

**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 15, 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 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.

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 15, 2022 AGENDA**

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

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **CHANGES TO THE AGENDA**

### **PUBLIC COMMENT**

### **CONSENT CALENDAR**

#### **1. Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meetings of September 28, 2021 and November 9, 2021; and the minutes of the special meetings of June 21, 2021 (first meeting), June 21, 2021 (second meeting), June 24, 2021, July 1, 2021, August 10, 2021, and September 14, 2021.

#### **2. Subject: Adoption 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 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.

#### **3. Subject: Adoption 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 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.

**4. Subject: Adoption Of Resolution To Accept A Public Street Easement At 920 Lowena Drive**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Accepting a Street Easement Deed on the Private Property Known as 920 Lowena Drive.

**5. Subject: Professional Services Agreement With Santa Barbara Airbus, Inc. For Cruise Ship Passenger Shuttle Service**

Recommendation: That Council authorize the Waterfront Director to execute a Professional Services Agreement with Santa Barbara Airbus, Inc. for the Cruise Ship Passenger Shuttle Service at a rate not to exceed \$50,475.

**6. Subject: Contract For Construction Support Services For The Fiscal Year 2022 Wastewater Main Rehabilitation Project**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Agreement with Water Systems Consulting, Inc., in the amount of \$88,226 for construction support services for the Fiscal Year 2022 Wastewater Main Rehabilitation Project, and approve expenditures of up to \$8,822 to cover any additional cost that may result from necessary changes in the scope of work.

**7. Subject: Memorandum Of Understanding With County Of Santa Barbara To Provide Parking At City Parking Lot 6 In Support Of Dignity Moves Project**

Recommendation: That Council authorize the City Administrator to enter into a Memorandum of Understanding with the County of Santa Barbara to provide parking in support of the Dignity Moves Homeless Housing project.

**8. Subject: Sole Source Purchase Order For An All Electric Library On The Go Vehicle**

Recommendation: That Council authorize the Library Director to execute a sole source Purchase Order to Phoenix Motorcars in the amount of \$193,905 plus an additional \$19,390 for extra services according to the Sole Source provisions of Santa Barbara Municipal Code Section 4.52.070 (K) in order to purchase an all-electric Library on the Go vehicle.

**9. Subject: Response To Santa Barbara County Grand Jury December 20, 2021 Report: Zoning And Permitting Issue In The City Of Santa Barbara**

Recommendation: That Council review and authorize the City Attorney's response to the Santa Barbara County Grand Jury December 20, 2021 Report: Zoning and Permitting Issue in the City of Santa Barbara.



This concludes the Consent Calendar.

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

### **PUBLIC HEARINGS**

#### **10. Subject: Public Hearing For The 2022 Downtown And Old Town Business Improvement Districts Assessments**

Recommendation: That Council:

- A. Conduct a public hearing and consider appropriate protests to the renewal of the Downtown and Old Town Business Improvement Districts Assessments for 2022, as required under the California Parking and Business Improvement Area Law of 1989; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Confirming the Fiscal Year 2022 Downtown and Old Town Business Improvement District Annual Assessment Report and Renewing the Downtown Business Improvement District and Old Town Business Improvement District Assessments for 2022.

### **COUNCIL AND STAFF COMMUNICATIONS**

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

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

### **CLOSED SESSIONS**

#### **11. Subject: Conference With City Attorney -- Anticipated Litigation -- Gov. Code § 54956.9(d)(4): Initiation Of Litigation On One Matter**

Recommendation: That Council hold a closed session to consider initiating litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

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

### **ADJOURNMENT**



## **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

### **REGULAR MEETING SEPTEMBER 28, 2021 COUNCIL CHAMBERS, 735 ANACAPA STREET**

---

#### **CALL TO ORDER**

Mayor Cathy Murillo called the meeting to order at 2:02 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

#### **PLEDGE OF ALLEGIANCE**

Mayor Murillo.

#### **ROLL CALL**

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

Councilmembers absent: Alejandra Gutierrez.

Staff present: Interim City Administrator Rebecca Bjork, City Attorney Ariel Pierre Calonne, Senior Assistant to the City Administrator Matt Fore.

#### **CEREMONIAL ITEMS**

- 1. Subject: Hispanic & Latin American Heritage Month, September 15 - October 15, 2021**

Action: Proclamation presented to Erick Mendez and Eric Castro, Library Staff.

#### **PUBLIC COMMENT**

Speakers: Jonathon Flesher, Miriam Lindbeck.

#### **CONSENT CALENDAR (Item Nos. 2 – 7)**

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

Motion:

Councilmember Jordan/Mayor Murillo to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Alejandra Gutierrez.)

**2. Subject: Adoption Of Resolution For Records Destruction For Finance Department (210.01)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Finance Department in the Accounting, Administration, General Services, Risk Management, and Treasury Divisions.

Action: Approved the recommendation(s); Resolution No. 21-063 (September 28, 2021, report from the Finance Director; proposed resolution).

**3. Subject: Resolution Approving Conduit Financing Of Revenue Bonds For HumanGood (610.04)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Approving the Issuance of the California Municipal Finance Authority Revenue Bonds, Series 2021 (HumanGood) in an Aggregate Principal Amount Not to Exceed \$150,000,000 for the Purpose of Financing the Construction, Furnishing, and Equipping of Valle Verde and Certain Other Matters Relating Thereto.

Speakers:

Staff: City Attorney Ariel Calonne.

Action: Approved the recommendation(s); Resolution No. 21-064 (September 28, 2021, report from the Community Development Director; proposed resolution).

**4. Subject: August 2021 Investment Report (260.02)**

Recommendation: That Council accept the August 2021 Investment Report.

Action: Approved the recommendation(s) (September 28, 2021, report from the Finance Director).

**5. Subject: Increase Contract For Design Of Waterfront Ice House Refurbishment (570.03)**

Recommendation: That Council authorize the Waterfront Director to increase a Professional Services Agreement with Kruger Bensen Ziemer Architects, Inc. (KBZ) in the amount of \$36,800 for a total contract amount of \$135,465 for design services, completion of construction drawings and permitting for the refurbishment of the Waterfront Ice House equipment.

Action: Approved the recommendation(s); Contract No. 26,823.1 (September 14, 2021, report from the Waterfront Director).

**6. Subject: Professional Services Contract For Capacity Charges And Wastewater Rates Study (540.13)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with HDR Engineering, Inc., in the amount of \$105,995 for the Wastewater Rate and Capacity Charges Studies, and authorize the Public Works Director to approve expenditures of up to \$10,600 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation(s); Contract No. 27,046 (September 28, 2021, report from the Public Works Director).

**7. Subject: Amendment Of Agreement With IN-TER-SPACE Services, Inc. DBA Clear Channel Airports For An Advertising Concession At Santa Barbara Airport (560.01)**

Recommendation: That Council approve and authorize the Airport Director to amend Agreement #25,704 with IN-TER-SPACE Services, Inc. to add a month-to-month holdover provision, with a minimum six-month holdover, to the Agreement which otherwise is due to expire on September 30, 2021.

Action: Approved the recommendation(s); Agreement No. 25,704,1 (September 28, 2021, report from the Airport Director).

This concluded the Consent Calendar.

## REPORT FROM THE ORDINANCE COMMITTEE

Ordinance) Committee Chair Jordan reported that the Committee met to consider a proposed ordinance and a memorandum of understanding with Santa Barbara County relating to on-site wastewater treatment systems. The Committee forwarded both documents to the full Council for approval.

Councilmember Alejandra Gutierrez entered the meeting at 2:21 p.m.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### WATERFRONT DEPARTMENT

#### **8. Subject: Waterfront West Beach Permit Program, And Proposed Waiver Of Permit Fee For Coastal Chumash Tomol Canoe (570.03)**

Recommendation: That Council:

- A. Receive and comment upon this Report; and
- B. Authorize the Waterfront Director to waive the West Beach Storage Permit fee of \$275 per year for the Coastal Chumash Community to store a single wooden Tomol Canoe in the West Beach Storage area.

Documents:

September 28, 2021, report from the Waterfront Director.

Speakers:

- Staff: Waterfront Director Mike Wiltshire, Harbor Operations Manager Erik Engbretson,
- Member of the Public: Tomol Captain Marcus Lopez.

Motion:

Councilmembers Sneddon/Friedman to approve staff recommendation B.

Vote:

Unanimous roll call vote.

## CITY ATTORNEY

#### **9. Subject: Mobilehome Park Vacancy Rent Control (640.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Sections 26.08.050, 26.08.060 and 26.08.080 to Control Mobilehome and Recreational Vehicle Park Rent Increases Upon Transfer of Ownership.

**(Cont'd)**

## 9. (Cont'd)

### Documents:

- September 28, 2021, report from the City Attorney.
- Proposed Ordinance.

### Speakers:

- Staff: City Attorney Ariel Calonne, Community Development Director Elias Isaacson.  
Members of the Public: Bradley Hill, Mary Turley, Christel Barros, Dan Vilano, Jess Espinoza, James Ballantine.

### Motion:

Councilmembers Jordan/Friedman to introduce the ordinance, revised to add the following language to Section 26.08.050(D): "Arbitration or litigation shall be conducted at a location acceptable to all parties. If the parties cannot agree, the arbitration or litigation shall be conducted in the City of Santa Barbara."

### Vote:

Unanimous roll call vote.

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

### Information:

- Mayor Murillo reported on her attendance at the recent Youth Council meeting.
- Councilmember Sneddon commented that at its last meeting, the Cachuma Operations and Maintenance Board discussed the timing of any emergency pumping facility; she also mentioned that there is good potential for the City to receive additional funding through the SB Act program.
- Councilmember Friedman reported that per the Central Coast Water Authority, there will likely be no state water allocation to the City later this year.

## ADJOURNMENT

Mayor Murillo adjourned the meeting at 3:42 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 15, 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**

## **REGULAR MEETING NOVEMBER 9, 2021 COUNCIL CHAMBERS, 735 ANACAPA STREET**

---

### **CALL TO ORDER**

Mayor Cathy Murillo called the meeting to order at 2:00 PM and announced that the meeting is being held via teleconference and all members of the City Council are participating electronically from various locations. (The Finance Committee and Ordinance Committee met at 12:30 p.m.)

### **PLEDGE OF ALLEGIANCE**

Mayor Murillo.

### **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.

#### **1. Subject: Runaway & Homeless Youth Prevention Month - November 2021**

Action: Proclamation presented to Amy Buckner, representing Noah's Anchorage Youth Shelter.

#### **2. Subject: Employee Recognition – Service Award Pins**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through November 30, 2021.

Documents:

-November 9, 2021, report from the City Administrator.

Speakers:

- Interim Assistant City Administrator René Eyerly; Award Recipient Marisela Salinas.

Action:

By consensus, the Council approved the recommendation.

## **CHANGES TO THE AGENDA**

Interim City Administrator Bjork noted that Item 8 would be removed from consideration.

## **ITEM REMOVED FROM CONSIDERATION**

- 8. Subject: Continuing Teleconferencing Of City Meetings During The Ongoing COVID-19 State Of Emergency Upon The Basis Of the City Council's Finding That Meeting In-Person Would Present Imminent Risks To The Health Or Safety Of Attendees**

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.

Action: Approved the recommendation(s) (November 09, 2021 Council Agenda Report; proposed Resolution).

## **PUBLIC COMMENT**

Members of the Public: James Anderson, Miriam Lindbeck, David Hopkins, Lucia Trujillo, Katie Mickey, Nadia Abushanab, Ronald Buckley, Barbara Greenleaf.

## **CONSENT CALENDAR (Item Nos. 3-7, 9-12)**

The titles of the Ordinances and Resolutions were read.

Motion:

Councilmembers Jordan/Harmon to approve the Consent Calendar items 3-7 and 9-12.

Vote:

Unanimous roll call vote.

- 3. Subject: Adoption Of Senior Mobilehome Park Overlay Ordinance**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Amending and Renumbering Chapter 30.57, as Adopted by Ordinance No.

5967, to Add a Senior Mobilehome Park Overlay Within the Mobilehome Park Overlay Zone and Amending the Sectional Zoning Map of the City of Santa Barbara, as Referenced in Santa Barbara Municipal Code Section 30.05.020.

Speaker: James Ballantine.

Action: Approved the recommendation(s); Ordinance No. 6033 (November 09, 2021 Council Agenda Report).

**4. Subject: Adoption Of An Ordinance For Amendment No. Three To Lease Agreement No. 23,328 With Waterfront Food Group, LLC, Doing Business As Salty At The Beach, Located At 113 Harbor Way**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Execute Amendment No. Three to Lease Agreement No. 23,328 with Waterfront Food Group, LLC, Doing Business as Salty at the Beach, Reducing the Premises and Changing the Monthly Lease Rate and Percentage Rent Calculation, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation(s); Ordinance No. 6034 and Agreement No. 23,328.3 (November 09, 2021 Council Agenda Report).

**5. Subject: Adoption Of An Ordinance For A Lease Agreement With Waterfront Food Group, LLC, Doing Business As Chomp On The Rocks, Located At 113 Harbor Way**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Execute a Lease Agreement with Waterfront Food Group, LLC, Doing Business as Chomp on the Rocks, Located at 113 Harbor Way, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation(s); Ordinance No. 6035 and Agreement No. 27,073 (November 09, 2021 Council Agenda Report).

**6. Subject: Funding To 116 East Cota Street Associates LP To Cover Increased Construction Costs For The Vera Cruz Village Affordable Housing Development Located At 110-116 East Cota Street**

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Thirty-Year Loan Agreement Secured by a Deed of Trust with 116 East Cota Street Associates LP in the

Amount of \$1,550,989 for an Affordable Housing Project Located at 110-116 East Cota Street, and Authorizing the Community Development Director to Execute Such Documents, Subject to Approval as to Form by the City Attorney, as necessary; and

- B. Approve an increase in Fiscal Year 2022 appropriations in the City Affordable Housing Fund in the amount of \$1,550,989 coming from reserves to fund the requested property development loan.

Action: Approved the recommendation(s) (November 09, 2021 Council Agenda Report; proposed Ordinance).

**7. Subject: 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 Extending its Direction 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.

Action: Approved the recommendation(s); Resolution No. 21-071 (November 09, 2021 Council Agenda Report).

**9. Subject: Ratification Of License Agreements With Stardust Sportfishing, Channel Island Expeditions, Condor Express, Santa Barbara Jet Boats, And SL Dive Center**

Recommendation: That Council ratify the Waterfront Director's approval and execution of five License Agreements for Licensees at 301 West Cabrillo Boulevard.

Action: Approved the recommendation; Agreement Nos. 27,074; 27,075; 27,076; 27,077; and 27,078 (November 09, 2021 Council Agenda Report).

**10. Subject: Agreement Between California Choice Energy Authority And Calpine Energy Services, L.P. On Behalf Of Santa Barbara Clean Energy To Meet The State's Energy Reliability Requirement**

Recommendation: That Council authorize California Choice Energy Authority to enter into a long-term agreement with Calpine Energy Services, L.P. on behalf of Santa Barbara Clean Energy to meet the California Public Utilities Commission statewide energy reliability requirement.

Action: Approved the recommendation(s); Agreement No. 27,079 (November 09, 2021 Council Agenda Report).

**11. Subject: Receipt Of California Fire Safe Council Grant For Wildfire Mitigation And Education**

Recommendation: That Council:

- A. Accept California Fire Safe Council grant funding in the total amount of \$15,000 to complete 10 acres of vegetation hazard reduction within the Wildland Fire Suppression Assessment District and to update the City's Ready! Set! Go! program;
- B. Authorize the increase in revenue and expenditure appropriations in the Fiscal Year 2022 Fire Miscellaneous Grant Fund in the amount of \$15,000;
- C. Approve a transfer of \$15,000 from existing appropriations in the General Fund (Wildland Fire Mitigation Program) to the Fire Miscellaneous Grant Fund for the 100% City match; and
- D. Increase revenue and expenditure appropriations in the Fire Miscellaneous Grant Fund by \$15,000 funded by a transfer from the General Fund

Action: Approved the recommendation(s); Agreement No. 27,080 (November 09, 2021 Council Agenda Report).

**12. Subject: Adoption Of Municipal Code Amendments And A Memorandum Of Understanding With The County Of Santa Barbara Environmental Health Services For Septic Tank Regulations**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Chapter 14.48 by the Repeal of Sections 14.48.180 through 14.48.220, Inclusive, and Chapter 22.04 by the Addition of Section 22.04.031 Relating to Onsite Wastewater Treatment Systems.

Action: Approved the recommendation(s); Ordinance No. 6036 and Agreement No. 27,056 (November 09, 2021 Council Agenda Report).

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Friedman reported that the Committee unanimously recommended approving the staff recommendation.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Jordan reported that the Committee unanimously recommended approving the staff recommendation.

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

### **CITY ADMINISTRATOR**

#### **13. Subject: Annual Presentation From Santa Barbara County Office Of Arts And Culture**

Recommendation: That Council receive a presentation from Santa Barbara County Office Of Arts And Culture on 2021-2022 Cultural Art Programs.

Documents:

- November 09, 2021, Council Agenda Report and any attachment(s).
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Santa Barbara County Office of Arts & Culture Executive Director Sarah York-Rubin.
- Members of the Public: Kai Tepper.

Discussion:

Councilmembers' questions were answered and Council received the presentation.

### **SUSTAINABILITY AND RESILIENCE**

#### **14. Subject: Santa Barbara Clean Energy Enrollment And Program Update**

Recommendation: That Council:

- A. Receive an update on the City's Community Choice Energy program, Santa Barbara Clean Energy, focusing on participation rates and community program offerings; and
- B. Direct the City Attorney to send a demand letter to Southern California Edison requesting several corrective actions due to community choice energy communication issues

Documents:

- November 09, 2021, Council Agenda Report and any attachment(s).
- PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Energy And Climate Program Manager Alelia Parenteau.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Sneddon/Jordan to approve the recommended action.

Vote:

Unanimous roll call vote.

## **RECESS**

4:00 pm – 4:17 pm

## **MAYOR AND COUNCIL REPORTS**

### **15. Subject: Interviews For City Advisory Groups**

Recommendation: That Council:

A. Hold interviews of applicants to various City Advisory Groups; and

B. Continue interviews of applicants to November 16, 2021. (Est. time 6:00 p.m.)

| Applicant Speakers:    | Committee  |
|------------------------|--|
| Levi Maaia             | Airport Commission                                 |
| Brett Grimes           | Airport Commission                                 |
| John Steel             | Airport Commission                                 |
| Gregory Payne          | Airport Commission                                 |
| Kai Tepper             | Arts Advisory Committee                            |
| Karen Luckett          | Arts Advisory Committee                            |
| Alexandra Terry        | Arts Advisory Committee                            |
| Adrienne DeGuevera     | Arts Advisory Committee                            |
| Charlotte Gullap-Moore | Community Development & Human Services             |
| Jan Campbell           | Community Development & Human Services             |
| Barbara Hirshberg      | County of Santa Barbara Library Advisory Committee |
| Janet Krueger          | County of Santa Barbara Library Advisory Committee |
| Erika Wilson           | Creeks Advisory Committee                          |
| Seth Anderson          | Downtown Parking Committee                         |
| Trey Pinner            | Downtown Parking Committee                         |
| Dr. Louisa Wood        | Fire & Police Commission                           |
| Miles Carroll          | Fire & Police Commission                           |
| Keith Butler           | Historic Landmarks Commission                      |
| Kari Elassal           | Library Board                                      |
| Dena Davis             | Library Board                                      |



**Applicant Speakers:**

Barbara Hirshberg  
Jeanette Webber  
Sebastian Aldana  
Sebastian Aldana  
Barrett Reed  
John Bauke  
Daniel Herlinger

**Committee**

Library Board  
Library Board  
Neighborhood Advisory Council  
Parks & Recreation Commission  
Planning Commission  
Planning Commission  
Rental Housing Mediation Board

**COUNCIL AND STAFF COMMUNICATIONS**

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

- Councilmember A. Gutierrez reported on their attendance at the following events or made the following comments: Open House for Then Comes Baby.
- Councilmember Friedman reported on their attendance at the following events or made the following comments: 1. League of cities coastal commission sea level rise meeting; 2. Upper State Street Regional Action Plan for homelessness meeting.
- Councilmember Sneddon reported on their attendance at the following events or made the following comments: 1. De la Guerra Plaza meeting; 2. COMB meeting.
- Councilmember O. Gutierrez reported on their attendance at the following events or made the following comments: 1. Attended Loma Alta Fire report with Councilmember Jordan; 2. Invited by Sister Cities to meet ambassador from Uzbekistan; 3. Dia de los Muertos events; 4. Tiny Homes presentation.
- Mayor Murillo reported on their attendance at the following events or made the following comments: 1. Elected Leaders Forum on Homelessness; 2. Library Reads launch; 3. Launch of Ceylon International Film Festival; 4. Partners in Education meeting.

**PUBLIC COMMENT (IF NECESSARY)**

**ADJOURNMENT**

Mayor Murillo adjourned the meeting at 6:19 p.m. in honor of Jose Ayala.

Approved and adopted by the City Council of the City of Santa Barbara on March 15, 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 JUNE 21, 2021 COUNCIL CHAMBERS, 735 ANACAPA STREET**

---

### **CALL TO ORDER**

Mayor Cathy Murillo called the meeting to order at 1:30 p.m. and announced that the meeting is being held via teleconference and all members of the City Council are participating electronically from various locations.

### **ROLL CALL**

Councilmembers present: Oscar Gutierrez, Meagan Harmon, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: Councilmembers Mike Jordan, Eric Friedman, Alejandra Gutierrez.

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

### **SITE VISIT**

#### **1. Subject: 825 De La Vina Street (640.07)**

Recommendation: That Council make a site visit to the property located at 825 De la Vina Street; the Architectural Board of Review's Final Approval of a 21-unit, mixed-used development at 825 De la Vina Street.

### **ADJOURNMENT**

Mayor Murillo adjourned the meeting at 1:40 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 15, 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 JUNE 21, 2021 COUNCIL CHAMBERS, 735 ANACAPA STREET**

---

#### **CALL TO ORDER**

Mayor Cathy Murillo called the meeting to order at 3:00 and announced that the meeting is being held via teleconference and all members of the City Council are participating electronically from various locations.

#### **PLEDGE OF ALLEGIANCE**

Mayor Murillo.

#### **ROLL CALL**

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

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Calonne, City Clerk Services Manager Sarah Gorman.

#### **CLOSED SESSION**

**1. Subject: Conference With City Attorney – Existing Litigation – Gov. Code § 54956.9(d)(1) (160.03)**

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

The pending litigation is Jennifer Tomaszewski v. COSB, et al. SBSC Case No. 21CV02185.

Scheduling: Duration, 1 hour; anytime  
Report: None anticipated

## **ADJOURNMENT**

Mayor Murillo adjourned the meeting at 3:29 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 15, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

|             |                             |
|-------------|-----------------------------|
| _____       | ATTEST: _____               |
| RANDY ROWSE | SARAH GORMAN                |
| MAYOR       | CITY CLERK SERVICES MANAGER |



# **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

## **SPECIAL MEETING JUNE 24, 2021 COUNCIL CHAMBERS, 735 ANACAPA STREET**

---

### **CALL TO ORDER**

Mayor Cathy Murillo called the meeting to order at 2:02 p.m.

### **PLEDGE OF ALLEGIANCE**

Mayor Murillo.

### **ROLL CALL**

Councilmembers present: Eric Friedman, Oscar Gutierrez, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: Alejandra Gutierrez, Meagan Harmon, Mike Jordan.

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

### **RECESS**

Mayor Murillo recessed the meeting at 2:03 p.m. in order for the Council to reconvene in closed session for Item No. 1. She stated that a report is anticipated.

### **CLOSED SESSION**

#### **1. Subject: Public Works Director Appointment (530.01)**

Recommendation: That Council hold a closed session pursuant to Government Code Section 54957 to discuss the appointment for the position of Public Works Director.

Scheduling: Duration: 30 minutes; anytime

Report: Anticipated

Time:

2:04 p.m. – 2:17 p.m.

(Cont'd)



**1. (Cont'd)**

**Announcement:**

City Administrator Paul Casey reported that those Councilmembers present unanimously approved his appointment of Clifford Maurer to the position of Public Works Director. Mr. Maurer is currently Public Works Director for the City of Coronado and has distinguished prior service with the United States Navy. Mr. Casey thanked City Staff members Joshua Haggmark and Brian D'Amour for their efforts to lead the Public Works Department during this recruitment; Mayor Murillo echoed these comments and welcomed Mr. Maurer to the City of Santa Barbara.

**ADJOURNMENT**

Mayor Murillo adjourned the meeting at 2:20 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 15, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

|             |                             |
|-------------|-----------------------------|
| _____       | ATTEST: _____               |
| RANDY ROWSE | SARAH GORMAN                |
| MAYOR       | CITY CLERK SERVICES MANAGER |



# **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

## **SPECIAL MEETING JULY 1, 2021 COUNCIL CHAMBERS, 735 ANACAPA STREET**

---

### **CALL TO ORDER**

Mayor Cathy Murillo called the meeting to order at 4:00 p.m. and announced that the meeting is being held via teleconference and all members of the City Council are participating electronically from various locations.

### **PLEDGE OF ALLEGIANCE**

Mayor Murillo

### **ROLL CALL**

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

Councilmembers absent: Alejandra Gutierrez

Staff present: Interim City Administrator Rebecca Bjork, City Attorney Ariel Calonne, City Clerk Robert Stough, Administrative Analyst III Sam Ramirez

### **PUBLIC COMMENT**

### **CITY ADMINISTRATOR**

#### **1. Subject: State Street Advisory Committee Applicant Interviews (140.05)**

Recommendation: That Council interview applicants to the State Street Advisory Committee.

- Speakers/Interviewees  
Lisa McGonnigal  
Whitney Rush  
Yvonne Ibarra  
Kristen Miller

**1. (Con't)**

Heather Deutsch  
Marge Cafarelli  
Clay Aurell  
Dennis Whelan  
Patrick Spence  
Andrew Bermand  
Craig Minus  
Kathi King  
Michael Becker  
Eve Sanford  
Crosby Slought  
Nathan Vonk  
Sally Foxen  
Kim Cochrain  
Susan Steindler

**ADJOURNMENT**

Mayor Murillo adjourned the meeting at 6:18 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 15, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

|                               |         |  |
|-------------------------------|---------|--|
| _____<br>RANDY ROWSE<br>MAYOR | ATTEST: | _____<br>SARAH GORMAN<br>CITY CLERK SERVICES MANAGER |
|-------------------------------|---------|--|



## **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

### **SPECIAL MEETING AUGUST 10, 2021 COUNCIL CHAMBERS, 735 ANACAPA STREET**

#### **CALL TO ORDER**

Mayor Cathy Murillo called the meeting to order at 1:02 p.m.

#### **PLEDGE OF ALLEGIANCE**

Mayor Murillo.

#### **ROLL CALL**

Councilmembers present: Eric Friedman, Oscar Gutierrez, Mike Jordan, Mayor Murillo.  
Councilmembers absent: Alejandra Gutierrez, Meagan Harmon, Kristen W. Sneddon.  
Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, City Clerk Services Manager Sarah Gorman.

#### **RECESS**

Mayor Murillo recessed the meeting at 1:04 p.m. in order for the Council to reconvene in closed session for Item No. 1.

#### **CLOSED SESSION**

##### **1. Subject: Public Employment/Public Employee Appointment (450.01)**

Recommendation: That Council hold a closed session, per Government Code Section 54957(b)(1), to discuss appointment for the position of Interim City Administrator and, if appropriate, make a decision regarding that appointment.

Scheduling: Duration: 30 minutes; anytime

Report: Report anticipated.

Documents:

August 10, 2021, report from the City Administrator.

(Cont'd)

**1. (Cont'd)**

Time:

1:05 p.m. – 1:35 p.m.

No report made.

**ADJOURNMENT**

Mayor Murillo adjourned the meeting at 1:35 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 15, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

|                      |   |
|----------------------|---|
| _____                | ATTEST: _____                               |
| RANDY ROWSE<br>MAYOR | SARAH GORMAN<br>CITY CLERK SERVICES MANAGER |



## **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

### **SPECIAL MEETING SEPTEMBER 14, 2021 COUNCIL CHAMBERS, 735 ANACAPA**

---

#### **CALL TO ORDER**

Mayor Cathy Murillo called the meeting to order at 11:30 a.m.

#### **PLEDGE OF ALLEGIANCE**

Mayor Murillo.

#### **ROLL CALL**

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

Councilmembers absent: Oscar Gutierrez.

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

The Mayor recessed the meeting at 11:35 a.m. in order for the Council to reconvene in closed session for Item No. 1. She stated that a report is anticipated.

#### **CLOSED SESSION**

1. Subject: Information Technology Director Appointment (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957, to discuss the appointment for the position of Information Technology Director.

Scheduling: Duration: 30 minutes; anytime

Report: Report anticipated.

Time:

11:36 a.m. – 11:38 a.m.

(Cont'd)

**1. (Cont'd)**

Report:

A report was made near the beginning of today's regular City Council meeting beginning at 2:00 p.m.

**ADJOURNMENT**

Mayor Murillo adjourned the meeting at 11:38 a.m.

Approved and adopted by the City Council of the City of Santa Barbara on March 15, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

|                      |   |
|----------------------|---|
| _____                | ATTEST: _____                               |
| RANDY ROWSE<br>MAYOR | SARAH GORMAN<br>CITY CLERK SERVICES MANAGER |



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.

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 15, 2022

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Adoption Of Resolution To Accept A Public Street Easement At 920 Lowena Drive

### **RECOMMENDATION:**

That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Accepting a Street Easement Deed on the Private Property Known as 920 Lowena Drive.

### **DISCUSSION:**

The 24-unit residential development on Lowena Drive above Anapamu Street and adjacent to the Santa Barbara County Bowl was completed in 2021. The development's approval included a condition to construct approximately 300 linear feet of public sidewalk on the southeasterly side of Lowena Drive. See Attachment for the vicinity map.

The improvements have been completed, and the Street Easement Deed dedicates the property interest for the as-built public sidewalk in conformance with the City's Pedestrian Master Plan.

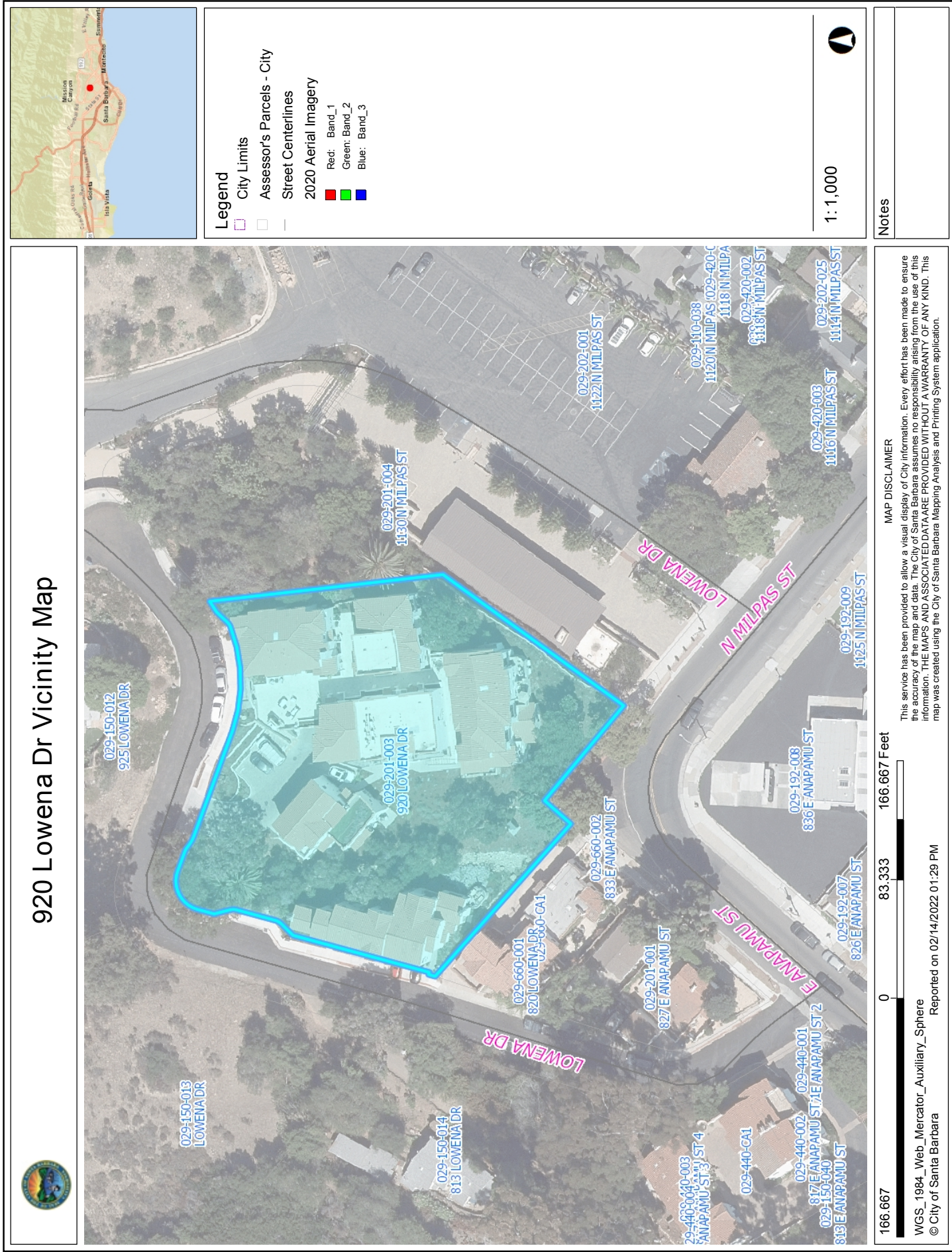
The proposed resolution accepts the offered Street Easement and authorizes the Public Works Director to record the Street Easement Deed in the Santa Barbara County Office of the Recorder.

**ATTACHMENT:** Vicinity Map

**PREPARED BY:** Adam Hendel, Principal Civil Engineer/Im

**SUBMITTED BY:** Clifford M. Maurer, P.E., Public Works Director

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



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ACCEPTING A STREET EASEMENT  
DEED ON THE PRIVATE PROPERTY KNOWN AS 920  
LOWENA DRIVE

WHEREAS, The Owner or the real property, located at 920 Lowena Drive, has offered to the City of Santa Barbara a portion of the land to be accepted as public right of way;

WHEREAS, The Council of the City of Santa Barbara, by this resolution, hereby declares its intent to accept the offer of an easement on the property known at 920 Lowena Drive; and

WHEREAS, The City of Santa Barbara claims no interest in the underlying fee ownership of the subject property.

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

SECTION 1. The City accepts the offer of dedication for a public street easement on the Real Property described in the Street Easement Deed, dated September 22, 2021, from Villa Musica, LLC, a California limited liability company, to the City of Santa Barbara, a copy of which is attached to this resolution; and

SECTION 2. The Public Works Director is directed to cause the Street Easement Deed to be recorded in the official records of the County of Santa Barbara.

RECORDING REQUESTED BY )  
AND WHEN RECORDED MAIL TO: )  
)  
)

City of Santa Barbara )  
Public Works Department/Engineering )  
Real Property )  
P.O. Box 1990 )  
Santa Barbara, CA 93102-1990 )

No fee per GOVT CODE 27383  
No Documentary Transfer Tax  
per REV & TAX CODE 11922

Space above line for Recorder's Use

APN: 029-201-003

STREET EASEMENT DEED

Resolution No. \_\_\_\_\_

For consideration, Villa Musica, LLC, a California Limited Liability Company, does hereby grant to the CITY OF SANTA BARBARA, a municipal corporation, an easement for street and all related purposes and uses in, on, over, under, along, through and across that certain real property in the City of Santa Barbara, County of Santa Barbara, State of California commonly known as 920 Lowena Drive, and described as follows in attached Exhibit A.

Said grant of easement is described in attached Exhibit B, and shown for Informational Purposes only in Exhibit C.

GRANTOR:  
Villa Musica, LLC

By:   
Brad Vernon, President

PO Box 4040  
Santa Barbara, CA 93140  
805-963-1244

INSTRUCTIONS:

This Agreement will be recorded. Your signature must be acknowledged by a notary. Inform the notary that the acknowledgement is for the instrument to be recorded (California Civil Code Section 1169 et. sect.)



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

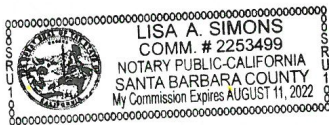
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of Santa Barbara  
 On September 22, 2021 before me, Lisa A. Simons, Notary  
 Date Here Insert Name and Title of the Officer  
 personally appeared Brad Vernon  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
 Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

|  |  |
|--|--|
| Signer's Name: _____   | Signer's Name: _____   |
| <input type="checkbox"/> Corporate Officer — Title(s): _____   | <input type="checkbox"/> Corporate Officer — Title(s): _____   |
| <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General |
| <input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact                        | <input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact                        |
| <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator                    | <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator                    |
| <input type="checkbox"/> Other: _____  | <input type="checkbox"/> Other: _____  |
| Signer Is Representing: _____  | Signer Is Representing: _____  |

**Exhibit A**  
**PARCEL DESCRIPTION**

Real property in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

**PARCEL 1:**

THOSE PORTIONS OF PUEBLO LOT NO. 70 OF THE CITY OF SANTA BARBARA, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AND BEING ALSO A PORTION OF WHAT IS COMMONLY KNOWN AS AND CALLED "COVE MOUND TRACT" OF HAMMELL'S ADDITION IN SAID CITY, ACCORDING TO THE MAP THEREOF RECORDED IN [BOOK "B"](#), [PAGE 305](#) OF MISCELLANEOUS RECORDS OF SAID COUNTY, DESCRIBED IN PARCELS AS FOLLOWS:

BEGINNING AT A CROSS CUT ON THE TOP OF A STONE WALL ON THE NORTHEASTERLY LINE OF MILPAS STREET, FROM WHICH THE INTERSECTION OF THE NORTHWESTERLY LINE OF ANAPAMU STREET BEARS NORTH 50° 17' WEST, 72.01 FEET, THENCE NORTH 36° 04' EAST, LEAVING SAID NORTHEASTERLY LINE OF MILPAS STREET 128.23 FEET TO THE MOST SOUTHERLY CORNER OF THAT CERTAIN REAL PROPERTY CONVEYED TO RUDOLF C. ZIESENHENNE, ET UX., RECORDED JANUARY 18, 1950 AS INSTRUMENT NO. [830](#) IN BOOK 895, PAGE 53 OF OFFICIAL RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID LAND NORTH 6° 35' 30" WEST 134.73 FEET TO A 3/4 INCH SURVEY PIPE SET IN A CIRCULAR CURVE CONCAVE TO THE NORTH, WHOSE RADIAL POINT BEARS NORTH 33° 42' 30" WEST, 85.00 FEET DISTANT, SAID PIPE BEING SET ON THE SOUTHERLY LINE OF LOWENA DRIVE; THENCE WESTERLY AND SOUTHWESTERLY ALONG THE LINE OF LOWENA DRIVE, THE FOLLOWING COURSES AND DISTANCES; SOUTHWESTERLY ALONG SAID LAST MENTIONED CURVE, HAVING A DELTA OF 52° 45' 30", 78.25 FEET TO THE END OF SAID CURVE; NORTH 69° 51' 30" WEST 83.55 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A DELTA OF 94° 54' AND A RADIUS OF 20 FEET; THENCE ALONG THE ARC OF SAID CURVE 33.13 FEET TO THE END THEREOF; THENCE SOUTH 15° 14' 30" WEST 140 FEET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF THE TRACT OF LAND DESCRIBED IN THE DEED TO A. W. ARMITAGE ET UX., DATED SEPTEMBER 18, 1939, AND RECORDED IN [BOOK 471](#), [PAGE 409](#) OF OFFICIAL RECORDS OF SAID COUNTY; THENCE LEAVING SAID DRIVE, SOUTH 48° 30' EAST, ALONG THE NORTHEASTERLY LINE OF SAID ARMITAGE TRACT, 117.50 FEET TO A POINT ON THE NORTHWESTERLY LINE OF ANAPAMU STREET; THENCE NORTH 41° 31' EAST ALONG SAID LAST MENTIONED LINE 20.25 FEET TO THE NORTHEASTERLY LINE OF MILPAS STREET; THENCE SOUTH 50° 19' EAST ALONG SAID LAST MENTIONED LINE 72.01 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

NON-EXCLUSIVE EASEMENT FOR PUBLIC PEDESTRIAN, INGRESS AND EGRESS INCLUDING THE CONSTRUCTION, OPERATION, REPAIR AND MAINTENANCE OF A PUBLIC SIDE WALK AS DESCRIBED IN GRANT OF EASEMENT RECORDED AUGUST 5, 2021 AS INSTRUMENT NO. [2021-0056667](#) OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A) OVER A PORTION OF THE REAL PROPERTY CONVEYED IN THE GRANT DEED TO THE SANTA BARBARA BOWL FOUNDATION RECORDED APRIL 15, 2005 AS INSTRUMENT NO. [2005-0034322](#) OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF PARCEL TWO AS DESCRIBED IN SAID GRANT DEED BEING ALSO A POINT ON THE SOUTHEASTERLY LINE OF LOWENA DRIVE; THENCE LEAVING THE SOUTHEASTERLY LINE OF LOWENA DRIVE AND SOUTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL TWO, SOUTH 23°38'00" EAST, 2.94 FEET;



**Exhibit A (continued)**

THENCE LEAVING THE EASTERLY LINE OF SAID PARCEL TWO WESTERLY SOUTH 47°20'08" WEST, 1.07 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL TWO.  
THENCE, NORTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL TWO, NORTH 06°35'30" WEST 3.44 FEET TO THE POINT OF BEGINNING.

B) OVER A PORTION OF THE REAL PROPERTY CONVEYED IN THE GRANT DEED TO THE SANTA BARBARA BOWL FOUNDATION RECORDED APRIL 15, 2005 AS INSTRUMENT NO. [2005-0034322](#) OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL THREE AS DESCRIBED IN SAID GRANT DEED BEING ALSO A POINT ON THE SOUTHEASTERLY LINE OF LOWENA DRIVE;  
THENCE, EASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL THREE BEING ALSO THE SOUTHEASTERLY LINE OF LOWENA DRIVE. ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST WITH A RADIAL BEARING OF NORTH 33° 13' 05" WEST AND A RADIUS OF 85.00 FEET ALONG THE ARC OF SAID CURVE THROUGH CENTRAL ANGLE OF 09° 29' 25" AN ARC LENGTH OF 14.08 FEET;

THENCE, LEAVING THE NORTHERLY LINE OF SAID PARCEL THREE AND THE SOUTHWESTERLY LINE-OF LOWENA DRIVE, EASTERLY NORTH 66° 25' 34" EAST, 1.28 FEET;  
THENCE, SOUTHWESTERLY SOUTH 40° 34' 44" WEST, 3.81 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 110.00;  
THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06° 28' 42" AN ARC LENGTH OF 12.44 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL THREE.  
THENCE, NORTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL THREE, NORTH 23° 38' 00" WEST 2.94 FEET TO THE POINT OF BEGINNING.

APN: 029-201-003

**EXHIBIT B**  
**920 LOWENA**  
**RIGHT OF WAY EASEMENT**

Over a portion of the real property conveyed in the Grant Deed to Villa Musica, LLC recorded January 6, 2016, as Instrument No. 2016-0000461 of Official Records in the office of the County Recorder, County of Santa Barbara, State of California, described as follows:

Beginning at the northeast corner of the property as described in said Grant Deed;

Thence, southerly along the easterly line of said property, South  $06^{\circ} 35' 30''$  East, 3.44 feet to the beginning of a non-tangent curve concave to the north with a radial bearing of North  $42^{\circ} 23' 09''$  West and a radius of 110.00 feet;

Thence, westerly along the arc of said curve through a central angle of  $03^{\circ} 38' 18''$  an arc length of 6.99 feet;

Thence, westerly South  $51^{\circ} 15' 09''$  West, 8.69 feet to the beginning of a tangent curve concave to the north, having a radius of 10.00 feet;

Thence, westerly along the arc of said curve through a central angle of  $18^{\circ} 38' 45''$  an arc length of 3.25 feet;

Thence, westerly South  $69^{\circ} 53' 53''$  West, 2.42 feet to the beginning of a tangent curve concave to the north having a radius of 35.00 feet;

Thence, westerly along the arc of said curve through a central arc of  $10^{\circ} 10' 07''$  an arc length of 6.21 feet;

Thence, westerly South  $80^{\circ} 04' 00''$  West, 10.68 feet to the beginning of a tangent curve concave to the north having a radius of 60.00 feet;

Thence, westerly along the arc of said curve through a central angle of  $11^{\circ} 01' 18''$  an arc length of 11.54 feet;

Thence, westerly North  $88^{\circ} 54' 42''$  West, 1.71 feet to the beginning of a tangent curve concave to the north having a radius of 55.00 feet;

Thence, westerly along the arc of said curve a central angle of  $13^{\circ} 53' 18''$  an arc length of 13.33 feet;

Thence, westerly North  $75^{\circ} 01' 24''$  West, 8.37 feet;

Thence, westerly North  $67^{\circ} 58' 29''$  West, 21.91 feet;

Thence, westerly North  $67^{\circ} 10' 34''$  West, 10.25 feet;

Thence, westerly North 72° 00' 50" West, 13.29 feet;

Thence, westerly North 68° 53' 37" West, 20.08 feet;

Thence, westerly North 62° 53' 32" West, 4.59 feet to a point on the southerly line of the Street Easement Deed described in Instrument No. 2020-0001239 recorded January 9, 2020 in the Office of the County Recorder, County of Santa Barbara, State of California;

Thence, easterly along the southerly line of said Street Easement Deed, South 69° 55' 49" East, 61.62 feet to the beginning of a tangent curve concave to the north having a radius of 87.50 feet;

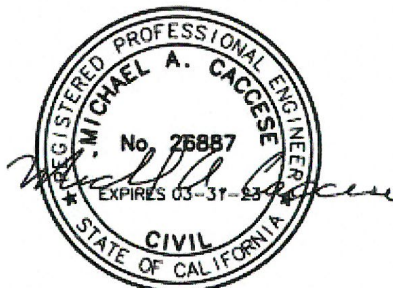
Thence, easterly along the arc of said curve being also the southerly line of said Street Easement Deed through a central angle of 40° 12' 15" an arc length of 61.40 feet to the beginning of a compound curve concave to the north having a radius of 7.00 feet;

Thence, easterly along the arc of said curve being also the southerly line of said Street Easement Deed through a central angle 26° 12' 24" an arc length of 3.20 feet;

Thence, easterly along the southerly line of said Street Easement Deed, North 43° 39' 32" East, 8.50 feet to a point on the northerly property line of said property being also the southerly line of Lowena Drive and the beginning of a non-tangent curve concave to the north having a radial bearing of North 27° 37' 29" West and a radius of 85.00 feet;

Thence, easterly along the arc of said curve being also the northerly line of said property and the southerly line of Lowena Drive through an arc length 04° 59' 31" an arc length 7.41 feet to the Point of Beginning.

End of Description  
Containing 289 Square Feet, .007 Acres



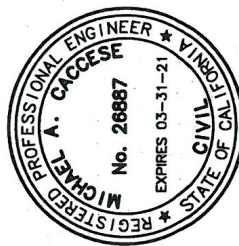
08-13-21

FOR INFORMATION  
PURPOSES ONLY

EXHIBIT C

## RIGHT OF WAY EASEMENT

DATE SIGNED 8-13-21



Michl A. Caccari

A PORTION OF COVE MOUNT TRACT  
SELOVER ESTATE  
CITY OF SANTA BARBARA  
A.P.N. 029-201-003

A vertical scale bar labeled "SCALE IN FEET" with markings at 0, 20, and 40 feet.



## **CITY OF SANTA BARBARA**

### **COUNCIL AGENDA REPORT**

**AGENDA DATE:** March 15, 2022

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Professional Services Agreement With Santa Barbara Airbus, Inc.  
For Cruise Ship Passenger Shuttle Service

**RECOMMENDATION:**

That Council authorize the Waterfront Director to execute a Professional Services Agreement with Santa Barbara Airbus, Inc. for the Cruise Ship Passenger Shuttle Service at a rate not to exceed \$50,475.

**DISCUSSION:**

Cruise ships have regularly visited Santa Barbara since 2009. These cruise ships frequent Santa Barbara during non-peak business seasons between March and May and again in late-September through November.

Though not a standard cruise ship port with a dedicated terminal, Santa Barbara receives continued praise from cruise ship passengers and cruise ship operators for the consistent organization and hospitality shown to passengers departing the ship and visiting the shore-side hospitality tent. The hospitality tent, coordinated by the Waterfront Department, is a collaborative effort that includes Visit Santa Barbara, Downtown Santa Barbara and the Chamber of the Santa Barbara Region.

Many cruise ship passengers depart the hospitality area on pre-paid excursions. For those not taking an excursion, the Waterfront Department offers free shuttle service to a number of locations throughout downtown. This service has proved invaluable in getting cruise ship passengers to the doorsteps of local businesses.

Staff issued a Request for Proposals for a transportation company in November of 2021 to provide shuttle services for cruise ship passengers. Santa Barbara Airbus, Inc. was the successful bidder.



The contract is for the remainder of FY22, with four one-year options to extend at the City's discretion. The basic contract is for \$35,475 and the total for Extra Services shall not exceed \$15,000.

**BUDGET/FINANCIAL INFORMATION:**

Santa Barbara Airbus proposes the following rates:

- i. 56 passenger Tour Coach - \$875. Five hour minimum. Additional hours to be paid at a rate of \$120 per hour.
- ii. 23 Passenger Mini Coach - \$600. Five hour minimum. Additional hours to be paid at a rate of \$90 per hour.

The number and type of shuttles required for each cruise ship visit will be determined by the passenger occupancy of the particular ship visiting.

These costs are charged to the Waterfront Department's Property Management Account and are directly offset by cruise ship revenue received for the particular ship that required the shuttle service. Therefore, the Waterfront is only charged if a cruise ship visits Santa Barbara and Santa Barbara Airbus shuttle service was provided. Adequate expenditure appropriations exist in the Waterfront department's FY2022 operating budget.

A copy of the professional services agreement is available for public review from the Waterfront Department; please email [ARodriguez@SantaBarbaraCA.gov](mailto:ARodriguez@SantaBarbaraCA.gov) to request a copy.

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

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 15, 2022

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Construction Support Services For The Fiscal Year 2022 Wastewater Main Rehabilitation Project

### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute a City Professional Services Agreement with Water Systems Consulting, Inc., in the amount of \$88,226 for construction support services for the Fiscal Year 2022 Wastewater Main Rehabilitation Project, and approve expenditures of up to \$8,822 to cover any additional cost that may result from necessary changes in the scope of work.

### **DISCUSSION:**

#### Background

The City of Santa Barbara owns and operates 256 miles of municipal wastewater collection system. The City uses an asset management program to inspect, manage, and maintain this infrastructure. This ongoing program includes performing routine inspections on sewer mains and manholes, using inspection results to prioritize sewer mains and manholes for rehabilitation and repair, and performing the necessary rehabilitation and repairs to bring the infrastructure to a good state of repair.

The City's goal is to rehabilitate at least one percent, or approximately 2.56 miles, of the collection system each year as a part of the annual rehabilitation capital program. The annual rehabilitation program aims to minimize the frequency of Sanitary Sewer Overflow (SSO) events and extend the life span of existing collection system assets. These goals represent an ongoing commitment to maintain a reliable and safe collection system.

#### Project Description

On March 1, 2021, Public Works authorized a contract with Water Systems Consulting, Inc. (WSC) for design support services for the Fiscal Year 2022 Wastewater Main Rehabilitation Project (Project). WSC was selected as part of a competitive Request for Proposals process, which was issued in July of 2017, and have provided design and construction support services for the annual rehabilitation capital program for the last four

years. WSC has completed the design tasks for the Project, which included preparation of bidding documents for the rehabilitation of approximately 2.6 miles of the wastewater collection system. The Project is located at 45 locations throughout the City, with a focus in the Downtown, Laguna, Westside, and Alta Mesa neighborhoods. The construction Project was publicly advertised and bids were opened on December 16, 2021. A total of two bids were received. A maintenance and repair contract for construction was awarded and issued to the lowest, responsible bidder in February. Construction is anticipated to begin in April and will be completed in approximately 11 months.

#### Construction Phase Consultant Engineering Services

Staff recommends that Council authorize the Public Works Director to execute a contract with WSC in the amount of \$88,226 for construction support services and execute potential amendments up to \$8,822 for potential extra services, for a total budget amount of \$97,048.

Construction support services are typically requested of the designer due to the technical nature of the work and the need for input and clarification of the design during the construction phase. These services include review of submittals, clarifications for requests for information, meeting attendance, review and approval of contractor video inspections and completed work, and record drawings upon completion of construction. WSC has provided a reasonable proposal to supply these support services and they are experienced in this type of work and the needs of the City's annual rehabilitation program.

#### Community Outreach

It is anticipated that there will be two methods used for Community Outreach during Project construction. Pre-Construction Notification Letters will be sent out two to three months ahead of construction mobilization to alert residents and businesses adjacent to work areas of the pending work. During construction, door hangers will be used to communicate with those directly impacted by the work, and traffic control will direct vehicles driving by the construction site.

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

Staff have awarded a maintenance and repair contract for construction in February 2022. 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 (WSC)                                       | \$34,895           |
| City Staff Costs                                   | 98,756             |
| <b>Design Subtotal</b>                             | <b>\$133,651</b>   |
| Construction Contract                              | \$919,409          |
| Construction Change Order Allowance                | 91,941             |
| <b>Subtotal</b>                                    | <b>\$1,011,350</b> |
| Other Estimated Construction Costs (testing, etc.) | \$5,500            |
| Construction Management/Inspection (WSC)           | 88,226             |
| Construction Management/Inspection (by City Staff) | 188,704            |
| <b>Subtotal</b>                                    | <b>\$282,430</b>   |
| <b>Construction Subtotal</b>                       | <b>\$1,293,780</b> |
| <b>TOTAL PROJECT COST</b>                          | <b>\$1,427,431</b> |

There are sufficient appropriated funds in the Wastewater Capital Fund to cover the Project's construction costs.

### ENVIRONMENTAL REVIEW:

The Fiscal Year 2022 Wastewater Main Rehabilitation Project is exempt under CEQA Section § 15302 (c). A Notice of Exemption was filed with the County of Santa Barbara on September 21, 2021.

### WATER COMMISSION RECOMMENDATION:

This item was presented to the City's Water Commission at its meeting on February 17, 2022, and the Commission voted 4-0 in support of staff's recommendations.

A copy of the contract may be requested from the Public Works Department for public review by contacting [PWInfo@SantaBarbaraCA.gov](mailto:PWInfo@SantaBarbaraCA.gov).

**PREPARED BY:** Philip Maldonado, Interim Principal Engineer/CSW/Im

**SUBMITTED BY:** Clifford M. Maurer, P.E., Public Works Director

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



## **CITY OF SANTA BARBARA**

### **COUNCIL AGENDA REPORT**

**AGENDA DATE:** March 15, 2022

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Memorandum Of Understanding With County Of Santa Barbara To Provide Parking At City Parking Lot 6 In Support Of Dignity Moves Project

#### **RECOMMENDATION:**

That Council authorize the City Administrator to enter into a Memorandum of Understanding with the County of Santa Barbara to provide parking in support of the Dignity Moves Homeless Housing project.

#### **DISCUSSION:**

With the homelessness crisis affecting the State of California, including the County and City of Santa Barbara, the County and City agree programs are necessary to meet the social needs of the unhoused community. The County in partnership with Dignity Moves is creating a transitional housing project at their Garden Street Parking Lot, located on the 1000 block of Garden Street. This project will place on the parking lot 33 temporary small, portable housing units and related facilities to provide shelter and supportive services to assist the unhoused population. Dignity Moves is expected to have the project operational in April 2022. The County has committed to target appropriate unhoused residents in downtown Santa Barbara as priority recipients of housing. Outreach and inclusion in the Continuum of Care system is already underway. The initial term of the project is for three years, with a goal of serving at least 66 individuals.

In order to further the public interest and community benefit provided by the Dignity Moves project, a portion of the County-owned parking lot will not be usable for County and Superior County employees. To partner with the County on this needed project, the City is offering to provide up to 46 parking permits for use of the City's Parking Lot 6 (Granada Garage) for the duration of the project. On February 8, 2022, the County Board of Supervisors approved the MOU for parking with the City.

**BUDGET/FINANCIAL INFORMATION:**

The City of Santa Barbara is being requested to support this transitional housing project by providing up to 46 parking permits at a current value of \$88,320 per year for a total of \$294,400 for the 40-month initial term of the project. Parking Lot 6 is operated by Downtown Parking, whose own budget has been impacted by lost parking revenue directly related to the pandemic. As this is a project with a citywide community benefit, staff will make a recommendation at an upcoming City Council meeting to replace this lost revenue from the second tranche of the City's American Rescue Plan Act funding, which is scheduled to be received in May of 2022.

**ENVIRONMENTAL REVIEW:**

The recommended Council actions are categorically exempt from CEQA under CEQA Guidelines §15301 (operation of existing facilities). The County is lead agency for environmental review of the Dignity Moves Housing Project on County property.

**ATTACHMENT(S):** 1. Memorandum Of Understanding Between The City Of Santa Barbara And The County Of Santa Barbara  
2. Letter from Santa Barbara County RE: DignityMoves Santa Barbara Interim Housing Geographical Services Map

**PREPARED BY:** René Eyerly, Interim Assistant City Administrator

**SUBMITTED BY:** Rebecca Bjork, City Administrator

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

## **Attachment 1**

### **ATTACHMENT**

**Memorandum of Understanding  
with City of Santa Barbara to  
provide Parking Permits for use of  
City Parking Lot 6, 1st District**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF SANTA BARBARA  
AND THE COUNTY OF SANTA BARBARA**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into this 8<sup>th</sup> day of February, 2022, by and between

CITY OF SANTA BARBARA, a municipal corporation  
(hereinafter referred to as “CITY”);

and

COUNTY OF SANTA BARBARA, a political subdivision of  
the State of California (hereinafter referred to as  
“COUNTY”)

**Whereas**, homelessness is a crisis affecting the State of California, including the County and City of Santa Barbara; and

**Whereas**, homelessness is detrimental to the health and safety of both people experiencing it and the communities in which they live; and

**Whereas**, the CITY and COUNTY agree that transitional housing provides critical support services to people experiencing homelessness and a path to permanent housing; and

**Whereas**, the COUNTY has partnered with Dignity Moves, Inc., to provide transitional supportive housing in the COUNTY parking lot located on the 1000 block of Garden Street (“Parking Lot”); and

**Whereas**, this parking lot is currently used by Superior Court of California and County of Santa Barbara employees (“Employees”), who have use of dedicated and non-dedicated parking areas that will be displaced for the duration of the Transitional Supportive Housing Program (“Project”); and

**Whereas** the COUNTY has certain obligations to provide dedicated parking to the Superior Court of California employees and non-dedicated parking to Superior Court of California and County of Santa Barbara employees; and

**Whereas**, the CITY desires to further the public interest and community benefit provided by the Project though providing replacement parking, required by the COUNTY, for the Employees as provided in this MOU.

NOW, THEREFORE, CITY and COUNTY express their understanding as follows:

A. The initial term of this MOU between the CITY and the COUNTY shall commence on February 15, 2022, and run until June 30, 2025, with two COUNTY options to extend an additional five years each, provided that the Parking Lot continues to be used, including the demobilization and removal of any and all improvements for the Project. COUNTY shall give notice of its intent to extend at least 30-days prior to the expiration of the then-current term. It is anticipated the Project will be retained as available inventory for transitional supportive housing resources for homeless persons for at least a 10-year period after the initial term. This MOU shall remain in place regardless of the active operation of the Project.

B. CITY agrees to provide, at no cost to the COUNTY, 46 parking permits for use of CITY Parking Lot 6 (the Granada Garage, located at 1221 Anacapa Street) by the Employees. The permits will be provided at no cost to the COUNTY for eligible Employees receiving a permit.

C. COUNTY shall determine in its sole discretion which Employees are eligible to receive permits for the Granada Garage.

D. COUNTY's Fleet Manager ("Fleet Manager") or designee shall be the designated point-of-contact for all matters relating to the permits provided pursuant to this MOU. The point-of-contact will be responsible for designating Employees eligible to receive a permit and informing the CITY of Employees' eligibility. Fleet Manager will inform the CITY when and if any individual Employee is no longer eligible to hold a permit under this MOU.

E. Employees eligible to receive a permit must complete the CITY'S Parking Permit Application, for CITY to review and process, prior to CITY issuing and the Employees receiving a permit. Permits may be obtained by submitting applications to the Downtown Parking Office, located at 1221 Anacapa Street, or through the Downtown Parking website. Employees shall submit the completed permit application to the Fleet Manager and the Fleet Manager shall forward the Permit Application to the CITY.

F. Permits are subject to the standard terms and conditions for use. Permits are valid for use only by the individual named on the permit ("Permit Holder") and may not be transferred to other individuals without the Permit Holder notifying the CITY and Fleet Manager, in advance, and providing all required application materials. The Permit Holder, and not the Superior Court of California, or the Fleet Manager, will be responsible for knowing and complying with terms and conditions that are part of the parking permit application. The CITY may terminate a permit if the Permit Holder violates the terms and

conditions for use or is no longer eligible for a permit. Terminated Permit Holders may be eligible for reinstatement at the commencement of each new term.

G. Permits are intended for commuter use only and shall not be used to store vehicles overnight or for extended periods of time.

H. This MOU constitutes the entire agreement between CITY and COUNTY with respect to the subject matter contained herein and it supersedes all prior MOUs, discussions, and negotiations, either oral or written. This MOU may not be amended or modified in any respect whatsoever except by an instrument in writing and approved by the CITY and COUNTY

**IN WITNESS WHEREOF**, CITY and COUNTY have executed this MOU by the respective authorized officers as set forth below to be effective on February 15, 2022.

“CITY”  
CITY OF SANTA BARBARA  
a municipal corporation

By: \_\_\_\_\_  
Rebecca Bjork  
Acting City Administrator

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
Daniel S. Hentschke  
Assistant City Attorney

By: \_\_\_\_\_  
Clifford Maurer  
Public Works Director

(COUNTY OF SANTA BARBARA *signatures continue on next page*)

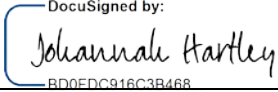
**IN WITNESS WHEREOF**, CITY and COUNTY have executed this MOU by the respective authorized officers as set forth below to be effective on February 15, 2022.

“COUNTY”  
COUNTY OF SANTA BARBARA  
a political subdivision of the State of California

APPROVED AS TO FORM:  
RACHEL VAN MULLEM  
COUNTY COUNSEL

By: \_\_\_\_\_  
Joan Hartmann, Chair  
Board of Supervisors

Date: \_\_\_\_\_

By:  \_\_\_\_\_  
Johannah L. Hartley  
Deputy County Counsel

APPROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

By:  \_\_\_\_\_  
Janette D. Pell, Director  
General Services Department

By:  \_\_\_\_\_  
Terri Maus-Nisich  
Assistant Executive Officer  
County Executive Office



conditions for use or is no longer eligible for a permit. Terminated Permit Holders may be eligible for reinstatement at the commencement of each new term.

G. Permits are intended for commuter use only and shall not be used to store vehicles overnight or for extended periods of time.

H. This MOU constitutes the entire agreement between CITY and COUNTY with respect to the subject matter contained herein and it supersedes all prior MOUs, discussions, and negotiations, either oral or written. This MOU may not be amended or modified in any respect whatsoever except by an instrument in writing and approved by the CITY and COUNTY

**IN WITNESS WHEREOF**, CITY and COUNTY have executed this MOU by the respective authorized officers as set forth below to be effective on February 15, 2022.

“CITY”  
CITY OF SANTA BARBARA  
a municipal corporation

By: \_\_\_\_\_  
Rebecca Bjork  
Acting City Administrator

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
Daniel S. Hentschke  
Assistant City Attorney

By: \_\_\_\_\_  
Clifford Maurer  
Public Works Director

(COUNTY OF SANTA BARBARA *signatures continue on next page*)

**IN WITNESS WHEREOF**, CITY and COUNTY have executed this MOU by the respective authorized officers as set forth below to be effective on February 15, 2022.

“COUNTY”  
COUNTY OF SANTA BARBARA  
a political subdivision of the State of California

APPROVED AS TO FORM:  
RACHEL VAN MULLEM  
COUNTY COUNSEL

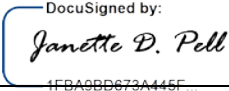
By: \_\_\_\_\_  
Joan Hartmann, Chair  
Board of Supervisors

Date: \_\_\_\_\_

By:  \_\_\_\_\_  
Johannah L. Hartley  
Deputy County Counsel

APPROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

By:  \_\_\_\_\_  
Janette D. Pell, Director  
General Services Department

By:  \_\_\_\_\_  
Terri Maus-Nisich Assistant  
Executive Officer County  
Executive Office

**COUNTY EXECUTIVE OFFICE**

Mona Miyasato, County Executive Officer  
Terri Nisich, Assistant County Executive Officer  
Jeff Frapwell, Assistant County Executive Officer  
Nancy Anderson, Assistant County Executive Officer

March 7, 2022

City of Santa Barbara - Attn: Rebecca Bjork, City Administrator  
735 Anacapa St. P.O. Box 1990  
Santa Barbara, CA 93102

**Subject: DignityMoves Santa Barbara Interim Housing Geographical Services Map**

Dear Ms. Bjork,

Thank you for your partnership in creating a new temporary housing site in the City of Santa Barbara. Working together on this project has resulted in the creation of an innovative opportunity to assist individuals with housing and support services within the downtown corridor.

As an update, the DignityMoves' temporary modular interim emergency housing project will provide 33 private rooms for individuals experiencing homelessness. The location is 1016 Santa Barbara Street. Each room will have a bed, a desk and chair, a window, and most importantly a door that locks. Good Samaritan Shelter will provide robust support services for participants as well as 24/7 staffing and security services. DignityMoves has provided funding to manufacture modular housing units and has coordinated with the County of Santa Barbara on funding the development of this site utilizing philanthropic, State, and Federal funds. In addition, as a key component of the partnership, the City of Santa Barbara is providing parking off-site at the Granada Garage in order to address the 45 parking spaces utilized for this project at the existing County Garden Street Lot.

County Staff is recommending the following street boundaries for the project in order to have maximum impact in the downtown Santa Barbara core; Gutierrez, De La Vina, Micheltorena and Laguna streets. The proposed map designating the area for the targeted population to be served is attached. Persons with an established history in this geographical area would be prioritized for placements in the units. The recent Point in Time count demonstrates there is a large existing population in this specific area to serve at this location.

Individuals with a path to housing will also be part of prioritization consistent with a bridge housing model. Housing First methodologies indicate that prioritization can occur as long as there are an adequate number of referrals and beds cannot be held open to wait for persons in the targeted groups. County staff are working with Good Samaritan Shelter to draft access policies consistent with Housing First principles required by the State Homeless Housing Assistance and Prevention funding. The goal will be to have a balance of persons with varied service needs.

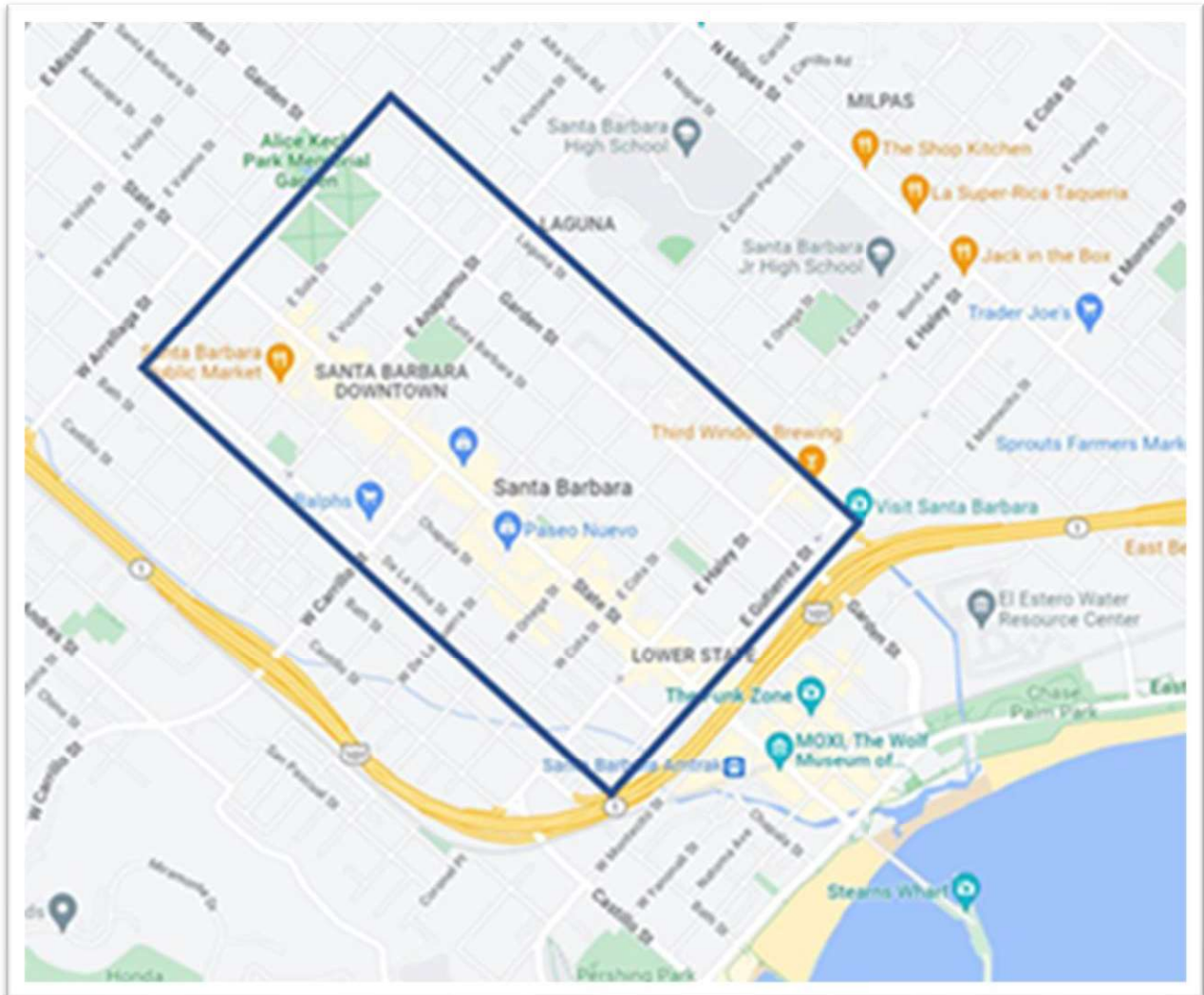
If you have any questions regarding this proposal, please contact me at (805) 568-3512. Thank you again for your continued partnership.

Sincerely,  
Digitally signed by:



Terri Maus-Nisich, Assistant County Executive Officer  
cc: George Chapjian, Community Services Director

Attachment: Map





## **CITY OF SANTA BARBARA**

### **COUNCIL AGENDA REPORT**

**AGENDA DATE:** March 15, 2022

**TO:** Mayor and Councilmembers

**FROM:** Administration, Library Department

**SUBJECT:** Sole Source Purchase Order For An All-Electric Library On The Go Vehicle

#### **RECOMMENDATION:**

That Council authorize the Library Director to execute a sole source Purchase Order to Phoenix Motorcars in the amount of \$193,905 plus an additional \$19,390 for extra services according to the Sole Source provisions of Santa Barbara Municipal Code Section 4.52.070 (K) in order to purchase an all-electric Library on the Go vehicle.

#### **DISCUSSION:**

An all-electric Library on the Go vehicle would allow us to support additional outreach opportunities for youth and families, including Stay and Play at off-site locations, school age programming at schools and afterschool program sites, and family STEAM activities in public parks. This will increase the Library's reach in neighborhoods that don't have a library branch and other underserved areas of the community in order to make programs more accessible. This vehicle will supplement the Library's existing Outreach Van, which in addition to supporting some youth programming, currently provides outreach services at Senior Centers and Neighborhood Navigation Centers.

The new electric vehicle will also serve as an opportunity to inform and educate the community of the City's climate goals and would offer unique partnership opportunities with other city departments and community organizations.

Library staff has done extensive research on the various vendors that provide all-electric custom library vehicles. Through the research we have found that Phoenix Motorcars can deliver an all-electric class 4 vehicle much sooner than other vendors, whereas other vendors have stated that due to a supply chip shortage it may take twice the time to get any electric vehicle to us. Also, Phoenix Motorcars offers a vehicle that qualifies for the

state's HVIP (Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project) program. Phoenix Motorcars includes a \$60,000 HVIP deduction in the quote, and if after applying for the voucher we do not receive the state incentive as outlined in the purchase quote, "the purchase is contingent upon successful acquisition of HVIP voucher with no financial burden if funding is not obtained". Phoenix Motorcars is also local to us in Southern California which brings down transporting costs substantially. Since it's an all-electric vehicle it would need to be towed if coming from out of state because the electric mileage range on the vehicle is roughly 125 miles in between charges. Additionally, this makes it easier for library staff to meet with the design team and check on vehicle status while it's being built.

Phoenix Motorcars also offers many features in an all-electric library vehicle that the other vendors do not, including:

- Their proprietary Class 4 All-Electric Zero Emission Z500 Bookmobile E-450 Cargo Truck that is HVIP eligible and CARB certified, the vehicle will also be customized to support the needs of the library and outreach efforts.
- The only Class 4 electric vehicle with the ability to charge with both J1772 Level 2 Chargers, as well as, CHAdeMO DC Level 3 Chargers allows the vehicle to charge at a faster rate. This also permits the all-electric Library on the Go vehicle the flexibility for dual charging and would allow the library additional options to charge while on the go.

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

The Library Department has been awarded a \$250,000 Stronger Together: Improving Library Access Grant from the California State Library. On March 1, 2022 City Council accepted the California State Library grant and approved an increase in revenue and expenditure appropriations in the Library's Miscellaneous Grants Fund in the amount of \$250,000.

| <b>Phoenix Motorcars</b>             | <b>Unit Price</b> |
|--------------------------------------|-------------------|
| Zero Emission Mobile Library Truck   |                   |
| Custom Z500 Truck1-5                 | \$229,950         |
| Diagnostic Package5                  | Included          |
| HVIP Incentive6-7                    | (\$60,000)        |
| Subtotal:                            | \$169,950         |
| Taxes Estimate (8.75%):              | \$20,121          |
| DMV Title and Registration Estimate: | \$1,836           |
| Shipping to Santa Barbara, CA:       | \$1,998           |
| Total Price:                         | <b>\$193,905</b>  |

#### **SUSTAINABILITY IMPACT:**

An all-electric Library on the Go vehicle that produces zero emissions directly supports strategies outlined in the City's Climate Action Plan and its goal of carbon neutrality by 2035.

**ATTACHMENT(S):** 1. Phoenix Motorcars Sole Source Statement of Compliance  
2. Phoenix Motorcars Quote

**PREPARED BY:** Ahmad Merza, Supervising Librarian

**SUBMITTED BY:** Jessica Cadiente, Library Director

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



3/8/22

Ahmad Merza  
City of Santa Barbara, Library

**Sole Source Statement of Compliance**

To Whom It May Concern:

Phoenix Cars LLC dba Phoenix Motorcars is the sole source for the following item, and no other company or firm in the United States of America sells or distributes the products listed below:

Our product is our proprietary Class 4 All-Electric Zero Emission Z500 Bookmobile E-450 Cargo Truck. It is offered solely from Phoenix Motorcars in Anaheim, CA. Our product is HVIP Eligible, and CARB certified. Furthermore, to the best of our knowledge, and with all available information, our product is the only Class 4 electric vehicle with the ability to charge with both J1772 Level 2 chargers, as well as CHAdeMO DC Level 3 Chargers.

There is no other like item or product available for purchase that would serve the same purpose or function and there is only one price for the above-named product because we are the sole distributor of our zero-emission bookmobile vehicles. Phoenix Motorcars will offer Santa Barbara Library design and production support to meet their specific specification needs. We will work closely with our partners to procure, design and build the vehicle here in Southern California and will work with Santa Barbara Library throughout the process to customize the bookmobile design and functionality including close coordination with our body builder and custom upfitter.

To our knowledge, Phoenix Motorcars is the only Southern California EV OEM which can provide this type of turn key solution to meet the vehicle and specification needs of Santa Barbara Library.

*Thomas Allen*

**Thomas Allen**

Phoenix Motorcars – Vice President of Sales - 909.987.0815 [thomasa@phoenixmotorcars.com](mailto:thomasa@phoenixmotorcars.com)



Prepared for: City of Santa Barbara, Library



**Ahmad Merza**  
Supervising Librarian  
40 E Anapamu St,  
Santa Barbara, CA 93101  
(805) 448-3139  
[AMerza@SantaBarbaraCA.gov](mailto:AMerza@SantaBarbaraCA.gov)

3/2/2022

## City of Santa Barbara, Library

Quote #: SA-QS-735BM-V2

Electric Book Mobile Project



Thomas Allen  
Vice President of Sales  
[thomasa@phoenixmotorcars.com](mailto:thomasa@phoenixmotorcars.com)

Office 909.987.0815  
Cell 323.217.9483  
[www.phoenixmotorcars.com](http://www.phoenixmotorcars.com)

# I. VEHICLE SPECIFICATIONS:

\*Cover picture for reference only\*

## Chassis:

- 2021 or later Ford E450 Superduty DRW Chassis – 176” WB
- 4.56 Limited Slip Axle
- Manual Windows and Locks
- Manual Mirrors
- Remote Keyless Entry

## Phoenix All-Electric Drive System:

- Permanent high-power magnet motor + inverter
- **Up to 125 Miles All-Electric Range per Charge**
- Dual charging capability
  - CHAdeMO compliant level III – 50 kW
  - J1772 level II charging -13 kW
- GVWR 14,500 lbs.
- Dual Mode Regenerative Braking
- Max Speed 65mph
- Phoenix Telematics System – **Phoenix Connect**
- Electronic AM-FM Radio with Clock and audio input jack
- Electric Vehicle Cluster
- Electronic Shift
- Electric Heater, 20K Max BTU (Standard)
- HVAC Unit (Ford Standard) with electric compressor.

## Miscellaneous

- Back-Up Camera with LCD Monitor in Dashboard
- Reverse Alarm
- First Aid Kit 16 Unit
- Fire Extinguisher 5 lbs. with Reflective Flare Kit

## Diagnostic Package


- Phoenix Motorcars will provide a service tablet containing Phoenix Motorcars software and all required diagnostic equipment (MotoServ Dongle, Kvaser cable, and OBD II diagnostic connector).
- Perform a 4-hour PMC electric vehicle training for technicians.
- Provide up to 4 hours of phone technical support.
- Only one Diagnostic package required per fleet.

- Provide a service tablet containing Phoenix Motorcars software and all required diagnostic equipment (MotoServ Dongle, Kvaser Cable and OBD II diagnostic connector).
- Perform a 4-hour PMC electric vehicle training for technicians of onboard components, including high voltage safety instruction.
- Provide up to 4 hours of phone technical support.

## Book Mobile Body Specs:

**Includes Truck Box Body 16'L x 96" W x 85" H**

## Standard Box Body Specifications:

| FEATURES  |   |
|--|---|
| <b>Side Walls</b>  | <ul style="list-style-type: none"> <li>• .040" Smooth aluminum pre-painted white panels               <ul style="list-style-type: none"> <li>• Galvanized-steel Z-wall posts</li> <li>• 3/8" Plywood sides interior lining</li> </ul> </li> <li>• FiberPanel® PW (FRP) white panels</li> <li>• FiberPanel® HC white panels</li> <li>• 6mm SignaturePlate™ pre-painted white panels</li> </ul> |
| <b>Front</b>   | <ul style="list-style-type: none"> <li>• FiberPanel® PW (FRP) white front wall</li> <li>• Cab-access door – standard height</li> <li>• Molded-composite corners with radius .063" aluminum mill finish wind deflector (86", 96")</li> <li>• Extruded-aluminum radius vertical front corners (86", 96")</li> <li>• 2" Vertical front corners with no wind deflector (90")</li> </ul>           |
| <b>Rear Frame</b>  | <ul style="list-style-type: none"> <li>• Painted galvanized steel</li> <li>• 14 ga. Header</li> <li>• 12 ga. Corner posts</li> <li>• 10 ga. One-piece V-groove threshold</li> <li>• Internal gussets</li> </ul>   |
| <b>Rear Door</b>   | <ul style="list-style-type: none"> <li>• Premium roll-up with 6" header</li> <li>• 1/4" Composite with 6" header (standard only with FiberPanel® HC option)</li> <li>• Maximum security (MS) lock</li> </ul>  |
| <b>Floor</b>   | <ul style="list-style-type: none"> <li>• 2" x 6" Pine (flat floor standard)</li> </ul>  |
| <b>Subframe</b>  | <ul style="list-style-type: none"> <li>• 3" Formed "C"-channel cross members on 16" C/L</li> <li>• 5" Formed "C"-channel longills - puck mounted</li> <li>• Full-perimeter steel reinforcing aluminum rub rail</li> <li>• Pre-coated understructure</li> </ul>  |
| <b>Roof</b>  | <ul style="list-style-type: none"> <li>• One-piece .032" aluminum skin</li> <li>• Galvanized-steel anti-sag roof bows on 24" C/L</li> </ul>   |
| <b>Interior Lights</b>   | <ul style="list-style-type: none"> <li>• LED dome light with rear switch – hot wired</li> </ul>   |
| <b>Exterior Lights</b>   | <ul style="list-style-type: none"> <li>• LED clearance lights</li> <li>• LED oval taillights with integrated back-up lights - surface mounted</li> </ul>  |
| <b>Bumper</b>  | <ul style="list-style-type: none"> <li>• Pooched step</li> </ul>  |
| <b>Additional Features</b>   | <ul style="list-style-type: none"> <li>• Two rear grab handles</li> </ul>   |
| <b>Warranty</b>  | <ul style="list-style-type: none"> <li>• 1-year white surface and leaks</li> <li>• 3-year/36,000-mile limited bulkhead-to-bumper warranty</li> <li>• 5-year limited structural warranty (roof, wall and floor structure)</li> <li>• See our warranty policy for details</li> </ul>  |

## **Book Mobile Body Customization:**

### **Exterior**

- Cap Trim, reinforcement, B Header removal for walk thru
- Manual Awning
- Exterior Lighting: LED Scene Lights x 2 with interior switch
- Interior Entry Step with Trim located on passenger side rear
- Kwikkee Electric Entry Step
- Rear Entry Door RV Style
- Entry Door Right Rear RV Style
- Exterior Book Drop Box with custom pull outshoot near desk area
- Rear Mounted Fold Up Tommy Lift Gate Model Railgate: A8516EA155CS

### **Interior**

- Headliner and Wall Panels light gauge Aluminum Skin: Aluminum Side Walls Vinyl, Ceiling panels Slat Wall Rear, White Peg Board Forward Wall
- Indoor / Outdoor Carpet Flooring
- Flush Mount L Track (aircraft Style) cart Securement
- Loncoin Floor Commercial Covering with Trim
- Custom Aluminum Book Shelving and with adjustable shelves powder coated to customer specs one storage cabinet
- 6 x Flush mounted LED Lighting 4.5 x 12" with master switch
- 2 x Removable Rolling Shelving units, bottom wall Rows/Driver and Passenger rear
- Entry Grab Bars and Railing
- 2ea. 24" x 30" Sky lights
- Step Well and rear side door

### **Electrical**

- 2000-Watt Inverter Pure sine
- Electrical 120volt/ 12volt Fuse panel
- 120volt to 12volt converter 55 amp
- (6) 115Volt Receptacles
- 12volt USB Receptacles at desk
- Exterior 120Volt Shore Cord receptacle
- Exterior Cat6 input
- Interior Cat6 Receptacle
- 120v automatic Transfer switch
- Interior LED Lighting
- Parking Sensor System with 4 front and 4 rear in-bumper sensors shall that detect obstacles using ultrasonic wave (sonar) echolocation technology, and include a wired LED digital display with audible alert mounted in the dash area

# Maintenance Schedule

## Phoenix EV Schedule Maintenance

|   | 7.5K | 15K | 22.5K | 30K | 37.5K | 45K | 52.5K | 60K | 67.5K | 75K | 82.5K | 90K |
|---|------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|
| <b>ZEUS 305 Maintenance</b>   |      |     |       |     |       |     |       |     |       |     |       |     |
| Inspect and lubricate all non-sealed steering linkage, ball joints, suspension joints, half and drive-shafts and u-joints | *    | *   | *     | *   | *     | *   | *     | *   | *     | *   | *     | *   |
| Inspect brake system pads/shoes/rotors/drums, brake lines and hoses, and parking brake system                             | *    | *   | *     | *   | *     | *   | *     | *   | *     | *   | *     | *   |
| Perform EV high voltage system multi-point inspection   | *    | *   | *     | *   | *     | *   | *     | *   | *     | *   | *     | *   |
| Inspect cooling system and hoses, add fluid if necessary  |      | *   |       | *   |       | *   |       | *   |       | *   |       | *   |
| Rotate and inspect tires, check wheel end play and turning noise  | *    | *   | *     | *   | *     | *   | *     | *   | *     | *   | *     | *   |
| Complete front end alignment on vehicle   |      | *   |       | *   |       | *   |       | *   |       | *   |       | *   |
| Change automatic transmission fluid and filter  |      |     |       | *   |       |     |       | *   |       |     |       | *   |
| Inspect front wheel bearings, replace grease and grease seals, and adjust bearings  |      |     |       | *   |       |     |       | *   |       |     |       | *   |
| Service rear differential, drain and inspect gears  |      |     |       |     |       |     |       | *   |       |     |       |     |
| Drain inspect the electric motor oil and refill   |      |     |       |     |       |     |       |     |       |     |       | *   |
| Drain and refill inverter cooling system and heater cooling system  |      |     |       |     |       |     |       |     |       |     |       | *   |
| <b>Charger Maintenance</b>  |      |     |       |     |       |     |       |     |       |     |       |     |
| Inspect the ventilation filters to ensure adequate air flow, clean the filters as necessary                               |      | *   |       | *   |       | *   |       | *   |       | *   |       | *   |
| Inspect charger receptacles, cables and connector for signs of damage or unusual wear.                                    |      | *   |       | *   |       | *   |       | *   |       | *   |       | *   |

**Note:** After vehicle reaches the 90K maintenance cycle continue the schedule from beginning of interval.

**Note:** Maintenance is recommended by Phoenix Cars and it's partnering manufacturers to maintain warranty and component longevity. All services should be performed by a certified EV trained technician.

## II. PRICE QUOTATION – VEHICLES:

| Phoenix Motorcars<br>Zero Emission Mobile Library<br>Truck | QTY             | Unit Price               | Extended<br>Price       |
|--|-----------------|--------------------------|-------------------------|
| <b><u>Custom Z500 Truck</u></b> <sup>1-5</sup>             | <b><u>1</u></b> | <b><u>\$229,950</u></b>  | <b><u>\$229,950</u></b> |
| <b>Diagnostic Package</b> <sup>5</sup>                     | <b>1</b>        | <b>Included</b>          | <b>Included</b>         |
| <b><u>HVIP Incentive</u></b> <sup>6-7</sup>                | <b><u>1</u></b> | <b><u>(\$60,000)</u></b> | <b><u>\$60,000</u></b>  |
| <b><u>Subtotal:</u></b>                                    | <b><u>1</u></b> | <b><u>\$169,950</u></b>  | <b><u>\$169,950</u></b> |
| <b>Taxes Estimate (8.75%):</b>                             | <b>1</b>        | <b>\$20,121</b>          | <b>\$20,121</b>         |
| <b>DMV Title and Registration Estimate:</b>                | <b>1</b>        | <b>\$1,836</b>           | <b>\$1,836</b>          |
| <b>Shipping to Santa Barbara, CA:</b>                      | <b>1</b>        | <b>\$1,998</b>           | <b>\$1,998</b>          |
| <b><u>Total Price</u></b> <sup>1-7</sup> :                 | <b><u>1</u></b> | <b><u>\$193,905</u></b>  | <b><u>\$193,905</u></b> |

1. Includes all the items described in Section I.
2. Lead time of ~180 days after delivery of chassis.
3. Quote valid for 60 days.
4. 20% Down Payment Required upon execution of Purchase Order.
5. Only one diagnostic package required per fleet.
6. Contingent on the end operator operating the Vehicle in California for a minimum of 3 years and HVIP Funding Availability. HVIP will open on March 30<sup>th</sup>, 2022..
7. **Purchase is contingent upon successful acquisition of HVIP voucher with no financial burden if funding is not obtained.**

### III. CHARGER SPECIFICATIONS:

#### Level II AC Charger: Clipper Creek – CS-100 J1772 AC Single Port Charger

- Adjustable power levels – Capable of 80 Amp power output
- Quality – Technology that works for the life of your current plug-in vehicle and then some
- Convenience– 25 feet of charging cable for installation and operation flexibility
- Durability – Rugged, fully sealed NEMA 4 enclosure for installation anywhere
- Reliability – Backed by Clipper Creek's 1-year warranty, and outstanding customer service
- Total Charge time from Empty to Full on PHOENIX Electric Vehicles of 9 Hours



### IV. PRICE QUOTATION- CHARGERS:

| Level 2 Charger Quote                                | Qty      | Unit Price     | Extended Price |
|--|----------|----------------|----------------|
| Level II AC – 12 kW<br>Clipper Creek CS-100 Charger: | <u>1</u> | <u>\$2,399</u> | <u>\$2,399</u> |
| Pedestal Option:                                     | 1        | \$769          | \$769          |
| Subtotal for Level 2 Charger                         | 1        | \$3,168        | \$3,168        |
| Taxes (8.75%):                                       | 1        | \$278          | \$278          |
| Shipping:  | 1        | \$499          | \$499          |
| <b>Total Price<sup>1-2</sup>:</b>                    | <u>1</u> | <u>\$3,945</u> | <u>\$3,945</u> |

1. Does not include installation costs.



## V. WARRANTY COVERAGE:

Phoenix Motorcars' Zero Emission Truck & Charger warranty coverage is summarized below:

| Components                 | Coverage                                       | Comments                                      |
|----------------------------|--|---|
| Bumper to Bumper Warranty  | 3 years / 36,000 miles                         | Limited PMC Warranty<br>Limited Ford Warranty |
| PMC Electric Drive System  | 5 years / 60,000 miles                         | Limited PMC Warranty                          |
| Lithium-Ion Battery System | 5 years / 150,000 miles                        | Limited PMC Warranty                          |
| Cargo Body                 | 3 years / 36,000 miles                         | Limited Manufacturer Warranty                 |
| AC Charging Station        | Full coverage – Labor, Travel, Freight & Parts | 1 year from date of installation              |

- I. All Warranties are **voided** if the customer does not perform the following conditions:
  - a. Comply with any service or recall advisories.
  - b. Follow all recommended service, maintenance and use requirements in a timely manner as set forth in the Phoenix Owner's & Maintenance Manual.
  - c. Carrying Passengers and Cargo within the specified load limits.
  - d. Make all required repairs.
2. Warranty details and requirements can be found in the Phoenix Owner's and Maintenance manual. The manual is provided at vehicle delivery – Please contact Phoenix for extra copies.

Thank you for inquiring about the Phoenix Motorcars Zero Emission Mobile Library Truck and charging stations. We appreciate your consideration.

**Please contact us at (909) 987-0815 with any questions**





## SALES ORDER AND PURCHASE ORDER

This contract for the sale and purchase of one (1) PMC Z500 Electric Zero Emission Book Mobile and Level II Charger is between Phoenix Cars, LLC, a Limited Liability Company organized under the laws of the State of Delaware (the “**Seller**”), and City of Santa Barbara, a municipality under the laws of the State of California (the “**Buyer**”).

### Terms and Conditions

1. Lead time of ~180 days after delivery of chassis
2. Phoenix Motorcars Warranties listed on Page 8 of this quote.
3. 20% Deposit based on MSRP due upon PO, Payment Balance due on delivery to end user.
4. Quotation valid for 60 days.
5. Phoenix Motorcars processes HVIP voucher preapproval and redemption. Pending HVIP Availability. Set to open March 30<sup>th</sup>, 2022.
6. Purchase is contingent upon successful acquisition of HVIP voucher with no financial burden if funding is not obtained.
7. All pricing is confidential between City of Santa Barbara and Phoenix Motorcars.
8. Customer agrees to a joint press release, case study, and testimonial within 30 days of delivery and 1 year into the project.

### Customer Acceptance:

By signing this quote, I hereby acknowledge that I have the authority to purchase the products detailed on this document on behalf of my organization and that I declare that I have full authority to enter into this contract. I accept your quotation in its entirety and agree to the conditions therein referred to. I acknowledge having received your full Terms and Conditions.

**Customer Signature:** \_\_\_\_\_

**Customer Name:** \_\_\_\_\_

**Customer Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Purchase Order #:** \_\_\_\_\_



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 15, 2022

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Response To Santa Barbara County Grand Jury December 20, 2021 Report: Zoning And Permitting Issue In The City Of Santa Barbara

### **RECOMMENDATION:**

That Council review and authorize the City Attorney's response to the Santa Barbara County Grand Jury December 20, 2021 Report: Zoning and Permitting Issue in the City of Santa Barbara.

### **DISCUSSION:**

In response to anonymous complaints, the Santa Barbara County Grand Jury undertook a review of a zoning and permitting issue in the City. This office provided very substantial information in full cooperation with the Grand Jury.

The attached letter to the Santa Barbara County Superior Court Presiding Judge, the Honorable Gustavo Lavayen, responds in detail to the Grand Jury report. It is due on March 20, 2022.

As Council knows, complaints about alleged public nuisances are a regular event. This office and the Community Development Department routinely investigate virtually all neighborhood nuisance complaints.

It is in the spirit of the substantial existing enforcement program that our proposed response rejects the Grand Jury's recommendation that the Planning Commission conduct public hearings on building permits or other land use entitlements to assure no obnoxious or offensive impacts.

We also propose rejecting the Grand Jury's recommendation that the City Council develop a system for putting complaints about zoning and code enforcement cases on the Council agenda.

While well-intentioned, these recommendations are neither feasible, nor likely to lead to better or speedier resolution of zoning or code enforcement cases.

**BUDGET/FINANCIAL INFORMATION:**

The City Attorney spent approximately 6.75 hours preparing this report and responding to various Grand Jury public records requests and inquiries.

**ATTACHMENT(S):**

1. Proposed Response Letter to the Grand Jury
2. Santa Barbara County Grand Jury December 20, 2021 Report: Zoning and Permitting Issue in the City of Santa Barbara

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

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

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



# City of Santa Barbara

Office of the City Attorney

[SantaBarbaraCA.gov](http://SantaBarbaraCA.gov)

Ariel Pierre Calonne  
**City Attorney**

March 16, 2022

John S. Doimas  
Daniel S. Hentschke  
Sarah J. Knecht  
Tava Ostrenger  
Tom R. Shapiro  
Michelle Sosa-Acosta  
Denny Wei

## Via First Class Mail

Honorable Gustavo Lavayen, Presiding Judge  
Santa Barbara County Superior Court  
312 East Cook Street  
Santa Maria, California 93454

Tel: (805) 564-5326  
Fax: (805) 564-5426

RE: Response to Santa Barbara County Grand Jury December 20, 2021 Report:  
Zoning and Permitting Issue in the City of Santa Barbara

Street Address:  
740 State Street  
Suite #201  
Santa Barbara, CA  
93101

Honorable Judge Lavayen:

I have been asked to prepare this response because the subject matter arises largely from operations in this office. This response was approved by the Santa Barbara City Council on March 15, 2022.

Mailing Address:  
PO Box 1990  
Santa Barbara, CA  
93102

For the sake of accuracy in our response, and based upon the Grand Jury's description of the matter, our responses assume this report is focused upon the Santa Barbara Fish Market, located at 528 N. Quarantina Street in Santa Barbara.

## **Finding 1**

The City of Santa Barbara Community Development Department issued a Building Permit in 2014 for interior renovations of the Company's facilities at the Location without review by the City of Santa Barbara Planning Commission since such a review was not required.

## **Response to Finding 1**

Agree.

## **Recommendation 1**

That the City Council of Santa Barbara direct the City of Santa Barbara Planning Commission to hold a public hearing on any zoning, permitting, or Certificate of Occupancy decision, whether involving interior or exterior renovations for any project, that may lead to "obnoxious or offensive" operations in any zone.

## **Response to Recommendation 1**

Will not be implemented. Building permits are ministerial, meaning they are issued without the exercise of substantial discretion by City officials. Recommendation 1 would require a public hearing on every building permit or other land use entitlement, thus converting those processes into discretionary, quasi-judicial hearings. Santa Barbara processes literally thousands of such permits annually. Implementing the recommendation would cost millions of dollars, even if lawful. There are extensive areas of state law preemption that prevent the City from complying with the recommendation, even if it were sound policy.

Equally important, the recommendation misunderstands the nature and purpose of the City's authority to identify and abate public nuisances. Civil Code Section 3479 defines private "nuisance" as follows:

Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

Civil Code Section 3480 defines "public nuisance" as follows:

A public nuisance is one which affects at the same time *an entire community or neighborhood, or any considerable number of persons*, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (Emphasis added.)

Accordingly, equating "obnoxious or offensive operations in any zone" to public nuisance overstates the boundaries of the City's police power to abate public nuisances in two ways. First, under Section 3479 the City must show "interference with the comfortable enjoyment of life or property." That a use may be obnoxious or offensive, therefore, is only part of the analysis.

Second, under Section 3480, the nuisance impact must be widespread and far-reaching in its impact, i.e., affecting an "entire community or neighborhood, or any considerable number of persons." Evidence presented to the Grand Jury showed that only a handful of Santa Barbara residents are impacted by the Fish Market's operations. And even as to those few but important residents, the evidence presented showed that the complaints made were sporadic and inconsistent, even after the City Attorney established a specific complaint email hotline for the Fish Market.

The Grand Jury Report further neglects to report that the City Attorney Investigator and Assistant City Prosecutor have made numerous site visits to the Santa Barbara Fish

Market in response to complaints. To date, we have been unable to document any offensive or obnoxious conditions at the site, much less nuisance conditions. Nonetheless, we remain ready and willing to respond to complaints.

## **Finding 2**

Residents contended in 2014 that the Company's food processing operations in zone C-M should not have been permitted in zone C-M and have maintained that opinion to the present day.

## **Response to Finding 2**

Agree.

## **Recommendation 2**

That the Santa Barbara City Council direct the City of Santa Barbara Community Development Department to issue a report to the Santa Barbara City Council clarifying the uses that are allowed by the City Code's land use regulations for the C-M zone.

## **Response to Recommendation 2**

Will not be implemented. Santa Barbara Municipal Code Section 28.69.030 explicitly defines the permitted uses in the (former) C-M zone. It is impossible to anticipate changes in the nature of commercial operations over the life of a commercial building, so the Santa Barbara Municipal Code authorizes the Community Development Director to determine and document "substantially similar" uses on a case-by-case basis, when facts are available. It would not be possible to create a new list of permitted uses without specific information about the uses in question.

On the substantive question whether the Santa Barbara Fish Market is operating lawfully, while the City Attorney disagreed for reasons beyond the scope of this response, City Community Development staff did not act unreasonably in their interpretation that "food products manufacturing," allowed in the C-M zone, encompassed the operations of the Santa Barbara Fish Market.

Finally, it should be reasonably expected that persons who choose to reside in a commercial or manufacturing area may experience the inconveniences of commercial or manufacturing uses. The City does not condone or encourage use conflicts or nuisance activities, but such conflicts are unavoidable when a person chooses to reside in an area zoned for intensive business use. The (former) C-M zone allowed intensive uses such as automobile body shops, cement products manufacturing, draying and truck yards or terminals, and tire retreading. These commercial and manufacturing uses tend to create far greater impacts in the immediate vicinity. Indeed, this is why zoning, in general, tends to segregate uses based upon their intensity. The C-M allowed:

1. Automobile body shop.
2. Automobile paint shop.
3. Bakery goods manufacturing.
4. Boat building and repairing and machine shop.
5. Building contractor and material storage.
6. Cabinet shop.
7. Canvas and canvas products manufacturing.
8. Car wash.
9. Cement products manufacturing.
10. Cleaning and dyeing.
11. Clothing products manufacturing.
12. Draying and truck yard or terminal.
13. Electronics products manufacturing.
14. Emergency Shelters in compliance with Chapter 28.79.
15. Equipment and trailer rental and storage.
16. Food products manufacturing.
17. House moving.
18. Laundry.
19. Lumber yard.
20. Machine shop.
21. Plating works.
22. Produce warehouse.
23. Research and development establishment and related administrative operations.
24. Rug cleaning.
25. Sheet metal shop.
26. Sign manufacturing.
27. Storage warehouse.
28. Tire retreading.
29. Veterinary hospital.

### **Finding 3**

Following renovations at the Location, which made the Company operational, neighboring residents have complained about machinery noise, odor, and traffic noise from those operations from mid-2014 to the present day.

### **Response to Finding 3**

Agree.

### **Recommendation 3a**

That the Santa Barbara City Council direct the City of Santa Barbara Community Development Department to issue a report to the Santa Barbara City Council reviewing

the status of mitigation measures taken with regard to the food processing operations of the Company at the Location.

**Response to Recommendation 3a**

Will not be implemented. The situation described does not constitute a public nuisance warranting action. The City Attorney, however, remains willing to investigate and undertake abatement efforts when nuisance complaints can be supported with substantial evidence of an actionable public nuisance.

**Recommendation 3b**

That the Santa Barbara City Council direct the City Community Development Department to review the documentation and archiving of its zoning and permitting decisions and its manner of communicating with the public, appointed officials, and elected officials with the purpose of making those decisions more complete, clearer, and more accessible to the general public and to City officials at all levels.

**Response to Recommendation 3b**

Will not be implemented. The recommendation is not fact-based. The situation described does not reveal any evidence of a transparency or recordkeeping issue.

**Finding 4**

The City Attorney of the City of Santa Barbara issued a “cease-and-desist” order to the Company, in July 2015, following citizens’ complaints about the Company and having concluded that the Company’s specific type of food processing is not allowed in the C-M or C-2 zones.

**Response to Finding 4**

Disagree partially. The City Attorney issued a letter on June 15, 2015. (Attachment 1; July 10, 2015 Letter from City Attorney to Santa Barbara Fish Market.) The letter is not, and was not intended to be, an enforceable “order.”

**Finding 5**

Following negotiations between the City Attorney of the City of Santa Barbara and representatives of the Company, those parties drafted a “Settlement Agreement” to mitigate the claimed nuisances – machine noise, traffic noise, and food odor – which recognized that the parties have differing interpretations of the Santa Barbara City Code with respect to zones C-M and C-2 and allowed the Company to continue operations at Location.



**Response to Finding 5**

Agree.

**Finding 6**

The Santa Barbara City Council never held a public hearing on the complaints and inquiries from residents affected by food processing operations of the Company at the Location.

**Response to Finding 6**

Disagree partially. It is accurate that a noticed public hearing has not been conducted by the City Council on this matter. However, residents have appeared at City Council meetings and been heard so as to respect the rights of the community to petition the Council for redress of any grievance.

**Recommendation 6**

That the Santa Barbara City Council direct the City Administrator to promulgate revised procedures for managing zoning and code enforcement cases, including procedures for putting complaints about such cases on the Council's agenda and reporting to residents on the decisions taken by City authorities.

**Response to Recommendation 6**

Will not be implemented. The City Administrator has independently directed continuous improvements in all City processes, so City Council action is unnecessary. It is not feasible to place every code enforcement complaint on the Council's agenda due to the volume of City business interactions with the community. The City Prosecutor currently provides an enforcement update to the City Council on a semi-annual basis, typically twice yearly. Moreover, any two Council members may cause such a complaint to be placed on the Council agenda, should they deem that action necessary or desirable.

Respectfully Submitted,

Ariel Pierre Calonne  
City Attorney/City Prosecutor

APC/apc

Honorable Gustavo Lavayen, Presiding Judge, Santa Barbara County Superior Court  
March 2, 2022  
Page 7

cc: Santa Barbara County Grand Jury (Via Email Only: [sbcgj@sbcourts.org](mailto:sbcgj@sbcourts.org))



**City of Santa Barbara**  
Office of the City Attorney

ATTACHMENT 1 TO  
PROPOSED RESPONSE TO  
GRAND JURY

[www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov)

Ariel Pierre Calonne  
**City Attorney**

July 10, 2015

John S. Doimas  
Sarah J. Knecht  
Tava Ostrenger  
Tom R. Shapiro  
N. Scott Vincent

Brian Colgate  
Santa Barbara Fish Market  
528 N. Quarantina St.  
Santa Barbara, CA 93101

Tel: 805.564.5326  
Fax: 805.897.2532

*Re: Santa Barbara Fish Market / 528 N. Quarantina St. & 710 Bond Ave*

Dear Mr. Colgate:

Street Address:  
740 State Street  
Suite #201  
Santa Barbara, CA  
93101

In January of this year, the City Attorney's Office received a complaint about the business operations of Santa Barbara Fish Market, occurring at 528 N. Quarantina Street and 710 Bond Avenue. It is our understanding that these business operations involve the receiving, processing, and packaging of fresh seafood products. The complaints received concerned odors, noise, and hours of operation. In addition to the complaints listed, the complaining party claimed that seafood processing is not an allowed use for this location.

Mailing Address:  
P.O. Box 1990  
Santa Barbara, CA  
93102

According to City records, the parcel located at 528 N. Quarantina Street is zoned C-M and the parcel located at 710 Bond Street is zoned C-2. The City Attorney's Office has reviewed the allowed uses within the C-M and C-2 zones and has concluded that seafood processing is not an allowed use in either the C-M zone or the C-2 zone. You must cease seafood processing operations at this location.

If you believe we have reached this conclusion in error, we would be happy to discuss our conclusion with your legal counsel. Please do not hesitate to contact the undersigned or Scott Vincent at (805) 564-5326.

Sincerely,

A handwritten signature in black ink, appearing to read "Ariel Calonne", is written over a horizontal line.

Ariel Pierre Calonne  
City Attorney

cc: George Buell, Community Development Director  
Danny Kato, Senior Planner  
Kathleen Weinheimer, Esq.

## **A ZONING AND PERMITTING ISSUE IN THE CITY OF SANTA BARBARA**

### **SUMMARY**

The 2021 Santa Barbara County Grand Jury investigated a citizen complaint regarding a food processing company in the City of Santa Barbara. The complaint alleged the Company had caused nuisance [noise, odor, and traffic] and zoning issues that the City of Santa Barbara Community Development Department, the City Attorney, and the City Council failed to address. The Jury found: (1) the Building Permit of the Company allowed modification of an existing business facility into a food processing operation in property zoned Commercial-Manufacturing (C-M); (2) local residents contended that the Company's food processing operations should not have been permitted in zone C-M and have complained about those operations to the present day; (3) the City issued and then failed to enforce a stop operations order against the Company; (4) the City sought to ensure that the Company had taken adequate measures to mitigate the nuisances declared by the complainants; (5) the mitigation measures taken by the Company, approved by the City, did not satisfy the complaints of the affected local residents; and (6) the Santa Barbara City Council never held a public hearing on the complaints and inquiries from residents affected by food processing operations of the Company at the Location.

The Jury recommends that the Santa Barbara City Council: (1) hold public hearings on any zoning, permitting, or Certificate of Occupancy decision, whether involving interior or exterior renovations for any project, that may lead to "obnoxious or offensive" operations; (2) commission a report clarifying the zoning and permitting status of business operations in the C-M zone; (3) commission a report clarifying the status of mitigation measures taken with regard to the food processing operations of the Company; (4) commission a review of the documentation and archiving of zoning and permitting decisions, and the City's manner of communicating them to the broad public; and (5) promulgate revised City procedures for managing zoning and code enforcement cases, including those for putting complaints about such cases on the Council's agenda and reporting to residents on the decisions taken by City authorities.

### **INTRODUCTION**

In January 2013, the Santa Barbara City Community Development Department (CDD) received plans for building renovations with interior alteration to include a new refrigerated processing area, freezer, and cooler at a property on the east side of Santa Barbara. Following the CDD's review, the City approved a building permit for the facility in early 2014. Following complaints by local residents<sup>1</sup> about noise, odor, and traffic around the facility, the City opened a Code Enforcement Case in 2014. The Company that operated the business at this location responded positively in mitigating the code violations in the areas of traffic noise, odor, and machine noise. Despite the efforts by the Company, the City Attorney issued a "cease and desist" order in mid-2015, on the grounds that the zoning (Commercial Manufacturing [C-M] at City Address A and Retail Commercial [C-2] at City Address B) did not allow the current operations being conducted.

---

<sup>1</sup> We use "complainants" and "local residents" interchangeably in this report.

The complainants alleged that no definitive action has been taken to enforce this order or to mitigate the nuisances alleged to have been caused by the Company. Local residents sought a Grand Jury investigation of: (1) the integrity of the zoning and permitting processes for the business activities at City Address A and City Address B (hereafter collectively referred to as “Location”); (2) the integrity of the enforcement of City orders against noise and odor nuisances; and (3) the denial of CDD and City Council requests for public hearings on their complaints.

The Santa Barbara County Grand Jury (Jury) believed an investigation into the concerns of local residents was justified.

## **METHODOLOGY**

The Jury received documents (80 pages) from the complainants and interviewed a complainant. The Jury interviewed an employee of the local Company and Santa Barbara City officials, as well as reading publicly available documents on the City website and, following a Public Records Act (PRA) request to the City, read material (200 pages) provided by the City in response to that PRA request. A PRA request to the CDD generated another 46 pages of documents.

## **CHRONOLOGY AND OBSERVATIONS**

### **What is the zoning of the Company’s Location?**

The complaint refers to the following City of Santa Barbara zoning designations.<sup>2</sup>

- C-2 Retail Commercial
- C-M Commercial Manufacturing
- H-C Harbor Commercial
- O-C Ocean-oriented Commercial
- OM-1 Ocean-oriented Light Manufacturing

Title 28 (Zoning-Coastal) of the City of Santa Barbara Municipal Code<sup>3</sup> specifically allows certain wholesale or food processing businesses in OM-1 (Ocean-oriented light manufacturing), in OC (Ocean-oriented commercial zone) or in HC (Harbor commercial) zones. Title 30 (Zoning-Inland) neither specifically allows nor specifically forbids those food processing businesses in a C-M zone or a C-2 zone.

The City issued an initial Certificate of Occupancy for a small business at City Address A in 1965. A building permit for renovation of the existing small business at City Address A was issued in 2014 for zone C-M and no change of zoning was required. The adjacent Company parcel at City Address B is zoned C-2. The Municipal Code allowed a CDD official to properly state in a message to a City Council member in 2015, that food products manufacturing is a listed allowed use in the C-M zone provided that the manufacturing operations are not “obnoxious or offensive” (see Appendix 1 for details on C-M and other zones) for reasons of noise, odor, and other disturbances.

---

<sup>2</sup> <http://qcode.us/codes/santabarbara/> See Appendix 1

<sup>3</sup> Title 28 of the Municipal Code of the City of Santa Barbara covers “Zoning-Coastal”; Title 30 covers “Zoning-Inland.”



The City Attorney had been handling the nuisance complaints since September 2015. The City Attorney later in 2018 wrote to a member of City Council to say that scheduling the complainants' request for a Council hearing would not be useful. The City Attorney stated in the same email that the issue of the zoning depends upon whether the Planning Division of the CDD made a mistake allowing the processing in the CM and C-2 zones. The Council member replied to the City Attorney that the complainant would be informed that this was not a matter for the City Council.

### **What were the permitting procedures for the Company?**

The City issued a Certificate of Occupancy for a business at City Address A in 1965 on what appears to have been the site of a private residence. The Certificate of Occupancy states that the City zone is C-2. City records for a building permit, issued in 1991, show that the existing use of the structure at City Address A had been for the office of a small business. A building permit, issued in 2006 for electrical work at City Address A, states that the zone was C-M.

The process to approve a building permit for work to allow food processing by the Company at the Location began in 2013. The purpose of the building permit was interior alteration to include a new refrigerated processing area, freezer, and cooler. The permitting procedure did not require a new Certificate of Occupancy, a change in zoning, or review by the Planning Commission because the renovation only involved interior work.

The City of Santa Barbara Community Development Department (CDD) managed the permitting process. A City Engineer in the CDD did an initial review of the building proposal in early 2013. According to public correspondence from representatives of the Company, the Planning Division of the CDD approved the plans in 2014. The CDD issued a building permit in early 2014, for zone C-M. Judging from the dates of citizen complaints about noise and odor from the City Address A site, the Company began operations at the site in mid-September 2014.

The City Waterfront Director wrote to the Harbor Commission in July 2014, stating the site would be the new location for all the company's work trucks, warehousing and processing activities.<sup>4</sup>

### **What was the role of the City of Santa Barbara Planning Commission at the Location?**

The Planning Commission was not involved in the permitting or zoning, nor in any subsequent City actions with respect to the Company at the Location. The Jury learned that the Company's operations at the Location were never an agenda item or discussed at the Planning Commission's meetings from 2012 to the present. The Planning Commission was not involved because the renovations done at those addresses, as allowed under a City building permit, did not involve exterior work.

### **What have been local residents' complaints against the Company?**

The complaints are:

- Complaints to the Community Development Department in: April 2014; September 2014; November 2014; protest at the CDD office in July 2015; February 2018;

---

<sup>4</sup> As discussed before the Harbor Commission.

[https://www.santabarbaraca.gov/SBdocuments/Advisory\\_Groups/Planning\\_Commission/Archive/2014\\_Archives/03\\_Staff\\_Reports/2014\\_08\\_21\\_August\\_21\\_2014\\_Item%20III.B\\_5-Year\\_Review\\_of\\_Uses\\_in\\_the\\_Harbor\\_Commercial\\_Zone\\_Staff\\_Memorandum.pdf](https://www.santabarbaraca.gov/SBdocuments/Advisory_Groups/Planning_Commission/Archive/2014_Archives/03_Staff_Reports/2014_08_21_August_21_2014_Item%20III.B_5-Year_Review_of_Uses_in_the_Harbor_Commercial_Zone_Staff_Memorandum.pdf)

- Correspondence with the City Attorney in: January 2015; October 2016;
- Correspondence with the City Administrator in: November 2016; December 2016;
- Correspondence with the City Council from 2015 through March 2021; notable is a request in 2018 to put the grievances of local residents on the Council Agenda, which was not done;
- Letter to the Attorney General of the State of California; the Attorney General's Office replied on June 9, 2017, informing local residents that their complaints should be directed to the County Grand Jury or to a private lawyer; and
- Exchanges with the Mayor of the City of Santa Barbara (several times in 2018).

### **How have City authorities and the Company responded to the complaints?**

After numerous complaints by local residents about the Company, the CDD opened a Nuisance Enforcement Investigation in September 2014, in response to residents' concerns about noise from refrigeration units close to the property line, loud noise from trucks, and odors. The Company was subsequently ordered to build a trash enclosure and sound barrier as part of measures to remedy violations identified in the enforcement case. After several exchanges about the sound issue with the CDD, the City Architectural Board of Review approved plans for the trash enclosure and sound barrier. The trash enclosure and sound measures were taken in compliance with the City's order to address the noise from the Company; however, it was not to a level acceptable to the complainants. Their effects on odors are unclear. Local residents continued to complain about odors until July 2015. The next entry (September 2015) in the enforcement case file noted the enforcement case was at the City Attorney's Office and the CDD was waiting to hear from the City Attorney before further pursuing the enforcement case.

The Jury learned that the City Attorney informed the Company that the Locations in question were zoned C-M and C-2.<sup>5</sup> The Jury further learned that the City Attorney's Office had concluded that the type of processing at the Locations is not an allowed use in either the C-M zone or the C-2 zone. In July 2015, the City Attorney therefore ordered the Company to stop operations at the Location.

The City Attorney's "cease-and-desist" letter launched wide-ranging exchanges. An initial reply from the Company stated "food products manufacturing" is an allowed use in the C-M zone district. The Company further stated that the building permit issued for the Location identified a refrigerated area at the facility which would be needed for the type of food processing in question.

Following correspondence between the City Attorney and representatives of the Company, the Jury learned of further developments:

- The Company argued that its activities are food products manufacturing, which is expressly permitted in the C-M zone where the Company is located.
- The Company planned to reduce machinery noise by building an enclosure.
- The Company is aware of odor complaints made to the Air Pollution Control District (APCD)<sup>6</sup>

---

<sup>5</sup> The Jury also learned that City officials had determined the Company to be a "Food Products Manufacturing" operation "which is a listed allowed use in the C-M zone."

<sup>6</sup> The nuisance enforcement case file shows that representatives of the Company knew of odor complaints made to the CDD.

and has been responsive to those complaints.

- Concerning residents' complaints about traffic noise, the Company agreed to reduce working hours to 7 AM-7 PM.
- A second<sup>7</sup> code enforcement case against the Company involved noise from machinery units operating day and night in excess of the noise levels specified in SBMC 9.16.070 Mechanical Equipment.

Negotiations of a draft Settlement Agreement between the City Attorney and representatives of the Company took place between July 2015 and August 2016. A settlement agreement meeting took place in August 2015, between the City Attorney and representatives of the Company. Representatives of the Company then wrote a draft zoning enforcement agreement between the Company and the City."

The Jury learned that the City Attorney and representatives of the Company had drafted a Settlement Agreement in November 2015. In February 2016, local residents contacted the City Attorney saying they did not accept the agreement with the Company and preferred that "the city pursue enforcing the zoning code with a cease operations to the Company." Additional exchanges among the Company, the City Attorney, and local residents did not lead to the Settlement Agreement, which remains unsigned to the present day.

Local residents wrote to the Director of the CDD in February 2018 to ask for a public hearing to revoke the Certificate of Occupancy permit of the Company at City Address A. The Director for the CDD forwarded the residents' request to the City Attorney.

The Jury learned the Company has cooperated with every nuisance enforcement case brought by the City, has made good faith efforts (such as changing working hours to reduce traffic noise) to mitigate the alleged nuisances, has invested in mitigation measures (such as building a trash enclosure and sound barrier, which were reviewed and approved by City authorities), and has met with City officials and with local residents to discuss the complaints.

The Jury notes that the many communications on this matter, among City officials at various levels, and between local residents and City officials, are not always clear and are not always easy to find without significant effort in searching the City archives.

### **How did the City Council respond to residents' complaints about the Company?**

Local residents have complained to City Council members on many occasions. There have been numerous exchanges of emails between residents and Council members since 2014. In June 2018, residents requested to a City Council member that their concerns be placed on the Council's agenda; the Council did not honor that request. As recently as March 2021, residents again sought unsuccessfully to have their concerns placed on the Council's agenda. Despite the refusal of the Council to place the residents' complaints on the Council's agenda, the residents, Mayor, and some Council members have met at various times and places from late 2014 through July 2018 in order to come to a compromise. These meetings have not satisfied residents' complaints.

### **How were the complainants and the public notified of City responses to the complaints in this investigation?**

---

<sup>7</sup> Three other code enforcement cases at the Location were not relevant to the Jurys investigation.



The City authorities notify complainants and the general public in several ways. In the matter of the Company, the City authorities have notified the complainants through correspondence from City authorities (the Office of the City Attorney, the City Council, the Office of the Mayor, officials of the Community Development Department in the Planning Division and in the Code Enforcement Division).

They have further informed the public through publicly available documents, such as the code enforcement documents and the minutes of various City institutions, notably those of the City Council, the Planning Commission, and the Architectural Review Board. Code enforcement documents can be searched online at <https://www.santabarbaraca.gov/services/planning/cdprd.asp>.

### **What have the complainants said about the effects of the activities of the Company?**

The complainants contend that they have suffered health-related problems owing to the operations of the Company. One complainant, who lives in the area near the Company, complains of headaches caused by noise and odor.

Other neighbors contend that they have suffered economic losses. One had to leave work early on occasion because of odors from the Company. Noise, especially from the Company mechanical units, was said to have led to tenant turnover in at least one neighborhood business.

For more than seven years, several individual complainants have expressed health and economic concerns regarding the Company operations.

### **CONCLUSION**

In 2014, the City of Santa Barbara issued a Building Permit for a food processing facility at the Location. The work consisted of interior renovations to build cold processing and storage structures. That site at City Address A is in a C-M zone, which is one in which the type of food processing at the Location is neither prohibited nor specifically allowed. City CDD officials interpreted the City's C-M zoning as allowing food processing because it allows food product manufacturing subject to avoidance of "obnoxious or offensive" disturbances. Some local residents disagree about the interpretation of the C-M zoning and have subsequently complained of noise, food odor, and traffic nuisances created by the food processing operations and have argued that the facility is in a zone where food processing is not allowed. Despite costly measures taken by the Company to comply with notices of code enforcement sent by the City, residents' complaints continue about the nuisances from the Location. Efforts in 2015 and 2016 to reach a settlement between the City Attorney and representatives of the Company never materialized because of opposition from the affected residents. Several offices of the City of Santa Barbara – the Community Development Department, the City Administrator, the City Attorney, the City Council, the Office of the Mayor – have responded to these complaints, but the 2021 Santa Barbara County Grand Jury found that those responses have not completely eliminated the nuisances to the local residents' satisfaction.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The City of Santa Barbara Community Development Department issued a Building Permit in 2014 for interior renovations of the Company's facilities at the Location without review by the City of Santa Barbara Planning Commission since such a review was not required.

### **Recommendation 1**

That the City Council of Santa Barbara direct the City of Santa Barbara Planning Commission to hold a public hearing on any zoning, permitting, or Certificate of Occupancy decision, whether involving interior or exterior renovations for any project, that may lead to "obnoxious or offensive" operations in any zone.

### **Finding 2**

Residents contended in 2014 that the Company's food processing operations in zone C-M should not have been permitted in zone C-M and have maintained that opinion to the present day.

### **Recommendation 2**

That the Santa Barbara City Council direct the City of Santa Barbara Community Development Department to issue a report to the Santa Barbara City Council clarifying the uses that are allowed by the City Code's land use regulations for the C-M zone.

### **Finding 3**

Following renovations at the Location, which made the Company operational, neighboring residents have complained about machinery noise, odor, and traffic noise from those operations from mid-2014 to the present day.

### **Recommendation 3a**

That the Santa Barbara City Council direct the City of Santa Barbara Community Development Department to issue a report to the Santa Barbara City Council reviewing the status of mitigation measures taken with regard to the food processing operations of the Company at the Location.

### **Recommendation 3b**

That the Santa Barbara City Council direct the City Community Development Department to review the documentation and archiving of its zoning and permitting decisions and its manner of communicating with the public, appointed officials, and elected officials with the purpose of making those decisions more complete, clearer, and more accessible to the general public and to City officials at all levels.

### **Finding 4**

The City Attorney of the City of Santa Barbara issued a "cease-and-desist" order to the Company, in July 2015, following citizens' complaints about the Company and having concluded that the Company's specific type of food processing is not allowed in the C-M or C-2 zones.

### **Finding 5**

Following negotiations between the City Attorney of the City of Santa Barbara and representatives of the Company, those parties drafted a “Settlement Agreement” to mitigate the claimed nuisances – machine noise, traffic noise, and food odor – which recognized that the parties have differing interpretations of the Santa Barbara City Code with respect to zones C-M and C-2 and allowed the Company to continue operations at Location.

### **Finding 6**

The Santa Barbara City Council never held a public hearing on the complaints and inquiries from residents affected by food processing operations of the Company at the Location.

### **Recommendation 6**

That the Santa Barbara City Council direct the City Administrator to promulgate revised procedures for managing zoning and code enforcement cases, including procedures for putting complaints about such cases on the Council’s agenda and reporting to residents on the decisions taken by City authorities.

## **REQUEST FOR RESPONSE**

Pursuant to *California Penal Code Section 933 and 933.05*, the Santa Barbara County Grand Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Responses to Findings shall be either:

- Agree
- Disagree wholly
- Disagree partially with an explanation

Responses to Recommendations shall be one of the following:

- Has been implemented, with brief summary of implementation actions taken
- Will be implemented, with an implementation schedule
- Requires further analysis, with analysis completion date of no more than six months after the issuance of the report
- Will not be implemented, with an explanation of why

### **The City Council of Santa Barbara – 90 days**

- Findings 1, 2, 3, 4, 5, and 6
- Recommendations 1, 2, 3a, 3b, and 6



## APPENDIX 1

### ZONES FOR BUSINESS ACTIVITIES IN THE CITY OF SANTA BARBARA

Section 30.05.10 of the City of Santa Barbara Municipal Code shows current zones and previous zones at <http://qcode.us/codes/santabarbara/>. This Report refers to the old zone names because the RFI and the responses refer to the old zone names.

**C-2 (old); C-G Commercial General (new).** The C-2 zone is applied to land that is appropriate for retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community. C-2 (now C-G) does not include the types of food processing done by the local Company.

**C-M Commercial Manufacturing (old); M-C Manufacturing Commercial (new).** This zone seeks to provide a desirable living environment by preserving and protecting surrounding residential land uses. in terms of light, air and visual amenities. “Any of the following uses, provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose hazard to life or property.” A list of 30 uses is given including (#16) “Food products manufacturing.”

**H-C Harbor Commercial (old); CO-H Coastal Oriented Harbor (new).** “The Coastal-Oriented Harbor (CO-H) Zone strives to maintain the harbor as primarily a working harbor with visitor-serving and coastal-related uses secondary to coastal-dependent uses, and that Stearns Wharf will consist of a mixture of visitor-serving, and coastal-dependent and coastal-related uses. In addition, this zone is intended to preserve and protect the coastal environment in terms of light, air, and visual amenities.”

**OC Ocean-Oriented Commercial (old); CO-CAR Coastal Oriented, Commercial Arts and Recreation (new).** “The Coastal-Oriented Commercial, Arts, and Recreation (CO-CAR) Zone strives to achieve balanced use of the City’s Waterfront and maintain the small scale, local character that is unique to the Waterfront area. Land uses shall be encouraged in this zone that maintain and enhance the desirability of the Waterfront as a place to work, visit, and live. This zone is intended to foster a vital, mixed-use neighborhood and preserve and protect the coastal environment in terms of light, air, and visual amenities. Land classified in the CO-CAR Zone may also be classified in the Coastal-Oriented Hotel and Visitor-Serving (CO-HV) Zone.”

**OM-1 Ocean-Oriented Light Manufacturing (old); CO-MI Coastal-Oriented Manufacturing Industrial (new).** “The Coastal-Oriented Manufacturing Industrial (CO-MI) Zone strives to provide for appropriate coastal-dependent and coastal-related industrial uses in close proximity to the Harbor/Wharf Complex. The zone encourages the establishment of coastal-oriented industrial uses in keeping with the policies of the California Coastal Act and the City’s Local Coastal Plan.”



## **CITY OF SANTA BARBARA**

### **COUNCIL AGENDA REPORT**

**AGENDA DATE:** March 15, 2022

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Public Hearing For The 2022 Downtown And Old Town Business Improvement Districts Assessments

**RECOMMENDATION:** That Council:

- A. Conduct a public hearing and consider appropriate protests to the renewal of the Downtown and Old Town Business Improvement Districts Assessments for 2022, as required under the California Parking and Business Improvement Area Law of 1989; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Confirming the Fiscal Year 2022 Downtown and Old Town Business Improvement District Annual Assessment Report and Renewing the Downtown Business Improvement District and Old Town Business Improvement District Assessments for 2022.

#### **DISCUSSION:**

The Downtown and Old Town Business Business Improvement Districts have provided marketing and promotional services for Downtown businesses for several decades. The merchants in both business improvement districts pay for these services through and assessment based on their business license fee, location, and type of business. The assessment revenue is collected each year by the City and then remitted to Downtown Santa Barbara. Downtown Santa Barbara is a 501 (c) 3 organization that operates both improvement districts after merging with the Old Town Merchants Association in 2005.

The Downtown Business Improvement District serves businesses between Chapala and Anacapa Streets, from Ortega Street north to Micheltorena Street, as authorized under Municipal Code Section 4.39, which regulates Downtown Parking and Business Improvement Area charges. The Old Town Improvement District serves businesses between Chapala and Anacapa Streets, from Gutierrez Street north to Ortega Street, as

authorized under Municipal Code 4.43 with regulates the Old Town Parking and Business Improvement Area charges.

On February 15, 2022, Council approved an annual assessment report and adopted a Resolution of Intention to levy an annual assessment for 2022, in accordance with state law. The annual report outlines the assessment to be levied and collected from businesses to pay for activities planned for the upcoming year with the estimated cost. The report also provides the method and basis of the assessment in sufficient detail for business owners to estimate the assessment amount for their business. For the calendar year of 2022, there are no proposed changes to the boundaries or assessment rates in the Downtown and Old Town Improvement Districts. The annual assessment report was attached as an Exhibit to the Resolution of Intention.

On February 15, 2022, Council also set the date for the public hearing on March 15, 2022. Notices to levy and collect the assessment were mailed to all affected businesses in the districts, informing businesses of the public hearing where written or oral protests could be made.

Under state law, the City Council is required to conduct an annual public hearing to consider protests to renew the assessments. Prior to submittal of this report, staff received 36 protests from a total of 1,240 businesses in the Downtown District and 257 in the Old Town District. At the public hearing, the Council will confirm whether there is a lack of majority protest (protests received from business owners who pay 50% or more of the total assessments to be levied), and adopt a resolution to assess the rates in accordance with the annual report.

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

The Downtown and Old Town Business Improvement District revenues are projected to be approximately \$250,000 in business assessments to fund marketing and promotional activities for downtown businesses. On July 20, 2021, the City Council approved an annual agreement with Downtown Santa Barbara to provide \$310,000 for marketing, promotion, and event planning services. Combined with other revenue sources, Downtown Santa Barbara has an estimated total budget of \$721,597.

**ATTACHMENT:** 2022 Annual Report for the Downtown Business Improvement District and the Old Town Business Improvement District

**PREPARED BY:** Brandon Beaudette, Senior Assistant to the City Administrator

**SUBMITTED BY:** Rebecca Bjork, City Administrator

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



**Exhibit A**  
**Downtown Organization of Santa Barbara, Inc.**  
**2022 Annual Report for the**  
**Downtown Business Improvement District**  
**and the Old Town Business Improvement District**

This Annual Report from the Downtown Organization of Santa Barbara, Inc. dba Downtown Santa Barbara was prepared for the Santa Barbara City Council to review for the annual reauthorization of both the Downtown Santa Barbara Business Improvement District (Downtown BID) and the Old Town Business Improvement District (OTBID). This is the fifty-sixth year of operations for the two BIDs, managed under contract by Downtown Santa Barbara, a non-profit membership organization incorporated in 1966 whose purpose is to promote and protect the vitality of downtown Santa Barbara. This report is required by Section 36533 of the California Streets and Highways Code. This report is for both BIDs, commencing January 1, 2022 and ending December 31, 2022.

**EXECUTIVE SUMMARY:** Downtown Santa Barbara's relationship with the City of Santa Barbara is as vital now as at any point in the organization's long history. We have a contractual relationship with the City through a Promotions contract, a financial relationship through renewal and collection of BID fees, and a personal relationship through which we collaborate on ways to strengthen downtown Santa Barbara. Over the past almost two years, Downtown Santa Barbara's board and staff have been responsive to the needs of businesses who have been faced with the challenges of the pandemic. Our organization's priority areas are the following: economic vitality; business retention, marketing and promotion; advocacy; activations and special events, and maintaining a clean, green, and safe downtown. Staff and committees have been reorganized based on the priority areas to promote and support businesses with the challenges of the pandemic. We have a keen focus on economic recovery and revitalization of our downtown and leveraging community relationships.

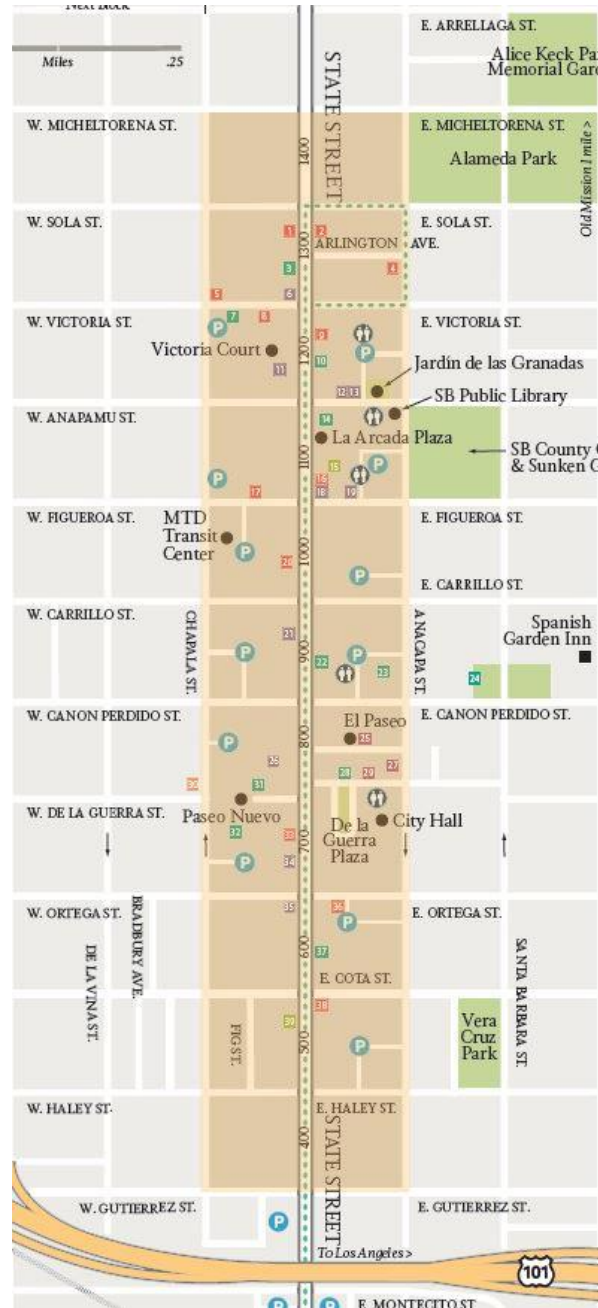
**BACKGROUND:** These two Downtown BIDs were established separately by ordinance, at different times and for different purposes, and therefore have slightly different formulas for their respective assessments.

**MANAGEMENT SERVICES:** Once the BIDs were established, the City of Santa Barbara contracted for their management and the provision of services with the Downtown Organization of Santa Barbara, Inc. The Downtown Organization then merged with the Old Town Business Association in 2004. The two BIDs have continued to operate separately in compliance with their respective ordinances. Their combined revenues support the operations and programs managed by the Downtown Santa Barbara organization, under the contract for BID services with the City of Santa Barbara.

**DOWNTOWN BID BOUNDARIES:** The Improvement Area is defined as follows in the original ordinance establishing the district: *The business improvement area bounded by*

*Anacapa, Chapala, Micheltorena, and Cota Streets.*

**OLD TOWN BID BOUNDARIES:** The Improvement Area is defined as follows in the original ordinance establishing the district: *The Business Improvement bounded by Anacapa, Chapala, Gutierrez and Ortega streets and businesses fronting on the area bounded by said streets and businesses fronting the intersections of said streets, except that the area north of the centerline of Ortega Street is not included.*





As required by California law, this combined Annual BID Report for the Downtown BID and the Old Town BID contains the following information:

### **1. Proposed Changes to the District Boundary:**

There are no changes proposed to either the Downtown BID or the Old Town BID boundaries.

### **2. Planned Improvements and Activities for the 2021-2022:**

The following Downtown Santa Barbara projects and programs are planned for 2022.

#### **2020-2025 STRATEGIC PLAN**

- 2.1 Strategic Plan – Continuously update the strategic plan and implementation plan to meet the needs of businesses in the face of recovering from the pandemic.
- 2.2 Committee Structure for DSB – Work to increase engagement of business owners and community members in the work of DSB through committee working groups.
- 2.3 Metrics for Success – Develop metrics for success for each priority area and track progress quarterly.
- 2.4 Downtown Master Planning Process - DSB will work with partners and the City to complete plan for downtown Santa Barbara and the re-envisioning of State Street.
- 2.5 Focus on Storytelling – Focus on telling the story of our changing downtown - new businesses opening, old favorites thriving, food offerings for every palate, entertainment for young and old, buildings wearing the vibrant color of SB, and events inviting locals and tourists alike to experience anew our downtown.

#### **MARKETING, COMMUNICATIONS, AND ADVERTISING**

- 2.6 Website and Communications – Develop and execute marketing plan for Downtown Santa Barbara. Continue to conduct an annual survey of business owners to determine priorities and needs, to help Downtown Santa Barbara set priorities. Continuous updating of Downtown Santa Barbara website to include business member pages, event calendars, neighborhood shopping guide, business directory, video shopping tours and more. Continue to promote and leverage the downtown website, with additional outreach to downtown businesses to build their own pages, content, and to feature and showcase the new businesses and attractions. Continue to engage customers, the general public, and business members through all social media outlets. New features include:
- 2.7 Downtown Santa Barbara IGTV Business Live Series: In response to the pandemic conditions, we added an Instagram live digital live series, where we interview different business owners live for extra individualized promotion to our 30,000 Instagram followers.
- 2.8 Marketing/Media Campaigns – Provide year-round leadership and management services for advertising partnerships and trades with partner organizations,

media outlets, and community service venues to leverage year-round promotions and retail activities. Strong social media efforts designed to raise awareness of downtown's history, events, and businesses. Created in 2020 and to be continued in 2022 is the Downtown Business Spotlight" an interview series with downtown business owners in diverse industries in partnership with the Santa Barbara Independent marketed and distributed in print, *Santa Barbara Independent* e-newsletters, Downtown SB e-newsletters and social media and recorded for businesses to use as well.

- 2.9 Downtown Map & Guide – Expand visibility for more than 100,000 full color brochures, delivered year-round to hotels, destinations, cruise ship patrons, downtown events, California Visitor Center locations, and other visitor-oriented outlets.
- 2.10 Cruise Ship Volunteer Program and Visitor Outreach – (Continue when conditions allow) staffing for community-based volunteer program providing hospitality services for all cruise ship visits, in partnership with the Santa Barbara Waterfront, Visit Santa Barbara, and Chamber of the Santa Barbara Region. Redevelop host program for outreach through the summer.
- 2.11 Marketing/Advertising for Major Festivals/Events -- (Continue when conditions allow) Provide marketing/social media support for other signature events (i.e. Solstice, Fiesta). Staging and production services on State Street in support of all community parade operations, and direct marketing to all downtown businesses.
- 2.12 Retail Promotions – Continue to expand Small Business Saturday, building on our prior success and planning in 2022. Offer strategic retail-oriented events to drive sales and attendance at key times.

## **PROGRAMMING AND SPECIAL EVENTS**

- 2.13 District and Community Promotion – Develop plan to promote districts within our downtown. Year-round State Street flag display program with over 40 non-profit community partners. Develop new opportunities for entry into the program through reduced cost measures.
- 2.14 1<sup>st</sup> Thursday, Art and Wine Tour events –Year-round monthly program showcasing culture, vitality of State Street, providing participation opportunities for retailers, galleries, wineries, and restaurants to assist the Art District and bring together cultural partners to develop district marketing program.
- 2.15 Annual Awards Breakfast – Design and produce our yearly annual celebration, program including Annual Downtown Awards: Business Champion of the Year, Volunteer of the Year, Richard Breza Award for Public Service, Harriet Miller Youth Leadership Scholarship, Citizen of the Year, and Entrepreneur of the Year award.

- 2.16 Holiday Tree and Seasonal Programming –Secure sponsorship support to retain Holiday Tree and tree lighting ceremony, expanded marketing and social media engagement in support of holiday shopping, explore feasibility of additional continued improvements to Parade operations and or seasonal programming shall we need to postpone the parade. Expansion of sponsorship program for annual parade with new Grand Marshal sponsor and new Prince & Fairy sponsor. Tuba Christmas partnership will also continue. Continued plan for expanded holiday tree lighting.
- 2.17 Business District Holiday Décor Program – Partner with the city to implement the holiday décor program to include lighting on all palm and street trees; seasonal décor, window display contests among the merchants.
- 2.18 Downtown Networking Meetings – Continue to host downtown networking mixers as conditions allow to engage business owners and community leaders and provide opportunities to increase communication.
- 2.19 State Street Promenade Market– a weekly Thursday market from 3-7:30 PM designed to promote downtown businesses and create vibrancy downtown. This is anticipated to expand over time to include entertainment, feature local restaurants and family-oriented activities and more as Covid-19 conditions improve. Participation is free for businesses in the BID area as an extra promotion for businesses, online and in person.
- 2.20 Activations/Placemaking – Create list of programmatic activation sites in downtown and host pop-up events at key times to increase activity in the downtown.

#### **BUSINESS RETENTION, OUTREACH, INVOLVEMENT, AND ADVOCACY**

- 2.21. Outreach Materials and Mailings – Weekly e-newsletter highlighting downtown happenings and downtown businesses.
- 2.22 Online Calendar of Events: Businesses add happenings directly to the calendar. These are featured on our website and populates our e-newsletter and social media calendars.
- 2.23. Membership Portal: Businesses update their listings on the DSB website, and include different photos, descriptions, and contact info at any time. This is an important way to have locals and visitors and locals find downtown businesses. Tutorials and trainings offered.
- 2.24. Free Business 1 x 1 Strategy Calls by appointment are available with Downtown Santa Barbara staff and our partner organization business strategy specialists to support downtown businesses.
- 2.25. Business resources and trainings: DSB offers free webinars on current issues affecting downtown businesses as well as educational resources to grow your business and navigate these unique times in partnership with the Economic Development Collaborative, Women’s Economic Ventures and others.
- 2.26 Community Involvement and Engagement – Active participation in community, civic boards, and civic groups year-round. Provide strong representation and

active involvement on other Boards and civic organizations from both staff and other board members.

- 2.27 Facilitation of Committees: Downtown Santa Barbara hosts a number of committees to support our downtown business community they are accessible to all BID businesses including: Business Support & Retention, Marketing & Promotion, Fundraising & Development, Retail, Restaurant and Bar, Government Relations, Property Owner Roundtables and other Adhoc Committees as needed.
- 2.28. Support of Downtown Events & Initiatives – Continue to work with organizers as conditions allow to promote and support downtown events and activations including: SBIFF, CycleMAYnia, State Street Nationals, Santa Barbara Art Museum Van Gogh exhibit celebration, and the Summer Movie Series at the Santa Barbara Courthouse. Continue sponsorship of Pianos on State program and other arts programming on downtown art pads.
- 2.29 Coordination with South Coast Chamber – Explore more coordinated and collaborative efforts with the recently created South Coast Chamber to produce support business retention, recovery, revitalization and economic development.
- 2.30 Safety Initiatives – Continue engagement and support with partners. Serve on the SB Act steering committee. Continued collaboration with businesses/police/support from Ambassadors program, including education/awareness efforts.

## **ADMINISTRATION**

- 2.31 Administrative Services – Continue to provide administrative services for all programs, services, events, rentals, and marketing services provided to members.
- 2.32 Accounting Services – Continue to staff and administer all accounting, finance responsibilities for accounts payable, receivable, reports, etc.

## **3. Estimated Costs of BID-Related Improvements and Activities Proposed for 2022**

### **PROJECTED BID ASSESSMENT EXPENSES**

| <b>Expense Type</b>        | <b>BID</b>       | <b>Other</b>     | <b>Total</b>     |
|----------------------------|------------------|------------------|------------------|
| Program Expenses           | 43000            | 23126            | 66126            |
| Promotion Expenses         | 50000            | 75993            | 125993           |
| Salaries and Benefits      | 75000            | 332478           | 407478           |
| Professional Services      | 25000            | 25000            | 50000            |
| General and Administrative | 57000            | 15000            | 72000            |
|                            | <b>\$250,000</b> | <b>\$471,597</b> | <b>\$721,597</b> |

### **PROJECTED DOWNTOWN ORGANIZATION EARNED NON-ASSESSMENT REVENUES FOR 2022**

|                                  |                  |
|----------------------------------|------------------|
| City Promotions Funding          | \$310,000        |
| Associate Membership Dues        | \$10,350         |
| Flag Admin Fees                  | \$20,000         |
| Programs and Sponsorship         | \$45,110         |
| Map and Brochure                 | \$19,080         |
| Board Contributions              | \$5,000          |
| Grants                           | \$61,757         |
| Interest Income                  | \$200            |
| <b>TOTAL NON ASSESSED INCOME</b> | <b>\$471,497</b> |

**Downtown Combined BIDs ASSESSMENT** **\$250.000**  
**Total Projected Revenues for 2022** **\$721,597**

**NOTE:** These financial summaries are limited to the operations and overhead of Downtown Santa Barbara.

#### **4. Method and Basis of Levying the Assessment Shall Continue as Follows:**

The benefit assessments will be collected by the City in one installment. There are no proposed changes to the formulas or rates for the two Downtown BIDs as outlined in the original establishment of the BIDs.

Old Town BID assessment formula:

| Category  | Charge   |
|---|--|
| Businesses located on State Street  | Equal to 100% of business license. Minimum of \$100.00   |
| Businesses not located on State Street  | Equal to 75% of business license. Minimum of \$100.00  |
| Automobile Sales and Service Businesses   | Businesses in Classification "B" of Section 5.04.390 shall pay a maximum charge of \$600.00 per year |
| Other Businesses: Wholesale, Professional, and Real Estate business as shown in Category 5.04.400 | \$100.00   |

Downtown BID assessment formula:

| Category      | Charge  |
|---------------|---|
| Professionals | Equal to 15% of business tax paid. Minimum of \$50.00 |
| All Others    | Equal to 100% of business license.                    |

#### **5. Surplus Carryover from 2021:**

There is not a surplus of assessment dollar funds being carried over from the FY 2021

budget; assessment dollars are spent first on services and programs to benefit the ratepayers for the BIDs before non-assessment dollars are spent.

#### **6. Sources of Contributions From Other than Levied Assessments:**

Downtown Santa Barbara generates other sources of funds and earned revenues through a variety of programs and third-party contracts for services. These include earned revenues from grants and sponsorships, a promotions contract with the city, ticket sales for events, flag administration fees, associate membership dues, advertising sales, and donations.

#### **7. Prior Year Assessed Income Expenditures 2021**

The total collected by the city for the Old Town BID in 2021 was \$57,634.77. The total collected for the Downtown BID by the city was \$193,329.04. The total remitted to the Downtown Organization for 2021 was \$250,963.81

**The following services were provided as benefits to the ratepayers from January 2021 – December 2021.**

##### **Downtown website**

- Continually updated with event highlights, new events, shopping directory of businesses, business features via video, photos etc.
- Average 50,000 visitors per quarter.

##### **Earned Media Features**

- Over 70 features in regional newspapers, tv stations, magazines etc.

##### **Print Marketing**

- Produced Map & Guide. It will be distributed in Spring 2022
- Advertisement buys in various local and regional publications.
- Weekly ads in Voice Magazine and the Santa Barbara Independent
- Winter, Spring, Summer and Fall placement in California 101 Travelers Guide

##### **Social Media**

- More than 200 businesses featured per quarter via Instagram followers  
Increased Instagram following from 22,000 to 30,000 and Facebook (11,000)

##### **Video Production**

- Developed and produced videos for Downtown Santa Barbara
- Virtual Shopping Tours

**E-Newsletters** - Weekly e-newsletters to community and businesses including business highlights, programs, events, webinars, resources and more  
(average of 49% open rate)

**State Street Flag Program** – Full year of flags with new non-profit participants

**Business Outreach & Support** – Business outreach, Executive Director held hundreds of meetings with business leaders, property owners, and community leaders, educational webinars, pandemic relief and recovery efforts, business strategy sessions and more.

**Community Outreach** – provided presentations to community groups about downtown issues and opportunities

**Support of downtown initiatives** – provided support, marketing, programming, and staff to downtown initiatives

**DSB Produced Events**

- Annual Awards Ceremony
- 1st Thursday ArtWalk Series, every 1st Thursday of the month
- Small Business Saturday
- Business Networking Mixers
- Holiday Tree Lighting Ceremony and 11 “Magical Holiday Happenings Events”
- State Street Promenade Market, Every Thursday throughout the year
- Business Spotlight Series: Weekly Interview series featuring different business owners in collaboration with the Santa Barbara Independent

**Advocacy** – Provided public testimony and/or comments and advocated for businesses on issues affecting downtown Santa Barbara such as homelessness, youth bicycling, outdoor dining and the future of State Street.

**Convener** Monthly Board meetings with city and business leaders, Committee meetings including Economic Development, Marketing & Promotion, Government Relations, Adhoc Committees as needed

**Active Participants:** Santa Barbara County Business Task Force Team, Government Relations Committee; State Street Advisory Committee, State Street Regional Action Plan on Homelessness, Old Spanish Days Fiesta meetings; International Downtown Association; California Downtown Association; Visit Santa Barbara; Summer Solstice; De la Guerra Plaza and Farmer’s Market conversations and many more.

**Professional Memberships:**

Member: CDA, International Downtown Association, ICSC

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA CONFIRMING THE FISCAL YEAR 2022 DOWNTOWN AND OLD TOWN BUSINESS IMPROVEMENT DISTRICT ANNUAL ASSESSMENT REPORT AND RENEWING THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND OLD TOWN BUSINESS IMPROVEMENT DISTRICT ASSESSMENTS FOR 2022

WHEREAS, pursuant to the California Streets and Highways Code, the Council conducted a public hearing to renew the 2022 Downtown Business Improvement District assessment (hereinafter referred to as Downtown BID), as established by Chapter 4.39 of the Santa Barbara Municipal Code, adopted on May 7, 1985; and

WHEREAS, pursuant to the California Streets and Highways Code, the Council conducted a public hearing to renew the 2022 Old Town Business Improvement District assessment (hereinafter referred to as Old Town BID), as established by Chapter 4.43 of the Santa Barbara Municipal Code, adopted on June 3, 1986; and

WHEREAS, Council considered all protests and confirmed a lack of a majority protests to levy a benefit assessment within Downtown BID and Old Town BID as described in the Fiscal Year 2022 Downtown and Old Town Business Improvement District Annual Assessment Report, attached as Exhibit A; and

WHEREAS, the improvements and activities to be provided by Downtown Santa Barbara shall consist of marketing and promotional activities for the businesses in the Downtown area.

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

1. The annual assessment shall begin on March 15, 2022.
2. The Fiscal Year 2022 Downtown and Old Town Business Improvement District Annual Assessment Report (Exhibit A) has been approved.

**Downtown Business Improvement District**

Assessment: The assessment will be collected on an annual basis by the City of Santa Barbara and remitted to Downtown Santa Barbara.

| Category      | Charge   |
|---------------|--|
| Professionals | Equal to 15% of business tax paid.<br>Minimum of \$50.00 |
| All Others    | Equal to 100% of business license.                       |



**Boundaries:** The area bounded by Anacapa, Chapala, Micheltorena and Ortega Streets, and includes businesses fronting on each street within or bounding the area, except the businesses located south of the centerline of Ortega Street.

### **Old Town Business Improvement District**

**Assessment:** The assessment will be collected on an annual basis by the City of Santa Barbara and remitted to Downtown Santa Barbara.

| <b>Category</b>   | <b>Charge</b>  |
|---|--|
| Businesses located on State Street  | Equal to 100% of business license.<br>Minimum of \$100.00  |
| Businesses not located on State Street  | Equal to 75% of business license.<br>Minimum of \$100.00   |
| Automobile Sales and Service Businesses   | Businesses in Classification "B" of<br>Section 5.04.390 shall pay a<br>maximum charge of \$600.00 per year |
| Other Businesses: Wholesale, Professional,<br>and Real Estate business as shown in<br>Category 5.04.400 | \$100.00   |

**Boundaries:** The area bounded by Anacapa, Chapala, Gutierrez and Ortega Streets and businesses fronting on each street within or bounding the area, except businesses located north of the centerline of Ortega Street.



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** March 15, 2022

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Conference With City Attorney -- Anticipated Litigation -- Gov. Code § 54956.9(d)(4): Initiation Of Litigation On One Matter

**RECOMMENDATION:**

That Council hold a closed session to consider initiating litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

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

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

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

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