

CITY OF SANTA BARBARA CITY COUNCIL

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



Paul Casey
City Administrator

Ariel Pierre Calonne
City Attorney

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

JANUARY 12, 2016 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: Comments By Outgoing Councilmember Francisco**
- 2. Subject: Recognition Of Outgoing Councilmember Francisco**
- 3. Subject: Comments By The Public**
- 4. Subject: Affirmation Of Allegiance By Councilmembers Cathy Murillo And Randy Rowse, And Councilmember-Elect Jason Dominguez**
- 5. Subject: Presentation Of Certificates Of Election**
- 6. Subject: Seating Of Newly-Installed Councilmembers**
- 7. Subject: Comments By Councilmembers Dominguez, Murillo, And Rowse**
- 8. Subject: Presentation Of Poem By City Of Santa Barbara Poet Laureate**
- 9. Subject: Comments By The Public**

RECESS

ROLL CALL OF NEW COUNCIL

CEREMONIAL ITEMS (CONT'D)

10. **Subject: Employee Recognition - Service Award Pins (410.01)**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through January 31, 2016.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

11. **Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of December 15, 2015, and the cancelled regular meetings of December 22 and 29, 2015, and January 5, 2016.

12. **Subject: A Resolution Denying The Appeal And Upholding The Decision Of The Architectural Board of Review To Grant Project Design Approval For A Proposed Accessory Dwelling Unit And Two New Garages at 806 Alberta Avenue (640.07)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Architectural Board of Review to Grant Project Design Approval for a Proposed Accessory Dwelling Unit and Two New Garages at 806 Alberta Avenue, pursuant to Council's direction of November 17, 2015.

13. **Subject: Introduction Of Ordinance To Prohibit Parking Over 72 Hours In City-Owned Parking Lots (550.01)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Adding Section 10.44.153 Regarding Penalties for Vehicle Parking Over 72 Hours Upon Municipally-Owned Parking Lots, and Amending Section 10.44.152 Pertaining to Regulation of Parking Upon Municipally-Owned and/or -Operated Parking Lots.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

14. Subject: Downtown Santa Barbara Annual Assessment Report For 2016 And Intention To Levy (290.00)

Recommendation: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2016; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2016, at a Public Hearing to be Held on February 23, 2016, at 2:00 p.m.

15. Subject: Sole Source Purchase Of Public Trash And Recycling Containers (630.01)

Recommendation: That Council approve, on a sole source basis, the purchase of two styles of public trash and recycling containers for the Environmental Services Division for the next five-year period, in accordance with Section 4.52.070(K) of the Municipal Code.

16. Subject: Adoption Of Ordinance For A Lease Agreement With Breakwater Restaurant (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with Two Five-Year Options Dated as of December 8, 2015, with Stephen and Sharon DeDecker, Doing Business As Breakwater Restaurant, at an Average Initial Base Rent of \$8,794.36 per Month, Allocated Seasonally, for the 4,053 Square-Foot Restaurant Located at 107 Harbor Way, Effective February 11, 2016.

17. Subject: Adoption Of Ordinance For Zoning Information Reports Process Improvements - Minor Zoning Exceptions (640.09)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.92 to Add Section 28.92.130 to the Municipal Code Regarding Minor Zoning Exceptions For Errors in Zoning Information Reports.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

18. Subject: Adoption Of Ordinances For Successor Agency Transfer Of Property To The City And City Acceptance Of Property And Assumption Of Obligations (620.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Accepting All Right, Title and Interest to the Real Property Described Herein, Subject to Certain Existing Leasehold Interests, Agreements, and Other Encumbrances on the Multiple Parcels of Real Property, Which Are Together Most Commonly Known As "Paseo Nuevo Retail Center," Owned By the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Agreements and Related Documents as Necessary to Effectuate the Transfer of Real Property Interests to the City of Santa Barbara; and
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Accepting and Assuming For Public Transportation, Public Parking, and All Related Purposes All Right, Title and Interest to the "Governmental Purpose" Real Property Described Herein, Which Are Together Most Commonly Known As "Santa Barbara Railroad Depot," Owned by the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the City of Santa Barbara.

19. Subject: Reject Bid Protest For Secondary Process Improvements Project At The Wastewater Treatment Plant (540.13)

Recommendation: That Council reject Shimmick Construction Company, Inc.'s bid protest of Stanek Constructors, Inc. apparent lowest bid for the Secondary Process Improvements Project, Bid No. 3737.

20. Subject: Central Library Renovation And Furniture Sole Source Agreements (570.04)

Recommendation: That Council:

- A. Approve, and authorize the Acting Library Director to execute, a sole source award of a purchase order in the amount of \$107,096 and \$10,710 for extra services to Yamada Enterprises for a custom furniture purchase for the main floor at 40 E. Anapamu Street;

(Cont'd)

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

20. (Cont'd)

- B. Approve, and authorize the Acting Library Director to execute, a purchase order for a sole source award in the amount of \$15,605 and \$1,560 for extra services to Architectural Millwork for custom millwork for the main floor at 40 E. Anapamu Street;
- C. Approve, and authorize the Acting Library Director to execute, a sole source award of a purchase order in the amount of \$9,866 and \$987 for extra services to Tri County Office Furniture for custom furniture purchase for the main floor at 40 E. Anapamu Street; and
- D. Increase appropriations and estimated revenues by \$250,214 in the Library's Capital Outlay Fund funded with \$97,000 from the Library Department's General Fund Professional Services budget for north wing renovation work; and \$153,214 from the Fenton Davis Trust for main floor furniture and extra services that may result from necessary changes.

21. Subject: Short-Term Residential Rental Subpoenas (640.09)

Recommendation: That Council receive certified copies of subpoenaed records related to unlawful vacation rentals that are subject to the City's Ordinance prohibiting their operation.

CONSENT PUBLIC HEARING

22. Subject: Designation Of Proposed Development At 402 South Hope Avenue As A Community Benefit Project (640.09)

Recommendation: That Council designate the proposed project at 402 South Hope Avenue as a Community Benefit Project pursuant to Santa Barbara Municipal Code Subsection 28.85.020.A.3, and allocate 4,447 square feet of nonresidential floor area to the project from the Nonresidential Growth Management Program's Community Benefit Category.

CONSENT CALENDAR (CONT'D)

SUCCESSOR AGENCY

23. Subject: Contract Amendment For The Cabrillo Pavilion And Bathhouse Renovation Project (570.07)

Recommendation: That the Successor Agency:

- A. Authorize the Executive Director to execute a contract amendment between the Successor Agency and Kruger Bensen Ziemer Architects, Inc., to amend the scope of services for the Cabrillo Pavilion and Bathhouse Renovation Project to increase Phase A of the contract amount by \$68,300; and
- B. Authorize the Executive Director to approve extra services as necessary, in an amount not to exceed \$6,830.

24. Subject: Transfer Of Calle Cesar Chavez Property To Successor Agency (620.03)

Recommendations:

- A. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Transfer of All Right, Title and Interest to the Real Property Commonly Known As the "Calle Cesar Chavez Properties," Owned by the City of Santa Barbara, a Municipal Corporation, and the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara; and
- B. That the Successor Agency to the Redevelopment Agency of the City of Santa Barbara adopt, by reading of title only, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara Accepting and Assuming All Right, Title and Interest to the Real Property Commonly Known As the "Calle Cesar Chavez Properties," Owned by the City of Santa Barbara, a Municipal Corporation, and the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, and Authorizing the Executive Director to Execute Such Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara.

NOTICES

25. The City Clerk has on Thursday, January 7, 2016, 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.

CONSENT CALENDAR (CONT'D)

NOTICES (CONT'D)

26. Cancellation of the regular City Council meeting of January 19, 2016.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

- 27. Subject: Introduction Of Ordinance Regulating Cultivation Of Marijuana (640.09)**

Recommendation: That Council:

- A. Receive a report from the City Attorney's Office outlining the Planning Commission's list of concerns regarding the proposed marijuana cultivation ordinance; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Section 28.87.300 to the Santa Barbara Municipal Code to Regulate Cannabis Cultivation.

PUBLIC WORKS DEPARTMENT

- 28. Subject: Introduction Of Ordinance To Allow Taxicab Loading And Unloading In Green, Yellow, And White Zones (530.05)**

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 10.48 of the Municipal Code by Amending Sections 10.48.110, Taxicab Stands - Curb Markings, and 10.48.130, Taxicab Parking.

- 29. Subject: Drought Update And Annual Water Supply Management Report (540.05)**

Recommendation: That Council:

- A. Receive an update on the status of the current drought, drought-response capital projects, and continuing conservation efforts; and
- B. Approve and adopt the City of Santa Barbara Water Supply Management Report for the 2015 water year, finding that groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

30. Subject: Increase In Construction Change Order Authority For The Charles E. Meyer Desalination Facility (540.10)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the contract for the Charles E. Meyer Desalination Facility with IDE Americas, Inc., Contract No. 25,221, in the amount of \$2,300,000, for a total Project expenditure authority of \$47,601,654;
- B. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra services for the contract for Owner Support Services for the Charles E. Meyer Desalination Facility with Carollo Engineers, Inc., Contract No. 25,222, in the amount of \$62,898, for a total Project expenditure authority of \$2,298,782; and
- C. Authorize the Public Works Director to amend and increase a City Professional Services Contract, subject to approval as to form by the City Attorney, with Patrick Tumamait, Contract No. 21600039, in an amount of \$35,100, for a total Project expenditure authority of \$70,000.

MAYOR AND COUNCIL REPORTS

31. Subject: Appointment Of Mayor Pro Tempore, Ordinance Committee, and Finance Committee (130.01)

Recommendation: That Council consider the appointment of a Mayor Pro Tempore, and Chairs and Members of the Ordinance and Finance Committees.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT