



CITY OF BUELLTON

CITY COUNCIL AGENDA

**Regular Meeting of August 25, 2016 at 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

Materials related to an item on this agenda, as well as materials submitted to the City Council after distribution of the agenda packet, are available for public inspection in the Office of the City Clerk, located at 107 West Highway 246, during normal business hours.

CALL TO ORDER

Mayor Ed Andrisek

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members John Connolly, Leo Elovitz, Holly Sierra, Vice Mayor Dan Baumann, and Mayor Ed Andrisek

REORDERING OF AGENDA

PUBLIC COMMENTS

Speaker Slip to be completed and turned in to the City Clerk prior to commencement of meeting. Any person may address the Council on any subject pertaining to City business, including all items on the agenda not listed as a Public Hearing, including the Consent Agenda and Closed Session. Limited to three (3) minutes per speaker. By law, no action may be taken at this meeting on matters raised during Public Comments not included on this agenda.

CONSENT CALENDAR

(ACTION)

The following items are considered routine and non-controversial and are scheduled for consideration as a group. Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion. Members of the Public may speak on Consent Agenda items during the Public Comment period.

- 1. Minutes of August 11, 2016 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2016-17**
- 3. Revenue and Expenditure Reports through July 31, 2016**
 - ❖ (Staff Contact: Finance Director Carolyn Galloway-Cooper)
- 4. Acceptance of the Reservoir 1 and 2 Improvement Project**
 - ❖ (Staff Contact: Public Works Director Rose Hess)

PRESENTATIONS

PUBLIC HEARINGS

(POSSIBLE ACTION)

- 5. **Ordinance No. 16-03 – “An Ordinance of the City Council of the City of Buellton, California, Revising Title 19 (Zoning) of the Buellton Municipal Code (16-ZOA-02) Relating to Sections 19.08.100.E (Zoning Clearance Time Limits), 19.08.110.E (Use Permit Time Limits), and 19.08.120.H (Development Plan Time Limits)” (Introduction and First Reading)**
 ❖ *(Staff Contact: City Manager Marc Bierdzinski)*

COUNCIL MEMBER COMMENTS

COUNCIL ITEMS

WRITTEN COMMUNICATIONS

Written communications are included in the agenda packets. Any Council Member, the City Manager or City Attorney may request that a written communication be read into the record.

COMMITTEE REPORTS

This Agenda listing is the opportunity for Council Members to give verbal Committee Reports on any meetings recently held for which the Council Members are the City representatives thereto.

BUSINESS ITEMS

(POSSIBLE ACTION)

- 6. **Discussion and Possible Award of Contract Regarding Engineering Services**
 ❖ *(Staff Contact: Public Works Director Rose Hess)*
- 7. **Discussion and Direction Regarding Recreational Vehicle Parking**
 ❖ *(Staff Contact: City Manager Marc Bierdzinski)*

CITY MANAGER’S REPORT

ADJOURNMENT

The next meeting of the City Council will be held on Thursday, September 8, 2016 at 6:00 p.m.

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES

Regular Meeting of August 11, 2016
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Mayor Ed Andrisek called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Council Members John Connolly, Leo Elovitz, Holly Sierra, Vice Mayor Dan Baumann and Mayor Ed Andrisek

Staff: City Manager Marc Bierdzinski, Finance Director Carolyn Galloway-Cooper, Public Works Director Rose Hess, City Attorney Steve McEwen, and City Clerk Linda Reid

REORDERING OF AGENDA

Council Member Sierra requested that Item 5 be discussed prior to Item 4. The Council agreed by consensus to this request.

PUBLIC COMMENTS

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors Bureau, announced that she will be out of town on August 25 and requested that Council reschedule discussion regarding the Visitors Bureau's contract to the meeting of September 8. Ms. Vreeland also announced several upcoming events for the record.

Peggy Brierton, Buellton, provided her support for City Manager Bierdzinski with regard to his performance evaluation under Item 7.

Finn Runge, Buellton, discussed the upcoming water and sewer rate increases.

CONSENT CALENDAR

- 1. Minutes of July 28, 2016 City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2016-17**

MOTION:

Motion by Council Member Sierra, seconded by Vice Mayor Baumann approving Consent Calendar Items 1 and 2 as listed.

VOTE:

Motion passed by a roll call vote of 5-0.
 Council Member Connolly – Yes
 Council Member Elovitz – Yes
 Council Member Sierra – Yes
 Vice Mayor Baumann – Yes
 Mayor Andrisek – Yes

PRESENTATIONS

None

PUBLIC HEARINGS

None

COUNCIL MEMBER COMMENTS/ITEMS

Mayor Andrisek announced that the BBQ Bonanza was well attended and thanked staff and volunteer organizations for their support. Mayor Andrisek welcomed Dr. Randal Haggard and Hans Rheinschild to the Buellton Union School District.

The Council agreed by consensus to move the Visitors Bureau’s contract discussion to the meeting of September 22.

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

None

BUSINESS ITEMS**3. Discussion Regarding Basketball Hoops in the Public Right-of-Way****RECOMMENDATION:**

That the City Council review the existing ordinance wording regarding portable basketball hoops and direct staff accordingly.

STAFF REPORT:

City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:

The City Council discussed the issues associated with portable basketball hoops in the public right-of-way and discussed how they block the street sweeper from doing his job.

DIRECTION:

The City Council agreed by consensus to leave the ordinance regarding portable basketball hoops in the right-of-way as it stands for now.

5. Discussion of Permit Process for Flying Flags RV Resort**CONFLICT OF INTEREST:**

Vice Mayor Baumann announced that he has a conflict of interest with Item 5 due to his employment at Flying Flags RV Resort and left the dais at 6:30 p.m.

RECOMMENDATION:

That the City Council receive and file this item.

STAFF REPORT:

City Attorney McEwen presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

SPEAKERS/DISCUSSION:

Richard Kippers, representing the Flying Flags project, addressed the Council and answered questions regarding the permit process and the water line easement.

Ron Dale, Buellton, discussed the Flying Flags RV Park building permit process.

Judith Dale, Buellton, discussed the Planning Department deposits and provided a handout for the record.

The City Council discussed the following issues:

- Developer deposits
- Project approval and inspection process
- Detailed developer billings

DIRECTION:

The City Council agreed by consensus to receive and file this item.

Vice Mayor Baumann returned to the dais at 7:15 p.m.

4. Discussion and Possible Award of Contract Regarding Engineering Services

RECOMMENDATION:

That the City Council discuss the panel's recommendations for Engineering Services and provide comments and direction on how to proceed with contracted services.

STAFF REPORT:

Public Works Director Hess presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

SPEAKERS/DISCUSSION:

Patrick Wiemiller, Lompoc City Administrator discussed the panel's findings and answered questions from the Council.

Representatives from the four engineering firms addressed the Council and provided statements regarding their engineering proposals.

Ron Dale, Buellton, discussed the current engineering services contract.

MOTION:

Motion by Council Member Connolly, seconded by Council Member Sierra directing staff to bring this item back for discussion at the August 25, 2016 Council meeting.

VOTE:

Motion passed by a voice vote of 5-0.

Council Member Connolly – Yes

Council Member Elovitz – Yes

Council Member Sierra – Yes

Vice Mayor Baumann - Yes

Mayor Andrisek – Yes

CITY MANAGER’S REPORT

City Manager Bierdzinski provided an informational report to the City Council.

CLOSED SESSION ITEMS

- 6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(a))
Terravant Wine Company, LLC v. City of Buellton, et al., Santa Barbara County Superior Court Case No. 16CV00839
Environment in the Public Interest v. City of Buellton, et al., Santa Barbara County Superior Court Case No. 16CV00883**

The City Council met in closed session to discuss existing litigation. The lawsuits have been dismissed.

- 7. Closed Session - California Government Code Section 54957 regarding:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION (SIX MONTH REVIEW)
Title: City Manager**

The City Council met in Closed Session regarding the City Manager’s performance evaluation. No reportable action was taken.

ADJOURNMENT

Mayor Andrisek adjourned the regular meeting at 10:00 p.m. The next regular meeting of the City Council will be held on Thursday, August 25, 2016 at 6:00 p.m.

Ed Andrisek
Mayor

ATTEST:

Linda Reid
City Clerk

BACK-UP/SUPPORT DATA IS AVAILABLE FOR COUNCIL REVIEW IN CITY HALL

The following is a list of claims to be ratified and approved for payment by the City Council at the August 25, 2016 Council Meeting.

Listed below is a brief summary of the attached claims:

EXHIBIT A *	A/P Packet #APPKT00331	209,162.75 (2 pages)
	A/P Pack #APPKT00325	29,444.51 (2 pages)
	A/P Packet #APPKT00323	167,141.61 (2 pages)

Total Packets:	<u>\$405,748.87</u>
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EXHIBIT B	<u>\$12,178.38</u>
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Staff Payroll	8/5/2016	43,810.61
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TOTAL AMOUNT OF CLAIMS:	Total Payroll:	<u>\$43,810.61</u>
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	<u>\$461,737.86</u>
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* The A/P Packets above will be approved on Council Agenda date of 8/25/2016
 Checks to be signed on 8/25/16 tie to A/P Packet #APPKT00331
 Checks previously signed by staff to avoid late fees relate to:
 A/P Packets #APPKT00323 and APPKT00325

Payments via Electronic Fund Transfer (EFT):
From 8/3/2016 through 8/15/2016

The Hartford	8/3/2016	464.38
Payroll Tax - IRS	8/8/2016	9,221.73
Payroll Tax - EDD	8/8/2016	2,480.27
Bank Fees	8/15/2016	12.00

Total		<u><u>\$12,178.38</u></u>
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By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: General Checking-General Checking						
000870	ACCONTEMPS	08/03/2016	Regular	0.00	1,163.60	33306
000509	ALAN NEEDHAM dba	08/03/2016	Regular	0.00	15,020.00	33307
000387	ALBERTSONS, LLC.	08/03/2016	Regular	0.00	119.63	33308
000968	ALFA LAVAL Inc.	08/03/2016	Regular	0.00	119.31	33309
000193	FIRST NATIONAL BANK OF OMAHA	08/03/2016	Regular	0.00	519.78	33310
000813	HOME DEPOT CREDIT SERVICES	08/03/2016	Regular	0.00	143.28	33311
011306	KARLIN LADERA	08/03/2016	Regular	0.00	472.50	33312
000835	METRO VENTURES LTD	08/03/2016	Regular	0.00	6,440.00	33313
000342	NIELSEN BUILDING MATERIALS,INC	08/03/2016	Regular	0.00	109.55	33314
000350	OLIVERA'S REPAIR, INC	08/03/2016	Regular	0.00	105.62	33315
000438	SANTA YNEZ VALLEY HARDWARE	08/03/2016	Regular	0.00	538.58	33316
000450	SB CO SHERIFF'S DEPARTMENT	08/03/2016	Regular	0.00	141,711.00	33317
000978	Staples Credit Plan	08/03/2016	Regular	0.00	678.76	33318

Bank Code General Checking Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	14	13	0.00	167,141.61
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	14	13	0.00	167,141.61

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	8/2016	167,141.61
			<u>167,141.61</u>



By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: General Checking-General Checking						
000005	ABALONE COAST ANALYTICAL, INC.	08/09/2016	Regular	0.00	2,483.65	33319
000870	ACCONTEMPS	08/09/2016	Regular	0.00	1,105.42	33320
000820	ACWA/JPIA	08/09/2016	Regular	0.00	2,188.88	33321
000062	BUELLTON MEDICAL CENTER	08/09/2016	Regular	0.00	185.00	33322
000090	CaIPERS LONG-TERM CARE PROGRA	08/09/2016	Regular	0.00	84.25	33323
000889	CENTRAL COAST PLAYGROUNDS	08/09/2016	Regular	0.00	500.00	33324
000112	CLARK PEST CONTROL	08/09/2016	Regular	0.00	282.00	33325
000118	COASTAL COPY, INC.	08/09/2016	Regular	0.00	88.15	33326
000122	COMCAST CABLE	08/09/2016	Regular	0.00	238.62	33327
000122	COMCAST CABLE	08/09/2016	Regular	0.00	236.05	33328
000679	COURIER SYSTEMS	08/09/2016	Regular	0.00	150.00	33329
000110	CVS PHARMACY INC.	08/09/2016	Regular	0.00	140.90	33330
000142	DANIEL FITZGERALD dba	08/09/2016	Regular	0.00	1,200.00	33331
000172	ECHO COMMUNICATIONS	08/09/2016	Regular	0.00	99.80	33332
000176	EXCLUSIVE ALARMS INC	08/09/2016	Regular	0.00	1,034.00	33333
000187	FARM SUPPLY COMPANY	08/09/2016	Regular	0.00	476.86	33334
000965	FASTRAK SOFTWARES, INC	08/09/2016	Regular	0.00	149.00	33335
000826	GENUINE PARTS COMPANY INC	08/09/2016	Regular	0.00	10.56	33336
000237	IRON MOUNTAIN	08/09/2016	Regular	0.00	47.37	33337
000819	JOHN F. RICKENBACH	08/09/2016	Regular	0.00	4,455.00	33338
001074	Kathryn L Torres	08/09/2016	Regular	0.00	200.00	33339
000286	LEAGUE OF CALIFORNIA CITIES	08/09/2016	Regular	0.00	140.00	33340
000700	MAILFINANCE, INC.	08/09/2016	Regular	0.00	977.03	33341
001072	Miguel Suarez dba	08/09/2016	Regular	0.00	290.00	33342
000880	PARADISE WELDING	08/09/2016	Regular	0.00	1,703.25	33343
001073	Sarretta Giacomotti	08/09/2016	Regular	0.00	100.00	33344
000706	SATCOM GLOBAL, INC.	08/09/2016	Regular	0.00	50.40	33345
000132	SB CO ANIMAL SVCS, HEALTH & REC	08/09/2016	Regular	0.00	8,773.25	33346
000450	SB CO SHERIFF'S DEPARTMENT	08/09/2016	Regular	0.00	924.73	33347
000161	STATE OF CALIFORNIA - DOJ	08/09/2016	Regular	0.00	32.00	33348
000755	SYV ELITE EVENT PARTY RENTALS, I	08/09/2016	Regular	0.00	121.50	33349
000521	TODD PIPE & SUPPLY	08/09/2016	Regular	0.00	334.33	33350
001071	Tractor Supply Co	08/09/2016	Regular	0.00	159.98	33351
000551	VALLEY TOOL RENTALS	08/09/2016	Regular	0.00	400.00	33352
000765	VICTOR RODRIGUEZ dba	08/09/2016	Regular	0.00	82.53	33353

Bank Code General Checking Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	41	35	0.00	29,444.51
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	41	35	0.00	29,444.51

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	8/2016	29,444.51
			<u>29,444.51</u>



By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: General Checking-General Checking						
011105	ADRIENNE WALTER	08/16/2016	Regular	0.00	36.00	33366
001019	All Global Solutions International	08/16/2016	Regular	0.00	75.00	33367
001004	BRANDI KULIKOV-RAMIREZ	08/16/2016	Regular	0.00	49.00	33368
000961	BUELLTON LIBRARY	08/16/2016	Regular	0.00	141,641.00	33369
011244	HERMILA SANCHEZ	08/16/2016	Regular	0.00	73.50	33370
011300	KAREN PALMER	08/16/2016	Regular	0.00	66.50	33371
011306	KARLIN LADERA	08/16/2016	Regular	0.00	189.00	33372
011336	LAURA GARCIA dba	08/16/2016	Regular	0.00	126.00	33373
011343	MARIANNE MADSEN	08/16/2016	Regular	0.00	270.00	33374
000326	MNS ENGINEERS, INC.	08/16/2016	Regular	0.00	66,084.75	33375
	Void	08/16/2016	Regular	0.00	0.00	33376
001043	Pamela Vos	08/16/2016	Regular	0.00	160.00	33377
000989	SANDEE KESSLER	08/16/2016	Regular	0.00	120.00	33378
000153	STATE OF CA - HCD	08/16/2016	Regular	0.00	42.00	33379
000153	STATE OF CA - HCD	08/16/2016	Regular	0.00	42.00	33380
011476	STEPHEN F. DUNLAP	08/16/2016	Regular	0.00	84.00	33381
000582	VINTAGE WALK, LLC OWNERS ASSO	08/16/2016	Regular	0.00	104.00	33382

Bank Code General Checking Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	36	16	0.00	209,162.75
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	36	17	0.00	209,162.75

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	8/2016	209,162.75
			<hr/>
			209,162.75

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 3

To: The Honorable Mayor and City Council

From: Carolyn Galloway-Cooper, Finance Director

Meeting Date: August 25, 2016

Subject: Revenue and Expenditure Reports through July 31, 2016

BACKGROUND

The attached reports compare month-to-month data covering the period July 1, 2016 through July 31, 2016. The reports are prepared monthly and submitted to Council on the second meeting of each month. Monthly reports are posted to the City's website. Upon monthly review, adjustments may be necessary and staff will update on the website.

The expenditures are slightly over budget due to the lump sum payment to CalPERS for the annual unfunded accrued liability. Expenditures are expected to even out through the fiscal year. Revenue is below target due to timing differences and expected to meet budget by year-end.

FISCAL IMPACT

The Revenue and Expenditure Reports provide the community with an understanding of the financial activity of the City's funds on a monthly basis.

RECOMMENDATION

That the City Council receive and file the attached report for information purposes.

ATTACHMENT

Attachment 1 - Revenue and Expenditure Reports through July 31, 2016

8%

2016

2017

ATTACHMENT 1

Account Number	Description	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY: 2016-17
001-41005	Property Tax - Secured													-
001-41010	Property Tax - Unsecured													-
001-41015	Homeowners Exemptions													-
001-41020	Franchise Fees													-
001-41025	Sales Tax													-
001-41030	Sales Tax Compensation													-
001-41035	Transient Occupancy Tax (TOT)													-
001-41040	Property Transfer Tax	5,442												5,442
001-42010	Zoning Clearance	225												225
001-42015	Small Permits	1,000												1,000
001-43005	Motor Vehicle in Lieu Tax													-
001-43010	MV License Fee													-
001-43015	COPS Grant													-
001-43020	CA Indian Gaming Grant													-
001-43035	CA Prop 1B Revenue													-
001-43040	Beverage Container Grant													-
001-44005	Buellton Recreation Program	20,708												20,708
001-44010	Recreation Program (50/50)													-
001-44015	Buellton Rec Pgm Trips	6,136												6,136
001-44020	Park Reservation Fees	830												830
001-44025	Event Applic Fee/Temp Use	155												155
001-44035	Cost Reimbursement													-
001-44105	Interest	183												183
001-44250	Miscellaneous	698												698
001-45005	Criminal Fines and Penalties													-
001-45010	Fines and Fees													-
001-49010	Rent	7,965												7,965
001-49526	Mandated Cost													-
001-49532	Code Enforcement Fines													-
001-49548	Document Sales													-
001-49578	Law Enforcement Cost Recovery													-
001-49585	Miscellaneous Permits	25												25
001-49617	Surplus Property Sales													-
001-49632	Time Extension Fees													-
001-49636	Transfer In - Successor Agency													-
														-
TOTAL REVENUE (ACTUAL THROUGH JULY):		43,367	-	-	-	-	-	-	-	-	-	-	-	43,367

Percentage Received: 1%
 Original Budget 6,999,437
 Budget: 6,999,437

City of Buellton
 General Fund Monthly Expenditures (Unaudited)
 FY: 2016-17

sz 8-15-16

8%

2016

2017



Department No.	Description	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY: 2016-17
001-401	City Council	8,680												8,680
001-402	City Manager	16,954												16,954
001-403	City Clerk	7,706												7,706
001-404	City Attorney													-
001-410	Non-Departmental	183,768												183,768
001-420	Finance	21,943												21,943
001-501	Police and Fire	284,151												284,151
001-510	Library	323												323
001-511	Recreation	50,364												50,364
001-550	Street Lights	4,794												4,794
001-551	Storm Water	2,946												2,946
001-552	Public Works - Parks	35,509												35,509
001-556	Public Works - Landscape	3,903												3,903
001-557	Public Works - Engineering													-
001-558	Public Works - General	31,045												31,045
001-565	Planning/Community Dev	26,905												26,905
	Transfer to CIP fund 92 (updated in June)													-
	TOTAL EXPENDITURES (ACTUAL THROUGH JULY):	678,989	-	-	-	-	-	-	-	-	-	-	-	678,989

Percentage spent: 10%
 Budget: 6,999,437

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 4

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director/City Engineer

Meeting Date: August 25, 2016

Subject: Acceptance of the Reservoir 1 and 2 Improvement Project

BACKGROUND

On March 12, 2015, the City Council approved an award of the contract for the Reservoir 1 and 2 Roof Improvement Project to GLR Construction in the amount of \$401,194.99 and a contingency amount of \$60,000 for a total project budget of \$461,194.99. The work consisted of the removal and replacement of the roof structures for reservoirs 1 and 2 and included new access hatches, ladders and rescue retrieval winches for both reservoirs and a new mixing system for reservoir 2. It also included installing a layer of aggregate base on the existing access road.

The work commenced in May 2015 for the completion of Reservoir but was suspended in August 2015 due to continuing drought conditions and water supply concerns during the summer months. The project resumed in March 2016 for Reservoir 2 and was substantially complete on June 17, 2016. The City has since received the final roof warranties, interior inspections post construction.

FISCAL IMPACT

The final construction cost of the project, including change orders, was \$440,422.70. The project is included in the Fiscal Year 15/16 and FY 16/17 Budgets.

RECOMMENDATION

That the City Council accept the Reservoir 1 and 2 improvement Project and instruct the City Engineer to file the attached Notice of Completion.

ATTACHMENT

Attachment 1 - Notice of Completion

NOTICE OF COMPLETION

Notice is hereby given that:

1. The undersigned is the owner or corporate officer of the interest or estate hereinafter described:
2. The full name of the owner is: City of Buellton
3. The full address of the owner is: 107 West Highway 246
P.O. Box 1819
Buellton, California 93427
4. The nature of the interest or estate of the owner is "in fee"
5. A work of improvement on the property hereinafter was completed on July 14, 2016. The work done consisted of the removal and replacement of the roof structures for reservoirs 1 and 2 and included new access hatches, ladders and rescue retrieval winches for both reservoirs and a new mixing system for reservoir 2. It also included installing a layer of aggregate base on the existing access road.
6. The name of the contractor, if any, for such work of improvement was GLR Construction Inc.
7. The property on which said work of improvement was completed is in the City of Buellton, County of Santa Barbara, State of California, and is described as City Reservoirs 1 and 2 within the City limits of the City of Buellton.

Dated: _____

Linda Reid, City Clerk

VERIFICATION

I, the undersigned, declare that I am the City Engineer of the declarant of the foregoing Notice of Completion. I have read said Notice of Completion and know the contents thereof and the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2016, at Buellton, California
(Date of Signature)

Rose M. Hess, Public Works Director/City Engineer

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 5

To: The Honorable Mayor and City Council

From: Planning Commission
By: Marc Bierdzinski, City Manager

Meeting Date: August 25, 2016

Subject: Ordinance No. 16-03 – “An Ordinance of the City Council of the City of Buellton, California, Revising Title 19 (Zoning) of the Buellton Municipal Code (16-ZOA-02) Relating to Sections 19.08.100.E (Zoning Clearance Time Limits), 19.08.110.E (Use Permit Time Limits), and 19.08.120.H (Development Plan Time Limits) (Introduction and First Reading)

BACKGROUND

The City Manager has determined that certain amendments would improve and clarify the Municipal Code sections relating to time extensions for zoning clearances, minor and conditional use permits, and development plans. The objective of these amendments is ensure that there are clear guidelines by which City staff members and the public can determine when land use approvals expire or lapse as a result of either non-use or discontinuance. The revised wording is noted in attached Ordinance No. 16-03.

On June 16, 2016, the Planning Commission voted 4-0 to adopt Resolution No. 16-04 (Attachment 1), which recommends that the City Council adopt the proposed Zoning amendments relating to time limits on various development permits.

At the request of the City Council, a memo from the City Attorney clarifying the time extension process is provided as Attachment 2.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

FISCAL IMPACT

No fiscal impacts are anticipated as a result of the proposed Zoning Ordinance Amendment.

RECOMMENDATION

Staff recommends that the City Council consider the introduction and first reading of Ordinance No. 16-03 – “An Ordinance of the City Council of the City of Buellton, California, Revising Title 19 (Zoning) of the Buellton Municipal Code (16-ZOA-02) Relating to Sections 19.08.100.E (Zoning Clearance Time Limits), 19.08.110.E (Use Permit Time Limits), and 19.08.120.H (Development Plan Time Limits), by title only and waive further reading.

ATTACHMENTS

Ordinance No. 16-03

Attachment 1 – Planning Commission Resolution No. 16-04

Attachment 2 – Memo from the City Attorney

ORDINANCE NO. 16-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, REVISING TITLE 19 (ZONING) OF THE BUELLTON MUNICIPAL CODE (16-ZOA-02) RELATING TO SECTIONS 19.08.100.E (ZONING CLEARANCE TIME LIMITS), 19.08.110.E (USE PERMIT TIME LIMITS), and 19.08.120.H (DEVELOPMENT PLAN TIME LIMITS)

WHEREAS, The City would like to improve and clarify the Municipal Code sections relating to time extensions for zoning clearances, minor and conditional use permits, and development plans; and

WHEREAS, all legal prerequisites have occurred prior to adoption of this Resolution.

THE CITY COUNCIL OF THE CITY OF BUELLTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

- A. Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the City Council considered the following:
1. All public testimony, both written and oral, received in conjunction with the public hearings conducted by the Planning Commission on June 16, 2016 (“Planning Commission Public Hearing”).
 2. All oral, written and visual materials presented by City staff in conjunction with the Planning Commission Public Hearing.
 3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on July 28, 2016 (“City Council Public Hearing”), which was continued to the meeting of August 25.
 4. All oral, written and visual materials presented by City staff in conjunction with the City Council Public Hearing.
 5. The following informational documents which, by this reference, are incorporated herein.

- a. That certain written report submitted to the City Council dated August 25, 2016 (the “Staff Report”).
- b. The report and recommendation of the Planning Commission approved on June 16, 2016, and set forth in Resolution No. 16-04.

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:

1. A notice was published in a legal section of a newspaper on July 14, 2016 (the “Public Notice”), a minimum of ten (10) days in advance of the City Council Public Hearing conducted on July 28, 2016 and continued to August 25.
2. The Public Notice was posted in two public locations on July 14, 2016, a minimum of 10 days in advance of the City Council Public Hearing.

C. Environmental Clearance. This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the City Council does hereby declare as follows:

1. Zoning Ordinance Amendments.

a. Findings:

- i. The Amendments are in the interests of the general community welfare as it promotes economic development.
- ii. The Amendments are consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendments are consistent with good zoning and planning practices.

SECTION 2. The following Sections of the Buellton Municipal Code are hereby amended, in words and figures, as follows (deletions in strikeout, additions in underline):

“19.08.100 Zoning Clearance

~~E.— Time Limits. A zoning clearance shall expire one year from the date of issuance if the use, building, or structure for which the permit was issued has not been established or commenced. Prior to the expiration of such one-year period, the director may grant one extension of one year for good cause shown.~~

E. Time Limits. Zoning clearances shall expire one year after date of issuance unless, prior to the expiration date, the applicant, or applicant’s successor, has established or commenced the proposed land use, completed substantial physical construction on the building or structure to be used, or applied to the Planning Director for a time extension. An applicant, or applicant’s successor, may apply for a single one-year time extension, which the Planning Director may approve upon a showing of good cause. Upon expiration of a zoning clearance and any time extension, an applicant, or applicant’s successor, must apply for a new zoning clearance in order to proceed with the proposed land use. A zoning clearance shall lapse and thereafter become null and void if the exercise and use of the rights granted by such zoning clearance are discontinued for a consecutive period of one year.

19.08.110 Minor and Conditional Use Permits

~~E.— Time Limits.~~

~~1.— At the time the planning commission or zoning administrator approves a minor use permit or conditional use permit, a time limit may be established within which construction must commence or the use must begin. The time limit shall be a reasonable time based on the size and nature of the proposed development or use. If no date is specified, the time limit shall be one year from the date of approval. Such time may be extended by the planning commission or zoning administrator once for good cause shown, provided a written request, including a statement of reasons for the time extension, is filed with the planning department prior to the expiration date.~~

~~2.— A minor or conditional use permit shall become null and void and be automatically revoked if the approved use is discontinued for a period of more than one year. The time limit may be extended by the planning commission or zoning administrator one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the planning department prior to the expiration date.~~

E. Time Limits.

1. Minor and Conditional Use Permits shall expire five years after approval unless, prior to the expiration date, the applicant, or applicant's successor, has completed substantial physical construction on the development or applied to the planning commission for a time extension. An applicant, or applicant's successor, may apply for two one-year time extensions, which the planning commission or city council may approve upon a showing of good cause. Upon expiration of a Minor or Conditional Use Permit and any time extension, an applicant, or applicant's successor, must apply for a new Minor or Conditional Use Permit in order to proceed with the development.

2. A minor or conditional use permit shall lapse and thereafter become null and void if the exercise and use of the rights granted by such permit are discontinued for a consecutive period of one year.

19.08.120 Development Plans

H. Time Limits.

~~1. A preliminary development plan shall expire two years after its approval, except that, for good cause shown, it may be extended for one year by the director or planning commission.~~

~~2. Final development plans shall expire five years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The director or planning commission or city council may, upon good cause shown, grant a time extension for one year.~~

1. Preliminary development plans shall expire two years after approval unless, prior to the expiration date, the applicant, or applicant's successor, has submitted a Final Development Plan application for the development or applied to the planning commission for a time extension. An applicant, or applicant's successor, may apply for a one-year time extension, which the planning commission or city council may approve upon a showing of good cause. Upon expiration of a preliminary development plan and any time extension, an applicant, or applicant's successor, must apply for a new development plan in order to proceed with the development.

2. Final development plans shall expire five years after approval unless, prior to the expiration date, the applicant, or applicant's successor, has completed substantial physical construction on the development or applied to the planning commission for a time extension. An applicant, or applicant's successor, may apply for two one-year time extensions, which the planning commission or city council may approve upon a showing of good cause. Upon expiration of a final development plan and any time extension, an applicant, or applicant's successor, must apply for a new development plan in order to proceed with the development. A development plan shall lapse and thereafter become

null and void if the exercise and use of the rights granted by such development plan are discontinued for a consecutive period of one year.”

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 4: The City Clerk: (i) shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law; (ii) is hereby authorized and directed to make typographical, grammatical and similar corrections in the final text of the Ordinance so long as such corrections do not constitute substantive changes in context; and (iii) cause the Buellton Municipal Code to be reprinted by adding the language contained within Section 2 of this Ordinance.

PASSED, APPROVED, AND ADOPTED this _____ of September, 2016.

Ed Andrisek
Mayor

ATTEST:

Linda Reid
City Clerk

Planning Commission Resolution No. 16-04

A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (16-ZOA-02) Relating to Sections 19.08.100.E (Zoning Clearance Time Limits), 19.08.110.E (Use Permit Time Limits), and 19.08.120.H (Development Plan Time Limits), and Making Findings in Support Thereof

WHEREAS, the City would like to improve and clarify the Municipal Code sections relating to time extensions for zoning clearances, minor and conditional use permits, and development plans; and

WHEREAS, all legal prerequisites have occurred prior to adoption of this Resolution.

NOW, THEREFORE, THE PLANNING COMMISSION DOES RESOLVE, DECLARE, DETERMINE, AND REQUEST AS FOLLOWS:

SECTION 1: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the Planning Commission considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on June 16, 2016 (“Public Hearing”).
 2. All oral, written and visual materials presented by City staff in conjunction with the Public Hearing.
 3. The following informational documents which, by this reference, are incorporated herein.
 - a. That staff report submitted by the Planning Department dated June 16, 2016 (the “Staff Report”).
- B. Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:
1. A notice was published in a newspaper on June 2, 2016 (the “Public Notice”), a minimum of ten (10) days in advance of the June 16, 2016, Public Hearing.

2. The Public Notice and Agenda for the Public Hearing was posted in three conspicuous public places on June 2, 2016, a minimum of 10 days before the June 16, 2016, Public Hearing.

C. Environmental Clearance. This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the Planning Commission does hereby declare as follows:

1. Zoning Ordinance Amendments.

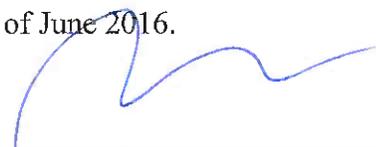
a. Findings:

- i. The Amendments are in the interests of the general community welfare as it promotes economic development.
- ii. The Amendments are consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendments are consistent with good zoning and planning practices.

SECTION 2. The Planning Commission hereby recommends that the City Council adopt an ordinance to amend Title 19 of the Buellton Municipal Code in accordance with the changes noted on Exhibit A to this resolution.

SECTION 3. The Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be transmitted to the City Clerk for consideration by the City Council.

PASSED, APPROVED, AND ADOPTED this 16th day of June 2016.



Foster Reif, Chairman

Exhibit A – Draft Ordinance Wording

EXHIBIT A

Additions are underlined and deletions are in strikethrough.

19.08.100 Zoning Clearance

~~E. Time Limits. A zoning clearance shall expire one year from the date of issuance if the use, building, or structure for which the permit was issued has not been established or commenced. Prior to the expiration of such one-year period, the director may grant one extension of one year for good cause shown.~~

E. Time Limits. Zoning clearances shall expire one year after date of issuance unless, prior to the expiration date, the applicant, or applicant's successor, has established or commenced the proposed land use, completed substantial physical construction on the building or structure to be used, or applied to the Planning Director for a time extension. An applicant, or applicant's successor, may apply for a single one-year time extension, which the Planning Director may approve upon a showing of good cause. Upon expiration of a zoning clearance and any time extension, an applicant, or applicant's successor, must apply for a new zoning clearance in order to proceed with the proposed land use. A zoning clearance shall lapse and thereafter become null and void if the exercise and use of the rights granted by such zoning clearance are discontinued for a consecutive period of one year.

19.08.110 Minor and Conditional Use Permits

~~E. Time Limits.~~

~~1. At the time the planning commission or zoning administrator approves a minor use permit or conditional use permit, a time limit may be established within which construction must commence or the use must begin. The time limit shall be a reasonable time based on the size and nature of the proposed development or use. If no date is specified, the time limit shall be one year from the date of approval. Such time may be extended by the planning commission or zoning administrator once for good cause shown, provided a written request, including a statement of reasons for the time extension, is filed with the planning department prior to the expiration date.~~

~~2. A minor or conditional use permit shall become null and void and be automatically revoked if the approved use is discontinued for a period of more than one year. The time limit may be extended by the planning commission or zoning administrator one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the planning department prior to the expiration date.~~

E. Time Limits.

1. Minor and Conditional Use Permits shall expire five years after approval unless, prior to the expiration date, the applicant, or applicant's successor, has completed substantial physical construction on the development or applied to the planning commission for a time extension. An applicant, or applicant's successor, may apply for two one-year time extensions, which the planning commission or city council may approve upon a showing of good cause. Upon expiration of a Minor or

Conditional Use Permit and any time extension, an applicant, or applicant's successor, must apply for a new Minor or Conditional Use Permit in order to proceed with the development.

2. A minor or conditional use permit shall lapse and thereafter become null and void if the exercise and use of the rights granted by such permit are discontinued for a consecutive period of one year.

19.08.120 Development Plans

H. Time Limits.

~~1. A preliminary development plan shall expire two years after its approval, except that, for good cause shown, it may be extended for one year by the director or planning commission.~~

~~2. Final development plans shall expire five years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The director or planning commission or city council may, upon good cause shown, grant a time extension for one year.~~

1. Preliminary development plans shall expire two years after approval unless, prior to the expiration date, the applicant, or applicant's successor, has submitted a Final Development Plan application for the development or applied to the planning commission for a time extension. An applicant, or applicant's successor, may apply for a one-year time extension, which the planning commission or city council may approve upon a showing of good cause. Upon expiration of a preliminary development plan and any time extension, an applicant, or applicant's successor, must apply for a new development plan in order to proceed with the development.

2. Final development plans shall expire five years after approval unless, prior to the expiration date, the applicant, or applicant's successor, has completed substantial physical construction on the development or applied to the planning commission for a time extension. An applicant, or applicant's successor, may apply for two one-year time extensions, which the planning commission or city council may approve upon a showing of good cause. Upon expiration of a final development plan and any time extension, an applicant, or applicant's successor, must apply for a new development plan in order to proceed with the development. A development plan shall lapse and thereafter become null and void if the exercise and use of the rights granted by such development plan are discontinued for a consecutive period of one year.



MEMORANDUM

TO: City of Buellton City Council
FROM: Stephen A. McEwen, City Attorney
CC: Marc Bierdzinski, City Manager
DATE: August 25, 2016
RE: RE: City Attorney's Analysis of Ordinance No. 16-03

Ordinance No. 16-03 would amend the Municipal Code provisions regarding time limits for zoning clearances, minor and conditional use permits, and preliminary and final development plans. The proposed amendments would provide more specific guidelines for imposing time restrictions on land use approvals, evaluating whether the time limits have expired, and extending land use approvals.

As discussed below, the current provisions regarding time limits for land use approvals, which have been in effect for many years, contain various ambiguities and anomalies that cannot be resolved through a non-binding administrative interpretation and that may lead to confusion, disagreement, and/or litigation in the future. There are also gaps in the time limit provisions that could complicate the City's ability to enforce its zoning code in the future and effectuate the City Council's land use policies. The proposed amendments to the zoning code would address these issues.

Zoning Clearances

Current Law: A zoning clearance is the most basic type of land use approval in the City. For land uses that are permitted as of right, a property owner need only obtain a zoning clearance, which signifies that the proposed land use meets the requirements of the zoning code. Under existing law set forth in Municipal Code section 19.08.100, the Planning Director is responsible for issuing zoning clearances. A zoning clearance is valid for one year and may be extended one year administratively by the Planning Director. Within that time frame, the holder of the zoning clearance must establish or commence the use, building, or structure approved by the zoning clearance. Currently, the Municipal Code does not address what happens when a land use approved under a zoning clearance is discontinued.

Proposed Amendment: The proposed amendment would retain the one-year time limit for zoning clearances and the single one-year time extension. The amendment would also establish an express requirement that a property owner apply for a new

zoning clearance if the time limit expires without the establishment or commencement of the approved use, building, or structure, or substantial physical construction. Finally, the amendment would specify that a zoning clearance shall lapse and no longer be effective if the exercise and use of the rights granted by the zoning clearance are discontinued for a consecutive period of one year. This provision would assist the City in responding to arguments that old land use approvals remain in effect in perpetuity once they have been initially established, regardless of a subsequent discontinuance.

Minor and Conditional Use Permits

Current Law: Minor Use Permits (MUPs) are for land uses that are not allowed as of right, but have for which the City Council determined do not require Planning Commission review and approval. Conditional Use Permits (CUPs) are also for land uses that are not approved as of right, but require more extensive review by the Planning Commission. Current law does not specify a required time limit for MUPs and CUPs. The Planning Director, in the case of MUPs, or the Planning Commission, in the case of CUPs, can impose a “reasonable” time limit “based on the size and nature of the proposed development or use.” If no time limit is imposed, a one-year time limit applies. With regard to time extensions, either the Planning Commission or the Planning Director may extend an MUP or CUP upon a showing of good cause. There are no guidelines governing whether the extension decision should be made by either the Planning Commission or Planning Director, which is significant because the Planning Commission would have to hold a noticed public hearing on the requested extension, while the Planning Director could grant the extension administratively without public notice. Current law does not limit the length of any MUP or CUP extension. Therefore, the Planning Commission or Planning Director could theoretically extend a MUP or CUP for any amount of time so long as the decision was reasonable in light of available evidence. Current law also states that a MUP or CUP shall become null and void if the approved use is discontinued for a period of more than one year. The holder of the discontinued MUP or CUP, however, can apply in the future to either the Planning Commission or Planning Director for an extension provided a written extension request is submitted to the Planning Department prior to the “expiration date.”

Proposed Amendment: The proposed amendment establishes a fixed five-year time limit for MUPs and CUPs, measured by whether the permit holder has taken substantial physical steps toward commencing the approved land use. Any request for a time limit extension must be submitted to the Planning Commission for review and approval at a noticed public hearing. The Planning Director would no longer have authority to grant

an extension administratively. The proposed amendment would impose a limit of two one-year extensions, each requiring separate Planning Commission review. If the applicable time limit expires without the commencement of the use or substantial physical steps toward the commencement of the use, the permit holder must apply for a new permit. Finally, if the use approved under an MUP or CUP is discontinued for a consecutive period of one year, the MUP or CUP is null and void and cannot be extended. This provision will assist the City in enforcing future land use regulations and avoiding situations in which individuals or businesses try to resurrect old MUPs or CUPs through a subsequent extension request (it can be very challenging to determine when a particular land use was discontinued and can be a subject of costly litigation).

Preliminary and Final Development Plans

Current Law: A Development Plan is another type of land use approval for particular land uses that the City Council has determined requires more detailed review by the Planning Commission. Current law provides that a preliminary development plan is valid for two years, by which time the developer must apply for a Final Development Plan or an extension. A Final Development Plan is valid for five years, by which time the developer must perform substantial physical construction on the project. Both a Preliminary and a Final Development Plan may be extended by one year by either the Planning Commission or the Planning Director upon a showing of good cause. Currently, there are no provisions regarding the effect of a discontinuance of a land use approved by a Final Development Plan.

Proposed Amendment: The proposed amendment retains the current time limits for Preliminary and Final Development Plans. The proposed amendment, however, vests authority for reviewing and approving time extensions with the Planning Commission, subject to a right of appeal to the City Council. The Planning Director would no longer have authority to extend a Preliminary or Final Development Plan. A Preliminary Development Plan could be extended for one year and a Final Development Plan could receive two one-year extensions. The proposed amendment states expressly that a developer must apply for a new development plan upon expiration of the applicable time limits. In addition, the proposed amendment adds a provision stating that a development plan shall lapse if the approved use is discontinued for a period of one year.

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Conclusion

Under existing case law, cities must carefully evaluate on a case-by-case basis whether a particular land use approval has expired or whether the rights granted under the land use approval have vested. The proposed amendments will provide City staff, elected officials, developers, business owners, and property owners more specific guidelines for making this determination. In addition, the proposed amendments will eliminate existing ambiguities over who can grant a time extension (Planning Commission vs. Planning Director) and how long the time extension can be. The proposed amendments will also establish a specific standard by which to evaluate discontinued land uses, which will assist the City in the future in enforcing its zoning code and avoiding belated attempts to resurrect old permits.

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 6

To: The Honorable Mayor and City Council

From: Rose Hess, Director of Public Works

Meeting Date: August 25, 2016

Subject: Discussion and Possible Award of Contract Regarding Engineering Services

BACKGROUND

This item was originally heard on August 11, 2016 and was continued to August 25, 2016. The following is the background and information previously presented.

On April 28, 2016, the City Council approved the Request for Proposals (RFP) for Engineering Services. The City posted the RFP on the City's webpage, published it in Public Works Magazine, and directly contacted engineering firms in the Central Coast area that perform similar work.

On July 1, 2016 the City received four proposals, from MNS Engineers, Inc., Kimley-Horn & Associates, Tetra Tech, and Flowers & Associates.

An outside advisory panel, consisting of Santa Barbara County Association of Governments (SBCAG) Executive Director Jim Kemp, City of Carpinteria Public Works Director Charlie Ebeling, and City of Lompoc City Administrator Patrick Wiemiller, reviewed and ranked the proposals. The panel members, who volunteered their time and expertise for this task, discussed the City's current public works/engineering structure, workload and staffing, relative to the engineering services and scope of work requested in the RFP.

The panel discussed their assessments of each proposal and reviewed the firms' experience, qualifications, and expertise. The panel determined that the two firms best suited to perform the scope of services in the RFP are MNS Engineers and Kimley-Horn. Both Tetra Tech and Flowers Engineering had experience on public capital improvement project development, but lacked experience in providing the full suite of engineering services required by the RFP. Between MNS Engineers and Kimley-Horn, the panel unanimously recommended MNS Engineers based on MNS Engineers' current level of service and ability to fulfill the RFP's scope of work. In addition, the panel noted that MNS Engineers has the historical knowledge and insight regarding the City. The panel did not consider hourly rates because it felt that experience and qualifications were more

important in choosing a firm to provide professional services. In addition, the panel concluded that costs may vary based on the number of hours each firm takes to complete its tasks (i.e., lower hourly rate firm may require more time to complete services resulting in a higher total cost versus a higher hourly rate firm requiring less time). In any event, the billing rates, ranked from lowest to highest, are: Tetra Tech, Flowers & Associates, MNS Engineers, and Kimley-Horn.

The panel also made several recommendations and/or suggestions that it felt would aid the City in the long-term:

- The panel's first recommendation is to enter into a new contract for the City's engineering services with MNS Engineers. Using MNS Engineers would provide the city with continuity and stability, particularly through these high development years.
- The panel also recommended that, in addition to contracting with MNS Engineers, the City should consider retaining the remaining three firms for on-call engineering work as needed or for special projects. According to the panel, this would provide the City with flexibility to deliver capital projects as needed and allow MNS Engineers to concentrate its efforts performing core tasks for the City.
- Finally, the panel recommended that the City consider hiring additional in-house staff to perform basic engineering tasks. This may be a more cost-effective route for routine tasks. It would also eliminate overhead charged to applicants by the contract engineer. Fees paid to the City would offset many of the costs associated with a new position.

Each panel member is willing to share their thoughts with Council at your leisure. Staff will provide contact information at the request of Council members.

In addition to the panel's recommendations, staff recommends adding performance monitoring and reporting for the engineering services contract to formalize the accountability of the selected consultant. Quality control is a critical part of the contract that has not been in place in the existing contract. At the discretion of Council, staff may go back and negotiate rates for the term of the contract. The term of the agreement noted in the RFP is two years, with an option of three additional one-year extensions. Rates will be fixed unless otherwise approved by the City Council.

We have requested that all four firms attend the August 11th meeting to address any additional questions or clarifications that the Council may have. Each proposal is provided as an attachment.

Staff has provided recommendations and suggestions from an outside panel to assist the City Council in their decision-making process. The City Council may take all or none of the recommendations and suggestions from the panel and has the ability to select any of the four engineering firms.

FISCAL IMPACT

The City's Engineering services are funded through the General Fund, Enterprise Funds (Water and Sewer), Measure A, Gas Tax, and Grant Funds. City consultants work with the City annually to determine the appropriate budget for the anticipated workload.

RECOMMENDATION

Staff recommends that Council discuss the panel's recommendations for Engineering Services and provide comments and direction. The Council may choose a variety of options, including, but not limited to:

1. Follow the recommendations of the panel and direct staff to work with MNS Engineers on a new contract. This new contract may include a reduced scope of work and the use of other consultants for specific development projects on an on-call basis.
2. Direct staff to work with any one of the four firms and bring forward a contract for the full scope of services outlined in the RFP. Alternatively, a reduced scope of work could be developed with any of the four firms with the use of other consultants for specific development projects on an on-call basis.

ATTACHMENTS/ONLINE LINKS

Attachment 1 – RFP for Engineering Services
Attachment 2 – MNS Engineers Inc. Proposal
Attachment 3 – Kimley-Horn & Associates Proposal
Attachment 4 – Tetra Tech Proposal
Attachment 5 – Flowers & Associates Proposal

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 7

To: The Honorable Mayor and City Council

From: Marc P. Bierdzinski, City Manager

Meeting Date: August 25, 2016

Subject: Discussion and Direction Regarding Recreational Vehicle Parking

BACKGROUND

The City Council requested a discussion of the existing code sections relating to the parking of recreational vehicles, boats, and trailers. The following is the applicable code section regarding such parking:

Section 8.04.030.C Public Nuisances Designated

Improper Parking of Recreational Vehicles, Boats and Trailers. Improper parking of a recreational vehicle, boat or trailer, as set forth in this subsection, shall constitute a public nuisance. In all zones in the city, a recreational vehicle, as defined in Section 19.12.020, boat, or a trailer, as defined in Section 19.12.020, may be parked only in the following manner:

- 1. A recreational vehicle, boat, or trailer may be parked in any enclosed structure as long as the structure otherwise conforms to the zoning requirements of the particular zone where located.*

- 2.a. A recreational vehicle, boat, or trailer may be parked outside of a structure of a residentially zoned lot. Within the front yard area or street side yard area, the recreational vehicle, boat, or trailer shall be parked on a surface paved with a minimum of two inches of asphalt, concrete, turf block, or pavers on a suitable base. A gravel surface approved by the planning director may also be permitted. The recreational vehicle, boat, or trailer shall be parked no closer than three feet to the main building and no closer than five feet to the front property line. Only one recreational vehicle, boat, or trailer shall be parked within the front yard area or street side yard area.*

- b. No registered owner, legal owner, driver, renter, and/or lessee of any recreational vehicle, boat, or trailer shall park, or allow the recreational vehicle, boat, or trailer to be parked on any unpaved surface within the yard or setback*

areas of any commercial, industrial or vacant lot. The surface upon which a recreational vehicle, boat, or trailer is parked shall provide adequate vehicle support together with dust, weed, and erosion control for the driveway, parking area and area underneath the recreational vehicle, boat, or trailer.

3. *No part of the recreational vehicle, boat, or trailer may extend over the public sidewalk or parkway.*

4. *A recreational vehicle, boat, or trailer shall not be stored in a manner that constitutes a safety hazard or poses a danger to any person.*

The City Council adopted this section, which permitted unscreened storage in the front and street side yards of a property, in 2008 on a 3-2 vote. The primary reason was to provide homeowners an off-street location for recreational vehicle storage due to a lack of suitable storage yards in the area. The two dissenters felt that storing unscreened recreational vehicles and trailers in full view of the street would negatively affect the aesthetics of the City.

Under California Vehicle Code section 22507, cities have broad authority to govern vehicle parking on public streets. Upon incorporation, the City adopted the Santa Barbara County Code regarding vehicle parking, which is set forth at Municipal Code Chapter 10.01. Under these provisions, motorized vehicles, including recreational vehicles, must be moved every 72 hours. Trailers must be moved every 24 hours. The Santa Barbara County Sheriff's Department enforces the public street parking restrictions.

RECOMMENDATION

That the City Council review the existing ordinance wording regarding parking of recreational vehicles, boats, and trailers and provide direction to staff on how to proceed.