



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING September 30, 2014 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 and Ordinance Committee which ordinarily meet at 12:30 p.m. did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

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

Councilmembers absent: None.

Staff present: Acting City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Deborah L. Applegate.

### PUBLIC COMMENT

Speakers: Phil Walker, Cruzito Herrera Cruz, Ethan Shenkman.

### CONSENT CALENDAR (Item Nos. 1 – 9)

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

#### Motion:

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

#### Vote:

Unanimous roll call vote.

**1. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meetings of September 9, 2014, and September 16, 2014.

Action: Approved the recommendation.

**2. Subject: Adoption Of Ordinance For Amendment To Mercury Air Center - Santa Barbara, Inc. Fuel Storage Facility Lease (330.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute an Amendment of Agreement No. 19,528, Dated April 15, 1999, Between Mercury Air Center - Santa Barbara, Inc. dba Atlantic Aviation, a California Corporation, and the City of Santa Barbara for Operation of a Fuel Storage Facility, Amending Article V, "Rent" (B)(1) and (2) to Allow for the Collection of Fuel Flowage Fees for Fuel Dispensed to the Commercial Air Carriers at the Santa Barbara Airport.

Action: Approved the recommendation; Ordinance No. 5668; Agreement No. 19,528.1.

**3. Subject: Adoption Of Ordinance For Amendment To Signature Flight Support Corporation Fuel Storage Facility Lease (330.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute an Amendment of Agreement No. 18,538, Dated March 14, 1997, Between Signature Flight Support Corporation, a Delaware Corporation, and the City of Santa Barbara for Operation of a Fuel Storage Facility, Amending Article IV, "Rent" (B)(1) and (D) to Allow for the Collection of Fuel Flowage Fees for Fuel Dispensed to the Commercial Air Carriers at the Santa Barbara Airport.

Action: Approved the recommendation; Ordinance No. 5669; Agreement No. 18,538.1

**4. Subject: Adoption Of Ordinance For Assignment And Amendment To Power Purchase Agreement For Cogeneration Project (540.13)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a First Amendment to the Power Purchase Agreement (City Agreement No. 23,630) Between the City of Santa Barbara and California Power Partners, Inc., to Extend the Term of the Agreement to July 1, 2024, and Further Clarify Section 8.4 of the Agreement; and Authorize the City Administrator to Consent to the Assignment of Agreement No. 23,630, as Amended, from California Power Partners, Inc., to California Power Partners Santa Barbara, LLC.

(Cont'd)

**4. (Cont'd)**

Action: Approved the recommendation; Ordinance No. 5670; Agreement No. 23,630.1.

**5. Subject: August 2014 Investment Report (260.02)**

Recommendation: That Council accept the August 2014 Investment Report.

Action: Approved the recommendation (September 30, 2014, report from the Finance Director).

**6. Subject: Fiscal Year 2015 Interim Financial Statements For The One Month Ended July 31, 2014 (250.02)**

Recommendation: That Council Accept the Fiscal Year 2015 Interim Financial Statements for the One Month Ended July 31, 2014.

Action: Approved the recommendation (September 30, 2014, report from the Finance Director).

**7. Subject: Appropriation Of Grant Funds For Wildlife Hazard Assessment And Hazard Management Plan Update (560.09)**

Recommendation: That Council increase appropriations and estimated revenue by \$138,307 in the Airport's Grants Fund for a Wildlife Hazard Assessment and Wildlife Hazard Management Plan Update, to be funded from Federal Aviation Administration Airport Improvement Program (AIP) Grant No. 03-06-0235-48 in the amount of \$125,389, coupled with the City's 9.34% match of \$12,918 to be funded from Airport Capital Fund.

Action: Approved the recommendation (September 30, 2014, report from the Airport Director).

**8. Subject: Contract For Construction Of The Highway Safety Improvement Program De La Vina At Arrellaga Traffic Signal Project (530.05)**

Recommendation: That Council:

- A. Award a contract with Lee Wilson Electric Co., Inc., in their low bid amount of \$83,065 for construction of the Highway Safety Improvement Program De La Vina at Arrellaga Traffic Signal Project, Bid No. 3718; and authorize the Public Works Director to execute the contract and approve expenditures up to \$8,307 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and

(Cont'd)

**8. (Cont'd)**

- B. Increase appropriations and estimated revenues related to the Highway Safety Improvement Program grant funding by \$141,430 in the Fiscal Year 2015 Streets Capital Fund to cover the cost of construction for the De La Vina at Arrellaga Traffic Signal Project.

Action: Approved the recommendations; Agreement No. 24,993 (September 30, 2014, report from the Public Works Director).

NOTICES

9. The City Clerk has on Thursday, September 25, 2014, 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**

FINANCE DEPARTMENT

- 10. Subject: Public Meeting On The Proposed Renewal Of Santa Barbara South Coast Tourism Business Improvement District (290.01)**

Recommendation: That Council hold a public meeting to hear comments from the public on the proposed renewal of the Santa Barbara South Coast Tourism Business Improvement District.

Councilmember White stated that he would recuse himself from this item due to a potential conflict of interest related to his ownership of property located within the Santa Barbara South Coast Tourism Business Improvement District.

Councilmember White left the meeting at 2:10 p.m. and returned at 2:53 p.m.

Documents:

- September 30, 2014, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

**10. (Cont'd)**

Speakers:

- Staff: Treasury Manager Genie Wilson
- Visit Santa Barbara: Kathy Janegas-Dykes, President/CEO.
- Members of the Public: Matthew La Vine, The Fess Parker Double Tree Inn; Tom Patton, Ramada Inn; Andrew Firestone; Paul Bullock, General Manager of the Eagle Inn; De Ett Thompson, vacation rental owner; Karen Earp, General Manager of the Four Seasons Biltmore Resort; Kay Morter, Manager/Director of the *Santa Barbara Hotel Group*; Richard Yates, Opal Restaurant and Bar; James Fenkner; Michael Cohen, Santa Barbara Adventure Company; Thoedora Stephan, Global Gardens; Ethan Shenkman.

Action: Councilmembers received the presentation and their questions were answered.

PUBLIC WORKS DEPARTMENT

**11. Subject: Planned Public Outreach For Cliff Drive Traffic Safety Improvements Project (530.05)**

Recommendation: That Council approve the proposed community engagement process for traffic safety improvements on Cliff Drive.

Documents:

- September 30, 2014, report from the Finance Director.
- PowerPoint Presentation prepared and made by staff.

Speakers:

Staff: Supervising Transportation Engineer Derrick Bailey.

Motion:

Councilmembers Murillo/Rowse to approve the recommendation.

Vote:

Unanimous voice vote.

**PUBLIC HEARINGS**

**12. Subject: Appeal Of Single Family Design Board Approvals For 215 La Jolla Drive Residence (640.07)**

Recommendation: That Council deny the appeal of Marc Chytilo, agent on behalf of Ms. Rhonda Seiter, and uphold the decision of the Single Family Design Board to grant Project Design Approval and Final Approval with findings for proposed additions to an existing single family residence.

**12. (Cont'd)**

Documents:

- September 30, 2014, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- September 19, 2014, letter from Derek A. Westin.
- September 24, 2014, letter from James R. Seiter.
- September 24, 2014, letter from Jane Ricketts.
- September 24, 2014, letter from Paul Delaney.
- September 24, 2014, letter from Robyn Palmquist.
- September 24, 2014, letter from Pam Houston.
- September 24, 2014, letter from Barbara Thorburn.
- September 24, 2014, letter from Bran Javis.
- September 24, 2014, letter from Frank E. Wascoe.
- September 24, 2014, letter from Susan E. Shank.
- September 24, 2014, letter from Keith A. Lawler.
- September 24, 2014, letter from David Greene.
- September 24, 2014, letter from Nancy Sousa.
- September 24, 2014, letter from Philip Palmquist.
- September 24, 2014, letter from Dianne Delaney.
- September 24, 2014, letter from Jeri Wascoe.
- September 24, 2014, letter from Jenny Slaughter.
- September 24, 2014, letter from Alan Peddicord.
- September 24, 2014, letter from Rhonda Seiter.
- September 25, 2014, letter from Frank and Jeri Wascoe.
- September 29, 2014, letter from Chris Kent.
- September 29, 2014, letter from Patricia Craddock.
- September 29, 2014, packet from Rhonda Seiter.
- September 30, 2014, emails from Berni Bernstein.
- September 30, 2014, letter from Keith Lawler.
- September 31, 2014, packets (3) from Frank Bucy.

Public Comment Opened:

5:01 p.m.

Speakers:

- Staff: Senior Planner II Jaime Limon,
- Single Family Design Board: Chair Fred Sweeney; Member Bernie Bernstein.
- Appellant: Marc Chytilo, attorney on behalf of Rhonda Seiter.
- Applicant: David Van Hoy, AIA; Derek Westin, attorney on behalf of Frank Bucy.

## 12. (Cont'd)

### Speakers:

- Members of the Public: Judith Long; Felicia Erickson; John Malengo; Gloria Hepp; Joan Tomeo; Anthony Craddock; Robyn Palmquist; Cathie Mc Cammon, La Mesa Neighborhood Association; Phil Palmquist; Lesley Wiscomb; Mike Jordan; Roger Dickson; Fred Hopp; Joe Rution; Trevor J. Martinson; Marlene and Frank Bucy; Rhonda Seiter.

Public Comment Closed:  
5:25 p.m.

### Motion:

Councilmembers Hart/Hotchkiss to deny the appeal, thereby upholding the Single Family Design Board's Approval, and requesting that the Single Family Design Board work with the Applicant on trimming the tree on the Applicant's property to allow for a better view for the Appellant. The Council directed the City Attorney to draft a Resolution of Findings and return to Council for approval.

### Vote:

Unanimous voice vote.

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

### Information:

- Councilmember Murillo reported on her attendance at the following events: 1) Collation Against Gun Violence, A Santa Barbara County Coalition meeting; 2) American Civil Liberties Union, Santa Barbara (ACLU-SB) Annual Garden Party; 3) Santa Barbara Youth Council meeting; 4) Central Coast Alliance United for a Sustainable Economy (CAUSE) lunch; 5) Casa Esperanza Homeless Center, visit as part of her participation on the Milpas Action Task Force; 6) Coalition For Sustainable Transportation (COAST) meeting; and 7) Santa Barbara Parks and Recreation Commission meeting.
- Councilmember Hart reported on his attendance at the following events: 1) Police and Fire Commission meeting; 2) Coalition For Sustainable Transportation (COAST) meeting; 3) Community Environmental Council Green Gala; and 4) the Santa Barbara Beautiful Awards.
- Councilmember Hotchkiss commented his attendance at the Airport Commission meeting.
- Councilmember White reported on his presentation of the City's first of eight public meetings focusing on the City's current infrastructure and future needs.
- Councilmember Rowse reported on his attendance at the Downtown Organization's Safety Committee meeting.
- Mayor Schneider reported on her attendance at The United States Conference of Mayors.

## RECESS

The Mayor recessed the meeting at 6:04 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 13 and 14, and she stated that no reportable action is anticipated.

## CLOSED SESSIONS

### 13. Subject: Conference With Real Property Negotiators (330.03)

Recommendation: That Council hold a closed session pursuant to Government Code Section 54956.8 regarding the renewal of a lease.

**Real Property:** Westside Boys and Girls Club, 602 West Anapamu Street in the City of Santa Barbara.

**City Negotiators:** Paul Casey, Assistant City Administrator; Nancy L. Rapp, Parks and Recreation Director; Ariel Calonne, City Attorney; Scott Vincent, Assistant City Attorney.

**Negotiating Parties:** United Boys and Girls Clubs of Santa Barbara County.

**Under Negotiation:** Price and terms of payment, including lease term.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

September 30, 2014, report from the Parks and Recreation Director.

Time:

6:05 p.m. – 6:28 p.m.

No report made.

### 14. Subject: Conference With City Attorney - 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 *Frank Banales, Sebastian Aldana Jr., Jacqueline Inda, Cruzito Herrera Cruz, and Benjamin Cheverez, v. City of Santa Barbara, et al.*, SBSC Case No.1468167.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)



**14. (Cont'd)**

Documents:

September 30, 2014, report from the City Attorney.

Time:

6:28 p.m. – 6:45 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:45 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

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