

**CITY OF SANTA BARBARA
CITY COUNCIL**

Helene Schneider
Mayor
Cathy Murillo
Mayor Pro Tempore
Randy Rowse
Ordinance Committee Chair
Dale Francisco
Finance Committee Chair
Gregg Hart
Frank Hotchkiss
Bendy White



Paul Casey
Acting City Administrator

Ariel Pierre Calonne
City Attorney

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**OCTOBER 14, 2014
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

- 1. Subject: Proclamation Declaring October 16, 2014 As The Forge 100 Year Anniversary (120.04)**
- 2. Subject: Proclamation Declaring October 2014 As National Community Planning Month (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

- 3. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the special meeting of September 29, 2014, and the regular meeting of September 30, 2014.

- 4. Subject: Central Coast Collaborative On Homelessness (C3H) Memorandum Of Understanding (660.04)**

Recommendation: That Council authorize the Acting City Administrator to execute a Memorandum of Understanding with the Northern Santa Barbara County United Way for the Central Coast Collaborative on Homelessness (C3H) effort.

CONSENT CALENDAR (CONT'D)

5. Subject: Contract For Construction Of The Fleet Operations Building Renovation Project (320.01)

Recommendation: That Council award a contract for construction of the Fleet Operations Building Renovation Project, Bid No. 5348, with EJS Construction, Inc., in their low bid amount of \$525,000, and authorize the Public Works Director to execute the contract and approve expenditures up to \$52,500 to cover any cost increases that may result from contract change orders for extra work.

6. Subject: Contract For Construction Of Santa Barbara Police Department Vehicle Access Security Gate Project (700.08)

Recommendation: That Council award a contract with GLR Construction, Inc., in their low bid amount of \$315,789 for construction of the Santa Barbara Police Department Vehicle Access Security Gate Project, Bid No. 5346; and authorize the Public Works Director to execute the contract and approve expenditures of up to \$11,000 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.

7. Subject: Contract For Preparation Of The New Zoning Ordinance (NZO) (640.09)

Recommendation: That Council authorize the Community Development Director to execute a City Professional Services Agreement with Dyett & Bhatia, Urban and Regional Planners, in an amount not to exceed \$199,910, for planning consultant services to prepare the City's new Zoning Ordinance.

8. Subject: Acquisition Of Police Forensic Software Upgrade (520.04)

Recommendation: That Council:

- A. Appropriate \$5,085 in the Fiscal Year 2014 Police Department Police Asset Forfeiture and Miscellaneous Grants Fund from available reserves for the purchase of an upgrade for the Cellebrite UFED Mobile Examination Workstation; and
- B. Find it in the City's best interest to waive the formal bid process as authorized in Municipal Code Section 4.52.080(k) and authorize the City's General Services Manager to issue a sole source purchase order to Cellebrite for an upgrade to the Cellebrite workstation.

CONSENT CALENDAR (CONT'D)

9. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 3435 Marina Drive (640.07)

Recommendation: That Council:

- A. Set the date of November 18, 2014, at 2:00 p.m. for hearing the appeal filed by Mike Moore, et al., of the Planning Commission approval for property owned by Charles Rudd and located at 3435 Marina Drive, Assessor's Parcel No. 047-022-005, A-1/SD-3 (One-Family Residence/Coastal Overlay) Zones, General Plan/Local Coastal Plan Designation: Residential, 1 Unit per Acre. The project consists of the construction of a new two-story single-family residence of approximately 5,990 square feet, a 440 square-foot attached garage, and associated improvements on a vacant lot of 48,787 net square feet. The discretionary application required for the project is a Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone; and
- B. Set the date of November 17, 2014, at 1:30 p.m. for a site visit to the property located at 3435 Marina Drive.

NOTICES

10. The City Clerk has on Thursday, October 9, 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 concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

11. Subject: Stage Two Drought Update (540.05)

Recommendation: That Council receive an update on the status of the current drought.

PUBLIC HEARINGS

12. Subject: Appeal Of Historic Landmarks Commission Conditional Approvals Of An As-Built Mural Located At 901 Chapala Street (640.07)

Recommendation: That Council deny the appeal of Juan Jimenez, co-owner of Cajun Kitchen restaurant, and uphold the decision of the Historic Landmarks Commission to approve an as-built art mural for a temporary period of one year.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

13. Subject: Conference With City Attorney - Pending Litigation (160.03)

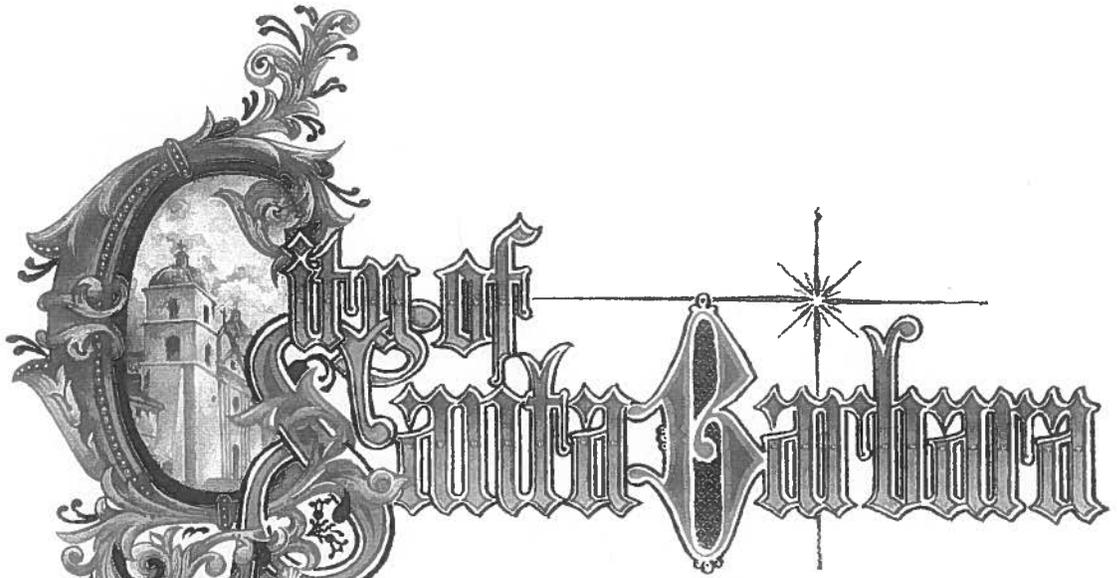
Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Lawrence Grassini, Sharon Grassini, and Mark Schwartz, v. California Department of Transportation; City of Santa Barbara, et al. Real Parties in Interest*, SBSC Case No.1468955.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

ADJOURNMENT



**THE FORGE DAY
100 YEAR ANNIVERSARY
October 16, 2014**

WHEREAS, Santa Barbara High School was founded in 1875, establishing itself as the first high school in Santa Barbara County and the third oldest in the State of California; and

WHEREAS, the proud legacy of the Santa Barbara High School Dons includes many notable alumnae contributors in the fields of academics, the arts, finance, science and athletics; and

WHEREAS, the first school newspaper published on the Santa Barbara High School campus was created by a student journalist named John Northrop, later of aviation fame, and was known as the Fly-Lea, which continued until Northrop's graduation in 1913; and

WHEREAS, The Forge was established in October of 1914, becoming a charter member of the National Scholastic Press Association and has since been repeatedly recognized by state and national organizations as a quality publication; and

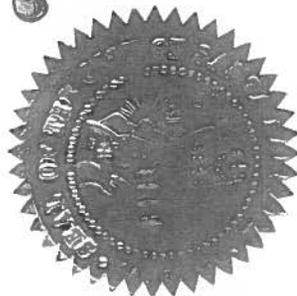
WHEREAS, this month marks the 100 Year Anniversary of continuous publication of The Forge, and the completed work of the 100th staff and their challenge to the 101st staff to begin the second century of quality journalism and reporting.

NOW THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim October 16th, 2014 as Santa Barbara High School Newspaper The Forge Day, and express the appreciation and pride that the City of Santa Barbara has for Santa Barbara High School, its students, alumni and staff past and present, and future wishes for this fine institution.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 16th day of October 2014.


HELENE SCHNEIDER

Mayor



OCT 14 2014 #1

120.04



**NATIONAL COMMUNITY PLANNING MONTH
GREAT PLACES IN AMERICA PROGRAM
GREAT STREET DESIGNATION TO STATE STREET
October 14, 2014**

WHEREAS, *The American Planning Association (APA) and its professional institute, the American Institute of Certified Planners, celebrate places, neighborhoods and streets of exemplary character, quality and planning each October during National Community Planning Month; and*

WHEREAS, *the Great Places program recognizes the many valuable contributions made by professional planners, elected and appointed leaders, business representatives, citizens and others to Santa Barbara; and*

WHEREAS, *Great Places demonstrates better choices for where and how people work and live and are places where people want to be – not only to visit, but to live and work every day; and*

WHEREAS, *Great Places create a visual experience by incorporating a mix of interesting activities by being mindful of building design itself and balancing the needs of different users; the place may enhance or create a more livable community; the place reflects the culture and history of its community; and*

WHEREAS, *selected Great Places represent the gold standard in terms of having a true sense of place, cultural and historical interest, community involvement and a vision for tomorrow – and most importantly a legacy of planning, and APA designated State Street from Stearns Wharf to Sola Street as a GREAT STREET.*

NOW THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim the month of **October 2014** as **NATIONAL COMMUNITY PLANNING MONTH** and express our gratitude to APA in designating **STATE STREET AS A GREAT STREET.**

IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 14th day of October 2014.

HELENE SCHNEIDER
Mayor





CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING September 29, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Murillo called the meeting to order at 1:45 p.m.

ROLL CALL

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

Councilmembers absent: Mayor Schneider.

Staff present: Acting City Administrator Paul Casey, City Attorney Ariel Pierre Calonne.

PUBLIC COMMENT

No one wished to speak.

NOTICES

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.

SITE VISIT

Subject: 215 La Jolla Drive

Recommendation: That Council make a site visit to the property located at 215 La Jolla Drive, which is the subject of an appeal hearing scheduled for September 31, 2014, at 2:00 p.m.

Documents:

- Photographs and report of proposed project site, submitted by Appellant.
- Photographs and report of proposed project site, submitted by Applicant.

Subject: 215 La Jolla Drive (Cont'd)

Discussion:

Staff led the Council on a walk around the subject property and provided an overview of the proposed project plans and key appeal issues.

ADJOURNMENT

Mayor Pro Tempore Murillo adjourned the meeting at 2:20 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

CATHY MURILLO
MAYOR PRO TEMPORE

ATTEST:

DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 30, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

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

ATTEST:

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 14, 2014

TO: Mayor and Councilmembers

FROM: Administration, Housing and Human Services Division, Community Development Department

SUBJECT: Central Coast Collaborative On Homelessness (C3H) Memorandum Of Understanding

RECOMMENDATION:

That Council authorize the Acting City Administrator to execute a Memorandum of Understanding with the Northern Santa Barbara County United Way for the Central Coast Collaborative on Homelessness (C3H) effort.

DISCUSSION:

Central Coast Collaborative on Homelessness (C3H) has been in operation since October 2012, and this is the third annual Memorandum of Understanding (MOU) between the fiscal agency, Northern Santa Barbara County United Way, and the sponsor entities. The sponsors contribute funding to support the structure of C3H for the purpose of collaborating and sharing resources in order to: prevent homelessness; support the expansion of housing for the homeless; build a results and data driven culture; elevate community dialog, support and collaboration regarding homelessness; and encourage commitment to self-sufficiency. Council authorized an increased City of Santa Barbara contribution for Fiscal Year 2015 from \$75,000 to \$91,232.

Fiscal Year 2015 sponsors include:

○ City of Santa Barbara	\$91,232
○ County of Santa Barbara	\$90,000
○ Cottage Hospital	\$75,000
○ Housing Authority of the City of Santa Barbara	\$25,000
○ City of Santa Maria	\$12,000
○ Housing Authority of the County of Santa Barbara	\$5,000
○ City of Goleta	\$3,500
○ City of Carpinteria	\$1,229
○ <u>City of Buellton</u>	<u>\$491</u>
	\$303,452

Significant accomplishments made by C3H during the past year include:

- **Coordination of Point in Time Count (PIT)** and expansion to include **Vulnerability Index and Service Prioritization Decision Assistance Tool (VI-SPDAT)** - All communities that receive Federal Continuum of Care grant funds are required to conduct a PIT Count every two years. This consists of a physical count of homeless people encountered county-wide during a pre-determined set of days in late January. The County of Santa Barbara has historically organized and reported the count. During the 2011 and 2013 counts, the survey was expanded to include a Vulnerability Index (VI), and beginning in 2013, C3H began coordinating the effort. The VI tool helped the community determine individuals' and families' health needs and rank order the most vulnerable at risk of dying prematurely due to health conditions. After the 2011 count, a Housing Placement Group was formed to begin housing those at the top of the vulnerability list. The PIT Count scheduled for January 28 and 29, 2015 will utilize the VI-SPDAT, which takes the VI to a new level and assists providers in quickly assessing the health and social needs of homeless persons. One of the advantages of the VI-SPDAT is that providers will have a much better idea of who is homeless and which support and housing interventions are most appropriate for each individual. In addition to coordinating the 2015 PIT Count, C3H is planning to utilize the volunteers (over 600 in 2013) to form regional coordination committees that can work year round to end homelessness.
- **Tracking housing placements** – C3H has been tracking housing placements county-wide since May 2013. Since that time a total of 444 placements have been made totaling 695 individuals. Of these, 206 were vulnerable individuals per the VI, 98 were Veterans and 193 were children.
- **Milpas Outreach Program (MOP)** – C3H worked with the Milpas Action Task Force to form an outreach pilot program that housed 5 of the most vulnerable and/or nuisance-causing individuals on Milpas Street, which were identified by merchants and the Restorative Policing Program. The pilot officially ended on July 31, 2014, but it is going to continue due to its phenomenal success. The MOP team includes two business representatives from the Milpas Community Association, County Alcohol, Drug and Mental Health (ADMHS), Veteran's Administration, shelter providers and Mental Wellness Center, among others. Now that this group is up and running, C3H plans to duplicate efforts elsewhere in the County.
- **Continuum of Care (COC)** - C3H agreed to serve as the Continuum of Care for the County, which is designed to promote community-wide planning and strategic use of resources and programs targeted to people experiencing homelessness; improve data collection and performance measurements; and allow each community to tailor its Program to the particular strengths and challenges within that community. In this role, the COC will be responsible for evaluating and ranking proposals for HUD funding such as Continuum of Care and Emergency Solutions grants.

- **C3H Sponsors** – The Fiscal Year 2015 C3H budget includes the addition of sponsors from five entities: City of Carpinteria, City of Buellton, City of Goleta, County of Santa Barbara Housing Authority and Cottage Hospital. Ongoing secure funding from each sponsor entity is vital in order to support the backbone structure of C3H.

BUDGET/FINANCIAL INFORMATION:

City funds for this effort were authorized as part of the City's Fiscal Year 2015 budget and staff is recommending that Council formally commit the funds and approve the Memorandum of Understanding with the Northern Santa Barbara County United Way.

A copy of the Memorandum of Understanding is available in the City Clerk's office for public review.

PREPARED BY: Sue Gray, Community Development Business Manager

SUBMITTED BY: George R. Buell, Community Development Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 14, 2014

TO: Mayor and Councilmembers

FROM: Facilities Division, Public Works Department

SUBJECT: Contract For Construction Of The Fleet Operations Building Renovation Project

RECOMMENDATION:

That Council award a contract for construction of the Fleet Operations Building Renovation Project, Bid No. 5348, with EJS Construction, Inc., in their low bid amount of \$525,000, and authorize the Public Works Director to execute the contract and approve expenditures up to \$52,500 to cover any cost increases that may result from contract change orders for extra work.

DISCUSSION:

PROJECT BACKGROUND AND DESCRIPTION

In 2012, Kruger Bensen Ziemer Architects, Inc. (KBZ), was awarded a contract for the conceptual design for the renovation of the Fleet building's tire and parts storage areas. The goal was to create a new Fleet service counter and lobby, new offices, and a larger parts storage area. In January 2014, KBZ completed the final design documents. In June 2014, a building permit for the Fleet Operations Building Renovation Project at 635 Laguna Street was issued.

Construction work shall consist of an interior remodel to convert three existing vehicle maintenance bays of approximately 2,690 square feet into new office and storage. The exterior alterations include removal of the existing overhead sectional doors and replacement with new doors and windows, and the addition of approximately 10 new site parking spaces, including accessible parking, loading aisles and pathways.

CONTRACT BIDS

A total of two bids were received for the subject work, ranging as follows:

BIDDER	BID AMOUNT
1. EJS Construction, Inc. Carpinteria, CA	\$525,000.00
2. Ardalan Construction Company, Inc. Thousand Oaks, CA	\$677,000.00

The low bid of \$525,000, submitted by EJS Construction, Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications. The change order funding recommendation of \$52,500, or 10 percent, is typical for this type of work and size of project.

BUDGET/FINANCIAL INFORMATION:

Funding for the construction phase of this Project was included in the Fiscal Year 2015 adopted budget in the Fleet Management Fund. The following summarizes the expenditures recommended in this report.

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract	\$525,000	\$52,500	\$577,500
TOTAL RECOMMENDED AUTHORIZATION			\$577,500

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Design (by Contract)	\$30,350
Subtotal	\$30,350
Construction Contract	\$525,000
Construction Change Order Allowance	52,500
Subtotal	\$577,500
Construction Management/Inspection (by City Staff)	\$15,946
Subtotal	\$15,946
TOTAL PROJECT COST	\$623,796

PREPARED BY: Jim Dewey, Facilities and Energy Manager/BJK/mh
SUBMITTED BY: Rebecca J. Bjork, Public Works Director
APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 14, 2014

TO: Mayor and Councilmembers

FROM: Facilities Division, Public Works Department

SUBJECT: Contract For Construction Of Santa Barbara Police Department Vehicle Access Security Gate Project

RECOMMENDATION:

That Council award a contract with GLR Construction, Inc., in their low bid amount of \$315,789 for construction of the Santa Barbara Police Department Vehicle Access Security Gate Project, Bid No. 5346; and authorize the Public Works Director to execute the contract and approve expenditures of up to \$11,000 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.

DISCUSSION:

The Santa Barbara Police Department (SBPD) has secured funds through a U.S. Homeland Security Grant, which is administered by Santa Barbara County, in the amount of \$215,000 for the SBPD Vehicle Access Security Gate Project (Project) for the SBPD Headquarters at 215 East Figueroa Street. The intention of adding new gates is to improve security and reduce casual access to the facility. In order to receive grant funds, the City must meet the requirement that the \$215,000 in grant funds be fully executed and the Project construction completed by April 2015.

On February 12, 2013, Council accepted and appropriated the \$215,000 grant from the County of Santa Barbara, and authorized the Chief of Police to execute an agreement with the County of Santa Barbara for the Project. On December 10, 2013, Council authorized a Professional Services Agreement with Krueger Bensen Ziemer Architects, in the amount of \$25,750, with \$2,575 available for extra services, for the final design of the Project at the SBPD. This design has since been completed, approved, and permitted by the City.

The construction phase of the Project consists of the installation of three mechanized vehicle ingress/egress gates and two locking pedestrian gates. Two of the vehicle ingress/egress gates will be located at the east and west Figueroa Street entrance/exit, and one vehicle access gate will be located at the Anapamu Street entrance/exit. There

Council Agenda Report

Contract For Construction Of Santa Barbara Police Department Vehicle Access Security Gate Project

October 14, 2014

Page 2

will be one pedestrian gate off Anapamu Street, as well as one pedestrian gate at the east entrance of Figueroa Street.

Staff has undergone a thorough process of selecting a contractor to complete the construction for this Project. The Project was advertised and competitively bid per the City's Purchasing Guidelines. Five separate construction contractors attended the bid walk, and although there was only a single official submittal, three contractors provided cost estimates which were used for comparison purposes. GLR Construction, Inc. (GLR), has provided proof of relevant experience with projects of this scope and scale. Additionally, the GLR bid was within 15 percent of the Independent Engineer's Cost Estimate, supplied by the architect. GLR's detailed cost breakdown is considered fair and reasonable and reflects construction cost breakdowns for similar projects.

FUNDING

The bulk of the Project is being funded by a U.S. Homeland Security Grant in the amount of \$215,000. An additional \$87,657 is being funded from existing appropriations established in Fiscal Year 2014 and carried over into Fiscal Year 2015 for the previous Police Department Gate Project account. The Police Department believes that the remaining \$68,257 can be absorbed into the Fiscal Year 2015 budget through anticipated salary savings from current vacant positions, which have yet to be filled.

However, the Police Department may seek an additional appropriation before the end of the fiscal year should the anticipated salary savings prove insufficient to cover this additional cost.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract	\$315,789	\$11,000	\$326,789
TOTAL RECOMMENDED AUTHORIZATION			\$326,789

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Design (by Contract)	\$28,325
City Staff Costs	\$10,000
Subtotal	\$38,325
Construction Contract	\$315,789
Construction Change Order Allowance	\$11,000
Subtotal	\$326,789
Construction Management/Inspection (by City Staff)	\$5,800
Subtotal	\$5,800
TOTAL PROJECT COST	\$370,914

PREPARED BY: Jim Dewey, Facilities and Energy Manager/MW/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 14, 2014

TO: Mayor and Councilmembers

FROM: Planning, Community Development

SUBJECT: Contract For Preparation Of The New Zoning Ordinance (NZO)

RECOMMENDATION:

That Council authorize the Community Development Director to execute a City Professional Services Agreement with Dyett & Bhatia, Urban and Regional Planners, in an amount not to exceed \$199,910, for planning consultant services to prepare the City's new Zoning Ordinance.

DISCUSSION:

A major update to The Zoning Ordinance, Santa Barbara Municipal Code, Title 28, was funded as part of the Capital Improvement Program from 2014 through 2016. A total of \$597,000 was allocated from the General Fund over three years with \$200,000 of this amount budgeted for consultant services.

Consultant services are needed for this important planning effort. The Zoning Ordinance is the primary tool used to implement General Plan policies and to regulate what is built on the ground and what uses occur in buildings and various sites.

The Zoning Ordinance was first adopted in 1957 with uses and standards dating back even longer. While many amendments have occurred over the years, it has not been comprehensively updated, and in many cases is difficult to interpret. This results in inconsistency, confusion and frustration on the part of all users that rely on The Zoning Ordinance for development. This project is for a comprehensive update that reflects current uses and practices in a user friendly format and that implements the direction of the General Plan.

The City's goal is that at the end of the NZO process the new code will be:

- Restructured, simple, and user friendly
- Modern and current (including uses, definitions, standards, graphics, tables, etc.)
- More flexible in administering the code with clarity in decision making protocols

- Aligned with historic interpretations but reflective of current best practices
- Responsive to nonconforming situations created in the past
- Responsive to community and decision makers input throughout the NZO public process

The NZO process is expected to address the following general topic areas:

- Definitions
- Uses
- Yards and setbacks
- Standards for nonconforming properties
- Allowed encroachments
- Defining additional administrative authority
- Accessory structures and garage standards
- Possible combining of zone classifications
- Evaluation of parking requirements and standards

Consultant Selection

In June of 2014, the City issued a Request for Proposal from consultant firms with experience in updating older zoning ordinances. Two very qualified firms submitted proposals. Both firms were interviewed by City staff and ranked based on qualifications, experience, and ability to perform the update. Dyett and Bhatia, Urban and Regional Planners, were selected as the firm to prepare the NZO. These consultants have extensive experience in preparing comprehensive zoning regulations for cities and counties in California and other areas. They are currently preparing zoning codes for the City of Goleta, Santa Monica, and Beverly Hills, amongst others.

Project Phases

The consultant's proposal to complete the NZO is to break down the project into major phases as outlined below and in agreement with the tasks and timeline shown on the attachment. The NZO will be developed through a public process including work with the NZO Joint Committee and various community/Planning Commission workshops.

Phase I – Diagnosis and Technical Analysis

Complete an analysis of background studies, including technical review of current regulations, comments from outreach to focus groups, and summary of issues to be addressed.

Phase II – Framework for New Zoning

Complete an analysis of issues and prepare an outline reflecting the framework for a new zoning code that implements the General Plan, and is easier to use and understand.

Phase III – Products and Public Process

Draft preliminary regulations to implement the General Plan and city policies and reflect current best practices, building on the technical revisions identified by City staff. Develop information for meetings to review the “modules” of preliminary regulations with City staff, the NZO Joint Committee and followed by joint community/Planning Commission workshops scheduled to provide feedback. Subsequently, prepare a public review draft for hearing and adoption.

Phase IV – Hearings and Adopted Ordinance

Prepare materials for Planning Commission, Ordinance Committee and Council hearings, as well as preparation of the adopted Zoning Ordinance.

The goal is for the NZO to be adopted by Council by the fall of 2016. See attachment.

Professional Services Agreement

Staff recommends that Council authorize an agreement for consultant services to develop the City’s new Zoning Ordinance in an amount not to exceed \$199,910.

A copy of the contract, including the scope of work, can be viewed at the City Clerk’s office, City Hall, 735 Anacapa Street, Santa Barbara.

BUDGET/FINANCIAL INFORMATION:

There are sufficient appropriated funds for this project in the City’s General Fund and through the Capital Improvement Program.

ATTACHMENT: Schedule, Santa Barbara New Zoning Ordinance

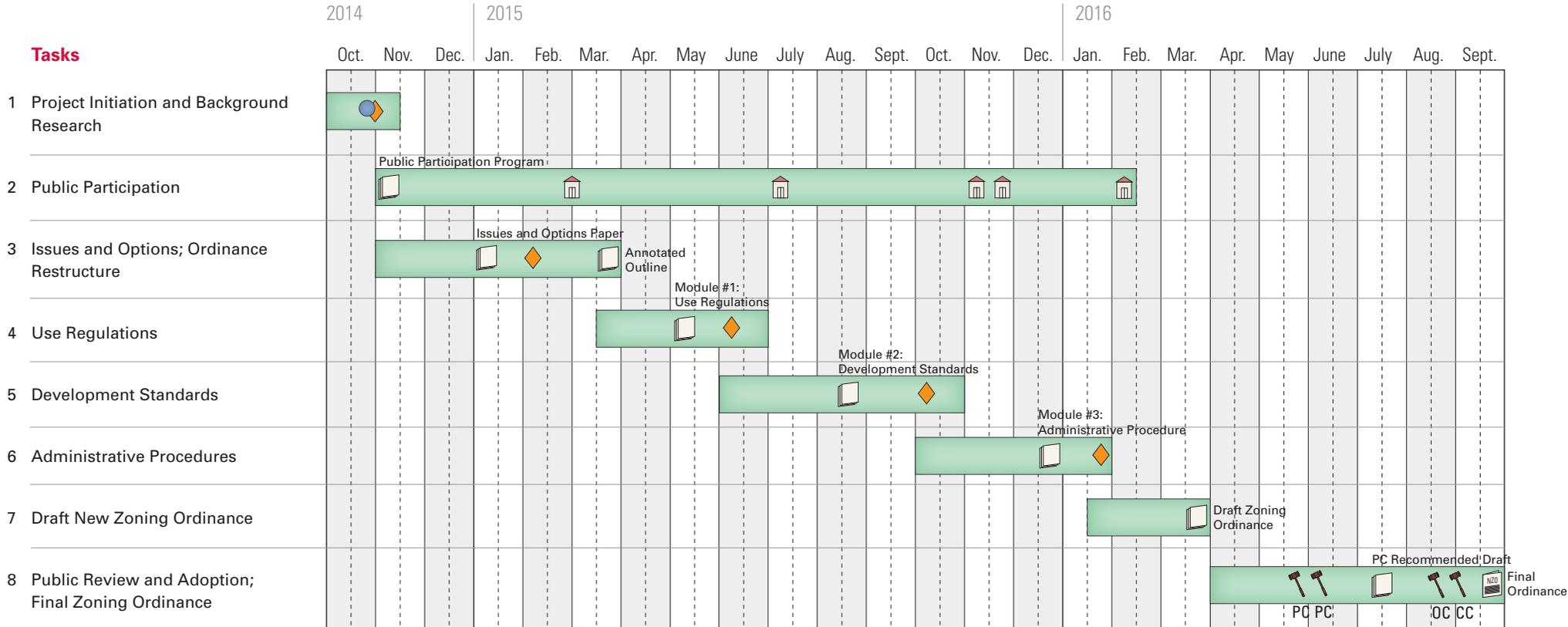
PREPARED BY: Beatriz E. Gularte, Project Planner

SUBMITTED BY: George R. Buell, Community Development Director

APPROVED BY: City Administrator's Office

Schedule

Santa Barbara New Zoning Ordinance



Consultant Effort



Interim Product



Final Product



Staff Meeting



NZO Joint Committee Meeting



Community Meeting/Workshops



Public Hearing

PC Planning Commission

OC Council Ordinance Committee

CC City Council



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 14, 2014

TO: Mayor and Councilmembers

FROM: Investigative Division, Police Department

SUBJECT: Acquisition Of Police Forensic Software Upgrade

RECOMMENDATION: That Council:

- A. Appropriate \$5,085 in the Fiscal Year 2014 Police Department Police Asset Forfeiture and Miscellaneous Grants Fund from available reserves for the purchase of an upgrade for the Cellebrite UFED Mobile Examination Workstation; and
- B. Find it in the City's best interest to waive the formal bid process as authorized in Municipal Code Section 4.52.080(k) and authorize the City's General Services Manager to issue a sole source purchase order to Cellebrite for an upgrade to the Cellebrite workstation.

DISCUSSION:

In 1998, the County of Santa Barbara adopted a resolution pursuant to California SB 720, which authorized the collection of a \$1.00 vehicle registration fee for vehicles registered to an address within Santa Barbara County. These funds, accounted for in the Police Asset Forfeiture and Miscellaneous Grants Fund, are restricted for programs that enhance the ability of local law enforcement agencies to secure fingerprint identification of individuals who may have been involved in a motor vehicle incident while driving under the influence, vehicular manslaughter, or other crimes while operating a motor vehicle such as texting while driving.

In July 2010, the Police Department purchased the original Cellebrite Classic UFED (Universal Forensic Evidence Device) Kit. This system was put in place to forensically examine electronic mobile devices booked as evidence in criminal cases. It allowed for the extraction of call logs, contact lists, text messages, photographs, etc. The system was upgraded in 2012 from the Cellebrite UFED Classic to the Cellebrite UFED "Ultimate". This software upgrade improved the ability for the examiner to break password locked devices and to also retrieve (in some devices) deleted data.

In October 2013, Cellebrite notified its licensed users that the system devices were not going to be supported as of October 2014 and were sending notice of their planned “end of life” for the system devices. Cellebrite suggested that the users “migrate to the next generation UFED 4PC System. Staff recommends the City take Cellebrite’s trade-in program offer and migrate to their new UFED 4PC Mobile Forensic technology.

BUDGET/FINANCIAL INFORMATION:

The purchase will be funded from available reserves generated from revenues received from vehicle registration fees for this purpose.

PREPARED BY: Alex Altavilla, Captain/LSP

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 14, 2014

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department
Planning Division, Community Development Department

SUBJECT: Stage Two Drought Update

RECOMMENDATION:

That Council receive an update on the status of the current drought.

DISCUSSION:

On February 11, 2014, Council declared a Stage One Drought and asked customers to reduce water use by 20 percent. Staff was requested to keep Council informed and report back monthly with a status update on the City's water supplies, conservation efforts, and current work efforts. On May 20, 2014, Council declared a Stage Two Drought in response to a continued water shortage forecasted for next year, and the slow responsiveness of the community to the need to reduce water usage by 20 percent. This report will cover the following items:

- *Water Supply Outlook*
- *Drought Response Capital Projects*
- *Conservation Efforts*
- *Potential Drought Development Resolutions*

The water supply outlook remains unchanged from the September 16, 2014 drought update presentation. There is no significant rain projected in the coming months, and staff continues to work on securing additional supplemental water, accelerate drought related capital projects, and sustain a strong message for extraordinary conservation. The most recent water conservation numbers for July and August show that the community is successfully meeting the 20 percent reduction in water use. Staff is hopeful that, with the current regulations (adopted May 20, 2014) and the drought water rates that went into effect on July 1, 2014, the community will continue to meet the reduction target.

Staff is moving forward with the design and construction of capital work to assist with water supply during the drought. This includes the acceleration of groundwater well replacements and projects that use poor quality groundwater in place of potable water for irrigation. This includes the Corporation Yard Well, the Vera Cruz Well, and the City Hall Well, which will augment the City's drinking water supplies; and the Valle Verde Well, which will be connected directly to the City's recycled water system.

Staff has increased the water conservation outreach program through an enhanced drought media campaign: additional targeted outreach, including increased weekly messaging through social media, online news outlets, and industry contacts; presentations to community and industry groups; additional printed materials with drought messaging; targeted utility bill messaging; drought signage at City facilities; and additional trainings and workshops.

Potential Drought Development Resolutions

Per the City's adopted Water Shortage Contingency Plan, Council should consider regulations on water use and suspension of permit approvals during Stage Two and Stage Three Drought Conditions. The City is currently in a Stage Two Drought Condition, with water use regulations in effect. Questions have been raised by staff, the public, and the local development community regarding potential restrictions/limitations that may be placed on permitting or construction of new development during the current drought conditions.

In preparation for continued dry conditions or worsening water supply outlook, the following is an initial discussion of the potential for regulatory actions that may become necessary with a Stage Three Drought Condition, as well as additional Stage Two drought restrictions to be considered now. The options were developed through discussions among the staff of the Water Resources Division, Planning Division, Building & Safety Division, and the City Attorney's Office. Staff believes that this is important to be considered in light of a number of factors, including the amount of net new water demand likely to be associated with new development, options for regulations, and effects on the local economy.

Water Demand from New Development

Development restrictions need to be considered in the context of how much water use could potentially be saved.

The General Plan Update process (2005-2011) included an assessment of planned growth over the 20-year planning period (2010-2030) for environmental review purposes. As identified in the *Plan Santa Barbara* Final Environmental Impact Report (FEIR), the growth assumptions analyzed for the period of 2010-2030 included approximately 2,800 new residential units and 2 million square feet of nonresidential development within City limits over the 20-year period. This additional growth was estimated to increase long-term citywide water demand by a cumulative total of 791

acre feet per year (AFY) to 14,791 AFY by the year 2030, which represents a 5.5-percent increase over existing normal year demand (14,300 AFY).

As part of the update of the of the City’s Long-Term Water Supply Plan (LTWSP), recommended in the FEIR, the Water Conservation Technical Analysis projected that new demand would be offset by the savings from updated plumbing codes and appliance standards, and additional cost effective conservation measures to be incorporated into the City’s Water Conservation Program. The effects of this projection on Gross Water Use (potable only) are shown in the Attachment.

Planning Division staff has reviewed completed construction projects in the City over the last ten years (as determined by issuance of a Certificate of Occupancy) and found that an average of 28 AFY of new water demand went online annually during the period of 2004 to 2013 (the range is from 8 to 55 AFY). This average represents annual increases equal to 0.24 percent of the annual drought supply projections of 11,440 AFY for the next three years (80 percent of normal year demand of 14,300 AFY). For the remaining three-year drought-planning period, the total estimated for new water demand from new development (assuming 28 AFY over three years) would be less than 0.75 percent of the annual supply projections.

For comparison purposes, the FEIR projected an average of 40 AFY of annual new water demand for in-city development (based on 140 new dwelling units and 100,000 square feet of new non-residential developments per year, per the *Plan Santa Barbara* growth assumptions noted above). This would represent higher estimated annual increases equal to 0.35 percent of the annual drought supply projections of 11,440 AFY, or an increase of about 1.05 percent over the next three years.

NET NEW WATER USE FROM DEVELOPMENT		
	Estimated (per Plan Santa Barbara FEIR)	Actual (average over last 10 years)
Acre Feet Per Year (AFY)	40 AFY	28 AFY
Annual Increase	0.35 percent	0.24 percent
percent of total Drought Water Supply (11,440 AFY) over next 3 years	1.05 percent	0.75 percent

As of July 2014, all of the pending (submitted, but not approved) and approved (approved, but no building permit issued) projects would result in 153.23 AFY of net new water use. These numbers represent projects in various stages of the process that have been submitted over many years. This information is provided for context – even if all of the projects currently in the pipeline were approved and built in the next year, it would represent just 1.3 percent of the annual drought water supply projection of 11,440 AFY (1.07 percent of normal year demand).

Development Restrictions

While the demand from new development is a very small portion of overall system demands, a drought emergency might warrant suspension of projects that would add any new demand to the system. During severe drought, extraordinary conservation is required of existing users, and demand from new development is a concern when existing customers are required to significantly cut back on water usage. This can also be a public perception issue with regard to the seriousness of the water shortage because all new demand adds to the problem, regardless of the amount. It is also important to balance the need for water conservation through possible restrictions on new development with a desire to not unduly impact an important sector of the local economy (e.g., contractors, architects) that have already been struggling for the past five years.

Relative to development restrictions, staff has considered actions that could be taken in a phased approach in response to drought conditions. There have been a number of inquiries and interest by applicants to defer landscaping installation. The current code requirements for landscaping are based on water conservation models; however, the concern is the water use needed for plant establishment, even when they are drought tolerant. The first phase would involve partial building permit suspension related to new swimming pools and landscaping installation.

Staff suggests that landscape installation regulations address the following: all landscaping versus only net new water use; possible exemptions for erosion control on slopes; public health and safety; hardscape and irrigation installation; and use of interim groundcovers that do not require watering, where appropriate. Procedures to administer the limitations and ensure eventual completion of the landscaping after the drought would be developed as well. In addition, this phase could also include suspension of new/expanded/reclassified water meter approvals for requests that do not require an approved City Building Permit.

A second phase of development restrictions could be more aggressive, with a building permit suspension for projects that involve an increase in water demand, compared to existing conditions. Net new water use would be determined by calculating water use for the existing development and subtracting water use for the proposed use. Water use would be calculated using the 2009 Water Demand Factors, and not based on existing or historical water use. For this phase, staff has also considered potential exemptions for those projects that would result in a minimal increase in water demand, or those projects deemed important (e.g., affordable housing, governmental functions). Some or all of these exemptions could be considered, depending on the need to limit new development. This phase would be considered if water supply conditions worsen.

There is no correct or perfect solution, and the severity of the drought at the time the permit suspension is considered will likely dictate the timing and approach of drought regulations restricting development that Council will want to consider. The drought, while currently severe, is likely a temporary situation, and looking at the City's water

supplies long term, there is enough water to serve the new development anticipated by the General Plan, as described above. Suspending new development has economic ramifications that vary based on when in the process the project must be halted. Staff believes that it is appropriate to consider a phased approach with various options. Staff suggests that Council provide input and direction to return within 90 days with the appropriate resolution or ordinance package to establish landscape installation regulations.

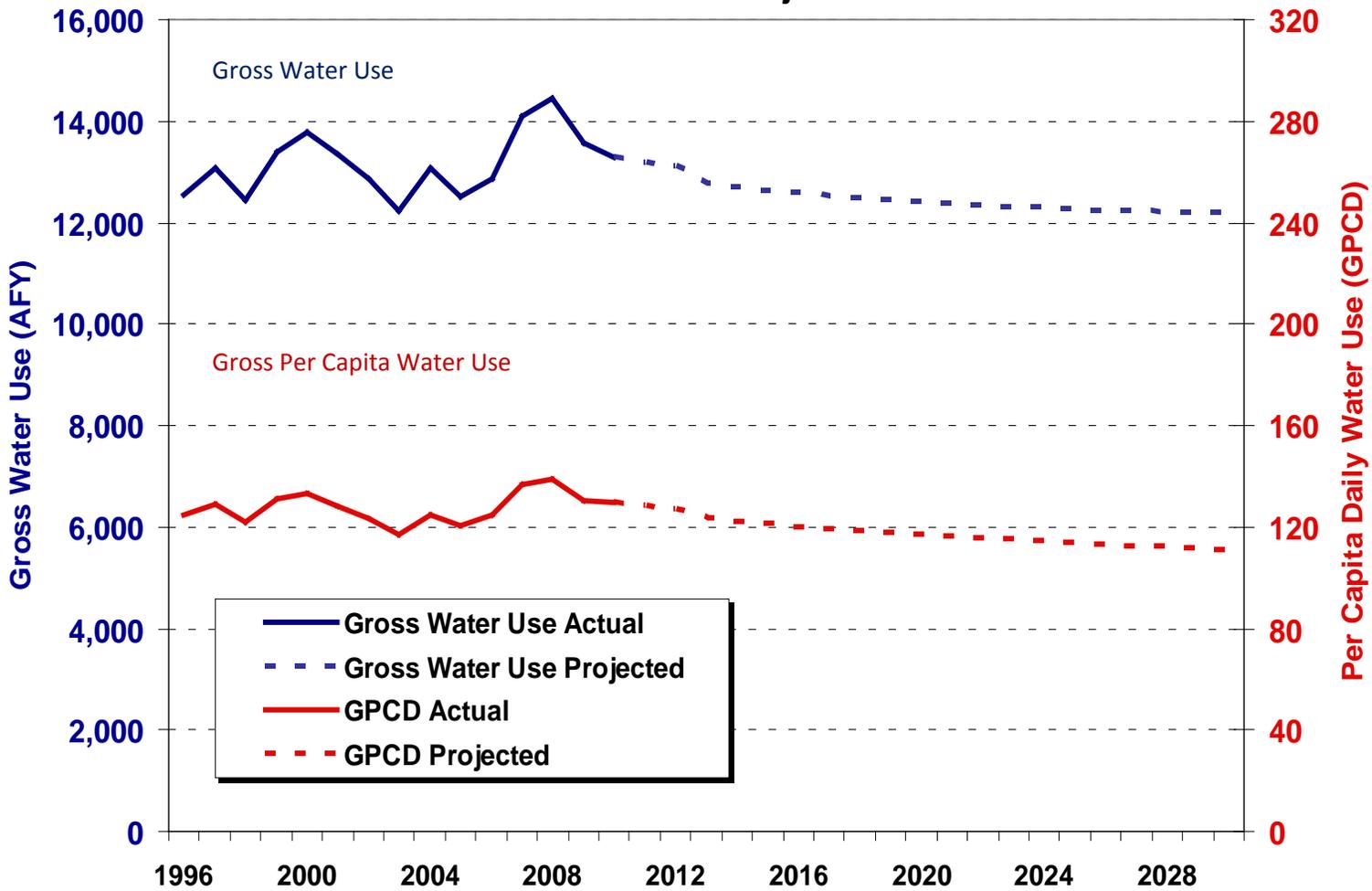
ATTACHMENT: Gross & Per Capita Water Use Chart

PREPARED BY: Joshua Haggmark, Water Resources Manager/JH/mh
Bettie Weiss, City Planner

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Gross Water Use & Per Capita Daily Water Use Actual and Projected





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 14, 2014

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Historic Landmarks Commission Conditional Approvals
Of An As-Built Mural Located At 901 Chapala Street

RECOMMENDATION:

That Council deny the appeal of Juan Jimenez, co-owner of Cajun Kitchen restaurant, and uphold the decision of the Historic Landmarks Commission to approve an as-built art mural for a temporary period of one year.

DISCUSSION:

Historic Landmarks Commission Review

On August 13, 2014, the Historic Landmarks Commission (HLC) granted Project and Final approvals for a mural on the northern wall of the Cajun Kitchen restaurant located at the corner of Chapala and West Canon Perdido Streets (Attachment 1). The approval of the as-built mural as a temporary art installation was found to be unacceptable as permanent art for the location within El Pueblo Viejo (EPV) Landmark District. The Commission voted 5/1 to approve the mural but conditioned for only one year. The appellant, restaurant business owner, Juan Jimenez, has filed an appeal of the temporary approval decision and condition for removal, with his letter dated August 21, 2014 (Attachment 2).

The HLC was opposed to allowing the as-built mural to permanently remain in its current design and cited several reasons why the mural could not be approved as painted. It was noted that, while it is appreciated as an expression of art, it is not an appropriate permanent improvement located within EPV. The Commission indicated that one method to gather support and get a mural installation approved is to go through the public art review process. One Commissioner indicated the mural was too close and not sensitive to the adjacent historic Hollister office building to the north.

In granting a one-year time limit, the Commission compared the art mural to the most recent mural approved on lower State Street as a temporary mural installed on the south elevation of the Hotel Indigo (Attachment 3). In contrast, that State Street art

mural was sponsored by the Museum of Contemporary Art as a temporary exhibit, by a nationally renowned artist, does not serve as advertisement for a business, and was reviewed by the Visual Art in Public Places Committee (VAPP).

Furthermore, the HLC commented that the proposed as-built “gatorboy” mural style which depicts a child riding an alligator while holding a coffee cup was painted by local artist Kirk Crashaw, is not in compliance with the EPV Guidelines, it is contemporary, not framed traditionally, appears more like a corporate logo symbol (therefore, it borders as signage), and is not an acceptable size. The HLC did not wish to set a precedent by supporting a permanent mural of this style within EPV (HLC Minutes, Attachment 4).

Appellant’s Position

The appellant states that the HLC’s decision to require removal of the mural “was inconsistent with some of the opinions and sentiments expressed in the HLC meeting”. The appellant also argues that the mural art was designed to be noticeable but he was unaware that City approvals were required. The mural is placed on a blank wall facing the parking lot and “doesn’t do any damage to the beauty of Santa Barbara’s El Pueblo Viejo District”.

Staff’s Position

Staff agrees with the HLC that the mural art does not follow EPV guidelines regarding public art that state that it “be compatible for its proposed location” and that the “artist look back to the art traditions developed in the late 18th and early 19th century in Alta California” (Attachment 5).

Staff is of the opinion that the painted “gatorboy” mural can be considered a logo sign advertisement that speaks more to the type of business that is being conducted within the building. The HLC does not typically accept or allow after-the-fact exterior alterations to buildings, especially if they believe the alterations are inconsistent with their EPV Design Guidelines. The HLC is placed in a difficult position when reviewing non-compliant as-built work which can often result in project denials and require applicants to remove unacceptable or inappropriate improvements. The HLC prefers to have some initial input on location, size and type of art exhibit that is proposed for permanent placement within EPV, especially if the art has not been vetted or reviewed by the Visual Art in Public Places (VAPP) committee.

There are other examples within EPV where temporary art exhibits have been approved by the HLC but with conditions that they be subsequently removed. Similarly, in this case, the compromise was to allow the mural to remain for a one-year period consistent with other temporary art exhibits previously approved in the district. The strict enforcement option would have been for the HLC to deny the mural and require that it be painted over immediately.

Finally, the business co-owner, Mr. Jimenez, and the artist claim they were unaware that HLC approvals were required for the painted mural which is usually an indicator that the art was created without consideration for compliance with local design guidelines.

RECOMMENDATION:

The HLC is concerned about creation of a precedent for allowing permanent murals and with possible proliferation of other murals if the subject mural is allowed to remain. Staff agrees with the HLC, and the HLC expressed specific reasons why this mural is not appropriate as a permanent alteration. Staff recommends that Council deny the appeal and uphold the Historic Landmarks Commission's decision to grant approvals for subject mural for a temporary period of one year.

- ATTACHMENT(S):**
1. Applicant's photo exhibits of as-built mural
 2. Appellant's letter, dated August 25, 2014
 3. Other example of temporary mural, 121 State St.
 4. HLC Minutes, August 13, 2014
 5. Excerpt from EPV Guidelines, page 43.

SUBMITTED BY: George Buell, Community Development Director

PREPARED BY: Jaime Limón, Senior Planner II

APPROVED BY: City Administrator's Office

Close-up
of
Gator Boy



Gator Boy
from ~~across~~
across the
parking lot



Gator Boy
from across the
parking lot
(w/ cars)





Side of
restaurant
taken from
sidewalk
of Canon
Perdido



Restaurant
taken from
across Chapala



Gator Boy
from sidewalk
on Chapala



Gator boy
from
across
Chapala



Neighbor
on
Chapala side



Neighbors
across
Canon Perdido

RECEIVED

Appealing decision by: Historic Landmarks Commission
Date of meeting: August 13, 2014

2014 AUG 25 AM 11:05

The Historic Landmarks Commission decided that the "as-built" mural on the existing Cajun Kitchen Café parking lot at 901 Chapala Street must be taken down within one year.

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

We are appealing the decision by the Historic Landmarks Commission on grounds that their decision was inconsistent with some of the opinions and sentiments expressed in the meeting on 8/13/2014. Also, we will argue that the mural in question is placed in a location that doesn't do any damage to the beauty of Santa Barbara's El Pueblo Viejo district, and in fact fits nicely into the local community.

Appellant:

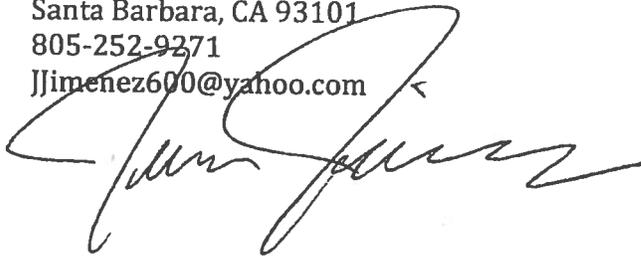
Juan Jimenez

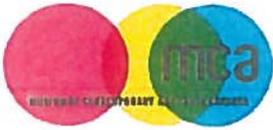
901 Chapala St.

Santa Barbara, CA 93101

805-252-9271

JJimenez600@yahoo.com





Proposed Elevation (south)

Before:



After:



RECEIVED
NOV 06 2013
CITY OF SANTA BARBARA
PLANNING DIVISION

HISTORIC LANDMARKS COMMISSION MINUTES - August 13, 2014
CONCEPT REVIEW - NEW

10. **901 CHAPALA ST** C-2 Zone
 (4:05) Assessor's Parcel Number: 039-313-011
 Application Number: MST2014-00361
 Owner: William M. and Dolores M. Faulding Family Trust
 Applicant: Juan Jiménez
 Business Name: Cajun Kitchen

(Proposal to request approval of an "as-built" mural located on the northerly elevation (parking lot side) of the existing Cajun Kitchen Restaurant. The proposal will address the violations identified within enforcement case ENF2014-00271.)

(Action may be taken if sufficient information is provided.)

Actual time: 4:45 p.m.

Present: Juan Jiménez, Business Owner
 Kirk Crashaw, Local Artist

Public comment opened at 4:47 p.m.

Ginny Brush, Executive Director of the Santa Barbara County Arts Commission - Visual Art in Public Places Committee (VAPP), commented that, although the proposal is not in its purview, the applicant is urged to consult with VAPP in the future.

Public comment closed at 4:48 p.m.

Motion: Project Design and Final Approvals of the wall mural as a temporary art exhibit for the period of one (1) year that shall be removed on or prior to August 12, 2015.

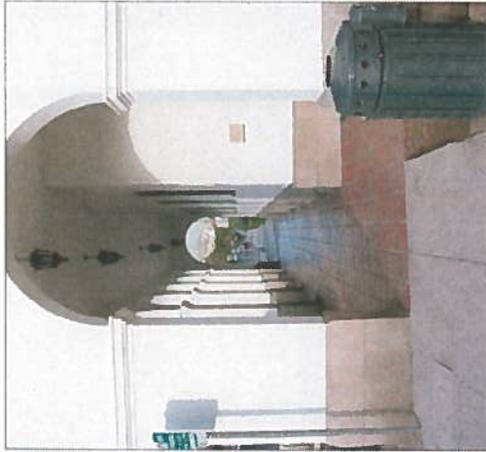
Action: La Voie/Drury, 5/1/0. (Mahan opposed because the two adjacent buildings are either a designated landmark or on the City's List of Potential Historic Resources. Shallenberger/Suding/Winick absent.) Motion carried.

Commission comments: The proposed application is conditionally approved as a maximum one (1) year, temporary art exhibit. It was noted that, while it is appreciated as an expression of art, it is not an appropriate permanent improvement located within El Pueblo Viejo Landmark District (EPV). The mural located in the Funk Zone recently approved by the HLC (temporary mural installed on the south elevation of the Hotel Indigo) was sponsored by the Museum of Contemporary Art as a temporary exhibit, by a nationally renowned artist, does not serve as advertisement for a business, and was reviewed by the Visual Art in Public Places Committee (VAPP). The proposed as-built mural style is not in compliance with the EPV Guidelines, it is contemporary, not framed traditionally, appears more like a corporate logo symbol (therefore, it borders as signage), and is not an acceptable size. The HLC does not wish to set a precedent by supporting a permanent mural of this style within EPV.

Examples of appropriate signs can be found in El Paseo, at the Meridian Studios, and painted on the Courthouse walls. Certain signs in Paseo Nuevo and at other downtown businesses have been commended by the Sign Committee.

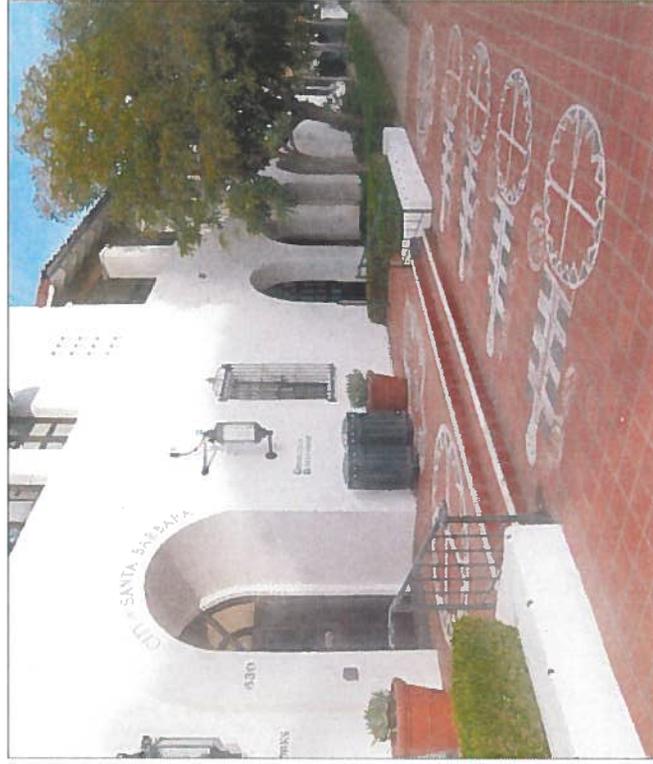
E. ARCADES

The practice of covering walkways with arched and flat linteled porticos and flat linteled porticos for shade and protection from inclement weather occurs throughout El Pueblo Viejo. The Historic Landmarks Commission considers arcades an important element in the District and encourages more arcades to be built. Plans to encroach over public walkways must be approved directly by the City Council after review and recommendation by the Historic Landmarks Commission. The enclosure of existing arcades is discouraged. More information about arcades as an architectural design element is included in Chapter 6, Item A, and Appendix E provides a list of notable arcades in Santa Barbara.



All art (including Public Art) has of necessity a point of departure and a point of reference. Within El Pueblo Viejo, the artist is encouraged to look back to the art traditions developed in the late 18th and early 19th century in Alta California (Native American of the region, Mexican, and Spanish), as well as the vernacular forms of the Mediterranean world. This is a rich array of traditions, and is highly relevant as a contemporary source.

All Public Art projects are subject to review and approval by the HLC and must meet special design considerations for the appropriateness of the artwork's presentation as it relates to its setting. The city's adopted Visual Arts in Public Places Public Art Review Guidelines are used to process and review public art installations on public property.



F. PUBLIC ART

Public Art (sculpture, murals, mosaics, tilework, etc.) is art which is visible to the public whether on public or private property. Public Art within the District should be integrated and designed to be compatible with its proposed location.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 14, 2014
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference with City Attorney – Pending Litigation

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 *Lawrence Grassini, Sharon Grassini, and Mark Schwartz, v. California Department of Transportation; City of Santa Barbara, et al. Real Parties in Interest*, SBSC Case No.1468955.

SCHEDULING: Duration, 15 minutes; anytime
REPORT: None anticipated
SUBMITTED BY: Ariel Calonne, City Attorney
APPROVED BY: City Administrator's Office