



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING February 14, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

### PUBLIC COMMENT

Speakers: Ron Werft, Cottage Health System; Ruth Wilson; Kenneth Loch; Joy Frank; Manuel Unzueta, Arts Alliance; Carole Lieff; K8 Longstory; Steve Price; Richard Robinson.

### ITEM REMOVED FROM CONSENT CALENDAR

8. Subject: Adoption Of An Ordinance For The Rezoning Of 415 Alan Road Parcel B (640.07)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property at 415 Alan Road - Parcel B.

(Cont'd)

8. (Cont'd)

Motion:

Councilmembers Francisco/House to approve the recommendation;  
Ordinance No. 5580.

Vote:

Majority roll call vote (Noes: Councilmember White).

### **CONSENT CALENDAR (Item Nos. 1 - 7 and 9 - 11)**

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

Motion:

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

Vote:

Unanimous roll call vote.

### **CITY COUNCIL**

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of  
the regular meeting of January 24, 2012.

Action: Approved the recommendation.

2. Subject: Designation Of Deputy City Clerk (170.02)

Recommendation: That Council approve the designation of Sarah L. Fox,  
Records Technician, to function as a Deputy City Clerk.

Action: Approved the recommendation (February 14, 2012, report from the  
Assistant City Administrator/Administrative Services Director).

3. Subject: Agreement For Skofield Park Resident Caretaker (570.05)

Recommendation: That Council authorize the Parks and Recreation Director to  
execute a Caretaker Rental Agreement for Skofield Park with Steven Spencer  
through February 28, 2013.

Action: Approved the recommendation; Agreement No. 23,993 (February 14,  
2012, report from the Parks and Recreation Director).

4. Subject: Update To Records Management Policies And Procedures Manual (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the City of Santa Barbara Records Management Policies and Procedures Manual, and Rescinding Resolution No. 09-098.

Action: Approved the recommendation; Resolution No. 12-008 (February 14, 2012, report from the Assistant City Administrator/Administrative Services Director; proposed resolution).

5. Subject: Resolution For Licenses For Water Service Meters And Introduction Of Ordinance For Easements On Tunnel Reservoir Property (330.08)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Accepting the Private Water Main Construction and Water Meter License Agreement for the Placement, Maintenance, and Reading of Public Water Service Meters, and for All Related Purposes, on Portions of Certain Real Properties Commonly Known as 2825, 2845, 2875, 2885, and 2895 Spyglass Ridge Road, and Authorizing the Public Works Director to Execute Said Agreement with William Pasich, George V. Valois and Sherry R. Valois, Trustees, Carolyn V. Cooper, Trustee, Frederica McKay Thompson, Trustee, and Joel J. Berti and Georgia E. Berti, Trustees, Relating to the Placement of a Private Water System Within Spyglass Ridge Road Located in the County of Santa Barbara; and
- B. Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Public Works Director to Execute a Certain Private Road Easement Agreement with William Pasich, George V. Valois and Sherry R. Valois, Trustees, Carolyn V. Cooper, Trustee, Frederica McKay Thompson, Trustee, and Joel J. Berti and Georgia E. Berti, Trustees, Granting and Acknowledging Private Easements for the Continuing Use and Maintenance of Spyglass Ridge Road, Including Public Utilities, Located on a Portion of the Tunnel Trail Property, Sometimes Known as Tunnel Reservoir Property, Owned by the City of Santa Barbara, For Ingress and Egress to Properties Located in the County of Santa Barbara Known as 2825, 2845, 2875, 2885 and 2895 Spyglass Ridge Road.

Action: Approved the recommendations; Resolution No. 12-009; Agreement No. 23,994 (February 14, 2012, report from the Public Works Director; proposed resolution and ordinance).

6. Subject: Coastal Resource Enhancement Fund Grant Funds In The Amount Of \$40,000 For The Shoreline Park Safety Improvement Project (570.05)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into an agreement with the County of Santa Barbara, in a form acceptable to the City Attorney, to receive Coastal Resource Enhancement Fund (CREF) grant funds; and
- B. Increase appropriations and estimated revenues by \$40,000 in the Fiscal Year 2012 Parks and Recreation Capital Program.

Action: Approved the recommendations; Agreement No. 23,996 (February 14, 2012, report from the Parks and Recreation Director).

7. Subject: Adoption Of Ordinance For Extension Of MOU With Hourly Bargaining Unit (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Extending the Term of the Existing Memorandum Of Understanding Between the City Of Santa Barbara and the Hourly Employees' Bargaining Unit through December 31, 2012.

Action: Approved the recommendation; Ordinance No. 5579.

#### SUCCESSOR AGENCY

9. Subject: Redevelopment Agency Fiscal Year 2012 Interim Financial Statements For The Six Months Ended December 31, 2011

Recommendation: That Council, acting as the Successor Agency to the City of Santa Barbara Redevelopment Agency, accept the Redevelopment Agency Fiscal Year 2012 Interim Financial Statements for the Six Months Ended December 31, 2011.

Action: Approved the recommendation (February 14, 2012, report from the Fiscal Officer).

#### NOTICES

10. The City Clerk has on Thursday, February 9, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
11. Received letters of resignation from Building and Fire Code Board of Appeals Member Meg West, and Mosquito and Vector Management District Member David Pritchett; the vacancies will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

## REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to hear a report and consider Staff recommendations regarding the Fiscal Year 2012 Mid-Year Review. The Committee approved the recommendations and forwarded them to the full Council (Item No. 14 on this agenda).

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### ADMINISTRATIVE SERVICES DEPARTMENT

12. Subject: Special City Election Of June 2012 On Veronica Meadows Specific Plan (Road and Bridge Approval Pursuant To Charter Section 520) (110.03)

Recommendation: That Council find and determine as follows:

- A. An environmental impact report ("2008 Final EIR") was prepared and certified in compliance with the California Environmental Quality Act in connection with the Veronica Meadows Specific Plan Project. The 2008 Final EIR, as duly certified on June 17, 2008, by the City Council (Resolution No. 08-049) is adequate to address a June 2012 City ballot measure seeking voter approval of the Arroyo Burro Road and Bridge aspects of the Veronica Meadows Specific Plan Project as required by City Charter section 520. In accordance with Section 15164 of the state CEQA Guidelines, an Addendum to the Veronica Meadows Specific Plan Project EIR has been prepared to identify the need for voter approval of the bridge across Arroyo Burro Creek and to assess any possible environmental concerns which such voter review and possible approval. Based on this Addendum, the Council finds that a subsequent EIR is not required because the need for voter approval of the road and bridge is a minor change in the Specific Plan Project and, as such, it does not require revisions to the EIR because no new environmental effects would be involved in merely obtaining voter approval or voter rejection of the use of some City undeveloped parkland project for construction of the road and bridge. Further, the Council finds that there would be no change to the severity of potential environmental effects of the Veronica Meadows Project as a result of this ballot measure. Finally, the Council finds that mitigation measures adopted for the Project are still feasible and appropriate and would be unchanged by voter approval. The findings adopted as part of the City Council's prior certification of the EIR are therefore hereby included as part of this Council action as though those findings were fully set forth herein;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling and Giving Notice of the Holding of a Special Municipal Election to be Held in the City of Santa Barbara on Tuesday, June 5, 2012, for the Submission of a Proposition Measure to the Voters of the City Pursuant to City Charter Section 520 Concerning the Future Use of Certain Undeveloped City Parkland Property;

(Cont'd)

12. (Cont'd)

- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a Special Municipal Election to Be Held on June 5, 2012, with the Statewide Primary Election to be Held on that Date Pursuant to Section 10403 of the Elections Code;
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Directing the City Attorney to Prepare an Impartial Analysis of the City Measure to be Placed on the Ballot for the June 5, 2012, Special Municipal Election of the City of Santa Barbara; and
- E. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the measure and, if so, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Written Argument Regarding a City Measure to be Placed on the Ballot for the June 5, 2012, Special Municipal Election.

Documents:

- February 14, 2012, report from the City Attorney.
- Proposed Resolutions.
- February 13, 2012, letter from Marc Chytilo.

The titles of the resolutions were read.

Speakers:

- Staff: City Clerk Services Manager Cynthia Rodriguez, City Attorney Stephen Wiley, Project Planner Allison De Busk.
- Members of the Public: Mark Lee and Steven Amerikaner, Peak Las Positas Partners; Ana Citrin and Marc Chytilo, Citizens Planning Association and Santa Barbara Urban Creeks Council; Eddie Harris, Santa Barbara Urban Creeks Council.

Motion:

Councilmembers Francisco/Hotchkiss to determine that no member of Council will file an argument regarding the proposed measure (recommendation E) and approve the Applicant's request to submit the ballot argument in support of the measure.

This motion was withdrawn.

Motion:

Councilmembers House/Rowse to waive the Council's right to file a written ballot argument regarding the proposed measure (recommendation E).

Vote:

Unanimous voice vote.

(Cont'd)

12. (Cont'd)

Recess: 3:42 p.m. - 3:49 p.m. Councilmember House returned to the meeting at 3:55 p.m.

Motion:

Councilmembers House/White to revise the ballot label for the proposed measure as follows: "~~Shall the City Council allow the construction, at no cost to the City, of a public road and bridge on undeveloped City parkland, zoned as an "Undeveloped Park" where the road/bridge have been determined to be: 1. compatible with eventual park use of the land because it provides public access, and 2. accessory to future public use of the Undeveloped Park and the restored portion of is necessary for a housing development, commonly known as Veronica Meadows, and provides public access along Arroyo Burro Creek to be provided at no public expense?"~~"

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Rowse).

Motion:

Councilmembers White/Francisco to approve recommendations A - D with the ballot question as determined by the Council; Resolution Nos. 12-010 - 12-012.

Vote:

Unanimous roll call vote.

## COMMUNITY DEVELOPMENT DEPARTMENT

13. Subject: Implementation Of General Plan Interim Policy ER7 For Air Quality Issues (650.05)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Regarding the Implementation of the General Plan Interim Policy Regarding Air Quality Issues; and
- B. Direct Staff to meet with the Council Ordinance Committee to consider project specific criteria to implement air quality policies, and return to Council for adoption of additional criteria.

Documents:

- February 14, 2012, report from the Assistant City Administrator/ Community Development Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.
- February 13, 2012, letter from Westmont College.
- February 14, 2012, email from Delfina Mott.

(Cont'd)

13. (Cont'd)

The title of the resolution was read.

Speakers:

- Staff: City Planner Bettie Weiss, City Attorney Stephen Wiley.
- Members of the Public: Steve Johnson; Lisa Plowman, Westmont College; Delfina Mott; Bryan Murphy.

Motion:

Councilmembers House/White to approve the recommendations;  
Resolution No. 12-013.

Vote:

Unanimous roll call vote.

Councilmembers Francisco and House left the meeting at 4:56 p.m.; Councilmember House returned at 5:07 p.m., and Councilmember Francisco returned at 5:08 p.m.

FINANCE DEPARTMENT

14. Subject: Fiscal Year 2012 Mid-Year Review (230.04)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of December 31, 2011;
- B. Accept the Fiscal Year 2012 Interim Financial Statements for the Six Months Ended December 31, 2011; and
- C. Approve the proposed mid-year adjustments to Fiscal Year 2012 appropriations and estimated revenues.

Documents:

February 14, 2012, report from the Finance Director.

Speakers:

Staff: Treasury Manager Jill Taura, Accounting Manager Ruby Carrillo.

Motion:

Councilmembers Francisco/Rowse to approve recommendations B and C.

Vote:

Unanimous voice vote.



## LIBRARY DEPARTMENT

### 15. Subject: Re-Opening Eastside Library On Mondays (570.04)

Recommendation: That Council:

- A. Consider a request from Councilmembers Murrillo and White to approve funding to keep the Eastside Library open on Monday afternoons for the remainder of Fiscal Year 2012 and consider funding Monday hours at the Eastside Library in Fiscal Year 2013; and
- B. If approved by Council, authorize an increase in appropriation of \$6,800 to the General Fund Library Department's Fiscal Year 2012 budget, funded from an increase to estimated transient occupancy tax revenues, to cover the increase costs.

Documents:

February 14, 2012, report from the Library Director.

Speakers:

- Staff: City Administrator James Armstrong.
- Members of the Public: Annie McGill, Mike Jordan.

Motion:

Councilmembers White/Murillo to approve recommendation B.

Vote:

Unanimous voice vote.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember White reported that the Water Commission, at its last meeting, received updates regarding two major water treatment projects, and also reviewed a new fee schedule; he also commented that the Planning Commission recently considered a proposed mixed-use project on the former Turk Hessellund Nursery site.
- Councilmember Murillo mentioned that she had attended the 10th anniversary celebration for the incorporation of the City of Goleta, and she also reported that the Neighborhood Advisory Council had discussed Milpas Street safety at its last meeting.
- Councilmember Hotchkiss commented on the newly-installed photograph exhibit at City Hall.

## **RECESS**

Mayor Schneider recessed the meeting at 5:32 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 16 and 17, and she stated there would be no reportable action taken during the closed sessions.

## CLOSED SESSIONS

17. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Santa Barbara Channelkeeper v. City of Santa Barbara, USDC Case No. CV-1103624 JHN (AGRx).

Scheduling: Duration, 15 minutes; anytime  
Report: None anticipated

Documents:

February 14, 2012, report from the City Attorney.

Time:

5:34 p.m. - 5:55 p.m.

No report made.

16. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Luke Brost as Trustee for the Luke Brost Living Trust, et al., v. City of Santa Barbara, Case No. 1342979.

Scheduling: Duration, 15 minutes; anytime  
Report: None anticipated

Documents:

February 14, 2012, report from the City Attorney.

Time:

5:55 p.m. - 6:18 p.m.

No report made.

**ADJOURNMENT**

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

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

ATTEST:

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HELENE SCHNEIDER  
MAYOR

\_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK