



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING July 21, 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 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 (2:11 p.m.), Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

CEREMONIAL ITEMS

1. **Subject:: Proclamation Declaring July 26, 2105 As 25th Anniversary of Americans With Disabilities Act (ADA) (120.04)**

Action: Proclamation presented to Bob Burnham Representative of the Access Advisory Committee and Danielle Anderson Representative of the Independent Living Resource Center.

CHANGES TO THE AGENDA

City Administrator Casey stated that Recommendation B under Item No. 9 was being deleted.

PUBLIC COMMENT

Speakers: Wayne Scoles; Kenneth Loch; Phil Walker; Andrea Roselinsky; Dr. Robert Johns; Tom Widroe, City Watch; Richard Robinson.

CONSENT CALENDAR (Item Nos. 2 – 20)

The titles of the resolutions relating to Consent Items were read.

Motion:

Councilmembers Francisco/Hotchkiss to approve the recommendations.

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of June 30, 2015.

Action: Approved the recommendation.

3. Subject: Authorization To Amend Agreement For Legal Services With Colantuono, Highsmith & Whatley, PC To Cover The Costs Of The California Supreme Court Hearing in *Jacks v. City of Santa Barbara* (160.01)

Recommendation: That Council:

- A. Authorize the City Attorney to amend Legal Services Agreement Number 25,126 with Colantuono, Highsmith & Whatley, PC to increase the not to exceed amount by \$62,000 from \$45,000 to \$107,000 for special counsel services for the City's petition for review in the California Supreme Court on *Rolland Jacks, et al., v. City Of Santa Barbara* SBSC Case No. 1383959; and
- B. Allocate \$62,000 from General Fund appropriated reserves to the City Attorney's Office Fiscal Year 2016 budget to cover the cost of the legal services.

Action: Approved the recommendations; Agreement No. 25,126.1 (July 21, 2015, report from the City Attorney).

4. Subject: Grant Assistance For Training And Enforcement At Alcohol Serving Establishments (520.04)

Recommendation: That Council:

- A. Adopt by reading of title only, A Resolution of the Council of the City of Santa Barbara, Authorizing Acceptance of Funding Granted by the Department of Alcoholic Beverage Control for the Alcoholic Beverage Control Grant Assistance to Local Law Enforcement Agencies Project;
- B. Authorize the Police Chief to execute the grant agreement award; and
- C. Increase appropriations and estimated revenues by \$50,000 in the Police Department Miscellaneous Grants Fund.

Action: Approved the recommendations; Resolution No. 15-061, Agreement No. 25,256 (July 21, 2015, report from the Chief of Police; proposed resolution).

5. Subject: Contract With InterVISTAS Consulting Inc. For Air Service Development Services (560.01)

Recommendation: That Council authorize the Airport Director to execute a contract with InterVISTAS Consulting Inc. for specialized air service development support for the Santa Barbara Airport, in an amount not to exceed \$56,000.

Action: Approved the recommendation; Contract No. 25,257 (July 21, 2015, report from the Airport Director).

6. Subject: Proposed Lease Agreement With The Santa Barbara Sailing Club (330.04)

Recommendation: That City Council approve a Five-Year Lease Agreement with the Santa Barbara Sailing Club for 8,677 square feet of dry boat storage area in the Santa Barbara Harbor at a Monthly Rate of \$1,600.

Action: Approved the recommendation; Agreement No. 25,258 (July 21, 2015, report from the Waterfront Director).

7. Subject: Representative Services Agreement With Carpi & Clay, Inc. (570.03)

Recommendation: That Council authorize the City Administrator to execute a three-year Representative Services Agreement between the City of Santa Barbara and Carpi & Clay Inc., for liaison and contact services with the United States Government, at a rate not-to-exceed \$1,750 per month, and in a total amount not-to-exceed \$63,000 for Fiscal Years 2016, 2017, and 2018.

Action: Approved the recommendation; Agreement No. 25,259 (July 21, 2015, report from the Waterfront Director).

8. Subject: Adoption Of The Rental Housing Mediation Board (Former Rental Housing Mediation Task Force) Bylaws (580.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Bylaws of the Rental Housing Mediation Board (Former Rental Housing Mediation Task Force).

Action: Approved the recommendation; Resolution No. 15-062 (July 21, 2015, report from the Community Development Director).

9. Subject: City Documents Related To Casa Esperanza Homeless Center/PATH Statutory Merger (660.04)

Recommendation: That Council:

- A. Approve the assignment of City Agreements 25,144; 25,145; 25,194 and City purchase order 387931, to PATH (People Assisting the Homeless);
- B. Approve amending and restating the 1999 Restricted Use Covenant with an extended term of an additional 16 years; and
- C. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary.

Action: Approved the Recommendations A and C; (July 21, 2015, report from the Community Development Director).

10. Subject: Airport Master Plan Contract Amendment For Traffic Analysis (560.09)

Recommendation: That Council approve and authorize the Airport Director to execute an Amendment to Contract No. 23,903 with Coffman Associates for preparation of additional traffic impact analysis for the Airport Master Plan in an amount not to exceed \$28,000.

Action: Approved the recommendation; Agreement No. 23,903.2 (July 21, 2015, report from the Airport Director).

11. Subject: Sole Source Purchase Order For Emergency Medical Dispatch System (520.02)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Santa Barbara Municipal Code Section 4.52.070 (K) and authorize the City General Services Manager to issue a purchase order to Priority Medical Corporation in an amount not to exceed \$62,400 to purchase and install Priority Dispatch Emergency Medical Dispatch software for the City Police Department Combined Communication Center.

Action: Approved the recommendation; (July 21, 2015, report from the Fire Chief).

12. Subject: Contract For Construction Of North General Aviation Ramp Pavement Panel Replacement Project (560.04)

Recommendation: That Council:

- A. Award a contract with Lash Construction, Inc., in their low bid amount of \$357,925 for construction of the North General Aviation Ramp Pavement Panel Replacement Project, Bid No. 3790; and authorize the Public Works Director to execute the contract and approve expenditures up to \$35,792 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
- B. Authorize the Public Works Director to execute a contract with Kimley Horn in the amount of \$54,585 for construction support services, and approve expenditures of up to \$5,458 for extra services of Kimley Horn that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement Nos. 25,260 and 25,261 (July 21, 2015, report from the Public Works Director).

13. Subject: Contract For Construction Of Airport Lighting And Safety Project (560.04)

Recommendation: That Council:

- A. Award a contract with Cindy Bales Engineering in their low bid amount of \$2,143,410 for construction of the Airport Lighting and Safety Project, Bid No. 3763; and authorize the Public Works Director to execute the contract and approve expenditures up to \$214,341 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;
- B. Authorize the Public Works Director to execute a contract with Mead & Hunt in the amount of \$296,800 for construction support services, and approve expenditures of up to \$29,680 for extra services of Mead & Hunt that may result from necessary changes in the scope of work; and
- C. Authorize the General Services Manager to issue a purchase order to ADB Airfield Solutions in the amount of \$10,076.73, and authorize the General Services Manager to approve expenditures of up to \$2,500 for extra services of ADB Airfield Solutions that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement Nos. 25,262 and 25,263 (July 21, 2015, report from the Public Works Director).

14. Subject: Sole Source Agreement For Sanitary Sewer Chemical Root Control Services (540.13)

Recommendation: That Council authorize the Public Works Director to execute a Sole Source Maintenance Agreement with Duke's Root Control in the amount \$128,577.16 for sanitary sewer chemical root cleaning services, and authorize the Public Works Director to approve expenditures of up to \$12,857.72 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,264 (July 21, 2015, report from the Public Works Director).

15. Subject: Authorization For Contingency Fee Agreement With Baron & Budd, PC Regarding Legal Services Relating To The Refugio Oil Spill (160.01)

Recommendation: That Council authorize the City Attorney to execute a contingency fee agreement with Baron & Budd, PC for legal services relating to the May 19, 2015 Refugio oil spill and a contingency fee amounting to 20% of any gross recovery.

Action: Approved the recommendation; Agreement No. 25,265 (July 21, 2015, report from the City Attorney).

16. Subject: Community Promotion Contract With Summer Solstice Celebration (180.02)

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with Summer Solstice Celebration, Inc. in the amount of \$66,000 to support year-round administrative expenses for the community event.

Action: Approved the recommendation; Agreement No. 25,266 (July 21, 2015, report from the City Administrator).

17. Subject: Community Promotion Contract With Visit Santa Barbara (230.02)

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with Visit Santa Barbara to provide marketing services that promote Santa Barbara as a tourism destination, in an amount of \$1,380,000.

Action: Approved the recommendation; Agreement No. 25,267 (July 21, 2015, report from the City Administrator).

18. Subject: Set A Date For Public Hearing Regarding Appeal Of The Planning Commission Approval For 3425 Sea Ledge Lane (640.07)

Recommendation: That Council:

- A. Set the date of August 4, 2015, at 2:00 p.m. for hearing the appeal filed by Chris Krach-Bastian, of the Planning Commission's approval of an application for the construction of a new 400 square-foot pool and spa with associated pool equipment and safety fencing on a 17,490 square-foot lot in the Hillside Design District. This proposal is an amendment to the recent Coastal Development Permit dated May 2, 2013, and revised on August 8, 2014, under MST2012-00135, which approved 2,508 square feet of one- and two-story additions, the demolition of the existing garage, and the conversion of 488 square feet of existing habitable floor area into a new two-car garage. The discretionary application required for this project is an Amendment to the Coastal Development Permit (CDP2012-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC Section 28.44). The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures, which allows for the construction of accessory structures including swimming pools.
- B. Set the date of August 3, 2015, at 1:30 p.m. for a site visit to the property located at 3425 Sea Ledge Lane.

Action: Approved the recommendations (Appeal letter received June 22, 2015).

19. Subject: Set A Date For Public Hearing Regarding Appeal Of The Single Family Design Board's Final Design Approval For 1912 Mission Ridge Road (640.07)

Recommendation: That Council set the date of August 11, 2015, at 2:00 p.m. for hearing the appeal filed by Trevor Martinson on behalf of Rinaldo Brutoco of the Single Family Design Board's Final Design Approval for project owned by Craig Morrison and located at 1912 Mission Ridge Road, Assessor's Parcel No.: 019-083-021, A-1 Zone; Application No. MST2014-00585. This project proposes a 22 square foot first-floor addition and a 530 square foot second-floor addition to an existing 2,146 square foot one-story, single-family residence with an attached 579 square foot garage. The proposal includes one new uncovered parking space, a 194 square foot covered patio at the entry, a 158 square foot second-story deck, a raised pool and surrounding deck, and interior remodel work. It also includes permitting an "as-built" air conditioning condenser unit, relocation of the pool equipment enclosure, and a new driveway and pedestrian gate. The proposed total of 3,251 square feet on a 25,091 square foot lot in the hillside Design District is 69% of the guideline maximum floor-to-lot area ratio.

(Cont'd)

19. (Cont'd)

Documents:

- Letter from Trevor Martinson dated July 20, 2015.

Speaker:

- Member of the Public: Trevor J. Martinson.

Action: Approved the recommendation (Appeal letter received June 24, 2015).

NOTICES

20. The City Clerk has on Thursday, July 16, 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

21. Subject: Reactivation Of The Charles E. Meyer Desalination Facility (540.10)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the City of an Installment Sale Agreement in Connection with the Desalination Plant Reactivation Project Drinking Water State Revolving Fund Project No. 4210010-005C;
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval, Subject to Receipt of SRF Loan For Project No. 4210010-005C, and Execution by the Public Works Director of a Contract to Design, Build, and Operate the Charles E. Meyer Desalination Facility with IDE Americas, Inc., in the Amount of \$43,437,234 and Approve Expenditures up to \$1,864,420 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;
- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Acceptance and Execution by the Public Works Director of a Lease For a Term of 25 Years with the State Of California State Lands Commission for the Continued Use and Maintenance of One 48-inch Diameter Sewer Outfall Pipeline and Maintenance of One 42-inch Diameter Non-operational Outfall Pipeline and Associated Facilities as Further Described on Exhibit "A" Attached Thereto;

(Cont'd)

21. (Cont'd)

- D. Authorize the Public Works Director to pay the \$500,000 for work on a project to restore the upper Devereaux Slough in accordance with National Pollutant Discharge Elimination System permit special conditions;
- E. Approve a purchase order in the amount of \$60,000 to Acciona Agua as stipend for submitting a proposal in response to the Request for Proposals for the Recommissioning Of The Charles E. Meyer Desalination Facility;
- F. Authorize the City Attorney to execute an Amendment to Legal Services Agreement No. 24,935 with Latham & Watkins LLP to increase the "Do Not Exceed Limit" from \$200,000 to \$220,000 for legal support related to the local Coastal Development Permit;
- G. Authorize the City Attorney to execute a Third Amendment to Legal Services Agreement No.24,835 with Hanson Bridgett LLP to increase the "Do Not Exceed Limit" from \$150,000 to \$175,000 for legal services related to negotiating and drafting the DBO contract; and
- H. Increase estimated revenues and appropriations in the Water State Revolving Fund Loan Fund in the amount of \$8,000,000 for the Charles E. Meyer Desalination Facility for a total amount of \$55,000,000.

Documents:

- July 21, 2015, report from the Public Works Director.
- Proposed Ordinances.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Resource Manager Joshua Haggmark.
- Members of the Public: David Williams, Santa Barbara Science Center; Parke Blair, Geo Source Foundation; Bill Jones, Geo Source Foundation; Wayne Scoles; Phil Walker; Kira Redmond, Santa Barbara Channelkeeper; Matthew Kramer.

Motion:

Councilmembers White/Francisco to approve the staff recommendations; Agreement Nos. 24,935.1 and 24,835.3.

Vote:

Unanimous roll call vote.

COMMUNITY DEVELOPMENT DEPARTMENT

22. Subject: Response To 2014-2015 Santa Barbara Grand Jury Report On Zoning Information Reports (150.04)

Recommendation: That Council:

- A. Receive the Santa Barbara County Grand Jury Report on Zoning Information Reports; and

(Cont'd)

22. (Cont'd)

- B. Authorize the Mayor to send a letter forwarding the City's response to the Grand Jury Report.

Documents:

- July 21, 2015, report from the Community Development Director.
- Santa Barbara County Grand Jury Report on Zoning Information Reports.
- July 20, 2015, Email from Bob Hart.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Senior Planner Susan Reardon; Assistant City Attorney Scott Vincent;
- Members of the Public: Reyne Stapelmann, Santa Barbara Association of Realtors; Adrienne Schuele, Santa Barbara Association of Realtors; Joan Russell Price; Tom Widroe, City Watch; John Chufar; Wanda Livernors; Alec Bruice; Bob Hart; Morton Maizlish, Maizlish Realtors, Inc.; Ed Edick, Village Properties; Isaac Garrett; Nancy Hamilton; Tony Fisher; Cathie McCammou.

Motion:

Councilmembers Rowse/Francisco to form an adhoc committee to work with staff to redraft answers to the Grand Jury report and bring back to Council on August 4, 2015, for approval.

Vote:

Unanimous voice vote.

RECESS

5:00 p.m. – 5:15 p.m.

PUBLIC HEARINGS

23. Subject: Appeal Of Architectural Board Of Review Project Design Approval Of A New Seven-Unit Apartment Building At 1818 Castillo Street (640.07)

Recommendation: That Council

- A. Deny the appeal of Brian Barnwell of the Architectural Board of Review's decision to grant Project Design Approval for the proposed new seven-unit apartment building; and
- B. Direct Staff to return to Council with Decision and Findings reflecting the outcome of the appeal.

Documents:

- July 21, 2015, report from the Community Development Director.

(Cont'd)

23. (Cont'd)

Documents: (Cont'd)

- July 14, 2015 Letter from Melissa Lolley.
- July 16, 2015 Letter from JoAnn Nasta.
- July 16, 2015 Letter from Marie Schnyer.
- July 16, 2015 Email/Letter from Brian Barnwell.
- July 20, 2015 Letter from Melissa.
- July 20, 2015 Letter from JoAnn Nasta.
- July 21, 2015 Letter from Brian Barnwell.
- July 21, 2015 Letter from Jon Kechejian.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened:

6:06 p.m.

Speakers:

- Staff: Associate Planner Suzanne Riegle, Project Planner Irma Unzueta, Supervising Transportation Planner Steve Foley.
- Architectural Board of Review: Member Amy Tripp.
- Applicant: Randy Douglas, DB Partners, LLC.
- Appellant: Brian Barnwell.
- Members of the Public: Pam Lasker; Rick (last name not stated); Richard Handler; Mark Edwards; Kay Hoffman; Suzanne Smith; Enid Sterling; Sharon Foster.

Public Comment Closed:

6:20 p.m.

Motion:

Councilmembers White/Francisco to uphold the appeal and refer to Planning Commission to specifically comment on the compatibility with the neighborhood, reduction of the number of bathrooms per unit, and additional parking and return to Architectural Board of Review for further review.

Vote:

Majority voice vote (Noes: Councilmember Murillo).

COUNCIL AND STAFF COMMUNICATIONS

No reports were made.

RECESS

7:03 p.m. – 7:15 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hart (7:16), Hotchkiss, Murillo, Rowse, White, Mayor Schneider.

Staff present: City Administrator Casey, City Attorney Calonne, Deputy City Clerk Applegate.

EVENING SESSION

RECONVENE

ROLL CALL

PUBLIC COMMENT

No one indicated a desire to speak.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

24. Subject: Direction To Staff On The 2015 Bicycle Master Plan (670.04)

Recommendation: That Council receive a presentation on preliminary bicycle network improvements developed from the community engagement process and provide input and direction to staff regarding the Draft Bicycle Master Plan Completion.

Documents:

- July 21, 2015, report from the Public Works Director.
- July 20, 2015 Email from David Hale.
- July 21, 2015 Letter from Dave Davis and Cameron Gray, Community Environmental Council.
- July 21, 2015, PowerPoint presentation prepared and made by Staff.

Mayor Schneider stated she would recuse herself from participating in the portion of the discussion relating to Westside Connections due to conflicts of interest related to her ownership of a residence located on Chino Street located in the Westside.

(Cont'd)

24. (Cont'd)

Councilmember Murillo stated she would recuse herself from participating in the portion of the discussion relating to Westside Connections due to a conflicts of Interest related to her residence located 500 feet from Chino Street and on the corner of Valerio Street located in the Westside.

Councilmember White stated he would recuse himself from participating in the portion of the discussion related to the Eastside Connections due to conflicts of Interest related to his ownership of a residence located at 1126 Laguna located in the Eastside.

City Administrator Paul Casey stated he would recuse himself from participating in the portion of the discussion related to the Eastside Connections due to conflicts of interest related to his ownership of a residence located at 336 Pedregosa Street located in the Eastside.

City Attorney Calonne stated that he would recue himself from participating in the portion of the discussion related to the Westside Connections due to conflicts of interest relating to his ownership of a residence located at 1318 San Andres Street located in the Westside.

Councilmember White and City Administrator Casey left the meeting at 7:32 p.m.

Discussion began regarding the Eastside Connections.

Speakers:

- Staff: Principal Transportation Planner Rob Dayton; Melanie Smith, Principal at Melendrez; Matt Benjamin, Principal at Bend and Peers.
- Members of the Public: Tom Widroe, City Watch; Howard Green Transportation Circulation Committee Member; Bonnie Raisin; Wayne Scholes; Barry Remis, Coalition For Sustainable Transportation; Erica Lindemann; Mike Suding; Mike Jordan; Jamey Wagner, University California Santa Barbara; Cameron Gray; Ivor John; Shaun Duex, RightScale; Eve Sanford; Ed France, Mitchel Bass; Shannon Miller; Jeff Rawlings; Ethan Shenkman.

Mayor Schneider, Councilmember Murillo, City Attorney Calonne left the meeting at 8:56 p.m.

Councilmember White returned to the meeting at 8:56 p.m.

Mayor Pro Tempore Hart presiding.

Discussion continued regarding the Westside Connections.

(Cont'd)

24. (Cont'd)

Speakers:

- Members of the Public: Kristen Santiago; Lucia Casso; Michael Magee; Dorothy Griffin; Julia Hayes; Lily Bastug; Susan Lafond; James Sanders; Brian King; Michael Jordan, Planning Commission Member; Ed France.

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

ADJOURNMENT

Mayor Pro Tempore Hart adjourned the meeting at 9:24 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLGATE
DEPUTY CITY CLERK

SANTA BARBARA CITY COUNCIL

GREGG HART
MAYOR PRO TEMPORE