

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Ariel Pierre Calonne
City Attorney

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

**APRIL 15, 2014
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: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring April 2014 As National Poetry Month (120.04)**
2. **Subject: Proclamation Declaring April 14 – 18, 2014, As National Public Safety Telecommunicator's Week (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

3. **Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meetings of March 25, 2014, and April 1, 2014 (cancelled).

4. **Subject: Adoption Of Ordinance To Establish Air Quality Design Standards For Development Near Highway 101 (630.05)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code by Adding Chapter 22.65 Establishing Design Standards for New Development Near Highway 101 to Implement Policy ER7 of the 2011 General Plan.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

5. Subject: Measure A Five-Year Local Program Of Projects For Fiscal Years 2015 - 2019 Public Hearing (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2015 - 2019.

6. Subject: Execution Of A Certificate Of Modification For 2224 Gibraltar Road (640.08)

Recommendation: That Council authorize the City Engineer to execute a Certificate of Modification for the amendment of a previously approved building envelope on Recorded Final Map No. 20,525.

7. Subject: Contract For An Advanced Metering Infrastructure Analysis (540.06)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Westin Engineering, Inc., in the amount of \$69,832 to perform an Advanced Metering Analysis, and approve change order authority in the amount of \$6,983 for any additional unforeseen work that may be required of Westin Engineering, Inc.

SUCCESSOR AGENCY

8. Subject: Contract Services For The Cabrillo Pavilion And Bathhouse Renovation Project (570.07)

Recommendation: That the Successor Agency:

- A. Authorize the Executive Director to execute a contract between the Successor Agency and Moffat & Nichol, Inc., in the amount of \$54,140 to prepare a coastal engineering report and sea level rise vulnerability assessment for the Cabrillo Bathhouse and Pavilion Arts Center Renovation Project, and authorize the Executive Director to approve extra work, as necessary, in an amount not to exceed \$5,414, or 10 percent; and
- B. Find it in the best interest to waive formal bids and authorize the Executive Director to execute a contract between the Successor Agency and Cardenas and Associates Surveying, Inc., in the amount of \$3,310 for site survey services related to the above project.

CONSENT CALENDAR (CONT'D)

NOTICES

9. The City Clerk has on Thursday, April 10, 2014, 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 Community Development and Human Services Committee with the resignation of Josephine Torres. The vacancy will be part of the current City Advisory Groups Semiannual Recruitment.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

AIRPORT DEPARTMENT

11. Subject: Presentation And Amended Contract For Air Service Development (560.01)

Recommendation: That Council:

- A. Receive a presentation on air service development at the Airport; and
- B. Authorize the Airport Director to execute an Amendment to Contract No. 24,677 with InterVISTAS Consulting, LLC, to amend the scope of services to include a passenger leakage study for the Santa Barbara Airport, increasing the contract amount from \$40,000 to \$62,500.

PUBLIC WORKS DEPARTMENT

12. Subject: Stage One Drought Update (540.05)

Recommendation: That Council receive an update on the status of the current drought.

13. Stage Two Drought Water Rates (540.01)

Recommendation: That Council:

- A. Hear a presentation on proposed Stage Two Drought Water Rates;
- B. Set a Public Hearing date for June 10, 2014, at 2:00 PM in the Council Chambers for Council consideration of increases in City water rates for Fiscal Year 2015; and
- C. Direct staff to send a Notice of Public Hearing to customers informing them of the hearing and proposed changes to water rates.

PUBLIC HEARINGS

- 14. Subject: Appeal Of Fire & Police Commission's Decision To Suspend 805 Roadside Towing From Participation In The Police Department's Tow Rotation List (520.01)**

Recommendation: That Council consider the appeal filed by Aaron Boucher, owner/operator of 805 Roadside Towing, regarding the Fire & Police Commission's decision to suspend 805 Roadside Towing from participation in the Police Department's tow rotation list.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

- 15. Subject: Community Development Director Appointment (610.01)**

Recommendation: That Council hold a closed session, per Government Code Section 54957(b)(1), to discuss the appointment for the position of Community Development Director.

Scheduling: Duration, 20 minutes; anytime

Report: Anticipated

- 16. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristine Schmidt, Acting Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and Firefighters Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT



**PROCLAMATION
NATIONAL POETRY MONTH
April 2014**

WHEREAS, the City of Santa Barbara is widely recognized as a vibrant arts center, providing a spiritual home for creative activity, and for writers, in particular; and

WHEREAS, since 1996, the Academy of American Poets has designated April as National Poetry Month to highlight the extraordinary achievements and ongoing legacy of American Poets and increase visibility, presence, and accessibility of poetry in our communities and cultural offerings; and

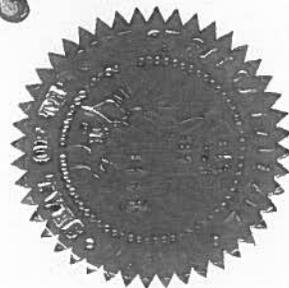
WHEREAS, the City of Santa Barbara recognizing of the value of poetry established a Poet Laureate position in 2005 in order to direct proper attention and honor to the spoken word by utilizing poetry to celebrate and elevate community events; and

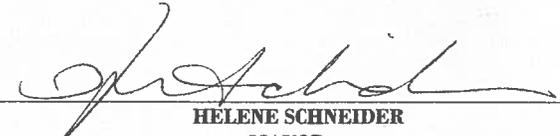
WHEREAS, current City Poet Laureate Chrissy Yost will be leading the community through poetry-focused events and programs throughout the month of April; and

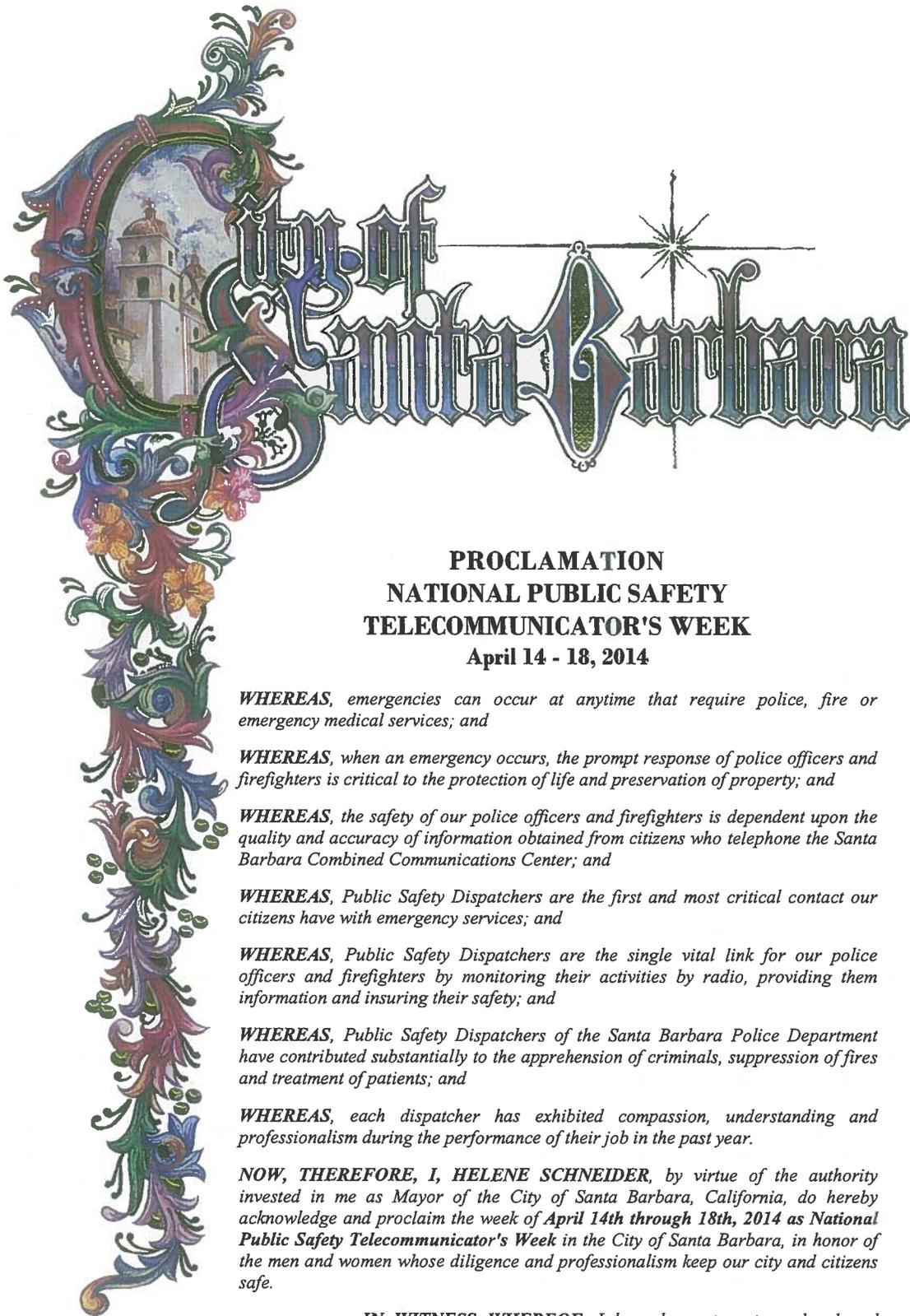
WHEREAS, the City of Santa Barbara recognizes the value of the Arts Commission's participation in the Poetry Out Loud National Recitation Competition through a partnership with the California Arts Council, National Endowment for the Arts & National Poetry Foundation; A program that helps high school students master public speaking, build self-confidence, and learn about their literary heritage.

NOW, THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby declare April as National Poetry Month in Santa Barbara.

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 15th day of April 2014.




**HELENE SCHNEIDER
MAYOR**



**PROCLAMATION
NATIONAL PUBLIC SAFETY
TELECOMMUNICATOR'S WEEK
April 14 - 18, 2014**

WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs, the prompt response of police officers and firefighters is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Santa Barbara Combined Communications Center; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, Public Safety Dispatchers of the Santa Barbara Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority invested in me as Mayor of the City of Santa Barbara, California, do hereby acknowledge and proclaim the week of April 14th through 18th, 2014 as National Public Safety Telecommunicator's Week in the City of Santa Barbara, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

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 15th day of April.

HELENE SCHNEIDER
Mayor



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING MARCH 25, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee and Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Dale Francisco.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 25, 2014, As Arbor Day (120.04)

Action: Proclamation was presented to Santa Barbara Beautiful President Kate Kurlas.

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator Armstrong stated that the following item was being removed from the Agenda:

17. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristine Schmidt, Acting Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and Firefighters Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

PUBLIC COMMENT

Speakers: Nancy McCradie, MA-LEV-O-Lent Bob, Steve Reynalds, Phil Walker.

Councilmember Francisco arrived at 2:15 p.m.

CONSENT CALENDAR (Item Nos. 2 – 14)

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

Motion:

Councilmembers Murillo/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 March 11, 2014.

Action: Approved the recommendation.

3. Subject: Introduction Of Ordinance To Amend The Municipal Code Title 17 Related To Waterfront Parking (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 Chapter 17.36 of Title 17 Pertaining to Parking in Waterfront Parking Lots.

Action: Approved the recommendation (March 25, 2014, report from the Waterfront Director; proposed ordinance).

4. Subject: Purchase Order Increase For UCP/Work, Incorporated (570.03)

Recommendation: That Council authorize the General Services Manager to increase the purchase order to UCP / Work, Incorporated, for janitorial services at the Waterfront Department for Fiscal Year 2015 by \$31,590 for a new not-to-exceed total of \$274,590.

Action: Approved the recommendation (March 25, 2014, report from the Waterfront Director).

5. Subject: California State Coastal Conservancy Grant Of \$27,000 For The Santa Barbara Coastal Education And Outreach Project (570.05)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Enter Into a Grant Agreement Between the City and the California State Coastal Conservancy for the Santa Barbara Coastal Education and Outreach Project; and
- B. Increase estimated revenues and appropriations by \$27,000 in the Fiscal Year 2014 Parks and Recreation Department, Miscellaneous Grants Fund budget.

Action: Approved the recommendations; Resolution No. 14-014; Agreement No. 24,744 (March 25, 2014, report from the Parks and Recreation Director; proposed resolution).

6. Subject: Records Destruction For Parks And Recreation 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 Parks and Recreation Department in the Administration, Parks, and Recreation Divisions.

Action: Approved the recommendation; Resolution No. 14-015 (March 25, 2014, report from the Parks and Recreation Director; proposed resolution).

7. Subject: Purchase Of Equipment For Arrest And Control Training (520.04)

Recommendation: That Council:

- A. Accept a donation in the amount of \$6,500 from the Santa Barbara Police Foundation for the purchase of training equipment for Arrest and Control Training; and
- B. Increase appropriations and estimated revenues in the Police Department, Miscellaneous Grants Fund, for Fiscal Year 2014 by \$6,500 for the purchase of training equipment for Arrest and Control Training.

Action: Approved the recommendations (March 25, 2014, report from the Chief of Police).

8. Subject: Agreement With The City Of Goleta For Video Production Services (170.01)

Recommendation: That Council authorize the City Administrator to execute an agreement with the City of Goleta in the amount of \$29,500 for video production services for recording and televising Goleta public meetings and other video production and equipment maintenance services as requested.

Action: Approved the recommendation; Agreement No. 24,745 (March 25, 2014, report from the City Administrator).

9. Subject: Contract For Construction Of The Corporation Yard Well - Wellhead Project (540.10)

Recommendation: That Council:

- A. Award a contract with Brough Construction, Inc., in their low bid amount of \$438,587 for construction of the Corporation Yard Well - Wellhead Project, Bid No. 3691, and authorize the Public Works Director to execute the contract and approve expenditures up to \$45,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- B. Authorize the Public Works Director to execute a contract with Carollo Engineers in the amount of \$30,700 for design support services during construction of the Corporation Yard Well - Wellhead Project, and approve expenditures of up to \$3,000 for extra services of Carollo Engineers that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement Nos. 24,476 and 24,477 (March 25, 2014, report from the Public Works Director).

10. Subject: February 2014 Investment Report (260.02)

Recommendation: That Council accept the February 2014 Investment Report.

Action: Approved the recommendation (March 25, 2014, report from the Finance Director).

11. Subject: Set A Date For Public Hearing Regarding Appeal Of Fire & Police Commission Decision For 805 Roadside Towing (520.01)

Recommendation: That Council set the date of April 15, 2014, at 2:00 p.m. for hearing the appeal filed by Aaron Boucher, 805 Roadside Towing, of the Fire & Police Commission decision of suspension of 805 Roadside Towing from participation in the Police Department's Tow Rotation List.

Action: Approved the recommendation (March 10, 2014, letter of appeal).

12. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Final Approval For 510 North Salsipuedes Street (People's Self-Help Housing) (640.07)

Recommendation: That Council set the date of April 29, 2014, at 2:00 p.m. for hearing the appeal filed by Trevor J. Martinson of the Architectural Board of Review Final Approval of an application for property owned by People's Self-Help Housing and located at 510 North Salsipuedes Street, Assessor's Parcel No. 031-222-018, C-M (Commercial Manufacturing) Zone, General Plan Designation: Commercial Industrial/Medium High Residential. The project proposes the construction of a 66,196 square-foot, three-story, 40-unit affordable apartment project with attached garage and community center. Three existing lots will be merged to create one 41,099 square-foot property. An appeal of the Architectural Board of Review Project Design Approval was denied by Council on November 26, 2013.

Speakers:

- Members of the Public: Trevor J. Martinson.

Action: Approved the recommendation (February 27, 2014, letter of appeal).

NOTICES

13. The City Clerk has on Thursday, March 20, 2014, 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.
14. Cancellation of the regular City Council meeting of April 1, 2013.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

15. Subject: Presentation From Visit Santa Barbara (180.02)

Recommendation: That Council receive a presentation from Visit Santa Barbara.

Documents:

- March 25, 2014, report from the Finance Director.
- Video presentation prepared and made by Visit Santa Barbara.

Speakers:

- Visit Santa Barbara: President/CEO Kathy Janega-Dykes.

Discussion: Council heard a presentation from Visit Santa Barbara which focused on results of tourism indicators, the new Spirit of Santa Barbara Campaign, highlights of major achievements for 2013, visitor research and future projects.

PUBLIC HEARINGS

16. Subject: Municipal Code Amendments Regarding Fences, Screens, Walls And Hedges (640.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 28.87.170 and 28.90.050 of the Santa Barbara Municipal Code Relating to Fences, Screens, Walls and Hedges; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Approve Fences, Screens, Walls and Hedges Guidelines Consistent with Santa Barbara Municipal Code Section 28.87.170.

Documents:

- March 25, 2014, report from the City Planner/Acting Community Development Director.
- Proposed Ordinance.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The titles of the proposed ordinance and resolution were read.

Public Comment Opened:

3:34 p.m

(Cont'd)

16. (Cont'd)

Speakers:

- Staff: Senior Planner Renee Brooke, Assistant City Attorney Scott Vincent, Supervising Transportation Planner Steve Foley.
- Members of the Public: Chris Kamen; Florence Sanchez; Phil Walker; Steve Metsch; Fred L. Sweeney, Upper East Association; Lynda Courtney; Maryann Cassidy; Judy Hans; Kurt Huffman; Pamela Stafford; Diane Powell; David Grokenberger, Esq.; Trevor J. Martinson; Brian Felix; Terri Gray; Robert Adams; Steve Forsell; Krista Pleiser, Santa Barbara Association of Realtors.

Public Comment Closed:

4:18 p.m.

Motion:

Councilmembers Francisco/Hotchkiss to:

1. Introduce the ordinance (recommendation A), revised to: a) increase the maximum height of a screen or hedge located along the front lot line from 7 ½ feet to 8 feet, and b) correct the reference to the City's View Dispute Resolution Process as being found in Chapter 22.75 of the Municipal Code;
2. Revise the proposed Fences, Screens, Walls and Hedges Guidelines (exhibit to resolution, recommendation B) to: a) reflect the maximum 8-foot height of a screen or hedge located along the front lot line, and b) permit administrative approval of exceptions of up to 6 feet to the height limit of a screen or hedge located within an interior setback;
3. Direct Staff to return to Council within 90 days with a suggested process for the regulation of hedges to resolve the issues of: a) standing for the making of a complaint; b) enforcement when a Zoning Information Report is being issued or a building permit has been requested; and c) how to measure hedges on top of retaining walls or fences.

Amendment Motion:

Councilmember Hart to amend to motion to permit administrative approval of exceptions of up to 8 feet to the height limit of a screen or hedge located within an interior setback.

The amendment motion failed for lack of a second.

Vote on Original Motion:

Majority voice vote (Noes: Councilmember Rowse).

The revised proposed ordinance and resolution will be submitted to Council for adoption on April 8, 2014.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss commented on the new art display sponsored by the City Arts Advisory and Visual Arts in Public Places Committees, and by the Santa Barbara County Arts Commission entitled *Pursuit of Passion: Early Santa Barbara Women Artists*, located at City Hall; he encouraged the community to visit the exhibit while on display.
- Councilmember Murillo reported on her attendance at the gathering at the A.C. Postel Rose Garden; sponsored by the Santa Barbara Rose Society, in honor of the 150th birthday of Santa Barbara's "Padre of the Roses", Father George Schoener. She also reported on her attendance at the Golden Shovel Ceremony and Celebration sponsored by the Santa Barbara Botanic Garden to celebrate the future site of the Pritzlaff Conservation Center.
- Mayor Schneider reported on her attendance, as a member of the Santa Barbara County Association of Governments, at the meetings held in Sacramento addressing funding opportunities for the expansion and improvement of passenger rails in California.
- Councilmember White attended the recent Santa Barbara County Air Pollution Control District meeting where they discussed the purchasing of offsets and the possible exemption of government agencies from meeting the purchase requirements.

RECESS

5:00 p.m. – 6:00 p.m.

Mayor Schneider presiding.

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

Councilmembers absent: Hart.

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

PUBLIC COMMENT

No one wished to speak.

Councilmember Hart arrived at 6:08 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

18. Subject: Community Development And Human Services Committee Recommendations For Fiscal Year 2015 And Annual Action Plan (610.03)

Recommendation: That Council:

- A. Approve the Fiscal Year 2015 funding recommendations of the Community Development and Human Services Committee (CDHSC) for use of Human Services and Community Development Block Grant (CDBG) funds;
- B. Approve the CDHSC funding contingency plan;
- C. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney; and
- D. Authorize the City Administrator to sign all necessary documents to submit the City's 2014-2015 Annual Action Plan to the US Department of Housing and Urban Development (HUD).

Documents:

- March 25, 2014, report from the Acting Community Development Director.
- Community Development and Human Services Committee's Report on Funding Recommendations, Fiscal Year 2014-2015.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Community Development Programs Specialist Elizabeth Stotts.
- Community Development & Human Services Committee: Chair Greg Gorga.
- Members of the Public: Marsha Bailey, Women's Economic Ventures; Elizabeth Rumelt, Child Abuse Listening Mediation (CALM); Terri Allison, Storyteller Children's Center; Gary S. Muller, Independent Living Resource Center, Inc.; Joanne Sizemore, St. Vincent's Family Strengthening Program; Lucy O'Brien, Youth & Family Services, CIYMCA; Melissa Lowenstein, Attitude, Harmony, Achievement; Jacob Lesner-Buxton, Jennifer Griffin, Kathleen Rice, Larry Laborde, Ken McLellan, Jo Black, Independent Living Resource Center, Inc.; Heidi Holly, Dana Vandermeay, Friendship Center; Fran Forman, Community Action Commission; Elsa Granados, Santa Barbara Rape Crisis Center; Sebastian Aldana, Jr., Neighborhood Advisory Committee; Lynn Goebel, Robert Burke, Rental Housing Mediation Task Force; Robert Pearson; Barbara Allen;

(Cont'd)

18. (Cont'd)

Speakers (Cont'd):

- Bob Bogle, Casa Esperanza; Wim Verkaik, Council on Alcoholism and Drug Abuse; Diyana Dobberteen, Planned Parenthood; Cecilia Rodriguez, CALM; Chris Benedict, Independent Living Resource Center, Inc.; Bobbi Kroot, Center for Successful Aging; Roslyn Scheucrman, New Beginnings Counseling Center; Lia Manfredi and Dave Allison, Jodi House Brain Injury Support Center.

City Attorney Calonne advised Councilmember Murillo that she should abstain from voting on funding for the Community Action Commission (CAC) due to a conflict of interest related to her membership on the commission.

Motion:

Councilmembers House/White to approve the recommendations, with the exception of funding for the Community Action Commission (CAC); Agreement Nos. 24,748-24,762 and 24,764-24,800.

Vote:

Unanimous voice vote.

Motion:

Councilmembers White/House to approve the recommendation for the funding of the Community Action Commission (CAC); Agreement No. 24,763.

Vote:

Unanimous voice vote (Abstentions: Councilmember Murillo).

Based on the recommendations, the Council approved allocation of funding as follows:

FISCAL YEAR 2014-2015
COMMUNITY DEVELOPMENT BLOCK GRANT AND HUMAN SERVICES
COMMITTEE FUNDING AGREEMENTS

| <u>PUBLIC/HUMAN SERVICE</u> | <u>AMOUNT</u> | <u>AGREEMENT NO.</u> |
|---|---------------|----------------------|
| <u>1ST Priority</u> | | |
| Casa Esperanza Homeless Center (Jail Discharge Programs) | \$12,500 | 24,748 |
| Pacific Pride Foundation (Necessities of Life Food Pantry) | \$25,000 | 24,749 |
| Sarah-House Santa Barbara (Sarah House) | \$20,000 | 24,750 |
| Foodbank (Warehouse Operations) | \$25,000 | 24,751 |
| Youth and Family Services CIYMCA (Noah's Anchorage) | \$20,000 | 24,752 |
| Santa Barbara Neighborhood Clinics (Dental Care for the Homeless) | \$25,000 | 24,753 |

(Cont'd)

18. (Cont'd)

| | | |
|---|----------|--------|
| Youth and Family Services CIYMCA (Transitional-age Youth Housing) | \$20,000 | 24,754 |
| Foodbank (Senior Brown Bag Programs) | \$7,000 | 24,755 |
| Unitarian Society (Fiscal Umbrella) (Freedom Warming Centers) | \$15,146 | 24,756 |
| Casa Esperanza Homeless Center (Shelter & Community Kitchen) | \$39,000 | 24,757 |
| Casa Esperanza Homeless Center (Shelter & Community Kitchen) | \$51,000 | 24,758 |
| Domestic Violence Solutions (Emergency Shelters) | \$8,675 | 24,759 |
| Domestic Violence Solutions (Emergency Shelters) | \$24,344 | 24,760 |
| Domestic Violence Solutions (DVS Second Stage) | \$7,000 | 24,761 |
| Santa Barbara County DA's Office (Sexual Assault Response Team) | \$7,000 | 24,762 |
| Community Action Commission (Healthy Senior Lunch) | \$10,500 | 24,763 |
| Carrillo Counseling Services, Inc. (Safe Parking Programs) | \$13,000 | 24,764 |
| WillBridge of Santa Barbara, Inc. (WillBridge of Santa Barbara, Inc.) | \$22,000 | 24,765 |
| Transition House (Comprehensive Homeless Services) | \$43,000 | 24,766 |
| St. Vincent's (Family Strengthening Program) | \$8,000 | 24,767 |
| Council on Alcoholism and Drug Abuse (Recovery Detox Programs) | \$16,000 | 24,768 |
| SB Community Housing Corp (Riviera Life Skills/Trans. Coord.) | \$14,500 | 24,769 |
| Planned Parenthood (Rita Solinas Patient Assist. Fund) | \$7,000 | 24,770 |
| People's Self-Help Housing (Housing the Homeless) | \$5,000 | 24,771 |
| SB Community Housing Corp (Faulding Case Coord./Life Skills) | \$12,000 | 24,772 |
| City of Santa Barbara Parks and Rec. (Youth Employment Training) | \$10,000 | 24,773 |
| Surgical Eye Expeditions (SEE) Int. (Santa Barbara Arts Alliance) | \$9,000 | 24,774 |
| City of Santa Barbara Parks and Rec. (Santa Barbara Arts Alliance) | \$5,000 | 24,775 |

2nd Priority

| | | |
|---|----------------|--------|
| Child Abuse Listening Mediation (Prevention, Intervention, Treatment) | \$25,000 | 24,776 |
| Santa Barbara Rape Crisis Center (Santa Barbara Rape Crisis Center) | \$32,000 | 24,777 |
| Rental Housing Mediation Task Force | \$25,000 | 24,778 |
| Future Leaders of America (Youth Leadership and Education) | \$12,000 | 24,779 |
| Family Service Agency (Ombudsman Proposal) | \$19,000 | 24,780 |
| Mental Health Association (Recovery Learning Center Fellowship Club) | \$10,500 | 24,781 |
| Boys & Girls Club of Santa Barbara (Power Hour Homework) | \$15,000 | 24,782 |
| Family Service Agency (Big Brothers Big Sisters) | \$9,000 | 24,783 |
| Storyteller-Children's Center (Storyteller Children's Center Teacher) | \$25,000 | 24,784 |
| Legal Aid Foundation (Emergency Legal Services) | \$30,000 | 24,785 |
| Teddy Bear Cancer Foundation (Assistance for Families) | \$7,000 | 24,786 |
| Friendship Adult Day Care Center, Inc. (Adult Day Services Program) | \$15,500 | 24,787 |
| Family Service Agency (Senior Services Program) | \$5,000 | 24,788 |
| Transition House (Homeless Prevention Program) | \$8,500 | 24,789 |
| Family Service Agency (Family Resource Centers) | \$5,500 | 24,790 |
| Academy of Healing Arts – AHA (Attitude, Harmony, Achievements) | \$11,000 | 24,791 |
| Carrillo Counseling Services, Inc. (New Beginnings Counseling) | \$7,500 | 24,792 |
| Jodi House Brain Injury Support (Jodi House Program Support) | \$10,000 | 24,793 |
| Center for Successful Aging (Senior Peer Counseling) | <u>\$5,000</u> | 24,794 |
| SUBTOTAL | \$759,165 | |

Capital

| | | |
|--|-----------|--------|
| City of Santa Barbara Parks and Rec. (Westside Ctr. ADA Restroom Rehabilitation) | \$149,282 | 24,795 |
| City of Santa Barbara (Voluntario Street Access Ramps) | \$140,000 | 24,796 |
| Girls Incorporated (Girls' Bathroom Remodel) | \$33,653 | 24,797 |
| Santa Barbara Neighborhood Clinics (Roof Replacement Westside Clinic) | \$15,632 | 24,798 |

(Cont'd)

18. (Cont'd)

| | | |
|--|-----------------|--------|
| Women's Economic Ventures (Self Employment Training) | \$37,500 | 24,799 |
| City of Santa Barbara Parks and Rec. (Parque de los Ninos Renovation Project) | <u>\$93,745</u> | 24,800 |
| SUBTOTAL | \$469,812 | |
| GRAND TOTAL | \$1,228,977 | |

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:19 p.m. in recognition of the tragic and untimely passing of 19-year-old Nicholas Johnson, former Santa Barbara High School student and University of California Santa Barbara Water Polo Player.

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
APRIL 1, 2014
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on April 1, 2014, was cancelled by the Council on November 12, 2013.

The next regular meeting of the City Council is scheduled for April 8, 2014, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBOARH L. APPLIGATE
DEPUTY CITY CLERK

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE BY ADDING CHAPTER 22.65 ESTABLISHING DESIGN STANDARDS FOR NEW DEVELOPMENT NEAR HIGHWAY 101 TO IMPLEMENT POLICY ER7 OF THE 2011 GENERAL PLAN.

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

SECTION ONE: The City Council adopts the ordinance codified in Chapter 22.65 of the Santa Barbara Municipal Code based on the following findings:

- A.** The California Air Resources Board and the Santa Barbara County Air Pollution Control District have recommended reducing potential health hazards associated with vehicle exhaust, including diesel particulates, by limiting development of new residences and other sensitive land uses in close proximity to highways.
- B.** A Program Environmental Impact Report (EIR) certified for the City of Santa Barbara 2011 General Plan update evaluated air quality effects associated with new development in close proximity to Highway 101 during the General Plan time horizon. The EIR identified an interim policy for limiting new development of sensitive land uses within 250 feet of Highway 101. The EIR analysis concluded that the interim policy would mitigate the potential air quality impact associated with future development within the City near Highway 101 to a less than significant level until such time as statewide diesel particulate levels and associated health hazards are reduced by planned State regulations or other means.
- C.** Interim policy ER7 adopted as part of the City of Santa Barbara 2011 General Plan directs that the development of new sensitive land uses within 250 feet of Highway 101 be limited unless the City determines that diesel emission risks or exposures are satisfactorily addressed. Implementation Measure ER7.1 directs that the City establish development standards for new development to implement the policy, and track State regulations and progress on reducing highway diesel particulates pollution to determine when the interim policy is to be retired.
- D.** This ordinance is consistent with City policy, including Charter Section 1507 directing that development shall not exceed physical and natural resources including air quality; General Plan policy ER7 establishing limitation on specified new development within 250 feet of Highway 101; and General Plan Implementation Measure ER7.1 directing development of standards for new development next to Highway 101. The adoption of this implementing ordinance is in compliance with California Environmental Quality Act (CEQA) provisions for environmental review under CEQA Guidelines Section 15168 and 15162, based on the staff analyst determination that the ordinance is within the scope of the 2011 General Plan update and its certified Program Environmental Impact Report (EIR), would not result in additional environmental impacts beyond those identified in the Program EIR, implements Program EIR Mitigation Measure AQ-1, and requires no further environmental review process.

SECTION TWO: Title 22 of the Santa Barbara Municipal Code is amended by adding Chapter 22.65 titled “Design Standards for Development Near Highway 101” to read as follows:

22.65.010 Purpose and Intent.

It is the purpose of this section to limit and regulate development within close proximity to Highway 101 in a manner that promotes the health, safety, and welfare of the residents of the City of Santa Barbara.

Pursuant to 2011 General Plan Policy ER7, the design standards in this Chapter are intended to limit the number of people, including Sensitive Individuals, who receive Extensive Exposure to potential air pollution hazards from highway vehicle exhaust including diesel particulates by limiting the development of new sensitive land uses within close proximity of Highway 101 or by modifying the design of new sensitive land uses to reduce the amount of air pollution exposure received, until such time as statewide diesel particulate levels are reduced by planned State regulations or other means.

22.65.020 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the following meanings:

- A. Accessory Building.** As defined in Section 28.04.010 of this Code.
- B. Extensive Occupancy or Exposure.** Substantial time periods involving daily occupancy or frequent lengthy visits of many hours occurring repeatedly over many years as experienced with residential land uses and schools.
- C. Main Building.** As defined in Section 28.04.145 of this Code.
- D. Required Outdoor Living Space.** Outdoor living space or open yard area required in accordance with City residential zoning standards as specified in Title 28 of this Code.
- E. Sensitive Individuals.** Persons most susceptible to adverse affects of poor air quality (including from diesel particulates) including children, the elderly, and people who are ill or have serious chronic respiratory, heart, or other medical conditions that are exacerbated by air pollution.
- F. Sensitive Land Uses.** Land uses that involve Extensive Occupancy or Exposure by Sensitive Individuals including residences; nursing homes, retirement homes, and other community care facilities; schools; and large family day care facilities. Land uses not considered sensitive land uses include retail, commercial services, and offices.
- G. State Highway Roadside Sound Wall.** A roadside sound wall constructed by the California Department of Transportation.

22.65.030 Applicability and Exemptions.

A. Applicability.

- 1. Location.** Any property that is located in whole or part within 250 feet of Highway 101 as measured from the outer edge of the nearest highway travel lane (excluding highway on- and off-ramps) is subject to the requirements of this Chapter, unless identified as exempt in Subsection B of this Section 22.65.030.

2. **Types of Development.** The following types of development are subject to the requirements of this Chapter, unless identified as exempt in Subsection B of this Section 22.65.030:
 - a. The development of one or more new residential units on a lot.
 - b. An addition to an existing residential unit that increases the net floor area of the residential unit by more than 50% of the net floor area that existed within the residential unit as of December 1, 2011. If multiple additions are made to a residential unit during the time this Chapter is in effect, the amount of the additional floor area shall be measured in the aggregate.
 - c. The development of a new main building that will be occupied by a Sensitive Land Use.
 - d. The demolition of an existing building and its replacement with a main building that will be occupied by a Sensitive Land Use.
 - e. A change of use of an existing main building from a use not defined as a Sensitive Land Use to a Sensitive Land Use.
 - f. A change of use of an existing Main Building from a Sensitive Land Use that existed on the effective date of the ordinance adopting this Chapter to a different Sensitive Land Use.

B. Exemptions. The following projects are exempt from this Chapter:

1. **Sound Walls.** Projects on sites where a State Highway Roadside Sound Wall is located between the highway and project site.
2. **Prior Applications.** Projects with applications submitted to the City before December 1, 2011 for development permits including a Master Application, building permit plan check, or for other development approval, where the application has not expired.
3. **Approved Projects.** Projects that received a final approval from the City prior to December 1, 2011 where the approval remains valid.
4. **New Buildings More than 250 Feet from Highway.** Projects where the property owner submits a site plan that demonstrates that no new Main Building or required outdoor living area that is to be occupied by a Sensitive Land Use will be located within 250 feet of Highway 101, as measured from the outer edge of the nearest highway travel lane.
5. **Site-specific Demonstration.** Projects where the property owner can demonstrate to the satisfaction of the Community Development Director or the Director's designee that site-specific climatic or topographic conditions avoid or address the air quality risks from Highway 101 on the site such that the site specific conditions present a health risk of less than 10 excess cancer cases per one million persons.

Nothing in this Subsection B prevents an applicant from incorporating the design standards specified in Section 22.65.040 to exempt projects on a voluntary basis.

22.65.040 Design Standards for Air Quality.

The following design standards apply to development and occupancy of main buildings to which this Chapter applies. The location, design, and filtration standards specified in this Section are not required for accessory buildings or areas on the lot where Sensitive Individuals would not be subject to Extensive Occupancy or Exposure (e.g., parking).

A. Proximity to Highway 101 and Project Design Features. Main buildings that will be occupied by Sensitive Land Uses are prohibited from locating within 250 feet of Highway 101 unless the City Community Development Director or designee determines that project design features satisfactorily address air quality risks. When determining whether the project design features satisfactorily address air quality risks, the Director shall consider the following factors:

- 1. Distance from Highway 101.** Main buildings and outdoor living areas that will be extensively occupied by Sensitive Land Uses should be located as far from Highway 101 as feasible. For projects that have a mixture of Sensitive Land Uses and non-sensitive land uses, Main Buildings and areas expected to have Extensive Occupancy or Exposure by Sensitive Individuals should be located furthest from the highway, while facilities for non-sensitive populations and/or involving short-term use (such as parking facilities) should be placed closer to the highway.
- 2. Building Orientation and Outdoor Living Areas.** Main Buildings for occupancy by Sensitive Land Uses should be oriented with doors and outdoor living areas on the side of the building away from the highway in order to provide physical screening by the building.
- 3. Vegetative Screening and Physical Barriers.** Project sites to be occupied by Sensitive Land Uses should incorporate dense, tiered vegetative plantings between the highway and the Main buildings and outdoor living areas that are to be occupied by Sensitive Land Uses, which helps to remove air pollutants and reduce diesel particulate concentrations. Vegetation should largely entail trees with complex foliage (leafy vegetation or with needles) that allow substantial in-canopy airflow; preferably in multiple rows, using tree plantings of tall and uniform height that retain foliage year-round and have a long life span. Inclusion of physical barriers such as walls and solid fences between the highway and the project also help to reduce air pollutant exposure levels.
- 4. Air Infiltration.** In addition to a filtration system as required in Section 22.65.040 B, Main Buildings occupied by Sensitive Land Uses should be designed to locate air intake vents on the side of building away from the highway and use double-paned windows throughout.
- 5. Other Measures.** An applicant proposing a Sensitive Land Use that will be located within 250 feet of Highway 101 may propose other measures that have a demonstrated ability to reduce highway air pollution exposure.

B. Interior Air Filtration System. Main Buildings intended for occupation by a Sensitive Land Use that are located within 250 feet of Highway 101 and are not exempt pursuant to Section 22.65.030.B shall incorporate a central ventilation system with air filtration rated at Minimum Efficiency Reporting Value of “MERV13” or better for enhanced particulate removal efficiency. The owner of any development subject to this requirement shall attach a copy of the operator’s manual for the central ventilation and filtration system as an exhibit to every lease of the building or any portion of the building.

22.65.050 Maintenance of Design Features.

Design features incorporated into an approved project design pursuant to Section 22.65.040 shall be maintained as long as this Chapter remains in effect.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Measure A Five-Year Local Program Of Projects For Fiscal Years 2015 - 2019 Public Hearing

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2015 - 2019.

DISCUSSION:

BACKGROUND

In November 2008, Santa Barbara County voters overwhelmingly approved Measure A with 79 percent support. Measure A is a transportation sales tax measure estimated to provide approximately \$1 billion of local sales tax revenues for transportation projects in Santa Barbara County over the next 30 years. Measure A is funded through a continuation of the local ½-percent sales tax that was originally authorized by Measure D, which expired on March 31, 2010. The Measure A ordinance requires the City to submit a Five-Year Local Program of Projects to the Santa Barbara County Association of Governments (SBCAG).

A key component of Measure A is the plan to relieve traffic congestion and improve safety on Highway 101 by providing \$140 million, or 13.4 percent, in matching funds to widen the highway south of Santa Barbara from four to six lanes.

Under Measure D, the City contributed funds to support the Santa Barbara Metropolitan Transit District (MTD). Under Measure A, MTD now receives Measure A funds directly; however, the City will continue to provide funding support to the Easy Lift and Electric Shuttle programs.

MEASURE A INVESTMENT PLAN

The Measure A Investment Plan (Plan) will provide \$455 million, or 43.3 percent, to both the Santa Barbara North County and the South Coast for high priority transportation projects and programs to address the current and future needs of local communities. The local revenues will be supplemented by an estimated \$522 million in federal and state gas taxes, as well as other sources.

The Plan provides funding for local street improvements such as pavement maintenance and synchronized traffic signals, increased accessibility to public transit for seniors and individuals with special needs, building safer walking and bike routes to schools, and increased opportunities for carpool and vanpool programs.

SBCAG has estimated that the City will receive approximately \$3.36 million in Measure A revenues for Fiscal Year 2015. The SBCAG estimate for Measure A City revenues for Fiscal Year 2014 was approximately \$3.41 million. Under Measure A, local agencies choose how to spend their share of funds after seeking public input and annually adopting a Five-Year Program of Projects. Measure A delegates funds for Local Street and Transportation Improvements (e.g. capital projects and maintenance/operations), and Alternative Transportation (e.g. pedestrian/bicycle improvements, Safe Routes to School, and transit assistance).

It is a Measure A Ordinance requirement for local agencies to spend a minimum percentage of their Local Street and Transportation Improvement funds on eligible alternative transportation projects. The minimum percentage for the City is 10 percent and this requirement must be met by the fifth year of every Five-Year Local Program. This is the fifth year of the City's Five-Year Local Program and the City has exceeded this requirement. In fact, the City had an average expenditure on Alternative Transportation Projects of approximately forty percent. The proposed Fiscal Year 2015 Five-Year Local Program of Projects includes 41 percent of Alternative Transportation expenditures.

LOCAL PROGRAM OF PROJECTS

The proposed Measure A Five-Year Local Program of Projects is separated into two categories: "Local Street and Transportation Improvements" and "Alternative Transportation Expenditures." The proposed Local Program of Projects for Fiscal Year 2015 is consistent with the Two-Year Fiscal Year 2014-2015 Financial Plan budget that was adopted by Council on June 18, 2013. Further, the budget reflects the City's practice of placing the highest priority on maintenance of existing public right of way infrastructure and safety within the Streets Capital Improvement Program, which falls under the "Local Street and Transportation Improvements" of the Five Year Local Program. (See Attachment for the Measure A Proposed City of Santa Barbara Program of Projects by Category for Fiscal Years 2015 - 2019.)

The City must annually adopt a Resolution and submit a revised Local Program of Projects to SBCAG in accordance with the Measure A local allocation rules. The proposed City Measure A expenditure plan is reflected in the proposed City Streets Fund budget for Fiscal Year 2015. Council's approval of the recommended Resolution will satisfy the Measure A requirement that the local agency hold an annual public hearing on its Program of Projects prior to submittal and adoption by SBCAG.

ATTACHMENT: Measure A Proposed City of Santa Barbara Program of Projects by Category Fiscal Years 2015 - 2019

PREPARED BY: John Ewasiuk, Principal Civil Engineer/sk

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Measure A
Proposed City of Santa Barbara Program of
Projects by Category FY 2015 - FY 2019

| City Project Category | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 |
|---|----------------|----------------|----------------|----------------|----------------|
| *Local Street & Transportation Improvements: Capital Improvement Projects | \$710 | \$532 | \$579 | \$639 | \$728 |
| Local Street & Transportation Improvements: Maintenance/Operations | \$1,248 | \$1,273 | \$1,298 | \$1,324 | \$1,351 |
| SUBTOTAL | \$1,958 | \$1,805 | \$1,877 | \$1,963 | \$2,078 |
| *Alternative Transportation Expenditures | \$1,419 | \$1,449 | \$1,479 | \$1,511 | \$1,543 |
| TOTAL | \$3,377 | \$3,254 | \$3,357 | \$3,474 | \$3,621 |

(Figures in \$1,000)

*The Sidewalk Maintenance and Sidewalk Access Ramp projects are Streets Capital Improvement Projects that qualify as eligible Local Alternative Transportation Projects for the City's 10% Measure A Ordinance requirement.

*See Resolution Exhibit B for Fiscal Year 2015 Measure A Project List.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADOPTING THE MEASURE A FIVE-
YEAR LOCAL PROGRAM OF PROJECTS FOR FISCAL
YEARS 2015 – 2019

WHEREAS, on November 4, 2008, the voters of Santa Barbara County approved the Santa Barbara County Road Repair, Traffic Relief and Transportation Safety measure, known as Measure A;

WHEREAS, Measure A Ordinance No. 5 (hereinafter the “Ordinance”) provides that Santa Barbara County Local Transportation Authority shall annually approve a program of projects submitted by local jurisdictions identifying those transportation projects eligible to use Measure A funds;

WHEREAS, the City of Santa Barbara was provided with an estimate of annual Measure A local revenues for Fiscal Years 2015 through 2019; and

WHEREAS, on April 15, 2014, the City of Santa Barbara held a public hearing in accordance with the Ordinance.

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

SECTION 1. The City of Santa Barbara does hereby approve the Five-Year Program of Projects and Fiscal Year 2015 Measure A Program of Projects, to be funded in part with Measure A revenues (Exhibits A and B respectively).

SECTION 2. The City of Santa Barbara certifies that it will include in its budget an amount of local discretionary funding for local streets and roads sufficient to comply with the Maintenance of Effort requirements contained in the Ordinance.

SECTION 3. The City of Santa Barbara will not use Measure A revenues to replace private developer funding that has been committed to a transportation project or would otherwise be required under current City policies.

SECTION 4. The City of Santa Barbara has complied with all other applicable provisions and requirements of the Ordinance.

**Measure A
Proposed City of Santa Barbara Program of
Projects by Category FY 2015 - FY 2019**

| City Project Category | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 |
|--|----------------|----------------|----------------|----------------|----------------|
| *Local Street & Transportation Improvements: Capital Improvement Projects | \$710 | \$532 | \$579 | \$639 | \$728 |
| Local Street & Transportation Improvements: Maintenance/Operations | \$1,248 | \$1,273 | \$1,298 | \$1,324 | \$1,351 |
| SUBTOTAL | \$1,958 | \$1,805 | \$1,877 | \$1,963 | \$2,078 |
| *Alternative Transportation Expenditures | \$1,419 | \$1,449 | \$1,479 | \$1,511 | \$1,543 |
| TOTAL | \$3,377 | \$3,254 | \$3,357 | \$3,474 | \$3,621 |

(Figures in \$1,000)

*The Sidewalk Maintenance and Sidewalk Access Ramp projects are Streets Capital Improvement Projects that qualify as eligible Local Alternative Transportation Projects for the City's 10% Measure A Ordinance requirement.

Exhibit B

City of Santa Barbara FY 2015 Measure A Program of Projects and Local, State and Federal Funding

| Project Description | Measure A | Non-Measure A | | | Total Project |
|---|--------------------|---------------------|------------------|------------|---------------------|
| | FY 15 | Local | State | Federal | |
| A. Local Street & Transportation Improvements | | | | | |
| 1. Capital Improvement Projects | | | | | |
| Drainage Improvements/Maintenance | | \$100,000 | | | \$100,000 |
| Lower Mission Creek Flood Control Channel | | \$155,000 | | | \$155,000 |
| Pavement Maintenance | \$709,998 | \$1,343,312 | \$344,717 | | \$2,398,027 |
| Citywide Streetlight Repair & Maintenance | | \$50,000 | | | |
| Traffic Signal Operational Upgrades | | \$125,000 | | | \$125,000 |
| Traffic Management | | \$0 | | | |
| Traffic Safety/Capacity Improvements | | \$75,000 | | | |
| Traffic Signal Maintenance Program | | \$75,000 | | | \$75,000 |
| 2. Maintenance, Improvement or Construction of Roadways or Bridges | | | | | |
| Roadway Maintenance | \$417,747 | \$1,649,822 | | | \$2,067,569 |
| Storm Drain Repair and Maintenance | \$150,201 | \$279,598 | | | \$429,799 |
| Bridge Preventive Maintenance | | \$75,000 | | | |
| Cota Street Bridge Replacement | | \$80,000 | | | |
| Mason Street Bridge Replacement | | \$50,000 | | | |
| Anapamu Street Bridge Replacement | | \$25,000 | | | |
| Quinientos Street Bridge Replacement | | \$25,000 | | | |
| Urban Forestry Street Tree Program | | \$951,942 | | | |
| Median Landscape Maintenance | \$0 | \$0 | | | |
| Graffiti Abatement | | \$289,522 | | | |
| Engineering Services | \$679,762 | \$250,000 | | | \$929,762 |
| Traffic Engineering Operations | | \$672,788 | | | \$672,788 |
| Transportation Planning | | \$848,366 | | | \$848,366 |
| Traffic Signals | | \$1,367,325 | | | \$1,367,325 |
| Traffic Marking and Signage | | \$996,757 | | | \$996,757 |
| B. Alternative Transportation Expenditures | | | | | |
| 1. Alternative Transportation | | | | | |
| Easy Lift | \$245,589 | | | | \$245,589 |
| Shuttle Bus Program | \$581,523 | | | | \$581,523 |
| *Sidewalk Infill Program | | | \$66,472 | | \$66,472 |
| *Sidewalk Access Ramps | \$100,000 | | | | \$100,000 |
| *Sidewalk Repair/Maintenance (Capital) | \$250,000 | | | | \$250,000 |
| *Sidewalk Maintenance (Operations) | \$242,156 | \$859,406 | | | \$1,101,562 |
| Alternative Transportation | | \$409,647 | | | \$409,647 |
| TOTALS | \$3,376,976 | \$10,753,485 | \$411,189 | \$0 | \$12,920,186 |



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Execution Of A Certificate Of Modification For 2224 Gibraltar Road

RECOMMENDATION:

That Council authorize the City Engineer to execute a Certificate of Modification for the amendment of a previously approved building envelope on Recorded Final Map No. 20,525.

DISCUSSION:

In 1991, City Council approved Final Map 20,525, which included a 5-lot subdivision with a 12,235 square foot building envelope for Lot 4, 2224 Gibraltar Road (Attachment 1). On November 1, 2012, the Planning Commission, per Resolution No. 017-12 (Attachment 2), approved an amendment of the existing building envelope to allow for a new two-car garage. The existing two-car garage area is proposed to be turned into living space while keeping the same approved area for the building envelope.

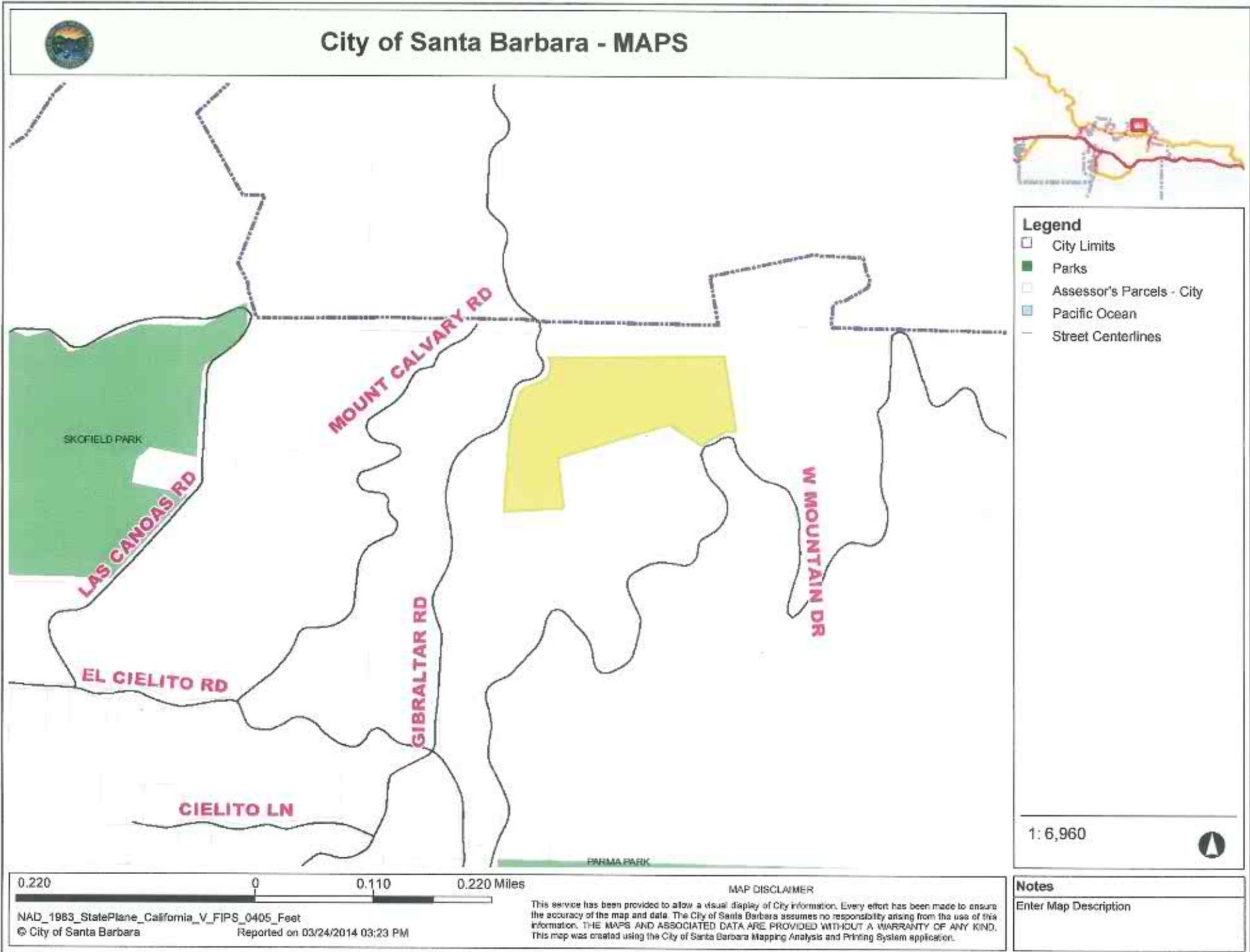
California Government Code Section 66472.1 allows the City Engineer, with Council approval, to record a Certificate of Modification, also known as a Map Amendment, as described in the California Subdivision Map Act, to amend a recorded map previously approved by Council. The Certificate of Modification, once recorded, will amend the original recorded Final Map 20,525.

ATTACHMENT(S): 1. Vicinity Map
2. Planning Commission Resolution 017-12

PREPARED BY: Mark Wilde, Supervising Civil Engineer/DAS/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office





City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 017-12

2224 GIBRALTAR ROAD

AMENDMENT TO FINAL MAP AND CONDITIONS OF APPROVAL

NOVEMBER 1, 2012

APPLICATION OF ADAM SHARKEY, ARCHITECT FOR ALLISON ARMOUR, 2224 GIBRALTAR ROAD, APN 021-180-004, A-1 SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00187)

The proposed project involves an amendment to site's building envelope in order to allow the construction of a new two-car garage and the conversion of the existing two-car garage into additional living area for an existing single-family residence.

The project site is 11.46 acres and is currently developed with a 3,714 square foot two-story residence with an attached 575 square foot two-car garage. The project would convert the existing garage area into habitable space and add a new 480 square foot attached two-car garage to the north of the existing residence.

The subject parcel has a 12,135 square foot building envelope that was identified when the lot was created in 1991. The proposed new garage would be located outside of the previously identified building envelope. The applicant is proposing to amend the building envelope by relocating 535 square feet of it to the area of the proposed garage addition in order to accommodate the project.

The discretionary application required for this project is an Amendment to the previously approved Building Envelope for the site, as required per Planning Commission Resolution 012-91 and shown on the approved Final Map for 931 Mountain Drive (Subdivision Map Act § 66472.1).

An Addendum to the approved Negative Declaration has been prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 25, 2012
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. **ENVIRONMENTAL FINDINGS**

1. The previous Negative Declaration approved by the Planning Commission on February 14, 1991 (SB-91-90) and Addendum dated October 10, 2012 for the building envelope amendment have been considered prior to approval of the proposed project. Together they are determined to be adequate to serve as the environmental documentation for this

project and satisfy all the requirements of CEQA. The Addendum did not raise important new issues about significant environmental effects.

2. The decision to not prepare a Subsequent Negative Declaration pursuant to CEQA Guidelines Section 15162 was based on a review of substantial evidence in light of the whole record and a determination that:
 - a. No substantial changes are proposed in the project or with respect to circumstances under which the project is undertaken that will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 - b. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was approved, shows any of the following:
 - (1) The project will have one or more significant effects not discussed in the previous Negative Declaration; and
 - (2) Effects previously examined will be substantially more severe than shown in the previous Negative Declaration.

B. FINAL MAP AMENDMENT (SUBDIVISION MAP ACT, SECTION 66472.1)

There is evidence in the record to support the required findings under Section 66472.1 of the Subdivision Map Act to amend the recorded Final Map. The subject application consists of an Amendment to the Final Map to revise the existing 12,135 square foot building envelope on Lot 4 of the Final Map to relocate a 525 square foot portion of the building envelope from an area behind the existing residence to the area immediately north of the previously approved building envelope. A Map Amendment is required to amend a recorded building envelope pursuant the Subdivision Map Act (Section 66472.1 of the Government Code).

There are changes in circumstances that make portions of the originally recorded building envelope no longer necessary. The building envelope was determined at the time of the original 5-lot subdivision of a 29.27-acre parcel. The requested building envelope amendment will relocate a 525 square foot area of the building envelope from a steep and vegetated portion of the site to a flat, paved area north of the existing two-car garage. The building envelope was originally chosen to avoid impacts to oak trees; however, the building envelope amendment and proposed development within that area has been reviewed by an Arborist that determined that the project would not have a negative impact on the existing oak trees. Therefore, the amendment to the building envelope and the proposed garage development will not cause additional impacts compared to the impacts from the development that was allowed under the original building envelope on the parcel.

The amendment to the building envelope will not impose any burden on the fee owners of the subject property. The amendment has been requested by the property owner. The amendment to the building envelope will not alter any right, title, or interest in the real property reflected on the recorded map.

The amendment to the building envelope conforms to Section 66474 of the Government Code, as follows:

- a. The proposed Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Section VI of the staff report.
- b. The design and improvements of the subdivision is consistent with applicable general and specific plans and these improvements were approved by the Planning Commission in 1991 (see Resolution 012-91) and have subsequently been constructed. The Amendment to the Final Map will not change or impact those previously-approved improvements and basic subdivision design;
- c. The site is physically suitable for the proposed development as identified in Sections VI and VIII of the staff report;
- d. The site is physically suitable for the density of the development because the site is 11.46 acres and developed with one single-family residence, which is a much lower density than the site's one dwelling unit per acre General Plan designation and its minimum lot size requirement of three acres (based on A-1 zoning for a site with a slope of greater than 30%);
- e. The design of the project will not cause substantial environmental damage, as summarized in Section VII of the staff report, because it has been located such that it will not impact surrounding oak trees and is in an area that is flat and without other significant environmental constraints;
- f. The design of the subdivision is not likely to cause serious health problems because the proposal is for an amendment to a building envelope in order to construct a new two-car garage to serve an existing single-family residence; and
- g. The design of the subdivision and the type of improvements does not conflict with easements for access through or use of property within the previously-approved subdivision, and the proposed Amendment to the Final Map will have no impact on any easements.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
 1. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee.
 3. Submit an application for and obtain City Council approval of the Final Map Amendment and Agreement(s) and record said documents.
 4. Permits following recordation of Final Map Amendment.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for any required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Final Map amendment, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 1, 2012 is limited to an amendment of the previously approved Building Envelope for Lot 4 of the prior subdivision of 931 Mountain Drive (per Planning Commission Resolution No. 012-91). Approximately 535 square feet of the previously approved Building Envelope will be removed from behind the existing residence and relocated to the north of the existing building to allow for construction of a new garage, as shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board.
 3. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Tree Protection Measures.** The project plans shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the SFDB.
 - c. **Oak Trees.** The following additional provisions shall apply to existing oak trees on site:
 - (1) No irrigation system shall be installed within three feet of the dripline of any oak tree.
 - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a ten to one (10:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
 - (3) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

- (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - d. **Arborist's Report.** Include a note on the plans that the recommendations/conditions contained in the arborist's report prepared by Progressive Environmental Industries, Inc., dated July 30, 2012, shall be implemented.
 - e. **During Construction.**
 - (1) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
 - (2) No grading shall occur within three feet of the dripline(s) of the existing tree(s).
 - (3) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (4) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (5) No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within five (5) feet of the dripline of any oak tree.
 - (6) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
 2. **Tree Removal and Replacement.** All trees removed, except oak trees (see replacement ratio identified above), fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
 - D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Please note that these conditions are in addition to standard submittal requirements.
 1. **Public Works Department.**
 - a. **Final Map Amendment.** The Owner shall submit to the Public Works Department for approval, a Final Map Amendment prepared by a licensed land

surveyor or registered Civil Engineer. The Final Map Amendment shall conform to the requirements of the City Survey Control Ordinance.

- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations or worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.

2. **Community Development Department.**

- a. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- b. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

| | | |
|----------------|-------|-------------|
| _____ | _____ | _____ |
| Property Owner | | Date |
| _____ | _____ | _____ |
| Contractor | Date | License No. |
| _____ | _____ | _____ |
| Architect | Date | License No. |
| _____ | _____ | _____ |
| Engineer | Date | License No. |

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that lists the contractor(s) name and telephone number(s) and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. Said sign shall not exceed six

feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed six square feet if in a single family zone.

2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
3. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
4. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nests(s).
5. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use

clearance for map recordation and land use clearance for finish grading of the structure.

- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

6. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

F. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution No. 012-91 (931 Mountain Drive), with the exception of prior design review (conditions E1-E4) and construction-related (conditions F1 and G1-G4) conditions, which are replaced by Sections C Design Review and E Construction Implementation Requirements, respectively, as identified herein.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
 - d. The Planning Commission action approving this Final Map Amendment shall expire two (2) years from the date of approval. The applicant may request an extension of this time period by requesting an amendment to these conditions of approval from the Planning Commission.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
5. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement

within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

This motion was passed and adopted on the 1st day of November, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Schwartz)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Contract For An Advanced Metering Infrastructure Analysis

RECOMMENDATION:

That Council authorize the Public Works Director to execute a City Professional Services contract with Westin Engineering, Inc., in the amount of \$69,832 to perform an Advanced Metering Analysis; and approve change order authority in the amount of \$6,983 for any additional unforeseen work that may be required of Westin Engineering, Inc.

DISCUSSION:

Advanced Metering Infrastructure (AMI) is the technology of automatically collecting consumption, diagnostic, and status data from water meters, and transferring the data over a secure network to a central database. The collected data is used for analyzing trends, troubleshooting problems, billing customers, and providing customers with current information about their consumption rates and use patterns. This timely information, coupled with analysis, can help both the water utility and its customers better manage the use and consumption of domestic water supplies.

The AMI technology would significantly change the City's meter reading practices. The City's 27,000 water meters are currently read monthly by four meter readers. AMI would create efficiencies with meter reading accuracy and timeliness, potentially reduce the need to have meter readers in the field, including lower vehicle costs and fuel consumption related to meter reading. AMI would greatly assist with managing the City's water system with regard to leak detection, consumption patterns, and troubleshooting the water system. AMI would also enable the City to provide customers with current data about their water consumption and individual use patterns to help them conserve water. However, AMI has significant initial and ongoing costs. While there would be a reduced need for meter readers, there would be an increased need to employ individuals skilled in the field of information technology and database management. Plus, while some customers might embrace AMI, others might have difficulty accepting the new technology.

Staff conducted a competitive Request for Proposal process, and is recommending that Council authorize the Public Works Director to execute a contract with Westin Engineering, Inc. (Westin) in the amount of \$69,832 to perform the proposed work and approve change order authority in the amount of \$6,983 for any additional unforeseen work that may be required by Westin.

Westin's scope of work includes considering the feasibility of implementing an AMI system in the City's water service area. Their analysis will consider the benefits and risks, along with consideration of the financial commitment necessary to successfully transfer to an AMI system and the calculated return on investment. Westin's findings will be submitted in a final report.

BUDGET/FINANCIAL INFORMATION:

There are sufficient appropriated funds in the Water Fund for these proposed services.

The Water Commission voted 4-0-0 in favor of the AMI Analysis.

SUSTAINABILITY IMPACT:

AMI is a proven water conservation tool. By providing information on daily water consumption and use patterns, customers can better manage their water use and are more likely to conserve water. Additionally, AMI data can help staff better manage the water system by quickly finding leaks, identifying water waste, and easily determining if customers are conserving water.

PREPARED BY: Catherine Taylor, Water System Manager/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



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

AGENDA DATE: April 15, 2014

TO: Successor Agency Members

FROM: Administration Division, Parks and Recreation Department

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

RECOMMENDATION: That the Successor Agency:

- A. Authorize the Executive Director to execute a contract between the Successor Agency and Moffat & Nichol, Inc. in the amount of \$54,140 to prepare a coastal engineering report and sea level rise vulnerability assessment for the Cabrillo Bathhouse and Pavilion Arts Center Renovation Project, and authorize the Executive Director to approve extra work, as necessary, in an amount not to exceed \$5,414, or 10 percent; and
- B. Find it in the best interest to waive formal bids and authorize the Executive Director to execute a contract between the Successor Agency and Cardenas and Associates Surveying, Inc. in the amount of \$3,310 for site survey services related to the above project.

DISCUSSION:

Project Description

The purpose of the Cabrillo Bathhouse and Pavilion Arts Center Renovation Project (Project) is to achieve a viable community recreation center that serves Santa Barbara residents and visitors and returns the building to its original status as the "crown jewel of East Cabrillo Boulevard." The project includes complete renovation of the facility's mechanical, electrical, plumbing and communication systems, and associated structural and seismic, fire protection, and accessibility upgrades. Exterior building improvements include restoration of the original beach level promenade, renovation of exterior building modifications, repairs of the building façade, site grading to achieve accessibility standards and improve facility access, design modifications to the parking lots to address accessibility, and renovation of site landscaping, outdoor showers, and covered walkway adjacent to the playground. The project also proposes installation of a boardwalk to connect the promenade to the recreational beach in front of the facility.

Coastal Engineering Services

The Parks and Recreation Department (Department) recommends that the Successor Agency authorize the Executive Director to execute a contract between the Successor Agency and Moffat & Nichol for coastal engineering services. Moffat & Nichol was selected through a competitive request for proposal process. The City received three proposals and conducted interviews with all three consulting firms. Moffat & Nichol was selected as the most qualified firm due to the firm's experience providing California coastal communities with engineering services for coastal infrastructure, redevelopment and restoration projects, conducting sea level rise and coastal hazard assessments, and addressing coastal sediment management. Moffat & Nichol has familiarity with Santa Barbara's coastal environment and previously provided engineering services to the City's Waterfront Department.

Moffat & Nichol's scope of work includes preparation of a coastal engineering report and sea level rise vulnerability assessment for the project. Since the building is located in the City's coastal zone, renovations need to be consistent with the City's Local Coastal Program and address requirements in the California Coastal Commission's recently released draft Sea Level Policy Guidance. In addition to informing structural building renovation requirements, the analysis will assist in determining the project's planning horizon and developing adaptation measures to future changes in Santa Barbara's coast line. Moffat & Nichol will be working closely with the project architects, Kruger Bensen Ziemer Architects, Inc. (KBZ). KBZ is providing architectural and engineering design services, as well as preparing construction documents, project bidding, and construction administration services, as approved by the Successor Agency on February 4, 2014.

Land Surveying Services

Staff recommends that the Successor Agency authorize the Executive Director to execute a contract between the Successor Agency and Cardenas and Associates Surveying, Inc. in the amount of \$3,310 for land survey services related to the Project. The Department has determined that additional land survey services are needed to assess site accessibility and public coastal access. The Department is recommending the contract since Cardenas and Associated Surveying, Inc. provided site survey services for the project in 2011 and can complete the work in a short timeframe.

BUDGET/FINANCIAL INFORMATION

On December 17, 2013, the Successor Agency approved funding of \$9,117,026 for design and construction of this project from the 2001 and 2003 Redevelopment Agency Bond Funds. The Oversight Board to the Successor Agency authorized funding the project on the 13-14B (January 1, 2014 through June 30, 2014) Recognized Obligation Payment Schedule, which was approved by the California Department of Finance on November 13, 2013.

On February 4, 2014 Council and the Successor Agency approved contract services in the amount of \$1,007,213 including \$921,500 with KBZ, \$51,288 with the Parks and Recreation Department for project management services, and \$34,425 for City land development permits. The contract services with Moffat & Nichol and Cardenas and Associates in the amount of \$62,864 will support additional engineering and permitting needs for the project.

SUSTAINABILITY IMPACT:

The Project will further the City's Sustainability Program goals through incorporating environmentally responsible design and construction techniques including, but not limited to, the specification of recycled content building materials, construction debris recycling processes, energy conserving electrical systems, materials, fixtures and appliances and the use of drought tolerant landscaping specifically selected from local native plants which use less water, therefore conserving further natural resources. The Project goal is to attain a LEED Silver certification rating.

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

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014

TO: Mayor and Councilmembers

FROM: Airport Administration, Airport Department

SUBJECT: Presentation And Amended Contract For Air Service Development

RECOMMENDATION: That Council:

- A. Receive a presentation on air service development at the Airport; and
- B. Authorize the Airport Director to execute an Amendment to Contract No. 24,677 with InterVISTAS Consulting LLC to amend the scope of services to include a passenger leakage study for the Santa Barbara Airport, increasing the contract amount from \$40,000 to \$62,500.

DISCUSSION:

The Airport has contracted for specialized air service development services since 1979 to assist the Airport staff in maintaining and enhancing airline service and pursuing new air service opportunities. During the last decade the airlines have taken major steps to reduce costs by shifting types of aircraft, cutting back on capacity, and through mergers consolidated route structures.

The presentation will address the status of the airline industry, impacts to Santa Barbara's service, and actions being taken to maintain and enhance service.

Background

In 2013, the Airport solicited Statements of Qualifications (RFQ) from experienced firms providing air service development consulting services. On December 17, 2013, Council approved a contract with InterVISTAS Consulting, LLC, to provide air service consulting services for the Airport.

Scope of Services

The original scope of services outlined consultant support for the Airport to implement an effective, comprehensive passenger development program to maintain and improve domestic air service.

The loss of American Eagle flights to Los Angeles on April 1, 2014, will result in a 13% decrease in enplaned passengers and a related reduction in associated revenue including parking, food and beverage sales, gift shop sales, and rental car usage.

Staff is proposing an increase to the scope of services of the InterVISTAS contract to include a "leakage study" assessing the passenger volume from an expanded catchment area of the Santa Barbara Municipal Airport including passengers that utilize neighboring airports. The results of the leakage study will provide specific data to assist the Airport in presenting business proposals to the airlines by identifying market sizes and projecting profitability for new and/or expanded air service.

BUDGET/FINANCIAL INFORMATION:

Funds for the contract amendment are available and appropriated in the Airport Department's Fiscal Year 2014 operating budget.

PREPARED BY: Hazel Johns, Acting Airport Director

SUBMITTED BY: Hazel Johns, Acting Airport Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Stage One Drought Update

RECOMMENDATION:

That Council receive an update on the status of the current drought.

DISCUSSION:

On February 11, 2014, Council declared a Stage One Drought and asked customers to reduce water usage by 20%. Council requested that staff keep them informed and report back monthly with a status update on the City's water supplies, conservation efforts, and current work efforts. This report will cover the following items:

- *Water Supply Outlook*
- *Water Purchases*
- *Drought Response Capital Projects*
- *Conservation Efforts*

The Water Supply Outlook is slightly improved statewide due to recent storms in the northern part of the state. Unfortunately, the snow pack remains low. While the recent rains have helped, they were not sufficient to change the water supply outlook for the City. The additional water may, however, ease some through delta transport.

Staff continues to work with the Central Coast Water Authority to identify opportunities for water purchases. While there are potential deals in the works, we have not yet secured any additional water supplies.

Staff is moving forward with the design and construction of capital work to assist with water supply during the drought. These include the acceleration of groundwater well replacement, as well as projects to use poor quality groundwater in place of potable water for irrigation.

Staff has increased the water conservation outreach program through an enhanced drought media campaign: additional targeted outreach, including increased weekly messaging through social media, online news outlets, and industry contacts; presentations to community and industry groups; additional printed materials with drought messaging; targeted utility bill messaging; drought signage at City facilities; and Landscape Water Use Drought Forum on April 23, 2014, as well as additional trainings and workshops.

PREPARED BY: Joshua Haggmark, Acting Water Resources Manager/JH/mh

SUBMITTED BY: Rebecca Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Stage Two Drought Water Rates

RECOMMENDATION: That Council:

- A. Hear a presentation on proposed Stage Two Drought Water Rates;
- B. Set a Public Hearing date for June 10, 2014, at 2:00 PM in the Council Chambers for Council consideration of increases in City water rates for Fiscal Year 2015; and
- C. Direct staff to send a Notice of Public Hearing to customers informing them of the hearing and proposed changes to water rates.

DISCUSSION:

On February 11, 2014, City Council declared a Stage One Drought Condition, which called for a voluntary 20% reduction in water usage by rate payers. While the Santa Barbara area has had some recent rainstorms, the rainfall has not been enough to end the area's persistent drought condition. Extraordinary conservation to meet the 20% demand reduction is needed. Staff anticipates the need to declare a Stage Two Drought Condition in May 2014.

On March 25, 2014, City Council authorized the execution of a contract with Raftelis Financial Consultants, Incorporated, (RFC) to provide drought water rate modeling services. RFC's work included performing drought water rate analyses, considering different water demand reduction scenarios, and investigating various drought rate alternatives. RFC focused on designing Stage Two Drought Water Rates that would best incentivize extraordinary water conservation by customers, while also ensuring sufficient revenues to meet operating and debt service requirements in order to maintain compliance with obligations to holders of City bonds. However, the proposed water rates will not generate enough revenue to cover the full cost of necessary drought-related capital projects. Therefore, it is expected that a combination of reserves and a reprogramming of existing capital projects already funded will be used to fund the additional drought-related capital costs in Fiscal Year (FY) 2015.

The proposed Stage Two Drought Rates are intended to address our current situation as of the end of the City's typical rainy season. Any changes in the level of drought condition would result in staff re-assessing the water rates and returning to Council.

Drought Water Rate Study

Revenues

On a long-term basis, revenue must be sufficient to meet the costs of operating the water system which includes costs for water purchases, treatment, operations and maintenance expenses, capital improvements, principal and interest payments on existing debt, and other obligations. Short-term differences between revenues and costs result in the use of, or contribution to, reserves. To generate sufficient funds for FY 2015, and achieve extraordinary conservation to meet the 20% demand reduction target, a more steeply inclined block rate structure and some use of reserves are needed.

The total revenues generated from rates for FY 2015 is expected to increase by 7 percent, compared with FY 2014, due to drought related costs associated with increasing available groundwater supplies and imported water purchases. Rates are recommended to be increased for all rate tiers, with the lowest increase (3%) being assigned to first-tier usage. However, the revenue generated from rates will not cover the full cost for necessary drought-related capital projects. Therefore, the additional costs will be funded from a combination of reserves, the reprogramming of already funded FY 2014 capital projects, and the postponement of planned FY 2015 capital projects, including main replacements, pump station improvements, and other maintenance projects.

Rates based on Cost of Service

Total revenue requirements, less revenue from other sources, such as payments made by other agencies that use the City's water treatment plant and interest earnings, are defined as the "cost of service". This cost is used as the basis for allocating costs to various customer classes by considering both the average quantity of water usage and peak water usage.

Rates are designed to ensure that customers pay their proportionate share of costs, based on the cost of service to supply water to that customer class. The water supply costs associated with each of the City's five water sources differ. In order to provide affordable water for basic health and sanitation and to sustain agricultural use, residential, parks and agricultural Tier 1 customers are allocated the least expensive sources of water. Remaining water supply sources are allocated to other customer classes, with more expensive water costs being assigned to the higher tiers in the block structure, because this usage is more discretionary water use, often for irrigating landscapes.

The changes to the proposed water rates are summarized below:

- Residential water customers are currently allocated water in three rate tiers. As increased usage moves a customer from one rate tier to the next, the amount charged per unit of water increases. The lowest cost rate tier (Tier 1) is set to meet basic health and sanitation needs; the next tier (Tier 2) is designed to meet the needs for an average-sized water wise landscape; and the third and most costly tier is considered to be discretionary use. Based on analysis in the recent 2012 Rate Study, approximately 16 hcf per month is sufficient for both indoor and outdoor needs of an average Single Family Residence household with water wise landscaping. With an additional 2 hcf allowance, the total combined allotment within Tier 1 and Tier 2 is currently 18 hcf (comprised of 4 hcf at Tier 1 rate and 14 hcf at the Tier 2 rate). Due to the drought condition, it is recommended that the additional 2 hcf allowance be removed, reducing the Tier 2 allotment from 14 HCF to 12 HCF.
- To send a message to high water users that extraordinary conservation is needed, the difference in rates between Tier 2 and Tier 3 residential water rates, Tier 1 and Tier 2 commercial/industrial rates, and Tier 1 and Tier 2 irrigation water rates is significantly increased.

Pursuant to State law established by Prop 218, the Right to Vote on Taxes Act, customers must be notified of any proposed increases to rates at least 45 days prior to the date of the public hearing for Council's consideration of the rate increases. Staff is recommending Council direction to mail the Proposition 218 rate notices to customers by April 24, 2014, in preparation for a June 10, 2014 public hearing. A copy of a draft Proposition 218 rate notice is attached.

BUDGET/FINANCIAL INFORMATION:

The proposed drought water rates have been developed to meet the 20% demand reduction target, while also meeting the revenue needs of the Water Fund, along with some use of reserves. The projected revenue from water sales has been set to maintain adequate debt service coverage, including sufficient revenue to cover debt service payments, debit service margin, and operating costs. Additional funding will be needed to cover the cost of necessary drought-related capital projects. Therefore, it is expected that the reserves will be used for Capital Program expenses. If the drought condition changes (either improves or worsens), staff will re-assess the financial plan and water rates at that time.

SUSTAINABILITY IMPACT:

Meeting the 20% demand reduction will assist the City in offsetting or delaying possible additional drought related water supply purchases and expenses.

ATTACHMENT: Notice of Proposed Changes to City Utility Rates

PREPARED BY: Catherine Taylor, Water System Manager/CT/KD/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



NOTICE OF PUBLIC HEARING PROPOSED CHANGES TO CITY OF SANTA BARBARA WATER RATES

Date: Tuesday, June 10, 2014, 2:00 p.m.
Place: City of Santa Barbara Council Chambers, City Hall
735 Anacapa Street, Santa Barbara

PROPOSED CITY DROUGHT WATER RATES

(Applicable only to customers billed by the City of Santa Barbara for water service)

During a drought, the City relies on its customers to reduce water usage to preserve remaining water supplies with extraordinary water conservation. At the same time, the City faces increased costs to maintain essential water service, including more expensive capital and operating costs to increase drought water supplies from groundwater and imported water transfers.

The City is considering temporary drought water rates to provide a portion of the revenue needed for the City's cost of water service, and to help encourage extraordinary water conservation to reach at least 20% water use reductions necessary to ensure a safe water supply for all customers.

How were drought water rates determined?

Last year, the City's water rate structure was revised based on a Rate Study that evaluated water rates using a rate model. To cover normal operating expenses, the City's water rates were expected to increase by 3% overall next year. To account for financial impacts from the drought, the City worked with an expert rate consultant to update the rate model and develop drought pricing that:

- Promotes extraordinary water conservation;
- Ensures revenue stability;
- Is fair and equitable; and
- Is based on cost of service principles, as required by Proposition 218 (State law that oversees utility rate regulations).

Rate consultants and staff evaluated the City's budgets and financial risks associated with the drought, and developed rates to help encourage customers to meet at least 20% reduction in water use.

How will the proposed changes impact my water bill?

Included in this notice is a table showing the proposed drought rates for all customers. The water rate impact will depend on the amount of water used. Examples of impacts are shown below depending on amount of water use. Customers are encouraged to visit the City's residential water rate calculator to review how the new rates would impact their bill.

- Very Low Water Use (4 HCF): Increase of \$0.40
- Low Water Use (8 HCF): Increase of \$5.32
- Average Water Use (13 HCF): Increase of \$10.24
- High Water Use (32 HCF): Increase of \$127.20

Will the drought water rates generate additional revenue?

The revenues generated from drought water rates will partially offset the cost of service to customers during the drought. Because the revenues will not cover the full cost of service, the City plans to use a portion of available reserves to make up the difference.

Drought Update

On February 11, 2014, the Santa Barbara City Council declared a Stage 1 Drought Condition, asking customers to reduce water use by at least 20 percent.

The rainfall this spring have not been sufficient for water supply. Therefore, water shortages are projected within the next year. The Santa Barbara City Council will consider a Stage 2 Drought Condition before June 2014, which requires mandatory water use reductions.

To help achieve reduction in water use, the City offers water conservation assistance, including free indoor and outdoor water check-ups for residents and businesses, and rebate programs. Visit www.SantaBarbaraCA.gov/WaterWise or call 805-564-5460 for more information.

CHECK OUT THE RESIDENTIAL WATER RATE CALCULATOR AT:
WWW.SANTABARBARACA.GOV/WATER

TABLE 1 – PROPOSED WATER RATE CHANGES (1 HCF = 748 GALLONS)

| Customer Class | Tiers | Current Rates | Proposed Rates | % Increase |
|--|--|---------------|----------------|------------|
| Single Family Residential | First 4 HCF | \$3.18 | \$3.28 | +3% |
| | Next 14 HCF (Current)/ 12 HCF (Proposed) | \$5.16 | \$6.39 | +24% |
| | All other HCF | \$6.62 | \$13.44 | +103% |
| Multi-Family Residential | First 4 HCF (per dwelling unit) | \$3.18 | \$3.28 | +3% |
| | Next 4 HCF (per dwelling unit) | \$5.16 | \$6.39 | +24% |
| | All other HCF | \$6.62 | \$13.44 | +103% |
| Commercial / Industrial | 100% of base allotment | \$5.16 | \$5.32 | +3% |
| | All other HCF | \$5.91 | \$11.61 | +96% |
| Irrigation – Residential & Commercial | 100% of monthly water budget* | \$5.16 | \$6.39 | +24% |
| | All other HCF | \$6.62 | \$13.44 | +103% |
| Irrigation - Recreation/ Parks/Schools | 100% of monthly water budget* | \$2.70 | \$2.79 | +3% |
| | All other HCF | \$6.62 | \$13.44 | +103% |
| Irrigation – Agriculture | 100% of monthly water budget* | \$1.51 | \$1.56 | +3% |
| | All other HCF | \$6.62 | \$13.44 | +103% |
| Recycled Water | All HCF | \$2.16 | \$2.24 | +4% |
| Outside City Limits | 130% of corresponding in-City rates | | | |

***What is a Monthly Water Budget?**

The monthly water budget is a calculation of Tier 1 allotment based on the property’s irrigated landscape area and the plants’ monthly watering needs. The purpose of providing a monthly allotment is to bill customers based on the water needs of their landscaping. Please call 564-5460 if you would like further details on water budgeting.

TABLE 2 – PROPOSED MONTHLY METER CHARGES

| | 5/8" | 3/4" | 1" | 1 ½" | 2" | 3" | 4" | 6" | 8" | 10" |
|--------------------|---------|---------|---------|---------|---------|----------|----------|----------|------------|------------|
| Current: | \$13.81 | \$19.57 | \$31.09 | \$59.89 | \$94.44 | \$203.87 | \$365.14 | \$751.02 | \$1,384.55 | \$2,190.86 |
| Proposed: | \$14.22 | \$20.23 | \$32.23 | \$62.24 | \$98.25 | \$212.28 | \$380.32 | \$782.43 | \$1,442.60 | \$2,282.82 |
| % Increase: | +3% | +3% | +4% | +4% | +4% | +4% | +4% | +4% | +4% | +4% |

When will the drought rates take effect?

City Council will consider adopting Stage 2 drought rates on June 17th, 2014. New rates will appear on bills dated July 1st or later, effective for usage starting as early as June 1st, 2014.

If you oppose any of the above increases, please deliver your protest **in writing**, including your name and service address, to the City Clerk of the City of Santa Barbara at 735 Anacapa Street, Santa Barbara, CA, 93101, prior to or during the City Council’s consideration of this item on June 10, 2014. (If you wish to submit your protest during the public hearing, please deliver it to City Staff in the Council Chamber.) Because multiple rates are being considered by City Council at the same hearing, please indicate the specific rate you are protesting.

How do I stay informed?

- **Explore** updated information on drought conditions, conservation, and rates at www.SantaBarbaraCA.gov/Water
- **Share** social media posts at www.Facebook.com/SaveWaterSB and www.Twitter.com/SaveWaterSB
- **Contact** City staff at WConservation@santabarbaraca.gov or 805-564-5460
- **Attend** the Public Hearing on June 10th at 2 PM, City Council Chambers, 735 Anacapa Street, Santa Barbara
- **Watch** City Council meetings live online at www.CityTV18.com, or tune into City-TV Channel 18.

Go to WWW.SANTABARBARACA.GOV/WATER to see all proposed changes



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014

TO: Mayor and Councilmembers

FROM: Patrol Division, Police Department

SUBJECT: Appeal Of Fire & Police Commission's Decision To Suspend 805 Roadside Towing From Participation In The Police Department's Tow Rotation List

RECOMMENDATION:

That Council consider the appeal filed by Aaron Boucher, owner/operator of 805 Roadside Towing, regarding the Fire & Police Commission's decision to suspend 805 Roadside Towing from participation in the Police Department's tow rotation list.

DISCUSSION:

On January 22, 2014, during its regular meeting, the Fire and Police Commission held an annual compliance review of tow companies that are on the Police Department's tow rotation list. The tow rotation list is used to equitably distribute Police Department towing operations among qualified and approved tow service providers. At the meeting, the Fire & Police Commission determined that 805 Roadside Towing was not in compliance with the Santa Barbara Police Department Tow Rotation List Rules and Regulations and ordered corrections to be completed by 805 Roadside Towing to be done by the next Fire & Police Commission meeting to be held on February 27, 2014.

At the February 27, 2014 Fire and Police Commission meeting, the Police Department staff report concluded that 805 Roadside Towing was not in compliance with Section 2(c) of the Santa Barbara Police Department Tow Rotation List Rules and Regulations for failure to possess a City business permit for a minimum period of 3 years, and Section 2(f) for failure to maintain a vehicle storage lot with minimum storage space of 20,000 square feet. As a result, Police staff's recommendation to the Fire and Police Commission was to suspend 805 Roadside Towing from participating in the Santa Barbara Police Department's tow rotation until such time as they came into compliance with the tow rules and regulations. Mr. Boucher appeared at the meeting and argued against the suspension. In a 3-2 vote, the commissioners suspended 805 Roadside Towing from participating in the Police Department's tow rotation list.

Council Agenda Report

Appeal Of Fire & Police Commission's Decision To Suspend 805 Roadside Towing From Participation In The Police Department's Tow Rotation List

April 15, 2014

Page 2

Mr. Aaron Boucher, owner of 805 Roadside Towing, filed an appeal of the Fire & Police Commission's decision to the City Council. The 805 Roadside Towing Administrative Record is available for public viewing in the City Clerk's Office.

ATTACHMENT: Appeal Letter Dated March 10, 2014

PREPARED BY: David Whitham, Captain

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



RECEIVED

3/10/2013

2014 MAR 13 AM 8:58

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

To: City Clerk
Mayor & City Council
City of Santa Barbara
735 Anacapa St.
Santa Barbara, CA. 93101

Re: Fire & Police Commission

February 27, 2014 Fire & Police Commission meeting

Staff recommendation to suspend 805 Roadside Towing from the "City Tow Rotation List"

Dear Mayor Schneider & Council Members,

I own and operate 805 Roadside Towing in Santa Barbara and my company has been suspended as of February 27, 2014 from the City Tow Rotation List. A recommendation was made to the Fire & Police Commission to suspend our company based on a belief that we do not meet the minimum requirements of the "Santa Barbara Police Department Tow Rotation List Rules and Regulations". The Fire & Police Commission voted 3 -2 to uphold the Police Department's recommendation. I believe the Department and the Commission misinterpreted the intent of recent revisions to the Regulations and I respectfully request that you review their decision.

Prior to this suspension, 805 Roadside Towing had been active on the City Tow Rotation List since July, 2012 with no complaints or service related concerns. In fact, your officers appreciate our high level of service. We take our partnership with the City of Santa Barbara very seriously and we demonstrate this by responding promptly and professionally. Our drivers are respectful, their uniforms are clean and they arrive in spotless, safe trucks. We think this reflects well on your police department.

As of September, 2013, City Council approved changes to the "Santa Barbara Police Department Tow Rotation List Rules and Regulations" The most critical is the new requirement pertaining to length of time in business and this requirement has been used to challenge my company's eligibility to remain active on the "List".

A.) "Pursuant to Santa Barbara Municipal Code section 5.30.020(a) all operators shall have had a valid business license and Tow Operator Permit issued by the City of Santa Barbara ("City") for a period of at least 3 years prior to application for inclusion."

We were issued a City business license October 2, 2011.

The municipal code uses the verbiage "...prior to application for inclusion...". Though there was discussion (within the Fire & Police Commission meeting) about an annual application process, it was ultimately decided the "Tow Compliance Officer" would inspect the tow companies each year for compliance with the "Rules & Regulations" and the tow operators need not engage in an annual application or renewal process. Nothing in the new code states that the 3 year requirement should be applied retroactively and our company meets all other requirements of the code.



In 2012 when I submitted an application for inclusion on the "List" the length of time in business minimum requirement stood at 6 months. All requirements for inclusion were met and verified by representatives of the Santa Barbara Police Department.

We are suffering significant financial impacts as a result of the decision made by the Fire & Police Commission to suspend our company for the following reasons:

1. Per the Rules and Regulations, my company is required to maintain 20,000 square feet of storage space. I have leased two storage yards, one containing our office. The lease for the primary office and storage yard was contingent upon the approval of the Santa Barbara Police Department for my company to operate on the City Tow Rotation. Though a suspension has been imposed, my leases remain in effect.
2. We have invested heavily in equipment to ensure that we can provide the high level of service that the City of Santa Barbara requires.
3. We employ excellent drivers who have worked decades in the towing industry. Their families will feel the financial impact of this decision.

We have built 805 Roadside to operate at a level consistent with City standards and it will be very difficult to sustain with the loss of revenue due to this suspension. I have made enormous sacrifices to maintain eligibility for the City Tow Rotation as there are specific requirements that do not exist in the "Tow Service Agreement" of other agencies. Furthermore, I have followed every parameter of the "Rules and Regulations", and continuously improve the company to better serve the City. The decision to suspend 805 Roadside has created an undue hardship for our company and does not benefit the City in any way.

I respectfully request that we be allowed to continue operating on the City Tow Rotation. Thank you, in advance, for your time and consideration.

Sincerely,

Aaron Boucher
Owner/Operator

City of Santa Barbara Board of Fire and Police Commissioners
SANTA BARBARA POLICE DEPARTMENT TOW ROTATION LIST
Rules and Regulations

1. GENERAL

These rules for the Santa Barbara Police Department Tow Service Rotation List are *in addition* to the Santa Barbara Municipal Code and the Fire and Police Commission's rules governing all tow service operators. The Fire and Police Commission shall have complete authority to include a tow service operator (hereinafter called "operator") on the Tow Service Rotation List (hereinafter called "List")

Operators agree to comply with the Rules and Regulations as set forth in this document. Participation in the SBPD Tow Rotation Program is voluntary. However, compliance with the terms and conditions of the Rules and Regulations is **mandatory** for all participating companies. Furthermore, the operator agrees that failure by the operator or the operator's agent to comply with these terms and conditions shall be cause for written reprimand, suspension, or termination from the List.

2. BASIC REQUIREMENTS

- A. Operators desiring inclusion on the List must first meet the requirements and standards contained herein.
- > B. Any Operator applying for inclusion on the List shall have a minimum of three (3) verifiable years of for-hire towing experience, as an owner or principal, prior to the final filing date of an enrollment period to qualify. Verifiable years of for-hire experience shall be decided by the Chief of Police or the Chief's designee on behalf of the Santa Barbara Police Department. (Hereinafter, the Chief of Police, a Chief's designee, and the Santa Barbara Police Department shall all be referred to collectively as "SBPD").
- > C. Pursuant to Santa Barbara Municipal Code section 5.30.020(a) all operators shall have had a valid business license and Tow Operator Permit issued by the City of Santa Barbara ("City") for a period of at least 3 years prior to application for inclusion.
- D. New operators (on the list) and their employees shall be fingerprinted for the purposes of conducting criminal history inquiries and they shall pay the standard fingerprinting fees associated with the fingerprinting and criminal history check process.
- E. Operators on the List shall have a sufficient number of tow trucks to provide service for the city and shall include at minimum (1) 25,500 GVW wrecker and (1) flat-bed. Additional equipment should be considered by the operator to ensure a specific equipment request by the SBPD can be fulfilled.
 - a. Should an operator be summoned to tow a vehicle that exceeds the capability of their equipment, the responding operator will have the opportunity to request service from another company currently approved to tow for the SBPD rotation. The assisting company will ultimately decide whether they will take possession of the vehicle or complete a tow to the storage facility of the original responding operator. Any charges incurred between companies must remain consistent with SBPD approved towing rates.
 - b. The SBPD will recognize the summoned operator as the company responsible for the impounded vehicle. Should the assisting company take possession, the SBPD must be notified within (1) hour from the time of the tow. Liability will be upheld among companies assisting one another in accordance with state and local laws. The SBPD shall not indemnify the companies against any claims made.



**City of Santa Barbara Police Department
Tow Rotation List Application – pg 1 of 2**

| | | |
|-------------------|----------------------------------|--------------------|
| Company Name: | | Years in business: |
| Owner Name: | Owner Name (if multiple owners): | |
| Contact Name: | Contact Phone: | |
| Mailing Address: | | |
| City, State, Zip: | | |

MINIMUM REQUIREMENTS

Per the "Rules & Regulations for Tow Service Operators on Rotation List for the Police Department," to be eligible for inclusion on the Tow Rotation List, among other requirements, companies must meet these criteria:

- Have a valid business license issued by the City of Santa Barbara for at least six (6) months prior to application for inclusion.
- Have the capability of towing large scale vehicles such as motorhomes, RV's, and delivery trucks.
- Have, at minimum, 20,000 sq ft of storage available, with both indoor (evidence) and outdoor storage.
- Must furnish towing and storage services twenty-four (24) hours per day, seven (7) days per week, within the maximum response time limit, for all vehicles taken into custody or caused to be removed from public streets by the Police Department during the time assigned to that operator.

BUSINESS INFORMATION

| | |
|--|--|
| Do you have a City-issued Tow Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No | Do you have a City business license? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is your primary storage facility within City limits? <input type="checkbox"/> Yes <input type="checkbox"/> No, it's ___ miles outside of the City limit. | |
| Do you currently possess insurance coverage as required by the City? <input type="checkbox"/> Yes <input type="checkbox"/> No* * If not, do you have the ability to obtain the required insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If selected, do you agree to abide by the following City-approved policies (attached): | |
| Maximum Rate Schedule | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Rules and Regulations for Tow Service Operators on Rotation | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Regulations for Tow Operators | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Other Law Enforcement Agencies you have contracts with: | Length of Time: |
| | |
| | |
| | |



Fire and Police Commission

City of Santa Barbara

215 EAST FIGUEROA
MAIL: P.O. BOX 539
SANTA BARBARA
93102

March 12, 2014

Aaron Boucher
805 Roadside Towing
823 E. Mason St.
Santa Barbara, CA 93101

RE: Suspension from Tow Rotation List

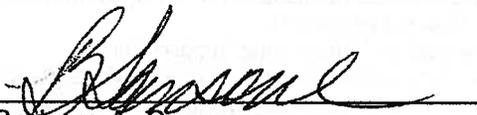
Dear Mr. Boucher:

This is to notify you that the Santa Barbara City Fire and Police Commission, at its regular meeting on February 27, 2014 suspended your business, 805 Roadside Towing from participating in the Police Department's Tow Rotation List until such time as you come into compliance with the City Revised Tow Rotation Rules and Regulations. This action was taken due to a 3 to 2 voted by the Commissioners to uphold the Police Department's recommendation.

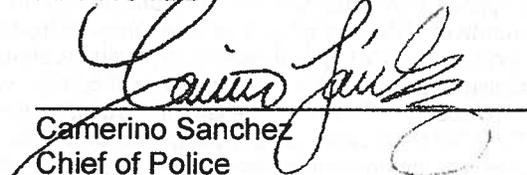
Pursuant to Santa Barbara Municipal Code §1.30.050 (copy attached), if you wish to appeal the decision of the Commission to the City Council, you have ten (10) days from the receipt of this letter to file such appeal, in writing, with the City Clerk's Office.

Sincerely,

FIRE & POLICE COMMISSION


Barbara A. Sansone
Secretary to the Commission

APPROVED


Camerino Sanchez
Chief of Police

cc: Tax & Permit Office
City Attorney
Police Special Investigations
Fire & Police Commissioners

/bas

CORRESPONDENCE RECEIVED FROM APPELLENT



ROADSIDE TOWING

To: City Clerk
Mayor & City Council
City of Santa Barbara
735 Anacapa St.
Santa Barbara, CA. 93101

3/10/2013

Re: Fire & Police Commission

February 27, 2014 Fire & Police Commission meeting

Staff recommendation to suspend 805 Roadside Towing from the "City Tow Rotation List"

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I respectfully request that we be allowed to continue operating on the City Tow Rotation. Thank you, in advance, for your time and consideration.

Sincerely,

Aaron Boucher
Owner/Operator



- Exhibit A: Timeline
- Exhibit B: Excerpt from Santa Barbara Police Department Tow Rotation Rules & Regulations as of 7/5/2012
- Exhibit C: Santa Barbara Police Department Tow Rotation Application as of 7/5/2012
- Exhibit D: Santa Barbara Police Department Tow Rotation Acceptance Letter for 805 Roadside Towing
- Exhibit E: Excerpt from Fire & Police Commission Meeting minutes: 8/23/2012
- Exhibit F: Email sent to Board members and Staff with attached letter written by Aaron Boucher of 805 Roadside Towing referenced in Fire & Police Commission Meeting minutes 8/23/2012
- Exhibit G: Excerpt from Fire & Police Commission Meeting minutes: 3/28/2013
- Exhibit H: Excerpt from Santa Barbara Police Department Tow Rotation Rules & Regulations as of 10/8/2013
- Exhibit I: Fire & Police Commission Meeting minutes 2/27/2014
- Exhibit J: Board member's votes



- 9/8/2011 Tow Permit Issued for 805 Roadside Towing
- 10/4/2011 Business License Issued for 805 Roadside Towing
- 2/2012 805 Roadside Towing submitted application for inclusion on the SBPD Tow Rotation List
- 7/5/2012 805 Roadside Towing added to City Tow Rotation
- 10/8/2013 Santa Barbara City Council approves changes submitted by the Santa Barbara Fire & Police Commission to the Rules & Regulations for Tow Operators on the City's Tow Rotation
- 1/23/2014 At the annual "Tow Operator Meeting" SBPD recommends 805 Roadside Towing be suspended from the City's Tow Rotation List until they meet all minimum requirements of the "Rules & Regulations" – Fire & Police commission meeting continued to 2/27/2014 due to time restraints
- 2/27/2014 The SBPD's recommendation to suspend 805 Roadside Towing from the "List" is upheld by a vote of 3 – 2 by the Fire & Police commissioners

City of Santa Barbara- Board of Fire and police Commissioners
Rules and regulations for Tow Service Operators on Rotation List
For the Police Department

1. GENERAL

These rules for the Police Department's Tow Service Rotation List are *in addition* to the Commission's rules governing all tow service operators. The Commission shall have complete authority to include a tow service operator (hereinafter called "operator") on the Tow Service Rotation List (hereinafter called "List")

Operators agree to comply with the Rules and Regulations as set forth in this document. Participation in the SBPD Tow Rotation Program is voluntary. Compliance with the terms and conditions of the Rules and Regulations is mandatory for all participating companies. Furthermore, the operator agrees that failure by the operator or the operator's agent to comply with these terms and conditions shall be cause for written reprimand, suspension, or termination from the List.

2. BASIC REQUIREMENTS

A. Operators desiring inclusion on the List must first meet the requirements and standards contained herein.

B. Any Operator shall be eligible for inclusion on the List if he/she has had a valid business license issued by the City of Santa Barbara for at least six (6) months prior to application for inclusion. Tow Operator Permits shall be valid for three years. Permits can automatically renewed if there have been no complaints filed against operator.

C. As of September 1, 2003 operators on the List shall have the capability of towing large scale vehicles such as motor homes, RV's and delivery trucks.

D. Operators on the List shall have, at minimum, 20,000 square feet of storage available, which will allow for both indoor (Evidence) and outdoor storage.

E. Operators on the list shall furnish towing and storage services twenty-four (24) hours per day, seven (7) days per week, within the maximum response time limit, for all vehicles taken into custody or caused to be removed from public streets by the Police Department during the time assigned to that operator. The City will apportion the time equally among the operators accepted on the list.

Exception: Abandoned car service for the Police Department from 8:00 am to 5:00 pm. Monday through Friday Release to owner as in Rules for Towing Service Operators

E. The operator shall respond to calls 24 hours a day, seven (7) days a week, within the maximum response time limits established by the SBPD.

F. The maximum rates to be charged for services while conducting tow operations for the Police Department shall not exceed those rates established by the Commission. Refer to the current schedule. A copy of the rate schedule shall be kept in the tow unit at all times and given to the owner/operator when a vehicle is released at the scene.

G. Operators who do business at the request of any City employee or official acting in his/her official capacity shall have liability insurance with minimum requirements established by the City and shall name the City, its officers, employees and agents as named or additional insured for the operations conducted



**City of Santa Barbara Police Department
Tow Rotation List Application – pg 1 of 2**

| | | |
|-------------------|----------------------------------|--------------------|
| Company Name: | | Years in business: |
| Owner Name: | Owner Name (if multiple owners): | |
| Contact Name: | Contact Phone: | |
| Mailing Address: | | |
| City, State, Zip: | | |

MINIMUM REQUIREMENTS

Per the "Rules & Regulations for Tow Service Operators on Rotation List for the Police Department," to be eligible for inclusion on the Tow Rotation List, among other requirements, companies must meet these criteria:

- Have a valid business license issued by the City of Santa Barbara for at least six (6) months prior to application for inclusion.
- Have the capability of towing large scale vehicles such as motorhomes, RV's, and delivery trucks.
- Have, at minimum, 20,000 sq ft of storage available, with both indoor (evidence) and outdoor storage.
- Must furnish towing and storage services twenty-four (24) hours per day, seven (7) days per week, within the maximum response time limit, for all vehicles taken into custody or caused to be removed from public streets by the Police Department during the time assigned to that operator.

BUSINESS INFORMATION

| | |
|--|--|
| Do you have a City-issued Tow Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No | Do you have a City business license? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is your primary storage facility within City limits? <input type="checkbox"/> Yes <input type="checkbox"/> No, it's ___ miles outside of the City limit. | |
| Do you currently possess insurance coverage as required by the City? <input type="checkbox"/> Yes <input type="checkbox"/> No* * If not, do you have the ability to obtain the required insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If selected, do you agree to abide by the following City-approved policies (attached): | |
| Maximum Rate Schedule | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Rules and Regulations for Tow Service Operators on Rotation | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Regulations for Tow Operators | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Other Law Enforcement Agencies you have contracts with: | Length of Time: |
| | |
| | |
| | |



City of Santa Barbara
Police Department

www.sbpd.com

July 10, 2012

Aaron Boucher
805 Roadside Towing
823 E. Masen St.
Santa Barbara, CA 93101

Chief's Office
805 897 2395

General Information
805 897 2390

Animal Control
805 863 1513

Business Office
805 897 2400

Community Services
805 897 3717

Dispatch
805 897 2410

Office of Emergency
Services
805 897 3725

Parking
805 897 2360

Patrol
805 897 2392

Records
805 897 2355

215 E. Figueroa St.
Santa Barbara, CA
93101

PO Box 609
Santa Barbara, CA
93102

Dear Mr. Boucher:

This letter is to confirm that you have been selected to occupy the 7th spot on the City of Santa Barbara's Tow Rotation List. Your acceptance of this position indicates your willingness and agreement to abide by all laws, and Rules and Regulations pertaining to the Tow Rotation List.

Your company was added to the Tow Rotation List on July 5th, 2012. We look forward to working with you.

If you have any questions or comments, please contact Police Technician Holly Perea by calling (805) 897-2333.

Sincerely,


CAMERINO SANCHEZ
Chief of Police

Cc: Police Technician Holly Perea
Fire & Police Commissioners

**Pages 2 – 3 from Fire & Police Commission Meeting minutes:
8/23/2012**

The reasons why it was decided that the regulations should be reviewed was that they hadn't been reviewed since 2003, and there was interest in updating for safety, legal adherence, and public satisfaction/quality of service.

It was decided to hold a brief discussion now, then have one more sub-committee meeting with tow operators to go over changes, and then Commission will tentatively vote on changes in October.

Christensen reviewed the proposed changes:

- Minimum of 5 trucks to operate
- Amount of storage space required (20,000 sq. ft.) be all contiguous space. A counter proposal is that the requirement is reduced to 15,000 sq. ft.
- Donation of vehicles for training purposes (formalize an informal agreement)
- Providing items for file – addition of lease or ownership documentation to the property; additional support or evidence of sufficient storage space; additional photos of equipment; specificity of workers comp and liability insurance
- Annual meeting to review operations and issues, modified to become a requalification
- Specifying current training requirements and available training, and specific certifications
- Uniforms/ID of employees; professional appearance
- Specific information to be provided to the department
- Employer pull notice program specific language
- Tow truck classifications, current legal requirements
- Operational requirements – notice to the public and postings
- Suggestion to articulate expectations for response times
- Safety and personnel allowed on scene
- Scene cleanup – environmental issues
- Release of property and PD authorization
- Vehicle inspection
- Demeanor and conduct language
- Tow complaint procedures
- Fair and impartial activities of tow operators

**Pages 2 – 3 from Fire & Police Commission Meeting minutes:
8/23/2012**

- Disciplinary action
- Operator approval of rules
- Available training courses listed

Torell stated 805 Roadside Towing is a recent addition to the tow list and responded to the changes with a letter. He also stated that he would like the tow operators to meet among themselves to review and approve the changes. If an agreement on a change cannot be finalized among the group, that he or Christensen would negotiate at a sub-committee meeting.

Christensen stated that they would want to know any change that would make an operator ineligible so they can address that in advance. She also asked that the letter from 805 Roadside be posted with the agenda from today's meeting on the City website. It was agreed that the final sub-committee would be scheduled for the second week of October. (Captain Whitham and Officer Jaycee Hunter will be attending this meeting)

Rodriguez mentioned that there was a problem with all the tow operators receiving notification about the initial meeting. Christensen stated that the meeting today and the final sub-committee meeting should allow everyone to participate.

Robert Nieves, Nieves Towing has an issue with the 5 truck and contiguous location requirements. They operate for law enforcement only, and do not need more vehicles. Also his office and storage locations being separate have never interfered with operations. Torell suggested that these issues be discussed in the tow group meeting. Christensen stated the Commission will want to know those items that would make a company fall out of compliance. However, Commissioner Christensen stated that no grandfathering of rules will occur to eliminate having 2 sets of rules to enforce.

Aaron Boucher from 805 Roadside Towing volunteered to coordinate the tow operator meeting. Chuck Love from Love's Towing requested that a commissioner attend this meeting as well. Torell stated he was willing to attend.



Aaron Boucher < aaronaboucher@gmail.com >

805 Roadside Proposed Changes to Tow Rules & Regulations

1 message

Sansone, Barbara < BSansone@sbpd.com >

Tue, Jul 17, 2012 at 11:28 AM

To: "Whitham, David" < DWhitham@sbpd.com >, "Perea, Holly" < hperea@sbpd.com >, Diego Santos-Torres < dball93101@yahoo.com >, Jennifer Christensen < jenchrise@cox.net >, Joe Rodriguez < venco1996@msn.com >, John Torell < jjtorell@gmail.com >, Pat Lennon < pat@west.net >, 805 Roadside < aaronaboucher@gmail.com >, Holzer's < holzertowing@aol.com >, Loves Towing < lovestowingstabar@yahoo.com >, Nieves Towing < nievestowing@gmail.com >, Smitty's < info@smittystow.com >, "St. Barbara Towing" < santabarbaratowing@verizon.net >, Thomas Towing < thomastow@aol.com >

Aaron Boucher of 805 Roadside brought this by today and asked that I send it to you. Please bring this along with the previous document that I sent you to this month's meeting. (July 26, 2012 @ the PD)
Barbara

Your message is ready to be sent with the following file or link attachments:

Scan0028.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

 **Scan0028.pdf**
393K

**Attachment from email:****805 Roadside Proposed Changes to Tow Rules & Regulations**

Santa Barbara Police & Fire Commission

CC: Chief Camerino Sanchez, Chief Andrew Dimizio, Holly Perea, Barbara Sansone

The following are recommendations I have for operators desiring inclusion on the Santa Barbara Police Dept. Tow Rotation List:

- Grandfather existing "Rules and Regulations for Tow Service Operators" currently on "The List"
- Require 1 year with city business license prior to application for inclusion
- There should be no minimum amount of tow trucks required as long as service provider can comply with the needs of the city. It should be noted that California Highway Patrol requires a minimum of 1 tow truck for each class.
- <26,000 GVW equipment has been sufficient for the majority of city towing for the past several decades and if companies are unwilling to participate in Class B towing that should be the choice of the company. It should be noted that California Highway Patrol does not require companies to participate in class B towing, in fact it is an entirely separate rotation. I think the board should consider allowing companies to use other companies with heavier equipment to facilitate towing to their yard for storage. For example: If company "A". is requested by the city to tow a vehicle larger than they are capable, and company "B". has equipment available to facilitate the tow within reasonable response time, they would tow the vehicle to company "A"s storage yard and charge company "A" for the tow.
- Companies towing for the city should have their main office and storage yard located within city limits.
- The minimum amount of storage space should be reduced to 15,000 sq ft including primarily outdoor storage with secure indoor storage for a minimum of 1 vehicle. The main office and primary storage facility should be located at the same address, however should the primary yard be less than 15,000 sq ft, auxiliary storage yards should be optional.
- The Board should personally visit each and every operator's place of business prior to making their decision, and take into account what each company has to offer to the public. Each towing service in the Santa Barbara and Goleta area services different needs of the community and each is very different. Towing for the California Highway Patrol (which the proposed changes are clearly modeled after) and towing for the city of Santa Barbara is completely different. Changes to the Rules and Regulations should be carefully made as it may cripple several companies currently providing great service to the city.

**Page 6 of Fire & Police Commission Meeting minutes:
3/28/2013**

MOTION PART THREE: MOTION REOPENED: To have the suspension of the Dance Permit effective immediately.

VOTE: Ayes 3 (Rodriguez, Torres-Santos, Lennon) No 1 (Torell)

8. REVIEW OF PROPOSED RULES AND REGULATIONS FOR TOW COMPANIES ON THE CITY'S TOW ROTATION LIST

Commissioner Torell spoke regarding the proposed Rules and Regulations for Tow Companies on the City's Tow Rotation List. Torell commended Officer Hunter for his assistance in this process.

Officer Hunter spoke regarding a 3 hour meeting he had with all of the companies on the City's Tow Rotation List.

Officer Hunter spoke regarding the infrequency of the tow companies needing a heavier duty truck for tows and the prohibitive cost of purchasing one of these vehicles. It was decided that the heavier light duty trucks could tow most of the RV's with no problem. In 2012 the Police Department towed 2803 vehicles and only 3 of them were RV's (1/10 of a percent). There are other companies on the list that have heavier duty trucks if needed.

It was decided that 20,000 sq. feet is a reasonable and acceptable minimum number of square feet. It was also decided that the 20,000 sq. feet could be achieved by combining a maximum of 2 properties.

According to the Municipal Code, 5.30.030 (b) it is stated that the office for the tow company must be located on the storage property.

There is no point of contention for any of the other terms on the Proposed Tow Rules and Regulations.

Commissioner Torell asked about the maximum number of tow companies and how the department felt. Deputy Chief Mannix said the department's only concern is that they have prompt service.

Officer Hunter said the only factor to consider in this is with fewer companies on the list, the tow companies on the list would make a little more money.

Chuck Love spoke about reducing the number of tow companies to 5 immediately and not "grandfathering" the other 2 companies in and also that the two newest companies do not qualify according to the new rules and regulations. Commissioner Torell stated all of the companies had been approved and placed on the list by the Commission and he does not want to "throw people off the list" because of a new rule change.

Commissioner Torell stated they would just not use the term "grandfathered in."

Officer Hunter said he would make the minor changes and send to the City Attorney's Office.

MOTION: Torell to approve the draft of Proposed Rules and Regulations with minor changes discussed, and will send to the City Attorney's Office.

VOTE: Unanimous Voice Vote; Motion Passed.

City of Santa Barbara Board of Fire and Police Commissioners
SANTA BARBARA POLICE DEPARTMENT TOW ROTATION LIST
Rules and Regulations

1. GENERAL

These rules for the Santa Barbara Police Department Tow Service Rotation List are ***in addition*** to the Santa Barbara Municipal Code and the Fire and Police Commission's rules governing all tow service operators. The Fire and Police Commission shall have complete authority to include a tow service operator (hereinafter called "operator") on the Tow Service Rotation List (hereinafter called "List")

Operators agree to comply with the Rules and Regulations as set forth in this document. Participation in the SBPD Tow Rotation Program is voluntary. However, compliance with the terms and conditions of the Rules and Regulations is **mandatory** for all participating companies. Furthermore, the operator agrees that failure by the operator or the operator's agent to comply with these terms and conditions shall be cause for written reprimand, suspension, or termination from the List.

2. BASIC REQUIREMENTS

- A. Operators desiring inclusion on the List must first meet the requirements and standards contained herein.
- B. Any Operator applying for inclusion on the List shall have a minimum of three (3) verifiable years of for-hire towing experience, as an owner or principal, prior to the final filing date of an enrollment period to qualify. Verifiable years of for-hire experience shall be decided by the Chief of Police or the Chief's designee on behalf of the Santa Barbara Police Department. (Hereinafter, the Chief of Police, a Chief's designee, and the Santa Barbara Police Department shall all be referred to collectively as "SBPD").
- C. Pursuant to Santa Barbara Municipal Code section 5.30.020(a) all operators shall have had a valid business license and Tow Operator Permit issued by the City of Santa Barbara ("City") for a period of at least 3 years prior to application for inclusion.
- D. New operators (on the list) and their employees shall be fingerprinted for the purposes of conducting criminal history inquiries and they shall pay the standard fingerprinting fees associated with the fingerprinting and criminal history check process.
- E. Operators on the List shall have a sufficient number of tow trucks to provide service for the city and shall include at minimum (1) 25,500 GVW wrecker and (1) flat-bed. Additional equipment should be considered by the operator to ensure a specific equipment request by the SBPD can be fulfilled.
 - a. Should an operator be summoned to tow a vehicle that exceeds the capability of their equipment, the responding operator will have the opportunity to request service from another company currently approved to tow for the SBPD rotation. The assisting company will ultimately decide whether they will take possession of the vehicle or complete a tow to the storage facility of the original responding operator. Any charges incurred between companies must remain consistent with SBPD approved towing rates.
 - b. The SBPD will recognize the summoned operator as the company responsible for the impounded vehicle. Should the assisting company take possession, the SBPD must be notified within (1) hour from the time of the tow. Liability will be upheld among companies assisting one another in accordance with state and local laws. The SBPD shall not indemnify the companies against any claims made.

CITY OF SANTA BARBARA
FIRE & POLICE COMMISSION MINUTES

Thursday, February 27, 2014 @ 4:00
(Hosted by Police Department
David Gebhard Public Meeting Room
630 Garden St.

REGULAR MEETING

1. CALL TO ORDER/ROLL CALL:

Present: Commissioners: Christensen, Torres-Santos, Torell, Laponis, and Melekian

Staff Present: Fire Chief Pat McElroy, Battalion Chief Robert Mercado, Police Captain David Whitham, Officer Jaycee Hunter, City Attorney John Doimas and Police Technician Holly Perea.

Commissioner Christensen asked that the order of the Agenda be changed, reversing items 7 and 8, Making the Annual Tow Meeting item 7 and the Ameriquest Security Application Item 8.

2. APPROVAL OF MINUTES:

MOTION: Torell to approve minutes of January 23, 2014. Laponis seconded.

VOTE: Unanimous voice vote.

3. PUBLIC COMMENT:

Any member of the public may address the Fire & Police Commission for up to one minute on any subject within the jurisdiction of the Commission that is not scheduled for a public hearing before the Commission. The total time for this item is 10 minutes. If you wish to address the Commission under this item, please complete and deliver to the Commission Secretary before the meeting is convened, a "Request to Speak" form, including a description of the subject you wish to address.

None.

4. SUBCOMMITTEE REPORTS

Christensen explained the workings of the Fire & Police subcommittees to the new Commissioners and asked that the appointing of the subcommittees be agendized for the next meeting.

5. OLD BUSINESS:

None.

6. NEW BUSINESS:

Commissioner Laponis commended the staff for providing all of the information needed before today's meeting.

Commissioner Christensen wanted to reiterate her request to dispense response times, doing a budget workshop and a report on fire vehicles.

Chief McElroy said that Chief Bryden had a vehicle report regarding the fire vehicles at the station and said that he would email the report to the Commissioners.

Commissioner Laponis would like to know what the authority of the Commissioners is even after he had read the Commissioners guidelines.

Commissioner Christensen said the Charter lays out their duties but the City Clerk's Office may maintain some archived documents regarding the duties and responsibilities of the Commissioners.

Commissioner Torell asked that this information be provided via email to them.

7. ANNUAL MEETING FOR TOW OPERATORS TO DISCUSS ISSUES CONCERNING THE TOW ROTATION.

Present: All operators on the City's Tow Rotation List.

Captain Whitham stated that the Commissioners received an investigative report from Officer Hunter via email.

- Capt. Whitham stated that Nieves Towing has made corrections that they needed but 805Roadside does not fall into compliance. He stated it was the department's recommendation to suspend 805 Roadside until they come into compliance with the Rules & Regulations. Captain Whitham was asked to summarize what the violations were are. He stated that a memorandum was sent to Commissioners:
 - Failure to comply with minimum storage space requirements (805 attempts to utilize driveway area as part of their storage space)
 - 805 fails to possess a business license for a minimum of 3 years. 805 had assumed they would be "grandfathered" into the rotation. Captain Whitham said the Commissioners did not approve the "grandfathering" provision.
 - Issues identified by Officer Hunter: Building Code permitting for 823 E. Mason St. site states that this location is not within current Code compliance.
 - Tax liens against Aaron Boucher. These are not specifically a reason for denial, however, the Rules & Regs state that operators shall comply with Federal, State and local laws and that the Commissioners shall approved towing permits if they find the applicant is of good character.

Captain Whitham stated that this is a summary of Officer Hunter's investigation into all of the tow operators, specifically that of Nieves and 805 Roadside, and that Officer Hunter is available to expand on any of these findings.

Commissioner Torell stated that his understanding is that everyone stays on the list with the exception of 805 and that this is the Police Department's recommendation?

Captain Whitham stated, "Yes."

Commissioner Torell stated that their discussion should center on the 4 reasons given and see whether they can or have been overcome.

Captain Whitham stated he and Officer Hunter would be available to answer any questions regarding these 4 issues.

Commissioner Melekian asked if there are 6 companies on the rotation and that a 7th is being considered.

Captain Whitham answered that there are currently 7 companies on the rotation and the department's recommendation is that 805 be removed due to compliance to the Rules and Regulations issues and they would be put back on the list when they come into compliance.

Commissioner Melekian asked if there was a limit as to how many companies can be on the tow rotation list?

Captain Whitham stated that the limit of companies is 7. Commissioner Christensen said the number of companies was raised to 7 in order to allow for maximum public safety response.

Melekian referred to a sentence in the letter sent to Aaron Boucher making reference to the Municipal Code and saying the Fire & Police Commissioner "shall" approve. He asked if the "shall" is part of the Municipal Code or is that just verbiage in the letter. Officer Hunter recited from the Code that "Upon the filing of an application, the board shall cause an investigation to be made and shall approve a towing permit if it finds that the conduct or operation of a towing operation would not be detrimental or injurious to the public welfare and that the applicant is of good character and of good business repute." Officer Hunter stated that this was from the Municipal Code regarding all tow companies.

Captain Whitham stated that this is not a reflection of the service that the 7 companies have provided to the department and that all 7 companies provide good service. This action is simply because of the new Rules and Regulations and the department has no issue whatsoever with the service provided by any of the companies on the list.

Torell asked to address each of the 4 items that form the basis of why the department wants to eliminate 805.

Commissioner Torell stated he is struggling with the idea that the only reason 805 doesn't meet the requirements is because the Commissioners changed the rules. He remembered that the Commissioners didn't want to change the rules to eliminate people. He said their reason to change the rules was primarily because of Public Safety and good service concerns and they didn't want to automatically eliminate people because of the rules. Torell said he didn't think the 3 year license requirement was in effect when 805 was placed on the list and he doesn't understand how it was OK to put them on the list in the first place and now because the Commissioners changed the rules, all of a sudden, because of a technicality, 805 doesn't meet the requirements and he is struggling with this.

Captain Whitham stated that these are the Commissioners rules that they decided on and implemented. He stated that Officer Hunter met with all of the tow companies and there were no objections at the time they were implemented.

Christensen stated that she was part of the committee to change and update these rules. Meetings were held with staff and tow operators. She stated that she and Torell did have a different opinion on the "grandfathering" issue but at the end of the day Public Safety was the most important issue and that it was important that the companies be in basic compliance with state and federal law. Christensen stated there was a meeting with the tow operators and it was made very clear that these rules would apply and go into effect in January, giving time to all operators to come into compliance. Christensen stated that her intent was "no grandfathering" and that she stated this.

Torell stated that he agrees with everything Christensen said regarding changing the rules and regulations to insure public safety, however, he feels that the 3 years is an arbitrary rule and has nothing to do with public safety.

Public Comment:

Aaron Boucher of 805 Roadside Towing stated that the 3 year requirement was a new change to the document and he didn't address it because of the "tone" that existed in earlier meetings where he assumed that the 3 year business license would be addressed separately.

Christensen asked Boucher about the meeting with Officer Hunter and the other tow operators and if he didn't understand that all of these rules and regulations that they concurred on were going to apply to 805. Boucher stated he didn't recall bringing that issue up but he did remember agreeing to move forward with the rules and regulations and that it was a "lousy" assumption on his part that because of the prior meetings and how it was discussed that he thought that part of the new rules and regulations (3 year rule) would not apply.

Boucher stated that he submitted several responses to the Commissioners and he wanted to confirm that they were received by the Commissioners and hopefully reviewed.

Christensen said they did receive his responses and she thought that 32 pages was a lot of material to read the day before the meeting but she did read it.

Boucher said he put the document together after he received his report from Officer Hunter so he only had a small window of time to put together what information he had. He said he just wanted to confirm that the Commissioners received his reply before they made their decision.

Laponis asked if the Commission were to deny 805, could 805 come back as soon as they met all the requirements as opposed to waiting until the next Annual meeting.

Captain Whitham said there is nothing prohibiting that. Christensen said that yes, they can make these decisions anytime throughout the year.

Commissioner Melekian asked Boucher how long he has had his license. Boucher stated that he is 9 months shy of the 3 year requirement.

Christensen asked if Boucher wanted to address any of the other findings in the report.

Boucher said that he has added additional space to his auxiliary storage yard. It totals just under 12,000 sq. feet. Boucher said that at the time, Officer Hunter didn't seem to see using the driveway as a problem. Boucher stated that they don't actually store very many vehicles in that yard and that maybe only 6 or 7 vehicles are stored in that 12,000 sq. ft. space. Boucher stated he would like the driveway to be considered storage space as it would put him up over 20,000 sq. feet, especially because of the limited use of this space. He stated that they would not be pulling cars out into the street and affecting the travel of other cars. He stated that yard is on a private street and is a dead end. He stated there is hardly any public traffic on that street and they would not cause any interruption of traffic by utilizing that driveway space. He stated they are up and over 20,000 sq. ft. at their primary storage yard. Boucher stated that it wasn't until he received the follow up investigation report and saw that Officer Hunter stated that he would not be able to use the driveway space that he realized he couldn't use the driveway.

Boucher stated they tried to come up and over 20,000 sq. ft. by reconfiguring their storage space.

Boucher stated that the measurements were different both times their primary storage yard was measured.

Torell asked about the zoning issue.

Boucher stated there is no zoning issue and that there is an issue with the building code. He said that Officer Hunter asked him about this. He said that he spoke to several different people about it. Boucher stated that in 2012, before he was on the list, they got 3 permit clearances signed by the Building Department, Fire Department and Public Works. They all signed up on the use permits. He assumed these were the permits that were needed for the property. He said Officer Hunter did not mention these in his report. He said before he went full speed ahead with the business he wanted to be sure he could use the property for the business he intended. He said he did what he thought was necessary and that if additional permits are necessary he expects it to be an expensive and lengthy process. He did state in his report that they do not seem to be the only company lacking such permits. He said he went to the City to see if the other tow companies had something he did not.

Christensen asked Officer Hunter if he wanted to rebut some of the comments.

Officer Hunter stated that he had a 3 hour meeting with tow operators a year and a half ago. He said they all went over each section and after each section was reviewed he asked if any of the operators and any issues or concerns. Officer Hunter said he didn't care about how much storage space the companies had at that time. Officer Hunter said that now that he's seen how the yards are set up, when you need to get several big trucks in the yard and move vehicles around, you need a lot of space and 20,000 sq. feet is not an unusually large amount of space to accomplish that. He said a failure to have that amount of storage space would have an effect on the public. Love's has the 20,000 sq. ft. at their Haley location, but because Haley St. has a lot of traffic, he decided to rent an additional space in Goleta and stores vehicles there so he doesn't disrupt traffic on Haley St. He said if they decide to cut and paste and just use driveways, then that defeats the whole concept of insuring that each operator has a sufficient amount of space so they are not a burden on the community. He said none of the companies have 20,000 sq. ft. of cars on their property and most likely never will but that is not the sole need for that space. He has learned of the value of that 20,000 sq. ft. of space. He said all of the operators had sufficient time to chime in on that issue.

Officer Hunter said that other issues came up during the meeting. Officer Hunter said the department was very responsive to the process and everyone had a chance to bring up the 20,000 sq. ft. issue and it was agreed upon.

Officer Hunter reviewed the letter that Boucher sent out. He said he did make a trip to the help desk at Zoning and Building and spoke to Curtis Harrison and Nicole Casper. He said they spoke to Mr. Boucher on Monday and he questioned them about what would be needed on his property. They said that Boucher didn't initially disclose exactly the intended use of the property was, making the structure a commercial space. When Boucher did, Officer Hunter said that Mr. Harrison said there needed to be permitting and there needs to be a process. Officer Hunter said he showed Harrison the document that was in the letter and asked if this document authorized the use of the property. He said that Harrison said, "Absolutely not." He said that was a document that is filled out in the process of getting a Business License. The address and

intended use is reviewed and they make a judgment "Could you have a tow company at that address." Officer Hunter said in this particular case you can, you're allowed to have a tow-company at that location but you need to get the proper permitting and that this document does not authorize the use of the structure on that property. Officer Hunter said the conversation he had with Casper and Harrison is not captured in the letter. He said that Mr. Harrison very clearly told 805 that this process needed to begin but that Aaron Boucher had walked out.

Officer Hunter said re IRS lien, he contacted an investigator to discuss this. The investigator told him that attention should have been given to these liens. The investigator said they were turning the case over to a "Revenue Officer."

Officer Hunter said the time period was discussed in the meeting they had and grandfathering was discussed. He said he made it very clear that there would not be any grandfathering.

Commissioner Torell said he didn't understand why a tow operator would not object about the 3 years, which is an arbitrary number. Torell said it was the Commissioners intention, which he expressed several times, that he didn't want these rules to throw people off this list.

Officer Hunter said everyone has been telling Boucher to fill out the documents but he has failed to do so but he can't explain why Aaron didn't bring up the 3 year issue.

Melekian wanted to know if all of the 4 issues raised were reflective of new rules or just the time and space.

Captain Whitham said the last 2 are not disqualifiers and they are just issues brought to the Commissioners attention.

Captain Whitham stated the 3 year business license is the only new rule (to answer Melekian's question). Captain Whitham stated that the 3 year rule was not that big a deal to the department.

Commissioner Torell said the only reason to deny this would be the storage space or the 3 year time issue. Torell stated that the other 2 issues do not affect Aaron Boucher being on the list.

Torell stated that he thought the 3 year rule was only going to be for new people. Christensen said her understanding is very different from his.

Torell said if he was on the tow list, he wouldn't have objected to the 3 year rule because he understood that the 3 years only to be applicable to new people who applied to be on the list.

Christensen said if she was a tow operator dealing with this issue she would "scream bloody murder" about the 3 year issue and have it eliminated or ask for 2 years.

Torell said that if 805 is going to be suspended it would be because he has 9 months to go on his 3 years or if they would use the driveway as part of the 20,000 sq. ft.

Christensen asked if any of the tow operators had any comments.

Joel Butera of Smitty's asked if Transportation would have to go and deem what is driveway and what is not driveway during the permitting process of Mason St.

Torell is assuming that this was done and that's why they were recommended to be added to the list.

Matt of Thomas Towing said he was confused and that everything was agreed on and voted on and there should be no discussion. He said people spent a lot of time and money to come to this conclusion today.

Christensen stated that there is always going to be an annual meeting for things to be discussed but you have to be in compliance and stay in compliance in order to stay on the list.

Aaron Boucher asked if he might not be the only one with an unpermitted building who is on the list.

Christensen said she couldn't take what Boucher wrote about everyone else and now consider that when making a decision. She said that that matter should be forwarded over to the department and incorporated into their review process. Christensen said in terms of Officer Hunter doing the inspections, she appreciates this. At the annual meetings they can review and see if everyone is in compliance and then have a formal report written up.

Aaron Boucher asked if the decision could be delayed until Officer Hunter investigates his claims re the other companies.

Christensen said he could ask but she didn't think this was appropriate. She said the information Boucher submitted could be reviewed and acted on accordingly by the department.

Chuck Love, of Love's Towing, said in the beginning the Commissioners said there would be no grandfathering in and the 3 years comes from the Rules and Regulations being fashioned after the States requirements. He stated that his office is a house, but every room is used as a business.

Torell asked if 805 has the required 20,000 sq. ft.

Christensen said according to the staff reports they do not. The driveway is access and not storage.

Boucher stated that the report left this open to interpretation by the Commissioners.

Torell stated that they thought it was OK when they put him on the list in the first place, they thought the 20,000 sq. ft. was alright.

Christensen said that Officer Hunter has gone out and identified the actual square footage and it is not in compliance.

Commissioner Laponis moved to adopt the staff's recommendation.

MOTION: Laponis to approve Holzer's, Love's, Santa Barbara Towing, Smitty's Towing, Thomas Towing and Nieves to continue on the rotation list and for 805 Roadside to be suspended from the Tow Rotation List, Commissioner Melekian seconded.

Commissioner Torell interjected that if we "throw this guy off the list" we are doing it on a technicality and maybe the measurements would be different if

someone else took them or perhaps the Police Department "has it in for this guy." He also stated that regarding the 3 year license, his understanding always was that the Commissioners would not make a new rule that would toss somebody off the list and this rule would be in effect as people dropped out, and new people were considered to replace them, they would have to have the 3 years.

Captain Whitham asked if Torell said that the Police Department "has it in for this guy."

Torell said that Boucher wrote a 32 page letter that upset him but he doesn't want his judgment to be based on his decision.

Captain Whitham stated that the Police Department does not "have it in" for 805 and that all of the 7 tow operators were giving good service to the department and this is solely by Officer Hunter's investigation.

Commissioner Laponis said he only knows what is in front of him now since he was not here for the process of the new Rules and Regulations and from that perspective he made the motion that he made.

Commissioner Melekian asked what the distinction is between suspending from the list and removing from the list. Suspension suggests that there is some action he can take to put him back on the list.

Commissioner Torres-Santos wanted to know if 805 is suspended, how long would this last.

Captain Whitham stated that 805 would be suspended until such time he comes into compliance with the Rules and Regulations.

VOTE: 3 Aye's (Laponis, Christensen and Melekian) and 2 Nay's (Torres-Santos and Torell): Motion passed.

Joel Butera stated that the tow rates were to be discussed at the January meeting and that have not been addressed since 2008. Commissioner Christensen thanked him for "keeping them on task."

(I will be contacting the Commissioners to see if and when this annual meeting will be rescheduled)

8. AMERQUEST SECURITY SERVICES PRIVATE PATROL APPLICATION

MOTION: Torell to approve Amerquest Application; Melekian Second

VOTE: Unanimous Voice Vote; Motion passed

9. FIRE CHIEF'S REPORT

From Chief McElroy

- Chief McElroy introduced Battalion Chief Robert Mercado to the Commissioners
- Chief Mercado has been successful in obtaining a \$400,000 grant to outfit all of the Engines and obtain personal portable radios for every member of the department.

- Chief Mercado displayed one of the new portable radios (98 purchased) that were purchased by the department; these are an upgrade from the old portables, better communications; radio has high visibility; go into hazardous environments without the potential of creating an explosion; it has 2 faces on it to see what frequency you are on and also an audible file to tell you what channel you are on; cell phones activate the radios through an App on the cell phone.
- Chief McElroy passed out the monthly report addressing January and February response times; goal under 4 minutes; actual average 3 min. 18 seconds; total incidents for January 669; Station 1 busiest station in the City; 100 less calls in February
- One of the Commissioners asked what a "good intention" call refers to. Chief McElroy said they have had several calls of "smell of smoke in the area." This is probably a fireplace in the area; this is a call where they respond but no action is taken by the engine.
- Typically calls increase in the middle of the day during business hours.
- Primary calls are rescue and emergency medical.

Laponis asked why the Fire Department is called the Fire Department when only 3.3% of the calls are fire related and wanted to know if there has ever been any consideration of changing the name over time.

Chief McElroy said this is a valid question and other than tradition and the fact that we are the largest response if there is danger to the public. Chief McElroy would have no objection to a name change but his job would be the same. The largest investment of equipment goes to protect the community.

- 3 wrong way drivers in this County; In January 11 people died in 2 accidents in Florida and LA County; Drivers were DUI
- Concluding a Captain's exam; tremendous amount of retirement and turnover in the last few years; 3 quality people being considered.
- Commissioners will be receiving an invitation to the opening of 2014 fire season event at Fleishman Auditorium; Public Access TV will be taping.

10. POLICE CHIEF'S REPORT:

From Captain Whitham:

- Chief Sanchez is attending the CLEC Conference this week
- Captain Whitham asked if the Commissioners received Compstat monthly, the Commissioners responded that they do receive it.
- Response times; Priority 1 through 4 calls are doing very well falling below average; Priority 1 is often a response to a traffic injury; since other agencies are responding (Fire) the PD does not do Code 3, (lights and sirens) to those calls due to safety concerns
- Department is fully staffed, including 1 over hire; City allows us to over hire; 15 officers are on IOD
- Part 1 crimes: Casa Esperanza has changed to a sober only facility and this has caused a lot of issues. Some of these clients have moved on to IV and Carpinteria. The Milpas corridor has improved greatly.
- SWAT operation took place on Bath St. This ended up in an 8 hour operation. This one particular event accounted for 4 aggravated assaults.
- Aggravated assaults also take place in the downtown bar area and in the Funk Zone.
- Part 2 Crimes holding steady.

- 911 Communication Center move is proceeding forward. It will be moved to Granada Garage by July or early August; Construction process will begin in March

11. ADJORN: 5:48 PM



Board Member's Votes

The subcommittee created to facilitate the process of updating the "Rules and Regulations for Tow Operators" included Commissioner Torell and Commissioner Christensen. Commissioner Torres-Santos was also present and involved in many meetings throughout the process and had an understanding of the proposed changes that were discussed. Both Commissioner Torell and Commissioner Torres-Santos voted "Nay" to the recommendation made by the Police Department to suspend 805 Roadside Towing from the City's Tow Rotation.

The "Annual Meeting for Tow Operators" was held 2/27/2014. Commissioners Laponis and Melekian were both present and voted "Aye" to uphold the Police Department's recommendation to suspend 805 Roadside Towing. Both commissioners were added to the Board January, 2014, and, neither Commissioner Melekian nor commissioner Laponis were involved in the process of updating the "Rules and Regulations."



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014
TO: Mayor and Councilmembers
FROM: City Administrator's Office
SUBJECT: Community Development Director Appointment

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957(b)(1), to discuss the appointment for the position of Community Development Director.

SCHEDULING: Duration: 20 minutes; anytime
REPORT: Report anticipated
PREPARED BY: Paul Casey, Assistant City Administrator
SUBMITTED BY: Jim Armstrong, City Administrator
APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014
TO: Mayor and Councilmembers
FROM: City Administrator's Office
SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristine Schmidt, Acting Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and Firefighters Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

SCHEDULING: Duration, 30 minutes; anytime
REPORT: None anticipated
PREPARED BY: Kristine Schmidt, Acting Administrative Services Director
SUBMITTED BY: Kristine Schmidt, Acting Administrative Services Director
APPROVED BY: City Administrator's Office