, Ventura, and Santa Barbara Counties, and the Santa Barbara Unified School District-Quetzal program.

Action: Approved the recommendation; Agreement Nos. 25,672, 25,673, and 25,674 (June 21, 2016, report from the Parks and Recreation Director).

15. Subject: City And School District Joint Use Park Ranger Patrol Services Agreement (570.08)

Recommendation: That Council authorize the City Administrator to enter into a one-year agreement with the Santa Barbara Unified School District (District) for Park Ranger Patrol Services at District properties at a cost of \$32,048.

Action: Approved the recommendation; Agreement No. 25,598 (June 21, 2016, report from the Parks and Recreation Director).

16. Subject: Downtown Santa Barbara Maintenance Agreement For Fiscal Year 2017 (530.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute a one-year agreement in the amount of \$689,602 with Downtown Organization of Santa Barbara, Inc., for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the Highway 101 underpass and various cross streets, from July 1, 2016, through June 30, 2017.

Action: Approved the recommendation; Agreement No. 25,599 (June 21, 2016, report from the Parks and Recreation Director).

17. Subject: Donation Of Firefighting Equipment To The Fire Department By The Santa Barbara Firefighters Alliance (520.03)

Recommendation: That Council accept the donation of rescue and safety equipment from the Santa Barbara Firefighters Alliance to the City of Santa Barbara Fire Department, valued at approximately \$32,000.

Speakers:

- Staff: Fire Chief Patrick McElroy.
- Members of the Public: Paul Cashman, Firefighter's Alliance.

Action: Approved the recommendation (June 21, 2016, report from the Fire Chief).

18. Subject: License Agreement With The Santa Barbara Swim Club (570.08)

Recommendation: That Council authorize the Parks and Recreation Director to execute the renewal of a two-year license agreement with the Santa Barbara Swim Club for the use of Los Baños del Mar Swimming Pool.

Action: Approved the recommendation; Agreement No. 25,600 (June 21, 2016, report from the Parks and Recreation Director).

19. Subject: Authorization of Legal Services Agreement with Silver & Wright, LLP (160.01)

Recommendation: That Council authorize the City Attorney to execute a legal services agreement with Silver & Wright, LLP, in an amount not to exceed \$65,000 for special counsel services on certain residential receivership and code enforcement actions.

Action: Approved the recommendation; Agreement No. 25,601 (June 21, 2016, report from the City Attorney).

CONSENT PUBLIC HEARING

20. Subject: Parking And Business Improvement Area Annual Assessment Rates For Fiscal Year 2017 - Public Hearing (550.10)

Recommendation: That Council:

- A. Consider any appropriate protests to the Parking and Business Improvement Area Annual Assessment Report For Fiscal Year 2017, as required under the California Parking and Business Improvement Area Law of 1989;

20. (Cont'd)

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2017, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2017; and
- C. Direct staff and the City Attorney to review the Parking and Business Improvement Area assessment methodology for consistency with current industry standards.

Action: Approved the recommendations; Resolution No. 16-041 (June 21, 2016, report from the Public Works Director; proposed resolution).

NOTICES

- 21. The City Clerk has on Thursday, June 16, 2016, 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.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Randy Rowse reported that the Committee met to hear a staff presentation regarding the status of proposed amendments to the Santa Barbara Municipal Code regarding historic resource protection and the designation of future Historic Districts and Special Design Districts.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

22. Subject: Adoption Of The Operating And Capital Budget For Fiscal Year 2017 (230.05)

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

- A. A Resolution of the Council of the City of Santa Barbara Adopting the Budget for the Fiscal Year 2017 by Appropriating Moneys for the Use and Support of Said City from the Funds and to the Purposes Herein Specified;
- B. A Resolution of the Council of the City of Santa Barbara Establishing the City's Appropriation Limitation for Fiscal Year 2017;
- C. A Resolution of the Council of the City of Santa Barbara Establishing Certain City Fees and Rescinding Resolution No. 15-053;

22. (Cont'd)

- D. A Resolution of the Council of the City of Santa Barbara Authorizing Classified and Unclassified Positions in the City's Service Effective June 21, 2016, and Providing a Schedule of Classifications and Salaries for the Same in Accordance with the Operating Budget for the 2017 Fiscal Year;
- E. A Resolution of the Council of the City of Santa Barbara Authorizing the Continuation of Capital and Special Project Appropriations to Fiscal Year 2017;
- F. A Resolution of the Council of the City of Santa Barbara Establishing Administrative Guidelines and Fines for Noise Violations Pursuant to Sections 9.16.020 and 9.16.030 of the Santa Barbara Municipal Code; and
- G. A Resolution of the Council of the City of Santa Barbara Establishing Waterfront Harbor Slip, Mooring and User Fees and Rescinding Resolution No. 15-055.

Documents:

- June 21, 2016, report from the Finance Director.
- Proposed resolutions.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Speakers:

- Staff: Finance Director Robert Samario.
- Downtown Parking Committee: Trey Pinner.

Motion:

Councilmembers White/Rowse to approve the recommendations A through F.

Vote:

Unanimous roll call vote; Resolution Nos.: 16-043, – 16-047.

Councilmembers Rowse and White stated that they would recuse themselves from the following vote due to being current slipholders in the marina.

Motion:

Councilmembers Murillo/Hart to approve recommendation G Resolution No. 16-048/

Vote:

Majority roll call vote. (Abstentions: Councilmembers Rowse, White).

PUBLIC WORKS DEPARTMENT

23. Subject: Mission Park To Mission Canyon Pedestrian And Bike Way Project (670.04)

Recommendation: That Council:

- A. Receive an update on the status of the Mission Park to Mission Canyon Pedestrian and Bike Way Project; and
- B. Direct staff whether to continue work on a Highway Bridge Program grant from the State of California Department of Transportation for the Mission Canyon Road Bridge over Mission Creek.

Documents:

- June 21, 2016, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- June 15, 2016, letter from Don Olson, Mission Heritage Trail Association.
- June 16, 2016, email from Rosanne Crawford.
- June 18, 2016, letter from Richard B. Tobin.
- June 20, 2016, email from Lanny Ebenstein.
- June 21, 2016, letter from Suzanne Elledge and Heidi Jones.
- June 21, 2016, email from Alastair Winn.
- June 21, 2016, letter from Upper East Association Board of Directors.
- June 21, 2016, letter from Trey Pinner.

Speakers:

- Staff: Principal Transportation Planner Rob Dayton; Principal Engineer Brian D'Amour.
- Santa Barbara County Representative Matt Dobberteen.
- Members of the Public: Erika Shargi; Frank Frost; Paula Conn; Lanny Ebenstein; Ray Smith, Mission Canyon Association; Karl Hutterer, Mission Canyon Association; Shelley Bookspan, Riveria Association; Fred Sweeney, Upper East Association; Tom Jacobs, Mission Heritage Trails Association; Steve Forsell, Mission Heritage Trails Association; Dan Olson, Mission Heritage Trail Association; Heidi Jones, Mission Heritage Trail Association; SEPPS; Kellem de Forest; Mike Imwalle, Mission Heritage Trail Association.

Councilmembers heard the report and their questions were answered.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Rowse reported on his attendance at the Mesa Community Group.
- Councilmember Murillo reported on her attendance at the following events: 1) Westside Community Association meeting; 2) Sustainability Committee meeting; 3) Funeral of Cedric Robinson, professor at University of California, Santa Barbara; and 4) meeting of the Neighborhood Advisory Committee.
- Councilmember White reported on his attendance at the Cachuma Operation and Maintenance Board.
- Mayor Schneider reported on her recent meeting at Santa Barbara County Associations of Governments.

RECESS

The Mayor recessed the meeting at 4:30 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 24 and 26. She stated that no reportable action is anticipated.

CLOSED SESSIONS

24. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiators Kristine Schmidt, Administrative Services Director, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the General Bargaining Unit, Firefighters Association, Supervisors Association, and Police Officers Association.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

June 21, 2016, report from the Administrative Services Director.

Time:

4:30 p.m. – 5:20 p.m.

No report made.

26. Subject: Public Employee Performance Evaluation - Government Code Section 54957(b)(1) (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation, including salary and fringe benefits, per Government Code Section 54957(b)(1).

Title: City Administrator
Scheduling: Duration, 40 minutes; anytime
Report: None anticipated

Documents:

June 21, 2016, report from Mayor Schneider.

Time:

5:20 p.m. – 6:05 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Administration, Administrative Services Department

SUBJECT: Introduction Of Ordinance Approving Supervisors Memorandum of Understanding

RECOMMENDATION:

That Council ratify the labor agreement with the Supervisory Employees bargaining unit through introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending The 2012-2016 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit, adopted by Ordinance No. 5587 and previously amended by Ordinance Nos. 5623 and 5704, and extending the term through June 30, 2017.

DISCUSSION:

Negotiators have reached a tentative agreement with the Supervisors Association for a one year extension to the existing labor agreement within the parameters provided by Council. The agreement was ratified by the Association membership on August 23, 2016.

The agreement will provide a 3% increase to salaries effective June 25, 2016.

The agreement also provides the following:

- A reopener to meet and consult on any cost-neutral changes made by the City to the cafeteria plan to address any impacts of the Affordable Care Act, if needed;
- Language to reaffirm the City's policy on use of Family Sick Leave in lieu of new State legislature;
- Removal of the penalty for sick leave upon retirement for the Harbor Patrol Supervisor classification if at 90% pension, similar to what has been agreed to citywide for other safety classifications;
- Continued meetings on a total market compensation survey; and
- Tentative holiday closure periods.

As is traditional, the ordinance authorizes the City Administrator to offer the same salary and benefit changes to confidential supervisors as those supervisors in the bargaining unit.

BUDGET/FINANCIAL INFORMATION:

For supervisors, including confidential supervisors, the cost of the one year agreement will be \$136,060 to the General Fund and \$280,462 citywide.

Funds for the proposed increases for the first year were included in the Fiscal Year 2017 adopted budget.

SUBMITTED BY: Kristy Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE 2012-2016 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY SUPERVISORY EMPLOYEES' BARGAINING UNIT, ADOPTED BY ORDINANCE NO. 5587 AND PREVIOUSLY AMENDED BY ORDINANCE NOS. 5623 AND 5704, AND EXTENDING THE TERM THROUGH JUNE 30, 2017.

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

SECTION 1. The 2012-2016 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit, adopted by Ordinance No. 5587 and amended by Ordinance Nos. 5623 and 5704, is hereby amended to include the supplemental agreement attached hereto and incorporated herein by reference as Exhibit A.

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

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

2016-2017 SUPERVISORS SUPPLEMENTARY AGREEMENT

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et seq. of the Government Code, the duly authorized representatives of the City of Santa Barbara ("The City") and the Santa Barbara City Supervisory Employees' Bargaining Unit ("The Association"), having met and conferred in good faith, agree that the existing 2012-2016 Memorandum of Understanding (MOU), as previously amended, shall be amended and supplemented with the following agreement:

1. TERM

The term of the agreement will be extended by 12 months, through June 30, 2017.

2. SALARIES

There will be a base salary increase of 3% for all classifications effective June 25, 2016 (6/25/2016).

3. CAFETERIA PLAN CHANGES

The City may make changes to the cafeteria plan that are cost-neutral to the City based on impacts of the Affordable Care Act (ACA), including but not limited to:

- Affordability Calculations: Should changes or interpretation of law lead to the City's cafeteria plan contribution not being credited as an employer contribution toward minimum essential coverage under affordability provisions of the Affordable Care Act (ACA), the City may make changes to the structure of the benefit that are cost-neutral to the City to ensure treatment of its contribution as an employer contribution.
- Cadillac Tax: City may make changes to the cafeteria plan that are cost-neutral to the City in order to avoid insurance premium increases resulting from the 40 percent excise tax on high-cost employer-sponsored health plans (the "Cadillac Tax") or other penalties or liability as a result of the ACA.

The City will meet and consult over the proposed changes with the Association at least 3 months prior to implementation of the changes, but will not be obligated to delay implementation or to negotiate to impasse.

4. FAMILY SICK LEAVE

Effective January 1, 2016, **Article 49 (e)** is replaced with the following: “A full-time employee may use up to six days (48 hours) of available accrued sick leave per calendar year for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, a family member of the employee. “Family member” means any of the following: a spouse or registered domestic partner; a child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, regardless of age or dependency status); a parent (biological, adoptive, or foster parent, stepparent, or legal guardian) of an employee or the employee’s spouse or registered domestic partner; a person who stood in loco parentis when the employee was a minor child; a grandparent; a grandchild; or a sibling. Part-time employees may use the equivalent of six (6) months of sick leave accrual at their prorated accrual rate for such purposes. All rules for use of sick leave will apply, including those regarding physician statement requirements and use of sick leave for medical appointments.”

5. SICK LEAVE CONVERSION UPON RETIREMENT

Effective for retirement on or after July 1, 2016, the 90% cap calculation for conversion of accrued sick leave upon retirement for PERS safety employees will be removed.

6. VACATION ACCRUAL CAP

Effective July 9, 2016, the language of Article 55(a) is amended as follows “[...] No employee may accrue a vacation balance in excess of three hundred and twenty (320) hours unless approved for excess accrual based upon **extenuating circumstances** ~~City need or personal emergency~~. [...]”

7. SALARY SURVEY

The City and the Association will continue to meet weekly, or as otherwise agreed, to discuss the ongoing total compensation survey, with the goal to have the results finalized for reference during negotiations for a successor labor agreement.

8. HOLIDAY CLOSURE

If the City chooses to close some or all offices to the public during the 2016 and/or 2017 holiday period, employees will either work, use their own paid leave banks, or take unpaid leave in accordance with the 2012 Holiday Closure Plan contained in Appendix F, with the following updates:

- The closure periods are tentatively planned to be, subject to change:
 - 2016 Closure: Monday, December 26th, 2016 through Monday, January 2nd, 2016
- Employees who wish to work during the Holiday Closure must advise their Manager no later than:
 - 2016 Closure: November 15, 2016.

Signed:

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



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance Granting Easements To County Flood Control District As Part Of The Mason Street Bridge Replacement

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 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 the Grant Deeds in a Form Approved by the City Attorney.

DISCUSSION:

The City of Santa Barbara (City) has acquired fee ownership of two properties related to the Mason Street Bridge Replacement Project (Project), commonly known as 15 and 20 West Mason Streets. The Project is nearing completion, and the 20 West Mason Street property is being prepared for sale as excess City property. It is a residential tri-plex property that was acquired due to its close proximity to the construction of a new creek wall and the potential for damage during Project construction. The property was successfully protected in place during construction and is currently on the market for resale. The 15 West Mason Street property is now vacant land and has been improved and retained as a creek habitat restoration area.

The City and the County of Santa Barbara Flood Control and Water Conservation District (District) have historically worked together to improve water conveyance and flood control on the Lower Mission Creek Flood Control Project, and continue to do so as the City completes bridge replacement projects. It has been the intent that, when City Bridge Projects are completed, any real property rights acquired by the City that are determined to be beneficial to the District would be assigned or granted to and accepted by District.

Easement Deeds for the two City-owned properties have been prepared for offer and acceptance by the District as beneficial to their ongoing interests for flood control and all related purposes. The offer and acceptance of the 20 West Mason Street property easement must occur prior to the sale and transfer of the property ownership. The 15

Council Agenda Report
Introduction Of Ordinance Granting Easements To County Flood Control District As Part
Of The Mason Street Bridge Replacement
September 6, 2016
Page 2

West Mason Street property will remain under the ownership of the City with the easement being offered concurrently with this Ordinance.

Consideration for the granting of these easements is of mutual benefit to both the City and the District in improving water conveyance and flood control for Lower Mission Creek, reducing the risk of flooding and potential damages.

City Public Works management and staff have reviewed these actions in conjunction with District staff and recommend that Council approve the introduction and subsequent adoption of this Ordinance.

ATTACHMENT: Exhibit of Easements to Santa Barbara County Flood District on 15 and 20 West Mason Street

PREPARED BY: Adam Hendel, Acting Principal Civil Engineer/DT/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

CHAPALA STREET

112 CHAPALA ST.
APN-033-074-009

NEW CREEK WALL

108 CHAPALA ST.
APN-033-074-008

104 CHAPALA ST.
APN-033-074-007

28 W. MASON ST.
APN-033-074-006

20 W. MASON ST.
APN-033-074-005

135 KIMBERLY AVE
APN-033-074-019

KIMBERLY AVE.
APN-033-074-020

116 KIMBERLY AVE.
APN-033-075-008

KIMBERLY AVE.
APN-033-075-009

KIMBERLY AVE.
APN-033-075-010

16 W. MASON ST.
APN-033-075-006

101 STATE ST.
APN-033-075-011

MASON STREET

UPSTREAM FACE
OF BRIDGE

BRIDGE ABUTMENTS

DOWNSTREAM FACE
OF BRIDGE

26 W CHAPALA ST
APN-033-102-001

28 W CABRILLO BLVD
APN-033-102-002

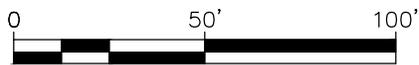
MISSION CREEK

15 W. MASON ST.
APN-033-102-003

35 STATE ST.
APN-033-102-018

NEW CREEK WALL

22 W CABRILLO BLVD
APN-033-102-017



SCALE 1"=50'

(E) PED BRIDGE

LEGEND



SANTA BARBARA COUNTY
FLOOD CONTROL EASEMENT



ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE GRANTING OF EASEMENTS ON CITY OWNED 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 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 City of Santa Barbara (City) has acquired in fee the two properties commonly known as 15 and 20 West Mason Streets as necessary for the completion of the Mason Street Bridge replacement projects;

WHEREAS, the City is nearing completion of construction and replacement of the bridge at Mason Street;

WHEREAS, the City and the County of Santa Barbara Flood Control and Water Conservation District (District) are working jointly to improve water conveyance and flood control within a portion of Mission Creek, beginning at Canon Perdido Street and continuing to Cabrillo Boulevard, known as the Lower Mission Creek Flood Control Project (LMCFCP) as originally designed by the US Army Corp of Engineers; and

WHEREAS, the intent between both the City and District has been to permanently grant all easements and or other property rights on properties acquired by the City that may allow for enhanced access and flood control purposes by District within Mission Creek, and that the City and District have agreed to transfer and accept those certain easement interests as particularly described by the respective 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 the District, easements for access, flood control and all related purposes on the City fee owned properties as particularly described and shown in the existing Grant Deeds to City, filed as Instruments Nos. 2013-0039995, dated June 14, 2013, and 2013-0040007, dated

June 14, 2013, of Official Records, in the Office of County of the County Recorder, County of Santa Barbara, State of California.

SECTION 3. That the City Administrator is authorized to execute, in a form approved by the City Attorney, the above referenced Easement Grant Deeds, and other related documents as maybe necessary.

SECTION 4. 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: September 6, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance Establishing Speed Limits

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Santa Barbara Municipal Code by Revising Section 10.60.015 and Establishing Prima Facie Speed Limits on Certain Portions of Anacapa Street, De La Vina Street, La Colina Road, Loma Alta Drive, Verano Drive, and Yanonali Street.

DISCUSSION:

Staff recommends changes to Santa Barbara Municipal Code section 10.60.015 – Schedule of Speed Limits.

California Vehicle Code (CVC) Section 40802 prohibits the enforcement of speed limits on non-local streets using radar unless the speed limit is justified by a current Engineering and Traffic Survey (ETS). Therefore, any non-local street in California must have an ETS in order to establish a radar enforceable speed limit. Local streets and non-local streets are illustrated in the California Road Functional Classification System Map (see **Attachment 1**).

The City currently has 77 established speed zones supported by an ETS. Each ETS must be updated every seven years. Based on the prevailing speeds measured as part of an ETS, existing speed limits must be periodically updated in order to reflect current driving conditions. The resulting speed limit is entered into the Santa Barbara Municipal Code (SBMC) in order for it to be legally enforceable by radar. Generally, ETS's are updated and no change in speed limits is required.

In the spring of 2016, 12 ETS's were updated, and due to the results of those surveys, six speed zones within the City will be changed, which necessitates Council action.

In addition to these six updates, staff recommends the removal of Verano Drive from SBMC section 10.60.015. Verano Drive is classified as a local street, so the speed limit is 25mph under the California Vehicle Code. Therefore, continuing to perform future speed surveys on Verano Drive is not necessary.

Attachment 2 specifically lists each street segment studied, and provides the basis for each modification to SBMC Section 10.60.015. Five of the modifications will result in a decrease in speed limits. The sixth, on Anacapa Street, requires a change in the street segment definition. Removing the section of Anacapa below Haley eliminates the need to do future speed surveys at this location.

- De La Vina Street: Mission Street to Haley Street. Reduce from 30mph to 25mph.
- La Colina Road: La Cumbre Road to Verano Drive. Reduce from 35mph to 30mph.
- Loma Alta Drive: Cliff Drive to Shoreline Drive. Reduce from 35mph to 30mph.
- Yanonali Street: Garden Street to State Street. Reduce from 30mph to 25mph.
- Yanonali Street: Calle Cesar Chavez to Garden Street. Reduce from 35mph to 30mph.
- Anacapa Street: Arrellaga Street to Haley Street (instead of US Highway 101). 25mph speed limit (no change).

ATTACHMENTS: 1. California Road Functional Classification System Map
2. Speed Survey Table

PREPARED BY: Derrick Bailey, Supervising Transportation Engineer/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

California Road Classification System Map

All roads shown in color (non-grey) are considered non-local and require an Engineering and Traffic Survey to establish a speed limit.



City of Santa Barbara Speed Survey List (2016)

Street Name	Limits		Previous Posted Speed Limit	New Posted Speed Limit	Changes	Justification For Lower Speed Limit
Alamar Ave	Foothill Rd	State St	35	35	-	n/a
Anacapa St	Arrellaga St	Haley St	25	25	Change southern limit from US Highway 101 to Haley Street.	n/a
De La Vina St	Haley St	Mission St	30	25	Decrease in Posted Speed/Change in Limits	Collision History ¹ (8.70 & 6.55 acc/mvm) & Residential Density ²
De La Vina St	Mission St	State St	30	30	Change in Limits	n/a
La Colina Rd	La Cumbre Rd	Verano Dr	35	30	Decrease in Posted Speed	Residential Density ²
Loma Alta Dr	Cliff Dr	Shoreline Dr	35	30	Decrease in Posted Speed	Pedestrian Safety
Micheltoarena St	San Andres St	California St	25	25	-	n/a
Miramonte Dr	Carrillo St	Via Del Cielo	30	30	-	n/a
Mission St	Robbins St	Laguna St	25	25	-	n/a
Verano Dr	Primavera Rd	Southerly City Limits	-	-	Remove from Muni Code (residential street)	n/a
Yanonali St	Garden St	State St	30	25	Decrease in Posted Speed	Pedestrian Safety
Yanonali St	Calle Cesar Chavez	Garden St	35	30	Decrease in Posted Speed	85th Percentile Speed

1. Compared to State Average (1.42 acc/mvm) & District Wide (1.59 acc/mvm) Collision Rates

2. Defined by the California MUTCD as 16 or more separate dwelling houses or business structures in 0.25 miles

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 10.60 OF THE SANTA BARBARA MUNICIPAL CODE BY REVISING SECTION 10.60.015 AND ESTABLISHING PRIMA FACIE SPEED LIMITS ON CERTAIN PORTIONS OF ANACAPA STREET, DE LA VINA STREET, LA COLINA ROAD, LOMA ALTA DRIVE, VERANO DRIVE, AND YANONALI STREET

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

SECTION 1. Chapter 10.60 of Title 10 of the Santa Barbara Municipal Code is amended by revising Section 10.60.015 to read as follows:

10.60.015 Streets of Modified Speed Limits.

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

55 miles per hour:

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

45 miles per hour:

CALLE REAL - Las Positas Road to Hitchcock Way

HOLLISTER AVENUE - Fairview Avenue to the westerly City limits

MODOC ROAD - Las Positas Road to westerly City limits

OLD COAST HIGHWAY - Harbor View Drive to Hot Springs Road

40 miles per hour:

CALLE REAL - Hitchcock Way to La Cumbre Road

CARRILLO STREET - San Andres Street to La Coronilla Drive

CLIFF DRIVE – Loma Alta Drive to Las Positas Road

MEIGS ROAD - Cliff Drive to La Coronilla Road

35 miles per hour:

ALAMAR AVENUE - Foothill Road to State Street

ALSTON ROAD - City limits to Eucalyptus Hill Road

BARKER PASS ROAD - Eucalyptus Hill Road to the northerly City limits
 CABRILLO BOULEVARD – Calle Cesar Chavez to US Highway 101
 CLIFF DRIVE - Westerly City limits to Las Positas Road
 FAIRVIEW AVENUE - Placencia Street to Calle Real, those portions within the City limits
 HOPE AVENUE - State Street to Pueblo Avenue
 HOPE AVENUE - Calle Real to State Street
 LA CUMBRE ROAD - Via Lucero to northerly City limits
~~LA COLINA ROAD - La Cumbre Road to Verano Drive~~
 LAS POSITAS ROAD - State Street to a point 870 feet north of Las Positas Place
~~LOMA ALTA DRIVE - Cliff Drive (SR 225) to Shoreline Drive~~
 MEIGS ROAD - Cliff Drive to Salida Del Sol
 MODOC ROAD - Mission Street to Las Positas Road
 OLD COAST HIGHWAY - Salinas Street to Harbor View Drive
 SHORELINE DRIVE - Castillo Street to La Marina

 STATE STREET - Mission Street to the westerly City limits
 VERONICA SPRINGS ROAD - Those portions within the City limits
~~YANONALI STREET – Calle Cesar Chavez to Garden Street~~

30 miles per hour:

ALAMAR AVENUE - De La Vina Street to Junipero Street
 ALAMEDA PADRE SERRA - Los Olivos Street to Sycamore Canyon Road
 ALAMEDA PADRE SERRA - Sycamore Canyon Road to Eucalyptus Hill Road
 ANACAPA STREET - Arrellaga Street to Constance Avenue
 ANAPAMU STREET - Santa Barbara Street to Milpas Street
 BATH STREET - US Highway 101 northbound offramp to Mission Street
 CABRILLO BOULEVARD – Castillo Street to Calle Cesar Chavez
 CALLE REAL – Pueblo Street to Las Positas Road
 CANON PERDIDO STREET - Santa Barbara Street to Milpas Street
 CASTILLO STREET – Cabrillo Boulevard to Mission Street
 CHAPALA STREET – Gutierrez Street to Alamar Avenue
 CLIFF DRIVE – Montecito Street to Loma Alta Drive
 CLINTON TERRACE - Samarkand Drive to Tallant Road
 COAST VILLAGE ROAD - Olive Mill Road to Cabrillo Boulevard
 CONSTANCE AVENUE - State Street to Garden Street
 DE LA GUERRA STREET - Santa Barbara Street to Milpas Street
 DE LA VINA STREET - State Street to ~~Micheltorena Street~~ Mission Street
~~DE LA VINA STREET - Micheltorena Street to Haley Street~~

GARDEN STREET - Micheltorena Street to Junipero Street
HITCHCOCK WAY - Calle Real to State Street
LA COLINA ROAD – La Cumbre Road to Verano Drive
LA CUMBRE ROAD - Southerly City limits (US Highway 101) to Via Lucero
LOMA ALTA DRIVE – Cliff Drive to Shoreline Drive
MILPAS STREET - Anapamu Street to Cabrillo Boulevard
MIRAMONTE DRIVE - Carrillo Street to Via Del Cielo
ONTARE ROAD - Sunset Drive to Foothill Road
SALINAS STREET - US Highway 101 to Sycamore Canyon Road
SAMARKAND DRIVE - De La Vina to Clinton Terrace
SAN PASCUAL STREET - Canon Perdido Street to Coronel Place
SAN ROQUE ROAD - Foothill Road to State Street
SANTA BARBARA STREET - Anapamu Street to Constance Avenue
SHORELINE DRIVE - Salida Del Sol to La Marina
STATE STREET – Victoria Street to Mission Street
TREASURE DRIVE - Tallant Road to Calle Real
~~VERANO DRIVE – Primavera Road to southerly City limits~~
YANONALI STREET – Calle Cesar Chavez to Garden Street
~~YANONALI STREET – Garden Street to State Street~~

25 miles per hour:

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



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Operations Division, Waterfront Department

SUBJECT: Introduction Of An Ordinance Amending Municipal Code Provisions Pertaining To Harbor Slip Assignments

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Amending Section 17.20.005 of Chapter 17.20 of Title 17 Pertaining to Harbor Slip Assignments.

BACKGROUND:

Waterfront Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to identify sections requiring amendment that will help provide a clear legal framework for administering and implementing Department policies and programs. This year, staff focused on two items in MC 17.20.005 (Slip Assignment Policy).

DISCUSSION:

A. MC 17.20.005 B.3. Replacement Vessel

This section currently provides a slip permittee 120 days to replace a vessel that is sold, donated, stolen, destroyed or otherwise permanently removed from a slip. This limited time frame presents two related problems. First, after a boater settles affairs related to the sale of his/her vessel, at least 30 days have typically passed, leaving only 90 days to place another boat in the slip. Second, unless the permittee is already negotiating to buy another boat, shopping (often internationally) for his/her vessel of choice can take time. In order to meet the time requirements placed by the Municipal Code, a slip permittee will often find it necessary to place a "filler" boat in the slip, often an illegal sub-rental on whose title the slip permittee must remain until he/she locates a boat he/she wishes to buy.

Extending the time for replacing a sold, donated, stolen or destroyed boat from 120 to 180 days would allow more time for a slip permittee to shop for a new vessel and

reduce the need to place a temporary, substitute boat in the permittee's slip. It would also provide more berthing opportunities for visiting boats during the 180-day period.

B. MC 17.20.005 C.4. (b) 3 Lottery List Assignment Fee

Since the 1970s, the Waterfront Department has maintained a waiting list for assigning slip permits that revert to the City, either by voluntary relinquishment or permit termination. In 2005, City Council adopted a new waiting-list structure with three categories: Master Waiting List, Sub-Master Waiting List and Lottery Waiting List.

The Master Waiting List includes applications by slip-size category, ranked by date of application. It has been closed to new applicants since 2000. If a slip permit of a certain size is available for assignment, but that slip-size category on the Master Waiting List has been exhausted, Department staff defers to the Sub-Master Waiting List.

The Sub-Master Waiting List ranks all Master Waiting List applicants by application date, regardless of slip-size category. An applicant who has been on the Sub-Master Waiting List the longest may accept or decline a slip permit offer from the exhausted slip-size category. If they decline the offer, the offer is repeated down the Sub-Master Waiting List. If no one on the Sub-Master Waiting List accepts the offer, Department staff defers to the Lottery Waiting List.

The Lottery Waiting List, limited to 50 individuals, is utilized if an offered slip permit is not accepted by applicants on the Sub-Master Waiting List.

When City Council adopted this new waiting-list structure, it included a requirement that (unlike assignments from the Master or Sub-Master lists) anyone assigned a slip permit from the Lottery Waiting List must pay an "Assignment Fee" equal to the Department's slip transfer fee at the time. The intention was to dissuade people from transferring Lottery List permits for profit instead of using them for boating. The unintended effect has been to make assignments from the lottery list prohibitively expensive.

Only the smallest slips, typically 20-footers, have been available to Lottery List applicants as applicants on the Sub-Master List are typically waiting for larger slips. Due to the high cost of the "Assignment Fee" (\$4,000 for a 20-foot slip), slips often go unassigned and the Department has, at times, ended up with several unassigned 20-foot slips. Elimination of the Lottery List Assignment Fee would expedite assignment of these permits.

CONCLUSION

The proposed recommendations will help accommodate slip permittees wishing to purchase replacement boats for their slips, eliminate burdensome financial requirements for Lottery Waiting List applicants and increase boating opportunities for

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Introduction Of An Ordinance Amending Municipal Code Provisions Pertaining To
Harbor Slip Assignments
September 6, 2016
Page 3

the public. On August 9th, Ordinance Committee voted to forward the proposed Ordinance to City Council.

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING THE
MUNICIPAL CODE BY AMENDING SECTION
17.20.005 OF CHAPTER 17.20 OF TITLE 17
PERTAINING TO HARBOR SLIP ASSIGNMENTS.

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

SECTION 1. Section 17.20.005 of Chapter 17.20 of Title 17 of the Santa Barbara
Municipal Code is amended to read as follows:

17.20.005 Slip Assignment Policy.

B. SLIP RENTAL AGREEMENT.

3. Replacement Vessel. If the vessel assigned to the Slip Permit is sold,
donated, stolen, destroyed or otherwise permanently removed from its Slip, its owner
must notify the Waterfront Department within 15 days of such event. The slip permittee
must place a replacement vessel in the Slip assigned to the slip permittee within ~~18~~20
days after the occurrence of the event causing the removal of the vessel assigned to the
Slip Permit, unless granted a written exemption from the Waterfront Director. Failure of
timely reporting of a sold, donated, stolen, destroyed or otherwise permanently removed
vessel, or timely assignment of a replacement vessel, shall be grounds for termination
of the Slip Permit.

C. SLIP WAITING LISTS.

3. Lottery List.

b. Procedure for Slip Assignment to Lottery List Applicants. A slip that becomes available for assignment to the Lottery List shall be offered for assignment to applicants on the Lottery List according to their rank on the Lottery List. ~~With the exception of assignments for twenty-foot slips, if~~ a slip assignment offer is declined by all applicants on the Lottery List, the slip shall be held in the Waterfront Department's visitor slip inventory for a period of six (6) months. After six (6) months, the slip assignment shall be re-offered individually to applicants on the Lottery List in the same order as the slip assignment was initially offered. If the slip remains unassigned after the re-offer, the procedure shall be repeated every six (6) months until the slip assignment offer is accepted. ~~If all applicants on the Lottery List decline a slip assignment offer for a twenty-foot slip, the slip assignment for the twenty-foot slip shall be offered for assignment through a separate twenty-foot lottery pursuant to City Council Resolution.~~

c. Procedure for Accepting or Declining a Slip Assignment Offer from the Lottery List.

(1) Acceptance of Slip Assignment Offer.

(a) Notification of slip availability shall be mailed by the Waterfront Department to the applicant at the applicant's most recent address on file in the Waterfront Department. Acceptance of the slip assignment offer must be submitted by the applicant in writing to the Waterfront Department within fourteen (14) days of the date of mailing the notice of slip availability. Acceptance must be submitted to the Waterfront Department in writing, ~~along with payment of a non-refundable Lottery List~~

~~Assignment Fee as provided in Section C.4.b.(3) herein.~~

(2) Declined Lottery List Assignment Offer. Failure of an applicant to accept a slip assignment offer in writing within fourteen (14) days of the date of mailing of such offer by the Waterfront Department ~~and payment of the Lottery List Assignment Fee as provided in Section C.4.b.(3) herein~~ shall be considered a declined offer. Declining a slip assignment offer will not result in removal of the applicant's name from the Lottery List, loss of the applicant's Lottery List Placement Fee, Lottery List Renewal Fee, or change in the applicant's position on the Lottery List.

4. Slip Waiting Lists Fees.

b. Lottery List Placement Fee, and Renewal Fee ~~and Assignment Fee.~~

~~(3) Lottery List Assignment Fee. A Lottery List Assignment Fee shall be paid by the applicant at the time a Lottery List slip assignment is made in an amount established by resolution of the City Council. Failure to timely pay the Lottery List Assignment Fee shall be deemed a declined offer.~~



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Business & Properties, Airport Department

SUBJECT: Introduction Of Ordinance For Advertising Concession Agreement With Clear Channel Airports

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Five Year Concession Agreement with One Five-Year Option with Interspace Services, Inc. dba Clear Channel Airports to Manage Advertising Sales at Santa Barbara Airport (SBA).

DISCUSSION:

Background

An airport passenger terminal is an attractive environment for advertisers. This is due to the perceived "captive" audience and the relative stability in the number of travelers and visitors every year. Sales of advertising space on walls, baggage devices, digital monitors, and other areas near dwelling travelers has become a typical means of deriving revenue for airports. In nearly all instances, airports contract the concession rights to a third-party advertising sales force specializing in airports.

Solicitation Process

In 2015, Airport staff issued a Request for Proposals (RFP) for a third-party advertiser. Two firms responded to the RFP; however, one of the firms withdrew before the contract could be awarded. The Airport commenced negotiations with the remaining proposer, Clear Channel Airports.

The Airport has proposed only a limited number of locations in the terminal as appropriate for sales of commercial advertising. The opportunity at SBA for a third-party advertising sales force is relatively limited. Consequently, the anticipated revenue to the Airport for advertising sales is modest. However, over time, the Airport may find it

appropriate to add additional advertising locations without jeopardizing the overall aesthetic in the terminal.

Terms of the Agreement

In the proposed agreement, Clear Channel Airports will pay the Airport the greater of a minimum annual guarantee ("MAG") or 20% of gross advertising sales. The MAG will be paid in advance in quarterly installments of \$1,875. Revenues due the Airport over and above the MAG will be paid at the conclusion of each quarter. The minimum revenue generated annually will be \$7,500.

The concession contract with Clear Channel will be five (5) years in duration from execution. The agreement also contains an additional 5-year option with mutual consent. Absent exercise of the option, the contract would end in 2021.

The Airport Commission approved this concession agreement on July 20, 2016.

PREPARED BY: Deanna Zachrisson, Airport Business Development Manager

SUBMITTED BY: Hazel Johns, Airport Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE AIRPORT DIRECTOR TO EXECUTE A FIVE YEAR CONCESSION AGREEMENT WITH ONE FIVE YEAR OPTION WITH INTERSPACE SERVICES INC. DBA CLEAR CHANNEL AIRPORTS TO MANAGE ADVERTISING SALES AT SANTA BARBARA AIRPORT.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that a concession agreement for management of advertising in the Airline Terminal with Interspace Services Inc. dba Clear Channel Airports for a term of five years and one five year option at mutual discretion, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Introduction Of Ordinance For Memorandum Of Understanding With Police Unit

RECOMMENDATION:

That Council Ratify the Memorandum of Understanding between the City and the Santa Barbara Police Officers' Association by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting A Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers Association for the Period of July 1, 2016 through June 30, 2019.

DISCUSSION:

City and Police union negotiators have reached a tentative agreement for a new three-year Memorandum of Understanding (MOU), consistent with the authority provided to City negotiators by the City Council. The agreement was ratified by the membership of the Police Officers Association (POA) on July 14, 2016.

Salary Increases

Under the proposed agreement, employees will receive the following across-the-board salary increases.

Date	Sworn Increases	Non-Sworn Increases
July 9, 2016	3.0%	3.0%
July 8, 2017	3.0%	3.0%
July 7, 2018	3.0%	3.0%

Convert Specialty Assignment Pay to Base Salary

The agreement includes cost-neutral changes to convert the specialty assignment special pay program to a base salary program. A specialty assignment (or "Senior Officer") program has existed for several decades that pays officers 2% additional

salary for assuming certain specialty assignments for a fixed period of time, which varies by assignment, but is generally for several years. After completing the specialty assignment, the officer retains the specialty pay, even after transferring to a different assignment, but may be called upon to perform the assignment at any time if needed. An officer can earn a maximum of 6% in additional salary for completing three or more specialty assignments and remaining available to serve in the specialty capacities.

In this agreement, we have converted the specialty pay program to a base salary program to reflect the nature of the pay as an enduring salary upgrade. Most other details of the program will remain unchanged. This change will also improve transparency, as the pay will be reflected in the City's salary schedule and be more closely align the program with CalPERS payroll reporting requirements. This will not change the City's cost significantly, or the City's current pension treatment of the program.

Other Changes

Administrative changes and updates will also be included. These include clarifications of the family sick leave policy, a re-opener to deal with any unexpected health insurance impacts of the Affordable Care Act, modifications to the catastrophic leave policy, a 30-day deadline for filing grievances, and updates to stale dates and language in the agreement.

BUDGET/FINANCIAL INFORMATION:

This package will increase General Fund labor costs by \$618,876 in Fiscal Year 2017, and by \$2,072,292 on an ongoing basis for the three year agreement. Substantially all of these costs are charged to the General Fund.

SUBMITTED BY: Kristine Schmidt, Director of Administrative Services

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA POLICE OFFICERS ASSOCIATION FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2019

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Officers Association entered into as of July 1, 2016 and attached hereto and incorporated herein by reference as Exhibit "A" is hereby adopted.

SECTION 2. During the term of the agreement, the City Administrator is hereby authorized to implement the terms of the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Officers Association without further action by the City Council, unless such further action is explicitly required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and publish changes to the salary schedule(s) adopted with the annual operating budget.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SANTA BARBARA
AND THE
SANTA BARBARA POLICE OFFICERS ASSOCIATION**

THIS AGREEMENT, SIGNED ON _____, IS ENTERED INTO AS OF JULY 1, 2016, BETWEEN THE CITY OF SANTA BARBARA, HEREINAFTER REFERRED TO AS THE "CITY," AND THE SANTA BARBARA POLICE OFFICERS ASSOCIATION, HEREINAFTER REFERRED TO AS THE "ASSOCIATION."

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et. seq. of the Government Code, the duly authorized representatives of the City and the Association, having met and conferred in good faith concerning wages, hours, and terms and conditions of employment of Unit employees, declare their agreement to the provisions of this Memorandum of Understanding.

FOR THE CITY:

FOR THE ASSOCIATION:

Kristine Schmidt
Director of Administrative Services

Eric Beecher
Association President

(no longer employed)

John Crombach
Interim Police Chief

Michael McGrew
Police Sergeant

Jennifer Jennings
Administrative Analyst (Labor Relations)

Crystal Bedolla
Police Officer

Bruce Barsook
Counsel

Andrew Hill
Police Officer

Sadie Lewman
Police Services Coordinator

Stuart Adams
Counsel

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1. Benefits- Domestic Partners

Employees may be entitled to add their registered domestic partners to City health and welfare benefits, to take family medical leave to attend to a domestic partner, and to other domestic partner benefits, as provided under City policy or under state law.

2. Benefits- During Authorized Leave Without Pay

No sick leave, vacation, or holidays shall accrue to any employee during authorized leave without pay for any full biweekly pay period. Employee shall be responsible for full payment of insurance premiums during authorized leave without pay, except as otherwise provided by law.

3. Benefits- Part-time Employees

A. Employees filling positions authorized by City Council in the official Position and Salary Control Resolution at more than 20 hours per week on a less-than-full time basis shall receive benefits as follows:

- i. Cafeteria plan contribution, medical contribution, dental contribution, vision contribution, holiday time, and other benefits under this agreement equal to the percent of time regularly scheduled versus a regular work week rounded up to the nearest ten percent (10%).
- ii. Vacation and sick leave equal to the percent of time actually worked versus a regular work week rounded up to the nearest ten percent (10%).

B. Grandfathering: Employees filling positions authorized by City Council in the official Position and Salary Control Resolution at more than 20 hours per week on a less-than-full-time basis before March 1, 2005 will continue to receive full-time health benefits (cafeteria plan contribution, medical contribution, dental contribution, vision contribution).

4. Bereavement Leave

In case of the death of an immediate family member, full-time employees shall be eligible for up to forty (40) hours leave with pay.

Immediate family member is defined as: mother, father, brother, sister, spouse, registered domestic partner, child, grandparents by blood or marriage, grandchildren by blood or marriage, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, person standing in loco parentis, and step family members. "In-law" and "step" relationships shall include the immediate family of a registered domestic partner on the same basis as that of a spouse.

Co-worker funeral attendance is acceptable upon the approval of the Chief of Police, consistent with the operational needs of the Department.

5. Biweekly Pay Period

It is understood that all references to "hours or days per month" may be considered on the basis of "hours per biweekly pay period" through conversion factors providing substantially equal employee benefits.

6. Cafeteria Plan

- A. Each full-time employee shall be eligible to allocate a discretionary amount equal to \$6,000 per plan year under the "125 Cafeteria Plan."
- B. If medical, dental, and vision insurance plan selections exceed the cafeteria plan allocation, the City will pay the difference of these insurance premiums up to the amounts in the Medical, Dental and Vision Insurance Article of this MOU; said excess premiums are not discretionary.

7. Call Back

- A. An employee officially called back to duty after being off from scheduled duty for ten (10) hours or more shall be compensated for actual hours worked with a minimum of three (3) hours of pay or compensatory time off at the overtime rate.
- B. An employee officially called back to duty after being off from scheduled duty for less than ten (10) hours shall be compensated at the overtime rate for actual hours worked with a minimum credit of four (4) hours at the overtime rate set forth in the Overtime Article of this agreement. An employee called back to work in this capacity shall continue to be compensated at the overtime rate for as many continuous hours worked from the reporting time of the call back including regularly scheduled work hours.
- C. Multiple call backs within the minimum paid time periods outlined in Sections A and B of this Article will not receive additional compensation.
- D. A "call back" occurs when an employee has left work and is on a regular day off or otherwise off duty and is requested to return to work. Call back does not begin until the employee arrives at duty station and begins work. At no time does a "call back" entitle an employee to "portal" pay or travel time.

An employee shall not be compelled to take vacation or CTO to avoid payment of overtime for a call back.

- E. Management shall make every effort to avoid scheduling consecutive work days (excluding overtime) without a minimum of ten (10) hours of time off with the following exceptions:
 - 1. Shift change;
 - 2. By mutual consent of both management and the employee; or
 - 3. During an emergency or natural disaster.
- F. Telephone Consultations: An employee who receives a phone call authorized in advance by the shift commander on off-duty hours for which he or she is not otherwise receiving compensation (i.e. standby or callback pay) shall be paid for the time actually spent on the phone call, or ½ hour, whichever is greater. This will apply to phone calls for professional consultation purposes, not routine phone calls such as calling an employee back to work. This section will apply independently to multiple phone calls, even regarding the same event, except if those multiple phone calls occur within the same half hour.

8. Canine Pay

It is agreed that employees assigned to serve as canine handlers shall receive the following overtime pay in addition to their regular base salary:

The time spent by a canine handler in the care, grooming and feeding of his/her assigned police dog shall be hours worked payable at a time and one half overtime rate of \$37.4568 per hour (hourly rate of \$ 24.9712 at a time and one-half overtime premium) effective July 1, 2016. In order to maintain equivalency, this hourly rate for dog care shall be increased by the same percentage as the general salary increases for Police Officers.

It is agreed that canine handlers normally spend 6 hours per biweekly pay period performing such work and written authorization from the Police Chief must be obtained to perform such work for more than 6 hours.

9. Child Care

The City will maintain a pre-tax salary reduction plan for employee dependent care needs in accordance with Section 129 of the Internal Revenue Code.

10. Educational Incentive Pay Plan

A. Effective the beginning of the first full pay period after the City is notified officially by POST of an officer's qualification for an Intermediate or Advance POST certificate, said officer shall receive the supplement to his or her base pay as described in Section B of this Article.

B. The monthly amount of Intermediate or Advance POST pay a full-time employee shall receive is as follows:

<u>Effective Date</u>	<u>Police Officer</u>		<u>Sergeant</u>	
	<u>Intermediate</u>	<u>Advance</u>	<u>Intermediate</u>	<u>Advance</u>
July 1, 2016	\$396	\$603	\$420	\$656

Said supplemental pay shall be included in the employee's regular biweekly paycheck.

11. Emergency Medical Dispatch Personnel

Public Safety Dispatch personnel (Dispatchers I, II and III, and Supervisors) who are certified as Emergency Medical Dispatchers and provide pre-arrival medical instructions to callers to the Police/Fire Communications Center shall be eligible to receive a biweekly premium equal to 5% of the employee's biweekly base salary.

12. Equal Employment Opportunity

A. The City and the Association agree that the provisions of this agreement shall be applied equally to all employees covered herein without discrimination because of a person's age (over 40), ancestry, color, mental or physical disability including HIV and AIDS, gender identity and expression, marital status, medical condition (cancer or genetic characteristics), national origin, race, religious belief, sex (including pregnancy/childbirth), sexual orientation, political affiliation, or union membership.

B. The City and the Association agree to commit themselves to the goal of equal employment opportunity in all City services. Further, the Association agrees to encourage their members to assist in the implementation of City equal employment opportunity programs.

C. Employees shall adhere to, and have the ability to file a complaint under, the Citywide "Non-discrimination and Harassment Policy and Employee Complaint Procedure" as that policy may be amended from time to time.

13. Grievance Procedure

- A. Any employee who has a grievance shall first try to get it settled through discussion with that employee's immediate supervisor without undue delay. An employee must discuss the grievance with his/her supervisor within 30 calendar days from the date of occurrence or when the employee knew or should have known of the occurrence of the behavior that is the subject of the grievance. Every effort shall be made to find an acceptable solution at the lowest possible level of supervision.
- B. If after such discussion the employee does not believe the grievance has been satisfactorily resolved, that employee may file a formal appeal in writing to the Police Chief within ten (10) calendar days after receiving the informal decision of the immediate supervisor. The Police Chief shall render a written decision and comment to the employee within ten (10) calendar days after receiving the appeal.
- C. If after receipt of the written decision of the department head the employee is still dissatisfied, that employee may appeal the decision of the Police Chief to the City Administrator. Such appeal shall be made by filing a written appeal to the City Administrator within five (5) days after receipt of the written decision of the Police Chief. The City Administrator shall review the decision of the Police Chief, and the City Administrator's decision, which shall be rendered within twenty-five (25) days after the appeal is made, shall be final. The City Administrator may request the advice of the Board of Civil Service Commissioners (Board) in any grievance proceeding, but the City Administrator shall not be bound to follow any recommendation of the Board.
- D. Grievances general in nature regarding interpretation of City-wide policy or which involve matters beyond the authority of the Chief of Police, shall be filed with the Assistant City Administrator who shall respond in accordance with the rules applicable to the Police Chief outlined herein.

14. Health Insurance for Unit Members' Survivors

The City shall maintain and pay for the existing level of insurance benefits for up to six (6) months for the surviving family of a unit member who dies in the line of duty, or for such greater period of time required by state or federal law.

15. Holidays

- A. Except as indicated below, full-time employees shall accrue four (4.333) hours of holiday leave each biweekly pay period (24 pay periods). Said hours shall be credited to the employee's Holiday bank.
- B. The following days shall be designated as holidays by the City:

- January 1st (New Year's Day)
- 3rd Monday in January (Martin Luther King Jr.'s Birthday)
- 3rd Monday in February (President's Day)
- Last Monday in May (Memorial Day)
- July 4th (Independence Day)
- 1st Monday in September (Labor Day)
- 4th Thursday in November (Thanksgiving)
- The Friday immediately following Thanksgiving Day
- December 25th (Christmas Day)

Four additional days (32 hours) each fiscal year may be designated by the employee as holidays.

- C. When a holiday falls on a Saturday or Sunday the preceding Friday or following Monday respectively, shall be observed as a legal holiday.

- D. If a holiday is requested by the employee and approved by the City or is a day listed in Section B of this Article, and designated by the City and if the employee is called back to work on that holiday, the employee shall receive compensation for the hours worked in accordance with the overtime Article of this Agreement and also shall be entitled to reschedule the holiday for the hours lost. Requests for holiday time off shall not unreasonably be denied.
- E. If an employee's holiday bank exceeds 120 hours, the City shall have the option to either require the employee to take holiday time off or to pay the employee for the hours. The option of time off or pay in-lieu of holiday hours shall be at the sole discretion of the City.
- F. Employees may schedule up to 80 hours of their accrued holiday time during the regular annual the vacation sign up period established by the Department, pursuant to the same rules and procedures.

16. Implementation of MOU

City shall implement provisions of this Memorandum of Understanding by adopting appropriate resolutions, ordinances, and administrative policies.

17. Jury Duty and Court Appearances

The parties agree that members of the bargaining unit performing jury duty or responding to a subpoena arising from line of duty civil court appearances shall be compensated as though they were on duty. Any and all other remuneration received by the employee for such jury duty or court appearances shall be paid to the City.

A sworn employee who is required by subpoena to be at court outside of his/her regularly scheduled work week regarding a matter arising from line of duty, and whose presence in the courtroom is necessary both before and after a scheduled court lunch period, shall be deemed to be on duty during the scheduled lunch period.

Notwithstanding the above, the Chief of Police has the right to adjust an employee's work schedule in keeping with court appearances, jury duty schedules, and/or needs of the City.

18. Layoff Procedure

In cases of abolition of positions, which result in layoff of personnel, or reduction-in-force, the following seniority policy shall apply to sworn members of the bargaining unit:

- A. The individual with the least time in rank shall be first reduced. Where equal time in the rank is the case, total time with the Police Department shall be used to determine seniority.
- B. The individual affected shall have the right to "bump" downward to the next lower sworn classification such that the last hired employee in the lowest sworn rank shall be the first employee laid off. Rehiring shall be accomplished pursuant to Section 3.16.350 of the Municipal Code.

In cases of abolition of positions, which result in layoff of personnel, or reduction-in-force, the seniority and layoff policy found in Municipal Code Section 3.16.350 shall apply to non-sworn members of the bargaining unit.

19. Life Insurance

The City and the Association agree that employees shall be entitled to a term life insurance policy covering the employee only, the premium for which shall be paid by the City. The limits of life insurance coverage shall be seventy-five thousand (\$75,000) of term insurance with one hundred fifty thousand (\$150,000) double indemnity in case of accidental death for sworn employees; and fifty thousand (\$50,000) of term insurance with one hundred thousand (\$100,000) double indemnity in case of accidental death for non-sworn employees. Said life insurance policy will be subject to such reasonable restrictions and requirements as may be imposed by the insurance carrier.

20. Loss Control Support

- A. The Association agrees to support, without qualification, the City's Safety Program and will encourage its members to attend safety courses if required by the City and made available on City time.
- B. Both the City and the Association recognize the need and will strive to reduce the number of industrial injuries among employees.
- C. It is the duty of management to make every reasonable effort to provide and maintain a safe place of employment. The Association will cooperate by encouraging all employees to perform their work in a safe manner. It is the duty of all employees in the course of performing their duties to be alert to unsafe practices, equipment and conditions, and report them to their immediate supervisor. If such conditions cannot be satisfactorily remedied by the immediate supervisor, an employee has the right to submit the matter either personally or through the Association to the Chief of Police or designated representative. On any matter of safety that is not resolved, consultation will take place between management and Association representatives.
- D. It is agreed that the City shall continue maintaining vehicles and equipment in a safe operating condition and that no employee will be penalized for refusing to use vehicles or equipment proven to be unsafe pursuant to State law.

21. Maintenance of Benefits

- A. The City and the Association agree that all benefits other than direct wages as provided by ordinances, resolutions and City Charter in existence at the commencement of this agreement shall not be diminished, lessened, altered or reduced except as may be herein provided for the duration of the agreement.
- B. Wage adjustments as provided for from time to time by ordinance, resolution, or City Charter, as such may be amended in accordance with this agreement, shall also continue for the duration of this agreement.
- C. City and Association shall meet and confer concerning any work schedule changes from current 4/10 work schedule for sworn personnel.

22. Management Rights

The rights of the City include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of economic reasons or for cause as provided in Section 1007 of the City Charter; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its

mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

23. Medical, Dental, and Vision Insurance

- A. The parties agree that the City will pay 100% of the premium for medical insurance for the employee only up to a monthly maximum as follows.

PPO that is coordinated with a Health Reimbursement Account (HRA):	\$1,414.64
All other Health Plans:	\$1,374.64

It is agreed that should the amount of subject premium be less than the limits herein described, the difference between the employee only premiums and said dollar amount limits shall be applied to employee dependent medical coverage, if any.

- B. For an employee enrolled in a PPO plan that is coordinated with a Health Savings Account (HSA), the City will match the employee's contribution to the HSA on a dollar-for-dollar basis, not to exceed a maximum City contribution of \$75.00 per month, provided however that the total combined employer and employee amount will not exceed the annual indexed allowable HSA contribution limits.
- C. The City will pay for the premium for dental insurance up to a monthly maximum of \$105.00.
- D. For the length of this agreement the City will pay for the premium for vision insurance up to a monthly maximum of \$7.50.
- E. The City retains full and complete control over the selection, approval and administration of insurance programs to include selection of carrier, insurance contract renewal and changes in program specifications.
- F. Should the City discontinue offering an HMO plan, or discontinue offering an HRA coordinated PPO plan, or discontinue offering an HSA-coordinated PPO plan, the parties will reopen negotiations for the sole purpose of developing an alternative City contribution structure that will maintain the same total City contribution toward bargaining unit medical benefits as was in place immediately before the change.
- G. The parties will reopen negotiations to address cost-neutral changes to the structure of contributions under this Article, Article 6 (Cafeteria Plan), Article 3 (Benefits- Part-time employees) and related articles that may be necessary to avoid impacts of the Affordable Care Act (e.g. Cadillac Tax, affordability provisions, etc.)

24. Meeting and Conferring

Except as provided in the "Municipal Code Changes" Article of this Agreement, or as otherwise provided in this Agreement, the parties agree that there shall be no meeting or conferring over any issues of wages, hours, or other terms and conditions of employment covered by this agreement during the term of this agreement unless both parties consent.

25. Municipal Code Changes

During the term of the Agreement the City and the Association shall meet and confer with regard to any City proposed updates to Santa Barbara Municipal Code Title 3 affecting the terms and conditions of employment of Association Members as required by law.

26. No Unfair Labor Practices

The parties agree that during the term of this agreement the City will not lock out employees and the Association will not engage in labor practices detrimental to providing services to the Citizens of Santa Barbara, or detrimental to the interests of the City; nor will the Association sanction, support, condone, approve, or engage in a strike, sit-in, slow down, work stoppage, or speed-up.

The City and the Association further agree that all matters of controversy concerning issues covered by this agreement, will be settled by established grievance procedures.

The Association acknowledges that violations of the above shall be just cause for disciplinary action including termination.

27. "Non-Sworn Personnel" Shift Assignments

Non-sworn personnel in the bargaining unit shall normally be allowed a minimum of ten (10) hours off between shifts unless the employee consents otherwise. The above ten hour provision shall not apply during the regular periods of shift rotation, in cases where the employee has worked overtime prior to reporting for his/her next regular shift assignment, or in cases of emergency.

28. Overtime

- A. Except as provided in the Call Back Article overtime shall be defined as any hours worked beyond eighty (80) hours in a fourteen-day work period. For the purpose of computing overtime, all regular, scheduled work hours, including paid leave time, shall be considered time worked.
- B. Overtime shall continue to be compensated at a time and one-half overtime cash or time and one-half CTO rate.
- C. Effective September 21, 2013, if an employee's scheduled overtime is cancelled within 8 hours of the scheduled overtime start time, the employee will receive 3 hours of pay at straight time. ,
- D. If an employee is called back to work or held over from his/her previous regularly scheduled shift and works five (5) or more hours outside his/her normal shift, and any portion of the hours worked on a call-back or hold-over basis falls within five (5) hours of the beginning of his/her next scheduled shift, that employee will be receive at least five (5) hours of continuous rest before resuming work without a loss in pay. If any portion of the rest period falls during the next regularly scheduled shift, then that portion of the rest period will be paid by the City at the employee's normal straight time pay rate. The employee shall have no restrictions on the location of the rest area.

If such call-back or hold over is concluded less than 3 hours before the start of the employee's next scheduled shift, then the employee may request to take the equivalent paid rest period at the back-end of the shift instead. If the request is approved, the employee will be paid at the employee's normal straight time rate during the regularly scheduled shift and the rest period.

- E. An employee who has accrued CTO shall be permitted to use such time within a reasonable period after making the request to do so if the use of compensatory time does not unduly disrupt the operations of the City. For purposes of this provision, "unduly disrupt the operation of the City" shall include, but not be limited to, requested use of compensatory time during Fiesta (Old Spanish Days), July 4th, and Christmas.
- F. The City shall have the option to pay off all overtime subject to an employee retaining a CTO bank that shall not exceed a maximum of 50 hours.

- G. Overtime for declared disasters shall be paid at time and one-half only if federal or State disaster or emergency relief funds are made available to defray costs. Section F of this Article shall apply to the duration of emergency incidents, not the duration of the formal declared emergency.
- H. Employees may use up to 40 emergency leave hours per calendar year from their overtime bank for time off due to illness or injury of their spouse, registered domestic partner, or children. Such emergency leave shall not be withheld by the City, and shall be in addition to paid sick leave use for this purpose under State law. Emergency leave shall be deducted from the employee's accumulated overtime. No emergency leave payment shall be made except after satisfactory evidence of dependent illness or injury has been accepted and approved by the Chief of Police.

29. Payroll Deductions

- A. Any changes in Association dues deduction only shall be subject to indemnification of City by the Association.
- B. City shall maintain a payroll program with equal bi-weekly deductions (24 checks plus 2 checks without voluntary deductions).

30. Premium Pay for Use of Bilingual Skills

For all full-time Patrol Officers and employees in other positions designated by the Chief of Police, who establish to the satisfaction of the Chief and the Human Resources Manager proficiency in conversing and reading skills in Spanish, as demonstrated by appropriate testing every other year, the City will pay premium pay of \$51.20 each biweekly pay period.

For all full-time employees in positions designated by the Chief of Police who meet the following qualifications, the City paid premium will be \$102.50 each biweekly pay period:

- A. Establish to the satisfaction of the Chief and the Human Resources Manager a complex level of verbal and/or written proficiency in Spanish as demonstrated by appropriate testing every other year.
- B. Provide written translation from Spanish-to-English and English-to-Spanish and/or act as a translator for complicated interviews with Spanish speaking witnesses or suspects.

31. Recruitment Incentives

The City may, at its option, implement any of the following recruitment incentive programs at any time during the term of this Agreement:

- A. Vacation Credit for Prior City Service: An employee who (1) received a performance evaluation of "meets standards" or better on his or her last two performance evaluations, and (2) separates from City service and then is rehired within 3 years of his or her termination date, may recoup his or her past service credit toward the vacation accrual rate. Such employee may also be eligible for credit for other government service under section B of this article.
- B. Vacation and Sick Leave Credit for Prior Government Service: An employee appointed from outside City of Santa Barbara government service within 6 months of leaving employment with either a city, county, state agency, federal agency or special district and who, in the opinion of the Police Chief, possesses government experience directly related to the position to which he or she has been appointed, may receive credit for years of prior service with his or her immediate previous government employer in the following ways:

i. Vacation Accrual: Upon appointment, employee will receive credit for the full prior years of service at his or her immediate previous government employer toward the initial vacation accrual rate. Employee will not be eligible to progress to a higher accrual rate until employee has the normal required minimum amount of City of Santa Barbara service (including prior service under Section A of this Article) for that accrual rate.

ii. Sick Leave: Employee will be credited with 96 hours of sick leave. Thereafter, employee will accrue sick leave at the normal rate.

- C. Uniform: New employees may be provided an initial uniform set at City cost.
- D. Signing Bonus: New employees who have already completed a full basic academy at the time of hire (e.g., a lateral hire or a post-academy hire) may be provided a signing bonus in an amount determined by the City.
- E. Employee Referral Bonus: Existing employees who refer an applicant from outside City employment who is hired and successfully completes the probationary period may be provided a referral Bonus. The City may establish the amount of such bonus and procedures for documenting the referral at the time of application.

32. Retiree Medical Insurance Contribution

- A. This provision is applicable to employees who retire from City service, and
 - 1. Have 15 or more years of regular City service; or
 - 2. Retire from the City with an industrial disability.
- B. The City shall contribute \$9.10 per month, per year of service up to a maximum of 35 years (i.e., \$318.50/month). Employees will receive a prorated contribution for portions of a year of service. Service will be calculated based on the nearest full one hundredth (.01) of a year. (For example, an employee retiring on November 30th with 15.233 years of service will receive $15.23 \times \$8.70 = \132.50 per month).

Accrued liability for past retiree medical increases was factored into past labor agreements and will not be charged again toward costing in future negotiations.

- C. The retiree is not limited to the purchase of a City sponsored plan, provided however, that if the retiree purchases another insurance plan, the retiree must supply the City with adequate proof of insurance coverage prior to any contribution from the City. Proof of such coverage shall be provided to the City on a periodic basis, as determined by the City.

The City will contribute only up to the maximum monthly premium of the City's sponsored plan.

- D. Except as specifically provided in Section F of this article, below, the City shall continue to make its contribution until the retiree reaches age 65 or dies, whichever occurs first. If there is a surviving spouse or registered domestic partner, he/she will be permitted to remain on the medical insurance plan at his/her own cost, subject to the conditions set forth by the insurance company.
- E. The City will continue the normal retiree medical allowance past the age of 65 for the six (6) employees named below who retire after December 23, 2006 and thereafter certify, on an annual basis, that they are not eligible to apply for Medicare Part A (hospitalization) coverage on the basis of their City service, other covered employment, through a spouse's covered employment, or through any other means.

	<u>Name</u>	<u>Title</u>	<u>Hire Date</u>
1.	Robert E. Casey	Police Officer	1/6/75
2.	Leonard J. Gomez	Police Officer	9/25/78
3.	David M. Gonzales	Police Sergeant	3/7/77
4.	George B. Hansen	Police Officer	7/13/79
5.	Jessie M. Ramey	Parking Enforcement Officer	2/11/75
6.	Kathryn H. Denlinger	Parking Enforcement Officer	10/19/77

The City shall continue to make its contribution until the retiree dies. However, if at the time the retiree dies there is a surviving spouse or registered domestic partner over 65 years of age who is not eligible for Medicare Part A, one half of the allowance will continue until the death of the spouse or registered domestic partner.

- F. In the event Health Care legislation is passed which affects the nature of the benefit described above, the parties will reopen negotiations and modify this benefit, if necessary, so as to maintain their original intent (e.g., eligibility, scope, cost).

33. Retirement

- A. The City contract with the Public Employees' Retirement System (PERS) shall provide the 3% at age 50 benefit formula for all Classic Police Safety members.
- B. Safety Employees will pay the full 9% member contribution.
- C. The City contract with the Public Employees' Retirement System (PERS) shall provide the 2.7% at age 55 benefit formula for all Classic Miscellaneous members.
- D. Under the negotiated 2.7% at 55 cost/benefit sharing formula for Classic Miscellaneous employees:
1. If the PERS miscellaneous plan employer rate is exactly equal to 20.164%, the employee shall pay 7.162% of the 8% required employee contribution. The City will pay 0.838% of the 8% required employee contribution.
 2. If the employer rate is less than 20.164%, the employee shall receive credit for 30.559% of the amount by which the employer rate is less than 20.164%. The credit shall be applied until the City again pays a full 7% of the 8% required employee contribution.
[For example: If the employer rate is only 18.164% of PERS-able compensation, the City will pay an additional 0.61% (2% times 30.559%) of the 8% employee contribution, for a total of 1.448%];
 3. If the employer rate exceeds 20.164%, the employee shall pay 30.559% of the amount by which the employer rate exceeds 20.164%. The employee shall pay for this cost in the following manner:

i. First, through an increase in the employee-paid portion of the 8% required employee contribution up to a maximum increase of 0.838%

[For example: If the employer rate is 22.164% of PERS-able compensation, the employee will pay an additional 0.61% (2% times 30.559%) of the 8% employee contribution, for a total of 7.772%];

ii. Second, through payroll deduction.

[For example: If the employer rate is 25.164% of PERS-able compensation, the employee will pay an additional 1.528% (5% times 30.559%) of PERS-able compensation as follows: an additional 0.838% (8%-7.162%) to cover the full 8% employee contribution, and a payroll deduction equal to 0.69% (1.528%-0.838%) of PERS-able compensation.]

- E. The City shall report the value of Employer Paid Member Contributions (EPMC) to PERS as compensation earnable for Classic Miscellaneous employees pursuant to Government Code Section 20636(c)(4).
- F. The City will provide the PERS One-Year Highest Compensation benefit to Classic Safety and Miscellaneous employees.
- G. The City will provide an amendment to the Public Employees' Retirement System (PERS) contract to allow widows/widowers to continue receiving benefits upon remarriage.
- H. The City will provide the PERS Increased Level of 1959 Survivor Benefits (Level Two) for Safety employees, and the PERS Increased Level of 1959 Survivor Benefits (Level Four) for Miscellaneous employees.
- I. The PERS contract shall provide for Public Service Credit for Peace Corps or Americorps: Volunteers in Service to America (VISTA) for Miscellaneous employees only.
- J. Notwithstanding the provisions above, effective January 1, 2013, new members as defined by California Public Employees' Pension Reform Act of 2013 (hereinafter "AB 340") will be covered under the 2.7% at 57 Safety retirement formula or the 2% at 62 Miscellaneous retirement formula, with a final compensation measurement period of the average of the highest three (3) consecutive years, as well as all other statutory requirements of AB 340. Effective July 1, 2013, new employees and/or members as defined by AB 340 shall contribute half the normal cost for benefits, as defined by AB 340; the City will not pay any portion of these employees' required contributions.

34. Retroactivity

An employee will be eligible for retroactive increases to salaries and benefits provided under this Agreement on the dates specified for each increase if the employee is an active City employee and bargaining unit member on the date that the City Council ratifies this Agreement.

35. Salary Adjustments

- A. All sworn positions represented by the Association (police officers and police sergeants) shall receive the following regular increases to base salary:

<u>Date</u>	<u>Increase</u>
<u>July 9, 2016</u>	<u>3.0%</u>
<u>July 8, 2017</u>	<u>3.0%</u>
<u>July 7, 2018</u>	<u>3.0%</u>

- B. All non-sworn positions represented by the Association shall receive the following regular base salary increases:

<u>Date</u>	<u>Increase</u>
<u>July 9, 2016</u>	<u>3.0%</u>
<u>July 8, 2017</u>	<u>3.0%</u>
<u>July 7, 2018</u>	<u>3.0%</u>

36. Salary Increases Upon Promotion

Employees shall receive at least a five percent (5%) salary increase upon promotion provided however that the City shall not be required to pay a salary in excess of the authorized salary range in the City Position and Salary Control Resolution.

For purposes of this article, the base for the (5%) salary increase shall be the employee's current step on the appropriate salary range plus Specialty Assignment pay if appropriate. All officers promoted to the classification of Sergeant shall be appointed to "C" Step.

37. Salary Ranges For Police Officer

- A. Effective July 9, 2016, there shall be four base salary ranges for the classification of Police Officer (Ranges A, B, C, and D) at 2% apart. Each salary range shall include five (5) salary steps (Steps 1 through 5) and be reflected on the City's publicly available pay schedule.

- B. Salary Range Assignment

1. Range A will be set at the prior single base salary range for Police Officer, inclusive of any salary increase provided in this Agreement. All new assignments to the Police Officer classification shall be in range A, and any officer not meeting the requirements for placement in ranges B, C, or D shall be assigned to range A.
2. An officer will be assigned on the Range "B":
 - o During the active performance of a Senior Officer assignment, OR
 - o If he/she has successfully completed one Senior Officer assignment for the minimum period of time determined for the assignment by the Chief of Police AND
 - o He/she meets or exceeds performance standards, remains available to work any assignment, and continues to apply for and compete in good faith for upcoming Senior Officer Assignments.
3. An officer will be assigned on the Range "C":
 - o During the active performance of a Senior Officer assignment if he/she has successfully completed one previous and different Senior Officer assignment for

the minimum period of time determined for the assignment by the Chief of Police
OR

- o If he/she has completed two full Senior Officer assignments for the minimum period of time determined for the assignments by the Chief of Police, AND
- o He/she meets or exceeds performance standards, remains available to work any assignment, and continues to apply for and compete in good faith for upcoming Senior Officer Assignments.

4. An officer will be assigned on the Range "D":

- o During the active performance of a Senior Officer assignment if he/she has successfully completed two previous and different Senior Officer assignments for the minimum period of time determined for the assignments by the Chief of Police
OR
- o If he/she has completed three or more full Senior Officer assignments for the minimum period of time determined for the assignment by the Chief of Police, AND
- o He/she meets or exceeds performance standards, remains available to work any assignment, and continues to apply for and compete in good faith for other upcoming Senior Officer Assignments.

5. At the discretion of the Police Chief, based on the needs of the department, credit for a reassignment to a Senior Officer assignment previously completed may be granted as if it were a different assignment.

C. Movement between salary ranges shall be from the employee's current salary step in one range to the same salary step in the other range. Movement from one salary step to another salary step within the Police Officer classification, regardless of the assigned salary range, will be governed by Article 38 (Salary Step Movement) of this Agreement.

D. Effective the first day of the first full pay period following ratification of this Agreement, the former specialty assignment pay program will be discontinued. All employees that were receiving 2% specialty assignment pay will be placed at their current salary step in salary range B. All employees that were receiving 4% specialty assignment pay will be placed at their current salary step in salary range C. All employees that were receiving 6% specialty assignment pay will be placed at their current salary step in salary range D. Time spent in the prior specialty assignments will be credited toward the corresponding Senior Officer assignments.

E. Credit for successful completion of a Senior Officer assignment, shall require that the position be held for a minimum of 75% of the maximum duration of that assignment unless approved by the Police Chief. If the employee is on a leave of absence of more than 30 consecutive calendar days during the assignment, the maximum duration of the assignment will be extended by the period of the leave. Duration of Senior Officer assignments will be determined and publicized in advance by the Police Chief.

F. The Police Chief shall have sole discretion over the number and nature of Senior Officer assignments based on the needs of the Department. The Police Chief may create, abolish, or change the duration of a Senior Officer assignment at any time. Officers currently performing the assignment will receive full credit for any abolished assignment. For a lengthened assignment, officers currently performing the assignment shall receive credit based on assignment duration publicized at the time they applied.

G. At the sole discretion of the Police Chief, certain Senior Officer assignments may be designated as "long-term assignments" not having a maximum duration, and allowing credit for more than one Senior Officer assignment, for purposes of salary range placement. For these assignments,

the first 4 years in the assignment will be counted as the first Senior Officer assignment, years 4 to 6 will be counted as a second Senior Officer assignment, and years 6 to 8 as the third Senior Officer assignment.

- H. If an employee has been moved back to Salary Range A-as a result of failing to meet the requirements to maintain a salary range for which he or she previously qualified, the employee may be moved back to the higher salary range by again complying with the above requirements for retention of that salary range.

38. Salary Step Movement

The parties agree that achieving the second salary step, or "Step 2," and subsequent salary steps thereafter, shall require, in addition to satisfactory performance, a period of one year of actual service.

It is further agreed that any salary adjustments in cases of employee reclassification shall not necessarily move "step to step."

39. Scope of Representation

- A. The Association represents all employees (except hourly and confidential employees) in a police bargaining unit composed of the following job classifications:

- Police Sergeant
- Police Officer
- Police Officer - Entry Level
- Identification Technician
- Assistant Identification Technician
- Public Safety Dispatcher (I,II,III)
- Public Safety Dispatcher Supervisor
- Police Property/Evidence Specialist
- Police Property/Evidence Assistant
- Police Range/Equipment Specialist
- Police Crime Analyst
- Parking Enforcement Officer
- Police Records Specialist
- Police Records Supervisor
- Police Technician

Reclassification of these positions that does not entail changes in job duties or responsibilities will not affect their inclusion in the bargaining unit except as is provided by applicable State law.

- B. If the City creates a Community Services Officer classification to perform some or all functions currently being performed by sworn officers, but not requiring the service of a sworn employee, the classification will be included as a non-sworn classification in the bargaining unit. City agrees that the creation of new Community Services Officer positions will not result in layoff of any sworn officer.

40. Service Credit for Sick Leave Upon Retirement

At the time of retirement, the City shall purchase an annuity for a retiring employee that pays a monthly benefit similar to the PERS amendment that provides service credit for sick leave under Government Code Section 20965.

The following conditions apply to this benefit:

- A. In order to qualify for service credit for sick leave upon retirement, the retiring employee must have been hired by the City on or before September 17, 2013 and have at least 500 sick leave hours;
- B. The conversion rate of 0.004 years of service credit for each day of sick leave is utilized. (For purposes of this section, a "day" is the equivalent of eight (8) hours.);
- C. The retiring employee may take the cash purchase value of the annuity in lieu of the monthly annuity;
- D. Prior to September 17, 2013, safety group members who obtain 90% of final compensation upon retirement are not eligible for this benefit; however, employees who retire on or after September 17, 2013 and who obtain 90% of final compensation upon retirement will be eligible for this benefit; and
- E. If the City amends its PERS Miscellaneous or Police contract to include service credit for sick leave upon retirement, non-safety or Police members, respectively will be included in that PERS contract amendment and the annuity program will be discontinued for that group.

41. Shift Differential for Non-Sworn Personnel

- A. Full-time, non-sworn personnel regularly assigned to a shift of eight (8) or more hours shall receive:
 - 1. Swing shift differential pay when 50% or more of the hours of their regularly assigned shift , excluding overtime, falls between 5:00 p.m. and midnight; or
 - 2. Graveyard shift differential pay when 50% or more of the hours of their regularly assigned shift, excluding overtime, falls between midnight and 7:00 a.m.
- B. Employees who are regularly assigned to a shift that does not meet the definition of a swing shift or graveyard shift shall not receive shift differential. This includes, but is not limited to, circumstances wherein an employee may be called back to work or scheduled to work an overtime shift that qualifies for shift differential pay when regularly assigned to the shift.
- C. The biweekly amount of shift differential for a full-time employee shall be as follows:

<u>Effective Date</u>	<u>Swing Shift Biweekly</u>	<u>Graveyard Shift Biweekly</u>
July 1, 2016	\$64	\$128

42. Sick Leave

- A. Employees shall accrue sick leave at the rate of eight (8) hours per month of service rendered up to a maximum of 2,080 hours of accumulated sick leave.
- B. The City's "non-replenishable" sick leave program (M.C. 3.08.150b) shall be retained for the term of this agreement.
- C. A full-time employee may use up to 48 hours of available accrued sick leave (the equivalent of 6 months of accrual) per calendar year for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, a family member of the employee. "Family member" means any of the following: a spouse or registered domestic partner; a child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, regardless of age or dependency status); a parent (biological, adoptive, or foster parent, stepparent, or legal guardian) of an employee or the employee's spouse or registered domestic partner; a person who stood in loco parentis when the employee was a minor child; a grandparent; a grandchild; or a sibling. Part-time employees may use the equivalent of six (6)

months of sick leave accrual at their prorated accrual rate for such purposes. All rules for use of sick leave will apply, including those regarding physician statement requirements and use of sick leave for medical appointments

43. Specialty Assignment Program

The Specialty Assignment Program included in the labor agreement immediately preceding this Agreement will be eliminated effective July 9, 2016 and the related 2%-6% special assignment pay discontinued.

44. Standby Pay

The City and the Association agree that when an employee is officially designated by management to remain available to return to work, at any time during specific hours outside of normal working hours, the employee shall receive three (3) hours of straight time pay or compensatory time off for each eight (8) hours on standby or fraction thereof. To the extent feasible, the parties agree that standby shall be assigned on an equitable basis to all eligible employees.

The City and Association agree that all employees will be on automatic standby duty during a state of emergency or civil defense disaster as declared by the President of the United States, the Governor of the State, the Mayor of the City, the City Council, or the City Administrator. Such automatic emergency standby shall be without compensation unless the City is reimbursed by the State or federal government for such an expenditure.

45. Term of Agreement

- A. This Memorandum of Understanding shall become effective July 1, 2016 and shall remain effective through June 30, 2019.
- B. The agreement may be extended beyond its expiration date, if both parties concur.

46. Time Off for Association Officers

- A. Reasonable time off with pay at straight time will be granted to Association officers and negotiators for the purpose of meeting and conferring or consulting with the City subject to approval by the Chief of Police as to specific times.
- B. The Association will maintain a complete and current list of its officers and negotiators on file with the Assistant City Administrator.
- C. Upon reasonable advance notice, Association officers will be granted up to an aggregate of one hundred sixty (160) hours pay annually for attendance at Association meetings and conventions and for conducting normal and regular Association business during the term of this agreement.

47. Training

The City and the Association agree that all direct costs for all training or instruction required by the City shall be paid for by the City. However, the City shall retain the right to determine what training is required for the employee to improve his performance on the job and to make such training a condition of employment.

For the purposes of this agreement, this section shall include requests by Department Heads for additional training of current employees, subject to the approval of the City Administrator.

Both parties recognize that training programs and the advancement of employees to positions of higher skill are matters of great importance and interest to the City, the Association, and the employees covered by this agreement.

48. Transportation Demand Management

- A. Effective December 23, 2006, will provide up to 8 additional carpool parking spaces, based on need, with reasonable distance from the Police Department.
- B. Bargaining unit members shall be eligible to participate in any established Citywide Alternative Transportation Program.

49. Tuition Reimbursement

Employees shall be eligible for tuition reimbursement through the City of Santa Barbara's Educational Reimbursement Program.

50. Unauthorized Leave/Suspension

No sick leave, vacation, or holiday time shall accrue or be paid during any period of unauthorized leave or suspension. Suspension is defined as provided in Municipal Code Section 3.16.310 and City Charter Section 1007. Retroactive accrual of sick leave, vacation, or holiday time shall be provided for suspensions later found to be in error. This section shall not apply to any non-disciplinary suspension.

51. Uniform Allowance

- A. Except as indicated below, the City shall provide an annualized uniform allowance to full-time employees in the bargaining unit who are required to maintain a uniform as follows:

Sworn police personnel not assigned motorcycle, SWAT or canine duty	\$1,038
Sworn police personnel assigned canine duty	1,088
Sworn police personnel assigned motorcycle or SWAT duty	1,238
Non-sworn personnel	863

- B. Payment of the uniform allowance will be paid to employees who are on the payroll during the pay period ending two (2) weeks prior to the payday on which the uniform allowance is paid in June or December of each year. Payment will be made in a separate check, in an amount equal to half of the annualized allowance, per the following schedule:

December 9, 2016 and June 9, 2017
December 8, 2017 and June 8, 2018
December 7, 2018 and June 7, 2019

52. Use of Computer Resources

Employees' rights and obligations regarding use of the City's computers and computing resources are governed generally by the City's computer use policies. The Association and the City agree that occasional and incidental employee use of City computing resources for Association business is allowable within the same parameters applied to other acceptable non-commercial personal use under those policies.

The parties agree that such use shall not interfere with the performance of work duties or the effective delivery of services, and shall not result in any significant cost to the City or compromise the security of City systems. The parties further agree that City computer resources, including the e-mail system, will not be used by the Association or City employees to support or oppose a political campaign or ballot measure.

The Association acknowledges that employees have no expectation of privacy in the use of City computer resources, including but not limited to e-mail and text messaging, even if they are

locked or password-protected.

53. Vacation

- A. It is agreed that vacation time may be taken as accrued subject to City approval.
- B. It is agreed that vacation accrual for sworn personnel shall be in accordance with the following schedule:

<u>Length of Service</u>	<u>Vacation Entitlement</u>
0 through 5 years	80 hours per year
6 through 10 years	120 hours per year
11 through 24 years	160 hours per year
After 24 years	200 hours per year

- C. It is agreed that vacation accrual for non-sworn police personnel shall be in accordance with the following schedule:

<u>Length of Continuous Service</u>	<u>Vacation Entitlement</u>
0 through 2 years	80 hours per year
3 through 5 years	104 hours per year
6 through 10 years	144 hours per year
11 through 17 years	184 hours per year
18 through 23 years	200 hours per year
24 and over years	224 hours per year

- D. Maximum vacation accrual will be 320 hours. Said maximum vacation accrual shall not apply if scheduled vacations are canceled by the City for emergencies or personal emergencies of employees. Where requested in advance by the employee, management will make reasonable efforts to work with the employee to try to avoid the loss of vacation time accruals under the accrual maximum.

54. Work Schedule

- A. When regular days off (RDO) are changed, reasonable notice shall be given to the affected employee(s). "Reasonable notice" is at least 48 hours unless by mutual consent.
- B. Except as provided in Appendix B (Memorandum of Understanding Regarding 3/12.5 Schedule), all sworn employees shall be placed on a 4/10 work schedule. Management retains the right to change an employee's day off at any time with less than 48 hours' notice without incurring overtime liability in order to meet departmental needs related to court subpoenas and other planned events. Other planned events shall include incidents such as drug sweeps in Investigations and employee training. Overtime liability for an employee on a 4/10 schedule will continue to occur when an employee works in excess of eighty (80) hours in a 14-day work period as required by the Fair Labor Standards Act (FLSA).

Uniformed sworn officers on a 4/10 schedule who are subject to call for service during the lunch period will work ten (10) hours and take a one half (1/2) hour paid lunch break. Other sworn and non-sworn employees on a 4/10 schedule will work ten (10) hours and take a one-half (1/2) hour or one-hour unpaid lunch break. A change made by management to this practice will be a normal meet and confer issue.

- C. Upon mutual agreement between management and an employee represented by the Association, s/he may work a schedule different than that delineated in Section B of this Article.

55. Workers' Compensation: Non-Sworn Personnel

- A. Non-sworn employees who sustain illness or injury arising out of and in the course of their City employment shall receive benefits equal to those mandated by the State of California plus the difference between State mandated benefits and the equivalent of eighty-five percent (85%) of the individual's gross (excluding O.T.) salary, if any, paid by the City for a maximum of ninety (90) working days.
- B. This Article shall not be construed to grant employees the use of sick leave benefits in lieu of or to supplement workers' compensation benefits herein or by State law, except as follows:

An employee who returns from an accepted work-related injury or illness to regular duty or modified duty may attend follow-up medical appointments during work hours when it is not possible to arrange such appointments on non-work time. Reasonable advance notice must be given to the supervisor, which in no event shall be less than 24 hours. Release time is subject to supervisory approval based on operational needs. Under these conditions, to account for the lost work time to attend physician, physical therapy, chiropractic, counseling and other physical and mental care appointments, the employee may:

1. Use accrued paid leave time (sick leave, vacation time, compensatory time, or personal leave); or
2. Use "industrial leave without pay" if employee has no accrued paid leave time, or
3. If the employee has not reached a permanent and stationary status, the employee may elect to use "industrial leave without pay" if employee does not choose to use accrued paid leave (sick leave, vacation time, compensatory time, or personal leave). However, employees who have reached permanent and stationary status must exhaust available leave balances before being placed on leave without pay.

An employee who has not reached a permanent and stationary status and uses industrial leave without pay may be entitled to "wage loss" under workers' compensation system depending on eligibility.

The City may make changes to its Personnel Policies including, but not limited to, the Santa Barbara Municipal Code to reflect the substance of this Agreement.

APPENDIX A- TRAINING AND RELATED TRAVEL TIME FOR REQUIRED CLASSES

The purpose of this Appendix is to provide a guide to utilize when determining when an employee is entitled to payment for attending training.

Non-Exempt Employees

The Fair Labor Standards Act (FLSA) indicates that time spent by non-exempt employees in training is compensable unless all of the following conditions are met:

1. Attendance is outside of the employee's regular working hours.
2. Attendance is in fact voluntary. FLSA indicates that attendance is not considered voluntary if the employee believes that present working conditions or the continuance of employment will be adversely affected by non-attendance.
3. The course, lecture, or meeting is not directly related to the employee's job. The regulations state that training is directly related to the employee's job if it is designed to make the employee handle his or her job more effectively, as distinguished from training for another job.
4. The employee does not perform any productive work during such attendance.

If all four of the above conditions are not met, then all hours spent in training (including those outside of normal working hours) are considered to be compensable under FLSA.

If the training is considered compensable and travel time is associated with the employee's attendance, then the next question is whether the time spent traveling should be paid for. , The following must be considered.

1. **Travel During Regular Working Hours.** If the travel time related to attending required training occurs during normal working hours, then the time is considered to be compensable.
2. **Special One-Day, Out-of-Town Travel.** Travel time associated with special one-day, out-of-town training is required to be paid for irrespective of the mode of transportation utilized or whether the employee drives or is a passenger. Time that can be excluded from payment is normal home-to-work travel time and time spent eating while traveling.
3. **Overnight Travel.** If an employee travels overnight on business (for more than one day), the employee must be paid for time spent in traveling (except for meal periods) during their normal working hours on their non-working days, such as Saturday, as well as, on their regular working days. Travel time as a passenger on an airplane, train, boat, bus, or automobile outside of regular working hours is not considered worktime unless the employee performs any actual work or the employee drives a car without being offered public conveyance. Therefore, nighttime travel policies when associated with training for more than one day may prove to be more advantageous. The cost for hotel accommodations and meals for the employee versus the overtime payment should be considered when trying to determine which is more advantageous.

Special Requirements for 207K Exempt Employees

The only special requirement related to 207(k) exempt employees under FLSA relates to time spent in required training when an employee is confined to a campus or to barracks 24 hours a day. Only the time spent in actual training is considered compensable hours of work as long as the other hours are spent in studying or other personal pursuits. Other than this, the same requirements that apply to non-exempt employees apply to 207(k) exempt employees.

TRAINING AND RELATED TRAVEL TIME FOR REQUIRED CLASSES- CONTINUED

Exempt Employees

In the case of an exempt employee, the MOU is the guiding document in whether training or related travel time is compensable. Generally, exempt employees will only be paid for time spent in required training and travel during normal work hours. Travel outside of regular work hours is excluded.

Employees who have questions regarding the compensability of training and related travel time, may contact either the Chief of Police or one of the Personnel Analysts at Ext. 5316.

APPENDIX B- MEMORANDUM OF UNDERSTANDING REGARDING 3/12.5 SCHEDULE

This memorandum of understanding was entered into as of September 25, 1999, and amended on July 3, 2001 and December 10, 2015, between the City of Santa Barbara, hereinafter referred to as "City," and the Santa Barbara Police Officers Association, hereinafter referred to as "Association."

This agreement is intended to allow the City to implement a "3/12.5" work schedule for some of those Officers and Sergeants assigned to patrol functions.

The work period shall be defined as a 28-day work period as permitted by the Fair Labor Standards Act (FLSA) for law enforcement personnel for all sworn personnel irrespective of their shift assignment in order to accommodate the new "3/12.5" schedule. FLSA mandated overtime for all sworn personnel shall be defined as any hours worked beyond one hundred seventy one (171) hours in a designated twenty-eight (28) day cycle. Overtime under a "4/10" or "3/12.5" work schedule is defined as hours worked beyond the regularly scheduled shift, whether it be a 12.5-, 10-, 9- or 8-hour day. Overtime liability shall also occur if a member works in excess of his/her regularly scheduled 75, 80 or 85 hours in a pay period. The City shall continue for purposes of computing overtime to count all regular, scheduled work hours, including paid leave time, as time worked. Overtime shall continue to be compensated at a time and one-half overtime cash or time and one-half CTO rate but not to exceed the 50 hours CTO maximum bank. Once overtime is earned in connection with any approved method of accrual (daily, biweekly, FLSA) said amounts shall be deducted from overtime owed under any other approved method of accrual. There shall be no double or triple payment of overtime for the same hours involved.

The basic work schedule for those assigned to a "3/12.5" shall be to work 12 shifts of 12.5 hours and one shift of 10 hours during each 28-day work period. This is the equivalent of working 160 hours in a four-week period; the same as employees assigned to a "4/10", work schedule. The current meal break policy shall apply to all sworn patrol personnel assigned to a "3/12.5" work schedule.

For those assigned to a "3/12.5" schedule, the 10-hour shift must be worked within the designated 28-day work period and is considered an integral part of the City's staffing needs. Therefore, the 10-hour shift is not intended to be "routinely" utilized for leave time. In situations where an employee who, for whatever reason, does not either actually work or report leave time approved by the Department for the required 10-hour shift within the 28-day work period shall have paid leave utilized for any hours necessary to account for the required 160 hours in the following order: CTO, Holiday, Vacation unless an agreement between management and the employee to utilize in a different order. If no leave balances are available, then the hours shall be reported as leave without pay.

The one 10-hour shift shall not be limited to any particular purpose; however, it is generally intended to be utilized to facilitate training, patrol responsibilities or special assignments. Complete flexibility for scheduling this day shall be maintained by management to allow for changing priorities, training availability, and the special needs of the organization.

MEMORANDUM OF UNDERSTANDING REGARDING 3/12.5 SCHEDULE- CONTINUED

Under the "3/12.5" work schedule employees shall regularly work 75 hours during one biweekly pay period and 85 hours during the other biweekly pay period within the 28-day work cycle. As a matter of convenience for employees assigned to the "3/12.5" work schedule, the City shall ensure that the payments received by the employees at the end of each biweekly pay period are equal, or 80 hours per biweekly pay period, exclusive of any overtime. An exception will be in the case of an employee who does not work the required hours and does not have sufficient leave balances to cover the hours.

Management shall make every reasonable effort to have changes in patrol shift assignments coincide with the end of a 28-day work period. However, if the needs of the department (as determined in the sole discretion of the Police Chief) warrant a change from the "3/12.5" within the 28-day work period, the Association acknowledges that an adjustment will be required to balance the actual hours worked with the actual hours paid. This adjustment may necessitate a deduction from an employee's CTO, holiday, vacation time and/or gross pay. A similar adjustment may be necessary in situations such as, but not limited to, the resignation of an Officer.

The Association agrees that management retains the absolute right to discontinue the use of the "3/12.5" work schedule at any time without having to engage in the meet and confer process. Management also retains the right to assign an officer to either the "3/12.5" or the "4/10" work schedule without having to engage in the meet and confer process. If the "3/12.5" work schedule is discontinued by management, employees assigned to a "3/12.5" work schedule shall return to a "4/10" work schedule.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Resolution For Acceptance Of Easements For The Gutierrez And De La Guerra Streets Bridge Replacement Projects

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Permanent and Temporary Construction Easement Interests Located at 123 West Gutierrez Street and 317 and 326 West De La Guerra Street, and Authorizing the City Administrator to Execute All Agreements and Related Documents as Necessary in a Form Approved by the City Attorney.

DISCUSSION:

The permanent easements and temporary construction easements (TCEs) identified below are necessary for the replacement of the Gutierrez and De La Guerra Street Bridges. They must be acquired by the City to complete the right of way phase of the projects, allowing for the construction phase to begin as scheduled.

The Agreements and related documents identified in the proposed Resolution for the acquisitions described below have been executed and delivered to City staff. They now require authorization and approval by Council for their acceptance, execution by the City Administrator, and subsequent recordation with the County of Santa Barbara.

Gutierrez Street Bridge Replacement Project Easement Acquisitions:

Assessor's Parcel No	Site Address	Type of Easement	Owner
037-245-015	123 West Gutierrez Street	Permanent	Family Service Agency of Santa Barbara, Inc.
037-245-015	123 West Gutierrez Street	TCE	Family Service Agency of Santa Barbara, Inc.

De La Guerra Street Bridge Replacement Project Easement Acquisitions:

Assessor's Parcel No	Site Address	Type of Easement	Owner
037-073-002	317 West De La Guerra Street	Permanent	Davis Family, et al
037-073-002	317 West De La Guerra Street	TCE	Davis Family, et al
037-032-032	326 West De La Guerra Street	Permanent	Metropolitan Equities
037-032-032	326 West De La Guerra Street	TCE	Metropolitan Equities

Written offers were made to the property owners to purchase the easements necessary for the projects and were made based on valuations approved by the State of California Department of Transportation (Caltrans). The offers were negotiated in good faith, and final agreements were signed by the property owners.

The proposed Resolution approves the acceptance of the real property rights by the City, and authorizes the execution of the agreements and related documents necessary to complete the acquisitions as listed above.

BUDGET/FINANCIAL INFORMATION:

The total amount of compensation being paid to acquire the easements covered by the agreements and being authorized by the recommended Council action are:

Assessor's Parcel No	Owner	Total Compensation
037-245-015	Family Service Agency of Santa Barbara, Inc.	\$1,500
037-073-002	Davis Family, et al	\$7,600
037-032-032	Metropolitan Equities	\$3,000

The differences in compensation to the property owners is based on the amount of square footage being acquired for the temporary and permanent easements.

There are sufficient appropriated funds in the Streets Capital Fund to cover these costs. The City's share of total compensation is 11.47 percent with the remaining percentage of compensation being reimbursable by the Federal Highway Administration, administered through Caltrans.

ATTACHMENT(S): 1. Easements Exhibit for 123 West Gutierrez Street
2. Easements Exhibit for 317 West De La Guerra Street
3. Easements Exhibit for 326 West De La Guerra Street

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

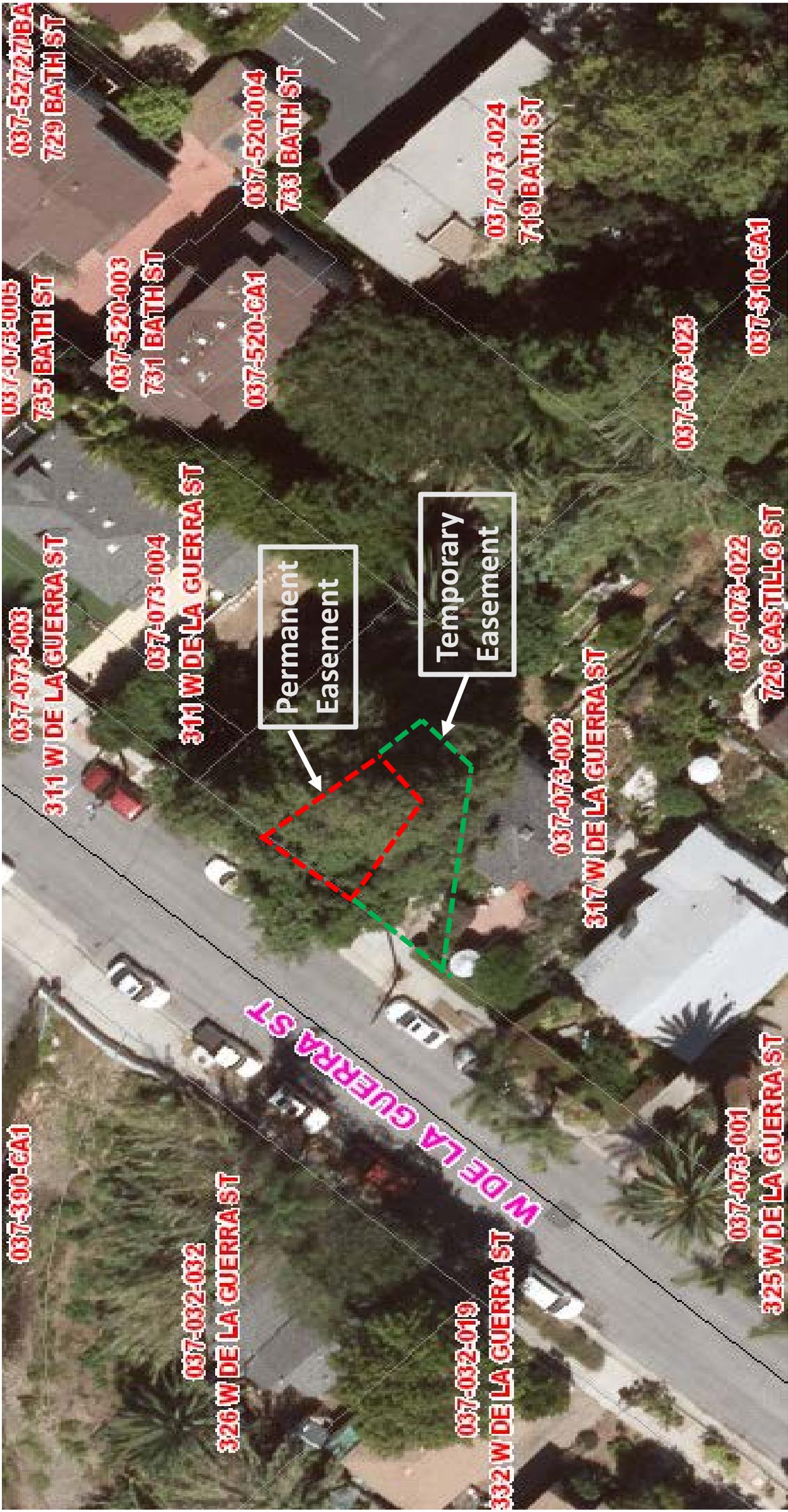
SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Permanent and Temporary Easements (approx.) 123 West Gutierrez Street



Permanent and Temporary Easements (approx.) 317 West De La Guerra Street



Permanent and Temporary Easements (approx.) 326 West De La Guerra Street



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS LOCATED AT 123 WEST GUTIERREZ STREET AND 317 AND 326 WEST DE LA GUERRA STREET, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS AS NECESSARY IN A FORM APPROVED BY THE CITY ATTORNEY.

WHEREAS, proposed projects are currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing bridges for Gutierrez and De La Guerra Streets at Mission Creek due to age, increasingly deteriorated condition, and limited flood control capacity, with anticipated reimbursement of a significant portion of the City's associated costs using funding provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the bridge replacement projects require the City to purchase permanent easements for street, bridge, and flood control related purposes, and temporary construction easements, on portions of the real property commonly known as 123 West Gutierrez Street, Santa Barbara County Assessor's Parcel Number 037-245-015, owned by the Family Service Agency of Santa Barbara, Inc., and on portions of real property commonly known as 317 and 326 West De La Guerra Street, Santa Barbara County Assessor's Parcel Numbers 037-073-002 and 037-032-032, owned by Gregory L. Davis and Elvira M. Davis, husband and wife as joint tenants, as to an undivided 52% interest, A. Mark Davis, a married man, as his sole and separate property, as to an undivided 16% interest, Marcia Davis Tremblay, a married woman, as her sole and separate property, as to an undivided 16% interest, Barbara Davis Batastini, a married woman, as her sole and separate property, as to an undivided 16% interest, and Metropolitan Equities, a California Limited Partnership, respectively, due to the properties locations immediately adjacent to the existing bridges and the proposed new Gutierrez and De La Guerra Street bridges at Mission Creek;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent easements and temporary construction easements have been valued and, in accordance with applicable laws and guidelines, are subject to final approval by the Council of the City of Santa Barbara, written offers and required valuation summaries and agreements have been delivered to the respective owners;

WHEREAS, the written purchase offers have been accepted by the respective owners, and their agreements have been signed voluntarily to allow the City to purchase the real property interests, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the City Administrator to execute the agreements with the affected owners, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the City Administrator to subsequently execute any other documents that may become necessary to accomplish such purchases by the City of the various interests in the real properties, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the permanent and temporary construction easement interests particularly described in the respective documents delivered for such purpose, without further action or subsequent resolution.

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

SECTION 1. The City Administrator is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement, Easement Deeds, and Escrow Instructions with the Family Service Agency of Santa Barbara, Inc., for the purchase by the City of the permanent easement for street, bridge, and flood control purposes, and of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 123 West Gutierrez Street, Santa Barbara County Assessor's Parcel Number 037-245-015, for total compensation in the amount of \$1,500 dollars, plus related escrow closing costs.

SECTION 2. The City Administrator is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement, Easement Deeds, and Escrow Instructions with Gregory L. Davis and Elvira M. Davis, husband and wife as joint tenants, as to an undivided 52% interest, A. Mark Davis, a married man as his sole and separate property, as to an undivided 16% interest, Marcia Davis Tremblay, a married woman as her sole and separate property, as to an undivided 16% interest, Barbara Davis Batastini, a married woman as her sole and separate property, as to an undivided 16% interest, for the purchase by the City of a permanent easement for street, bridge, and flood control purposes, and of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities

construction work, on a portion of the real property commonly known as 317 West De La Guerra Street, Santa Barbara County Assessor's Parcel Number 037-073-002, for total compensation in the amount of \$7,600 dollars, plus related escrow closing costs.

SECTION 3. The City Administrator is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement, Easement Deeds, and Escrow Instructions with Metropolitan Equities, a California Limited Partnership, for the purchase by the City of a permanent easement for street, bridge and flood control purposes, and of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 326 West De La Guerra Street, Santa Barbara County Assessor's Parcel Number 037-032-032, for total compensation in the amount of \$3,000 dollars, plus related escrow closing costs.

SECTION 4. The City of Santa Barbara hereby accepts all interests in and on the real property as described above, and more particularly as described in the Gutierrez and De La Guerra Street Bridge Permanent and Temporary Construction Easement Deeds and the Easement Purchase Agreements and Escrow Instructions signed by the respective property Owners of those properties as described above, which have been executed and delivered hereunder.

SECTION 5. The City of Santa Barbara hereby consents to the recordation by First American Title Company, 3780 State Street, Santa Barbara, CA 93105, under the respective Escrows, of the Gutierrez and De La Guerra Streets Bridge Permanent Easement and Temporary Construction Easement Deeds, in the Official Records, County of Santa Barbara, at the close of escrow.

SECTION 6. This Resolution shall become effective immediately upon its adoption.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Treasury Division, Finance Department

SUBJECT: July 2016 Investment Report

RECOMMENDATION:

That Council accept the July 2016 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of July 31, 2016.

ATTACHMENT: July 2016 Investment Report

PREPARED BY: Julie Nemes, Treasury Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
 July 31, 2016

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

7/26 Federal National Mortgage Association (FNMA)	\$ 2,000,000
Total	\$ 2,000,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

7/22 LAIF Withdrawal - City	\$ (6,000,000)
7/29 Federal Home Loan Mortgage Corp (FHLMC) - Call	(2,000,000)
7/29 Federal Home Loan Mortgage Corp (FHLMC) - Call	(2,000,000)
7/29 Federal National Mortgage Association (FNMA) - Call	(2,000,000)
Total	\$ (12,000,000)

ACTIVITY TOTAL

\$ (10,000,000)

INVESTMENT INCOME

POOLED INVESTMENTS

Interest Earned on Investments	\$ 134,722
Amortization	(2,004)
Total	\$ 132,717

INCOME TOTAL

\$ 132,717

ATTACHMENT

CITY OF SANTA BARBARA

Investment Portfolio

July 31, 2016

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.588	0.588	44,000,000.00	44,000,000.00	44,000,000.00	0.00	
Subtotal, LAIF							44,000,000.00	44,000,000.00	44,000,000.00	0.00	
CERTIFICATES OF DEPOSIT											
ALLY BANK	09/24/15	09/25/17	-	-	1.250	1.250	250,000.00	250,000.00	251,190.00	1,190.00	FDIC Certificate 57803
AMERICAN EXPRESS BANK FSB	10/23/14	10/23/19	-	-	2.200	2.200	250,000.00	250,000.00	257,422.50	7,422.50	FDIC Certificate 35328
AMERICAN EXPRESS CENTURION BK	09/30/15	09/30/20	-	-	2.250	2.250	250,000.00	250,000.00	259,227.50	9,227.50	FDIC Certificate 27471
BMO HARRIS BANK NA	09/30/15	09/29/17	-	-	1.100	1.100	250,000.00	250,000.00	251,167.50	1,167.50	FDIC Certificate 16571
BMW BK NORTH AMERICA	09/30/15	09/30/20	-	-	2.200	2.200	250,000.00	250,000.00	259,237.50	9,237.50	FDIC Certificate 35141
CAPITAL ONE BANK USA NA	10/29/14	10/29/19	-	-	1.900	1.900	250,000.00	250,000.00	257,475.00	7,475.00	FDIC Certificate 33954
CAPITAL ONE NA	09/30/15	09/30/20	-	-	2.250	2.250	250,000.00	250,000.00	259,227.50	9,227.50	FDIC Certificate 4297
DISCOVER BANK	09/30/15	09/30/20	-	-	2.300	2.300	250,000.00	250,000.00	260,247.50	10,247.50	FDIC Certificate 5649
EVERBANK	09/30/15	09/29/17	-	-	1.100	1.100	250,000.00	250,000.00	251,167.50	1,167.50	FDIC Certificate 34775
GE CAPITAL BANK	10/17/14	10/17/19	-	-	2.000	2.000	250,000.00	250,000.00	257,357.50	7,357.50	FDIC Certificate 33778
GOLDMAN SACHS BANK USA	10/29/14	10/29/19	-	-	2.150	2.150	250,000.00	250,000.00	257,440.00	7,440.00	FDIC Certificate 33124
KEY BANK NA	09/30/15	10/02/17	-	-	1.150	1.150	250,000.00	250,000.00	251,200.00	1,200.00	FDIC Certificate 17534
UNION BANK	08/31/12	08/31/17	-	-	1.490	1.511	4,000,000.00	4,000,000.00	4,000,000.00	0.00	
Subtotal, Certificates of deposit							7,000,000.00	7,000,000.00	7,072,360.00	72,360.00	
TREASURY SECURITIES - COUPON											
U S TREASURY NOTE	02/22/13	08/31/16	Aaa	AA+	1.000	0.502	2,000,000.00	2,000,809.20	2,001,320.00	510.80	
U S TREASURY NOTE	02/22/13	02/28/17	Aaa	AA+	0.875	0.607	2,000,000.00	2,003,056.41	2,004,720.00	1,663.59	
Subtotal, Treasury Securities							4,000,000.00	4,003,865.61	4,006,040.00	2,174.39	
FEDERAL AGENCY ISSUES - COUPON											
FED AGRICULTURAL MTG CORP	10/03/13	10/03/18	-	-	1.720	1.720	2,000,000.00	2,000,000.00	2,036,640.00	36,640.00	
FED AGRICULTURAL MTG CORP	12/12/13	12/12/18	-	-	1.705	1.705	2,000,000.00	2,000,000.00	2,038,740.00	38,740.00	
FEDERAL FARM CREDIT BANK	09/18/13	09/18/17	Aaa	AA+	1.550	1.550	2,000,000.00	2,000,000.00	2,019,880.00	19,880.00	
FEDERAL FARM CREDIT BANK	07/17/13	07/17/17	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,012,560.00	12,560.00	
FEDERAL FARM CREDIT BANK	06/24/15	06/24/19	Aaa	AA+	1.520	1.520	2,000,000.00	2,000,000.00	2,034,060.00	34,060.00	
FEDERAL HOME LOAN BANK	09/13/13	09/14/18	Aaa	AA+	2.000	1.910	2,000,000.00	2,003,618.00	2,048,540.00	44,922.00	
FEDERAL HOME LOAN BANK	01/17/14	04/17/18	Aaa	AA+	1.480	1.480	2,000,000.00	2,000,000.00	2,024,940.00	24,940.00	
FEDERAL HOME LOAN BANK	01/26/16	04/26/19	Aaa	AA+	1.500	1.500	2,000,000.00	2,000,000.00	2,005,740.00	5,740.00	Callable 01/26/17, once
FEDERAL HOME LOAN BANK	12/16/13	12/14/18	Aaa	AA+	1.750	1.650	2,000,000.00	2,004,525.93	2,041,600.00	37,074.07	
FEDERAL HOME LOAN BANK	06/18/14	06/09/17	Aaa	AA+	1.000	1.003	2,000,000.00	1,999,942.48	2,005,780.00	5,837.52	
FEDERAL HOME LOAN BANK	10/22/14	11/18/16	Aaa	AA+	0.750	0.500	2,000,000.00	2,001,474.48	2,002,040.00	565.52	
FEDERAL HOME LOAN MTG CORP	08/24/15	08/24/20	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,001,380.00	1,380.00	Callable 08/24/16, then qtrly
FEDERAL HOME LOAN MTG CORP	06/30/16	06/30/21	Aaa	AA+	1.875	1.875	2,000,000.00	2,000,000.00	2,001,120.00	1,120.00	Callable 09/30/16, then qtrly
FEDERAL HOME LOAN MTG CORP	11/20/13	09/29/17	Aaa	AA+	1.000	1.030	1,000,000.00	999,656.93	1,003,580.00	3,923.07	
FEDERAL NATL MORTGAGE ASSN	01/30/13	01/30/18	Aaa	AA+	1.030	1.030	3,000,000.00	3,000,000.00	3,000,330.00	330.00	Callable 10/30/16, then qtrly
FEDERAL NATL MORTGAGE ASSN	12/12/12	12/12/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	2,000,620.00	620.00	Callable 09/12/16, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/15/13	10/26/17	Aaa	AA+	0.875	1.062	2,000,000.00	1,995,484.24	2,004,340.00	8,855.76	

CITY OF SANTA BARBARA

Investment Portfolio

July 31, 2016

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL NATL MORTGAGE ASSN	12/11/13	11/27/18	Aaa	AA+	1.625	1.606	2,000,000.00	2,000,842.55	2,037,640.00	36,797.45	
FEDERAL NATL MORTGAGE ASSN	05/26/16	05/26/20	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,004,960.00	4,960.00	Callable 05/26/17, once
FEDERAL NATL MORTGAGE ASSN	11/30/15	11/25/20	Aaa	AA+	1.000	2.015	2,000,000.00	2,000,000.00	2,000,240.00	240.00	SU 1%-2.2% Call 08/25/16, once
FEDERAL NATL MORTGAGE ASSN	12/26/12	12/26/17	Aaa	AA+	1.000	1.000	4,000,000.00	4,000,000.00	4,001,600.00	1,600.00	Callable 09/26/16, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/27/15	11/27/19	Aaa	AA+	1.125	1.678	2,000,000.00	2,000,000.00	2,014,300.00	14,300.00	SU 1.125%-2.250%, Call 11/27/17, once
FEDERAL NATL MORTGAGE ASSN	07/26/16	07/26/19	Aaa	AA+	1.125	1.125	2,000,000.00	2,000,000.00	2,000,980.00	980.00	Callable 07/26/17, once
FEDERAL NATL MORTGAGE ASSN	02/05/13	02/05/18	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	2,000,640.00	640.00	Callable 08/05/16, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/20/13	10/26/17	Aaa	AA+	0.875	1.070	2,000,000.00	1,995,286.02	2,004,340.00	9,053.98	
FEDERAL NATL MORTGAGE ASSN	11/27/15	11/28/18	Aaa	AA+	1.200	1.200	2,000,000.00	2,000,000.00	2,002,880.00	2,880.00	Callable 11/28/16, once
FEDERAL NATL MORTGAGE ASSN	05/26/16	11/26/19	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,004,280.00	4,280.00	Callable 05/26/17, once
Subtotal, Federal Agencies							56,000,000.00	56,000,830.63	56,353,750.00	352,919.37	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY INC	11/29/13	02/09/18	Aa2	AA	1.550	1.550	2,000,000.00	2,000,000.00	2,018,780.00	18,780.00	
GENERAL ELECTRIC CAPITAL CORP	01/14/14	01/14/19	A1	AA+	2.300	2.250	2,000,000.00	2,002,305.61	2,061,360.00	59,054.39	
TOYOTA MOTOR CREDIT	09/26/11	09/15/16	Aa3	AA-	2.000	1.800	2,000,000.00	2,000,465.33	2,003,000.00	2,534.67	
TOYOTA MOTOR CREDIT	11/20/15	07/13/18	Aa3	AA-	1.550	1.408	2,000,000.00	2,005,406.80	2,018,200.00	12,793.20	
Subtotal, Corporate Securities							8,000,000.00	8,008,177.74	8,101,340.00	93,162.26	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	3.500	4.195	4,775,295.56	4,775,295.56	4,775,295.56	0.00	
Subtotal, SBA Note							4,775,295.56	4,775,295.56	4,775,295.56	0.00	
CHECKING ACCOUNT											
MUFG UNION BANK NA CHKNG ACCNT	-	-	-	-	0.400	0.400	20,539,584.96	20,539,584.96	20,539,584.96	0.00	
Subtotal, Checking Account							20,539,584.96	20,539,584.96	20,539,584.96	0.00	
TOTALS							144,314,880.52	144,327,754.50	144,848,370.52	520,616.02	

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



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Rejection Of The Westside Neighborhood Pavement Maintenance Project Bid

RECOMMENDATION:

That Council reject the bid for the construction of the Westside Neighborhood Pavement Maintenance Project and direct staff to re-bid the project.

DISCUSSION:

Project Description

The Westside Neighborhood Pavement Maintenance Project (Project) consists of grinding off deteriorated pavement and overlaying with new asphalt on various streets throughout the City, encompassing streets primarily in the Westside Neighborhood. The project includes minimal curb ramp construction adjacent to and in conjunction with the streets overlay, as required by the Americans with Disabilities Act. Minor utility work is needed to raise and lower utility boxes, valve covers, and manholes.

Contract Bids

Only one bid was received for the subject work:

	BIDDER	BID AMOUNT
1.	Toro Enterprises, Inc. Oxnard, CA	\$3,630,710

Bid Rejection

The bid submitted by Toro Enterprises Inc., is \$545,251, or 18 percent over the engineer's estimate of \$3,085,458 that was developed by the design engineer, Flowers and Associates. Since the City reserves the right to reject all bids, and there is a

significant difference from the engineer's estimate for the one bid that was received, staff recommends that Council reject this bid and direct staff to re-bid the Project.

Based on the feedback received from contractors that chose not to submit bids for this Project, staff is reviewing the Project's specifications for opportunities to make it more efficient and attractive to bidders. Contractors also indicated they are currently too busy to handle additional work at this time. Staff is also in the process of updating the engineer's estimate to reflect the current observed bidding climate that is resulting in higher bids.

In order to obtain more competitive bids for both the curb ramp and pavement maintenance portion of the Project, the curb ramp portion of the Project will be repackaged and bid separately in advance of the pavement maintenance. The pavement maintenance project is anticipated to be rebid this winter. Bidding the work this winter is expected to result in more favorable bids.

Funding

This Project is funded by Measure A and Local Surface Transportation Program funds.

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For On-Call Survey Services

RECOMMENDATION:

That Council authorize the Public Works Director to execute a City Professional Services contract with Cardenas and Associates Surveying, Inc., in the amount not to exceed \$100,000, for on-call services of various Capital Improvement Program projects.

DISCUSSION:

Background

This work is intended to provide ongoing field survey assistance for the Capital Improvement Program (CIP) and related projects.

Project Description

Cardenas and Associates Surveying, Inc. (Cardenas), will provide on-call general professional survey services related to the design and construction of storm drains, sanitary sewers, streets, parks, facilities, and other miscellaneous projects.

The following are the basic tasks to be accomplished by Cardenas:

1. Prepare legal descriptions and plats including, but not limited to, records of survey.
2. Provide property line information and locate property corners.
3. Prepare monument documentation. Utilize AutoCAD Civil 3D to assist in the documentation of monuments with the City's Engineering Division and per the requirements of the County of Santa Barbara.
4. Provide topographical information to aid in the design of storm drain infrastructure, sanitary sewers, streets, parks, and other miscellaneous building projects.
5. Prepare sanitary sewer and storm drain infrastructure observation forms with associated digital photographs.

6. Provide locations of existing utilities and other surface features/structures.
7. Reference and re-establish City monuments, and prepare and file associated corner records.
8. Deliverables including, but not limited to, electronic topographic files, legal descriptions and plats, corner records, etc.

Cardenas was selected as part of a Request for Proposals process. A total of three firms submitted proposals and were subsequently interviewed. Cardenas was selected as the best qualified for this on-call contract and has successfully provided survey services for a number of City projects in the past.

Community Outreach

Community outreach will be performed as part of each of the individual CIP projects in the design and construction process.

BUDGET/FINANCIAL INFORMATION:

The majority of this survey work will be funded through individual CIP project budgets. Other surveying needs not related to a specific CIP project, such as ongoing monitoring projects, will be funded by the program that the work is supporting. Cost for each individual project and task will be negotiated in advance of and encumbered prior to the start of work. The estimated total cost of all survey work under this contract is not to exceed \$100,000. It is anticipated that this amount will last into Fiscal Year 2018.

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

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Agreement For Sanitary Sewer Chemical Root Control Services

RECOMMENDATION:

That Council find that, pursuant to Santa Barbara Municipal Code Section 4.52.070(L), it is in the best interest of the City to authorize the Public Works Director to execute an agreement with Duke's Root Control, Inc., in the amount \$138,477.85 for sanitary sewer chemical root cleaning services, and authorize the Public Works Director to approve expenditures of up to \$13,847.00 for extra services that may result from necessary changes in the scope of work.

DISCUSSION:

Background

The City of Santa Barbara owns and operates a 257-mile municipal wastewater collection system. Within this system, root intrusion from trees occasionally blocks sewer flow and causes Sanitary Sewer Overflows (SSO). From 2008 through 2010, the City averaged approximately 40 SSOs per year, with the predominant cause being root intrusion. Since 2010, the number of SSOs has been decreasing, and efforts to reduce SSOs continue to be a priority.

In order to better control root intrusion, the City initiated a pilot project in 2014, where nationally recognized and approved chemical herbicide products, specifically designed for sanitary sewer mains, were applied to City sewer mains with a history of root intrusion. Staff selected two different chemical herbicide products via a request for proposal process, thereby allowing staff to evaluate the effectiveness of each product in various locations throughout the City.

Staff selected Duke's Root Control, Inc., (Duke's) and Pacific Sewer Maintenance (PSM) to apply their different chemical herbicide products to approximately one mile of pipe throughout the City and assessed the potential for negative effects of the chemical herbicide on nearby trees. After a 3-month review period, no negative effects were

found; therefore, Duke's and PSM applied their chemical herbicide to approximately 13 miles of sanitary sewer mains.

Staff has evaluated the effectiveness of the two different chemical herbicide products and has determined that, while both products were successful in controlling root intrusion, Duke's was favorable because they provided easier scheduling and better product warranty. Duke's chemical herbicide does not require pre-cleaning prior to treatment, whereas PSM requires that treatment take place within a 6-week to 3-month cleaning window. PSM's warranty is voided if a sewer main is hydro-jetted after chemical herbicides are applied, and Duke's does not have that stipulation.

A professional service agreement was approved by Council on July 21, 2015, for Duke's to apply chemical herbicide to approximately 20 miles of sewer mains with a history of root intrusion in various locations throughout the City in the fall of 2015.

Current Project Description

The work consists of applying chemical herbicide to approximately 21 miles of predominately 6-inch and 8-inch sewer mains. The original 13 miles of sewer pipes that were treated in 2014 will be re-treated, and eight new miles of sewer mains with a history of root intrusion in various locations throughout the City will receive the chemical herbicide treatment.

Staff recommends that it is in the best interest of the City to enter into a contract with Duke's because they are the only supplier of the particular herbicide product and because of their ease of scheduling without strict pre-cleaning windows and favorable warranty. Duke's provided competitive pricing, similar to last year, and were proven to be successful and efficient in the 2014 and 2015 projects.

BUDGET/FINANCIAL INFORMATION:

This project is funded by the Wastewater Fund and there are sufficient appropriated monies in the fund to cover the cost of this project.

PREPARED BY: Lisa Arroyo, Wastewater System Manager/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016
TO: Mayor and Councilmembers
FROM: Engineering Division, Public Works Department
SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 2334 De La Vina Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,821 and standard agreements relating to the approved subdivision at 2334 De La Vina Street, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document.

DISCUSSION:

A Tentative Map for the subdivision located at 2334 De La Vina Street (Attachment 1), was conditionally approved on February 4, 2015, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 009-15 (Attachment 2). The project involves a one-lot subdivision to create three residential condominium units. Staff has reviewed the Parcel Map (Map) and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the SHO approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map.

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

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

The parcel map is available for review in the City Clerk's Office.

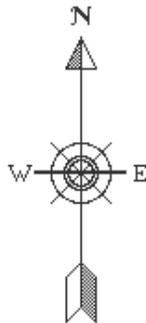
- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,821 by the Staff Hearing Officer Conditions of Approval Resolution Number 009-15
 3. List of Owners/Trustees

PREPARED BY: Adam Hendel, Acting Principal Civil Engineer/TS/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
2334 De La Vina



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,821 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 009-15

2334 De La Vina

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on February 4, 2015, is limited to three residential condominiums and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits, and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state, and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
5. **Residential Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
6. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions, and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles

owned by the residents of the property in the manner for which the garages were designed and permitted.

- c. **Parking Space Assignment.** Parking spaces within the project shall be assigned to specific residential units.
- d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such Plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
- e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- f. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.
- g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

ATTACHMENT 3

2334 De La Vina Street

BLH Properties, LLC, a Nevada limited liability company

LIST OF OWNERS

Bradley Vernon, Manager



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Agreement With Santa Barbara Community College District For Student Neighborhood Assistance Program Funding

RECOMMENDATION: That Council:

- A. Approve a grant agreement with the Santa Barbara Community College District for one-half of the initial start-up costs needed to implement the Police Department's Student Neighborhood Assistance Program (SNAP); and
- B. Increase the estimated revenues and appropriations in the Miscellaneous Grants Fund by \$103,308.53 in Fiscal Year 2017 for the implementation of SNAP.

DISCUSSION:

In 2014, Santa Barbara City College (SBCC) formed the SBCC Neighborhood Task Force to address public safety and quality of life issues around the vicinity of the college. One of the significant issues identified by the Task Force was the problem of noise disturbances.

In February 2015, the Task Force recommended that the City amend its Noise Ordinance and create a Student Neighborhood Assistance Program (SNAP) to assist in the administration of the City's Noise Ordinance enforcement. In April 2016, the City amended its Noise Ordinance, codified in Chapter 9.16 of the Santa Barbara Municipal Code, which established new regulations of noise levels and enforcement measures that escalate from warnings to administrative fines that incrementally increase for repeat violations.

The City approved of the creation of the Student Neighborhood Assistance Program, a unit within the Police Department, which is comprised of college-student non-sworn hourly employees tasked with being the Police Department's first response to first time noise disturbance calls. SNAP employees will give warnings to violators of the City's Noise Ordinance and document their response should future violations occur at the same location.

Council Agenda Report
Grant Agreement With Santa Barbara Community College District For Student
Neighborhood Assistance Program Funding
September 6, 2016
Page 2

The start-up costs for the Student Neighborhood Assistance Program is estimated to be \$206,617.06. The Santa Barbara Community College District has agreed to provide the Santa Barbara Police Department with funds equaling one-half of the start-up costs for the program, \$103,308.53, to be made in four equal payments over the course of the following year.

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

PREPARED BY: Riley Harwood, Sergeant/LSP

SUBMITTED BY: Lori Luhnnow, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016
TO: Mayor and Councilmembers
FROM: Patrol Division, Police Department
SUBJECT: State Of California Office Of Traffic Safety – Selective Traffic Enforcement Grant

RECOMMENDATION: That Council:

- A. Accept a grant from the State of California, Office of Traffic Safety in the amount of \$250,000 and authorize the Chief of Police to execute the grant agreement; and
- B. Increase estimated revenues and appropriations by \$250,000 in the Miscellaneous Grants Fund for Fiscal Year 2017 for the Selective Traffic Enforcement Program.

DISCUSSION:

The Santa Barbara Police Department applied for and received funding from the State of California, Office of Traffic Safety, for the Selective Traffic Enforcement Program. The goals of this program are to reduce the number of victims killed and injured in alcohol-impaired collisions, as well as collisions that result from other common vehicle code violations.

The grant covers the period of October 1, 2016 - September 30, 2017. The grant funds will be used to cover overtime and benefits for first line supervisors, officers, and staff who are assigned to meet the grant reporting requirements. The grant funds also cover the purchasing of a new DUI trailer. The DUI trailer is a fully equipped trailer to transport DUI checkpoint supplies and to serve as a communication and command post during OTS operations.

BUDGET/FINANCIAL INFORMATION:

The funding from these grants will increase the department's Miscellaneous Grants Fund estimated revenue and related appropriations by \$250,000.

ATTACHMENT: OTS Grant Agreement
PREPARED BY: Lorenzo Duarte, Lieutenant/LSP
SUBMITTED BY: Lori Luhnow, Chief of Police
APPROVED BY: City Administrator's Office

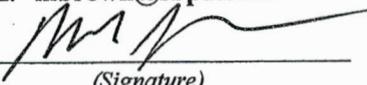
State of California – Office of Traffic Safety

GRANT AGREEMENT - Page 1

OTS-38 (Rev. 4/16)

GRANT NUMBER

PT17118

1. GRANT TITLE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)	
2. NAME OF AGENCY CITY OF SANTA BARBARA	4. GRANT PERIOD From: 10/1/16 To: 9/30/17
3. AGENCY UNIT TO ADMINISTER GRANT SANTA BARBARA POLICE DEPARTMENT	
5. GRANT DESCRIPTION Best practice strategies will be conducted to reduce the number of persons killed and injured in traffic collisions involving impairment and other primary collision factors. The funded strategies may include enforcement operations focusing on impaired driving, distracted driving, nighttime seat belt use, motorcycle safety, and pedestrian and bicycle safety. Operations are conducted in areas with disproportionate numbers of traffic collisions. Other funded strategies may include public awareness, educational programs and training for law enforcement.	
6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 250,000.00	
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> • Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure • Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) • Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable) • Exhibit A – Certifications and Assurances • Exhibit B* - OTS Grant Program Manual <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
8. APPROVAL SIGNATURES	
A. GRANT DIRECTOR NAME: Mike Brown PHONE: (805) 897-3720 TITLE: Traffic Sergeant FAX: (805) 897-2420 ADDRESS: 215 East Figueroa Street Santa Barbara, CA 93101 E-MAIL: mbrown@sbpd.com  (Signature) 8-8-16 (Date)	B. AUTHORIZING OFFICIAL OF AGENCY NAME: Lori Luhnow PHONE: (805) 897-2395 TITLE: Chief FAX: ADDRESS: 215 East Figueroa Street Santa Barbara, CA 93101 E-MAIL: lluhnow@sbpd.com (Signature) (Date)
C. FISCAL OR ACCOUNTING OFFICIAL NAME: Robert Samario PHONE: (805) 564-5336 TITLE: Finance Director FAX: (805) 897-1978 ADDRESS: 736 Anacapa Street Santa Barbara, CA 93101 E-MAIL: bsamario@santabarbara.gov (Signature) (Date)	D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS NAME: Finance Department ADDRESS: P.O. Box 1990 Santa Barbara, CA 93102
9. DUNS NUMBER DUNS #: 013114553 REGISTERED ADDRESS & ZIP: 215 East Figueroa Street Santa Barbara, CA 93101-2120	

EFFECTIVE DATE OF AGREEMENT: <u>10/1/2016</u>	GRANTEE <u>CITY OF SANTA BARBARA</u>	GRANT NO. <u>PT17118</u>
10. Fin Action No. <u>1</u> Date: <u>8/1/2016</u>	12. TYPE OF AGREEMENT	
Revision No. _____ Date: _____	Initial <input checked="" type="checkbox"/>	Revision <input type="checkbox"/>
	PAID MEDIA	PROGRAM INCOME
		TASK NO. <u>2</u>
		F.F.Y. <u>2017</u>

11. Action Taken

Initial approval of 2017 HSP funds obligated.

13. FUNDING DISPOSITION & STATUS	
Fiscal Year	Amount
<u>2016-17</u>	250,000.00
<u>2015-16</u>	
<u>2014-15</u>	
<u>2013-14</u>	
Total	<u>250,000.00</u>
Obligated This Action	250,000.00
Previously Obligated	0.00
Total Amount Obligated	<u>250,000.00</u>
TOTAL FUNDS PROGRAMMED	<u>250,000.00</u>

14. FUNDING DETAIL - FISCAL YEAR GRANT PERIOD ENDING: 9/30/2017

FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
164AL	20.608	0521-0890-101 (10/15)	2015	10/15	2015	\$ 90,000.00
402PT	20.600	0521-0890-101 (10/15)	2015	10/15	2015	\$ 60,000.00
164AL	20.608	0521-0890-101 (23/16)	2016	23/16	2016	\$ 60,000.00
402PT	20.600	0521-0890-101 (23/16)	2016	23/16	2016	\$ 40,000.00
-	-	-	-	-	-	\$ -
-	-	-	-	-	-	\$ -
-	-	-	-	-	-	\$ -
-	-	-	-	-	-	\$ -

TOTAL FEDERAL FUNDS: \$ 250,000.00

15. GRANT APPROVAL & AUTHORIZATION TO EXPEND OBLIGATED FUNDS

A. APPROVAL RECOMMENDED BY	B. AGREEMENT & FUNDING AUTHORIZED BY
<p>NAME: WHITNEY BRAZIEL TITLE: Program Coordinator PHONE: (916) 509-3016 E-MAIL: whitney.braziel@ots.ca.gov Office of Traffic Safety 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p> <p>Signature _____</p>	<p>NAME: RHONDA L. CRAFT TITLE: Director Office of Traffic Safety 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p> <p>Signature _____</p>

GRANTS MADE EASY - STEP
SCHEDULE A
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1. PROBLEM STATEMENT

The City of Santa Barbara is located on the Pacific coast in the southern portion of Santa Barbara County. It comprises an area of approximately 23 square miles with an attractive year round moderate climate and beautiful scenery. The city is primarily urban, densely populated, and is culturally and demographically diverse. Its economic base consists of tourism with a world wide draw and light industry. The population is just under 100,000 residents, but often double's in size during peak tourist seasons. Our city is also located near three major colleges, UCSB, Santa Barbara City College and Westmont college.

Because of the tourism industry and the three major colleges in our area, the City of Santa Barbara has a large number of restaurants and alcohol drinking establishments. In the downtown area there is a high density of bars and night clubs which is continuing to grow in numbers and is rapidly expanding towards the beach area. This has created an attractive and active night life atmosphere which has made our city the hub of the night life entertainment within the tri-counties area of Santa Barbara, Ventura, and San Luis Obispo Counties.

The City of Santa Barbara is currently emphasizing its goal of a Multi-Modal Transportation system to encourage and increase pedestrian and bicycle traffic. Although this has been approached with a sound traffic engineering stance, it has increased the need for enforcement and education with pedestrians, bicyclists and vehicle drivers. Currently we have been impacted with an influx of pedestrian and bicycle related collisions. The most recent OTS statistics have ranked our city #3 in pedestrian collisions and #2 in bicycle collisions when compared to 103 similarly sized cities.

The large amount of drinking establishments has significantly impacted our city with the problem of motorists driving under the influence of alcohol during evening hours. Statistics show that the City of Santa Barbara has experienced a high number of serious alcohol related traffic collisions. We are most recently ranked #1 out of 103 similarly sized cities for alcohol related collisions. We are also rated #11 for night time collisions (2013 Office of Traffic Safety rankings).

The Santa Barbara Police Department's current DUI trailer was purchased in 1999, and due to it's age, is becoming unsafe to operate. The area of the roof where the large lighting system buckets are mounted is corroded and is starting to crack. The trailer roof material is thin and therefore, cannot be welded. The corrosion and resulting cracks are making the trailer unsafe to operate. If the mounting system and/or roof were to fail, the large roof mounted lighting system could potentially separate from the roof and fall off of the trailer causing injury to any officers and civilians who are near the trailer. The DUI trailer is an integral part of our checkpoint operations. Not only do we transport all the materials needed to safely set-up the checkpoint (cones, signs, ect.) but the trailer is also utilized by officers as an in-field operations center to complete all necessary court and arrest paperwork.

Funds received from this grant will allow our agency to target and address DUI drivers as well as other vehicle code violations that are a common causes of collisions involving vehicles, motorcycles, bicycles, and pedestrians.

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A. Traffic Data Summary:

Collision Type	2013				2014				2015			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	5		5		0		0		4		4	
Injury	539		608		573		667		568		679	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol - Involved	4	26	4	37	0	41	0	50	2	33	2	46
Hit & Run	2	51	2	62	0	52	0	53	0	50	0	56
Nighttime (2100-0259 hours)	3	44	3	45	0	62	0	71	1	95	1	118
Top 3 Primary Collision Factors									Fatal	Injury	Killed	Injured
#1 -	Signal for Movement on the Roadway								0	55	0	61
#2 -	Unsafe Speed								0	90	0	126
#3 -	Driving Under the Influence								0	33	0	46

2. PERFORMANCE MEASURES

A. Goals:

- 1) Reduce the number of persons killed in traffic collisions.
- 2) Reduce the number of persons injured in traffic collisions.
- 3) Reduce the number of persons killed in alcohol-involved collisions.
- 4) Reduce the number of persons injured in alcohol-involved collisions.
- 5) Reduce the number of persons killed in drug-involved collisions.
- 6) Reduce the number of persons injured in drug-involved collisions.
- 7) Reduce the number of persons killed in alcohol/drug combo-involved collisions.
- 8) Reduce the number of persons injured in alcohol/drug combo-involved collisions.
- 9) Reduce the number of motorcyclists killed in traffic collisions.

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- 10) Reduce the number of motorcyclists injured in traffic collisions.
- 11) Reduce hit & run fatal collisions.
- 12) Reduce hit & run injury collisions.
- 13) Reduce nighttime (2100 - 0259 hours) fatal collisions.
- 14) Reduce nighttime (2100 - 0259 hours) injury collisions.
- 15) Reduce the number of bicyclists killed in traffic collisions.
- 16) Reduce the number of bicyclists injured in traffic collisions.
- 17) Reduce the number of pedestrians killed in traffic collisions.
- 18) Reduce the number of pedestrians injured in traffic collisions.

B. Objectives:

- 1) Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
- 2) Participate in the following campaigns:
 - National Walk to School Day – October 5, 2016
 - National Teen Driver Safety Week – October 16-22, 2016
 - NHTSA Winter Mobilization – December 16, 2016 to January 1, 2017
 - National Distracted Driving Awareness Month – April 2017
 - National Bicycle Safety Month – May 2017
 - National Motorcycle Safety Month – May 2017
 - National Click It or Ticket Mobilization – May 17-20, 2017
 - NHTSA Summer Mobilization – August 19, 2017 to September 6, 2017
 - National Child Passenger Safety Week – September 17-23, 2017
 - California's Pedestrian Safety Month – September 2017
- 3) Develop (by December 31) and/or maintain a "HOT Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated HOT sheets should be distributed to patrol and traffic officers monthly.

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- 4) Send 6 law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hour) POST-certified training.
- 5) Send 4 law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.
- 6) Send 1 law enforcement personnel to the Drug Recognition Expert (DRE) training.
- 7) Send 1 law enforcement personnel to the DRE Recertification training.
- 8) Send 1 law enforcement personnel to SFST Instructor training.
- 9) Conduct 16 DUI/DL Checkpoints. *Note: A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the NHTSA Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint operation. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoint operations should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoint operations that begin prior to 1800 hours.*
- 10) Conduct 48 DUI Saturation Patrol operation(s).
- 11) Conduct 2 Warrant Service operation(s) targeting multiple DUI offenders who fail to appear in court.
- 12) Conduct 6 Know Your Limit campaigns with an effort to reach 200 members of the community.
- 13) Conduct 36 Traffic enforcement operation(s), including but not limited to, primary collision factor violations.
- 14) Conduct 12 Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.
- 15) Conduct 3 highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary collision factor violations by motorcyclists and other drivers. *Note: It is recommended the grantee issue an advance press release and conduct social media activity prior to each operation to publicize and raise awareness about motorcycle safety issues.*
- 16) Conduct 4 Night-time (1800 - 0559 hours) Click It or Ticket enforcement operation(s).

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17) Conduct **15** highly publicized Pedestrian and Bicycle enforcement operation(s) in areas of or during events with a high number of pedestrian and/or bicycle collisions resulting from violations made by pedestrians, bicyclists, and drivers. *Note: It is recommended the grantee issue an advance press release and conduct social media activity prior to each operation to publicize and raise awareness about pedestrian and bicycle safety issues.*

18) Conduct **5** Traffic Safety educational presentations with an effort to reach **125** community members. *Note: Presentations may include topics such as distracted driving, DUI, speed, pedestrian and bicycle safety, seatbelts and child passenger safety.*

NOTE: Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives hereunder.

3. METHOD OF PROCEDURE

A. Phase 1 - Program Preparation, Training and Implementation (1st Quarter of Grant Year)

- The department should develop operational plans to implement the "best practice" strategies outlined in the objectives section.
- All training should be conducted this quarter.
- All grant-related purchases should be made this quarter.
- In order to develop/maintain the "HOT Sheets," research will be conducted to identify the "worst-of-the-worst" repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The HOT Sheets may include the driver's name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. HOT Sheets should be updated and distributed to traffic and patrol officers at least monthly.
- Implementation of the STEP grant activities will be accomplished by deploying personnel at high collision locations.

B. Phase 2 - Program Operations (Throughout Grant Year)

- The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

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Media Requirements

- Submit all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator.
 - a) If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.
 - b) Press releases reporting the results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
 - c) Activities such as warrant service operations and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Agencies are required to collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. If required, a separate quarterly data reporting form will be completed each quarter and submitted as part of the QPR.

**GRANTS MADE EASY - STEP
SCHEDULE A
GRANT DESCRIPTION
GRANT NO. PT17118**

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- Reports will compare actual grant accomplishments with the planned accomplishments. They will include information concerning changes made by the Grant Director in planning and guiding the grant efforts.
- Reports shall be completed and submitted in accordance with OTS requirements as specified in the Grant Program Manual.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the "Final Evaluation" section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant's accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full support of the city of Santa Barbara. Every effort will be made to continue the activities after the grant conclusion.

**SCHEDULE B
DETAILED BUDGET ESTIMATE
GRANT NO. PT17118**

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION			TOTAL AMOUNT
164AL	20.608	Minimum Penalties for Repeat Offenders For Driving While Intoxicated			\$ 150,000.00
402PT	20.600	State and Community Highway Safety			\$ 100,000.00
COST CATEGORY		FISCAL YEAR ESTIMATES 10/1/16 thru 9/30/17			TOTAL COST TO GRANT
A. PERSONNEL COSTS		CFDA	FY-1		
Positions and Salaries					
Overtime					
DUI/DL Checkpoints		20.608	\$ 71,941.00		\$ 71,941.00
DUI Saturation Patrols		20.608	\$ 27,744.00		\$ 27,744.00
Warrant Service		20.608	\$ 9,822.00		\$ 9,822.00
Know Your Limit Campaign		20.608	\$ 13,110.00		\$ 13,110.00
Benefits @ 6.021%		20.608	\$ 7,383.00		\$ 7,383.00
Traffic Enforcement		20.600	\$ 26,603.00		\$ 26,603.00
Distracted Driving		20.600	\$ 8,662.00		\$ 8,662.00
Motorcycle Safety Enforcement		20.600	\$ 7,366.00		\$ 7,366.00
Nigh-time Click It or Ticket		20.600	\$ 2,888.00		\$ 2,888.00
Pedestrian and Bicycle Enforcement		20.600	\$ 45,500.00		\$ 45,500.00
Benefits @ 6.021%		20.600	\$ 5,481.00		\$ 5,481.00
Category Sub-Total			\$ 226,500.00		\$ 226,500.00
B. TRAVEL EXPENSE					
In-State		20.600	\$ 3,000.00		\$ 3,000.00
Category Sub-Total			\$ 3,000.00		\$ 3,000.00
C. CONTRACTUAL SERVICES					
None					
Category Sub-Total					
D. EQUIPMENT					
DUI Trailer		20.608	\$ 18,000.00		\$ 18,000.00
Category Sub-Total			\$ 18,000.00		\$ 18,000.00
E. OTHER DIRECT COSTS					
DUI Checkpoint Supplies		20.608	\$ 2,000.00		\$ 2,000.00
Printing / Duplication		20.600	\$ 500.00		\$ 500.00
Category Sub-Total			\$ 2,500.00		\$ 2,500.00
F. INDIRECT COSTS					
None					
Category Sub-Total					
GRANT TOTAL			\$ 250,000.00		\$ 250,000.00

SCHEDULE B-1

GRANT NO. PT17118

BUDGET NARRATIVE

Page 1

PERSONNEL COSTS

Overtime

Overtime for grant funded law enforcement operations may be conducted by personnel such as a Lieutenant, Sergeant, Corporal, Deputy, Officer, Reserve Officer, Community Services Officer, Dispatcher, etc., depending on the titles used by the agency and the grantees overtime policy. Personnel will be deployed as needed to accomplish the grant goals and objectives.

Costs are estimated based on an overtime hourly rate range of \$38.00/hour to \$96.00/hour.

Overtime reimbursement will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

Overtime Benefit Rates

Workers Compensation	4.571%
Medicare	1.450%
TOTAL BENEFIT RATE	6.021%

TRAVEL EXPENSE

In State

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. *All conferences, seminars or training not specifically identified in the Schedule B-1 (Budget Narrative) must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.*

CONTRACTUAL SERVICES

None

EQUIPMENT

1 DUI Trailer(s) - fully equipped trailer(s) to transport DUI checkpoint supplies and to serve as a communication and command post during OTS operations. Costs may include the trailer, sales tax, delivery, installation costs, and other modifications and accessories or other items necessary to make the trailer usable for grant purposes, such as a generator, lighting, paint and graphics. The trailer cannot include any furniture or fixtures not affixed to the trailer as noted in Chapter 2, Section 2.8 of the OTS Grant Program Manual.

SCHEDULE B-1

GRANT NO. PT17118

BUDGET NARRATIVE

Page 2

OTHER DIRECT COSTS

DUI Checkpoint Supplies - on-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS device supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. *Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.*

Printing/Duplication - costs include the purchase of paper, production, printing and/or duplication of materials associated with daily grant operations.

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

Page 1

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR §18.12.

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
- 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1200—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101-336), as amended (42 U.S.C. 12101, *et seq.*), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all sub-recipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, *et seq.*), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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BUY AMERICA ACT

The Grantee Agency will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)), which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

POLITICAL ACTIVITY (HATCH ACT)

The Grantee Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Certification

1. By signing and submitting this grant agreement, the Grantee Agency Official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency Official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency Official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The Grant Agency Official shall provide immediate written notice to the department or agency to which this grant agreement is submitted if at any time the Grantee Agency Official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *grant agreement*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this grant agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency Official agrees by submitting this grant agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

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7. The Grantee Agency Official further agrees by submitting this grant agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

- (1) The Grantee Agency Official certifies to the best of its knowledge and belief, that its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this grant agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/grant agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the Grantee Agency Official is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this grant agreement.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

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Instructions for Lower Tier Certification

1. By signing and submitting this grant agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this grant agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *grant agreement*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this grant agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this grant agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this grant agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion— Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this grant agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this grant agreement.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Administrative Services, Police Department

SUBJECT: Approval Of Dooley Enterprises As Sole Source Vendor To Provide Duty And Practice Ammunition For The Police Department

RECOMMENDATION:

That Council waive the formal bid process as authorized by Municipal Code Section 4.52.070(K) and authorize the City General Services Manager to issue a purchase order to Dooley Enterprises, as the single and most favorable source for providing the City with its authorized ammunition needs, in an amount not to exceed \$60,000 for Fiscal Year 2017.

DISCUSSION:

The Police Department presently uses Winchester ammunition for duty and practice use for all authorized weapons and calibers. Winchester is the only manufacturer of ammunition containing a totally jacketed bullet encasing the lead and a no-lead primer. This particular type of ammunition is used for the safety of our employees. Winchester is also the only manufacturer of "Ranger" duty ammunition, the only authorized duty ammunition for our department pistols.

Winchester Company limits the bulk distribution of their products through regional suppliers and the sole supplier designated by Winchester for the Santa Barbara area is Dooley Enterprises, Inc. Therefore, Municipal Code Section 4.52.070(K) is applicable because Dooley Enterprises, Inc. is the sole source for this specific type of ammunition.

Since the Police Department places two to three orders for ammunition each fiscal year, a blanket purchase order for Dooley Enterprises, Inc. is requested for the Police Department's ammunition needs.

BUDGET/FINANCIAL INFORMATION:

There are sufficient funds appropriated in the Fiscal Year 2017 Police Department budget to cover the cost of ammunition.

PREPARED BY: Todd Stoney, Captain/LSP

SUBMITTED BY: Lori Luhnnow, Police Chief

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Downtown Parking, Public Works Department

SUBJECT: Public Hearing And Expansion Of Residential Permit Parking Near Santa Barbara City College

RECOMMENDATION: That Council:

- A. Conduct a public hearing to expand Permit Parking Area M; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Expanding Resident Permit Parking Area M in the Mesa Area to include the 400 and 500 Blocks of La Marina.

EXECUTIVE SUMMARY:

Per Council's direction, staff has evaluated a proposal to expand the boundaries of Permit Parking Area M, located in residential neighborhoods on the Mesa, adjacent to Santa Barbara City College. Staff completed a Parking Occupancy Survey of the proposed expansion area, notified residents of the proposal, conducted a public meeting, and solicited feedback. Based on the results of the Parking Occupancy Survey, and the community outreach process, staff recommends that Council adopt a Resolution that will expand the boundaries of Area M to include the 400 and 500 blocks of La Marina.

DISCUSSION:

Background

In 1984, City Council established the Resident Parking Permit Program (RPP Program) as a tool to manage the parking needs of residents in mixed-use areas. The RPP Program preserves the availability of on-street parking for residents in areas where parking may be affected by nearby commercial, educational, or recreational uses. The RPP Program establishes parking restrictions on certain blockfaces located in designated Permit Parking Areas (PPAs) and provides an exemption for full-time residents of eligible addresses who purchase permits. Chapter 10.46 of the Municipal Code outlines the process and requirements for establishing PPAs and posting permit

parking restrictions, in addition to specifying the rules and regulations for parking permit use and eligibility.

Residential permit parking restrictions may only be posted on blockfaces located in designated PPAs. There are currently nine designated PPAs in the City. In 1991, Council adopted Resolution No. 91-135 establishing Permit Parking Area M to prevent Santa Barbara City College commuter students from parking in campus-adjacent residential neighborhoods on the Mesa. The boundaries of Area M are depicted in the attached map. Many of the blockfaces in Area M were posted with "Resident Parking Only/Permit Required" signage when the PPA was initially established and, since that time, many more eligible blocks have petitioned to have signage posted. The RPP Program in Area M has successfully prevented commuter student parking on residential streets that have had permit parking restrictions posted.

Today, nearly every blockface within Area M has been either posted with RPP Program signs or designated "No Parking" (see Attachment 1). Each time a new blockface is posted, the student parking is pushed onto the nearest blocks with unrestricted parking, creating new parking problems for residents of these blocks. Because nearly every blockface in Area M has permit parking restrictions posted, student parking has now migrated onto streets located outside the boundaries of Area M that are not currently eligible to participate in the RPP Program.

Resident Request and Program Implementation

As a result of student parking impacts beyond the existing boundaries of Area M, in March 2015, residents of the 400 and 500 blocks of La Marina submitted a petition to expand the boundaries to include these two blocks. This is the first formal request to expand Area M that the City has received since the Area was established. The petition was signed by residents of 86 percent of the dwelling units on these blocks. Although only two blocks formally petitioned for expansion, staff observed potential parking impacts on other blocks located outside the Area M boundaries, and residents of those blocks had contacted the City to complain about student parking.

Anticipating that the interest in being included in Area M may extend beyond the two blocks that formally petitioned, staff recommended evaluating an expansion of Area M that included numerous blocks in addition to La Marina (see Attachment 1). On December 8, 2015, Council directed staff to initiate the expansion of Area M by completing a parking study, conducting public outreach, and returning to Council with a report and recommendations, as instructed in the Municipal Code.

Expanding the boundaries of Area M does not automatically involve posting any new parking restrictions within the newly expanded areas without further City Staff consideration. Should Council approve the Area M expansion, residents within the newly eligible blocks may petition the City to have permit parking restrictions posted.

Staff will evaluate these requests as they are received and post RPP Program restrictions if commuter student parking impacts are observed.

Parking Occupancy Study

The area under study for possible inclusion in Area M (highlighted in blue on Attachment 1) measures approximately 0.25 square miles and contains 4.35 miles of streets. With the exception of a church located on Cliff Drive, the area consists entirely of residential dwellings, primarily single-family homes. The study area is slightly modified from the original area proposed to Council on December 8, 2015. Specifically, Santa Fe Place was omitted because, upon observation, staff concluded that the higher-density senior and condominium-type development on this street made it unsuitable for permit parking. The 00 Block of Santa Cruz Boulevard was omitted to avoid any potential impacts to beach access. Vista de la Playa Lane, Pacific View, and Vista Pacifica were all omitted because these are private streets with no public parking.

To determine the impacts of commuter student parking on the expansion area, staff conducted a Parking Occupancy Survey during the week of March 14 to 18, 2016. During this time, staff counted parked vehicles on each block of the expansion area three times a day, during the hours of proposed enforcement for Area M (8:00 AM – 4:00 PM). Vehicle counts were taken during the 9:00-10:00 AM hour, the 12:00-1:00 PM hour, and the 3:00-4:00 PM hour. Staff then used the City's Map Analysis and Printing System to measure the curb length and determine the total number of parking spaces on each blockface (using the standard 20-foot measurement for one space). The data was then used to determine the percentage of on-street parking spaces that were occupied by vehicles during peak hours.

Parking on a blockface is considered "impacted" when more than 80 percent of the parking spaces are occupied during peak hours. On the Mesa, commuter student parking peaks during daytime hours, particularly mid-morning through mid-afternoon, Mondays through Thursdays. Lower enrollment in Friday classes causes student parking to decrease considerably at week's end. As a result, blocks where parking is impacted by commuter students see a significant decrease in average occupancy from Monday through Thursday to Friday.

Results of the Parking Occupancy Survey indicate that the blocks in the study area that are most impacted by commuter student parking are the 1200 block of Cliff Drive and the 400 block of La Marina. Occupancy on the north side of 1200 Cliff Drive averages 96 percent during peak hours and 77.8 percent on the south side. Occupancy on the east side of 400 La Marina averages 58 percent, and the west side averages 78 percent. When conducting the survey, staff observed that parking was usually at or near capacity at the south end of 400 La Marina (just north of Cliff Drive) and thinned out towards the north end.

The 1200 block of San Miguel is also affected by student parking. Although the Parking Occupancy Survey only showed 53 percent occupancy for the north side and 32 percent for the south side, 1200 San Miguel is an unusually long block. Staff observed that the east end of the block, near La Marina, was at or near capacity during peak hours, while the west end of the block was unaffected by student parking, resulting in an overall lower occupancy rate.

Full results of the Parking Occupancy Survey are included as Attachment 2 and illustrated on the map in Attachment 3.

Community Outreach

Staff conducted community outreach in order to inform residents of both the existing Area M and the proposed expansion area about the RPP Program, to gather feedback, and to evaluate whether residents of each block were interested in being included in Area M. Notices were mailed to both residents and homeowners of all dwellings located in the existing Area M and the expansion area (approximately 1,700 total). The notices informed recipients of the proposal, directed them to a website for more information (www.santabarbaraca.gov/AreaM), provided the date and time of a public meeting on the subject, and invited them to submit feedback via email, phone, mail, at the meeting, or in person.

The City hosted a public meeting at the Faulkner Gallery on May 25, 2016, where staff presented details of the proposal, answered questions, and listened to resident feedback. Attendees were also given a survey form to complete in order to express their interest in having their block included in Area M and provide further written comments. Staff also received a considerable amount of feedback by email and phone. At the public meeting, staff heard overwhelming opposition to Area M Expansion from residents outside of the 400 and 500 blocks of La Marina. Many residents also thought that the City's expansion proposal was related to the pending Beach City development proposal and saw the expansion of permit parking as a burden that would be placed on them as a consequence of this new development.

Each resident comment was logged by name and address, and staff used this information to determine which blocks were interested in being included in Area M, and which opposed the idea. Any resident who wished to receive further updates on the proposal was asked to provide an email address and encouraged to check the website for updates. Residents who requested updates were personally notified of the public hearing before the City Council. Notice of the public hearing before Council was also mailed to residents of 400 and 500 La Marina, published in the City's newspaper of general circulation, and posted in City Hall pursuant to the requirements of Section 10.46.010.C.

Transportation Engineer's Considerations and Findings

Municipal Code Section 10.46.030 requires the Transportation Engineer and City Council to consider the following when determining whether to designate or modify a Permit Parking Area:

- 1. The extent to which the residents and merchants of an area desire and need permit parking;*
- 2. The extent to which on-street parking spaces are available for use by vehicles of residents, their visitors, and merchants, and are not occupied by vehicles of others;*
- 3. The size and configuration of the area as it relates to enforcement of parking and traffic regulations, and the potential impact of parking and traffic congestion on this and adjacent areas, as the result of the establishment of a Permit Parking Area; and*
- 4. Whether other regulatory measures will better solve the problem.*

After conducting extensive public outreach and completing a Parking Occupancy Survey on all streets included in the proposed expansion area, as depicted in Attachment 1, staff finds the following:

Extent to which Residents and Merchants Desire and Need Permit Parking

Of the blocks studied, only residents of the 400 and 500 blocks of La Marina indicated a strong desire to participate in the RPP Program. Residents of these two blocks complained of parking congestion, student drivers speeding, driving erratically, blocking the flow of traffic to and from Cliff Drive, blocking driveways, and littering in their neighborhood. Residents of the 1200 block of San Miguel did not indicate sufficient support for inclusion into Area M. Although other streets on the Mesa may be impacted by student parking in the future, residents of these streets were generally opposed to being included in Area M.

Although staff does not anticipate that at this time displaced vehicles from the 400 and 500 blocks of La Marina will significantly impact parking on other streets originally proposed for expansion (see Attachment 1), if Santa Barbara City College enrollment trends continue, some of these streets could be affected by student parking in the future. The original Area M Expansion Proposal included a much larger area of study in an effort to proactively address future parking impacts should they continue to spread. However, residents of the streets beyond La Marina were overwhelmingly opposed to inclusion in Area M and participation in the RPP Program. As a result, staff grappled with the appropriate recommendation for Council action. While a larger expansion of the Area M boundaries would enable the City to respond quickly to future resident requests for permit parking without necessitating the time and resource-intensive expansion process, doing so would not have followed the wishes of the residents as expressed during the outreach process.

Extent to which On-Street Parking is Available for Use by Residents and their Visitors

Although commuter student parking was observed as far west as Los Alamos Avenue, the Parking Occupancy Survey indicated that only the 400 block of La Marina, the 1200 block of Cliff Drive, and a portion of the 1200 block of San Miguel are significantly impacted by student parking at this time. All other areas currently have sufficient on-street parking available to serve the residents and their visitors.

Enforcement of Parking Regulations and Potential Impact Parking and Traffic Congestion

The 400 and 500 blocks of La Marina are contiguous with the existing Area M boundaries. Enforcement of permit parking on these blocks would not place any significant additional burden on the City's Parking Enforcement Division. Based on the Parking Occupancy Survey, if permit parking is implemented on these blocks, staff estimates that up to 20 student vehicles may be displaced onto other nearby streets, most likely San Miguel and Santa Catalina. Assuming these vehicles disperse relatively evenly between the two streets, average peak hour occupancy would still remain below 70 percent on each blockface. Including upper La Marina in Area M would not create any new parking or traffic congestion on adjacent areas.

Whether Other Regulatory Measures Would Better Solve the Problem

Short of restricting all on-street parking on upper La Marina, Resident Permit Parking is the only mechanism to remedy resident concerns about commuter student parking.

Recommendation

Staff has concluded that the 400 and 500 blocks of La Marina are impacted by commuter student parking and that including these blocks in Area M so that they may participate in the RPP Program is an appropriate remedy. Staff recommends expanding the boundaries of Area M to include only the 400 and 500 blocks of La Marina (see Attachment 4). If the expanded area is approved by Council, staff will immediately work with the residents on these blocks of La Marina to implement the desired parking restrictions.

This Council Agenda Report serves as the Transportation Engineer's report and recommendation as set forth in section 10.46.040 of the Municipal Code.

ATTACHMENTS: Attachment 1: Map of Current Area M Boundaries and Proposed Expansion Study Area
Attachment 2: Table of Parking Occupancy Survey Results
Attachment 3: Map of Parking Occupancy Survey Results
Attachment 4: Map of Recommended Area M Boundaries

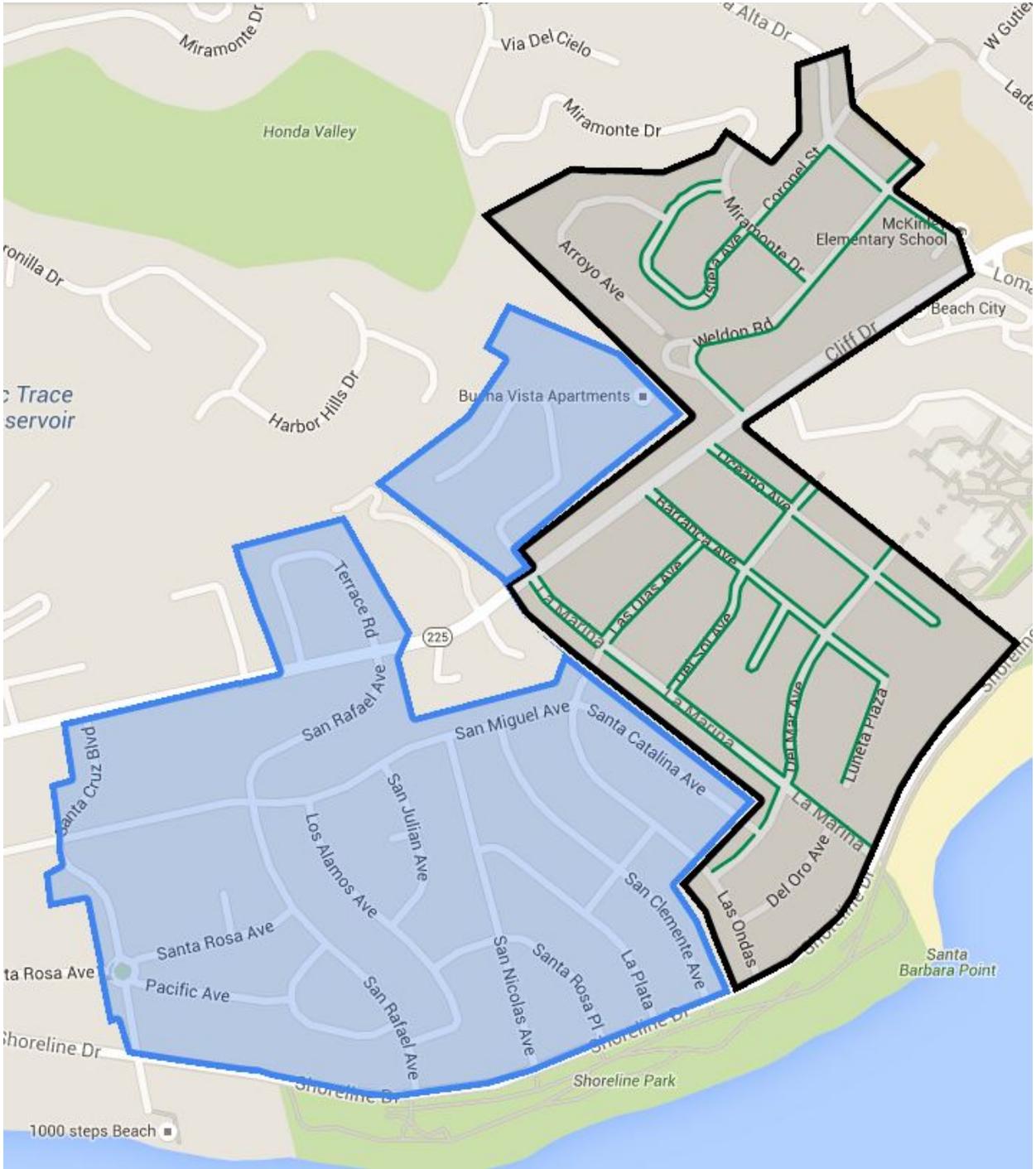
Council Agenda Report
Public Hearing And Expansion Of Residential Permit Parking Near Santa Barbara City
College
September 6, 2016
Page 7

PREPARED BY: Rob Dayton, Principal Transportation Planner/VG/sc/mj
Derrick Bailey, Supervising Transportation Engineer

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

MAP OF CURRENT AREA M BOUNDARIES AND PROPOSED STUDY AREA



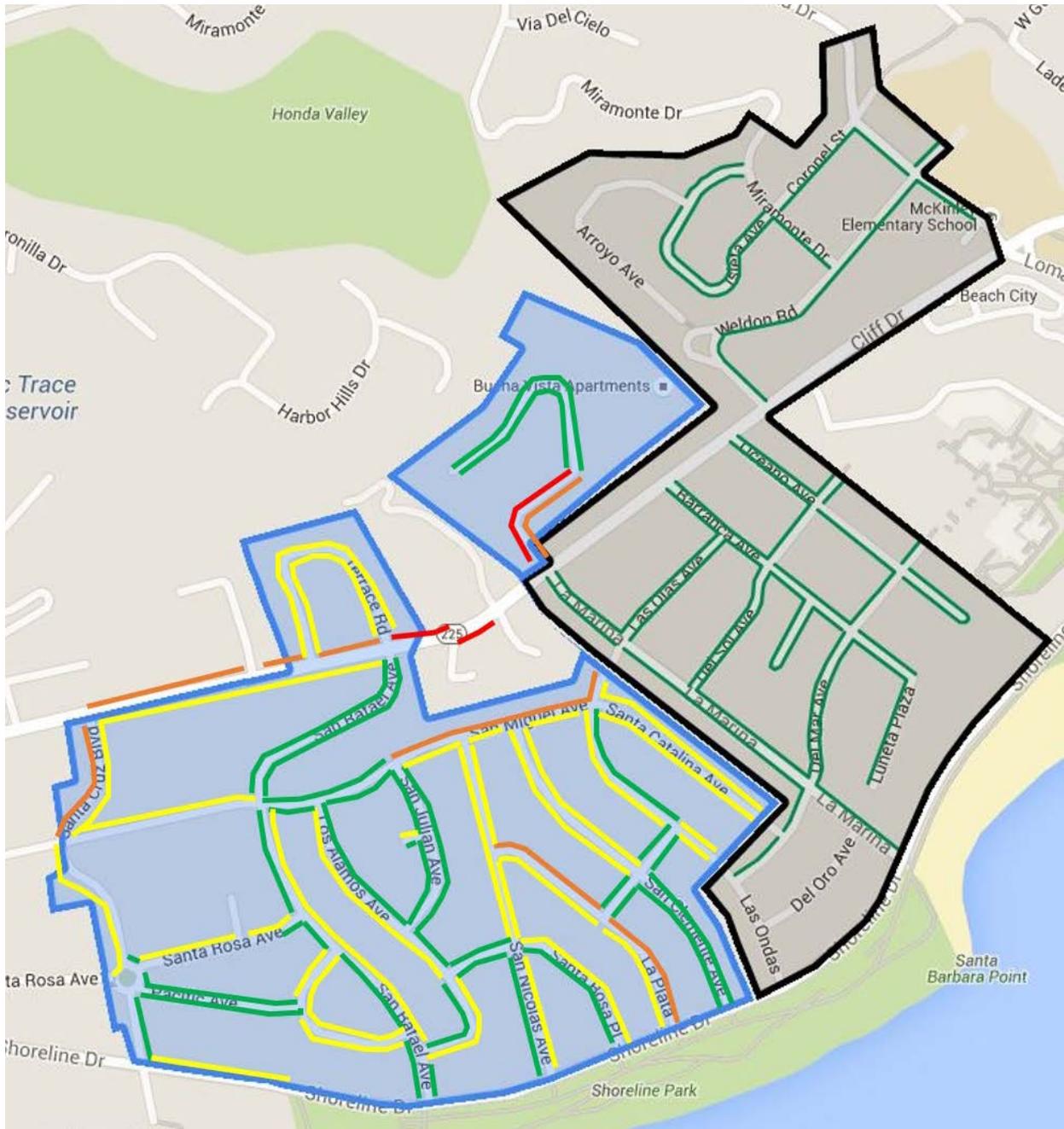
ATTACHMENT 2

TABLE OF PARKING OCCUPANCY SURVEY RESULTS

Address	Avg. Peak Occupancy
1200 Cliff Dr. North	96%
1200 Cliff Dr South	77.8%
1300-1400 Cliff Dr North	57.5%
1300-1400 Cliff Dr South	36.9%
400 La Marina East	58.3%
400 La Marina West	77.6%
500 La Marina East	16.4%
500 La Marina West	12.6%
100 La Plata East	69.4%
100 La Plata West	40.2%
200 La Plata East	53.6%
200 La Plata West	35.9%
100 Las Ondas East	32.5%
100 Las Ondas West	43.5%
200 Las Ondas East	25.0%
200 Las Ondas West	29.4%
200 Los Alamos Ave East	23.6%
200 Los Alamos Ave West	33.3%
100 Los Alamos Ave North	20.2%
100 Los Alamos Ave South	27.4%
1400 Pacific Ave North	12.7%
1400 Pacific Ave South	2.1%
100 San Clemente Ave East	22.2%
100 San Clemente Ave West	13.0%
200 San Clemente Ave East	26.3%
200 San Clemente Ave West	26.3%
200 San Julian Ave East	20.8%
200 San Julian Ave West	23.8%
1300 San Julian PI North	30.0%
1300 San Julian PI South	19.4%
1200 San Miguel Ave North	52.9%
1200 San Miguel Ave South	31.7%
1300 San Miguel Ave North	24.1%
1300 San Miguel Ave South	22.4%

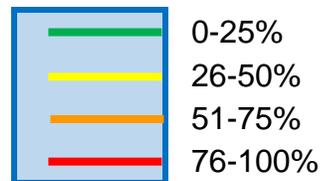
Address	Avg. Peak Occupancy
1400 San Miguel Ave North	32.7%
1400 San Miguel Ave South	n/a
100 San Nicolas Ave East	32.3%
100 San Nicolas Ave West	16.1%
200 San Nicolas Ave East	25.6%
200 San Nicolas Ave West	28.1%
100 San Rafael Ave East	18.3%
100 San Rafael Ave West	11.1%
200 San Rafael Ave East	40.6%
200 San Rafael Ave West	24.5%
1300 San Rafael Ave North	19.8%
1300 San Rafael Ave South	12.5%
200 Santa Catalina Ave East	40.8%
200 Santa Catalina Ave West	49.2%
100 Santa Cruz Blvd East	4.5%
100 Santa Cruz Blvd West	0%
200 Santa Cruz Blvd East	4.2%
200 Santa Cruz Blvd West	26.9%
300 Santa Cruz Blvd East	25.0%
300 Santa Cruz Blvd West	50.0%
1300 Santa Rita Cir East	32.3%
1300 Santa Rita Cir West	33.3%
1300-1400 Santa Rosa Ave North	32.2%
1300-1400 Santa Rosa Ave South	3.3%
100 Santa Rosa PI East	40.7%
100 Santa Rosa PI West	23.6%
200 Santa Rosa PI East	14.4%
200 Santa Rosa PI West	17.9%
1400 Shoreline Drive North	31.7%
400 Terrace Road North	28.7%
400 Terrace Road South	26.8%
1200 Calle Brevo North	22.2%
1200 Calle Brevo South	20.0%

MAP OF PARKING OCCUPANCY SURVEY RESULTS



Only area shaded blue is under study. Blocks shown as dark green in the grey shaded area are blocks in existing Area M that have permit parking signs posted.

Area M Parking Study
Average Peak Hour Occupancy



MAP OF RECOMMENDED AREA M BOUNDARIES



 Current Area M Boundaries  Recommended Expansion Area

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA EXPANDING RESIDENT PERMIT
PARKING AREA M IN THE MESA AREA TO INCLUDE THE
400 AND 500 BLOCKS OF LA MARINA

WHEREAS, the City of Santa Barbara has adopted Ordinances codifying Santa Barbara Municipal Code Chapter 10.46, establishing procedures for implementing permit parking;

WHEREAS, the Council of the City of Santa Barbara established by Resolution Number 91-135 Parking Permit Area "M" in the Mesa Residential Area near Santa Barbara City College;

WHEREAS, Chapter 10.46 authorizes permit parking areas to be modified by resolution of the Council of the City of Santa Barbara;

WHEREAS, the 400 and 500 blocks of La Marina abut and are contiguous with Parking Permit Area "M";

WHEREAS, the residents of the 400 and 500 blocks of La Marina have demonstrated their desire and need to have the 400 and 500 blocks of La Marina included as part of Parking Permit Area "M" by petition and consensus at a public hearing on September 6, 2016;

WHEREAS, there are adequate on-street parking spaces available for use by vehicles of the residents of the 400 and 500 blocks of La Marina and their visitors when not occupied by vehicles of others;

WHEREAS, the City Transportation Engineer has considered the size and configuration of the upper La Marina area as it relates to enforcement of parking and traffic regulations and the impact of parking and traffic congestion in the Mesa area near Santa Barbara City College in determining whether to expand Parking Permit Area "M"; and

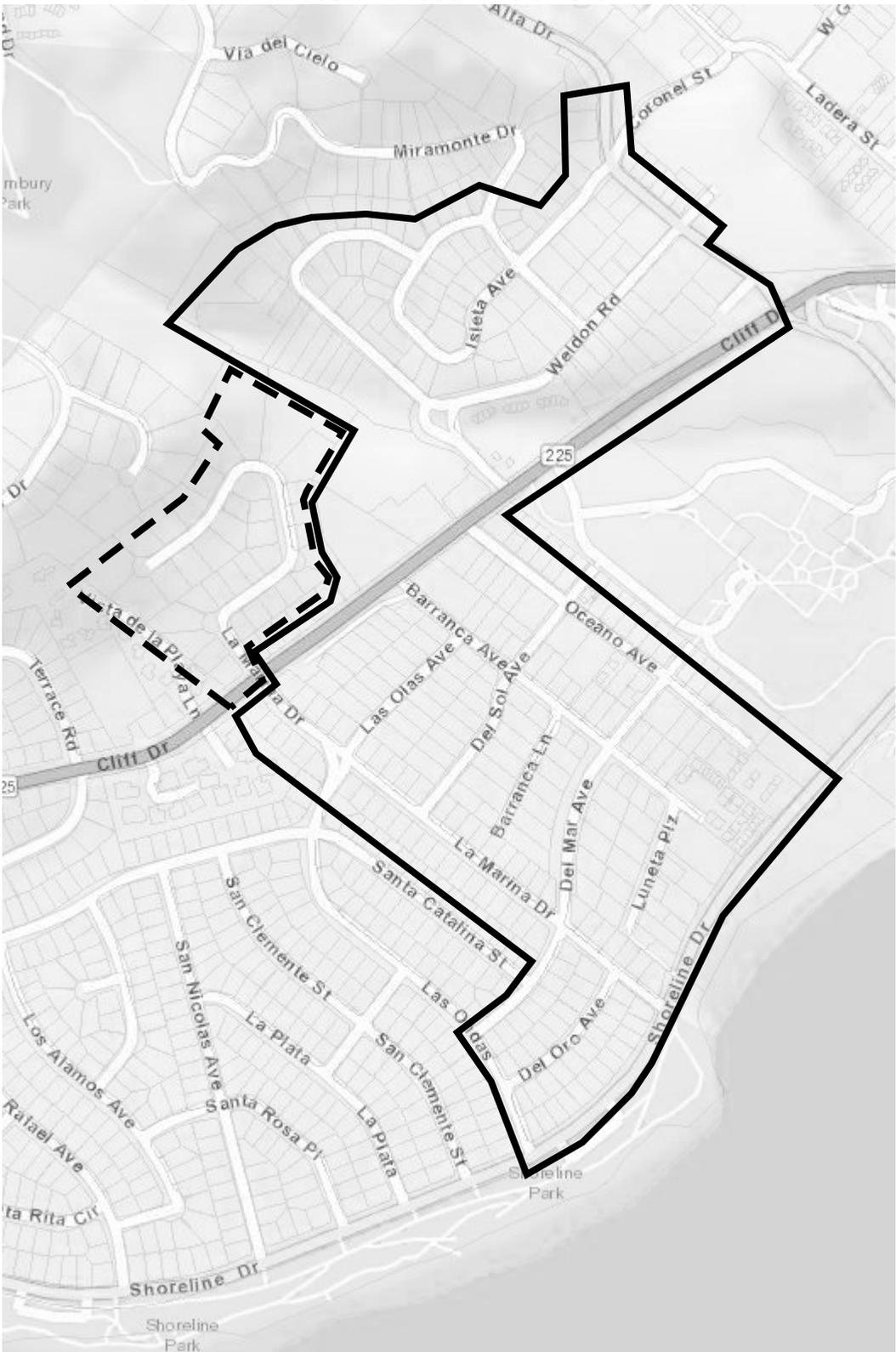
WHEREAS, the City Transportation has determined that other regulatory measures will not better solve the parking problems of the upper La Marina area.

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

SECTION 1. The Parking Permit Area "M" is modified and expanded to include the 400 and 500 blocks of La Marina as depicted in Exhibit A, attached hereto and incorporated by reference.

SECTION 2. Resolution number 91-135 shall remain in full force and effect except as modified herein.

EXISTING PERMIT PARKING AREA M WITH EXPANSION TO INCLUDE THE 400 AND 500 BLOCKS OF LA MARINA





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Interim Emergency Zoning Ordinance Prohibiting Non-Medical Marijuana Businesses

RECOMMENDATION:

That Council of the City of Santa Barbara adopt by reading in full, and by four-fifths vote, An Interim Emergency Zoning Ordinance of the Council of the City of Santa Barbara Prohibiting Non-Medical Marijuana-Related Businesses.

SUMMARY:

In order to immediately preserve and protect public health, safety, and welfare from the impacts of non-medical marijuana related businesses and transactions that may become lawful if Proposition 64, the Adult Use of Marijuana Act ("AUMA"), is passed by the California Voters in the November 2016 election, staff is recommending that Council adopt the proposed interim emergency zoning ordinance ("Interim Ordinance"). The Interim Ordinance will prohibit the operation of any non-medical marijuana business related activities within the City of Santa Barbara, for at least 45 days, or a period not to exceed 22 months and 15 days, if the Interim Ordinance is subsequently extended by Council on October 18, 2016. Adoption of the Interim Ordinance will give City Staff, Council, and the Planning Commission the opportunity to study whether or not non-medical marijuana related businesses should be permitted or prohibited within the City, and if permitted, the appropriate regulations and locations for such uses.

DISCUSSION:

Background

Proposition 64, The Adult Use of Marijuana Act, is a statewide initiative that will be considered for approval by the People of the State of California at the November 8, 2016 General Election ballot. If approved by the voters, the AUMA would legalize the cultivation, processing, manufacture, distribution, testing, sale, transport, purchase, use, transfer, and possession up to certain limits by adults over the age of 21 of non-medical marijuana. It would allow for new marijuana businesses, including dispensaries, retail services, and

delivery services. The AUMA would also give medical marijuana dispensaries operating lawfully before September 1, 2016 a priority in obtaining a non-medical license. The AUMA allows local governments to regulate marijuana related activities, but it does not allow complete prohibition of indoor cultivation of medical marijuana for personal use. The City Council approved limited cultivation for medical marijuana patients earlier this year.

The AUMA has the political support of Lt. Governor Gavin Newsom and the California Medical Association. Recent polls show approximately 60% support among California voters for legalization, and according to government filings, pro-Proposition 64 interests have contributed \$11.4 million to passing the measure, while opponents have raised less than \$200,000. The AUMA received a relatively favorable ballot summary from the Attorney General, who stated that it would prohibit marijuana sales to persons under the age of 21, impose a 15% statewide excise tax, and allow some degree of local regulation and taxation of marijuana.

Impact to the City

The passage of the AUMA could immediately allow marijuana related businesses in any zone that allows retail or similar non-marijuana related commercial land uses in the City of Santa Barbara. While the City Attorney believes the City's existing Zoning Ordinance is "permissive," meaning it prohibits any use not specifically listed and allowed, that issue is not free from doubt. A sudden influx of non-medical marijuana businesses would likely have unanticipated and negative effects upon neighborhoods, communities, and zoning districts in ways that have not been evaluated.

Allowing non-medical marijuana businesses to open and become established before appropriate procedures and regulations are enacted could cause adverse impacts to surrounding development and unacceptable risks to the health, safety, and welfare of the City's residents and the general public. Therefore, it is urgent that the City have the opportunity to consider whether such facilities should be allowed or prohibited in the City and, if allowed, to develop regulations governing the location and operation of non-medical marijuana related businesses to prevent potential adverse impacts that could result from the unregulated placement and operation of such uses.

Given the time required to undertake the necessary study and planning, it is crucial that this interim emergency ordinance be immediately enacted to ensure that no non-medical marijuana businesses that may conflict with state or federal law, or the City's General Plan, zoning, and/or development policies, are permitted in the interim.

The proposed interim emergency ordinance is authorized by both Charter section 511 and Government Code section 65858.

Medical Marijuana Storefront Collective Dispensaries

The proposed Interim Ordinance would not prohibit Medical Marijuana Storefront Collective Dispensaries under the provisions of SBMC Chapter 28.80. Medical Marijuana dispensary applicants would be allowed to continue through the permit application process and to operate under, and in compliance with, a Storefront Collective Dispensary Permit issued under SBMC Chapter 28.80. The proposed Interim Ordinance would also not prohibit the cultivation of medical marijuana for personal use by qualified patients under SBMC §28.87.300.

Urgency Measure

Pursuant to Section 65858 of the California Government Code and City Charter section 511, the City may adopt an interim zoning ordinance to protect the public safety, health, and welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal, as an urgency measure. An urgency measure must be passed by City Council by four-fifths vote (i.e., 6 of 7). The statute has not been interpreted as to whether the vote requirement is four-fifths of the total Council membership or four-fifths of those present and voting. Accordingly, the City Attorney advises that the safest course of action is to obtain unanimous approval in the event all Council members are not present and voting. The proposed Interim Ordinance must also contain findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of use permits, building permits, or any other applicable entitlement for use that is required in order to comply with the City's zoning ordinance would result in that threat to public health, safety, or welfare (see findings in the referenced Ordinance).

The Interim Ordinance would become effective immediately upon adoption and would continue in effect for 45 days unless subsequently extended by Council. No later than ten days before expiration of the measure on October 21, 2016 a written report must be prepared that describes the measures taken to alleviate the conditions which led to the adoption of this Interim Ordinance. The proposed ordinance delegates that report to the City Administrator, and would be due on October 11, 2016. After notice and public hearing, the Council may, by four-fifths vote, extend the proposed Interim Ordinance for up to an additional 22 months and 15 days.

General Plan Consistency

The City's General Plan is implemented with regard to land use policy by SBMC Title 28, the Zoning Ordinance, which states, "An Official Land Use Zoning Ordinance for the City of Santa Barbara is hereby adopted and established to serve the public health, safety, comfort, convenience and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of said City." The proposed Interim Ordinance would affect all land use zones within the City's jurisdiction. Proposing an interim urgency ordinance conforms to the goals, objectives, and policies of the General Plan, and as implemented by the Zoning Ordinance. The leading statement in

the “General Plan Purpose and Need” declares, “The health, safety and welfare of the community are of primary importance in the City.”

Subsequent Consideration of Non-Medical Marijuana Prohibition or Regulation

If Council adopts the Interim Ordinance prohibiting non-medical marijuana businesses in all land-use zones, it will concurrently direct the City Administrator, acting by and through such City departments as he or she may deem appropriate (e.g., Community Development, Finance, Parks and Recreation, Fire, Police), to study the ramifications of non-medical marijuana related businesses and report the findings for consideration by the Planning Commission and City Council. This will provide the opportunity to consider whether such facilities should be allowed or prohibited in the City and, if allowed, to develop regulations so that appropriate land use decisions can be made to regulate the locations, operations, activities, and operating parameters for the marijuana-related land uses allowed in the AUMA.

Areas of consideration for future regulation would be those non-medical marijuana related activities for which the AUMA allows for local control and regulation. If passed the AUMA will allow local governments to:

- Ban all marijuana related commercial activity;
- Ban outdoor cultivation; and
- Reasonably regulate indoor cultivation in private residences, but not ban it outright.

BUDGET/FINANCIAL INFORMATION:

There may be potential staff code compliance costs that would need to be budgeted upon adoption of the Interim Ordinance, as well as costs associated with the necessary study and planning for subsequent non-medical marijuana related City regulations.

PREPARED BY: Tony Boughman, Assistant Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

**AN INTERIM EMERGENCY ZONING
ORDINANCE OF THE COUNCIL OF THE CITY
OF SANTA BARBARA PROHIBITING NON-
MEDICAL MARIJUANA BUSINESSES**

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

SECTION 1. Findings and Determinations.

A. The Adult Use of Marijuana Act (“AUMA”) is a statewide initiative which will be considered for approval by the People of the State of California on November 8, 2016 as Proposition 64. If approved by the voters, the AUMA would legalize the cultivation, processing, manufacture, distribution, testing, sale, and use by adults over the age of 21 of non-medical marijuana. The AUMA would also give medical marijuana dispensaries operating lawfully before September 1, 2016 a priority in obtaining a non-medical marijuana license.

B. Santa Barbara Municipal Code section 28.10.030 A. provides as follows:

“No building or structure shall be erected, moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed, or intended to be used, for any purpose or in any manner other than is permitted in the zones in which such land, building, structure or premises are located.”

C. The City Council finds that SBMC 28.10.030 A. establishes “permissive” zoning which does not permit any land use, including non-medical and medical marijuana uses, unless such use is expressly identified, enumerated, and authorized in the Zoning Ordinance.

D. The City Council wishes to assure that non-medical marijuana businesses are not permitted, licensed, opened, or operated in Santa Barbara until such time as the Community Development, Finance, Fire, Police and other City departments have had a reasonable opportunity to study the ramifications of non-medical marijuana businesses, and report their findings to the Planning Commission and City Council so that appropriate land use decisions can be made to regulate the locations, activities and operating parameters for such businesses.

E. The establishment of non-medical marijuana businesses before appropriate procedures and regulations are enacted will cause adverse impacts to surrounding residential and non-residential neighborhoods and unacceptable risks to the public health, safety and welfare of the City's residents and the general public and it is, therefore, urgent that the City have the opportunity to consider whether such facilities should be allowed or prohibited in the City and, if so allowed, to develop regulations governing the location and operation of non-medical marijuana businesses to prevent the adverse impacts to the public health, safety and welfare that could result from the unregulated placement and operation of such uses.

F. Given the time required to undertake the necessary study and planning, the City Council finds that it is necessary that this interim Ordinance be immediately enacted to ensure that no non-medical marijuana businesses that may be in conflict with any state or federal law, or the City's general plan, zoning, and/or development policies are permitted in the interim.

G. Based upon the foregoing, the City Council finds that there is a current and immediate threat to the public health, safety and welfare presented by the unregulated development and operation of non-medical marijuana businesses.

H. The City Council finds and determines that the current and immediate preservation of the public health, safety and welfare requires that this interim Ordinance be enacted as an interim zoning ordinance pursuant to Government Code section 65858 and as an emergency ordinance pursuant to City Charter section 511 and take effect immediately upon adoption, and its urgency is hereby declared.

I. The City intends to undertake within a reasonable time a study of whether non-medical marijuana businesses must or should be permitted or prohibited, and if permitted, the appropriate regulations for such uses.

J. The City Council has held a duly noticed public hearing in connection with consideration and adoption of this ordinance.

K. The City Council now desires to adopt this interim ordinance as an emergency ordinance, effective immediately, and prohibit the establishment of non-medical marijuana businesses, as defined hereafter, in any zone of the City pursuant to the authority set forth in California Government Code section 65858.

L. The City Council finds that this Ordinance should be read in full and adopted on an emergency basis pursuant to the authority in Charter section 511.

SECTION 2. Interim Zoning Adopted.

A. The findings and determinations in Section 1 are true and correct.

B. In accordance with the authority granted to the City Council under Government Code section 65858 and City Charter section 511, from and after the date of this interim zoning Ordinance, no use permit, variance, building permit, business license, or other applicable entitlement for use of any kind whatsoever shall be approved or issued for the establishment or operation of a non-medical marijuana business, nor shall any non-medical marijuana business be allowed to open, operate, or seek permits to open or operate, for a period of forty-five (45) days, and during that period, any such activity shall be unlawful.

C. For the purposes of this ordinance, the following definitions shall apply:

1. “Marijuana” shall have the same meaning as “cannabis” under Business and Professions Code section 19300.5(f), as enacted by Chapter 32 of the Statutes of 2016.

2. “Non-Medical Marijuana” shall mean any marijuana or marijuana product of any kind whatsoever that is not expressly permitted by: 1) the City of Santa Barbara for medical use pursuant to Santa Barbara Municipal Code chapter 28.80 or Santa Barbara Municipal Code section 28.87.300; or, 2) the State of California for medical use pursuant to the Compassionate Use Act of 1996, Health and Safety Code section 11362.5, *et seq.*

3. “Non-Medical Marijuana Business” shall mean a non-medical marijuana business of any kind whatsoever, whether licensed under state law or not and whether operated for profit or not, including but not limited to:

(a) A commercial (as defined by Santa Barbara Municipal Code section 28.04.180) non-medical marijuana activity or enterprise;

(b) any business (as defined by Santa Barbara Municipal Code section 5.04.010(2)) involving or related to non-medical marijuana operating in any manner within the City of Santa Barbara;

(c) cultivation activities, including but not limited to, the planting, growing, harvesting, drying, curing, grading, or trimming of non-medical marijuana;

(d) delivery of non-medical marijuana, including but not limited to, commercial transfer of marijuana or marijuana products to a customer;

(e) distribution activities, including but not limited to, procurement, sale, and local transport of non-medical marijuana, and sale of marijuana between non-medical marijuana businesses;

(f) manufacturing activities, including but not limited to, compounding, blending, extracting, infusing, testing or otherwise making or preparing a non-medical marijuana product;

(g) storage of non-medical marijuana;

(h) transportation of non-medical marijuana from locations outside of the City of Santa Barbara to locations inside the City of Santa Barbara.

D. This Ordinance is an interim emergency ordinance adopted pursuant to the authority granted to the City Council by Government Code Section 65858 and City Charter section 511. It is necessary for the immediate preservation of the public health, safety and welfare. The facts constituting the emergency and urgency as stated in Section 1 of this Ordinance are incorporated herein by this reference.

E. The City Administrator, acting by and through such City departments as he or she may deem appropriate, is directed to study the applicable legal and land use issues related to operation of non-medical marijuana businesses and develop appropriate zoning and licensing guidelines or regulations governing such uses, and/or a possible prohibition on such uses if authorized by law and desired by the City Council.

F. The City Administrator, acting on behalf of the City Council, is directed to issue a written report not later than ten (10) days before expiration of this Ordinance describing the measures taken to alleviate the conditions which led to the adoption of this Ordinance.

G. The violation of any of the provisions of this Ordinance shall be a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this ordinance. Any violation is also subject to the penalties established by Santa Barbara Municipal Code Chapter 1.28 and the administrative code enforcement procedures established by Santa Barbara Municipal Code Chapter 1.25.

H. In addition to the penalties and other methods of enforcement provided herein, any condition caused or permitted to exist in violation of any provision of this Ordinance shall be deemed a public nuisance and may be, by this City, summarily abated as such. The City Attorney is authorized to commence actions and proceedings for abatement, removal or enjoinder thereof in the manner provided by law, and shall take such other steps as necessary and shall apply to any court as may have jurisdiction to grant relief for such abatement, removal or enjoinder. Each day that such condition continues shall be regarded as a new and separate offense.

I. The City Attorney is hereby authorized to commence any legal and administrative actions and proceedings for the abatement, removal or enjoinder of non-medical marijuana businesses, and shall take such other legal actions and steps as he or she may deem necessary, and shall apply to any court as may have jurisdiction to grant relief for abatement, removal or enjoinder on non-medical marijuana businesses which are prohibited by this Ordinance.

SECTION 3. Severability and Interpretation.

A. Severability. If any provision of this interim emergency Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this interim emergency Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this interim emergency Ordinance are hereby declared to be severable.

B. Interpretation. This interim emergency Ordinance shall be construed to confer upon the City the maximum power and authority allowed by state and federal law. In the event state or federal law is found to conflict with and preempt any provision of this Ordinance, or in the event state or federal law changes to conflict with and preempt any provision of this Ordinance, the remaining and non-conflicting provisions of this ordinance shall be interpreted and construed to give maximum effect to the remaining and non-conflicting provisions so as to effectuate to the greatest extent possible the purposes and restrictions expressed herein.

SECTION 4. Effective Date.

This interim emergency Ordinance shall become effective immediately upon adoption and shall be in effect for forty-five (45) days from the date of adoption, and may be extended by the City Council as provided in Government Code section 65858(a).

SECTION 5. CEQA Findings.

The City Council on the basis of the whole record and exercising its independent judgment finds that this interim emergency Ordinance is not subject to environmental review pursuant to the State Guidelines for Implementation of the California Environmental Quality Act sections 15060(c)(2) and 15060(c)(3) pertaining to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. This Ordinance has no potential for resulting in physical change to the environment directly or indirectly in that it prevents change to the environment pending the completion of the contemplated research and studies.