

# CITY OF SANTA BARBARA CITY COUNCIL

**Helene Schneider**  
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**Bendy White**  
*Mayor Pro Tempore*  
**Randy Rowse**  
*Ordinance Committee Chair*  
**Gregg Hart**  
*Finance Committee Chair*  
**Jason Dominguez**  
**Frank Hotchkiss**  
**Cathy Murillo**



**Paul Casey**  
*City Administrator*

**Ariel Pierre Calonne**  
*City Attorney*

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

## APRIL 26, 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](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## **ORDER OF BUSINESS**

- 12:00 p.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street  
2:00 p.m. - City Council Meeting

### **SPECIAL FINANCE COMMITTEE MEETING - 12:00 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)**

**1. Subject: March 31, 2016, Investment Report And March 31, 2016, Fiscal Agent Report (120.03)**

Recommendation: That Finance Committee recommend that Council:

- A. Accept the March 31, 2016, Investment Report; and
- B. Accept the March 31, 2016, Fiscal Agent Report.  
(See Council Agenda Item No. 5)

**2. Subject: Finance Committee Review Of The Fiscal Year 2017 Recommended Budget (120.03)**

Recommendation: That the Finance Committee:

- A. Consider and approve the proposed Finance Committee review schedule and topics related to the Fiscal Year 2017 Recommended Budget; and
- B. Provide staff with any additional topics the Committee wishes to include in their review.

**3. Subject: Review Of Streets Fund Operating Programs (120.03)**

Recommendation: That the Finance Committee hear a presentation on the major activities of the operating programs funded with Streets Fund revenues.

## **REGULAR CITY COUNCIL MEETING – 2:00 P.M.**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **CEREMONIAL ITEMS**

- 1. Subject: Proclamation Declaring April 2016 as DMV/Donate Life California Month (120.04)**

### **CHANGES TO THE AGENDA**

### **PUBLIC COMMENT**

### **CONSENT CALENDAR**

- 2. Subject: Adoption of Waterfront Hotel Development Agreement And Amendment To Chapter 28.95 Of The Zoning Ordinance (640.09)**

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Development Agreement for the Waterfront Hotel By and Between the City of Santa Barbara and American Tradition, LLC; and
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.95 of Title 28 of the Santa Barbara Municipal Code by Adding a Provision Relating to the Development Agreement Between the City of Santa Barbara and American Tradition, LLC.

## CONSENT CALENDAR (CONT'D)

3. **Subject: Introduction Of Ordinance Approving Sale Of Excess City Land At 536 Bath Street Related To The Cota Street Bridge Replacement Project (330.01)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute the Land Purchase Agreement, Escrow Instructions, and Grant Deed for the Sale of Certain City Excess Land Located at 536 Bath Street to NGC FUND 1, LLC, a Delaware Limited Liability Company, in the Amount of \$579,000.

4. **Subject: Central Coast Water Authority Bond Refinancing And Introduction Of Ordinance To Amend The Water Supply Agreement (540.08)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving Certain Information for Inclusion in an Official Statement Relating to the Central Coast Water Authority Refunding Revenue Bonds, Series 2016A (State Water Project Regional Facilities), and Approving Certain Other Matters in Connection Therewith, Subject to Approval as to Form by the City Attorney; and
- B. 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 the First Amendment to the Water Supply Agreement.

5. **Subject: March 31, 2016, Investment Report And March 31, 2016, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the March 31, 2016, Investment Report; and
- B. Accept the March 31, 2016, Fiscal Agent Report.

6. **Subject: Fiscal Year 2016 Interim Financial Statements For The Eight Months Ended February 29, 2016 (250.02)**

Recommendation: That Council accept the Fiscal Year 2016 Interim Financial Statements for the Eight Months Ended February 29, 2016.

## CONSENT CALENDAR (CONT'D)

**7. Subject: Commitment Of HOME Funds And Revision To Documents To Comply With Low Income Housing Tax Credit Requirements For The New Affordable Housing Project At 510-520 N. Salsipuedes And 601 E. Haley Street (Jardin De Las Rosas) (660.04)**

Recommendation: That Council:

- A. Approve the conversion of a preliminary award of \$500,000 of the City's Home Investment Partnership Program (HOME) funds to a commitment;
- B. Increase allocation in the amount of \$500,000 to the existing HOME Loan Agreement No. 24,524 account;
- C. Approve Assignment and Assumption Agreement that assigns all contractual rights, duties and obligations of all City documents to Jardin de Las Rosas, LP;
- D. Approve the amendment to the former Redevelopment Agency of the City of Santa Barbara Loan Agreement No. 535 to conform with Low Income Housing Tax Credit requirements and Deed of Trust;
- E. Approve the amendment to Home Loan Agreement No. 24,524 and Deed of Trust;
- F. Approve the amendment of the Affordability Control Covenant Imposed on Real Property to conform with and be subordinated to Low Income Housing Tax Credit requirements;
- G. Approve the subordination of Loan Agreement No. 535 and Loan Agreement No. 24,524 and their respective Deeds of Trust to other project financing; and
- H. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary.

**8. Subject: Approval Of Final Map And Execution Of Agreements For 203 Chapala Street (640.08)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,819 and standard agreements relating to the approved subdivision at 203 Chapala Street, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document.

## CONSENT CALENDAR (CONT'D)

**9. Subject: Contract For Design Of Paseo Landscape, Lighting And Other Improvements At City Parking Lot 3 (Chapala And Figueroa Streets) (550.05)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Contract with Arcadia Studio in the amount of \$65,000 for design services of the City Parking Lot 3 Paseo Improvement Project, and authorize the Public Works Director to approve expenditures of up to \$6,500 for extra services of Arcadia Studio that may result from necessary changes in the scope of work.

**10. Subject: Set A Date For Public Hearing Regarding Appeal of Planning Commission's March 17th Action to Deny January 28, 2016 Appeal of Staff Hearing Officer Approval for Medical Marijuana Storefront Collective Dispensary, 118 North Milpas Street**

Recommendation: That Council:

- A. Set the date of May 10, 2016, at 2:00 p.m. for hearing the appeal filed by Pete Dal Bello, and the appeal filed by Jarrett Gorin on behalf of Natasha Todorovic and Santos Guzman, of the Planning Commission's denial on March 17, 2016 of the appeal filed by Pete Dal Bello of the Staff Hearing Officer's approval of an application for a Medical Marijuana Storefront Collective Dispensary located at 118 North Milpas Street. A public hearing was held for the Planning Commission to hear the appeal of the Staff Hearing Officer's approval of the proposed Medical Marijuana Storefront Collective Dispensary. The project includes operations and security plans, interior floor plan improvements, and minor exterior alterations and landscaping for the existing commercial building. The discretionary application required for this project is a Storefront Collective Dispensary Permit (SBMC §28.80.030). The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a), Existing Facilities; and
- B. Set the date of May 9, 2016, at 1:30 p.m. for a site visit to the property located at 118 North Milpas Street.

## CONSENT CALENDAR (CONT'D)

**11. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Denial For 1417 San Miguel Avenue**

Recommendation: That Council:

- A. Set the date of July 12, 2016, at 2:00 p.m. for hearing the appeal filed by Michael Gott of the Planning Commission denial of an appeal of the Staff Hearing Officer's denial of an application for property located at 1417 San Miguel Avenue, Assessor's Parcel No. 045-132-006, E-3 One-Family Residence/SD-3 Coastal Overlay Zones, General Plan Designation: Low Density Residential (Maximum 5 Dwelling Units/Acre). The proposed project involves a circular driveway and parking/loading space at the front of the house, with a new curb cut and driveway. The discretionary application required is a Front Setback Modification to allow uncovered parking in the required 20-foot front setback; and
- B. Set the date of July 11, 2016, at 1:30 p.m. for a site visit to the property located at 1417 San Miguel Avenue.

**12. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval Of Concept Review For New Small Wireless Communications Facility Located In Public Right Of Way On 300 Block Grove Lane**

Recommendation: That Council:

- A. Set the date of July 26, 2016, at 2:00 p.m. for hearing the appeal filed by Jan and Maria Kaestner of the Architectural Board of Review's Project Design Approval of a proposed small cell wireless communications facility for Verizon including one 2'-0" diameter Cantenna and associated equipment to be mounted on an existing 25 foot tall wooden utility pole. Also proposed is a new meter pedestal and pad with equipment cabinet. Project was last reviewed on August 17, 2015.
- B. Set the date of July 25, 2016, at 1:30 p.m. for a site visit to the property located at 300 Block Grove Lane.

## NOTICES

- 13. The City Clerk has on Thursday, April 21, 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.
- 14. A City Council site visit is scheduled for Monday, May 2, 2016, at 1:30 p.m. to the property located at 251 South Hope Avenue, which is the subject of an appeal hearing set for May 3, 2016, at 2:00 p.m.

## **CONSENT CALENDAR (CONT'D)**

### NOTICES (Cont'd)

15. Receipt of communication advising of vacancies created on the Parks and Recreation Commission with the resignation of LeeAnne French and on the Creeks Advisory Committee with the resignation of James Hawkins. These vacancies will be part of the current recruitment.

**This concludes the Consent Calendar.**

## **REPORT FROM THE FINANCE COMMITTEE**

### **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

#### PUBLIC WORKS DEPARTMENT

16. **Subject: Amended Stage Three Drought Declaration To 35% Conservation Target (540.05)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution 15-036 the Stage Three Drought Emergency Declaration to Increase the Reduction From Normal Citywide Water Use From 25 to 35 Percent.

17. **Subject: Montecito Water District Desalination Water Sales Agreement Status Update (540.01)**

Recommendation: That Council receive an update on the status of discussions with the Montecito Water District regarding a Water Sales Agreement in relation to the City's Charles E. Meyer Desalination Plant as a potential regional water supply.

#### FINANCE DEPARTMENT

18. **Subject: Two-Year Review Of Single-Use Carryout Bag Ordinance (630.02)**

Recommendation: That Council receive a presentation from staff on the effectiveness of the Single-Use Carryout Bag Ordinance in reducing the number of plastic and paper bags used within the City.

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **PUBLIC COMMENT (IF NECESSARY)**

### **CLOSED SESSIONS**

#### **19. 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)(3) of the Government Code. Significant exposure to litigation arising out of claims by David Anduri Sr.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

### **ADJOURNMENT**

To Monday, May 2, 2016, at 1:30 p.m. at 251 South Hope Avenue. (See Agenda Item No. 14)