



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING April 26, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Mayor Schneider.

Councilmembers absent: Jason Dominguez, Bendy White.

Staff present: Acting City Administrator Pamela Antil, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

### CEREMONIAL ITEMS

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

Action: Proclamation presented to Scott Burns and to Lisa Marciano, representing One Legacy.

### CHANGES TO THE AGENDA

#### Item Removed from Agenda

Acting City Administrator Antil stated that the following item was being removed from the agenda; it will be resubmitted on a future date:

**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.

Councilmembers Dominguez and White entered the meeting at 2:11 p.m.

**PUBLIC COMMENT**

Speakers: Phil Walker, Pete Dal Bello.

**CONSENT CALENDAR (Item Nos. 3 – 15)**

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

Motion:

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

Vote:

Unanimous roll call vote.

**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.

Action: Approved the recommendation (April 26, 2016, report from the Public Works Director; proposed ordinance).

**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.

Action: Approved the recommendations; Resolution No. 16-022 (April 26, 2016, report from the Public Works Director; proposed resolution and ordinance).

**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.

Action: Approved the recommendations (April 26, 2016, report from the Finance Director).

**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.

Action: Approved the recommendation (April 26, 2016, report from the Finance Director).

**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;

(Cont'd)

**7. (Cont'd)**

- 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.

Speakers:

- Members of the Public: Trevor Martinson, Arthur Posch.
- Staff: Project Planner David Rowell.

Action: Approved the recommendations; Agreement Nos. 25,546 (recommendation C), 535.1 (recommendation D), and 24,524.1 (recommendation E) (April 26, 2016, report from the Community Development Director).

**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.

Action: Approved the recommendation; Agreement Nos. 25,547 – 25,549 (April 26, 2016, report from the Public Works Director).

**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.

Speakers:

Staff: Principal Transportation Planner Robert Dayton.

Action: Approved the recommendation; Contract No. 25,550 (April 26, 2016, report from the Public Works Director).

**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~~4:00 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.

Speakers:

Staff: Acting City Administrator Pamela Antil.

Action: Approved the recommendations as amended (March 27 and 28, 2016, letters of appeal).

**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.

Action: Approved the recommendations (March 18, 2016, letter of appeal).

**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~~ May 10, 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~~ May 9, 2016, at 1:30 p.m. for a site visit to the property located at 300 Block Grove Lane.

Speakers:

Staff: Acting City Administrator Pamela Antil.

Action: Approved the recommendations as amended (letter of appeal received April 7, 2016).

**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.
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 concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Gregg Hart reported that the Committee reviewed the March 31, 2016, Investment and Fiscal Agent reports, which were approved by Council as part of this agenda's Consent Calendar (Item No. 5). The Committee also confirmed the list of topics it will consider in its review of the Fiscal Year 2017 Recommended Budget and heard a Staff presentation related to programs funded with Streets Fund revenues.

## **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.

Documents:

- April 26, 2016, report from the Public Works and Community Development Directors.
- Proposed resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Speakers:

- Staff: Water Resources Manager Joshua Haggmark, Project Planner Allison DeBusk.
- Members of the Public: Frank DuPont, Mark Kirkhart.

(Cont'd)

**16. (Cont'd)**

Motion:

Councilmembers White/Rowse to approve the recommendation;  
Resolution No. 16-023.

Vote:

Unanimous roll call vote.

**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.

Documents:

- April 26, 2016, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Resources Manager Joshua Haggmark.
- Members of the Public: Bob Mayo; Dick Shaikewitz and Charles Newman, representing the Montecito Water District.

The Council heard the update and their questions were answered.

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.

Documents:

- April 26, 2016, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Environmental Services Manager Matthew Fore, City Attorney Ariel Calonne.

The Council received the presentation and their questions were answered.

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

### Information:

- Councilmember Hotchkiss commented on his attendance at a discussion of the Bicycle Master Plan sponsored by the westside community, and at the annual event to commemorate the City's founding.
- Councilmember Hart mentioned that he had attended the Kiwanis Club's Extra Step Awards event as well as a meeting of the Visit Santa Barbara Board of Directors.
- Councilmember Murillo reported on her attendance at: 1) a second event celebrating the City's founding; 2) a seminar promoting restorative justice, sponsored by the Conflict Solutions Center; and 3) a forum regarding the importance of preschool, sponsored by the League of Women Voters.
- Councilmember Dominguez commented on his attendance at Santa Barbara Business College's graduation ceremony and the Special Olympics kickoff event.
- Councilmember White reported on a presentation made by the Central Coast Water Authority about the history of the State Water Project and on a meeting of the Cachuma Operation and Maintenance Board, which included discussions of a malfunction at Lauro Reservoir and the diversion of Cachuma water for fish populations.
- Mayor Schneider mentioned that she had attended the retirement celebration for Reverend Mark Asman of the Episcopal Church, and that she will be going to the League of California Cities meeting next week.

## RECESS

The Mayor recessed the meeting at 4:31 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 19, and she stated that no reportable action is anticipated.

## 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

#### Documents:

April 26, 2016, report from the City Attorney.

#### Time:

4:35 p.m. – 5:05 p.m.

(Cont'd)

**19. (Cont'd)**

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 5:05 p.m. to Monday, May 2, 2016, at 1:30 p.m. at 251 South Hope Avenue.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST:

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SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK