



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING January 12, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance and Ordinance Committees, 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: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. **Subject: Comments By Outgoing Councilmember Francisco**

Councilmember Francisco stated it has been one of the honors of his life to serve on Council and that he believes his major goals for improving the City's operation have been achieved.

2. **Subject: Recognition Of Outgoing Councilmember Francisco**

All Councilmembers made comments in appreciation for the opportunity to work with Councilmember Francisco, and Mayor Schneider presented him with a proclamation of commendation on behalf of the City of Santa Barbara.

3. **Subject: Comments By The Public**

No one wished to speak.

4. Subject: Affirmation Of Allegiance By Councilmembers Cathy Murillo And Randy Rowse, And Councilmember-Elect Jason Dominguez

Action: Affirmations administered.

5. Subject: Presentation Of Certificates Of Election

Action: Presented.

6. Subject: Seating Of Newly-Installed Councilmembers

Action: Councilmembers were seated.

7. Subject: Comments By Councilmembers Dominguez, Murillo, And Rowse

Councilmember Dominguez thanked District 1 voters for the opportunity to serve on the Council, expressed his appreciation for the experience and community involvement represented by other Councilmembers and residents of the City, and introduced members of his family.

Councilmember Murillo expressed her gratitude to voters of District 3 for granting her a second term on Council, and she stated her commitment to setting the standard for district representation.

Councilmember Rowse thanked the voters for electing him to a second term in office, acknowledged the importance of considering neighborhoods in making City policy, and thanked his family for their support.

8. Subject: Presentation Of Poem By City Of Santa Barbara Poet Laureate

Poet Laureate Sojourner Kincaid-Rolle read a poem entitled "A Charge To Keep In Mind."

9. Subject: Comments By The Public

Speakers: Hal Conklin; Robert Burke; Tom Widroe, City Watch; Pete Dal Bello.

RECESS

2:37 p.m. – 3:03 p.m.

ROLL CALL OF NEW COUNCIL

Councilmembers present: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Helene Schneider.

Councilmembers absent: None.

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

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.

Documents:

January 12, 2016, report from the Administrative Services Director.

Speakers:

Staff: City Administrator Paul Casey.

By consensus, the Council approved the recommendation and the following employees were recognized:

5-Year Pin

Bryn Bruce, Police Officer, Police Department

Matthew Fore, Environmental Services Manager, Finance Department

Karl Halamicek, Harbor Patrol Officer, Waterfront Department

Jennifer Hollywood, Administrative Specialist, Parks and Recreation Department

Jennifer Jennings, Administrative Analyst, Administrative Services Department

Christina Marshall, Police Officer, Police Department

Kevin Masterson, Wastewater Treatment Plant Operator, Public Works Department

10-Year Pin

Jasper Allen, Wastewater Treatment Plant Operator, Public Works Department

Lenori Cassidy, Building Inspection/Plan Check Supervisor,

Community Development Department

Eduardo Castillo, Water Distribution Operator, Public Works Department

Allan Goldman, Facilities Maintenance Superintendent, Public Works Department

Beth Lazarus, Police Officer, Police Department

Matt Sanchez, Water Distribution Operator Technician, Public Works Department

Tom Shapiro, Assistant City Attorney, City Attorney's Office

Elizabeth Sorgman, Senior Plans Examiner, Community Development Department

Jace Turner, Librarian, Library

Thomas Welche, Wastewater Treatment Plant Chief Operator,

Public Works Department

(Cont'd)

10. (Cont'd)

15-Year Pin

Ed Cateriano, Building Inspector, Community Development Department

Alma Chaidez, Library Assistant, Library

Michael Claytor, Police Officer, Police Department

Mark Corbett, Police Officer, Police Department

20-Year Pin

Carl Kamin, Police Officer, Police Department

30-Year Pin

Jaycee Hunter, Police Officer, Police Department

Janet Sackett, Administrative Specialist, Parks and Recreation Department

CHANGES TO THE AGENDA

City Administrator Paul Casey requested that the following item be removed from the agenda to allow Staff to return to the Ordinance Committee for approval to make a revision to the proposed ordinance:

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.

Motion:

Councilmembers Hotchkiss/White to remove Item No. 28 from the agenda.

Vote:

Unanimous voice vote.

PUBLIC COMMENT

Speakers: Andrea Roselinsky; Phil Walker; Tom Widroe, City Watch; Pete Dal Bello.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Rowse stated he would abstain from voting on the following item due to a conflict of interest related to his ownership of a business within the Downtown Business Improvement District.

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.

Documents:

- January 12, 2016, report from the City Administrator.
- Proposed resolution.

The title of the resolution was read.

Motion:

Councilmembers White/Hart to approve the recommendation; Resolution No. 16-002.

Vote:

Unanimous roll call vote (Abstentions: Councilmember Rowse).

CONSENT CALENDAR (Item Nos. 11 – 13, 15 – 26)

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

Motion:

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

Vote:

Unanimous roll call vote.

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.

(Cont'd)

11. (Cont'd)

Action: Approved the recommendation.

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.

Action: Approved the recommendation; Resolution No. 16-001 (January 12, 2016, report from the City Attorney; proposed resolution).

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.

Action: Approved the recommendation (January 12, 2016, report from the Public Works Director; proposed ordinance).

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.

Action: Approved the recommendation (January 12, 2016, report from the Finance Director).

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.

Action: Approved the recommendation; Ordinance No. 5729; Agreement No. 25,399.

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.

Speakers:

Member of the Public: Tom Widroe, City Watch.

Action: Approved the recommendation; Ordinance No. 5730.

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

(Cont'd)

18.

(Cont'd)

- 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.

Action: Approved the recommendations; Ordinance Nos. 5731 and 5732; Deed Nos. 61-456 and 61-457.

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.

Action: Approved the recommendation (January 12, 2016, report from the Public Works Director).

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;
- 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

(Cont'd)

20.

(Cont'd)

- 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.

Action: Approved the recommendations (January 12, 2016, report from the Acting Library Director).

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.

Speakers:

- Member of the Public: Tom Widroe, City Watch.
- Staff: City Attorney Ariel Calonne.

Action: Approved the recommendation (January 12, 2016, report from the City Attorney).

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.

The public hearing was opened and closed at 3:24 p.m.; no one wished to speak.

Action: Approved the recommendation (January 12, 2016, report from the Community Development Director; affidavit of publication).

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.

Action: Approved the recommendations; Contract No. 24,711.1 (January 12, 2016, report from the Parks and Recreation Director).

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.

Action: Approved the recommendations; Resolution No. 16-003 (January 12, 2016, report from the City Administrator; proposed ordinance and resolution).

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

This concluded 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.

Documents:

- January 12, 2016, report from the City Attorney.
- Proposed ordinance.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

Public Comment Opened:

3:25 p.m.

Speakers:

- Staff: Assistant City Attorney Tava Ostrenger, City Administrator Paul Casey, City Attorney Ariel Calonne.
- Planning Commission: Commissioner Michael Jordan.
- Members of the Public: Hathor Hammett, Eric Bjorklund, Paul Kowalski, Liz Rogan, Lindsey Borshan, Mark Russell, Jonathan McKee, Seamus Ethridge.

Public Comment Closed:

4:09 p.m.

(Cont'd)

27. (Cont'd)

Motion:

Councilmembers Rowse/Hotchkiss to approve recommendation B and direct Staff to return to Council in April 2016 with a report regarding actions taken by other tri-county jurisdictions to regulate the cultivation of marijuana, the impact of those regulations on the City's current storefront dispensary ordinance, and other activities pertaining to state law on this issue.

Vote:

Majority voice vote (Noes: Councilmember Murillo).

Motion:

Councilmembers Rowse/Hotchkiss to direct Staff to include in the report to be submitted in April information related to licensing, fees, taxes, the manufacturing of by-products for dispensaries, and product testing.

Vote:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

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.

Documents:

- January 12, 2016, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Water Resources Manager Joshua Haggmark, Water Conservation Coordinator Madeline Ward.

Discussion:

Staff summarized the City's Water Supply Management Report for 2015 and also provided the monthly update on the current drought, including information on water supply strategy, drought response capital projects, and the City's Water Conservation Program. Councilmembers' questions were answered.

(Cont'd)

29. (Cont'd)

Motion:

Councilmembers Murillo/Hart to approve recommendation B.

Vote:

Unanimous voice vote.

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.

Documents:

- January 12, 2016, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Principal Engineer Linda Sumansky, City Administrator Paul Casey.
- Member of the Public: Phil Walker.

Motion:

Councilmembers White/Hart to approve the recommendations.

Vote:

Unanimous voice vote.

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.

(Cont'd)

31. (Cont'd)

Documents:

January 12, 2016, report from the City Administrator.

Speakers:

Staff: City Attorney Ariel Calonne.

Motion:

Councilmembers Rowse/Murillo to appoint Councilmember White as Mayor Pro Tempore.

Vote:

Unanimous voice vote.

Motion:

Councilmembers White/Hotchkiss to appoint Councilmembers Hotchkiss, Murillo, and Rowse to the Ordinance Committee, with Councilmember Rowse serving as Chair; and to appoint Councilmembers Dominguez, Hart, and White to the Finance Committee, with Councilmember Hart serving as Chair.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

Councilmember Murillo reported: 1) the Parks and Recreation Department is establishing new rules for the renting of neighborhood centers; 2) a public meeting was recently held to discuss the recruitment for a new Police Chief; and 3) the Santa Barbara Youth Council met to consider the City's Bicycle Master Plan Update.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:51 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK