

**CITY OF SANTA BARBARA  
CITY COUNCIL**

**Randy Rowse**  
*Mayor*

**Meagan Harmon**  
*Mayor Pro Tempore*

**Kristen W. Sneddon**  
*Ordinance Committee Chair*

**Eric Friedman**  
*Finance Committee Chair*

**Alejandra Gutierrez**  
**Oscar Gutierrez**  
**Mike Jordan**



**Rebecca Bjork**  
*City Administrator*

**Ariel Pierre Calonne**  
*City Attorney*

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

**MARCH 8, 2022, 2:00 PM  
AGENDA**

**THIS MEETING WILL BE HELD BY TELECONFERENCE AS AUTHORIZED BY GOVERNMENT CODE § 54953(e)(1)(A) TO PROMOTE SOCIAL DISTANCING AND PRIORITIZE THE PUBLIC'S HEALTH AND WELL-BEING UNDER SANTA BARBARA COUNTY HEALTH OFFICER ORDERS. AS A PUBLIC HEALTH AND SAFETY PRECAUTION, THE COUNCIL CHAMBERS WILL NOT BE OPEN TO THE GENERAL PUBLIC. COUNCILMEMBERS MAY PARTICIPATE ELECTRONICALLY. THE CITY OF SANTA BARBARA STRONGLY ENCOURAGES AND WELCOMES PUBLIC PARTICIPATION DURING THIS TIME. PUBLIC PARTICIPATION IS AVAILABLE THROUGH THE FOLLOWING OPTIONS:**

**HOW TO OBSERVE AND/OR SPEAK LIVE AT A MEETING**

- **Web:** [https://santabarbaraca.gov.zoom.us/webinar/register/WN\\_BHXU9bk1SWq0ntGHpIRq0Q](https://santabarbaraca.gov.zoom.us/webinar/register/WN_BHXU9bk1SWq0ntGHpIRq0Q)  
(Participation via Zoom) Please complete the Zoom registration questions stating which item you wish to speak on.
- **Telephone:** Dial 1-669-900-6833, Enter Webinar ID: 948 7481 3299  
(press \*9 to raise/lower hand; press \*6 to mute/unmute)
- **Online Streaming:** Council meetings are streamed live at [www.SantaBarbaraCA.gov/CAP](http://www.SantaBarbaraCA.gov/CAP)
- **TV:** 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.santabarbaraca.gov/citytv](http://www.santabarbaraca.gov/citytv) for rebroadcasts of Finance and Ordinance Committee meetings.

**PUBLIC COMMENT:** Members of the public wishing to speak must "raise their hand" in the Zoom platform by selecting the virtual hand icon when their item is called. When persons are called on to speak, their microphone will be activated by City staff and the speaker will be notified that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the 'mute/unmute' icon or pressing Option+Y for Mac users or Alt+Y for Windows users on their keyboard. Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not allowed during meetings conducted electronic public comment. If general public comment on items not on the agenda at the beginning of the 2:00 p.m. session exceeds 30 minutes, there will be an opportunity for additional off-agenda public comment at the end of the meeting. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond the City's subject matter jurisdiction.

**WRITTEN PUBLIC COMMENT:** Public comments may also be submitted via email to [Clerk@SantaBarbaraCA.gov](mailto:Clerk@SantaBarbaraCA.gov) prior to the beginning of the Council Meeting. All public comments submitted via email will be provided to City Council and will become part of the public record.

**CONTINUED ON THE NEXT PAGE**

**PUBLIC COMMENT: Public comment on matters not listed on the agenda will occur** at the beginning of the meeting. Members of the public wishing to speak must “raise their hand” in the Zoom platform by selecting the virtual hand icon during the presentation of that item. When persons are called on to speak, their microphone will be activated by City staff and the speaker will be notified that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the ‘mute/unmute’ icon or pressing Option+Y for Mac users or Alt+Y for Windows users on their keyboard.

For those who need accessibility accommodation in using the “raise hand” function and/or registering to participate in the Zoom session, please contact the Clerk’s office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email [Clerk@SantaBarbaraCA.gov](mailto:Clerk@SantaBarbaraCA.gov) by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. When persons are called on to speak, their microphone will be activated the speaker will be notified by City staff that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the ‘mute/unmute’ icon or pressing Ctrl+Alt+A on their keyboard.

Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not allowed during general public comment. The time allotted for general public comment at the beginning of the 2:00 p.m. session is 30 minutes. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond the City’s subject matter jurisdiction.

**PUBLIC COMMENT ON AGENDIZED ITEMS:** Members of the public wishing to speak on a matter on the agenda must “raise their hand” in the Zoom platform by selecting the virtual hand icon during the presentation of that item. The “raise hand” icon is generally located on most devices in the upper right hand corner of the screen. For those who need accessibility accommodation in using the “raise hand” function, please contact the Clerk’s office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email [Clerk@SantaBarbaraCA.gov](mailto:Clerk@SantaBarbaraCA.gov) by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. When persons are called on to speak, their microphone will be activated and they will be notified to begin speaking. Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not permitted during meetings conducted electronically.

**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 at <http://www.SantaBarbaraCA.gov/CAP>. 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") online at the City's website (<http://www.SantaBarbaraCA.gov/CAP>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are posted to the City’s website as soon as reasonably feasible.

**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.

**SPANISH INTERPRETATION:** If you need interpretation of your communications to Council from Spanish into English, please contact the City Clerk’s Office at 564-5309 or by email at [Clerk@SantaBarbaraCA.gov](mailto:Clerk@SantaBarbaraCA.gov). If possible, notification of at least 48 hours will usually enable the City to make arrangements.

**INTERPRETACIÓN EN ESPAÑOL:** Si necesita una interpretación del español al inglés, para sus comunicaciones al Consejo, comuníquese con la Oficina del Secretario Municipal al 564-5309, o por correo electrónico a [Clerk@SantaBarbaraCA.gov](mailto:Clerk@SantaBarbaraCA.gov). Si es posible, la notificación de al menos 48 horas generalmente permitirá a la Ciudad hacer los arreglos.

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

# MARCH 8, 2022 AGENDA

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

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CEREMONIAL ITEMS

**1. Subject: Red Cross Month - March 2022 ()**

Recommendation:

### CHANGES TO THE AGENDA

### PUBLIC COMMENT

### CONSENT CALENDAR

**2. Subject: Minutes ()**

Recommendation: That Council waive reading and approve the minutes of the regular and special meetings of February 15, 2022.

**3. Subject: Adoption Of An Ordinance Approving The 2019-2022 Firefighters' Association Bargaining Unit Memorandum Of Understanding ()**

Recommendation: That Council adopt the Memorandum of Understanding between the City and the Santa Barbara Firefighters' Association, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2019-2022 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Firefighters' Association.

**4. Subject: Adoption Of An Ordinance Amending The Municipal Code To Regulate Sidewalk Vending ()**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Title 9 of the Santa Barbara Municipal Code by the Addition of Chapter 9.49 to Regulate Sidewalk Vending in Accordance with State Law.

**5. Subject: Introduction Of An Ordinance For A Proposed Lease Agreement With Channel Islands Outfitters, Inc. Doing Business As Paddle Sports Of Santa Barbara, Located At 117 B Harbor Way ()**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a Five-Year Lease Agreement with One, Five-Year Option with Channel Islands Outfitters, Inc. dba Paddle Sports of Santa Barbara, for the 956 Square Foot Retail Store at 117 B Harbor Way Commencing Upon the Effective Date of the Enabling Ordinance.

**6. Subject: Introduction Of An Ordinance For A Proposed Assignment Of Lease Agreement No. 27,008 – Seacoast Of Santa Barbara, Inc. Located At 125 Harbor Way ()**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a Consent to Lease Assignment of Lease Agreement No. 27,008 for Seacoast of Santa Barbara, Inc. at 125 Harbor Way Commencing Upon the Effective Date of the Enabling Ordinance.

**7. Subject: Adoption Of A Resolution Continuing Teleconferencing Of City Meetings During The Ongoing COVID-19 State Of Emergency ()**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City Of Santa Barbara Directing that Meetings of the City Council and City Boards and Commissions Continue to be Held by Teleconference as Authorized by Government Code § 54953(E)(1)(C) to Protect Against Imminent Risks to the Health or Safety of Attendees.

**8. Subject: Contract For Construction Of The Thousand Steps Repair Project ()**

Recommendation: That Council:

A. Award a contract with Applied Restoration, Inc. in their low bid amount of \$386,420, for construction of the Thousand Steps Repair Project, Bid No. 4063; and authorize the Public Works Director to execute the contract and approve expenditures up to \$38,642 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. Approve the allocation of available appropriations in the Desalination Facility Project in the Water Capital Fund in the amount of \$76,467, authorize the transfer of such funds to the Capital Outlay Fund, and approve an increase in appropriations and estimated revenue in the Thousand Steps Replacement Project in the Capital Outlay Fund in the amount of \$76,467, funded by the transfer, as a requirement of permit conditions for the Charles E. Meyer Desalination Plant Intake Pipeline Weir Box Maintenance and Repair Project.

**This concludes the Consent Calendar.**

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **- WATERFRONT DEPARTMENT**

**9. Subject: Santa Barbara Cruise Ship Program Update ( )**

Recommendation: That Council receive a presentation from Waterfront Department staff on the current status of the Cruise Ship Program, and provide recommendations to staff as necessary.

### **- FINANCE DEPARTMENT**

**10. Subject: The American Rescue Plan Act Update And Appropriation Request (210.01)**

Recommendation: That Council:

A. Accept the second American Rescue Plan Act (ARPA) economic recovery payment, estimated at \$10,918,762 scheduled to be remitted in May 2022;

B. Appropriate \$900,112 into the General Fund and \$1,483,189 into the Downtown Parking Fund in Fiscal Year (FY) 2022 to replace a portion of the revenue that was lost directly related to the impacts of COVID-19; and

C. Appropriate \$8,535,461 to offset additional costs and address other impacts directly related to COVID-19 in FY2022.

**COUNCIL AND STAFF COMMUNICATIONS**

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

**PUBLIC COMMENT (IF NECESSARY)**

**ADJOURNMENT**



PROCLAMATION

**RED CROSS MONTH**  
MARCH 2022

*WHEREAS, the American Red Cross was founded in 1881 by Clara Barton, who turned her passion for helping others into a bold mission of preventing and alleviating suffering; and*

*WHEREAS, today, 140 years later, local Red Cross volunteers join millions nationwide who volunteer, give blood, donate financially, or learn vital life-preserving skills through the Red Cross; and*

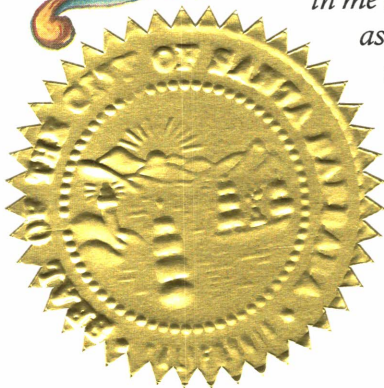
*WHEREAS, the humanitarian spirit—the act of coming together in times of crisis to care for one another—is a foundation of the Santa Barbara community that is exemplified by American Red Cross donors and volunteers; and*

*WHEREAS, Red Cross volunteers give hope to the most vulnerable community members in their time of greatest need by providing emergency shelter; offering food and comfort to families devastated by local disasters; supporting military families and veterans; saving lives with emergency-response skills and first aid; donating essential blood for use by trauma victims, transplant recipients, and cancer patients, among others; and delivering international humanitarian aid; and*

*WHEREAS, the City of Santa Barbara joins communities nationwide this March in recognizing the heroes of the **American Red Cross** who work together locally and throughout the United States to alleviate human suffering in the face of emergencies, as they advance the noble legacy of Clara Barton who said “You must never think of anything except the need, and how to meet it”;*

**NOW, THEREFORE, I, RANDY ROWSE**, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, do hereby proclaim **MARCH 2022** as **RED CROSS MONTH**, commending the efforts of those who serve with the organization, and encouraging community members to get involved and support the humanitarian mission of the American Red Cross.

*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 8<sup>th</sup> day of March 2022.*



  
MAYOR RANDY ROWSE



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING FEBRUARY 15, 2022 COUNCIL CHAMBERS, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Randy Rowse called the meeting to order at 2:01 p.m. and announced that the meeting is being held via teleconference. Mayor Pro Tem Meagan Harmon is participating electronically and the remainder of Mayor and Council are participating from Council Chambers. (The Finance Committee and Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this day).

### PLEDGE OF ALLEGIANCE

Mayor Rowse.

### ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: None.

Staff present: Interim City Administrator Rebecca Bjork, City Attorney Ariel Calonne, City Clerk Services Manager Sarah Gorman.

### CHANGES TO THE AGENDA

City Administrator Bjork announced that there were no changes to the agenda.

### PUBLIC COMMENT

Members of the Public: Jose Gallegos; Anna Marie Gott; Margie Bushman; Robert McKelvey; Aron Ashland; Chris Barros.

### ITEM PULLED FROM CONSENT CALENDAR FOR A SEPARATE VOTE



**5. Subject: Adoption Of Resolution Updating City Council Rules Of Procedure**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting Rules of Procedure Governing the Conduct of City Council Meetings and Rescinding Resolution No. 18-088.

Documents:

- February 15, 2022 Council Agenda Report
- Proposed Resolution

Speakers:

- Members of the public: Darryl Scheck; Anna Marie Gott; Lee Heller; Jose Gallegos; Chris Barros.

Motion:

Councilmembers Friedman/Mayor Rowse to approve the recommended actions.

Vote:

Motion fails. (Noes: Councilmembers A. Gutierrez; Friedman; Sneddon; Harmon; O. Gutierrez; Jordan.)

Motion:

Councilmembers Friedman/Sneddon to move the first two items of Item 5, adding the Central Library as an agenda posting location, and to delete references to the Successor Agency; Resolution No: 22-013.

Vote:

Unanimous roll call vote.

**CONSENT CALENDAR** (Items Nos. 1-4, 6-9.)

The titles of the Ordinances and Resolutions were read.

Motion:

Councilmembers Jordan/O. Gutierrez to approve the recommended actions.

Vote:

Unanimous roll call vote.

**1. Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meetings of January 11 and January 25, 2022.

Action: Approved the recommendation; (January 11, 2022 regular meeting minutes; January 25, 2022 regular meeting minutes).

**2. Subject: Adoption Of An Ordinance Amending Affordability Control Covenants For Victoria Hotel And Mental Wellness Center**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Second Amendment to an Affordability Control Covenant Imposed on Real Property with People's Self-Help Housing Corporation Located at 22 East Victoria Street and a First Amendment to Replacement Affordability Control Covenant Imposed on Real Property with Building Hope, LLC Located at 617 Garden Street and Authorizing the Community Development Director to Execute Such Agreements.

Action: Approved the recommendation; Ordinance No. 6057 (February 15, 2022 Council Agenda Report).

**3. Subject: Introduction Of Ordinance And Adoption Of Resolution Amending Title 28 Zoning Ordinance To Clarify Coastal Development Permit Requirement For Accessory Dwelling Units In The Coastal Zone**

Recommendation: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Acknowledging Receipt of the California Coastal Commission Resolution of Certification of a Local Coastal Program Amendment (PLN2020-00484 / LCP-4-SBC-21-0052-1) and Acceptance of the Suggested Modifications Included in that Resolution of Certification; and
- B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Chapter 28.86 to Regulate Accessory Dwelling Units in the Coastal Zone and Include Additional Amendments to Chapter 28 to Be Consistent with This Intent.

Action: Approved the recommendation(s); Resolution No. 22-011 (February 15, 2022 Council Agenda Report; Proposed Resolution; Proposed Ordinance).

**4. Subject: Adoption Of Resolution To Accept Ownership Of A Public Paseo Between 1200 Block State Street And Granada Garage**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Accepting Dedication of Lot 3 of Final Map 20,835.

Action: Approved the recommendation; Resolution No. 22-012 (February 15, 2022 Council Agenda Report; Proposed Resolution).

**6. Subject: Downtown Organization Annual Assessment Report For 2022 And Intention To Levy**

Recommendation: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2022; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2022, at a Public Hearing to be Held on March 15, 2022, at 2:00 p.m.

Action: Approved the recommendation(s); Resolution No. 22-014 (February 15, 2022 Council Agenda Report; Proposed Resolution).

**7. Subject: Adoption Of Resolution For Five-Year Measure A Local Program Of Projects For Fiscal Years 2023 – 2027 Public Hearing**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting the Five-Year Measure A Local Program of Projects for Fiscal Years 2023 – 2027.

Action: Approved the recommendation; Resolution No. 22-015 (February 15, 2022 Council Agenda Report; Proposed Resolution).

**8. Subject: Increase The Contract For As-Needed Professional Water Main Replacement Design Services**

Recommendation: That Council authorize the Public Works Director to execute Amendment No. 2 to City Professional Services Agreement No. 26,272 with Stantec Consulting Services Inc., in the amount of \$302,000, for a total contract amount of \$1,252,000, for additional as-needed professional water main replacement design services.

Action: Approved the recommendation; Agreement No. 26,272.2 (February 15, 2022 Council Agenda Report).

**9. Subject: City Administrator Employment Agreement**

Recommendation: That Council approve and authorize the Mayor to execute an employment agreement with Rebecca Bjork to serve as the permanent City Administrator effective February 15, 2022.

Action: Approved the recommendation; Agreement No. 28,031 (February 15, 2022 Council Agenda Report; Proposed Agreement).

This concluded the Consent Calendar.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **HUMAN RESOURCES**

#### **10. Subject: Presentation From The Community Formation Commission**

Recommendation: That Council receive a presentation from the Chair and Vice-Chair of the Community Formation Commission on work efforts and proposed timeline.

#### Documents:

- February 15, 2022 Council Agenda Report and any attachment(s)
- PowerPoint presentation prepared and made by Community Formation Commission members.

#### Speakers:

- Staff: Administrative Analyst Sam Ramirez.
- Community Formation Commission Members: Gabe Escobedo; Rachel Johnson; Ana Zapeda.
- Members of the Public: None.

#### Discussion:

- Councilmembers' questions were answered.

### **RECESS**

3:36 p.m. – 3:52 p.m.

### COMMUNITY DEVELOPMENT DEPARTMENT

#### **11. Subject: City Council Direction On A Multi-Unit Housing Program And Regulations**

Recommendation: That Council:

- Consider options for regulating multi-unit housing density and building size;
- Provide direction on a preferred multi-unit housing program to study in the City's General Plan Programmatic Environmental Impact Report; and
- Consider and provide direction on interim methods to incentivize smaller housing units.

#### Documents:

- February 15, 2022 Council Agenda Report and any attachment(s)
- PowerPoint presentation prepared and made by staff.

#### Speakers:

- Staff: Principal Planner Dan Gullett; City Planner Renee Brooke; Assistant City Attorney Tava Ostrenger; Project Planner Jessica Metzger
- Members of the Public: Greg Reitz; Linda Honikman; Nadia Abushanab; Matthew Taylor; Rob Fredricks; Lisa Carlos; Chris Galea; Steve Johnson; John Campanella; Anna Marie Gott; Sheila Lodge; Craig Minus; Pam Flynt Tambo; John Campanella.

Discussion:

- Councilmembers' questions were answered.

## **RECESS**

6:04 p.m. – 6:15 p.m.

Motion:

Councilmembers Sneddon/Friedman to prefer multi-unit housing program for consideration of EIR be based on density, assuming higher density in the AUD, assuming allowing adaptive reuse, assuming continuing of ADUs, assuming the effects of upzoning in the donut hole, assuming increased densities at La Cumbre Plaza, assuming the removal of vacation rentals, assuming amendments to the AUD map, assuming height limits, and assuming removal of community benefit designation solely for being an apartment and provide direction for the Planning Commission to consider and provide direction on interim methods to incentivize smaller housing units.

Vote:

Unanimous roll call vote.

## **COUNCIL AND STAFF COMMUNICATIONS**

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

- Councilmember O. Gutierrez reported on their attendance at the following events or made the following comments: 1. Bohnett Park grand opening on February 17; 2. Remembering Bryson Williams.
- Councilmember Sneddon reported on their attendance at the following events or made the following comments: 1. Upper State Street regional action plan meeting; 2. Independent Redistricting Meeting; 3. De la Guerra Plaza Advisory Committee; 4. State Street Interim Committee meeting; 5. Will be attending Melanin Gallery Black History Month event.
- Mayor Rowse reported on their attendance at the following events or made the following comments: 1. Met with USS Santa Barbara crew and discussed celebration planning.

### **PUBLIC COMMENT (IF NECESSARY)**

### **ADJOURNMENT**

Mayor Rowse adjourned the meeting at 6:49 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 8, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
RANDY ROWSE  
MAYOR

ATTEST: \_\_\_\_\_  
SARAH GORMAN  
CITY CLERK SERVICES MANAGER



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## SPECIAL MEETING FEBRUARY 15, 2022 COUNCIL CHAMBERS, 735 ANACAPA STREET

---

### CALL TO ORDER

Mayor Randy Rowse called the meeting to order at 12:30 p.m. and announced that the meeting is being held via teleconference. Mayor Pro Tem Meagan Harmon and Councilmember Alejandra Gutierrez are participating electronically and the remainder of Mayor and Council are participating from Council Chambers.

### ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez (12:44 p.m.), Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Rowse.

Councilmembers absent: None.

Staff present: Interim City Administrator Rebecca Bjork, City Attorney Ariel Calonne, City Clerk Services Manager Sarah Gorman.

Mayor Rowse announced that the closed session would be continued until 2:00 p.m. to enable any announcements at the start of the upcoming regular Council meeting.

### CLOSED SESSION

- Subject: Conference With Labor Negotiators (Gov. Code, § 54957.6)**  
**Public Employee Appointment: City Administrator (Gov. Code, § 54957)**

Recommendation: That Council hold a closed session to conduct a conference with labor negotiators (Mayor Rowse, Mayor Pro Tem Harmon) concerning an unrepresented employee (City Administrator), and to consider appointment of the City Administrator.

Scheduling: Duration: 30 minutes; anytime  
Report: None anticipated

Mayor Rowse announced that the Council had voted 7-0 (X/M Y/S) to appoint Rebecca Bjork as City Administrator.

**ADJOURNMENT**

Mayor Rowse adjourned the meeting at 2:03 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 8, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
RANDY ROWSE  
MAYOR

ATTEST: \_\_\_\_\_  
SARAH GORMAN  
CITY CLERK SERVICES MANAGER



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ADOPTING THE 2019-2022  
MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF SANTA BARBARA AND THE SANTA BARBARA  
CITY FIREFIGHTERS' ASSOCIATION

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Firefighters' Association entered into as of July 1, 2019 and attached hereto and incorporated herein by reference as Exhibit "A" is hereby adopted.

SECTION 2. During the term of the agreement, the City Administrator is hereby authorized to implement the terms of the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Firefighters' Association without further action by the City Council, unless such further action is explicitly required by state or federal law.

2019-2022 AMENDED MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF SANTA BARBARA  
AND  
SANTA BARBARA  
CITY FIREFIGHTERS ASSOCIATION, INC.

THIS AGREEMENT, SIGNED ON \_\_\_\_\_, IS ENTERED INTO AS OF JULY 1, 2019 BETWEEN THE CITY OF SANTA BARBARA (HEREINAFTER REFERRED TO AS "CITY") AND THE SANTA BARBARA CITY FIREFIGHTERS ASSOCIATION, INC. (HEREINAFTER REFERRED TO AS "SBCFA" OR "ASSOCIATION"). IT SUPERSEDES AND REPLACES THE TERMS SET FORTH IN ANY PRIOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND SBCFA.

Pursuant to Section 3500 et seq. of the Government Code of the State of California, the duly authorized representatives of the City and SBCFA, having met and conferred in good faith over the issues of wages, hours, and terms and conditions of employment as herein set forth, declare their agreement to the provisions of this Amended Memorandum of Understanding.

**FOR THE CITY:**

**FOR SBCFA:**

\_\_\_\_\_  
Wendy Levy, Human Resources Director

\_\_\_\_\_  
Robert Kendall, Fire Captain

\_\_\_\_\_  
Sam Ramirez, Administrative Analyst III,  
Labor Relations

\_\_\_\_\_  
Renzo Durbiano, Fire Engineer

\_\_\_\_\_  
Keith DeMartini, Finance Director

\_\_\_\_\_  
Jon Turner, Fire Captain

\_\_\_\_\_  
John Doimas, Assistant City Attorney

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Alex Kargbo, Firefighter

\_\_\_\_\_  
Ashlan Allredge, Firefighter

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Stuart Adams, Counsel

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## **1- BENEFITS DURING SICK LEAVE OR AUTHORIZED LEAVE WITHOUT PAY**

No sick leave, vacation, or holidays shall accrue to any employee during any full biweekly pay period in which the employee is on authorized leave without pay. Employee on leave without pay shall also be responsible for full payment of insurance premiums.

## **2- BENEFITS - PART-TIME EMPLOYEES**

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

- i. Cafeteria plan contribution, medical contribution, dental contribution, vision contribution, holiday and other benefits under this Agreement equal to the percent of time regularly scheduled versus a regular full-time (40 hour or 56 hour) schedule rounded up to the nearest ten percent (10%).
- ii. Vacation and sick leave equal to the percent of time actually worked versus a regular full-time (40 hour or 56 hour) schedule rounded up to the nearest ten percent (10%).

## **3- BENEFITS - DOMESTIC PARTNERS**

The City shall allow same sex and opposite sex domestic partners dependent coverage under the medical, dental, and vision plans. In order to receive this benefit, domestic partners must be registered with the City Clerk's office or the Secretary of State. The affected employee(s) shall be responsible for all tax consequences of this benefit.

## **4- BEREAVEMENT LEAVE**

In case of death of a member of an employee's immediate family, a 40-hour employee shall be granted three (3) working days (24 hours) with pay, up to a maximum of five (5) days (40 hours), subject to the approval of the Department Head.

Employees of the Fire Department assigned to shift work shall be granted leave not to exceed two (2) shifts (48 hours) off with pay.

Immediate family is defined as mother, father, brother, sister, spouse, registered domestic partner, child, grandparents by blood or marriage, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandchildren by blood or marriage, step family members, or person standing in loco parentis. "In-

law” and “step” relationships shall include the immediate family of a registered domestic partner on the same basis as that of a spouse.

The intent of bereavement leave is to provide employees with adequate time to be with their immediate family during a period of anguish, whether it be at the time of death, preparation of funeral arrangements, and/or to attend a funeral.

Responsibility for proper administration of this section shall rest with the Fire Chief.

#### **5- BIWEEKLY PAY PERIOD**

All references to "hours, shifts, or days" may be considered on the basis of "hours per biweekly pay period" through conversion factors providing substantially equal employee benefits.

#### **6- CAFETERIA PLAN**

- a. A flexible benefits plan known as a "125 Cafeteria Plan" and the "pre-tax advantage" provisions related to an employee's eligible insurance premium contributions within the meaning of Section 125(d) of the Internal Revenue Code, shall be provided to employees.
- b. Each employee shall be eligible to allocate a discretionary amount of \$232.84 per month.
- c. If medical and dental insurance selections exceed the cafeteria plan allocation in "b" above, the City will pay the difference of these respective insurance premiums up to the amounts in the Medical and Dental Insurance article of this MOU; said excess premium payments cannot be applied to any other element of the cafeteria plan.

#### **7- CALL BACK**

- a. 40 hour per week employees called back to work from an off-duty status shall be compensated in accordance with the overtime provision of this Agreement.
- b. If an employee is called back to duty on an overtime basis, such employee shall be compensated for no less than two hours overtime.
- c. Call back time commences upon the employee's receipt of the City's request for the employee to return to duty provided the employee promptly departs for his/her designated duty location.



- d. The Fire Chief retains the right to set administrative criteria governing when a fire investigator call-out, or other call back, is warranted and authorized.
- e. Call back is defined as an employee remaining available to return physically to the workplace, at any time outside of normal working hours, and not limited to fielding a call or logging into a computer workstation.

## **8- CATASTROPHIC LEAVE**

Employees will be covered by the Citywide Catastrophic Leave Policy, dated September 22, 2016, and incorporated herein by reference. This policy allows employee donation of eligible accrued time off to a coworker dealing with a catastrophic illness or injury to the coworker and/or the coworker's spouse, registered domestic partner, or child.

## **9- CERTIFICATE OF ILLNESS**

Section 3.08.170 of the Municipal Code regarding presentation of a physician's statement as proof of illness or sick leave absences, if for more than three consecutive working days, shall be interpreted to mean that such a physician's statement shall be required for absences of more than two consecutive shifts for shift personnel.

Employees may use up to 48 hours of accrued sick leave, or (or the equivalent of 6 months of sick leave accrual) per calendar year for the diagnosis, care or treatment of an existing health condition or preventative care (e.g. medical appointments) of a child, parent, spouse, domestic partner, child of a domestic partner of the employee, grandparents, grandchildren, siblings and parents-in-law, as provided under state law.

An employee's use of the first one-half of paid sick leave in a calendar year for any qualifying reason, is considered "Protected Sick Leave." As such, no physician's statement is required for sick leave utilized during this period.

## **10- CONDUCT UNBECOMING OF A FIREFIGHTER (CUB-F)**

Firefighters are emergency responders held to a higher standard of behavior than ordinary employees because they respond to serious health and safety matters and at times may enter private property or residences. While off duty, firefighters shall not behave in a manner, or undertake actions that, reasonably considered, undermine the efficiency, cohesiveness, morale, or mission of the Department.

## **11- CONFERENCE ATTENDANCE**

SBCFA representatives shall be permitted not more than an aggregate total of eight (8) shifts (192 hours) of time off with pay to attend conferences or seminars related to SBCFA activities for each fiscal year (July 1 - June 30). Such attendance is subject to approval of the Fire Chief.

## **12- DEPENDENT CARE**

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

## **13- DISABILITY RETIREMENT**

An employee found physically or mentally incompetent to perform his/her regular duties, even with a reasonable accommodation of a disability, shall be terminated pursuant to City Charter Section 1007 or retired, if eligible, pursuant to State law and City regulations. An employee eligible to retire for non-industrial disability shall be entitled to use a maximum of 180 days (2,160 hours for shift personnel and 1,440 hours for 40-hour per week employees) sick leave benefits prior to the date the employee is eligible for retirement benefits. In no case shall an industrially injured employee be entitled to use sick leave benefits.

## **14- DISCIPLINARY ACTION**

The City may provide the option of forfeiture of vacation time in lieu of taking other disciplinary action pursuant to Charter Section 1007 and enabling ordinances.

## **15- DRIVER'S LICENSE**

Employees shall perform all activities necessary to maintain a Class 'C' or equivalent driver's license on their own time and at their own expense. The cost of any additional required driver's licenses, or the certificates or examinations necessary to obtain such licenses, shall be paid by the City. On-duty time, at the Fire Department's convenience, shall be provided for required testing and/or examinations.

## **16- DRUG AND ALCOHOL TESTING POLICY**

Employees in the job classifications of Administrative Fire Captain, Fire Captain, Fire Engineer, Firefighter, and Fire Inspector I, II and II are covered by the "City of Santa Barbara Drug and Alcohol Testing Policy for Fire Unit Employees" dated September 2000.

## **17- EDUCATIONAL REIMBURSEMENT**

- a. Educational Reimbursement Program: Employees shall be eligible for tuition reimbursement through the City of Santa Barbara's Educational Reimbursement Program.
- b. Fire Service Education Travel Expenses and Promotional Study List Materials: The Fire Department will provide up to a \$400 reimbursement per fiscal year for the costs of lodging, meals, and mileage for fire service related courses, as outlined in the Standard Operating Procedures Manual, that are satisfactorily completed and receive the prior written reimbursement approval of the Fire Chief. Reimbursement for the costs of books on the current Fire Engineer and Fire Captain promotional study list, but not eligible for reimbursement under the Educational Reimbursement Program, will also be permitted. The policies regarding reimbursement under this section shall be established by the Fire Chief and become part of the Santa Barbara City Fire Department's Standard Operating Procedures Manual. Reimbursement for lodging, meals and mileage shall be based upon the City of Santa Barbara Travel and Expense Reimbursement Policy for City Employees. The \$400 per year available under this section will be accrued on July 1st of each fiscal year, up to a maximum ongoing accrual of \$800."

## **18- GRIEVANCE PROCEDURE**

- a. Grievances shall be defined as an alleged violation of this Agreement or dispute regarding interpretations, application or enforcement of this Agreement or the City Charter, City ordinances, resolutions, and written policies related to personnel practices and working conditions. Grievances shall not include disagreements regarding employment (including promotional) exams, disciplinary action, performance evaluations, probationary terminations, and items subject to meet and confer.
- b. Employees shall be assured freedom from reprisal for using the grievance procedure.

- c. Grievances shall be invalid unless filed within thirty (30) calendar days of the date the alleged grievable activity occurred or the employee could reasonably have known of its occurrence.
- d. Step One - Immediate Supervisor. Any employee who has a grievance shall first try to get it settled through discussion with his immediate supervisor without undue delay. Every effort shall be made to find an acceptable solution at the lowest possible level of supervision.
- e. Step Two - Fire Chief. If after such discussion the employee does not believe the grievance has been satisfactorily resolved, he may file a formal appeal in writing to the Fire Chief within ten (10) calendar days after receiving the informal decision of his immediate supervisor. Fire Chief shall render his written decision and comment to the employee within ten (10) calendar days after receiving the appeal.
- f. Step Three - Mediator. If, within fifteen (15) calendar days after receipt of the written decision of the Fire Chief the employee is still dissatisfied, he or she may request the services of a mediator from the State Mediation and Conciliation Service.
- g. Step Four - City Administrator. If within fifteen (15) calendar days after the mediation process has been completed, or if mediation was not requested within fifteen (15) calendar days after receipt of the written decision of the Fire Chief, and the employee is still dissatisfied, he may appeal the decision to the City Administrator. Such appeal shall be made by filing a written appeal with the City Administrator. The City Administrator shall review the decision of the Fire Chief, and his/her decision, which shall be rendered within twenty-five (25) working days after the appeal is made, shall be final. The City Administrator may request the advice of the Board of Civil Service Commissioners in any grievance proceeding, but he/she shall not be bound to follow any recommendation of the Board.
- h. The time limitations for filing and responding to grievances may be waived or extended by mutual agreement of the parties. If either party to the grievance so requests, an informal hearing shall be conducted at the Fire Chief or City Administrator appeal levels. Employees may be represented by counsel or other person at any stage in the grievance process. For purposes of this Article "working days" refers to days in which the City Hall is open for business.
- i. Grievances which are general in character and which involve interpretation or application of this MOU or City policies or which involve matters requiring resolution outside the authority of the Fire Chief shall be filed directly with

the Administrative Services Director who shall provide a written response within ten (10) working days.

An employee may appeal the response of the Administrative Services Director. The employee's appeal shall be handled in accordance with the procedures in steps three and four above.

- j. Complaints regarding performance evaluation (non-grievable) may be discussed with next highest level of supervision above the individual initiating the evaluation and taken to Fire Chief for final review.
- k. Examinations for employment and promotions shall not be grievable but shall be protested in accordance with approved administrative policy. City will consult with SBCFA prior to adopting and amending said policy.

#### **19- HAZARDOUS MATERIALS TEAM ASSIGNMENT**

Any employee holding the rank of Firefighter, Fire Engineer, or Fire Captain who holds either a Hazardous Materials Technician Certificate or a Hazardous Materials Specialist Certificate from the State of California shall be paid in addition to his/her salary range an increase of either five percent (5%) for a Hazardous Materials Technician Certificate or seven percent (7%) for a Hazardous Materials Specialist Certificate while assigned to the Hazardous Materials Team.

#### **20- HEALTH INSURANCE FOR UNIT MEMBERS' SURVIVORS**

The City shall maintain and pay for the existing level of insurance benefits for up to twelve (12) months for the surviving family of a unit member who dies in the line of duty, or for such greater period of time required by state or federal law.

#### **21- HOLIDAY COMPENSATION**

Employees shall be eligible to receive holiday time at the general employee holiday and personal leave schedule for 40-hour employees, and six and one-half (6-1/2) twenty-four hour shifts (156 hours) per year for shift personnel.

Each employee will have the option to receive holiday compensation earned during the payroll year in time off or cash, or any combination thereof. Cash-out will be at the straight time rate of pay at the same time and in the same manner as the vacation cash-out process. Cash-out must be taken at the end of the same payroll year in which the holiday time was accrued. An employee who does not cash-out holiday pay accrued during the year must bid to take the time off in the next year, and will not later be eligible to cash-out this time in lieu of taking time off.

Holiday time for suppression personnel shall be taken annually only in conjunction with vacation unless otherwise authorized by the Fire Chief.

## **22- HOLIDAY- ILLNESS OR INJURY**

When an employee is assigned to work on a day which is a holiday for said employee and by reason of illness or job-related illness or injury is unable to work as assigned, such employee shall not be charged with a loss of holiday time in addition to sick leave or injury leave.

An employee unable to work due to extended illness or injury may cash-out holiday time through the holiday/vacation cash-out process at the end of the payroll year by notifying the department of the employee's desire to do so in writing prior to December 15 of the payroll year. Cash-out must be taken at the end of the same payroll year in which the holiday time was accrued. An employee who does not cash-out holiday pay accrued during the year must bid to take the time off in the next year, and will not later be eligible to cash-out this time in lieu of taking time off.

## **23- IMPLEMENTATION OF MOU**

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

An employee will be eligible for any increases to salaries and benefits that were effective prior to adoption of this Agreement, retroactive to the effective dates specified, if the employee was an active City employee and bargaining unit member on the date that the City Council ratified the Agreement.

## **24- INDUSTRIAL LEAVE**

The City shall not deduct either State or Federal withholding taxes from Labor Code Section 4850 payments as long as that practice remains in accordance with the law and the employee is receiving 4850 payments for the entire biweekly pay period. Employees will hold harmless the City of Santa Barbara for any tax or other consequences that may arise from not deducting taxes in accordance with this provision.

## **25- LAYOFF PROCEDURE**

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

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

## **26- LEAD CAPTAIN AND LEAD FIREFIGHTER ASSIGNMENT**

Any employee holding the rank of Fire Captain and assigned responsibility as Fire Station #1 Lead Captain shall be paid in addition to his/her salary range an increase in pay equal to ten percent (10%).

Any employee holding the rank of Firefighter and assigned responsibility as Fire Rescue Truck Lead Firefighter shall be paid in addition to his/her salary range an increase of seven and one-half percent (7.5%).

## **27- LIFE INSURANCE**

The City will provide a term life insurance policy in the amount of \$75,000 covering the employees only, with equal accidental death and dismemberment coverage.

## **28- LOSS CONTROL SUPPORT (SAFETY)**

- a. The City and SBCFA will abide by all provisions of the California Plan approved in accordance with the provisions of the Federal Occupational Safety & Health Act of 1970, and any applicable legislation as may be passed by the State of California to implement that plan.
- b. Any safety courses the employees are required to take will be provided on City time with pay.
- c. The City will conduct a Safety Program on City time for the purpose of educating the employees concerning the provisions of the Occupational Safety & Health Act as well as the City safety policies.

- d. SBCFA will support without qualification the City's Safety Program and will encourage its members to attend safety courses if required by the City and made available on City time.
- e. Both the City and SBCFA recognize the need and will strive to reduce the number of industrial injuries among the employees.
- f. The City will either provide all safety equipment or will reimburse the employee for purchasing the equipment, whenever such equipment has been required by the City as necessary for the job. Such equipment may include, but not be limited to, safety shoes, safety glasses, helmets, gloves, safety boots, life jackets, and all related safety items. The City will purchase wildland boots for new employees only. The City shall retain the right to determine the minimum specifications of the safety equipment, procurement, procedures, and limitations and exclusions.

## **29- MAINTENANCE OF BENEFITS**

- a. All benefits (other than direct wages) as provided by ordinances, resolutions, and City Charter, in existence at the commencement of this Agreement, shall not be diminished, lessened, altered or reduced except as may be herein provided for the duration of the Agreement.
- b. Wage adjustments as provided for from time to time by ordinance, resolution, or City Charter, as such may be amended in accordance with this Agreement, shall also continue for the duration of this Agreement.
- c. The City has the right and prerogative to assign duties to and direct employees in accordance with applicable job specifications and Section 3.12 of the Santa Barbara Municipal Code.

## **30- MANAGEMENT RIGHTS**

This section is to be interpreted in a manner consistent with applicable laws and with due regard for the provisions of this Agreement.

The City has an exclusive right to manage and direct the performance of services and the work force performing such services unless the City has specifically delegated, abridged, or modified any such rights in this Agreement. Such rights shall include but not be limited to the sole right to determine the organizational structure of the City, establish levels and types of services to be provided, determine the methods, means, and number of personnel by which operations are to be conducted including sole authority to contract or subcontract for municipal services, and to exercise complete control and discretion over the technology of performing the City's work.



The City retains complete authority over the policies and direction and administration of the Fire Department, including but not limited to standards and methods of selection for employment, promotion and performance evaluation, disciplinary action; relief of employees from duty because of lack of work or other legitimate reasons; maintenance of the efficiency of government operations; establishment of the work week and work schedules; and determination of the content of job classifications.

### **31- MATERNITY/PARENTAL LEAVE**

An employee may request to take pregnancy and/or parental leave as provided under the City's "FMLA/CFRA Family Care and Medical Leave Policy", "Maternity Leave Policy", and/or "Parental Leave Policy, or as provided under state or federal law.

### **32- MEAL CONTRIBUTION**

Employees are required by the City as a condition of employment to contribute financially to meals in the Fire Station at a charge equal to the value of the meal, irrespective of whether the employee chooses to eat the meal. Employees shall be solely responsible for any financial or tax liability regarding this provision. Accordingly, the City shall be held harmless from any such liability. The City also shall not be responsible for maintaining any records or providing administration regarding this provision.

### **33- MEDICAL AND DENTAL INSURANCE**

For the length of this Agreement the City will pay 100% of the premium for medical insurance for the employee only up to a maximum monthly amount of \$1412.70.

Should the amount of "employee only" premium be less than the dollar limits herein described, the difference between the "employee only" premium and said dollar amount limits shall be applied to employee dependent medical coverage, if any.

Effective January 1, 2015, for an employee enrolled in a PPO plan that is coordinated with a Health Savings Account (HSA), the City will match the employee's contribution to the HSA on a dollar-for-dollar basis, not to exceed a maximum City contribution of \$50.00 per month, provided however that the total combined employer and employee amount will not exceed the annual indexed allowable HSA contribution limits. Effective January 1, 2016, this amount will be increased to a match not to exceed \$75.00 per month.

For the length of this Agreement the City shall pay 100% of the premium for dental insurance coverage for the employee only up to a maximum monthly amount of \$52.00.

The dental insurance shall provide for payments based upon 100% of reasonable and customary charges. The City will update dental schedule to reflect current, usual, customary, and reasonable charges in the Santa Barbara area.

The City retains full and complete control over the selection, approval, and administration of insurance programs to include selection of the carrier, insurance contract renewal, and changes in program specifications.

The City will administer the medical plans option and the City will provide a vision care option for unit employees.

#### **34- MEDICAL AND FITNESS EXAMINATIONS**

The City shall continue to provide a program of annual medical exams for unit employees regularly assigned to the Hazardous Materials Response Team (HAZMAT); as well as, continuing a program of periodic fitness exams for all unit employees. The City retains full and complete control over these programs.

The City will provide voluntary medical examinations with a provider agreed to between the Association and the Fire Chief for employees who do not receive an annual HAZMAT exam, at cost not to exceed \$18,000 annually to the City. Medical examinations will be provided for eligible employees not more frequently than every two years, on a first-come-first-served basis, unless otherwise agreed between the Association and the Fire Chief.

The parties will reopen negotiations, upon either party's 30 day prior written notice to the other, with regard to implementing a health and/or fitness maintenance program, which may establish requirements to demonstrate minimum job-related levels of health and/or fitness, and/or establish a program to reward employees for achieving and maintaining such level of fitness.

#### **35- MEETING AND CONFERRING**

Meeting and conferring over the renewal or continuation of this Agreement shall be initiated at the request of either party after September 1 of the last year of this Agreement, but not later than October 1 of the last year of this Agreement. Every effort will be made to reach an agreement prior to the expiration of this Agreement.

#### **36- MINIMUM STAFFING**

For the duration of the Agreement, subject to the requirements of Article X, Section 1008 of the City Charter, the City agrees to initially maintain the following minimum staffing levels:

- a. The minimum staffing requirements of the Department shall be as follows:
  - (1) For Non-ARFF suppression, 25 sworn fire suppression personnel per shift within the City, not including sworn management, consisting of 7 engine companies and 1 truck company. Each engine company shall be comprised of one Fire Captain, one Fire

Engineer and one Firefighter. The truck company shall be staffed with one Fire Captain, one Fire Engineer, and two Firefighters.

- (2) For the Aircraft Rescue and Fire Fighting (ARFF) Suppression Company, there will be 3 sworn fire suppression personnel per shift, comprised of one Fire Captain and two Fire Engineers.
- (3) Staff on mutual aid of a duration of 12 hours or less will be included in the above numbers, in which case back filling shall be at the discretion of the Fire Chief.
- (4) Employee assigned and paid in an “acting” capacity on a shift will be included in the above numbers at the acting rank. As provided under the department’s Standard Operating Procedure “Overtime/Mandate”, acting employees will only be assigned where not enough personnel of the needed rank have made themselves available to work. City acknowledges that it is not its intent to permanently staff vacancies at the Engineer or Captain rank with acting employees. Out of classification work shall not exceed ten (10) consecutive shifts unless operational needs require a longer duration. The ten (10) consecutive shifts may be extended if operational needs require an extension and after the City has met and consulted with the Association.
- (5) For the Prevention Bureau there shall be a minimum of 6 authorized positions on the official list of authorized positions. The City Council may direct that these positions, if vacated by the incumbent employee for reasons other than an involuntary termination, remain unfunded and unfilled without violating this section.
- (6) There shall also remain a Training Captain position on the official list of authorized positions. The City Council may direct that this position, if vacated by the incumbent employee for reasons other than an involuntary termination, remain unfunded and unfilled without violating this section, however it is the intent of this section for the Training Captain position remain funded and filled if fiscal conditions permit.

b. If the City Council exercises its rights under Article X, Section 1008 of the City Charter, or otherwise discontinues the minimum staffing levels in Section 3(a), as outlined above, without the express written consent of the Association:

- (1) The City will give the Association a minimum of 60 days written notice prior to the effective date of the change to minimum staffing (the “change date”), and
- (2) In the event the Association believes that such intended action will affect the safety or workload of affected employees, it shall so advise the City, whereupon the City and the Association shall meet and confer in good faith over the impacts of the change, Such meeting and conferring, however, shall not prevent the City from

implementing the staffing change on an interim basis not less than 60 days after notice to the Association, but prior to the conclusion of negotiations over the impacts of the change.

c. Prior to making a decision to “contract out” work currently being performed by ARFF Suppression staff, the City will provide notice to the Association and the opportunity to meet and confer over both the decision and the effects of such decision.

d. If the City Council exercises its rights under Article X, Section 1008 of the City Charter, or otherwise discontinues the minimum staffing levels in Section 34(a)(ii) Non-ARFF Suppression, Section 34(a)(v) Prevention, or Section 34(a)(vi) Training Captain, without the express written consent of the Association the City will prospectively increase salaries across-the-board by 3%. This subsection “d” shall not apply to a reduction in ARFF Suppression staffing.

### **37- MODIFIED DUTY**

a. The City’s Modified Work Program, which can be found in Chapter 4 and in Appendix 20 of the Injury and Illness Prevention Program (IIPP), shall apply to members of the Association.

b. The following provisions will apply to temporary modified duty assignments at the Fire department.

(1) Industrial Injury/Illness

i. The Fire Chief or his/her designee will coordinate all modified duty assignments for industrial injury or illness.

ii. An employee unable to work due to an industrial injury or illness shall immediately notify the on-duty Battalion Chief whenever there is a change to the employee’s work restrictions.

iii. An employee shall immediately make himself or herself available to return to available modified duty upon authorization by the treating physician.

iv. Refusal by an employee with a job related injury or illness to accept a modified duty assignment under the work restrictions approved by the treating physician may result in loss of compensation and benefits under California Worker’s Compensation law and/or Labor Code §4850, consistent with applicable law.

v. An employee on modified duty will not be denied normal promotional or training opportunities based on his or her modified duty status.

vi. Modified duty assignments will be scheduled as follows, unless otherwise scheduled by the Fire Chief:

A. Short term: For modified duty of less than three

weeks (21 consecutive calendar days) the employee will work 8:00 a.m. to 5:00 p.m. on the regularly assigned shift.

B. Long term: For modified duty of more than three weeks, the employee will be converted to a 40-hour work week (typically four 10-hour days).

(2) Non-Industrial Injury/Illness

i. The Fire Chief may consider requests for a voluntary modified duty assignment from an employee who sustains a non-industrial injury/illness.

ii. If approved, a fire department employee will work a modified duty assignment in lieu of using sick leave or other disability benefits.

iii. For all non-industrial injury or illness the employee will be converted to a 40-hour work week (typically four 10-hour days).

iv. The Fire Chief may end any such modified duty assignment at his or her sole discretion.

**38- MUNICIPAL CODE CHANGES**

During the term of this Agreement the City and the SBCFA shall meet and confer with regard to any City proposed updates to Municipal Code Title 3 to reflect current practices.

**39- NO STRIKE OR LOCKOUT**

a. During the term of this Agreement, the City will not lockout employees and SBCFA will not engage in labor practices detrimental to providing services to the citizens of Santa Barbara or detrimental to the interests of the City; nor will SBCFA sanction, support, condone, approve, or engage in any strike, sick-in, slow-down, work stoppage, or speed-up. All matters of controversy coming within the scope of this Agreement will be settled by established grievance procedures.

b. Violation of the above shall be just cause for disciplinary action including termination.

c. City and SBCFA will not breach the terms of this Memorandum of Understanding or commit any unfair labor practices during the term of this Agreement.

**40- NON-DISCRIMINATION**

a. The provisions of this Agreement shall be applied equally to all employees covered herein without favor or discrimination because of race, religious

creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, pregnancy, age, sexual orientation, political or religious affiliations, union membership, or military and veteran status.

- b. The City and SBCFA will commit themselves to the goal of equal employment opportunity in all City services. Further, the Union agrees to encourage their members to assist in the implementation of the equal employment opportunity program.
- c. The taking of FMLA leave, or other leaves of absence protected under state and federal law, will not be used as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions, nor will such leave be counted as a negative factor under attendance policies, provided that the employee has complied with any and all notice and proof requirements applicable to such leave.
- f. Repeated discourteous treatment by any City employee of fellow coworkers may be reported to the supervisor or Human Resources. Such behavior, or retaliation against a coworker for reporting such behavior in good faith, may subject the employee to corrective action up to and including discipline.
- g. Complaints may also be made under the terms of the Citywide Violence in the Workplace Policy (contained in the Injury and Illness Prevention Program) or Non-discrimination and Harassment Policy, as appropriate.

#### **41- OUT-OF-CLASSIFICATION WORK**

- a. Suppression Employees. When a certified employee has worked out-of-classification, the certified employee shall be compensated at the rate of the higher classification while the out-of-classification work continues.

Compensation for working out-of-class shall be as follows:

- (1) Firefighters working as Acting Engineer, and Engineers working as Acting Captain:

The lowest salary step of the higher classification that is at least 5% above the employee's current base pay.

(2) Firefighters working as Acting Captain:

The lowest salary step of the higher classification that is at least 10% above the employee's current base salary.

For the purposes of this subsection, an out-of-classification assignment is defined as the full-time performance of all the duties of an authorized, funded, permanent, full-time position in one classification by an employee in a position in another classification. Credit or pay for out-of-classification work shall accrue in half or full shift increments only.

- b. An employee assigned to work as a Battalion Chief shall be compensated at the greater of either minimum base salary assigned to that class or at least receive a 15% (fifteen percent) increase in base salary (up to maximum of range) for each full shift or day the employee is assigned such work.
- c. Prevention Employees. Working a Fire Prevention employee out-of-classification that is not certified as an Inspector II or III will occur only to meet the work requirements within the City and that such out-of-classification work will terminate fifteen (15) consecutive work days or thirty (30) work days in any one calendar year, or if extended beyond fifteen (15) consecutive or thirty (30) work days, the employee shall be compensated at the rate of the higher classification while the out-of-classification work continues. When an employee with certification has worked out-of-classification, the certified employee shall be compensated at the rate of the higher classification while the out-of-classification work continues.

For purposes of this subsection, an out-of-classification assignment is defined as assignment by the Fire Chief or designee of the full-time performance of the significant duties of an authorized, funded, permanent, full-time position in one or more higher classification(s) by an employee in a position in another classification. "Significant duties" shall be as defined on the appropriate class specification.

When an employee works out-of-classification continuously for fifteen (15) working days or more, the City shall place a letter in the employee's personnel file acknowledging the out-of-classification work.

It is the intent of this subsection to compensate employees for assigned out-of-class work which extends beyond fifteen (15) consecutive or thirty (30) work days in any one calendar year.



#### **42- OVERTIME/FAIR LABOR STANDARDS ACT (FLSA)**

- a. All unit members are exempt under the provisions of the 7K exemption of the Fair Labor Standards Act (FLSA).
- b. Suppression employees shall be on a 24-day work period.
- c. Overtime compensation for employees shall be as follows:
  - (1) Suppression Employees. Suppression employees shall be compensated at time and one-half their regular rate of pay for all hours worked in excess of 182 hours in a 24-day work period. Paid leave time shall count as time worked for purposes of this section. All emergency call back and hold over time shall be compensated at time and one-half.
  - (2) Prevention Employees. Prevention employees shall be compensated at one and one-half times their regular rate of pay for all hours worked in excess of their regularly scheduled shift and/or in excess of 40 hours per week. Paid leave time shall count as time worked for purposes of this section.
- d. Hourly rates for suppression employees shall be based on the established biweekly salary divided by 112 hours.
- e. Employees assigned to fire watch overtime hours (e.g. movie sets, concerts) will be paid at time plus one-half.
- f. Emergency callback overtime is paid from time of notification to time of departure from the station or other assigned reporting site. Other overtime, including but not limited to scheduled and mandated overtime, is paid from arrival to until departure from the station or other assigned reporting site.
- g. Comp Time may be earned and used as follows:
  - 1. Employees shall have the option to be compensated by CTO for any portion of overtime worked at a time and one-half CTO rate, subject to a CTO accrual limit of 108 hours for suppression employees and 60 hours for prevention employees. Unless employees specifically designate CTO compensation for overtime worked, employees will receive monetary compensation for such overtime.
  - 2. Effective July1, 2019, employees will be limited to no more than 120 hours of compensatory time used as paid time off in any calendar year.

3. CTO shall be taken off under the same policies and procedures that govern vacation including the ability to utilize when an employee attends fire-related training.
  4. An employee may also request, in the same manner as vacation time, to utilize CTO beyond the maximum five employees per shift if sufficient staffing will be available. The availability of sufficient staffing will be determined by the department at 0630 hours on the day of intended use. The employee requesting the CTO will be responsible for calling the department between 0630 and 0700 hours on the day of intended use to see if the CTO request is granted.
  5. In limited circumstances, the department may approve a greater accrual of CTO as follows: 1) Suppression employees may be approved to accrue up to 144 CTO hours for use to attend scheduled, fire-related training and classes; or 2) An employee who has had to deplete his/her vacation time to extend a recovery period due to sickness or off-duty injury may be approved to accrue up to 144 CTO hours.
- h. Members that respond to emergencies outside of the City's jurisdiction will be paid "portal to portal" while in the course of their employment and assigned to an emergency incident, or pre-positioned for emergency response outside of the City's jurisdiction.

#### **43- PAYROLL DEDUCTIONS**

The City will continue deducting monies from payroll and remit same to SBCFA as authorized by employee payroll deduction authorizations in accordance with present policy. Any changes in dues deductions shall be subject to indemnification of the City by SBCFA.

SBCFA will meet and confer at the City's request regarding the addition or deletion of other payroll deductions.

#### **44- PREMIUM PAY FOR USE OF SPANISH LANGUAGE SKILLS**

For all employees designated by the Fire Chief, who establish to the satisfaction of the Chief and the Human Resources Manager proficiency in conversing and reading skills in Spanish as demonstrated by appropriate testing, the City will pay premium pay of \$51.20 each biweekly pay period.

Employees receiving such premium pay may be required to show continued proficiency as demonstrated by an annual recertification exam that is the same as the initial qualifying exam.

Employees who are off-duty for an extended period of time due to illness or injury (including industrial-related illness or injury) and are designated by the Fire Chief to take the exam, may take the test to establish proficiency in Spanish language skills; however, he or she will not begin receiving the premium pay until they return to active duty.

#### **45- PROBATIONARY PERIOD**

The City may extend the probationary period upon written agreement of the employee. A consecutive period of time served by an employee in an acting capacity immediately prior to his/her regular appointment to the position shall be applied to the one year probationary period.

In addition, any period of ten (10) or more shifts served by an employee in an acting capacity within the six (6) months immediately prior to promotion shall be credited to the employee's probationary period.

**46- PROFESSIONAL CERTIFICATION PAY**

- a. Employees who meet the certification and eligibility requirements set forth herein shall receive the following pays effective the first full pay period following ratification of the MOU amendment. The percentage listed multiplied by the employee’s base salary rate constitutes the amount of the pay. The certificates listed below enhance the employees’ ability to do their job and a program or system is in place to evaluate and approve acceptable courses.

EMT-D*	0.5%
California State FF1 Certification OR California State Fire Inspector I	2%
California State FF II Certificate OR Completion of FFI Certified Fire Academy plus 1 year as a professional Firefighter OR California State Fire Investigator I Certificate	2%
Completion of Company Officer Courses (2A, 2B, 2C, 2D, 2E, Instructor 1) OR Completion of State Fire Inspector II Courses (2A,2B, 2C, 2D)	1%
California State Company Officer Certificate OR California State Fire Inspector II Certificate	2%

b. Certification Requirements

\*EMT-D certification requirement as determined by the Santa Barbara County Emergency Medical Services Agency. Employee shall lose the certification pay and eligibility if recertification requirements are not met as determined and required by the Santa Barbara County Emergency Medical Services Agency.

c. Eligibility Requirements

All eligible members will begin receiving pay effective the first full pay period following ratification of the MOU amendment. Subsequently, upon providing proof of eligibility, all newly eligible members will receive pay effective no later than two pay periods following submission.

d. Change in Criteria Meet and Confer

In the event that the requirements/criteria for either the courses and/or certificates changes from current July 1, 2021 standards in such a manner so as to adversely impact the members' ability to obtain the percentages specified herein, the parties agree to meet and confer to ensure that the ability to maintain/obtain the percentages in this section are preserved.

#### **47- RETIREE MEDICAL INSURANCE CONTRIBUTION**

a. This provision is applicable to employees who retire from City service on or after July 1, 1994, and

1. Have 15 or more years of classified or unclassified service; or
2. Retire from City with an industrial disability.

b. For employees who retire on or after the date this Agreement is ratified by the City Council, the City shall contribute \$12.00 per month, per year of service up to a maximum of 35 years (i.e., \$420.00/month) towards the purchase of medical insurance for the retiree and his/her spouse or registered domestic partner, if applicable.

Employees who retire from the City with an industrial disability shall receive a minimum contribution based upon 15 years of service, or actual years of service, whichever is greater.

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

d. The City shall continue to make its contribution until the retiree reaches age 65 or dies, whichever occurs first, provided however, that if the retiree dies before reaching the age of 65 and there is a surviving spouse or registered domestic partner, the City's contribution shall cease when the retiree would have reached age 65. Thereafter, the spouse or registered domestic partner may remain on the insurance plan, at his/her own cost, subject to the conditions set forth by the insurance company.

e. In the event Health Care legislation is passed which affects the nature of the benefit described above, the parties will reopen negotiations and modify

this benefit, if necessary, so as to maintain their original intent (e.g., eligibility, scope, cost).

#### **48- RETIREMENT**

- a. Classic Employee For employees who are “Classic” employees under the Public Employees Retirement System (PERS):
  - (1) The City shall provide the 3% at age 50 PERS retirement formula for Fire safety employees.
  - (2) The employee will pay the full member contribution.
  - (3) Classic employees will pay an additional cost share amount as follows:
    - i. Effective June 23, 2018, “Classic” employees under CalPERS will pay an additional 1.5% to CalPERS as cost-sharing under section 20516 (f), the “MOU Method,” of cost-sharing. This amount will be in addition to the 9% member contribution, for a total employee contribution of 10.5%.
    - ii. To the extent allowable by CalPERS, and consistent with the results of any required member election, these contributions will be tax-deferred and credited to the member account through the “Amendment Method” of cost-sharing. The City agrees to use reasonable haste to determine the eligibility of the cost-share under the amendment method, and to conduct any administrative processes necessary to achieve such amendment.
  - (4) The City shall provide One-Year Highest Compensation pursuant to Section 20042 of the California Government Code.
- b. PEPRA Employee Effective January 1, 2013, “New” Fire Safety members as defined by California Public Employees’ Pension Reform Act of 2013 (hereinafter “PEPRA Employees”) will be covered under the 2.7% at 57 Safety retirement formula, with a final compensation measurement period of the average of the highest three (3) consecutive years, as well as all other statutory requirements.. Effective January 1, 2013, new employees and/or members as defined by statute shall contribute half the normal cost for benefits, as defined by statute; the City will not pay any portion of these employees’ required contributions.
- c. For both “Classic” and “PEPRA” PERS members:
  - (1) The City shall provide Post-Retirement Survivor Allowance to Continue After Remarriage pursuant to Section 21635 of the California Government Code. This provides that if the surviving spouse remarries on or after January 1, 1985, the Post-Retirement Survivor Continuance will not cease. This section will apply on account of remarriages that occur on and after the contract inclusion date for survivors or contracting agency members.
  - (2) The City shall provide Increased Level of 1959 Survivor Benefits pursuant to Section 21572 of the California Government Code. This benefit allows

the City to provide 25% higher levels of 1959 Survivor Benefits than the level one benefits provided under section 21571 of the California Government Code.

- (3) Suppression employees will have fifty-six (56) hours of regular salary reported to PERS.
- (4) The City shall provide for employees to convert unused accumulated sick leave to additional PERS service credit at the time of retirement. (Government Code Section 20965).
- (5) The City's contract with PERS shall provide that Fire Inspectors I, II and III shall be designated as safety employees for purposes of retirement. (Government Code Section 20433).

d. Notwithstanding the above, the unclassified classification of Firefighter-Entry shall be enrolled in the CalPERS Miscellaneous retirement plan and subject to the contribution requirements applicable to the Miscellaneous plan.

**49- SALARIES**

- a. The compensation which shall be paid to fire personnel shall be in accordance with Section 1211 (b) of the City Charter as amended.
- b. Further, the City agrees to provide employees with a minimum 5% increase in base salary upon promotion up to the maximum of the salary provided in the salary range for the position.
- c. The following across-the-board increases will go into effect as indicated:

Effective Date	Base Salary Increase
July 6, 2019	3.0%
July 4, 2020	No salary increase

- e. Limited reopener – The SBCFA and City agree to commence limited reopener negotiations before June 30, 2021 as to education incentive pay only.
- f. Should a formal salary/compensation survey occur, the following survey agencies will be used:
  - (1) Santa Cruz
  - (2) Santa Monica
  - (3) Huntington Beach
  - (4) Oxnard
  - (5) Ventura

- (6) Newport Beach
- (7) Pasadena
- (8) Burbank
- (9) Montecito
- (10) Carpinteria
- (11) Glendale
- (12) Beverly Hills

**50- SBCFA ACCESS TO WORK LOCATIONS**

- a. SBCFA officers or employees shall be permitted reasonable access to work locations for the purpose of processing grievances or contacting members concerning issues of wages, hours, or terms and conditions of employment. Work locations will not be entered without the knowledge and consent of the Chief Officer on duty. Access shall not interfere with normal department operations or established safety or security requirements.
- b. Solicitation of membership and activities concerning SBCFA internal management shall not be conducted during working hours without the consent of the Fire Chief. The right to solicit members and conduct SBCFA activities shall not be unreasonably withheld if said activities are conducted during non-scheduled activity hours.
- c. SBCFA shall submit requests to the Chief or his designee at least twenty-four (24) hours in advance of its desire to conduct a SBCFA meeting on City property. The Fire Chief or his designee has the discretion to approve any request but may not withhold approval unreasonably. The Fire Chief's response to SBCFA will be made within a reasonable time so that SBCFA can make other arrangements if necessary.

**51- SBCFA BULLETIN BOARDS**

The Association may furnish a bulletin board at each main work location for the conduct of Association business. The size and location of the boards must be approved by the City. All materials to be posted on such bulletin board shall be non-defamatory, must be approved and signed by an Association official and shall be used only for information related to the following subjects: Association recreational, social and related news bulletins, meeting notices, election notices and results, and other official Association business such as Committee reports.

**52- SCOPE OF THE BARGAINING UNIT**



The bargaining unit will represent all employees in the classifications of Firefighter – Entry, Firefighter, Fire Engineer, Fire Captain, Fire Inspector I, Fire Inspector II and Fire Inspector III.

**53- SERVICE BETTERMENT PAY (EDUCATION)**

The former City Service Betterment Pay Plan was eliminated January 1, 1977.

**54- SHIFT TRADES**

Employees may voluntarily exchange work shifts or any portion of a shift with 24 hours advance notice and approval from the Fire Chief or designated representative. Employees exchanging shift time shall be of equal rank.

The City and Fire Department are not responsible for shift exchange arrangements made between employees. Outstanding shift exchange paybacks are the responsibility of the individual employee.

## **55- SICK LEAVE**

- a. Employees shall be eligible to accrue sick leave at the rate of 12 days (144 hours for shift personnel and 96 hours for 40-hour per week employees) per year. Sick leave may be accumulated up to a maximum of 180 days (2,160 hours for shift personnel and 1,440 hours for 40-hour per week employees). Sick leave may be used for the diagnosis, care or treatment of the employee's existing health condition or preventative care (e.g. medical appointments). Employees may also use sick leave if they are a victim or domestic violence, sexual assault, or stalking, as provided under state law. In no case shall sick leave be used in lieu of or in addition to vacation or industrial injury/illness leave.

An employee's use of the first one-half of paid sick leave in a calendar year (72 hours for Shift personnel and 48 hours for 40-hour per week employees) for any qualifying reason, is considered "Protected Sick Leave." As such, no physician's statement is required for sick leave utilized during this period. Thereafter, Section 3.08.170 of the Municipal Code regarding presentation of a physician's statement as proof of illness or sick leave absences, of for more than three consecutive working days, shall be interpreted to mean that such a physician's statement shall be required for absences of more than two consecutive shifts for shift personnel.

Employees may use up to 6 days (72 hours for Shift personnel and 48 hours for 40-hour per week employees) of accrued sick leave per calendar year for the diagnosis, care or treatment of an existing health condition or preventative care (e.g. medical appointments) of a child, parent, spouse, domestic partner, child of a domestic partner of the employee, grandparents, grandchildren, siblings and parents-in-law, as provided under state law.

- b. **Sick Leave Annuity Upon Retirement** At the time of retirement, the City shall calculate the amount of an annuity for sick leave for the retiring employee using the formula for sick leave conversion that is set forth in Government Code section 20965. The following conditions apply to this benefit:
  - (13) In order to qualify for payout of sick leave upon retirement, the retiring employee must have at least thirty (30) years of service and at least 500 accrued sick leave hours;
  - (14) The conversion rate of 0.004 year of service credit for each 8-hour day of sick leave is utilized.
  - (15) The retiring employee will be paid out in a lump sum amount based upon the value of the sick leave annuity.

## **56- STANDBY PAY**

When department management assigns 40 hour per week prevention employees to be on standby duty, the employees shall be compensated and governed by the following:

- a. Employees shall be ready to respond to calls for their services.
- b. Employees shall be readily reachable by telephone or paging device.
- c. Employees shall remain within sixty minutes travel time from Santa Barbara City.
- d. Employees shall refrain from activities which might impair their ability to perform their assigned duties.

The hourly standby pay amount will be \$5.41 per hour.

Employees shall not accrue standby pay simultaneously with overtime pay.

## **57- STATION MAINTENANCE**

Employees shall be responsible for interior and exterior day-to-day routine maintenance necessary to maintain cleanliness of fire stations, related buildings and appurtenant grounds. Any additional work other than that which is necessary to maintain cleanliness shall not be required unless mutually agreed by the Association and the City.

## **58- STEP INCREASE PLAN**

- a. Entry Level Firefighters shall be appointed at the A step. Entry level personnel shall be eligible for a salary step increase to the B step upon satisfactory completion of a probationary period of one year and a "probationary firefighters examination."
- b. Further step increases through the salary range shall require, in addition to satisfactory performance, a period of one year of actual service in each step.

## **59- TERM OF AGREEMENT**

The term of this Memorandum of Understanding is for three years commencing on July 1, 2019 and expiring on June 30, 2022.

## **60- UNAUTHORIZED LEAVE/SUSPENSION**

No sick leave, vacation, or holiday time shall accrue or be paid during any period of unauthorized leave or suspension. Should the suspension later be overturned, employee shall receive "back" pay and benefits that would have accrued to the employee as if the suspension had not taken place.

## **61- UNIFORM ALLOWANCE**

- a. The City shall provide employees in the bargaining unit an annual uniform allowance of \$595 per full year that provides the entire City contribution for maintenance, cleaning and replacement of any authorized uniforms. Payment of the uniform allowance will be paid to employees who are on the payroll during the pay period ending two (2) weeks prior to the payday on which the uniform allowance is paid in June or December of each year. Payment will be made in a separate check, one-half (\$297.50) in December and one-half (\$297.50) in June, per the following schedule:

December, 2019; June, 2020; December 2020; June 2021;  
December, 2021; June, 2022.

- b. Newly hired employees will receive the full annual uniform allowance upon their commencement of employment with the City. Following twelve (12) months of employment, employees will receive their uniform allowance pursuant to the provisions of paragraph 'a' above.
- c. The Fire Department's dress, fatigue and physical fitness exercise uniforms are for official on-duty use only and are not to be mixed with personal clothing or worn off-duty. Any use of fire equipment or the wearing of the Fire Department uniform by fire personnel not on duty will only occur with the express permission of the Fire Chief or designee.
- d. The Fire Department will exchange uniforms destroyed in the line of duty.
- e. The City will clean employee turnouts as needed.

## **62- VACATION**

- a. The following vacation schedule shall apply to shift personnel:
  - 0 - 9 years continuous service accrues at 11 days (132 hours) per year.
  - 10 years continuous service & over accrues at 17 days (204 hours) per year.

- b. Employees assigned to 40-hour work week prevention function shall receive the general employees vacation schedule.
- c. Vacation hours bid in any vacation year must be taken by the end of that vacation year or the employee will cease accruing vacation, unless the employee elects to cash-out "unscheduled" vacation time pursuant to paragraph "e" below. It shall be the employees' responsibility to monitor their vacation accrual and schedule their unbid vacation days. Said limitation on accumulation of vacation hours shall not apply if scheduled vacations are canceled by the City for emergencies or canceled due to illness, injury or personal emergencies of employees. All vacation hours carried over due to the cancellation of a scheduled vacation shall either be taken or cashed in by the end of the following vacation year.
- d. Employees may maintain a bank of unbid vacation hours not to exceed their previous year's accrual. These unbid vacation hours may be taken with prior scheduling and approval by the City consistent with the staffing needs of the department.

Each year an employee must bid sufficient vacation hours so that his/her unbid hours do not exceed an amount equal to his/her previous year's vacation accrual.

- e. If a 40-hour employee takes a minimum of 80 hours of vacation during a payroll year, that employee is eligible to cash out any remaining vacation time. If a 56-hour employee takes a minimum of 96 hours of vacation during a payroll year, the employee is eligible to cash out any remaining "unscheduled" vacation time. Cash-outs of vacation time shall occur annually in conjunction with the vacation scheduling process.
- f. Vacations shall be scheduled in accordance with Municipal Code Chapter 3.08. A maximum of four (4) employees per shift may schedule vacation, holiday, or compensatory time off during any vacation year.

Effective with the 2008 vacation year, a 5<sup>th</sup> employee may be scheduled for vacation, holiday, or compensatory time off during any shift. The 5<sup>th</sup> slot will be available for bid during the normal 2008 vacation bid process. Once the vacation bid period is complete, an employee may request to use unbid vacation for an available 5<sup>th</sup> slot, provided he/she arranges to cover his/her own shift under the practice commonly referred to as a "wild card process".

Based on unforeseen operational impacts of the new 5<sup>th</sup> vacation slot and following informal consultation with the Association to explore alternatives, the Fire Chief may require that an employee requesting to take vacation in

the 5th slot during the annual bid process must arrange to cover his/her own shift under the wild card process.

- g. The City retains the right to cancel scheduled time off during emergencies.

**63- WAIVER**

Except as otherwise provided in this Agreement, each party voluntarily and unqualifiably waives the right and each agrees that the other party shall not be obligated to meet and confer with respect to any subject or matter pertaining to or covered by this Agreement. Nothing in the foregoing however, shall preclude the parties from meeting and consult during the term of this Agreement on matters of mutual concern. Such meeting and consulting shall be by mutual consent only.

Nothing in this Agreement shall in any way diminish the rights of the employees, the City, or the SBCFA as established by the Meyers-Miliias-Brown Act of the State of California and all amendments thereto, or Santa Barbara Municipal Code, Chapter 3.12, except as herein provided.

## **64- WORK SCHEDULES**

### **a. Suppression Employees**

(1) Suppression employees shall be regularly scheduled to work a 48/96 schedule. The following will apply to employees on a 48/96 work schedule:

- i. A duty shift will be a period of 24 consecutive hours, starting at 0800 hours one day and continuing to 0800 hours the next day. A scheduled rotation will occur after 2 shifts (48 hours), followed by 96 hours off. This will result in 10 hours of scheduled overtime per 24-day FLSA work period.
- ii. During the month of December annually, a "holiday black-out period" will be imposed wherein no vacation time off will be authorized between December 22nd and December 25th. However, a supervisor may approve an employee's use of vacation time off during this period if the employee arranges his or her own relief coverage.
- iii. Except for off-district assignments through mutual aid or unusual circumstances, such as a local disaster, after 96 continuous duty hours an employee may request a minimum 12-hour period off duty for safety reasons before the employee returns to any duty. The Fire Chief or his/her designee also has the discretion to limit continuous duty to 96 hours for safety reasons.
- iv. Vacation, comp-time, holiday, and sick leave may be scheduled only in blocks of 12 or 24 hours, except as required by state, local or federal law.

(2) City shall designate the employee's work week and may change an employee to a 40-hour week by providing 30 calendar days advance notice unless mutually agreed by employee and City or unless unanticipated circumstances, other than discipline or retraining, necessitate lesser notice in order to maintain service levels and normal activities. The 30 calendar day notice will not apply to an employee whose schedule changes when starting or ending a temporary modified duty assignment.

(3) Any firefighter, fire engineer, or fire captain that is either:

- i. Assigned by the Fire Chief or his/her designee to a 40-hour work schedule while on mandatory temporary modified duty due to an industrial illness or injury; or
- ii. Designated by the Fire Chief to work in an administrative capacity on a schedule of 40 hours a week to meet the needs of the City,

will receive a biweekly "administrative assignment pay". The biweekly amount will be approximately equal to 3 hours at the straight time hourly

rate of pay for an employee in the same job classification, but assigned to a 56-hours per week schedule.

The purpose of this pay will be to maintain a salary for the employee on a 40-hour per week administrative assignment that is approximately equal to that of an employee assigned to a 56-hour per week schedule. Any previous practice designed to achieve this salary equivalency will be discontinued. An employee assigned to a 40-hour schedule at his or her own request (e.g., due to a non-industrial illness or injury) will not be eligible for administrative assignment pay.

(4) If the City desires to change the regular work schedule, it shall notify the Association and provide it the opportunity to meet and confer.

b. Prevention/Investigation Employees

Employees shall be regularly scheduled to work an average 40-hour work week and shall receive a minimum of two (2) consecutive days off subject to emergency call back, overtime or standby. The City shall designate the employees' work week.

c. Moving from 40-hour to 56-hour shift

When an employee moves from a 40 hour shift to a 56 hour shift, and vice versa, no conversion shall be made to the hours in the employee's accrued leave banks. An employee may use previously accrued vacation on an hour-for-hour basis. However, the employee will begin accruing leave at the new rate applicable to that new schedule



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 9 OF THE SANTA BARBARA MUNICIPAL CODE BY THE ADDITION OF CHAPTER 9.49 TO REGULATE SIDEWALK VENDING IN ACCORDANCE WITH STATE LAW

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

SECTION 1. Background and Introduction.

Senate Bill 946, which took effect on January 1, 2019, provides that cities and counties may not regulate sidewalk vending except in accordance with sections 51038 and 51039 of the California Government Code. California Government Code Section 51038 generally requires local regulation of sidewalk vending to be “directly related to objective health, safety, or welfare concerns.” The City seeks to adopt a sidewalk vending Ordinance to ensure compliance with the requirements of state law. Regulating sidewalk vending will benefit the entire Santa Barbara community as it will encourage entrepreneurship and provide for equal economic opportunities while ensuring orderly commerce and protection of the public safety and welfare. The City Administrator is directed to provide educational materials and outreach campaigns in English and Spanish to assist vendor compliance with the new regulations. Further, it is the City Council’s policy that administrative penalties will not be imposed for violations of this Chapter 9.49 as adopted by this ordinance for the first year following its enactment. The City Administrator is directed to provide a report of implementation and outreach efforts, along with any recommendations for amendments, if any, to Chapter 9.49, no later than April 2023.

SECTION 2. Title 9 of the Santa Barbara Municipal Code is amended by the addition of Chapter 9.49 as follows:

**Chapter 9.49  
Sidewalk Vendors**

- 9.49.010 Purpose.**
- 9.49.020 Definitions.**
- 9.49.030 Measurements.**
- 9.49.040 Sidewalk Vending Authorized – Violations Prohibited.**
- 9.49.050 Sidewalk Vending in Residential Zones.**
- 9.49.060 Prohibited Merchandise.**
- 9.49.070 Business License – Health Department Permit.**
- 9.49.080 Operational Requirements.**

- 9.49.090**      **Locational Requirements.**
- 9.49.100**      **Sidewalk Vending in Parks and Beaches.**
- 9.49.110**      **State Street Promenade.**
- 9.49.120**      **Administrative Penalty.**
- 9.49.130**      **Removal of Carts.**
- 9.49.140**      **Exemptions.**
- 9.49.010**      **Purpose.**

This Chapter establishes regulations of sidewalk vending in accordance with California Government Code Sections 51036 – 51039.

**9.49.020**      **Definitions.**

A.      **FOOD.** Any type of edible substance or beverage intended for human consumption.

B.      **HEALTH DEPARTMENT.** The County of Santa Barbara Environmental Health Services.

C.      **HEALTH DEPARTMENT PERMIT.** All licenses, permits, certifications, and courses required and issued by the Health Department to vend food within the City.

D.      **MERCHANDISE.** Any item, good, or tangible personal property of any kind that is not food intended for human consumption.

E.      **RESIDENTIAL ZONE.** Areas designated on the Sectional Zoning Map of the City of Santa Barbara as: A-1 A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, or S-H under Title 28 of this Code; RS, R-2, R-M, R-MH under Title 30 of this Code; or within any overlay zone for mobilehome or residential planned unit or common interest development.

F.      **ROAMING SIDEWALK VENDOR.** A sidewalk vendor who moves from place to place and stops only to complete a transaction, or as otherwise defined by Government Code Section 51036(b), as it may be amended.

G.      **SIDEWALK.** The portion of a public street or highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel. Sidewalk excludes, public paseos, plazas, and other public pedestrian pathways that are not part of a public street or highway.

H.      **SIDEWALK VENDOR.** A person who vends food or merchandise from a vending cart or from one’s person upon a sidewalk. A sidewalk vendor does not include an owner, employee, agent, or independent contractor of a business having an established storefront or other fixed business location within the City.

I.      **STATIONARY SIDEWALK VENDOR.** A sidewalk vendor who vends from a fixed location, or as otherwise defined by Government Code Section 51036(c), as it may be amended.

J. STATE STREET PROMENADE. The portions of State Street generally between Victoria Street and Haley Street closed to use by motor vehicles pursuant to City Council ordinance or resolution.

K. SUNSET. A time of day as determined by the National Weather Service.

L. VEND OR VENDING. To sell, offer for sale, expose or display for sale, solicit offers to sell, barter, or exchange anything of value, even if the transaction is characterized as a donation.

M. VENDING CART. A pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used by a sidewalk vendor to sell food or merchandise.

**9.49.030 Measurements.**

Distance shall be measured along a sidewalk as the closes points between the items or places being measured. When a distance is being measured between a vending cart and the entrance to a location, the measurement will be made to the point where the pathway to the entrance intersects the sidewalk. When a distance is measured to a school or other building or facility, measurement shall be made to the exterior boundary of the grounds on which the school or other building or facility is located.

**9.49.040 Sidewalk Vending Authorized – Violations Prohibited.**

Notwithstanding Chapter 9.48 of this Code, sidewalk vendors may vend on sidewalks in the City in compliance with all the requirements of this Chapter. A sidewalk vendor who vends in the City in violation of this Chapter is subject to an administrative citation punishable by an administrative penalty pursuant to Section 9.49.110 only.

**9.49.050 Sidewalk Vending in Residential Zones.**

A. Stationary sidewalk vendors are prohibited in residential zones.

B. Roaming sidewalk vendors are permitted in residential zones between the hours of 8 a.m. and one-half hour after sunset. Roaming vendors must move continuously except when stopped to complete a sale. For purposes of this Section, “move continuously” means not staying in the same location for more than 5 minutes, except to complete a sale commenced during the initial 5 minutes.

**9.49.060 Prohibited Merchandise.**

Notwithstanding Section 9.49.040, sidewalk vending of the following merchandise is prohibited and punishable pursuant to Chapter 1.28 of this Code:

1. Alcoholic beverages;
2. Tobacco, tobacco products, or electronic smoking devices;
3. Cannabis or cannabis products;
4. Weapons, including knives, guns, or explosive devices;

5. Pharmaceuticals;
6. Any other merchandise prohibited by law from being vended from a vending cart.

**9.49.070 Business License – Health Department Permit.**

A. Sidewalk vendors are prohibited from vending without first paying the applicable business tax pursuant to Chapter 5.04 of this Code and obtaining and displaying a business tax receipt.

B. When accepting business tax payments and issuing a business tax receipt to a sidewalk vendor, the Finance Department shall accept either a California driver's license or identification number, an individual taxpayer number in lieu of a social security number, or such other forms of identification as the Finance Director deems acceptable. The Finance Director will keep the information exempt from public inspection, confidential, and not disclosable except as required to administer the permit or licensure program or comply with a state law or state or federal court order as required by Government Code Section 51038(c)(4).

C. Before issuance or renewal of a business tax receipt, a sidewalk vendor must provide the following information to the Finance Department:

1. The name and current mailing address of the sidewalk vendor;
2. A description of the merchandise offered for sale or exchange;
3. A statement whether the vendor intends to operate as a stationary or a roaming vendor;
4. All other information required by Chapter 5.04 of this Code;
5. The vendor's California seller's permit number (California Department of Tax and Fee Administration sales tax number);
6. If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
7. A certification by the vendor that to his or her knowledge and belief, the information provided is true.

D. No sidewalk vendor may vend food anywhere within the City without first obtaining a Health Department Permit.

E. A copy of the business license certificate and, if applicable, the Health Department Permit, must be prominently displayed on each vending cart used by the licensed sidewalk vendor or carried by a sidewalk vendor when vending without a cart.

**9.49.080 Operational Requirements.**

A. Sidewalk vendors shall comply with each of the operational requirements in this Section.

B. Sidewalk vendors who vend food shall comply with the requirements of the Health Department Permit issued to the sidewalk vendor.

C. Vending carts shall not exceed a length of 74 inches, a width of 34 inches, or a height of 80 inches. A vending cart may have an attached umbrella with a diameter that does not exceed 48 inches and a height not less than 80 inches.

D. Stationary sidewalk vendors and roaming sidewalk vendors shall not operate in commercial zones between the hours of midnight and 6:00 a.m.

E. Vending carts shall not be stored overnight in any zone on the sidewalk or other City property and must be removed from the sidewalk or other City property after the hours of operation.

F. Vending carts shall not be left unattended.

G. Vending carts shall not be locked, chained, or otherwise secured to any pole, sign, tree, or other object in the public right-of-way.

H. Stationary sidewalk vendors shall maintain a clean and trash-free vending location including a 10-foot radius from the stationary cart. All waste generated by the preparation or service of food products or other products shall be maintained within cart until properly disposed of in a proper receptacle that is lawfully available for use of a stationary or roaming sidewalk vendor.

I. Sidewalk vendors that vend food items shall provide a trash receptacle for customers. The trash receptacle shall be large enough to accommodate customer trash. The trash receptacle may be attached to the vending cart or placed adjacent to it. The trash receptacle shall be regularly emptied and available for customer use. Sidewalk vendors shall dispose of all waste, including all waste generated from preparation or service of food or other products and customer trash, in a proper receptacle that is lawfully available for use of the vendor.

J. A stationary sidewalk vendor that vends food shall operate within 200 feet travel distance of an approved and readily available toilet and handwashing facility, as required by California Health & Safety Code Section 114315.

K. Freestanding signs are prohibited. A vending cart may have signs advertising the sidewalk vendor and the products vended attached to the cart.

L. Sidewalk vendors shall not use or set up tables, chairs, or other structures, provided however, that a stationary vendor may use a stool or chair for personal use.

M. Carts shall be self-contained, including any power sources. Sidewalk vendors shall not connect to or use a water or an electricity source owned by the City or a private party without authorization from the City or the private party. Gas powered generators are prohibited.

N. Sidewalk vendors shall comply with all laws regulating noise and must not create a noise nuisance.

O. Sidewalk vendors shall comply with all applicable rules, regulations and requirements promulgated by the City, including but not limited to, park regulations and regulations related to the State Street Promenade.

**9.49.090 Locational Requirements.**

A. Sidewalk vendors shall comply with each of the locational requirements in this Section.

B. Sidewalk vending is prohibited within 500 feet of any elementary, middle, junior high, or high school during the hours of 7:30 a.m. to 4:00 p.m. on days that school is in session.

C. A roaming sidewalk vendor shall not stop to make a sale in a manner that impedes the flow of pedestrian traffic, including persons with disabilities using a mobility device, by reducing the path of travel on a sidewalk to less than 5 feet, or that blocks entrance to a driveway.

D. Sidewalk vending is prohibited within 500 feet of a City-permitted special event. Permitted special events include certified farmers' markets, the Santa Barbara Arts and Crafts Show, parades, and other events conducted pursuant to a special event permit or other authorization issued by the City. This prohibition does not apply to a sidewalk vendor who has been authorized to participate as a vendor in the Santa Barbara Arts and Craft Show pursuant to Chapter 15.08. This prohibition does not apply to a sidewalk vendor who has been authorized to vend at a special event by the organizer of the event.

E. A stationary sidewalk vendor shall not place a vending cart or vend, and a roaming sidewalk vendor shall not *stop to vend*, in any of the following locations:

1. Within 5 feet of a marked crosswalk;
2. Within 5 feet of an unmarked crosswalk at the intersection of two streets;
3. Within 5 feet of any fire hydrant;
4. Within 5 feet ahead and 45 feet to the rear of a sign designating a bus stop;
5. Within 10 feet of a driveway or driveway apron;
6. Within 100 feet of an outdoor dining or patio dining area;
7. Within 18 inches from the edge of the curb;
8. Within the roadway of any street or highway;
9. On a sidewalk having a slope greater than 5 percent;
10. In a location or manner where placement or operation endangers the safety of persons or creates a dangerous condition of property;

11. Within 200 feet of the entrance to any library, city hall, police station, government administration building, a fire station, or a hospital;
12. Within 10 feet of the entrance to any business, during the hours that any business is open to the public;
13. Within 10 feet of a bicycle rack;
14. Within a City Class 1 off-street bicycle or multi-use path;
15. Within the approach to or on a vehicular, bike or pedestrian bridge.

F. Stationary sidewalk vendors shall not occupy the area directly in front of a transparent window or within 4 feet of an entry or exit of a business fronting on a public street.

G. In order to limit obstructions caused by a congregation of customers during periods of operations, and to clearly delineate responsibilities in operation, stationary sidewalk vendors shall not locate and roaming sidewalk vendors shall not vend closer than 50 feet from another sidewalk vendor.

H. Stationary sidewalk vendors are prohibited on the north side of Cabrillo Boulevard. Stationary sidewalk vendors are permitted on the sidewalk on the south side of Cabrillo Boulevard provided that the vending cart is located on the portion of the sidewalk furthest from the street and that a clear pedestrian path of travel of at least 8 feet is maintained along the sidewalk, except in areas where sidewalk vending is prohibited by subdivision D of this Section or by subdivision C of Section 9.49.100.

**9.49.100 Sidewalk Vending in Parks and Beaches.**

A. Sidewalk vending is prohibited in City parks or beach, except when conducted in compliance with Subsection D, below.

B. Stationary sidewalk vending is prohibited in any City park or beach where the City has entered into an exclusive concessionaire’s agreement for the sale of food or merchandise in that City park, and signs have been posted at each entrance notifying sidewalk vendors.

C. Sidewalk vending is prohibited on Stearns Wharf and the sidewalks between the intersection of State Street and Cabrillo Boulevard and the entry to Stearns Wharf.

D. Sidewalk vendors shall comply with each of the following vending requirements:

1. Sidewalk vending shall not be conducted during times the park or beach is closed;
2. All sidewalk vending activities in parks shall be conducted from a sidewalk or pedestrian pathway within the park in an area designated for sidewalk vending by the Parks and Recreation Director. A vending cart may not be placed or

operated in a manner that impedes the flow of pedestrian traffic, including persons with disabilities using a mobility device, by reducing the path of travel on a sidewalk or pedestrian pathway to less than 4 feet;

3. Sidewalk vending is prohibited within 100 feet of playgrounds, recreational fields, skate parks, ball courts, and designated parking stalls;

4. Sidewalk vending is prohibited in areas set aside for special events or reserved use during the time period authorized for the special event or reserved use;

5. Sidewalk vending is prohibited in park, waterfront, and beach, parking lots.

E. The Parks and Recreation Director may adopt additional rules and requirements consistent with this Section and Government Code Section 51038(b)(2)(B) for conduct of sidewalk vending within parks. The additional rules will be effective upon publication of the rules in English and in Spanish.

#### **9.49.110 State Street Promenade.**

A. Sidewalk vending is permitted within that portion of the State Street Promenade roadway that is available for outdoor dining or other commercial activity under guidelines issued by the City Administrator and subject to all other requirements of this Chapter. Sidewalk vending is prohibited on the sidewalks within the State Street Promenade.

B. Notwithstanding Subsection A, sidewalk vending is prohibited entirely on the 500 block of State Street.

C. In addition to vending authorized by subdivision A of this section, persons may vend cascarones (confetti filled eggs), and other non-food items from vending carts, tables, temporary stands placed within the roadway or on the sidewalk adjacent to the curb of the State Street Promenade provided that an 8 foot pedestrian path of travel along the sidewalk is maintained at all times. Use of the sidewalk authorized by this subdivision is limited to the week of the Old Spanish Days Fiesta.

#### **9.49.120 Administrative Penalty.**

A. A violation of this Chapter is punishable only by the following:

1. A Notice of Violation for a first violation;
2. An administrative fine not exceeding \$100 for a second violation within one year of the first violation;
3. An administrative fine not exceeding \$200 for a third violation within one year of the first violation;
4. An administrative fine not exceeding \$500 for each additional violation within one year of the first violation.

B. Administrative citations may be issued by any city employee designated by the City Administrator as responsible for enforcement of this Chapter.

C. Administrative citations and business license revocation issued pursuant to this Section may be appealed according to the provisions of Sections 1.25.080 – 1.25.130



of this Code. For purposes of this appeal, the employee issuing the citation will be deemed to be the Director as that term is used in Sections 1.25.080 – 1.25.130.

D. In reviewing an appeal, the Hearing Administrator shall take into consideration the person's ability to pay the fine. The citation must include notice of the right to appeal, including the right to request an ability-to-pay determination and shall make available information regarding how to file an appeal. A person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

E. If a person meets the criteria described in Government Code Section 68632 (a) or (b), the City will accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to Subsection A of this Section.

#### **9.49.130 Removal of Carts.**

A. The placement of a vending cart on a sidewalk in violation of the provisions of this Chapter is a public nuisance. A City employee authorized to enforce this Chapter may direct a sidewalk vendor to remove a cart placed in violation of this Chapter. If the sidewalk vendor refuses to remove the cart, or if the cart has been left unattended overnight, the City may impound the cart and its contents.

B. Impounded carts will be stored at a location designated by the City Administrator and may be retrieved by the sidewalk vendor during normal City business hours beginning on the day following impoundment. The City Administrator is directed to provide reasonable notice to sidewalk vendors, which notice may be by posting in a prominent location on the City's Internet website or by written notice distributed to sidewalk vendors in connection with the issuance or renewal of a business license. A vending cart will be released to a sidewalk vendor upon proper identification of the cart, execution by the vendor of a statement under penalty of perjury declaring ownership of the cart, and payment of an impound fee in an amount set by City Council resolution not to exceed the reasonable cost to impound and store the cart.

C. Carts not retrieved within 30 days following the date of impound will be deemed abandoned property and may be sold or destroyed by the City. Perishable food items may be discarded immediately.

#### **9.49.140 Exemptions.**

This Chapter does not apply to:

A. Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to, or solicit orders for future delivery from local retailers, local businesses, local governments, local schools or local wholesale firms.

B. The occasional sales of goods and services, including admission to local events, by local school students to a function of their school; or fund raising sales by service clubs or groups such as Elks, Kiwanis, Lions, Boy Scouts or Girl Scouts.

C. Peddlers operating pursuant to a permit issued under Chapter 5.32 of this Code.

D. Solicitation of charitable or political contributions that do not involve the exchange of any merchandise or food in exchange for the donation. Such activity may be subject to Chapter 5.06 of this Code.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 8, 2022

**TO:** Mayor and Councilmembers

**FROM:** Business Services Division, Waterfront Department

**SUBJECT:** Introduction Of An Ordinance For A Proposed Lease Agreement With Channel Islands Outfitters, Inc. Doing Business As Paddle Sports Of Santa Barbara, Located At 117 B Harbor Way

### RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a Five-Year Lease Agreement with One, Five-Year Option with Channel Islands Outfitters, Inc. dba Paddle Sports of Santa Barbara, for the 956 Square Foot Retail Store at 117 B Harbor Way Commencing Upon the Effective Date of the Enabling Ordinance.

### DISCUSSION:

Garrett Kababik has operated Channel Islands Outfitters, Inc., dba Paddle Sports of Santa Barbara (Paddle Sports) since October 2010. The permitted uses under the lease are kayak rentals, sales and demonstration of kayaks and equipment related to the sport of kayaking, a staging area for guided kayak trips, kayak instruction, the sale of clothing, sunscreen, sunglasses, sandals, surfboards and body boards, memberships, lessons, and stand-up paddle board (SUPs) sales and rentals.

Mr. Kababik has increased annual revenues at Paddle Sports from approximately \$378,000 in calendar year 2017 to over \$538,000 in calendar year 2021.

The business terms of the proposed lease are as follows:

- **Term:** Five-year term with one, five-year option;
- **Base Rent:** Initial rate of \$3,277.50 per month (\$3.42 per square foot);
- **Percentage Rent:** Base rent or 5% of Tenant's Gross Receipts, whichever is greater; and,

Council Agenda Report

Introduction Of An Ordinance For A Proposed Lease Agreement With Channel Islands Outfitters, Inc. Doing Business As Paddle Sports Of Santa Barbara, Located At 117 B Harbor Way

March 8, 2022

Page 2

- **Annual Rent Adjustment:** Cost of Living increases based on the Consumer Price Index (CPI)

Compliance with Coastal Land Use Plan: Paddle Sports is considered an ocean-related use per the Coastal Land Use Plan. Ocean-related uses are considered secondary harbor uses that aid in providing a desirable environment for the public. The Five-Year Review of Uses in the Harbor Commercial Zone report states that there are 14 ocean-related uses occupying 17,156 square feet of interior space and 1,276 feet of exterior space. Channel Island Outfitters, doing business as Paddle Sports, is an appropriate ocean-related use that meets the parameters of the Coastal Land Use Plan.

Paddle Sports is an important part of the Harbor community and provides a variety of recreational opportunities for both residents and visitors.

The current tenant is considered a tenant in good standing by the Department and has no outstanding default notices on file.

**BUDGET/FINANCIAL INFORMATION:**

The lease revenues are assumed in the Waterfront department's Fiscal Year (FY) 2022 operating budget, and will be included in future budgets as well.

The Harbor Commission recommended approval of the proposed lease agreement at their February 17, 2022, meeting. A copy of the lease assignment is available for public review from the Waterfront Department; please email [ARodriguez@SantaBarbaraCA.gov](mailto:ARodriguez@SantaBarbaraCA.gov) to request a copy.

**ATTACHMENT:** Paddle Sports Lease Area Map

**PREPARED BY:** Brian J. Bosse, Waterfront Business Manager

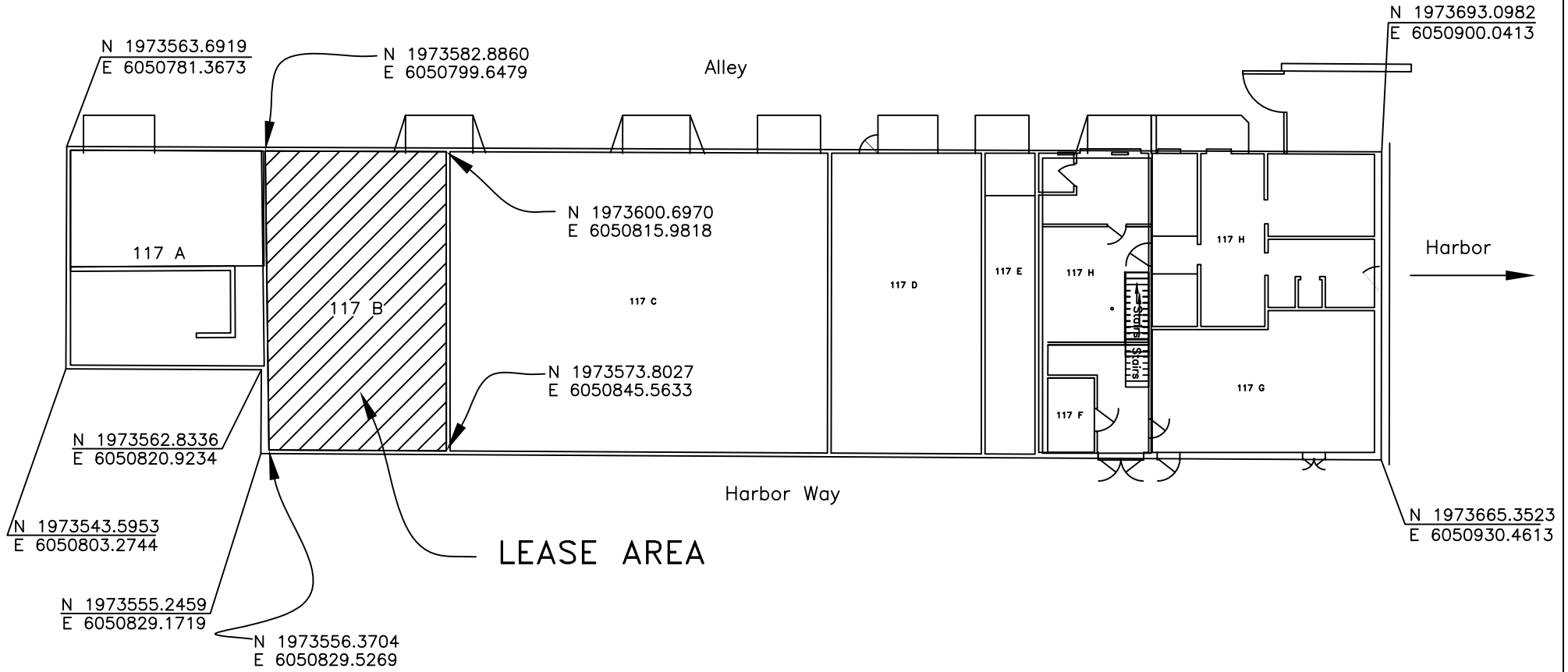
**SUBMITTED BY:** Mike Wiltshire, Waterfront Director

**APPROVED BY:** City Administrator's Office

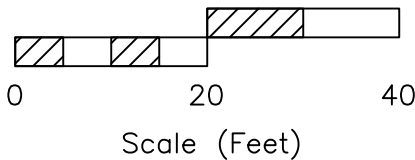
# 117-B HARBOR WAY

ATTACHMENT

FIRST FLOOR AREA	956 SF
SECOND FLOOR AREA	000 SF
KAYAK AREA	<u>374 SF</u>
TOTAL AREA	1330 SF



Project North



<b>REVISIONS</b>		<b>Lease Area Exhibit A</b>	
T. Remeika	1/22/01		
PLATTER SETTING	1=1	APPROVED BY:	DRAWN BY: A.W.Pryor
DATE:	10/12/00	ADDRESS:	117 B HARBOR WAY
			DRAWING NO. 1170-018
City of Santa Barbara			SHEET NO.
Waterfront Department			2 of 2

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE WATERFRONT DIRECTOR TO EXECUTE A FIVE-YEAR LEASE AGREEMENT WITH ONE, FIVE-YEAR OPTION WITH CHANNEL ISLANDS OUTFITTERS, INC. DBA PADDLE SPORTS OF SANTA BARBARA, FOR THE 956 SQUARE FOOT RETAIL STORE AT 117 B HARBOR WAY COMMENCING UPON THE EFFECTIVE DATE OF THE ENABLING ORDINANCE

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, the agreement for a five-year lease with one, five-year option with Channel Islands Outfitters, Inc., doing business as Paddle Sports of Santa Barbara for 956 square feet of retail space located at 117 B Harbor Way, commencing upon the effective date of the enabling ordinance, a copy of which is on file with the City Clerk, is hereby approved.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 8, 2022

**TO:** Mayor and Councilmembers

**FROM:** Business Services Division, Waterfront Department

**SUBJECT:** Introduction Of An Ordinance For A Proposed Assignment Of Lease Agreement No. 27,008 – Seacoast Of Santa Barbara, Inc. Located At 125 Harbor Way

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a Consent to Lease Assignment of Lease Agreement No. 27,008 for Seacoast of Santa Barbara, Inc. at 125 Harbor Way Commencing Upon the Effective Date of the Enabling Ordinance.

### **DISCUSSION:**

Seacoast of Santa Barbara, Inc. (Seacoast) has operated a yacht brokerage in Santa Barbara under several ownership configurations since approximately 1971. The lease space includes a total of 562 square feet comprised of a number of office suites known as 125 Harbor Way, suites 1, 10 and 11.

Currently, Mr. Brian Coryat and Ms. Vicki Van Hook are the corporate officers, and their ownership is divided between the two. The owners propose to bring in a third owner, Mr. Bob Nahm, and transfer to him a majority ownership interest. The proposed transfer of ownership represents more than a twenty-five percent (25%) change in ownership and, as such, the lease requires that a formal lease assignment take place.

Mr. Nahm has been an avid sailor since the age of five and has owned numerous sail and power boats over his lifetime. Mr. Nahm has been a yacht broker since 2001 after a successful career in advertising data processing and as the CIO of a major advertising agency group. Mr. Nahm currently manages the Seacoast office located in Channel Islands Harbor and would assume control of the day-to-day operations of Seacoast of Santa Barbara, Inc. if the lease assignment is approved.

## Council Agenda Report

Introduction Of An Ordinance For A Proposed Assignment Of Lease Agreement No.

27,008 – Seacoast Of Santa Barbara, Inc. Located At 125 Harbor Way

March 8, 2022

Page 2

In accordance with the Department's lease assignment procedure, no changes to the business terms of the lease will occur as part of this lease assignment. The basic terms of the current lease are as follows:

- **Remaining Term:** Initial Term expires August 31, 2026, with one (5) five-year option extending to August 31, 2031.
- **Base Rent:** \$2,200.00 per month (\$3.91 per square foot)
- **Percentage Rent:**
  - 1.05% - Sales of new and used boats, outboard motors and sea drives
  - 4.2% - Sales of marine hardware, equipment and sails
  - 10.5% - Commissions and fees from boat brokerage activities and marine insurance commissions, marine maintenance services, and any other transactions that are not specified above
- **Annual Rent Adjustment:** Cost of Living increases based on the Consumer Price Index (CPI)
- **Permitted Uses:** Office space for a full-service yacht sales and brokerage business, power and sailboat instruction, and boat leases for periods greater than one month (no change)

The current tenant is considered a tenant in good standing by the Department and has no outstanding default notices on file.

### **BUDGET/FINANCIAL INFORMATION:**

The lease revenues are assumed in the Waterfront department's Fiscal Year (FY) 2022 operating budget, and will be included in future budgets as well.

The Harbor Commission recommended approval of the proposed lease assignment at their February 17, 2022, meeting. A copy of the lease assignment is available for public review from the Waterfront Department; please email [ARodriguez@SantaBarbaraCA.gov](mailto:ARodriguez@SantaBarbaraCA.gov) to request a copy.

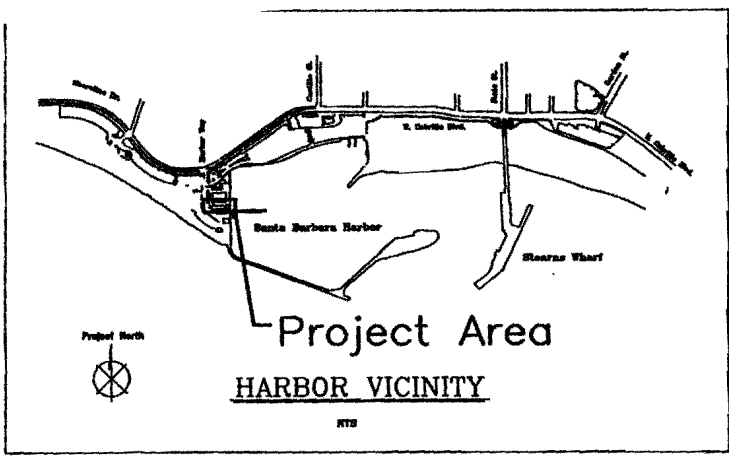
**ATTACHMENT:** Seacoast Lease Area Map

**PREPARED BY:** Brian J. Bosse, Waterfront Business Manager

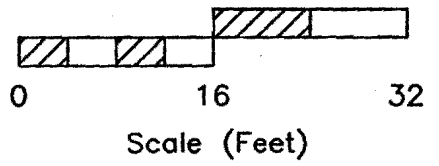
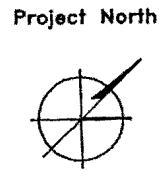
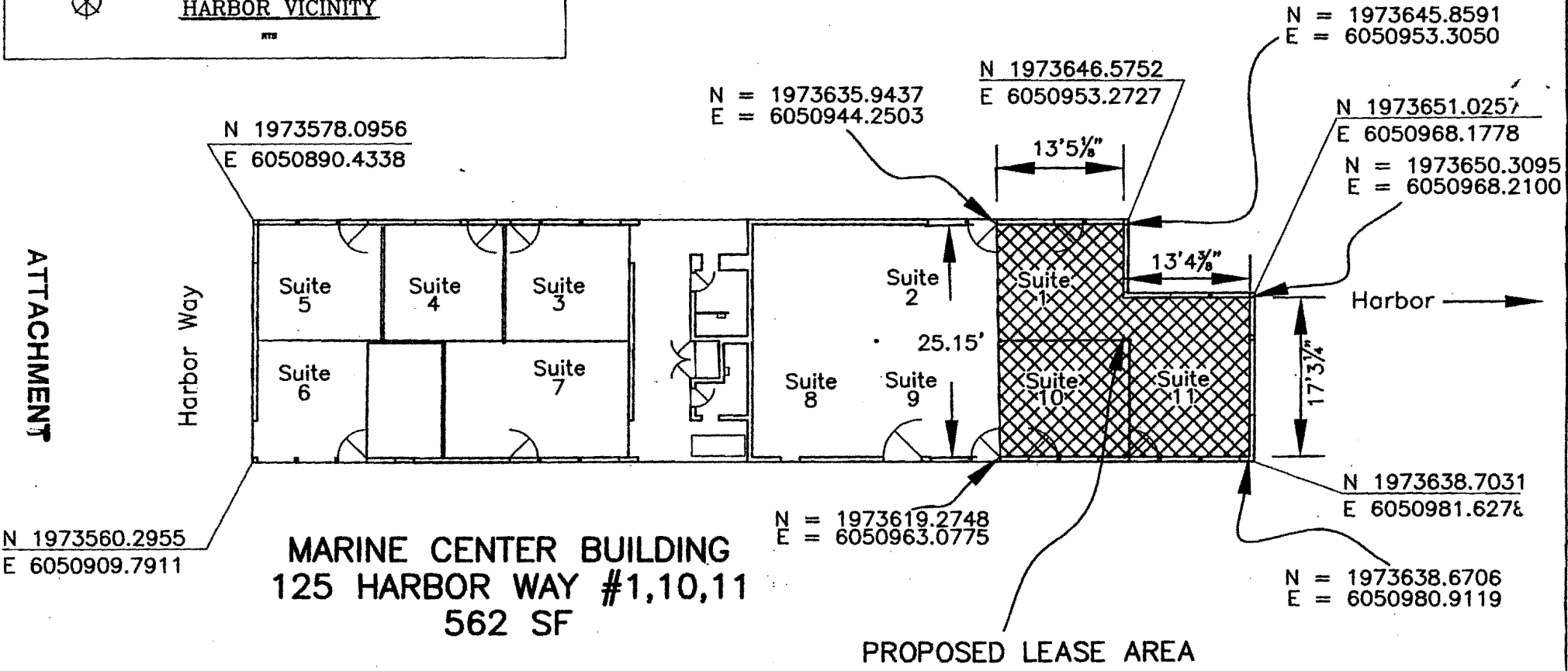
**SUBMITTED BY:** Mike Wiltshire, Waterfront Director

**APPROVED BY:** City Administrator's Office





ATTACHMENT



REVISIONS		Lease Area Exhibit A	
DATE	1-1	APPROVED BY	HLS/TR
DATE	01/04/01	PROJECT NO.	125 HARBOR WAY #1,10,11
City of Santa Barbara		PROJECT NO.	1250-019
Waterfront Department		2 of 2	

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE WATERFRONT DIRECTOR TO EXECUTE A CONSENT TO LEASE ASSIGNMENT OF LEASE AGREEMENT NO. 27,008 FOR SEACOAST OF SANTA BARBARA, INC. AT 125 HARBOR WAY COMMENCING UPON THE EFFECTIVE DATE OF THE ENABLING ORDINANCE

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, the consent to lease assignment of Lease Agreement No. 27,008 for Seacoast of Santa Barbara, Inc. located at 125 harbor Way, commencing upon the effective date of the enabling ordinance, a copy of which is on file with the City Clerk, is hereby approved.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 8, 2022

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office  
City Attorney's Office

**SUBJECT:** Adoption Of A Resolution Continuing Teleconferencing Of City Meetings During The Ongoing COVID-19 State Of Emergency

### **RECOMMENDATION:**

That Council adopt, by reading of title only, a Resolution of the Council of the City Of Santa Barbara Directing that Meetings of the City Council and City Boards and Commissions Continue to be Held by Teleconference as Authorized by Government Code § 54953(E)(1)(C) to Protect Against Imminent Risks to the Health or Safety of Attendees.

### **DISCUSSION:**

On October 12, 2021, the City Council adopted Resolution No. 21-068 to enable the continued use of teleconferencing for City meetings during the ongoing COVID-19 emergency. The City Council and other City boards and commissions had been holding Brown Act meetings by teleconference under the authority of Executive Order N-29-20, which expired on September 30, 2021. On September 16, 2021, Governor Newsom signed Assembly Bill 361 amending Government Code Section 54953 (part of the Brown Act) to add special provisions for teleconference meetings during emergencies. These provisions became applicable on October 1, 2021. The Governor's March 4, 2020, Proclamation of Emergency related to the COVID-19 pandemic remains in effect, in part, until March 31, 2022.

The Brown Act requirements for conducting teleconference meetings are slightly modified under the new law and include the following requirements:

- Notice of the meeting must still be given in compliance with the Brown Act, and the notice must include the means by which the public may access the meeting and provide public comment.

- All votes must be by roll-call vote.
- The public must be provided access to the meeting via a call-in option or internet-based service option and allowed to “address the legislative body directly.” The agency does not have to provide an in-person option for the public to attend the meeting.
- The meeting must be conducted in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.
- If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved.
- The legislative body cannot require comments to be submitted before the start of the meeting. The public must be allowed to make “real time” public comment.
- Reasonable time for public comment must be provided. If the agency provides a timed public comment period, the public comment period must be left open until the time expires.

The City has generally complied with these requirements during the COVID-19 emergency.

The new law modifies the rules for “timed” public comment periods. In order to avoid arguable conflicts between the new Brown Act rules and the City Council’s 2018 Rules of Procedure, the proposed Resolution suspends Section 4.12.2 of the Council’s Rules, which establishes the initial 30 minute public comment period at the beginning of the meeting. This approach will retain the Mayor’s power and duty as the presiding officer to manage Council meetings. Moreover, the City is continuing to investigate and implement a teleconference meeting format that provides greater accessibility to the public.

The new law also requires the City Council to make a finding every 30 days that it has reconsidered the circumstances of the state of emergency and either 1) the emergency continues to impact the ability to meet safely in person, or 2) state or local officials continue to impose or recommend social distancing. Because the County is no longer requiring or recommending social distancing or indoor masking in all situations, the Brown Act requires the City Council to determine independently that, as a result of the ongoing COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees, including staff and Council. (County Health Officer Order No. 2022-10.1 and CDPH February 7, 2022 Guidance for the use of Face Masks.)

## **FIRE CHIEF’S RECOMMENDATION**

In consultation with the City of Santa Barbara's Public Safety Medical Director Dr. Jason Prystowsky, Fire Chief Chris Mailes recommends that the City Council continue remote City Council meetings for the next month.

Santa Barbara County's COVID-19 Case Positivity Rate is still very high, indicating that community transmission remains widespread. Additionally, the actual case rate is likely much higher due to the availability and use of home testing devices. Some analysts estimate that the actual case rate may be 3-4 times higher than reported.

With this in mind, it is Chief Mailes' opinion that meeting in person would present imminent risks to the health or safety of attendees. Chief Mailes recommends the continuation of remote meeting for at least one additional month. The Fire Department will continue to monitor Santa Barbara County Public Health Department data.

The proposed Resolution will make findings necessary to continue the City's existing meeting practice so long as the state of emergency exists, due to the Council's determination that, as a result of the ongoing COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees. The Council will reconsider the Resolution every 30 days.

**PREPARED BY:** Ariel Calonne, City Attorney

**SUBMITTED BY:** Rebecca Bjork, Interim City Administrator  
Ariel Calonne, City Attorney

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DIRECTING THAT MEETINGS OF THE CITY COUNCIL AND CITY BOARDS AND COMMISSIONS CONTINUE TO BE HELD BY TELECONFERENCE AS AUTHORIZED BY GOVERNMENT CODE § 54953(E)(1)(C) TO PROTECT AGAINST IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES

WHEREAS, the City Council and City Boards and Commissions have been meeting by teleconference during the COVID-19 state of emergency to protect the health and safety of the public, participants in public meetings, members of the City Council and the City's many boards and commissions and City staff; and

WHEREAS, the City Council and City Boards and Commissions have been holding meetings by teleconference under the authority of Executive Order N-29-20, which expired on September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 amending Government Code Section 54953 (part of the Brown Act) to add special provisions for teleconference meetings during emergencies. These provisions became applicable to the City on October 1, 2021; and

WHEREAS, the Governor's March 4, 2020, Proclamation of a State of Emergency as a result of the COVID-19 pandemic remains in effect. As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the City Council desires to continue to protect the health and safety of the public, participants in public meetings, members of the City Council and the City's many boards and commissions and City staff; and

WHEREAS, City Charter Section 800 authorizes the City Council to prescribe the powers and duties of advisory boards created by ordinance; and

WHEREAS, City Charter Section 804 authorizes the City Council to approve or disapprove the rules and regulations of advisory boards and commissions established by the City Charter; and

WHEREAS, On October 12, 2021, the City Council adopted Resolution No. 21-068 to direct that meetings of the City Council and City Boards and Commissions continue

to be held by teleconference as authorized by Government Code § 54953(e)(1)(a) to promote social distancing and prioritize the public's health and well-being under Santa Barbara County Health Officer orders.

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

1. The City Council determines that, as a result of the ongoing COVID-19 emergency, meeting in-person would present imminent risks to the health or safety of attendees.

2. The City Council directs that all meetings of the City Council and City Boards and Commissions continue to be held by teleconference in accordance with the provisions of Government Code Section 54953, so long as the current statewide emergency exists.

2. Section 4.12.2 of Resolution No. 22-013 [the City Council's Rules of Procedure], which establishes a time limit for public comment on non-agendized matters, is suspended while this Resolution is in effect.

3. This Resolution will remain in effect for 30 days following its adoption, subject to extension or renewal by motion of the City Council.

4. The City Council will reconsider this Resolution and any extension or renewal every thirty days.

5. The City Administrator/City Clerk is directed to place this Resolution and any extension or renewal for reconsideration on the City Council agenda prior to the expiration of this Resolution or any extension or renewal.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 8, 2022

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Parks and Recreation Department  
Engineering Division, Public Works Department

**SUBJECT:** Contract For Construction Of The Thousand Steps Repair Project

**RECOMMENDATION:** That Council:

- A. Award a contract with Applied Restoration, Inc. in their low bid amount of \$386,420, for construction of the Thousand Steps Repair Project, Bid No. 4063; and authorize the Public Works Director to execute the contract and approve expenditures up to \$38,642 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. Approve the allocation of available appropriations in the Desalination Facility Project in the Water Capital Fund in the amount of \$76,467, authorize the transfer of such funds to the Capital Outlay Fund, and approve an increase in appropriations and estimated revenue in the Thousand Steps Replacement Project in the Capital Outlay Fund in the amount of \$76,467, funded by the transfer, as a requirement of permit conditions for the Charles E. Meyer Desalination Plant Intake Pipeline Weir Box Maintenance and Repair Project.

**EXECUTIVE SUMMARY:**

Thousands Steps is an important beach access stairway located at the end of Santa Cruz Boulevard in the Mesa neighborhood. Made of concrete, the lowest section is in disrepair due to constant physical damage from waves, sand, and rocks. A high priority for the neighborhood, the Thousand Steps Repair Project (Project) includes demolition and reconstruction of the lowest 24 steps, installation of ten additional steps, extending the stairway further, and new handrails, drainage improvements, and new bike racks. A total of five bids were received, with a low bid of \$386,420 submitted by Applied Restoration Inc., an acceptable bid that is responsive to and meets the requirements of the bid specifications. Project construction is funded by the Adopted Parks and Recreation Capital Budget and Water Capital funds. Extensive public outreach during design



included community on-site meetings and email updates, and review by the Historic Landmarks Commission, Planning Commission, and the Parks and Recreation Commission. Public outreach through news media, mailings, social media, press releases, and site signage will continue through the duration of construction. The Project went through the environmental and design review process and qualified for an exemption under Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines. The California Coastal Commission approved the project on September 8, 2021.

## **DISCUSSION:**

### Project Description

Thousands Steps is an important beach access stairway located at the end of Santa Cruz Boulevard in the Mesa neighborhood (see Attachment). The stairway, originally completed in 1925, provides an essential pedestrian connection to recreational opportunities along the beach and ocean. The stairway is made of concrete and the lowest section is in disrepair due to constant physical damage from waves, sand, and rocks. Repair of this critical beach access stairway has been a high priority of the neighborhood for many years. The Thousand Steps Repair Project (Project) includes demolition and reconstruction of the lowest 24 steps, and installation of ten additional concrete steps to extend the stairway below the wintertime scoured beach condition. To improve safety, the Project includes installation of new handrails from the street level to the beach, construction of a new concrete guard-rail at the main landing mid-stairway, installation of a drain to capture groundwater to reduce algae growth and potentially slippery stair treads, and re-pouring the concrete at the main landing to create positive drainage to the new drain. A bicycle rack on the asphalt bluff top area will also be added.

### Contract Bids

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

<b>BIDDER</b>	<b>BID AMOUNT</b>
1. Applied Restoration, Inc. El Cajon, Ca.	\$386,420.00
2. Beador Construction Company, Inc. Corona, Ca.	\$509,700.00
3. Bellakai Construction Carlsbad, Ca.	\$523,061.00
4. Cushman Contracting Corporation Goleta, Ca.	\$929,070.00

5. Shock Contracting Corporation \$991,300.00  
Santa Barbara, Ca.

The low bid of \$386,420, submitted by Applied Restoration Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$38,642, or 10 percent, is typical for this type of work and size of project.

#### Community Outreach

During the design and environmental review phases, staff followed the City's community based public participation process. The Project was publicly reviewed by the Historic Landmarks Commission, Planning Commission, and the Parks and Recreation Commission. The Parks and Recreation Department hosted an on-site community meeting, shared Project updates via email, and presented the Project to the Mesa Neighborhood Association. Staff also met with individual property owners adjacent to the stairs.

Public outreach during construction will be conducted via mailed notices, electronic newsletters, social media, press release, and signage at the Project site. All notices and signage will include the purpose of the Project; dates of construction; and a map with the locations of alternative beach stairways, ¼ mile east (Shoreline Park) and 1 mile west (Mesa Lane Steps), as well as parking areas to access alternative stairway locations. Residents within a ½ mile radius of the Project site will receive mailed notices 10 days prior to the start of construction. The City will use online methods via the City's News in Brief, Nextdoor, and social media outlets to inform the broader public of the stairway closure. A Project update will be printed in the Mesa Newspaper. Signage will be placed at the stairway 10 days prior to construction. At Project completion, the City will use signage at the site, social media posts, and a press release to inform the public that the stairway is open for public use.

#### Construction Staging

Approximately four parking spaces on Santa Cruz Boulevard, including a portion of the roadway, will be occupied for the six to eight weeks of construction to provide a fenced construction staging area. During construction, fencing will be placed to allow for a coastal viewing area to remain open, with signage and arrows pointing to the pedestrian path. General construction activities are expected to occur during regular Public Works construction hours of 7:00 a.m. to 5:00 p.m. The contractor may not perform any work between the hours of 8:00 p.m. and 7:00 a.m. without the advance written approval from the City's Engineer.

**BUDGET/FINANCIAL INFORMATION:**

Project construction is funded by the Adopted Parks and Recreation Capital Budget and Water Capital funds. With the recommended appropriation, there will be sufficient appropriated funds in the Capital Outlay Fund to cover the cost of this Project.

The Water Fund is contributing to this Project to fulfill a condition included in the California Coastal Commission’s (CCC) permit approval for the Charles E. Meyer Desalination Plant Intake Pipeline Weir Box Maintenance and Repair Project. The condition requires a contribution of \$76,467 toward coastal access improvements. Although construction of the Intake Pipeline Weir Box Maintenance and Repair Project located at the beach has been indefinitely delayed due to drought conditions, the CCC permit must be vested by June 30, 2022, and this financial contribution to the Project will fulfill this permit condition.

Through its annual operating budget, the Parks and Recreation Department will continue to be responsible for regular maintenance of the stairway, which includes weekly inspections to remove litter and graffiti and monthly cleanings, if needed.

The following tables summarize the expenditures recommended in this report:

**CONSTRUCTION CONTRACT FUNDING SUMMARY**

	<b>Basic Contract</b>	<b>Change Funds</b>	<b>Total</b>
Applied Restoration, Inc.	\$386,420	\$38,642	\$425,062
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$425,062</b>

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

**ESTIMATED TOTAL PROJECT COST**

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

Design (Moffatt and Nichol)	\$155,576
City Staff Costs	32,000
<b><i>Design Subtotal</i></b>	<b>\$187,576</b>
Construction Contract	\$386,420
Construction Change Order Allowance	38,642
<b><i>Subtotal</i></b>	<b>\$425,062</b>

Other Construction Costs (Pacific Materials Laboratory, Inc.)	\$10,000
Biological Surveys (MRS Environmental, Inc.)	19,000
Construction Management/Inspection (by City Engineering Staff)	49,645
Design Support During Construction (Moffatt and Nichol)	9,800
<b>Subtotal</b>	<b>\$88,445</b>
<hr/>	
<b>Construction Subtotal</b>	<b>\$513,507</b>
<hr/>	
<b>TOTAL PROJECT COST</b>	<b>\$701,083</b>

A copy of the contracts may be requested from the Public Works Department for public review. Please contact PWInfo@SantaBarbaraCA.gov to request a copy.

### **ENVIRONMENTAL REVIEW**

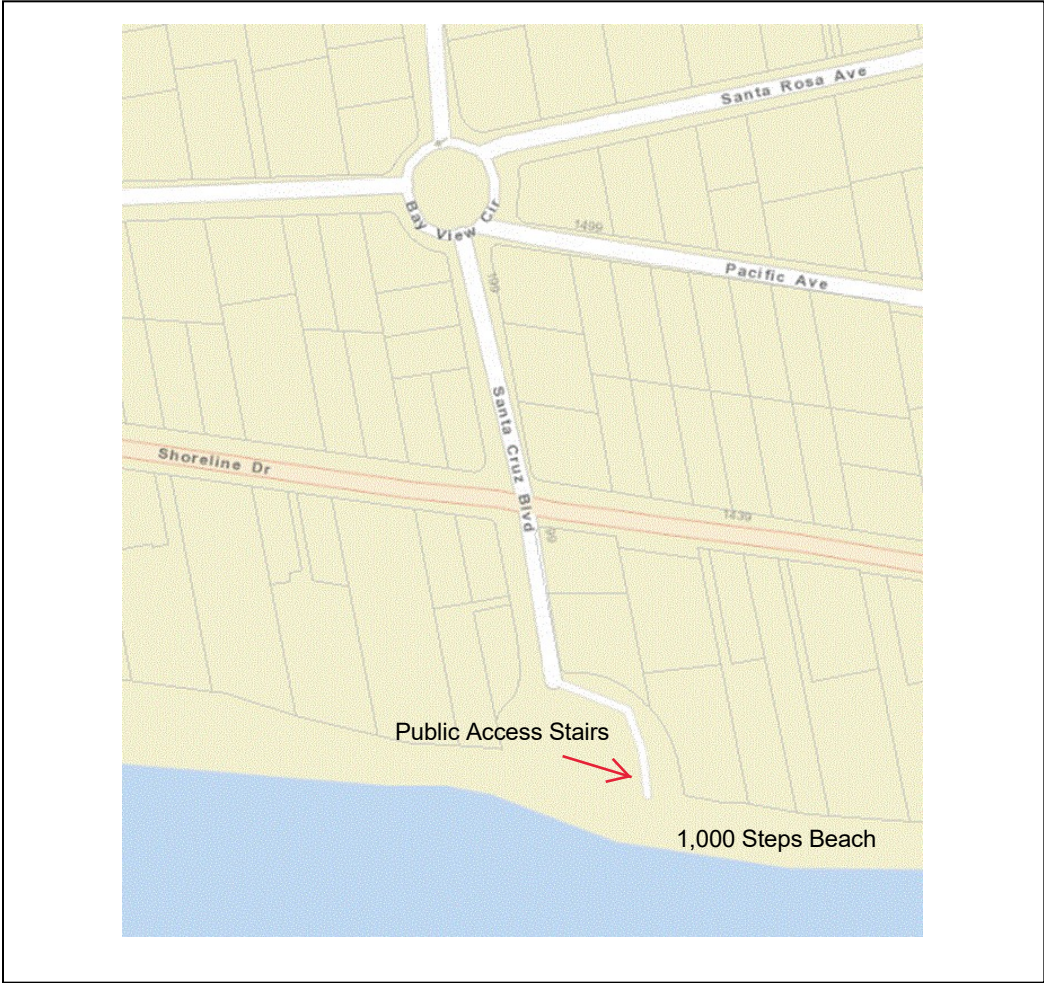
The Project went through the environmental and design review process and qualified for an exemption from further environmental review under Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines, which allows for repair, maintenance, or minor alteration of existing public structures, involving negligible or no expansion of existing or former use. On November 5, 2020, the Planning Commission recommended the Project proceed to the CCC as the Project is located in the Appealable Jurisdiction of the City's Coastal Zone and the CCC Permit Jurisdiction. On September 8, 2021, the CCC approved Coastal Development Permit No. 4-20-0636.

**ATTACHMENT:** Location Map

**PREPARED BY:** Justin Van Mullem, Capital Projects Supervisor  
 Ashleigh A. Shue, P.E., Interim City Engineer/LY/rn

**SUBMITTED BY:** Jill E. Zachary, Parks and Recreation Director  
 Clifford M. Maurer, P.E., Public Works Director

**APPROVED BY:** City Administrator's Office



PROJECT LOCATION MAP

City of Santa Barbara



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 8, 2022

**TO:** Mayor and Councilmembers

**FROM:** Administrative Division, Waterfront Department

**SUBJECT:** Santa Barbara Cruise Ship Program Update

**RECOMMENDATION:**

That Council receive a presentation from Waterfront Department staff on the current status of the Cruise Ship Program, and provide recommendations to staff as necessary.

**EXECUTIVE SUMMARY:**

The Waterfront Department has had a successful Cruise Ship Program for twenty years. The program has been paused for two years due to the COVID-19 pandemic. With cases on the decline and readily accessible vaccines, the department is looking to resume the program with guidance from the Centers for Disease Control and Prevention (CDC) and the Santa Barbara County Public Health Department.

**BACKGROUND:**

The Waterfront Department established a Cruise Ship Program in 2002. Since that time, Santa Barbara has successfully hosted nearly 200 cruise ship calls. In a typical year Santa Barbara plays host to anywhere from 20 to 30 cruise ship visits. These ships range in size from 200 passengers to 3,500 passengers.

The majority of ships visiting Santa Barbara are on short West Coast trips originating in Los Angeles, Seattle, and Long Beach. Typical stops on these routes include: Santa Barbara, Monterey, Catalina Island, Los Angeles, San Diego, and Ensenada. The average cruise ship call lasts eight hours with typical arrivals occurring between 7:00 a.m. and 8:00 a.m. Additionally, at the City's request, cruise ship visits are only scheduled in the off-peak tourist season from September through May with no visits scheduled in the busier summer months.

Since our harbor has neither the depth nor the infrastructure for cruise ships to dock, the ships anchor about a mile offshore and passengers are tendered to shore in boats that

seat about 100 people. Tendered passengers disembark at Santa Barbara Landing's facility and are welcomed into a hospitality area which includes site security, restrooms, hand sanitizing stations, information booths, and various pre-arranged transportation options.

Security during cruise ship visits is a team effort. As the designated Facility Security Officer, Santa Barbara Landing is responsible for securing the docks that cruise ship tenders use, as well as the Passenger Staging Area. Securing this area is contracted out to US Coast Guard approved firms specializing in this activity. The Waterfront Department also requires every visiting cruise ship to pay for two uniformed Santa Barbara Police Department (SBPD) Officers to be on site while passengers are present.

Once outside of the Secured Area, cruise ship passengers are welcomed to a Hospitality Area by Cruise Ship Ambassadors. The Cruise Ship Ambassador Program was established to facilitate traffic flow and enhance the visitor experience. Staffed by volunteers from the Santa Barbara South Coast Chamber of Commerce, Ambassadors welcome cruise ship visitors, give directions, hand out brochures, and answer questions. The Waterfront Department provides tents for the Hospitality Area, directional signage, and coffee for the volunteers.

Many cruise ship passengers depart the Hospitality Area on pre-paid excursions. To increase traffic safety and facilitate ingress and egress of excursion buses, trolleys, and shuttles during cruise ship visits, SBPD Officers close one eastbound lane of Cabrillo Boulevard adjacent to West Beach.

For those not taking an excursion, the Waterfront Department offers free transportation to a number of locations throughout downtown. This service has proved invaluable in getting cruise ship passengers to the doorsteps of local businesses.

#### **DISCUSSION:**

As a result of the COVID-19 pandemic, cruise ship visits to Santa Barbara have been suspended for the last two years with the last visit occurring on March 4, 2020. When the pandemic began, the Centers for Disease Control and Prevention (CDC) issued a No Sail Order on March 14, 2020, effectively shutting down the cruise industry. Due to the No Sail Order, 24 calls to Santa Barbara were canceled in 2020.

On October 31, 2020, the CDC No Sail Order transitioned to a Conditional Sailing Order (CSO) that laid out a phased framework for cruise lines to return ships to service. This framework includes rigorous COVID protocols and procedures. Although the CDC allowed cruise ship operations to resume under the CSO, after consulting with the Santa Barbara County Public Health Department, the Waterfront Department cancelled all 21 calls in 2021 out of an abundance of caution.

The CSO became voluntary on January 15, 2021. Cruise lines choosing to opt into this program are required to follow all recommendations and guidance as a condition of their participation in the program. So far all of the major cruise lines have opted into the program.

CDC COVID requirements for cruise ships participating in the CSO include:

- Three Cruise Ship Vaccination Classifications:
  - Not Highly Vaccinated – less than 95% of passengers and crew fully vaccinated
  - Highly Vaccinated – at least 95% of passengers and crew are fully vaccinated, but with less than 95% of passengers and crew who are up to date with their COVID-19 vaccines (boosted)
  - Vaccination Standard of Excellence – at least 95% of passengers and crew are up to date with their COVID-19 vaccines (fully vaccinated and boosted)
- All passengers and crew must provide negative COVID test taken within 48-hours of embarkation
- COVID-19 response plan which includes all requirements per the CDC guidelines
- Quarantine and isolation capabilities and requirements for all ships
- Onboard medical care facilities equipped with testing and treatment capabilities

The Santa Barbara County Public Health Department, in conjunction with other California Port City/County Health Departments, has weighed in and provided a signed memo of agreement (MOA) with the following recommendations to safely resume cruise ship visits:

- Visiting cruise lines must opt-in to the new CDC CSO and follow all of its requirements
- Cruise ships visiting Santa Barbara must meet the requirements of “Highly Vaccinated,” which requires 95% of passengers and crew to be fully vaccinated.
- Any passengers who are not fully vaccinated must provide a negative COVID test taken within 24-hours of coming ashore in Santa Barbara

It should be noted that all ships visiting Santa Barbara will be required to follow the recommendations laid out by both Santa Barbara County Health and the CDC.

Additional Waterfront Department’s protocols include:

- Requiring masks be worn by all staff and volunteers
- Strongly recommending COVID vaccinations and boosters for all staff and volunteers involved in the Cruise Ship Program
- Installation of hand sanitizing stations in the Cruise Ship Area
- Requiring rental of portable restrooms for ships over 1000-person capacity



Additionally, Santa Barbara is not considered a Home Port, which means Santa Barbara area medical facilities would not be utilized to treat cruise ship passengers or crew in the event of an outbreak or incident. Any ship involved in the unfortunate event of an outbreak or major medical issue would be re-routed to its homeport or the nearest facility capable of handling the necessary quarantining, screening, disembarkation and transportation. Of course, in the event of a life threatening incident of any kind that needs immediate attention, Cottage would be utilized as the closest hospital. This would be a decision made by the emergency response provider.

After two years of cancelled visits, the Waterfront Department currently has 17 cruise ship calls on the schedule for Spring 2022, which the department hopes to keep on schedule if the current downward trend in COVID-19 case count continues. The first call of the season is March 16, 2022.

### **FINANCIAL IMPACT:**

The Cruise Ship Program has a significant positive impact on the local economy. In 2013 Visit Santa Barbara commissioned a cruise ship visitor survey, and respondents said they enjoyed Santa Barbara's weather, architecture, shopping, and restaurants. The survey found cruise ship visitors from the 21 ships that called that year had an estimated \$2.4 million dollar impact on the local economy. The survey also noted that 41% of the passengers who had never been to Santa Barbara before said they were likely to return within 24 months, which could lead to an additional \$6.3 million in direct visitor spending. Cruise ship visits continue to receive the strong support of the Santa Barbara South Coast Chamber of Commerce, Visit Santa Barbara, Downtown Santa Barbara, and the Waterfront Merchants.

Additionally, the Waterfront Department budget receives passenger landing fees from visiting cruise ships. For Fiscal Year 2023 the Waterfront Department has budgeted \$500,000 in revenue from cruise line passenger fees. The Waterfront Department has lost roughly \$700k in revenue as a result of suspending the cruise ship program over the last two years.

### **SUSTAINABILITY IMPACT:**

The Waterfront Department requires the captain of every ship calling on Santa Barbara to sign a declaration stating their ship will abide by a number of environmental requirements, which include:

- No discharge of garbage, raw sewage, treated sewage, nor grey water within 12 nautical miles of Santa Barbara
- No use of ship's incinerator within such limits
- Notification in the event of accidental discharge

**PREPARED BY:** Chris Bell, Administrative Analyst

**SUBMITTED BY:** Mike Wiltshire, Waterfront Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 8, 2022

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Finance Department

**SUBJECT:** The American Rescue Plan Act Update And Appropriation Request

**RECOMMENDATION:** That Council:

- A. Accept the second American Rescue Plan Act (ARPA) economic recovery payment, estimated at \$10,918,762 scheduled to be remitted in May 2022;
- B. Appropriate \$900,112 into the General Fund and \$1,483,189 into the Downtown Parking Fund in Fiscal Year (FY) 2022 to replace a portion of the revenue that was lost directly related to the impacts of COVID-19; and
- C. Appropriate \$8,535,461 to offset additional costs and address other impacts directly related to COVID-19 in FY2022.

**DISCUSSION:**

**Executive Summary**

Early in 2021, the federal government enacted the American Rescue Plan Act (ARPA), which stimulated the national economy and offered direct recovery packages to individuals and governments of all levels. The City was allocated \$21.8 Million over two years of direct rescue funds to continue to provide services to the public and address additional costs directly related to COVID-19. In May 2021, the City Council approved the first tranche of \$10.9 Million of funds to be allocated to the General Fund to partially offset lost tax and departmental revenues in order to continue to provide essential services to the public. The second \$10.9 Million tranche is scheduled to be received in May 2022. Staff has analyzed continued revenue loss due to COVID-19, most significantly in the General Fund and the Downtown Parking Fund, as well as analyzed additional operational and financial impacts to the City.

This report summarizes staff's recommendation as to the uses of the second tranche of ARPA funds, which includes addressing additional revenue loss, as well as specific uses

to offset additional operational impacts and financial costs directly related to COVID-19. On March 1, 2022, staff presented the recommendations to the Finance Committee. This report also includes the Finance Committee's recommendations as to the uses of funds to the City Council.

## **Background**

On March 11, 2021, President Biden signed ARPA, H.R. 1617 into law creating one of the largest economic stimulus and recovery packages in the United States history. The \$1.9 Trillion bill includes funding for numerous sectors of the economy in response to the COVID-19 pandemic. Some highlights of ARPA include direct payments to individuals, funding for vaccine distribution, new funding for homeowners, renters, homeless and those at risk of homelessness, financial assistance to businesses through an expanded Paycheck Protection Program (PPP), and sick leave, among many other programs. Also, and of most immediate relief to many State and Local governments, the act includes an allocation of funds to compensate for lost revenues and other impacts felt by local governments.

## **Coronavirus State and Local Fiscal Recovery Funds (SLFRF)**

The City has been allocated \$21.8 Million of funding through the SLFRF as part of the overall ARPA package, with the first tranche of \$10.9 Million received in May 2021, and the second tranche anticipated to be received in May 2022. On June 9, 2021, the City Council unanimously approved that the first tranche of \$10.9 Million be appropriated into the General Fund to partially offset the sales tax, transient occupancy tax (TOT), and departmental revenues that have been lost since COVID-19 began. This action allowed the City to continue to provide police, fire, recreation, library, and other services to the community and not reduce services over the past year any further.

### Staff Recommended and Finance Committee Recommended Uses of ARPA Funds

Staff developed recommendations for the uses of the second tranche of \$10.9 Million that are summarized in the table and short justification below. Staff prioritized the replenishment of lost revenues to continue to provide vital services first. The next priority for considering the allocation of ARPA funds was to offset additional costs to the City due to changes in business practices, additional wear and tear to City facilities, and address changes to the City's workforce due to COVID-19.

On March 1, 2022, staff presented these recommendations to the Finance Committee. The Finance Committee voted unanimously to recommend funding as indicated in the column "Finance Committee Recommendation" below to the City Council.

Category	Subcategory	Item	Staff Recommendation	Finance Committee Recommendation
Employee COVID-19 Testing	1. Public Health	1.2 COVID-19 Testing	\$400,000	\$0
Plaza del Mar Band Shell Renovation & Access Improvements – Overdue Repair & Maintenance	1. Public Health	1.7 Capital Investments in Public Facilities	\$400,000	\$400,000
Major Turf & Irrigation Renewal Up to 11 City Parks to Offset Extremely Heavy Pandemic Use	1. Public Health	1.7 Capital Investments in Public Facilities	\$750,000	\$750,000
Oak Park Dance Floor Replacement	1. Public Health	1.7 Capital Investments in Public Facilities	\$125,000	\$125,000
Accela System Optimization	2. Negative Economic Impacts	2.13 Other Economic Support	\$250,000	\$250,000
Classification & Compensation Study	2. Negative Economic Impacts	2.14 Rehiring Public Sector Staff	\$450,000	\$450,000
Homeless & Mental Health Services	3. Services to Disproportionately Impacted Communities	3.11 Housing Support: Services for Unhoused Persons	\$650,000	\$650,000
Library Digital Materials	3. Services to Disproportionately Impacted Communities	3.5 Educational Assistance: Other	\$300,000	\$300,000
Garage for Library Mobile Customer Service Delivery Vehicles	3. Services to Disproportionately Impacted Communities	3.5 Educational Assistance: Other	\$1,000,000	\$250,000
Broadband Strategic Plan	5. Infrastructure	5.17 Broadband: Other projects	\$60,461	\$60,461
Replenish Lost Revenue in the General Fund	6. Revenue Replacement	6.1 Provision of Government Services	\$3,434,745	\$900,112
Replenish Lost Revenue in the Downtown Parking Fund – Parking Fee Revenue	6. Revenue Replacement	6.1 Provision of Government Services	\$1,188,789	\$1,188,789

Replenish Lost Revenue in the Downtown Parking Fund – Transitional Housing Project	6. Revenue Replacement	6.1 Provision of Government Services	\$294,400	\$294,400
<b>Total</b>			<b>\$9,303,396</b>	<b>\$5,618,762</b>

**Employee COVID-19 Testing:** The COVID-19 pandemic continues to disrupt normal business operations throughout the region. The arrival of the Omicron variant of COVID-19 saw widespread infections throughout the Santa Barbara community. The surge in reported COVID-19 cases continues throughout the Santa Barbara community and has created a critical shortage of testing. The Finance Director issued an emergency purchase declaration on January 11, 2022, to procure COVID-19 testing services from South Coast Analytics through the end of January. On February 1, 2022, the City Council authorized an extension of this agreement and appropriation of \$400,000 of General Fund reserves to be budgeted in the Human Resources department for ongoing testing services. ARPA funds are being proposed to fund testing services and will be used to reinstate the General Fund reserves that were used since January 2022. The Finance Committee voted to not allocate ARPA funds to this initiative.

**Plaza del Mar Band Shell Renovation:** A designated City Landmark, the Plaza del Mar Band Shell was constructed in 1919 to provide a venue for public concerts. The Coronavirus Pandemic demonstrated that public parks, such as Plaza del Mar, are vital to community health and spurred interest in the revival of outdoor concert venues. The proposed project will renovate the Band Shell to achieve safety and structural upgrades, install a new roof, new electrical service and new lighting, and construct a new accessible pathway and ramp up to the stage. Renovation of the Band Shell will revitalize and enhance public access to Plaza del Mar for music, theatre, dance, cultural, and community celebrations for Santa Barbara residents of all ages. Proposed funding will match State and local grants and the project can be completed in summer 2022.

**City Park Turf Renewal and Irrigation Upgrades:** These funds will be used to complete turf and irrigation improvements in parks that have been impacted by high pandemic use. Up to six athletic fields and large turf spaces will be renovated, with a focus on spaces that have been heavily used for both permitted and drop-in play. These funds will also upgrade irrigation controllers in eleven high-use parks where irrigation equipment has exceeded its useful life. These improvement projects will result in higher quality, safer, and more attractive fields and grassy areas in City parks, and will reduce staff-time and aide in water usage monitoring and conservation in highly-used parks. This project can be completed spring – fall 2022.

**Oak Park Dance Floor Replacement:** With these funds, the beloved and highly used wooden dance floor in Oak Park will receive a complete overhaul and renovation. Dating from the 1940s, the dance floor is used on a daily basis for dance and fitness classes, and provides a central gathering and celebratory location for many ethnic festivals held in Oak Park. Throughout the Coronavirus pandemic, the dance floor has provided a safe

outdoor venue for community members to recreate. As a result, the significant increase in use further advanced its deterioration and created unsafe conditions. This project will remove and replace all deteriorated framing, perimeter skirting, benches, handrails, and dance floor surfaces. In addition, the project will install a weatherproof coating compatible with dance floor needs. This project can be completed by spring 2022.

**Accela System Optimization:** The Accela software system is used by the City's Inter-Departmental Land Development Team to process development and construction approvals to Santa Barbara businesses and residents. The system was launched in 2019 and requires on-going support and maintenance. The allocated ARPA funds would allow the Land Development Team and Information Technology to make considerable improvements to the system in a short period of time, allowing staff to be more efficient in their work and provide better service to our customers. These improvements can contribute to increased housing in a community where adequate affordable housing does not exist. The funds will go towards upgrades and contractor services, and will be expended by the end of FY2024.

**Classification and Compensation Study:** The COVID-19 Pandemic has accelerated adoption of existing trends and work models in how the workspace functions. Like many governmental agencies, City employees are deemed Disaster Services workers, essential to the community we serve. As the need arose, sectors of the City's workforce adjusted to working from home as offices closed and remote work became commonplace and encouraged. Employees in essential areas, such as Public Safety and Water, continued to report to the workplace and the field for continuity of operations with new protocols to reduce the spread of the coronavirus.

Before COVID-19, some of the largest disruptions to work involved the implementation of new technologies. COVID-19 has now elevated the importance of examining both the physical and technical dimensions of work. The way we work, where we work, and the workspace itself, have dramatically changed in response to the pandemic. In addition, the current labor market has marked shortages of potential employees, thus making it difficult to not only attract quality employees, but retain them as well. The City's 15% vacancy rate increases the urgency to take steps to review our classifications, qualifications, benefits programs, and salaries to ensure the City's services are sustainable in this highly competitive labor market.

The following objectives are purposed of the study:

1. Address changes in City operations and staffing over the past two years, which may have affected the type, scope, level, and classification of work being performed;
2. Develop strategies for retaining qualified employees;
3. Develop strategies for maintaining a competitive place in the market to attract applicants; and
4. Ensure the staffing structure is sufficient to respond to the evolving needs of the community.

Most organizations conduct comprehensive classification and compensation studies every five to seven years, ensuring their ability to hire and retain qualified employees and maintain equitable internal relationships. The last time that a full-scale, citywide study was conducted was 1991. Much has changed since 1991, and, as stated earlier, the acceleration of change due to the pandemic has highlighted the need for a current, accurate, and timely classification and compensation system that will attract, retain, and properly reward employees for the work they perform.

**Homeless and Mental Health Services – Co-Response Officer:** The Crisis Intervention Co-Response Officer provides public safety and services to those believed to be experiencing mental health issues through a co-response with Santa Barbara County Department of Behavioral Wellness. The co-response officer partners with and rides in the same vehicle with a mobile crisis worker through Behavioral Wellness. The co-response officer, in conjunction with the mobile crisis worker, evaluates people in crisis, with an emphasis in attempting to de-escalate potentially volatile situations. The co-response officer may provide transportation for individuals experiencing mental crisis to community-based facilities for evaluation and treatment, rather than arrest, when possible. This funding is projected to provide support of one officer up to three years.

**Library Digital Materials:** Santa Barbara Public Library offers an array of online learning platforms, digital databases, and individual titles. A comprehensive digital library collection is essential to being responsive to community needs, particularly for those that have been impacted by COVID-19 and the most vulnerable that are unable to visit the physical Library. The rise in demand for digital material was witnessed after the onset of the pandemic when unique users of Hoopla in 2020 increased 37% compared with the 25% increase in 2019, and users of Overdrive increased 18% in 2020 compared with 10% in 2019. Over a million items have circulated to date on Overdrive alone by SBPL patrons, and that trend is expected to continue.

As costs for digital materials continue to rise, the Library's ability to meet demand has become increasingly challenging and staff has only been able to fulfill about 25% of purchase suggestions. A \$300,000 enhancement to the Library's digital collections would aid in securing increased access to community members and reducing wait times for needed material. The enhancement would also be used to support the Student Success Card initiative, providing over 10,000 S.B. Unified students access to digital content.

**Library Garage for Mobile Customer Service:** The worldwide pandemic limited the access of vital library services due to the need to adhere to public health mandates to keep patrons and staff safe. In June 2021, in response to these limitations, the Santa Barbara Public Library launched a Library on the Go van – a fully functional mobile library branch. The Library on the Go van brings collections, services, programs, and staff to sites throughout the greater Santa Barbara area, including parks, low-income housing sites, immigrant program providers, and senior living facilities. Programs have included early literacy classes and storytimes, outdoor Storywalks, hands-on coding classes, healthy cooking classes, and adult education services to the Neighborhood Navigation



Centers in coordination with SB ACT and other organizations serving people experiencing homelessness. The Finance Committee voted to reduce staff's recommended allocation of \$1 Million to \$250,000 to begin the planning and design phase and explore allocating Measure C funds for construction.

With the addition of the van, outreach has increased with over 100 stops visited within the first 6 months of use. Building on the success of the Library's outreach efforts and collaboration with established community partners, SBPL secured grant funding for an additional outreach vehicle in January 2022. Both vehicles will be fully customized and equipped with WiFi, hotspots, laptops, materials for checkout, tables, carts, and an array of other outreach items.

These vehicles are essential to providing off site library services, particularly to the most vulnerable, and the construction of a garage is critical to preserving them to allow for long term use in the community. A secure garage is needed to safely store materials and to protect the vehicles and all of the equipment from weather, theft, vandalism, and other elements, and should be equipped with adequate lighting and safety features as security cameras and power to charge the vehicles and outreach devices. The space also needs to be large enough to house multiple vehicles with enough shelving and workspace to store and prepare materials as each outreach visit is tailored to the needs of the location and to allow for quick and efficient access for staff to be able to safely load and unload materials.

**Broadband Strategic Plan:** On November 16, 2021, the City Council authorized the City to enter into a memorandum of understanding (MOU) with the Santa Barbara County Association of Governments, the County of Santa Barbara, and most cities in the county to prepare a regional broadband strategic plan. The City Council also supported financially contributing \$60,460 to this effort using this second tranche of ARPA funds.

**Revenue Replacement:** The General Fund and the Downtown Parking Fund experienced lost revenues due to COVID-19. The General Fund has lost approximately \$22 Million and the Downtown Parking Fund has lost approximately \$9.0 Million of revenue since COVID-19 began. Staff is proposing to partially replace lost revenue of \$3.4 Million in the General Fund and \$1.2 Million in the Downtown Parking Fund to allow the City to continue to provide police, fire, recreation, library, parking, and other services to the community and not reduce services. The Finance Committee voted to reduce the total allocation from \$3.4 Million to \$900,112.

**Revenue Replacement – Downtown Parking for Transitional Housing Project:** On March 1, 2022, staff is recommending that the City Council enter into a memorandum of understanding (MOU) with the County of Santa Barbara, in partnership with Dignity Moves, to provide 46 parking spaces at the Garden Street Parking Lot to place 33 temporary, small portable housing units and related facilities. The goal of this project is to provide shelter and supporting services to assist the unhoused population. The current value of foregone annual parking permit revenue for three years is \$294,400. The

Downtown Parking fund has lost a great deal of revenue directly to COVID-19. This request will backfill the lost revenue in the fund specifically related to this MOU.

Additional Options for Uses of ARPA Funds

The table below lists additional staff recommended uses of ARPA funds, as well as the Finance Committee’s recommendations to the City Council.

Category	Subcategory	Item	Staff Recommendation	Finance Committee Recommendation
Homeless & Mental Health Services	1. Public Health	1.10 Mental Health Services	\$250,000	\$250,000
COVID-19 Cleaning Protocols	1. Public Health	1.4 Prevention in Congregate Settings	\$150,000	\$150,000
Rent Control Program	2. Negative Economic Impacts	2.2 Household Assistance: Rent, Mortgage & Utility Aid	\$200,000	\$200,000
Pandemic Pay	2. Negative Economic Impacts	2.13 Other Economic Support	\$1,500,000	\$2,250,000
Clean Energy Loan Forgiveness to the General Fund	2. Negative Economic Impacts	2.2 Household Assistance: Rent, Mortgage & Utility Aid	\$500,000	\$0
State Street Deep Cleaning and Lighting Enhancement	2. Negative Economic Impacts	2.9 Small Business Economic Assistance (General)	\$1,250,000	\$1,250,000
State Street Master Plan	2. Negative Economic Impacts	2.11 Aid to Tourism, Travel or Hospitality	\$300,000	\$300,000
Digital Materials for Library (additional request)	3. Services to Disproportionately Impacted Communities	3.5 Educational Assistance: Other	\$200,000	\$200,000
Replenish Lost Revenue	6. Revenue Replacement	6.1 Provision of Government Services	\$3,000,000	\$0

<b>Total</b>			<b>\$7,350,000</b>	<b>\$4,600,000</b>
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**Homeless and Mental Health Services – Co-Response Officer:** Additional resources are needed to staff the Crisis Intervention Co-Response program above and beyond current funding. This funding is projected to provide support of one additional officer for one year.

**COVID-19 Cleaning Protocols:** Since COVID-19 began, staff have done an exceptional job adhering to various federal, state, and county requirements and best practices related to cleaning, in order to keep the work sites safe and health for City staff and the public. To date, the City has spent approximately \$110,000 on cleaning work sites. It is projected that the City will need to incur an additional \$40,000 of cleaning expenses through the remainder of FY2022. This request is projected to adequately cover all cleaning-related costs since COVID-19 began through the end of FY2022.

**Rent Control Program:** On February 1, 2022, the City Council authorized staff to develop a scope of work for a potential rent control program and appropriate \$200,000 of General Fund reserves in FY2022 into the City Administrator’s budget for consulting services. Implementing such a program is in line with providing economic assistance to households, and this request would be used to reinstate the General Fund reserves.

**Pandemic Pay:** With the March 4, 2020, declaration of a state of emergency, City staff have played key roles in maintaining critical City services while managing the professional and personal impacts of the COVID-19 pandemic. Under California Government Code, City workers are disaster services workers who can be called upon in any emergency to assure continuity of City operations and matters of community safety. As such, municipal workers are essential. City staff have worked throughout the pandemic in various capacities from providing critical public safety services, to taking care of water and wastewater services, to ensuring the community has access to online reading and educational materials.

Throughout the pandemic, staff have been diligent in monitoring, implementing, and adhering to federal, state, and local health orders intended to limit the spread of the virus, to protect the health and well-being of fellow employees, and the community we serve, while trying to keep themselves and their own families safe. Employees have been flexible, available, and have learned how to work with different systems, methods, and in various spaces in a short amount of time. The City has relied on its employees to continue to successfully operate and provide quality and necessary services to the community. They have all stepped in and stepped up.

ARPA stipulates specific reasons for which these funds can be used, which includes the provision of “Pandemic Pay” (more commonly referred to as “Hero Pay”), and is considered a one-time compensation bonus for those essential workers who have worked throughout the pandemic. Providing Pandemic Pay to our employees aligns with the

intention of how the ARPA funds are able to be used and how the federal government envisioned the dollars to be spent.

One-time Pandemic Pay would be provided for regular full- and part-time employees who were active employees, on paid status, between the pay period starting March 14, 2020, until effective date of this action. The requested amount for Pandemic Pay is approximately \$1.5 Million. This would be allocated to employees in the following manner:

- Employees in paid status between March 14, 2020 and March 12, 2021 – \$1,000;
- Employees in paid status between March 13, 2021 until present (depending on Council appropriation) – \$700; and
- Regular Part-time employees would receive a pro-rated amount in accordance with their allocated percentage of FTE.

Agencies throughout California have allocated similar pay to their employees with varying criteria. Although there are various formulas for allocating such pay, weighing who was more deserving or should receive a greater amount based on the work done throughout the past two years is impossible. The first year of the pandemic was a time of confusion, reaction, uncertainty, and adjustment to a new normal. Year two of the pandemic continues to deliver a sea of constant change. Every City employee contributed greatly to continue to provide necessary services and programs to the community. A flat amount to be distributed is the most fair and is the recommended action.

The Finance Committee voted to increase the allocation from \$1.5 Million to \$2.25 Million.

**Clean Energy Loan Forgiveness:** Santa Barbara Clean Energy's request for loan forgiveness will directly benefit utility rate payers by mitigating, and potentially avoiding, electricity rate increases, and will allow the City to offer programs and incentives directly to electrical customers to manage their bills and reduce electricity usage and greenhouse gas emissions. The City's General Fund provided a \$2 Million loan to help cover startup costs which would begin to be repaid by the program beginning in FY2023. Eliminating some (or all) of the payment will help the program better balance its budget forecast, which was negatively impacted by significant run ups in 2021 energy markets, and help mitigate negative impacts to utility rate payers.

The Finance Committee voted to not "forgive" \$500,000 of a loan payment back to the General Fund; however, the committee gave direction to staff to consider deferring the payment for a year as part of the upcoming FY2023 budget cycle.

**State Street Deep Cleaning and Lighting Enhancement:** The closure of multiple blocks of State Street to vehicular traffic during the pandemic increased foot traffic and many other heavy and intense uses to the street and sidewalk. In FY2022, the City spent \$370,000 on plaza maintenance, including flag rotation, landscape maintenance, pressure washing, and janitorial services on the sidewalk. In FY2023, staff budgeted to nearly double cleaning services by expanding janitorial services into the street. This

proposal includes a quarterly “deep cleaning” of 10 blocks of the promenade, which includes sweeping and pressure washing, at \$100,000 for each cleaning for 3 years.

In FY2021, the City installed holiday decorations and strung lights on various blocks on State Street. This proposal includes \$50,000 for additional lighting installations to promote continued activation and safety.

**State Street Master Plan:** This funding will be allocated to a consultant team to assist staff in preparing a State Street Master Plan that addresses numerous plan elements identified by the State Street Advisory Committee and City Council. The contract for the Master Plan is anticipated to include research and analysis of existing conditions, technical studies, a comprehensive public outreach and engagement strategy, an urban design framework plan, and an implementation plan. The State Street Master Plan location will span from the 101 freeway to Sola street and Chapala to Anacapa streets. The Master Plan will look at innovative solutions to reinvigorate downtown while balancing the needs of Santa Barbara residents and visitors in order to create a vibrant downtown core.

The Master Plan’s urban design framework will include elements such as transportation, parking and transit, streetscape design, economic development, housing, homelessness, and arts and culture. Upon completion of the State Street Master Plan, a significant multi-year capital improvement project in the downtown area is expected. This funding will provide contract payment for completion of the State Street Master Plan over two years. The State Street Master Plan has an anticipated completion date between Q4 2023 – Q2 2024.

Staff is requesting \$300,000 in ARPA funds as a critical source in covering the cost of a consultant contract for the State Street Master Plan. These additional funds will enable City staff to award a total contract amount up to \$750,000. Staff anticipates awarding a contract between May – July 2022.

**Additional Library Digital Materials:** This additional request will help ensure SBPL’s successful transition from Black Gold Library Cooperative. There are several thousand titles SBPL purchased collectively with Black Gold that will need to be replaced as the City withdraws from the cooperative. This additional \$200,000 will assist in making the transition a success.

**Revenue Replacement:** The General Fund experienced lost revenues due to COVID-19. In preparation for the upcoming FY2023 budget cycle, staff has developed a multi-year forecast for revenues and expenditures, and operating deficits are projected in each year from FY2023 through FY2025, partly due to revenue concerns related to ongoing impacts from COVID-19. Staff is proposing to partially replace projected lost revenue of \$3 Million in the General Fund in FY2023, FY2024, and FY2025 to allow the City to continue to provide police, fire, recreation, library, and other services to the community

and not reduce services. The Finance Committee voted to not include this additional allocation for revenue replacement.

Finance Committee Recommendations for Uses of ARPA Funds

During the Finance Committee meeting on March 1, 2022, the Finance Committee voted unanimously to approve funding for the following two additional initiatives:

Category	Subcategory	Item	Staff Recommendation	Finance Committee Recommendation
Economic Development Initiatives	2. Negative Economic Impacts	2.9 Small Business Economic Assistance (General)	\$0	\$50,000
Open Libraries 7 Days a Week	3. Services to Disproportionately Impacted Communities	3.5 Educational Assistance: Other	\$0	\$650,000
<b>Total</b>			<b>\$0</b>	<b>\$700,000</b>

**Economic Development Initiatives:** Staff recommended funding to continue the Santa Barbara Better Together economic development initiative that attracts and retains businesses downtown. The Finance Committee requested that the Santa Barbara Better Together consultants provide a presentation to the City Council as to the progress of the economic development initiative.

**Open Library 7 Days a Week:** Prior to COVID-19, Central Library was open seven days a week for a total of 55 hours, and Eastside was open six days a week for a total of 46 hours. The Library has not been allocated adequate General Fund and other resources to be able to achieve hours of operation desirable by the community. This funding will be used by the Library to fund additional staff to increase the hours of operation. Additional funding will need to be identified in FY2023 and beyond to be able to continue to keep both branches open 7 days a week.

**BUDGET/FINANCIAL INFORMATION:**

The City has suffered revenue losses and additional costs to address impacts of COVID-19 in multiple funds over the past two years. Economic uncertainty continues in FY2022, and potential impacts of additional revenue loss related to the recent Omicron variant are unknown at this time. In preparing for the upcoming FY2023 budget, staff continues to evaluate changes and impacts in the economy and the direct impacts to the City's budget. The allocation of \$900,111 in the General Fund and \$1.5 Million in the Downtown Parking Fund will allow the City to continue to provide vital services to the community. The

allocation of the remaining ARPA funds for specific initiatives to address additional operational impacts and financial costs to the City directly related to COVID-19 will be accomplished where a funding source does not currently exist or is very limited, or may more significantly deteriorate limited reserves even further.

**PREPARED BY:** Keith DeMartini, Finance Director

**SUBMITTED BY:** Keith DeMartini, Finance Director

**APPROVED BY:** City Administrator's Office