



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING January 27, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

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 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, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White (2:02 p.m.), Mayor Schneider.

Councilmembers absent: None.

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

RECESS

Mayor Schneider recessed the meeting at 2:02 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 1, and she stated that reportable action is anticipated.

CLOSED SESSIONS

1. Subject: Public Employee Appointment And Compensation Negotiations (170.01)

Recommendation: That Council hold a closed session with Dave Morgan from Ralph Andersen and Associates, and Kristine Schmidt, Administrative Services Director, pursuant to CA Government Code Section 54957(b)(1) and Section 54957.6 regarding the appointment of a City Administrator and negotiations regarding the salary and fringe benefits for the City Administrator.

(Cont'd)

1. (Cont'd)

Scheduling: Duration, 30 minutes; anytime
Report: Yes

Documents:

January 27, 2015, report from the City Attorney.

Time:

2:01 p.m. – 2:13 p.m.

Announcement:

Mayor Schneider reported that after conducting a rigorous nationwide search, and two rounds of interviews, the Council voted seven to zero to appoint Paul Casey as the City Administrator for the City of Santa Barbara.

PUBLIC COMMENT

Speakers: Etelvina Menchaca; Dante Omar, Omar's Travel; Michael Baner, United Boys and Girls Clubs; Bob Hanson; Tom Widroe, Santa Barbara City Watch; Olivia Carranza; Rosemary Munoz; Jared Gorin, Milpas Community Association; Heribetel Villarreal.

CONSENT CALENDAR (Item Nos. 2 - 19)

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meetings of December 9, 2014, and January 13, 2015, and the special meetings of January 12, and January 16, 2015.

Action: Approved the recommendation.

3. Subject: Revision To Records Management Program To Add Retention Policy For Video Feed From Security Cameras (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the City's Records Management Program to Add a Retention Policy for Video Feed From Security Cameras.

Action: Approved the recommendation; Resolution No. 15-003 (January 27, 2015, report from the Administrative Services Director; proposed resolution).

4. Subject: December 31, 2014, Investment Report And December 31, 2014, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the December 31, 2014, Investment Report; and
- B. Accept the December 31, 2014, Fiscal Agent Report.

Action: Approved the recommendation (January 27, 2015, report from the Acting Assistant City Administrator).

5. Subject: Fiscal Year 2015 Interim Financial Statements For The Five Months Ended November 30, 2014 (250.02)

Recommendation: That Council accept the Fiscal Year 2015 Interim Financial Statements for the Five Months Ended November 30, 2014.

Action: Approved the recommendation (January 27, 2015, report from the Acting City Administrator).

6. Subject: Adoption Of Ordinance To Approve The Extension For The South Coast Energy Efficiency Partnership Agreement (630.06)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Public Works Director to Execute an Extension of the 2010-2014 Energy Partnership Agreement Between the Southern California Edison Company, the Southern California Gas Company, and the City of Santa Barbara to Cover the 2015 Transition Period.

Action: Approved the recommendation. Ordinance No. 5679; Agreement No. 23,275.2.

7. Subject: Donation From The Santa Barbara Police Foundation For The Purchase Of Surveillance Equipment (520.04)

Recommendation: That Council accept a donation of \$5,000 from the Santa Barbara Police Foundation for the purchase of night vision and surveillance equipment for the Criminal Impact Team; and thereby increase appropriations and estimated revenues by \$5,000 in the Police Department Miscellaneous Grants Fund.

Action: Approved the recommendation (January 27, 2015, report from the Chief of Police).

8. Subject: Accept Donation To Fund Police Canine Unit Trust Fund (520.04)

Recommendation: That Council accept an anonymous donation of \$500 from a private donor for the Police Canine Unit Trust Fund.

Action: Approved the recommendation (January 27, 2015, report from the Chief of Police).

9. Subject: Acceptance Of Grant Funds For Gang Reduction, Intervention, And Prevention Activities In 2015 (520.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a One-Year \$246,852 Grant from the Board Of State and Community Corrections (BSCC) to Implement the California Gang Reduction, Intervention, And Prevention (CalGRIP) Program to Administer the Santa Barbara South Coast Youth Empowerment Internship for 2015;
- B. Increase Fiscal Year 2015 estimated revenues and appropriations in the Miscellaneous Grants Fund by \$246,852; and
- C. Authorize the City Administrator to enter into an agreement with the Board of State and Community Corrections (BSCC) to accept and distribute the CalGRIP calendar year 2015 grant funds.

Action: Approved the recommendations; Resolution No. 15-004; Agreement No. 25,078 (January 27, 2015, report from the Acting City Administrator; proposed resolution).

10. Subject: Parks And Recreation Community Foundation Contributions (570.05)

Recommendation: That Council:

- A. Accept a contribution from the Parks and Recreation Community (PARC) Foundation in the amount of \$32,266.83 for Parks and Recreation Department programs; and
- B. Increase appropriations and estimated revenues in the Fiscal Year 2015 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$32,266.83.

Action: Approved the recommendations (January 27, 2015, report from the Parks and Recreation Director).

11. Subject: Appropriate Reserves For The El Estero Wastewater Treatment Plant Digester Lining Project (540.13)

Recommendation: That Council:

- A. Appropriate \$502,941 from Wastewater Fund Reserves to the El Estero Wastewater Treatment Plant Digester Lining Project to address the need for unplanned maintenance and repair; and
- B. Authorize the Public Works Director to increase the contract with MNS Engineering, Inc., in the amount of \$36,070 for construction support service; for a total contract amount of \$96,130.

Action: Approved the recommendations; Agreement No. 25,031.1 (January 27, 2015, report from the Public Works Director).

12. Subject: Introduction Of Ordinance Approving An Amendment To The Agreement To Use Recycled Water For Pilgrim Terrace Homes (540.13)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Amendment to the Agreement Between the City of Santa Barbara and Pilgrim Terrace Homes for Purchase, Use, and Delivery of the City's Recycled Water.

Action: Approved the recommendation (January 27, 2015, report from the Public Works Director; proposed ordinance).

13. Subject: Approve HVAC Controls Standardization And Professional Services Agreement (320.01)

Recommendation: That Council:

- A. Find it in the City's best interest to standardize to the Carrier I-Vu Building Automation System for all new buildings and major heating, ventilation and air conditioning systems; and

(Cont'd)

13. (Cont'd)

- B. Authorize the Public Works Director to negotiate with and execute a professional services agreement with West Coast Power Solutions for the design, supply and integration of the Carrier I-Vu Building Automation Systems for one year in an amount not to exceed \$75,000, with four one-year renewal options.

Action: Approved the recommendations; Agreement No. 25,079 (January 27, 2015, report from the Public Works Director).

14. Subject: Authorization Pledging Wastewater Fund Net Revenue To Payment Of A Clean Water State Revolving Fund Financing Agreement (540.13)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Pledging the Wastewater Fund Net Revenue to Payment of a Clean Water State Revolving Fund Financing Agreement.

Action: Approved the recommendation; Resolution No. 15-005 (January 27, 2015, report from the Public Works Director, proposed resolution).

15. Subject: Appropriation Of Funds And Authorization For Deposit Of Funds For Condemnation Action For The Cabrillo Boulevard Bridge Replacement (530.04)

Recommendation: That Council:

- A. Increase appropriations and estimated revenues related to the Federal Highway Administration Grant by \$3,673,995 in the Fiscal Year 2015 Streets Capital Fund for the Cabrillo Boulevard Bridge Replacement Project;
- B. Authorize an increase in estimated revenues and appropriations of \$200,000 in the Streets Capital Fund to cover the cost of legal services to the City on matters related to the Cabrillo Boulevard Bridge Replacement Project funded from anticipated future sale of surplus properties acquired for current bridge replacement projects; and
- C. Authorize the Public Works Director to make a deposit of the probable condemnation compensation amount of Three Million Five Hundred Forty Seven Thousand Dollars (\$3,547,000) to the State of California Treasury, or directly to the property owner of the properties at 13 (AKA 15) East Cabrillo Boulevard (APN: 033-111-012), 21 Helena Avenue (APN: 033-111-004), and 6 State Street (APN: 033-111-011), as determined by the Stipulation for Possession.

Action: Approved the recommendations; Agreement No. 25,080 (January 27, 2015, report from the Public Works Director).

16. Subject: Approval Of Professional Services Agreement For Citywide Wayfind Directional Signage Program (530.05)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Agreement with Hunt Design in the amount of \$91,300 to review the City's existing directional signage, offer suggestions for elimination and/or retention of the current inventory, and design a comprehensive, attractive, and cohesive Citywide Wayfind Directional Signage Program to improve multi-modal access, identification and connectivity within and about Santa Barbara, and authorize the Public Works Director to approve expenditures of up to \$14,895 for extra services of Hunt Design that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,081 (January 27, 2015, report from the Public Works Director).

17. Subject: Adoption Of Ordinance For Lease Agreement With The U.S. Department Of Commerce, National Oceanic And Atmospheric Administration (NOAA) (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 a Ten-Year Lease Agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration, for 2,500 Square Feet of Unimproved Land at 1605 Cecil Cook Place, at the Santa Barbara Airport, Effective Upon the Adoption of the Enabling Ordinance, for a Monthly Rental of \$312.50, Exclusive of Utilities.

Action: Approved the recommendation; Ordinance No. 5679; Agreement No. 25,082.

18. Subject: Authorization For Agreement For Legal Services With Nielsen Merksamer Parrinello Gross & Leoni, LLP (160.01)

Recommendation: That Council:

- A. That Council authorize the City Attorney to execute a legal services agreement with Nielsen Merksamer Parrinello Gross & Leoni, LLP, in an amount not to exceed \$400,000 for special counsel services to the City on matters related to the pending California Voting Rights Act litigation, *Banales, et al. v. City of Santa Barbara*; and
- B. Increase appropriations in the General Fund, City Attorney's Office, by \$400,000 from unappropriated reserves to cover the cost of the contract for legal services.

Action: Approved the recommendations; Agreement No. 25,083 (January 27, 2015, report from the City Attorney).

NOTICES

19. The City Clerk has on Thursday, January 22, 2015, 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.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Francisco stated that the Finance Committee accepted the December 31, 2014, Investment Report and Fiscal Agent Report and provided recommendations to Staff regarding options to improve the long-term financial sustainability of the municipal golf course which will be presented to Council at a future date.

MAYOR AND COUNCIL REPORTS

20. Options For Filling Unscheduled Vacancy On The Single Family Design Board (140.05)

Recommendation: That Council provide direction to staff on filling an unscheduled vacancy on the Single Family Design Board.

Documents:

January 27, 2015, report from the Administrative Services Director and the Community Development Director.

Speakers:

- Staff: Senior Planner II Jaime Limon, City Attorney Calonne.
- Members of the Public: Jarrett Gorin, VanGuard Planning.

Motion:

Councilmember Francisco/Hotchkiss to direct staff to return to the next Council meeting with an item to make an interim appointment of Paul Zink.

Vote:

Unanimous voice vote.

21. Subject: Report From Infrastructure Committee On Public Outreach Findings (320.01)

Recommendation: That Council:

- A. Receive a report from the Council Infrastructure Committee on findings from the public outreach effort on the City's street, park and facility needs; and

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21. (Cont'd)

- B. Direct staff to return to Council with a proposal to hire a consultant to conduct a formal poll to get more community input on infrastructure funding options.

Documents:

January 27, 2015, report from the Acting City Administrator.

Speakers:

- Staff: Assistant to City Administrator Nina Johnson.
- Members of the Public: Bonnie Raisin.

Motion:

Councilmember White/Rowse to approve the staff recommendations.

Vote:

Unanimous voice vote.

PUBLIC HEARINGS

22. Subject: Appeal Of Planning Commission And Single Family Design Board Approvals Of 511 Brosian Way (640.07)

Recommendation: That Council deny the appeal of Patricia Foley of the application of Brian Cearnal, architect for John and Grace Park, and uphold the Planning Commission's approval of a Coastal Development Permit and the Single Family Design Board's Project Design Approval for the proposed single-family residence; and direct staff to return to Council with Decision and Findings reflecting the outcome of the appeal.

Documents:

- January 27, 2015, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Letters and e-mails:
 - January 17, 2015, from Jim Breen.
 - January 20, 2015, from Curry Sawyer.
 - January 20, 2015, from Allied Neighborhoods Association, by Joe Rution, President.
 - January 20, 2015, from Carl A. Kocher.
 - January 20, 2015, from Andrew & Penelope Gottlieb.
 - January 20, 2015, from Don Santee.
 - January 20, 2015, from Margaret Niehaus.
 - January 20, 2015, from Marcia Hanson.
 - January 21, 2015, from Karen McElwain.
 - January 21, 2015, from Patricia Foley.
 - January 21, 2015, from Laura Carlos Pomerantz.

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22. (Cont'd)

- January 21, 2015, from Kail Wathne.
- January 22, 2015, from Dr. & Mrs. Ronald F. Green.
- January 22, 2015, from Lori Rafferty.
- January 22, 2015, from Walter Knapp.
- January 22, 2015, from Curry Sawyer.
- January 23, 2015, from Lori Rafferty.
- January 26, 2015, from Mary Weisman.
- January 14, 2015, from Ayesha Shaikh, M.D.
- January 20, 2015, from Robert and Barbara Corlett.
- January 20, 2015, from Jennifer Conrow.
- January 21, 2015, from Nancy L. Marr.
- January 21, 2015, from Ry Chung.
- January 19, 2015, from Grace and John Park.
- January 22, 2015, from Andrew Osburn.
- January 22, 2015, from Tim Collins.
- January 26, 2015, from Daniel Gullett.
- January 26, 2015, from Lori Rafferty.
- January 27, 2015, from Cindy Evans.

Public Comment Opened:
4:39 p.m.

Speakers:

- Staff: Assistant Planner Anthony Boughman.
- Single Family Design Board: Chair Fred Sweeney.
- Appellant: Patricia Foley.
- Applicant: Brian Cearnal, AIA; Dr. John Park.
- Members of the Public: Taka Nomvra; Pat Marquart; Kitch Wilson; Robert Foronzandeh; (David Young, note read); Lori Rafferty; Joe Rution, Allied Neighborhood Association.

Public Comment Closed:
4:59 p.m.

Motion:

Councilmember White/Hotchkiss to deny the appeal thereby upholding the Coastal Development Permit and the Project Design Approval for the project located at 511 Brosian Way, making the findings required by Sections 28.44.150 and 22.69.050 of the Santa Barbara Municipal Code; and 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 Hotchkiss reported on his attendance at the following meetings
1) the Airport Commission where they approved the new tenant, High Sierra Grill House to locate in the former space of the Elephant Bar Restaurant; 2) Visit Santa Barbara where they gave a presentation on the progress of the Santa Barbara Inn construction; and 3) Milpas Action Task Force where they announced that Casa Esperanza Homeless Shelter has merged with People Assisting The Homeless (PATH), a 501 (c)(3) organization based in Los Angeles.
- Councilmember Murillo spoke regarding her attendance at the following meetings and events: 1) Santa Barbara Trust For Historic Preservation meeting where Donald Sharpe, member of the Historical Landmarks Commission, was recognized for his many contributions in preserving and restoring historic sites in Santa Barbara County; 2) South Coast Affordable Housing Task Force meeting; 3) League of Women Voters event; 4) Martin Luther King March; 5) Protest of the Newspress; and 6) Neighborhood Advisory Council meeting.
- Councilmember Rowse reported on his attendance at the Downtown Parking Committee meeting and the Mesa Neighborhood group.
- Mayor Schneider reported on her attendance at the United States Conference of Mayors' 83rd Winter Meeting in Washington D.C. where as co-chair of the Task Force on Hunger and Homelessness, she gave a report on the Santa Barbara's Summer Meals Program which provides free breakfast and lunch to needy children.

RECESS

The Mayor recessed the meeting at 5:30 p.m. in order for the Council to reconvene in closed session for Item Nos. 23 and 24, and she stated that no reportable action is anticipated.

CLOSED SESSIONS (CONT'D)

23. 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, 30 minutes; anytime

Report: None anticipated

Documents:

January 27, 2015, report from the City Attorney.

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23. (Cont'd)

Time:

5:30 p.m. – 5:45 p.m.

No report made.

24. Subject: Conference With City Attorney - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider anticipated litigation pursuant to subsections 54956.9(d)(2) & (e)(2) of the Government Code and take appropriate action as needed. Significant exposure to litigation arising out of Mr. Scott Steepleton's request for public records relating to the deliberative process of Councilmember Cathy Murillo.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

January 27, 2015, report from the City Attorney.

Time:

5:45 p.m. – 6:05 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:29 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLIGATE
DEPUTY CITY CLERK