



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING May 10, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:02 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: Jason Dominguez, 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, City Clerk Services Manager Sarah Gorman.

### PUBLIC COMMENT

Speakers: Ivan Pelly, Santa Barbara Pony Baseball; Phil Walker.

### CONSENT CALENDAR (Item Nos. 1 – 10)

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

Motion:

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

Vote:

Unanimous roll call vote.

(Cont'd.)

## CONSENT CALENDAR (Item Nos. 1 – 10) (Cont'd.)

### 1. **Subject: Records Destruction For Public Works Department (160.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Engineering, Facilities and Energy Management, Fleet Management, Transportation, and Water Resources Divisions.

Action: Approved the recommendation; Resolution No. 16-026 (May 10, 2016, report from the Public Works Director; proposed resolution).

### 2. **Subject: Resolution to Receive And Implement Grant Funding Related to California Redemption Value Containers (630.01)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Finance Director, or His or Her Designee, to Submit and Execute All Documents Necessary to Secure Funds from the Department of Resources Recycling and Recovery Related to the Collection and Diversion of California Redemption Value Containers.

Action: Approved the recommendation; Resolution No. 16-027 (May 10, 2016, report from the Finance Director; proposed resolution).

### 3. **Subject: Adoption Of Ordinance For Rayne Santa Barbara, Inc., Brine Discharge Agreement (540.13)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Agreement with Two Consecutive Five-Year Options with Rayne Santa Barbara, Inc., for Salt Brine Conveyance at the El Estero Wastewater Treatment Plant, Effective June 9, 2016.

Action: Approved the recommendation; Ordinance No. 5748; Agreement No. 25,558.

### 4. **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.

Action: Approved the recommendation (May 10, 2016, report from the City Attorney).

## CONSENT CALENDAR (Item Nos. 1 – 10) (Cont'd.)

### 5. **Subject: Contract For Water Main Design Services (540.06)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Agreement with Stantec Consulting Services, Inc., in an amount not to exceed \$600,000 for On-Call Water Main Design Services.

Action: Approved the recommendation; Agreement No. 25,557 (May 10, 2016, report from the Public Works Director.)

### 6. **Subject: Acceptance Of Grant Revenues, Authorization Of Increase, And Appropriation Of Funds For The De La Vina Street Bridge Replacement Project (530.04)**

Recommendation: That Council:

- A. Accept Federal Highway Administration Highway Bridge Program grant funding in the total amount of \$885,300 for the De La Vina Street Bridge Replacement Project;
- B. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Capital Fund by \$885,300 for the De La Vina Street Bridge Replacement Project; and
- C. Authorize a transfer of \$45,000 from existing Streets Capital Fund appropriations to cover a portion of the City's share of Local Funds associated with the design phase of the De La Vina Street Bridge Replacement Project.

Action: Approved the recommendations (May 10, 2016, report from Public Works Director.)

### 7. **Subject: 2016-17 Annual Action Plan Related to Housing and Community Development Programs (610.04)**

Recommendation: That Council:

- A. Adopt the 2016-17 Annual Action Plan for submittal to the U.S. Department of Housing and Urban Development (HUD); and
- B. Authorize the City Administrator to sign all necessary documents to submit the City's 2016-2017 Annual Action Plan to HUD.

Action: Approved the recommendations; Agreement No. 25,559 (May 10, 2016, report from the Community Development Director.)

(Cont'd.)

## **CONSENT CALENDAR (Item Nos. 1 – 10) (Cont'd.)**

### **8. Subject: Adoption Of Ordinance Pertaining To 251 S. Hope (640.09)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Zoning of Assessor's Parcel Number 051-240-008.

Action: Approved the recommendation; Ordinance No. 5749.

## **NOTICES**

9. The City Clerk has on Thursday, May 5, 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.
10. Receipt of communication advising of a vacancy created on the Rental Housing Mediation Board with the resignation of Scott Wexler. This vacancy will be part of the next recruitment.

This concludes the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Gregg Hart reported that the Finance Committee discussed proposed Fiscal Year 2017 fees for various departments; the Committee will continue the discussion in a few weeks. The Finance Committee also discussed unfunded streets infrastructure and other capital needs.

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

### **FIRE DEPARTMENT**

#### **11. Subject: 9-1-1 Emergency Dispatch And Cell Phone Call Routing (520.02)**

Recommendation: That Council receive a presentation and consider support of Assembly Bill 1564 (Williams), 9-1-1 Emergency Response - Wireless Routing Optimization.

#### Documents:

- May 10, 2016, report from Fire Chief.
- PowerPoint presentation prepared and made by Staff

#### Speakers:

- Staff: Fire Chief Pat McElroy
- Members of the public: Angelo Salducci

(Cont'd.)

**12.** Cont'd.

Motion:

Councilmembers Hart/Rowse to support the staff recommendation.

Vote:

Unanimous voice vote.

**PUBLIC HEARINGS**

**QUASI-JUDICIAL HEARING RULES APPLY TO THIS AGENDA ITEM**

**12. Subject: Appeal Of Small Cell Wireless Communications Facility Proposed In The Public Right-Of-Way Of The 300 Block Of Grove Lane (640.07)**

Recommendation: That Council:

- A. Uphold the appeal of Jan and Maria Kaestner of the Architectural Board of Review's decision to grant Final Approval, and approve a revised design for the small cell wireless communications facility proposed by Verizon Wireless within the 300 block of Grove Lane; and
- B. Direct Staff to return to Council with decision and findings reflecting the outcome of the appeal.

Documents:

- May 10, 2016, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Artistic Engineering / Verizon Grove Lane SC1 simulations submitted by Applicant
- Appeal of New Cellular Antennae document submitted by Appellant

Ex Parte Communications:

- Councilmember Hotchkiss disclosed that he spoke with a person who signed a petition, but that person was not an appellant or an applicant.

Public Comment Opened:

3:04 p.m.

Speakers:

- Staff: Senior Planner Jaime Limon, City Attorney Ariel Calonne.
- Appellant: Jan Kaestner, Maria Kaestner
- Applicant: Pete Schubin, representing Sequoia Deployment Services; Paul Albritton, representing Verizon.

Public Comment Closed:

4:03 p.m.

Motion:

Councilmembers Hotchkiss/White to approve the staff recommendations.

Vote:

Majority roll call vote (Noes: Councilmembers Dominguez, White).

## **RECESS**

4:16 p.m. – 4:28 p.m.

## **QUASI-JUDICIAL HEARING RULES APPLY TO THIS AGENDA ITEM**

### **13. Subject: Appeals Of Storefront Collective Dispensary Permit At 118 North Milpas Street (640.07)**

Recommendation: That Council:

- A. Deny the appeals of Jarrett Gorin and Pete Dal Bello and uphold the Planning Commission's approval of a Storefront Collective Dispensary Permit; and
- B. Direct staff to return to Council with Decision and Findings reflecting the outcome of the appeal.  
(Estimated Time: 4:00 p.m.)

Documents:

- May 10, 2016, report from Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Affidavit of Publication.
- Video presented by public speaker Danielle Winkler, representing the Canopy Club.
- March 27, 2016 Notice of Appeal filed by Appellant Pete Dal Bello and supporting documents.
- March 27, 2016 Appeal of Planning Commission's March 17<sup>th</sup> Action to Deny January 28, 2016 Appeal of Staff Hearing Officer Approval for Medical Marijuana Storefront Collective Dispensary filed by Appellant Jarrett Gorin and supporting documents.

Interpretation services:

- Were provided by Spanish/English translator Carlos Cerecedo.

Ex parte communications:

- Councilmember Dominguez stated that he had spoken to the applicant, applicant's attorney, the appellants, and the appellants' representatives about either the process or the project.
- Councilmember Murillo stated that she had met with the applicant and applicant's attorney.
- Mayor Schneider stated that she had conversations with the applicant and applicant's attorney before the appeal was filed.

Public Comment Opened:  
4:32 p.m.

Speakers:

- Staff: Assistant Planner Tony Boughman, Project Planner Daniel Gullett, Assistant City Attorney Tava Ostrenger, Assistant City Attorney Scott Vincent, City Attorney Ariel Pierre Calonne, Interim Police Chief John Crombach.
- Appellant: Pete Dal Bello.
- Appellant: Jarrett Gorin, representing Santos Guzman and Natasha Todorovic.
- Applicant: Ryan Howe, Daniel Linz, speaking on behalf of applicant, Joseph Allen, representing Mr. Howe.
- Planning Commission: Vice-Chair June Belletto de Pujo, Member Michael Jordan.
- Members of the public: Bea Molina; Rose Aldana; Rev. Pedro Lopez; Mayor Robles; Martha Jaimes; Mary Robles; Sebastian Aldana; Naomi Green; Ana Rico, Abby Fragosa, Danielle Winkler, representing the ;Canopy Club; Annette Russell; Steven Bernston, representing representing Merry Milpas, LLC, and Jose Arturo Gallegos.

Public Comment Closed:  
7:48 p.m.

RECESS: 6:45 p.m. – 6:58 p.m.

Public Comment Closed:  
7:48 p.m.

Motion:

Councilmembers Hart/Hotchkiss to deny the appeals of Dal Bello and Gorin upholding the Planning Commission approval, subject to the conditions of approval adopted by the Planning Commission with the following additions: identify cultivation locations as required in Santa Barbara Municipal Code section 28.80.060.F.9, and include a hard cap of 150 patients per day, and direct staff to initiate the process by which the City considers the placement up to five 15 minute parking spaces in front of the location, and to review offsite employee parking with a sticker in a way to enable neighborhood residents to identify employee vehicles for the purpose of identifying parking violations.

Vote:

Majority roll call vote (Noes: Councilmembers Dominguez, Rowse, White)

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### Information:

- Councilmember Murillo reported that she attended the Harding School Cinco de Mayo Celebration and the La Cumbre Foundation's dinner honoring alumna of the year and teacher of the year. She also thanked Laura Knight of Pascucci Restaurant for a Solstice fundraiser. She attended a Visit Santa Barbara tourism luncheon and noted that the Sister City of Puerto Vallarta organization installed new officers.

## **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 8:34 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

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SARAH GORMAN, CMC  
CITY CLERK SERVICES MANAGER