



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 4, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Dale Francisco.

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

CEREMONIAL ITEMS

1. **Subject: Employee Recognition - Service Award Pins (410.01)**

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 June 30, 2013.

Documents:

June 4, 2013, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Award Recipients Frank Mannix, Brent Mandrell and Rick Daniel.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation, and the following employees were recognized:

5-Year Pin

Jonathan Abad, Finance Analyst, Finance Department
Christine Andersen, Public Works Director, Public Works Department
Peter Harmer, Public Works Inspector, Public Works Department
Edward Soto, Airport Patrol Officer, Airport Department

15-Year Pin

Larry Cassidy, Building Inspector/Plan Check Supervisor,
Community Development Department

25- Year Pin

Frank Mannix, Deputy Police Chief, Police Department
Brent Mandrell, Police Lieutenant, Police Department

35-Year Pin

Rick Daniel, Golf Maintenance Coordinator, Parks and Recreation Department

CHANGES TO THE AGENDA

Item Removed from Agenda

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

20. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Bargaining Unit, and the General Bargaining Unit, and regarding discussions with certain unrepresented employees and managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Councilmember Francisco joined the meeting at 2:14 p.m.

PUBLIC COMMENT

Introduction: Gilbert Garcia introduced a group of Yalta, Ukraine, citizens who are visiting the City as part of an effort to revive a Santa Barbara/Yalta Sister Cities relationship.

Speakers: Steve Price, Andrea Roselinsky, Katherine Anne Smith, Dr. R. Johns.

ITEMS REMOVED FROM CONSENT CALENDAR

9. Subject: Cachuma Conservation Release Board Fiscal Year 2013-2014 Budget Ratification (540.03)

Recommendation: That Council ratify the Cachuma Conservation Release Board Fiscal Year 2013-2014 budget.

Documents:

June 4, 2013, report from the Public Works Director.

Motion:

Councilmembers White/Hotchkiss to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmember Murillo).

11. Subject: Legislative Platform (160.02)

Recommendation: That Council:

- A Adopt the legislative platform that guides the City's support or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the legislative platform.

Documents:

June 4, 2013, report from the City Administrator.

Speakers:

Staff: Assistant to the City Administrator Nina Johnson, City Attorney Stephen Wiley, City Planner Bettie Weiss, City Clerk Services Manager Gwen Peirce.

(Cont'd)

11. (Cont'd)

Motion:

Councilmembers Hotchkiss/Rowse to approve the recommendations, with the following changes to the Legislative Platform document:

- REVENUE AND TAXATION, Local Control (Finance): Delete the item reading "Support policies that authorize a simple majority of the voters in a city or county to establish local priorities, including the right to increase taxes or issue general obligation bonds;"
- PUBLIC SAFETY, Nuisance Control (Police): Add the word 'Problem' before "medical marijuana dispensaries" under "Support enhanced local control over public nuisances including, but not limited to: Medical marijuana dispensaries;"
- ENVIRONMENTAL QUALITY, California Environmental Quality Act (Community Development): Change the word 'raising' to 'clarifying' in the item reading "Support raising the threshold for re-circulation of EIRs so that only new "significant unavoidable impacts" would necessitate re-circulation;" and
- ENVIRONMENTAL QUALITY, California Environmental Quality Act (Community Development): Delete the item reading "Oppose legislation that would allow local jurisdictions to prohibit large family day care on single family zoned property."

Vote:

Unanimous voice vote.

CONSENT CALENDAR (Item Nos. 2 – 8, 10 and 13)

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 23, 2013 (revised), the special meetings of May 15 and 20, 2013, and the regular meeting of May 21, 2013.

Action: Approved the recommendation.

3. Subject: Resolution Approving Water Wise Commercial Industrial Incentive Program (540.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Incentives and Approving Administrative Procedures for the Water Wise Commercial, Industrial, and Institutional Incentive Program.

Action: Approved the recommendation; Resolution No. 13-038 (June 4, 2013, report from the Public Works Director; proposed resolution).

4. Subject: Adoption Of Resolution Related To The Denial Of An Appeal Concerning Whiskey Richards' Dance Permit (520.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Making Certain Findings Related to Its Denial of an Appeal from a Decision of the Fire and Police Commission Concerning Whiskey Richards Dance Permit Pursuant to Santa Barbara Municipal Code Chapter 5.20.

Action: Approved the recommendation; Resolution No. 13-039 (proposed resolution).

5. Subject: Adoption Of Ordinance For The Approval Of Encroachments At 33 West Victoria Street (330.10)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Encroachment Permit to Luria - New Vic LLC, a California Limited Liability Company, and Ensemble Theatre Company, Inc., a California Nonprofit Corporation, for the Property Known as 33 West Victoria Street and 1236 Chapala Street, Santa Barbara County Assessor's Parcel Number 039-181-001, Which Is Owned by Child Abuse Listening Mediation, Inc., a California Nonprofit Public Benefit Corporation, for Site Improvements That Will Encroach Into the Public Right-of-Way and City Parking Lot No. 5, and Authorizing the City Administrator to Execute Same.

Action: Approved the recommendation; Ordinance No. 5621; Agreement No. 24,521.

6. Subject: Fiscal Year 2013 Interim Financial Statements For The Ten Months Ended April 30, 2013 (250.02)

Recommendation: That Council accept the Fiscal Year 2013 Interim Financial Statements for the Ten Months Ended April 30, 2013.

Action: Approved the recommendation (June 4, 2013, report from the Finance Director).

7. Subject: Purchase Of IBM Coplink Law Enforcement Notification System (520.04)

Recommendation: That Council:

- A. Accept \$125,000 from the County of Santa Barbara and authorize the Chief of Police to execute a grant agreement with the County of Santa Barbara for the funding necessary for the sole source purchase of IBM's proprietary Supervised Release Monitor and Alert system (SRMA);
- B. Increase appropriations and estimated revenues by \$125,000 in the Miscellaneous Grants Fund for Fiscal Year 2013 for the Supervised Release Monitor and Alert Module; and
- C. Find it in the City's best interest to waive formal bid procedures as authorized by Municipal Code Section 4.52.070 and authorize the General Services Manager to award a purchase order contract with IBM, within approved budgets, as the sole-source supplier for Coplink Supervised Release Monitor and Alert Module.

Action: Approved the recommendations; Agreement No. 24,522 (June 4, 2013, report from the Chief of Police).

8. Subject: Proposed Lease Agreement With The National Oceanic And Atmospheric Administration For Office Space Located At 113 Harbor Way (330.04)

Recommendation: That Council approve a five-year lease agreement with the National Oceanic and Atmospheric Administration for a 452-square foot office space located at 113 Harbor Way at a monthly rate of \$1,396.68.

Action: Approved the recommendation; Agreement No. 24,523 (June 4, 2013, report from the Waterfront Director).

10. Subject: Donation To Animal Control (520.05)

Recommendation: That Council:

- A. Accept a donation of \$5,000 from the Deborah K. Oldham Trust of 2001; and
- B. Approve an increase in appropriations and estimated revenues in the amount of \$5,000 in Fiscal Year 2013 to the General Fund, Police Department, budget for maintenance of one Animal Control vehicle for one year and the purchase and installation of an energy efficient washer/dryer at the facility.

Action: Approved the recommendations (June 4, 2013, report from the Chief of Police).

Item No. 12 appears in the Financing Authority minutes.

NOTICES

13. The City Clerk has on Thursday, May 30, 2013, 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.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

14. **Subject: Adoption Of Resolutions Relating To The General Municipal Election Of November 5, 2013 (110.03)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling for the Holding of a Vote-By-Mail General Municipal Election to be Held in the City on Tuesday, November 5, 2013, for the Election of Certain Officers as Required by the Provisions of the Charter, and for the Submission To The Voters a Proposition Measure for the Enactment of a City Ordinance Authorizing the Exchange of Certain City Real Property Near the Fremont Army Reserve Center and the City's MacKenzie Park to the United States Government Pursuant to the Requirements of City Charter Section 520;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Conduct of a Vote-By-Mail Election for the November 5, 2013, General Municipal Election;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Directing the City Attorney to Prepare Impartial Analyses of the City's Ballot Measure to Be Placed on the Ballot for the November 5, 2013, General Municipal Election; and
- D. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the proposed Measure, and if so, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Setting Priorities for Filing a Written Argument Regarding a City Measure to Be Placed on the Ballot for the November 5, 2013, General Municipal Election.

Documents:

- June 4, 2013, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Resolutions.

The titles of the resolutions were read.

(Cont'd)

14. (Cont'd)

Speakers:

- Staff: City Clerk Services Manager Gwen Peirce, City Attorney Stephen Wiley.
- Members of the Public: Bonnie Raisin.

Motion:

Councilmembers White/Hotchkiss to:

- 1) Approve the recommendations, revising the ballot measure question to read "Shall the Santa Barbara City Council be authorized to enact a City ordinance allowing the exchange of ~~certain~~ City park property along State Street at the John C. Fremont Army Reserve Center and MacKenzie Park ~~to the U.S. Government in return for the transfer from the U.S. Government to the City of certain~~ Federal property adjacent to the Fremont Army Reserve Center and the State Street right-of-way ~~in the manner required by City Charter Section 520.?~~", and adopting Resolution Nos. 13-040 – 13-042; and
- 2) Appoint Councilmembers Francisco and Murillo to file a written argument in favor of the ballot measure on behalf of the Council; Resolution No. 13-043.

Vote:

Unanimous roll call vote.

Councilmember Francisco left the meeting at 3:27 p.m. and returned at 3:33 p.m.

COMMUNITY DEVELOPMENT DEPARTMENT

15. Subject: Loan To Peoples' Self-Help Housing Corporation For A New Affordable Housing Project At 510-520 N. Salsipuedes And 601 E. Haley Street (660.04)

Recommendation: That Council approve a \$900,000 loan to Peoples' Self-Help Housing Corporation from federal Home Investment Partnership Program (HOME) funds for the development and construction of low income rental housing at 510-520 N. Salsipuedes Street and 601 E. Haley Street (Haley and Salsipuedes Apartments) and Authorize the Community Development Director, subject to Approval as to Form by the City Attorney, to Execute Such Agreements and Related Documents as may be necessary.

Documents:

- June 4, 2013, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- June 3, 2013, e-mail from Russ Waldrop.

(Cont'd)

15. (Cont'd)

Speakers:

- Staff: Project Planner David Rowell, City Planner Bettie Weiss.
- Peoples' Self-Help Housing Corporation: Executive Director Jeanette Duncan, Board of Directors Vice Chair David Gustafson.
- Members of the Public: Robert Burke.

Motion:

Councilmembers Francisco/House to approve the recommendation;
Agreement No. 24,524.

Vote:

Unanimous voice vote.

Councilmember Rowse stated he would absent himself from consideration of the following item due to a conflict of interest related to his ownership of a business located within the subject Assessment District, and he left the meeting at 3:55 p.m.

PUBLIC HEARINGS

17. Subject: Public Hearing For The Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2014 (550.10)

Recommendation: That Council:

- A. Consider appropriate protests to the Parking and Business Improvement Area Annual Assessment Report 2014, as required under the California Parking and Business Improvement Area Law of 1989;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2014, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2014; and
- C. Authorize staff to implement the process to start the Parking and Business Improvement Area assessment for entities in the Parking and Business Improvement Area that are not currently paying into the system, which include nonprofit performing arts theaters, museums, and nonprofit business offices.

Documents:

- June 4, 2013, report from the Public Works Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

(Cont'd)

17. (Cont'd)

Public Comment Opened:
3:56 p.m.

Speakers:
Staff: Transportation Manager Browning Allen.

Public Comment Closed:
4:05 p.m.

Motion:
Councilmembers Murillo/White to approve recommendation B, adopting Resolution No. 13-044, and disapprove recommendation C.

Vote:
Unanimous roll call vote (Absent: Councilmember Rowse).

Councilmember Rowse returned to the meeting at 4:08 p.m.

MAYOR AND COUNCIL REPORTS

18. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 18, 2013.
(Estimated Time: 4:00 p.m.; Continued from May 21, 2013)

Speakers:
The following applicants were interviewed:
Housing Authority Commission:
Barbara Allen
Catherine Woodford
Living Wage Advisory Committee:
Richard Flacks
Santa Barbara Youth Council:
Rachel Teitelbaum
Ethan Brier
Anthony Burre
Kayla Simons
Zachary Wells
Ari Chittick
Ben Goldberg
Scott Voulgaris
Eesha Kelkar
Pablo Saleta

(Cont'd)

18. (Cont'd)

Speakers (Cont'd):

Single Family Design Board:

Denise Woolery

Berni Bernstein

Water Commission:

Mike Kielbom

By consensus, the interviews were continued to June 18, 2013.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PARKS AND RECREATION DEPARTMENT

16. Subject: Andrée Clark Bird Refuge Status Report (570.05)

Recommendation: That Council receive a status report on the Parks and Recreation Department's projects to address vegetation maintenance and water quality improvement at the Andrée Clark Bird Refuge.

Documents:

- June 4, 2013, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant Parks and Recreation Director Jill Zachary, Water Quality Research Coordinator Jill Murray.

Councilmember Francisco left the meeting at 5:16 p.m.

By consensus, the Council received the report and their questions were answered.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Rowse mentioned that he had visited the site of the recent White fire and he expressed appreciation for the cooperation shown by all public agencies involved in the response.
- Councilmember White reported that the Fire and Police Commission had revoked the Nightclub Dance Permit issued to La Pachanga, located at 518 N. Milpas Street.

(Cont'd)

Information (Cont'd):

- Councilmember Murillo reported on her attendance at the following meetings/events: 1) Meeting of the Youth Council to discuss an effort to get youth out of gangs and a collaboration with the Police Activities League Teen Center; 2) Meeting of the Transportation and Circulation Committee, where a proposal for a roundabout at the intersection of Cliff Drive and Las Positas Road was presented; 3) Immigration Law Forum; 4) Green Jobs Summit sponsored by the UCSB Sustainability Program; and 5) Meeting of the newly formed Latina Leaders Network.
- Councilmember Hotchkiss remarked that he had participated in a cleanup at Franceschi Park sponsored by the Riviera Association and that the Condor Express boat is back in operation.
- Mayor Schneider commended Parks and Recreation Staff for their assistance in coordinating a Summer Meals Program with the "Share Our Strength" group.
- Councilmember House encouraged everyone to visit the Summer Solstice Workshop.

RECESS

Mayor Schneider recessed the meeting at 5:34 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 19 and 21, and she stated that no reportable action is anticipated.

CLOSED SESSIONS

21. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

Recommendation: That Council hold a closed session to consider potential litigation pursuant to subsection (c) of Section 54956.9 of the Government Code and take appropriate action as needed (two potential cases).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

June 4, 2013, report from the City Attorney.

Time:

5:35 p.m. – 6:10 p.m. All Councilmembers were present.

No report made.

19. Subject: Conference With Real Property Negotiators (330.03)

Recommendation: That Council hold a closed session pursuant to Government Code Section 54956.8 (Conference with Real Property Negotiators):

Real Property: A portion of the Airport property located at 6100 Hollister Avenue bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map, City Parcel Map No. 20,608) in the City of Santa Barbara.

City Negotiators: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Stephen P. Wiley, City Attorney; Sarah Knecht, Assistant City Attorney.

Negotiating Parties: Direct Relief International - Thomas Tighe, President and CEO; Judy Partch, Director of Human Resources, Administration & Compliance.

Under Negotiation: Instructions to negotiators will concern price and terms of payment of a possible ground lease or property purchase.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

June 4, 2013, report from the Airport Director and the City Attorney.

Time:

6:10 p.m. – 6:35 p.m. All Councilmembers were present.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:35 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK