



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 11, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 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 (2:09 p.m.), Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Mayor Schneider.

Councilmembers absent: Councilmember Bendy White.

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

PUBLIC COMMENT

Speakers: William L.; Richard Robinson, Black Hole Productions; Matthew Strzepek; Phil Walker; Andrea Roselinsky; Tom Widroe; Kenneth Loch.

CONSENT CALENDAR (Item Nos. 1 – 11)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember White).

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the special meeting of July 20, 2015, and the regular meeting of July 21, 2015.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance For Lease Agreement With D&G Lin, LLC (330.04)

Recommendation: 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 Twenty-Year Lease Agreement, With Two Five-Year Options, for 167,713 Square Feet of Land at 6210 Hollister Avenue, at the Santa Barbara Airport, With D&G Lin, LLC, a California Limited Liability Company, at a Monthly Rental of \$20,000, Exclusive of Utilities, Effective Upon Issuance of a Certificate of Occupancy by the City.

Action: Approved the recommendation; Ordinance No. 5714; Agreement No. 25,290.

3. Subject: Authorization To Submit A Recreational Trails Program Grant Application For The Douglas Family Preserve Trails Restoration Project (570.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Application for Grant Funds for up to \$300,000 from the Recreational Trails Program.

Action: Approved the recommendation; Resolution No. 15-065 (August 11, 2015, report from the Acting Parks and Recreation Director; proposed resolution).

4. Subject: Proposed Amendments To Purchasing Code (340.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 4, Chapter 4.52, of the Santa Barbara Municipal Code to Update and Increase the Monetary Thresholds Governing the Solicitation of Informal Quotations and Formal Bids for the Purchase of Ordinary Goods and Services.

Action: Approved the recommendation (August 11, 2015, report from the Finance Director/Acting City Administrator; proposed ordinance).

5. Subject: Resolution To Accept A Waterline Easement And To Vacate The Superseded Waterline Easements At 182 And 202 La Vista Grande (540.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Accepting an Easement for a Public Waterline on a Portion of the Real Property Commonly Known as 202 La Vista Grande, Santa Barbara County Assessor's APN 015 130 002, and Adopting an Order Summarily Vacating and Abandoning Certain Superseded Portions of the Existing Easement for Water Pipelines at 182 and 202 La Vista Grande, Both Within the Limits of Said City.

Action: Approved the recommendation; Resolution No. 15-066; Agreement No. 25,292 and Deed No. 61-445 (August 11, 2015, report from the Public Works Director; proposed resolution).

6. Subject: Adoption Of Ordinance For Grant Funding Agreement For Recycled Water Enhancement Project For A Grant Of \$1,045,222 (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the Public Works Director of a Proposition 84 Integrated Regional Water Management Subgrant Agreement with the Santa Barbara County Water Agency, and Any Amendments Thereto, Subject to Approval as to Form by the City Attorney, Regarding Grant Funding Award for the City of Santa Barbara Recycled Water Enhancement Project.

Action: Approved the recommendation; Ordinance No. 5715; Agreement No. 25,293.

7. Subject: Contract For Construction Of The Highway Safety Improvement Program Traffic Signal Upgrades Project (530.05)

Recommendation: That Council:

- A. Award a contract with Lee Wilson Electric Company, Inc., in their low bid amount of \$1,208,570 for construction of the Highway Safety Improvement Program Traffic Signal Upgrades Project, Bid No. 3682; and authorize the Public Works Director to execute the contract and approve expenditures up to \$120,857 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. Transfer \$582,227 of available appropriations from the Streets Capital Fund to the Streets Grant Fund and appropriate for the use of the project; and
- C. Increase appropriations and estimated revenues related to the Highway Safety Improvement Program grant funding by \$900,000 in the Fiscal Year 2016 Streets Grant Fund to cover the cost of construction for the Traffic Signal Upgrades Project. (Cont'd)

7. **(Cont'd)**

Action: Approved the recommendations; Agreement No. 25,294 (August 11, 2015, report from the Public Works Director).

8. **Subject: Resolution To Postpone Proceedings To Form A New Business Improvement District In The Milpas Or Eastside Area (550.10)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Policy That Council Will Not Accept Petitions or Initiate Proceedings for the Formation of a New Business Improvement District in the Milpas or Eastside Area Prior to January 12, 2016.

Action: Approved the recommendation; Resolution No. 15-067 (August 11, 2015, report from the Public Works Director; proposed resolution).

Speakers:

Members of the Public: Tom Widroe, City Watch; Alan Bleecker.

9. **Subject: Adoption Of Resolution For Sole Source Authorization For The Secondary Process Improvements Project at El Estero Wastewater Treatment Plant (540.13)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Specification of REXA Actuators as Sole Source Equipment for the Secondary Process Improvement Project at El Estero Wastewater Treatment Plant, Pursuant to California Public Contracting Code 3400(C).

Action: Approved the recommendation; Resolution No. 15-068 (August 11, 2015, report from the Public Works Director; proposed resolution).

Speakers:

Members of the Public: Missy Zeitsoff.

10. **Subject: Resolutions To Execute Documents To Collect Prepaid Mobile Telephony Services Surcharges And To Examine Records (270.06)**

Recommendation: That Council:

- A. Authorize the City Administrator to Enter Into an Agreement with the California Board of Equalization in Order to Receive Utility Users Taxes Imposed on Consumers of Prepaid Mobile Services;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator and the City Attorney to Execute Certain Documents Required by the Board of Equalization to Collect the City's Utility Users Tax on Prepaid Wireless Service; and

(Cont'd)

10. (Cont'd)

- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records.

Action: Approved the recommendations; Agreement No. 25,295 Finance Director; Resolution No.15-069 and Resolution No. 15-070 (August 11, 2015, report from the Finance Director; proposed resolutions).

NOTICES

11. The City Clerk has on Thursday, August 6, 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

- 12. Subject: Introduction Of Ordinance To Amend Municipal Code Chapter 5.66, News Racks (530.04)**

Recommendation: That Council introduce and subsequently, adopt by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 5.66 of the Santa Barbara Municipal Code to Establish News Rack Regulations.

Documents:

- August 11, 2015, report from the Public Works Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the proposed ordinance was read.

Speakers:

- Staff: Principal Engineer John Ewasiuk.
- Members of the Public: Elizabeth Wright; Scott Kaufman, Santa Barbara Independent; Joe Cole, Santa Barbara Independent; Mark Schiffmacker, Trade Express.

(Cont'd)

12. (Cont'd)

Motion:

Councilmembers Hart/Hotchkiss to amend the Ordinance to include a 60 day notification to news rack owners in advance of proposed fee increases above the annual Consumer Price Index adjustment and to bring the ordinance back to Council on the Consent Calendar on September 8, 2015, for re-introduction.

Vote:

Unanimous roll call vote. (Absent: Councilmember Bendy White).

PUBLIC HEARINGS

13. Subject: Introduction Of An Ordinance And Adoption Of Resolutions For Annexation Of The Santa Barbara Museum Of Natural History's Western Parcels (680.04)

Recommendation: That Council:

- A. Consider the Planning Commission's recommendation to annex the Santa Barbara Museum of Natural History's Western Parcels;
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Zoning Upon Annexation of Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement, in the Upper East Neighborhood;
- C. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara and Detachment from the Mission Canyon Lighting District, Santa Barbara County Fire Protection District, and County Service Area 12 for Certain Real Property Known Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement;
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement Which Will Be Annexed to the City of Santa Barbara; and
- E. Consider and determine the project exempt from the California Environmental Quality Act.

(Cont'd)

13. (Cont'd)

Documents:

- August 11, 2015, report from the Community Development Director.
- Proposed Ordinance.
- Proposed Resolutions.
- August 5, 2015, Letter from Nancy Martz.
- August 6, 2015, Letter from Robin Yardi.
- August 6, 2015, Letter from Francesca Galt.
- August 7, 2015, Letter from Shelley Bookspan.
- August 10, 2015, Letter from Graham M. Lyons.
- August 10, 2015, Letter from Grace Corselius-Wilson
- August 10, 2015, Letter from Susan Elledrige.
- August 10, 2015, Letter from Cathy Wilkins.
- August 11, 2015, Letter from LAFCO, Paul Hood, Salud Carbajal, Doreen Farr, Janet Wolf, William Dillion.
- PowerPoint presentation prepared and made by Staff.

The title of the proposed ordinance and resolutions were read.

Public Comment Opened:

3:23 p.m.

Speakers:

- Staff: Project Planner Daniel Gullett.
- Company: Suzanne Ellridge, representing the Santa Barbara Natural History Museum; Peter Brown, attorney for the Santa Barbara Natural History.
- Members of the Public: Rosanne Crawford; Barbara Lyon; Paulina Conn; Fran; Elizabeth Fowler, Santa Barbara Museum of Natural History; Bobbie Kinnear, Santa Barbara Museum of Natural History; Tom Jacobs; Alastair Winn; Robert N. Muller.

Public Comment Closed:

3:37 p.m.

Motion:

Councilmembers Hart/Hotchkiss to approve the recommendations; Resolution No. 15-071 and 15-072.

Vote:

Unanimous roll call vote (Absent: Councilmember Bendy White).

14. Subject: Appeal Of Single Family Design Board Final Approval For Additions To A Residence At 1912 Mission Ridge Road (640.07)

Recommendation: That Council deny the appeal of Trevor Martinson, agent for adjacent neighbors Rinaldo and Lalla Brutoco, and uphold the Single Family Design Board decision to grant Final Approval for additions to an existing single-family residence.

Documents:

- August 11, 2015, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- August 9, 2015, Letter from Jane and Craig Morrison.
- August 10, 2015, Letter from Trever Martinson.
- August 11, 2015, Fax/Letter from Paula Conn.
- August 11, 2015, Fax/Letter from Kate Neiswender.

Public Comment Opened:

3:46 p.m.

Speakers:

- Staff: Senior Planner Jaime Limon; City Attorney Calonne; Assistant City Attorney Scott Vincent.
- Appellant: Kate Neiswender, Law Office of K.M. Neiswender, attorney for Appellant.
- Applicant: Jeff Shelton, Architect for the Applicant; Craig Morrison, Owner.
- Members of the Public: Trever Martinson.

Public Comment Closed:

4:32 p.m.

Motion:

Councilmembers Hart/Hotchkiss to deny the appeal and direct the City Attorney to draft a resolution to affirm Council's action.

Vote:

Majority voice vote (Absent: Councilmember Bendy White).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Schneider commended everyone involved in making Old Spanish Days and Fiesta a huge success.
- Councilmember Hotchkiss reported on his attendance at the Collaborative Courts Graduation and congratulated the recent graduating class.

RECESS

4:44 p.m. – 6:00 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hart, Hotchkiss, Murillo, Rowse, Mayor Schneider.

Councilmembers absent: Councilmember Bendy White.

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

PUBLIC COMMENT

No one wished to speak.

PUBLIC HEARINGS

15. **Subject: Vacation Rental Enforcement And Home Sharing Ordinance (640.09)**

Recommendation: That Council:

- A. Allocate \$80,000 from the General Fund appropriated reserves to the City Attorney's Office Fiscal Year 2016 budget to cover the cost of legal services;
- B. Allocate \$90,000 from the General Fund appropriated reserves to the Community Development Department's Fiscal Year 2016 budget and incur as an ongoing cost to augment existing zoning enforcement staff and cover the cost of increased zoning enforcement related to Vacation Rentals;
- C. Allocate \$10,000 from the General Fund appropriated reserves to the Finance Department's Fiscal Year 2016 budget and incur as an ongoing cost for staffing overtime costs related to increased zoning enforcement of Vacation Rentals; and
- D. Initiate a Zoning Ordinance amendment to allow Home Sharing Rentals.

Documents:

- August 11, 2015, report from the Finance Director/Acting City Administrator.
- PowerPoint presentation prepared and made by Staff.
- July 24, 2015, Letter from Allied Neighborhoods Association, Judith D. Orias.
- July 30, 2015, Email from Laurence Hauben.
- July 30, 2015, Email from Laurence Hauben (2).
- July 31, 2015, Letter from Gary and Janet Gordon.
- August 5, 2015, Letter from Catherine Crane.
- August 6, 2015, Letter from Cliff O'Sullivan.

(Cont'd)

15. (Cont'd)

Documents (Cont'd):

- August 7, 2015, Email from Andrew Manning.
- August 7, 2015, Email from Joel Ohlgren.
- August 8, 2015, Email from Margaret Steinmetz.
- August 9, 2015, Letter from Pamela Boehr.
- August 10, 2015, Letter from Allan H. Hendrix.
- August 10, 2015, Email from Bonnie Freeman.
- August 10, 2015, Email from Cathey Wilkins.
- August 10, 2015, Letter from Allan H. Hendrix and Frances M. Govean.
- August 10, 2015, Letter from Pamela Boehr.
- August 10, 2015, Letter from Jack Ucciferri.
- August 11, 2015, Letter from Stephen Pearson.
- August 11, 2015, Letter from Joe Rution.
- August 11, 2015, Letter from Michael Conaway.
- August 11, 2015, Letter from Michael Merrill.
- August 11, 2015, Email from Denise Adams.
- August 11, 2015, Email from Denice Spangler Adams.
- August 11, 2015, Letter from Sybil Rosen.
- August 11, 2015, Email from Barbara Lindemann.

Public Comment Opened:

6:18 p.m.

Speakers:

- Staff: Community Development Director George Buell; City Attorney Ariel Calonne; Project Planner Liz Limon; City Planner Renee Brooke; Deputy City Attorney John Dolmas.
- Members of the Public: Tom Widroe, City Watch; Joel Ohlgren; Michael Conaway; Bill Boyd; Katherine Wolfe; Dick Buford; Eric E. Kelley; Bryan Smith; Judy Blankenship; Brooke Meek; Chris Bender; Brian Kenny; David Bolton; Bob Bartlett; Bonnie Raisin; Anne H. Roja; Barry Keenan; Howard Grea; Michael Hofmann; Theo Kracke; Todd Jacobs; Samantha Ireland; Glyn Davies; Bradley Bennett.

Public Comment Closed:

7:20 p.m.

(Cont'd)

15. (Cont'd)

Motion:

Councilmembers Francisco/Hotchkiss to approve staff recommendations A, B, and C, allocating funding to start enforcement for: 1) existing and new complaints, 2) rentals in Single Family, R-2 and R-3 Zones who have no business license and are not paying Transient Occupancy Tax (TOT), and 3) Rentals in R-4 and Commercial Zones with no business license and not paying TOT through the end of calendar year 2016. Staff was directed to: 1) submit status reports of enforcement progress to Council within six months and notify all Vacation Rentals advising them that the City is starting enforcement.

Vote:

Unanimous voice vote (Absent: Councilmember White).

Motion:

Councilmembers Hart/Schneider to approve staff recommendation D, initiating a Zoning Ordinance amendment to allow Home Sharing Rentals.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember White).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

16. Subject: Issuance of Legislative Subpoena To Support Vacation Rental Enforcement (640.09)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Issuing Subpoenas for Certain Records Related to Short-Term Vacation Rentals in the City.

The title of the resolution was read.

Documents:

- August 11, 2015, report from the City Attorney.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Community Development Director George Buell, City Attorney Ariel Calonne, Project Planner Elizabeth Limon, City Planner Renee Brooke, Deputy City Attorney John Dolmas.

(Cont'd)

16. (Cont'd)

Motion:

Councilmembers Hart/Francisco to approve the staff recommendation.

Vote:

Unanimous roll call vote (Absent: Councilmember White).

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:45 p.m. in memory of Bruce Bartlett who was a former member of the Architectural Board of Review and Planning Commission.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLGATE
DEPUTY CITY CLERK