



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING October 29, 2013 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. and 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 Deborah L. Applegate.

### CHANGES TO THE AGENDA

None.

### PUBLIC COMMENT

Speakers: Steve Reynolds; Scott Wenz, Cars are Basic; Robin Elander, Cars Are Basic; Ethan Shenkman; Melissa Peters, Dos Pueblos Little League "Challengers"; Dr. Robert Johns.

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

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

Motion:

Councilmembers House/Hotchkiss to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

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

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of October 15, 2013.

Action: Approved the recommendation.

### **2. Subject: Adoption Of 2013 Fire Code Ordinance (520.03)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Repealing Santa Barbara Municipal Code Chapter 8.04 and Adopting a New Chapter 8.04 Adopting by Reference the 2013 Edition of the California Fire Code, as Published by the California Building Standards Commission, Including Appendix Chapter 4 and Appendices B, BB, C, CC and H of That Code, with Local Amendments.

Action: Approved the recommendation; Ordinance No. 5638.

### **3. Subject: Adoption Of 2013 Building Code Ordinance (640.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04, Adopting by Reference the California State Building Codes and Other Related Codes; Adopting Local Revisions to Those Codes; and Repealing Ordinance Number 5536.

Action: Approved the recommendation; Ordinance No. 5639.

(Cont'd)

**4. Subject: September 30, 2013, Investment Report And September 30, 2013, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the September 30, 2013, Investment Report; and
- B. Accept the September 30, 2013, Fiscal Agent Report.

Action: Approved the recommendation. (October 29, 2013, report from the Finance Director).

**5. Subject: Request For Designation Of 1130 State Street (Santa Barbara Museum Of Art) As A Community Benefit Project (640.09)**

Recommendation: That Council find the proposed expansion of the Santa Barbara Museum of Art a Community Benefit Project pursuant to Santa Barbara Municipal Code (SBMC) §28.85.020.A. and allocate 8,990 square feet of non-residential floor area to the project from the Community Benefit category.

Action: Approved the recommendation. (October 29, 2013, report from the Community Development Director).

**6. Subject: Introduction Of Ordinance Amending Lease With Richones Inc., Doing Business As Chuck's Waterfront Grill, For Office Space At 113 Harbor Way (330.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Lease Amendment Number One to Lease Number 23,328 with Richones Inc., Doing Business As Chuck's Waterfront Grill, for Office Space Located at 113 Harbor Way #145 and #150 at a Monthly Rate of \$2,519.

Action: Approved the recommendation. (October 29, 2013, report from the Waterfront Director; proposed ordinance).

**7. Subject: Capital Improvement Projects: First Quarter Report For Fiscal Year 2014 (230.01)**

Recommendation: That Council receive a report on the City's Capital Improvement Projects for the First Quarter of Fiscal Year 2014.

Action: Approved the recommendation. (October 29, 2013, report from the Public Works Director).

**8. Subject: Increase In Construction Change Order Authority For The Punta Gorda Street Bridge Replacement Project (530.04)**

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Punta Gorda Street Bridge Replacement Project, Contract No. 24,514, in the amount of \$160,000, for a total Project expenditure authority of \$3,432,037.

Action: Approved the recommendation; Agreement No. 24,514.3 (October 29, 2013, report from the Public Works Director).

**9. Subject: Resolution Of Intent To Amend Solid Waste Franchise Agreement With MarBorg Industries, Inc. (510.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Declaring Its Intention To Amend The Ten-Year Exclusive Franchise For Citywide Solid Waste Collection And Disposal Services In The City Granted By The City To MarBorg Industries, Inc., A California Corporation, On February 12, 2013 By City Ordinance No. 5608.

Action: Approved the recommendation; Resolution No. 13-088 (October 29, 2013, report from the Finance Director).

**NOTICES**

10. The City Clerk has on Thursday, October 24, 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.
11. Receipt of communication advising of vacancy created on the Community Development and Human Services Committee with the resignation of James Cook; the vacancy 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 the Finance Committee met to review third quarter Investment and Fiscal Agent Reports, which were approved by Council as part of this agenda's Consent Calendar (Item No. 4).

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

### **PARKS AND RECREATION DEPARTMENT**

#### **12. Subject: Interview And Appointment Of Youth Intern Applicant To The Parks And Recreation Commission (570.08)**

Recommendation: That Council:

- A. Interview applicant Andrew Rodriguez for the position of Youth Intern to the Parks and Recreation Commission; and
- B. Request that Mayor Schneider appoint Andrew Rodriguez to the position of Youth Intern to the Parks and Recreation Commission.

Documents:

- October 29, 2013 report from the Parks and Recreation Director.

Speaker:

- Staff: Neighborhood and Outreach Services Supervisor Susan Young.
- Applicant: Andrew Rodriguez.

Motion:

Councilmembers Hotchkiss/Rowse to approve the recommendation.

Vote:

Unanimous voice vote.

### **PUBLIC HEARINGS**

#### **13. Subject: Appeal Of Historic Landmarks Commission Approval Of 1330 Chapala Street (640.07)**

Recommendation: That Council deny the appeal of Margaret Cafarelli, Agent for Urban Developments, LLC, of the application of Peikert + RRM Design Group, and uphold the Historic Landmarks Commission's Project Design Approval for the proposed mixed-use project consisting of 33 new apartments, 2 new commercial units, a new partially below grade parking garage, and alterations to the existing at-grade parking lot, incorporating the changes to the site plan and Parking Management Plan that have since been proposed by the Applicant.

Documents:

- October 29, 2013, report from Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened:

4:06 p.m.

(Cont'd)

### 13. (Cont'd)

#### Speakers

- Staff: Project Planner Allison De Busk; Supervising Transportation Planner Steve Foley; City Planner Bettie Weiss.
- Historic Landmarks Commission: Commissioners William LaVoie and Craig Shallenberger.
- Appellant: Margaret Cafarelli.
- Applicant: Steven Amerikaner, Esq. representing Metropolitan Theatres Corporation; Bruce Corwin, CEO of Metropolitan Theatres.
- Members of the Public: William LaVoie, Michael Nissenson, Dave Lombardi, Jeff DeVine, Dawn Mitcham, Michael S. Rassler, Jewish Federation of Greater Santa Barbara, Jeremy Thomas, Richard Yates; Hal Conklin; Marshall Rose, Scott Wenz, Cars Are Basic; Larry Barels; Nelson; Kellam de Forest.

Public Comment Closed:

4:37 p.m.

#### Motion:

Councilmembers House/White to deny the appeal, thereby upholding the Historic Landmarks Commission's Project Design Approval, and requesting that the Historic Landmarks Commission work with the Applicant on the following project elements: 1) the exit at Sola Street, particularly the grade with regard to vehicles going in and out, 2) the location of the residential trash enclosure, 3) the Paseo connection from Alma del Pueblo to Sola Street, and 4) ensuring that the commercial units are designed for commercial use.

#### Vote:

Unanimous voice vote.

### **RECESS**

Mayor Schneider recessed the meeting at 5:24 p.m. – 5:36 p.m.

Mayor Schneider left the meeting at 5:24 p.m.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

### Item Removed from Agenda

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

**14. Subject: Citywide Performance Highlights For Fiscal Year 2013 And Comparative Indicators Report (170.01)**

Recommendation: That Council:

- A. Receive a summary of department performance management results and highlights for Fiscal Year 2013; and
- B. Receive a report on how the City of Santa Barbara compares with similar California communities on key indicators.

## MAYOR AND COUNCIL REPORTS

**15. 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 November 12, 2013, and November 19, 2013.

Documents:

- October 29, 2013, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

The following applicants were interviewed:

Airport Commission:

Paul Bowen

Architectural Board of Review:

Courtney Jane Miller

Arts Advisory Committee:

Margie Yahyavi

Civil Service Commission:

Richard Banks

Community Development And Human Services Committee:

Alice Villarreal Redit

Stephen Faulstich

Laura Knight

Downtown Parking Committee:

William E. (Trey) Pinner

Sean Pratt

(Cont'd)

## 15. (Cont'd)

### Speakers (Cont'd)

Fire and Police Commission:  
Eugene (Gene) Zannon

Harbor Commission:  
Virginia Rubsam  
Dennis M. Power

Historic Landmarks Commission:  
William (Bill) Mahan

Housing Authority Commission:  
Victor Suhr

Measure P Committee  
Brandon Morse

Neighborhood Advisory Council:  
Alejandro Martinez, Youth Applicant  
Roberto Funes, Youth Applicant  
Gail-Jean Padilla

Parks and Recreation Commission:  
Lesley Wiscomb  
Nicolas Ferrara  
Nichol Clark

Rental Housing Mediation Task Force  
Lynn E. Goebel  
Daniel Herlinger

By consensus, the Council continued the interviews to November 12, 2013, at 4:00 p.m. (estimated time).

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

There were no reports.

### **RECESS**

Mayor Pro Tempore Rowse recessed the meeting at 6:51 p.m. in order for the Council to reconvene in closed session for Item Nos. 16, 17 and 18.

## CLOSED SESSIONS

### 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. Pending litigation considered is: *Sheri Markley v. City of Santa Barbara*, WCAB case number ADJ7009222.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

October 29, 2013, report from the Finance Director.

Time:

6:51 p.m. – 6:53 p.m. Mayor Schneider was absent.

No report made.

### 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. Pending litigation considered is: *Alvin Jerome James v. City of Santa Barbara*, WCAB case numbers ADJ7481425.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

October 29, 2013, report from the Finance Director.

Time:

6:53 p.m. – 6:55 p.m. Mayor Schneider was absent.

No report made.

**CLOSED SESSIONS (CONT'D)**

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Santa Barbara Patients' Collective Health Cooperative v. City of Santa Barbara, et al.*, USDC Case No. CV10-6534 DDP(RCx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

October 29, 2013, report from the City Attorney.

Time:

6:55 p.m. – 7:03 p.m. Mayor Schneider was absent.

No report made.

**ADJOURNMENT**

Mayor Pro Tempore Rowse adjourned the meeting at 6:51 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

\_\_\_\_\_  
RANDY ROWSE  
MAYOR PRO TEMPORE

ATTEST: \_\_\_\_\_  
DEBORAH L. APPLGATE  
DEPUTY CITY CLERK