



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING January 10, 2017 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, 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, Deputy City Clerk Deborah L. Applegate.

CEREMONIAL ITEMS

1. **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, 2017.

Documents:

January 10, 2017, report from the Administrative Services Director.

Speakers:

Staff: City Administrator Paul Casey, Award Recipient Fire Operations Division Chief Lee Waldron and Network Administrator David Straede.

(Cont'd)

1. (Cont'd)

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

5-Year Pin

Steven Ceriale, Water Treatment Plant Operator III, Public Works Department
Cathy Murillo, Councilmember, Mayor & City Council

10-Year Pin

Heidi Braunger, Project Engineer I, Public Works Department
Gaylen Fair, Laboratory Analyst Coordinator, Public Works Department
Hong Lieu, Library Systems Technician II, Library
Lea Salcedo-Donihue, Police Records Specialist, Police Department
Elizabeth Smith, Creeks Outreach Coordinator, Parks and Recreation Department

15-Year Pin

Robert Castro, Police Officer, Police Department

20-Year Pin

Kevin Corbett, Fire Engineer, Fire Department
Andy Feller, Police Sergeant, Police Department
Warren Holtke, Police Sergeant, Police Department
Gregory Hons, Police Officer, Police Department

30-Year Pin

Damian Gadal, Accounting Coordinator, Waterfront Department
Stephen Palacio, Senior Grounds Maintenance Worker, Parks and Recreation
Department

Margarita Sanchez, Accounting Assistant, Finance Department
Lee Waldron, Fire Operations Division Chief, Fire Department

35-Year Pin

Joseph Poire, Fire Prevention Division Chief, Fire Department
David Straede, Network Administrator, Police Department

PUBLIC COMMENT

Speakers: Phil Walker.

CHANGES TO THE AGENDA

Item Pulled From Consent Calendar

Councilmember Rowse stated he would abstain from voting on the following item due to his potential conflict of interest with the paying of assessment dues within the Downtown Business Improvement District.

The title of the resolution related to this item was read.

6. Subject: Downtown Santa Barbara Annual Assessment Report For 2017 And Intention To Levy (290.00)

Recommendation: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2017; 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 2017, at a Public Hearing to be Held on February 28, 2017, at 2:00 p.m.

Documents:

January 10, 2017, report from the City Administrator.
Proposed resolution.

Motion:

Councilmembers White/Dominguez to approve the staff recommendations;
Resolution No. 17-001.

Vote:

Unanimous roll call vote. (Abstention: Councilmember Rowse).

CONSENT CALENDAR (Item Nos. 2-5, 7-8)

Motion:

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

Vote:

Unanimous voice vote. (Absent: Councilmember Hotchkiss).

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of December 13, 2016, and the cancelled regular meetings of December 20 and 27, 2016, and January 3, 2017.

Action: Approved the recommendation.

3. Subject: November 2016 Investment Report (260.02)

Recommendation: That Council accept the November 2016 Investment Report.

Action: Approved the recommendation (January 10, 2017, report from the Finance Director).

4. Subject: Office Lease Agreement With Santa Barbara Fish Market (570.03)

Recommendation: That Council approve a five-year lease agreement with Santa Barbara Fish Market, Inc., at an average initial base rent of \$2,187.85 per month, for the 734 square foot office space located at 132 Harbor Way, Suite B, which is located above the West Marine store.

Action: Approved the recommendation; Agreement No. 25,766 (January 10, 2017, report from the Waterfront Director).

5. Subject: Approval Of Emergency Purchase Order For El Estero Recycled Water Treatment Plant Piping Repairs (540.13)

Recommendation: That Council approve an emergency Purchase Order for \$44,236 to Stanek Constructors, Inc., for repair of damaged piping at the Recycled Water Treatment Plant.

Action: Approved the recommendation (January 10, 2017, report from the Public Works Director).

7. Subject: Authorization To Amend Agreement For Legal Services With Colantuono, Highsmith & Whatley, PC for *Kendra L. Feshbach v. City of Santa Barbara* (160.01)

Recommendation: That Council authorize the City Attorney to amend Legal Services Agreement Number 21600170 with Colantuono, Highsmith & Whatley, PC to increase the not to exceed amount by \$115,000 from \$35,000 to \$150,000 for special counsel services related to *Kendra L. Feshbach v. City Of Santa Barbara* SBSC Case No. 16CV03385.

Action: Approved the recommendation; Agreement No. 25,767 (January 10, 2017, report from the City Attorney).

NOTICES

8. The City Clerk has on Thursday, January 5, 2017, 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.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

9. Subject: Presentation From The Wolf Museum Of Exploration And Innovation (330.01)

Recommendation: That Council receive a presentation from the Wolf Museum of Exploration and Innovation.

Documents:

- January 10, 2017, report from the City Administrator.
- PowerPoint Presentation prepared by the Wolf Museum of Exploration and Innovation (MOXI).

Speakers:

- Members of the Public: Steve Hinkley, The Wolf Museum of Exploration and Innovation (MOXI).
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Action:

Councilmembers heard the presentation and their questions were answered.

PUBLIC WORKS DEPARTMENT

10. Subject: Increase In Construction Change Order Authority For The Charles E. Meyer Desalination Facility (540.08)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work and a claims resolution contingency for the Charles E. Meyer Desalination Facility contract with IDE Americas, Inc., Contract No. 25,277, in the amount of \$9,575,000, for a total Project expenditure authority of \$60,926,654;
- B. Authorize an increase in the extra services amount with Carollo Engineers, Inc., for to the Owner Support Services contract for the Charles E. Meyer Desalination Facility, Contract No. 25,222, in the amount of \$200,000, for a total Project expenditure authority of \$2,623,782;
- C. Authorize the Public Works Director to amend and increase a City Professional Services Contract for cultural monitoring with Patrick Tumamait, Contract No. 21600039, in an amount of \$25,000, for a total Project expenditure authority of \$95,000;

(Cont'd)

10. (Cont'd)

- D. Approve an increase in appropriations in the Water Fund in the amount of \$9,950,000, funded from the Water Fund reserves and authorize the transfer of such funds from the Water Fund to the Water State Revolving Fund (SRF) Loan Fund to cover the proposed cost increases related to the reactivation of the Charles E. Meyer Desalination Facility, including \$150,000 for City engineering staff time, until an amendment to the SRF Loan is authorized, at which time loan proceeds will be utilized to offset any use of reserves; and
- E. Approve an increase in appropriations and estimated revenues in the Water SRF Loan Fund in the amount of \$9,950,000, funded from the Water Fund reserves.

Documents:

- January 10, 2017, report from the Public Works Director.
- PowerPoint Presentation prepared by staff.

Speakers:

- Staff: Water Resources Manager Joshua Haggmark; Principal Engineer Lynda Sumansky.
- Members of the Public: Phil Walker, James Fenkner.

Motion:

Councilmembers Murillo/Hart to approve staff recommendations A-E; Agreement No. 25,768.

Action:

Majority voice vote. (Noes: Councilmember Dominguez).

MAYOR AND COUNCIL REPORTS

11. 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.

Documents:

January 10, 2017, report from the City Administrator.

Motion:

Councilmembers Hotchkiss/White to appoint Councilmember Dominguez as Mayor Pro Tempore.

Vote:

Unanimous voice vote.

(Cont'd)

11. (Cont'd)

Motion:

Councilmembers White/Hotchkiss to appoint Councilmembers Gregg Hart, Harwood "Bendy" White, and Jason Dominguez to the Finance Committee, with Councilmember Hart serving as Chair; and to appoint Councilmembers Randy Rowse, Frank Hotchkiss, and Cathy Murillo to the Ordinance Committee, with Councilmember Rowse serving as Chair.

Vote:

Unanimous voice vote.

12. Subject: Advisory Groups Updates And Council Liaisons (130.01)

Recommendation: That Council consider the appointment of Liaisons to Advisory Boards and Commissions.

Documents:

January 10, 2017, report from the City Administrator.

Motion:

Councilmembers Hotchkiss/White to make the following appointments of Council liaisons to and members of Advisory Groups, Council Committees, City-Related Agencies, and Regional Agencies.

Vote:

Unanimous voice vote.

Advisory Groups

Access Advisory Committee	Dominguez
Airport Commission.....	Hotchkiss
Architectural Board of Review.....	Hotchkiss
Arts Advisory Committee.....	Hotchkiss
Building and Fire Code Board of Appeals	Murillo
Civil Service Commissioners, Board of.....	White
Community Development and Human Services Committee.....	Dominguez
Community Events and Festivals Committee	Murillo
Creeks Advisory Committee.....	Hart; Alternate: Murillo
Downtown Parking Committee.....	Rowse; Alternate: Hotchkiss
Fire and Police Commissioners, Board of.....	Hart
Fire and Police Pension Commissioners, Board of	Murillo
Harbor Commissioners, Board of.....	Hotchkiss
Historic Landmarks Commission	Dominguez
Housing Authority Commission	Murillo
Library Board.....	Murillo
Living Wage Advisory Committee	Murillo
Neighborhood Advisory Council.....	Dominguez, Murillo
Parks and Recreation Commission.....	Hart
Planning Commission	White

(Cont'd)

12. (Cont'd)

Advisory Groups (Cont'd)

Rental Housing Mediation Board Murillo; Alternate: Hart
Santa Barbara Sister Cities Board Schneider
Santa Barbara Youth Council Murillo
Single Family Design Board..... Dominguez
Transportation and Circulation Committee Dominguez
Water Commissioners, Board of White

Council Committees

Committee on Legislation..... Hart, Hotchkiss, White
Finance Committee Dominguez, Hart (Chair), White; Alternate: Schneider
Housing Task Force Dominguez, Murillo, White
Mayor Pro Tempore Dominguez
New Zoning Ordinance Committee..... Murillo, White
Ordinance Committee Hotchkiss, Murillo, Rowse (Chair); Alternate: Schneider

Ad Hoc Committees

Community Choice Energy Hart, Murillo, White
Montecito Water District Desalination Ad Hoc Committee..... Hart, Schneider, White
Oversize Vehicle Committee..... Hotchkiss, Murillo
Sign Ordinance Review Committee Hart, Hotchkiss
Southern California Edison Committee..... Rowse, Schneider, White
Sustainability Council Committee Murillo, Rowse, Schneider

City-Related Agencies

Coast Village Road Business Association Dominguez
Downtown Santa Barbara Hart
Hospitality Santa Barbara Dominguez
Looking Good Santa Barbara Committee Murillo
PATH Neighborhood Partnership Dominguez, Murillo
Presidio Joint Powers Committee Rowse
Santa Barbara Beautiful White
Santa Barbara Center for the Performing Arts..... Schneider
Visit Santa Barbara Hart

Regional Agencies

Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) Hart
Cachuma Conservation Release Board..... White; Alternate: Murillo
Cachuma Operation and Maintenance Board (stipend) White; Alternate: Murillo
Central Coast Collaborative on Homelessness Murillo, Schneider
Central Coast Water Authority White; Alternate: Murillo
City/County Affordable Housing Task Group..... Hart, Murillo
City/County Solid Waste Task Group Schneider, White; Alternate: Rowse
Coastal Rail Coordinating Council (appointed by SBCAG) Schneider
Community Action Commission Murillo (rep. by Comm. Dev. Staff)
Los Angeles-San Diego Rail Corridor Agency (LOSSAN) (appointed by SBCAG) Alternate: Schneider
Santa Barbara County Air Pollution Control Dist. Bd. Of Directors Schneider; Alternate: White
Santa Barbara County Association of Governments (SBCAG) (stipend) Schneider; Alternate: White
Santa Barbara Metropolitan Transit District Board Murillo; Alternate: Hart
South Coast Task Force on Youth Safety..... Murillo; Alternate: Schneider

RECESS

The Mayor recessed the meeting at 3:59 p.m. in order for the Council to reconvene in closed session for Item No. 13. She stated that no reportable action is anticipated.

CLOSED SESSIONS

13. Subject: Conference With City Attorney - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Santa Barbara Channelkeeper v. City of Santa Barbara*, USDC Case No. CV-1103624 JHN (AGRx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

January 10, 2017, report from the City Attorney.

Time:

3:59 p.m. – 4:25 p.m.

No report made.

RECESS

3:59 p.m. – 4:25 p.m.

Mayor Schneider presiding.

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

Staff Present: City Administrator Casey, City Attorney Calonne, Deputy City Clerk Applegate.

QUASI-JUDICIAL HEARING RULES APPLY TO THIS ITEM

PUBLIC HEARINGS

14. Subject: Appeal Of Historic Landmarks Commission's Review After Final Approval For Alterations To A Restaurant At 129 E. Anapamu Street (640.07)

Recommendation: That Council consider the appeal of John and Anna Campbell, and the basis for the Historic Landmarks Commission decision to grant Review After Final Design Approval for tenant improvements at 129 E. Anapamu Street, in consideration of the Project Compatibility criteria provided in this report.

(Cont'd)

14. (Cont'd)

Documents:

- January 10, 2017, report from the Community Development Director.
- Affidavit of Publication.
- December 22, 2016, letter from Andrew Lanes.
- January 3, 2017, packet from Ana Citrin and Marc Chytilo.
- January 3, 2017, packet from appellants Anna and John Campbell.
- January 8, 2017, email from Anna Campbell.
- January 8, 2017, letter from Sue Adams.
- January 8, 2017, email from Laurinda Marshall.
- January 9, 2017, email from Linda Stiehl.
- January 10, 2017, letter from Christine C. Navarro.
- January 10, 2017, Agreement to Remove ABC Protest Letter, from Bruno Baio.
- PowerPoint presentation prepared by staff.
- PowerPoint presentation prepared by the Law Firm of Marc Chytilo.

Councilmember Murillo reported an ex-parte communication in the form of a telephone call with John Thyne, Esq. regarding the continuation of the appeal date.

Councilmember Hotchkiss reported an ex-parte communication in the form of a number of email communications he received, however, he did not read them.

Mayor Schneider reported that prior to the date the appeal was filed, she had an ex-parte communication with Emma from the restaurant, The Little Door, regarding the City Building Improvement Process.

Public Comment Opened:

5:24 p.m.

Speakers:

- Staff: Senior Planner Jaime Limon; Assistant Attorney Scott Vincent; Assistant to City Administrator Matt Fore.
- Historic Landmarks Commission: Commissioner Mayham.
- Attorney for Appellant: Anna Citrin, Esq.
- Attorney for Applicant: John Thyne, Esq.
- Members of the Public: Bryan Murphy, Richele Mailand; Bernard Unterman; Jennifer Frank; Ernestine Ygnacio-De Soto; Danae Liechti; Kathryn Dean; Elie Genadary; Molly Kellogg; Aimee Dutch; Anna Campbell.

Public Comment Closed:

6:13 p.m.

(Cont'd)

15. (Cont'd)

Motion:

Councilmembers Hotchkiss/Rowse that Council deny the appeal of John and Anna Campbell.

Amended Motion:

Councilmembers Hotchkiss/Rowse that Council deny the appeal of John and Anna Campbell and approve the proposed location and design of the accessible lift as presented to the Historic Landmarks Commission (HLC) on November 2, 2016 making the following findings:

1. The project fully complies with all applicable City Charter and Municipal Code requirements and is consistent with the design guidelines applicable to the location of the project because the accessible lift will provide ADA accessibility to the patio and restaurant and the trash enclosure is located beneath the front patio, enclosed by a roll up door, and concealed behind a gate.
2. The project design is compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project because the lift will provide ADA accessibility to the patio and restaurant without detracting from the improved appearance of the front patio and the trash enclosure is concealed beneath the front patio, enclosed by a roll up door, and concealed behind a gate.
3. The size, mass, bulk, height, and scale of the project is appropriate for its location and its neighborhood because the lift is incorporated into the existing mass of the front patio and the trash enclosure is located beneath the patio adding no additional mass to the project.
4. The design of the project is appropriately sensitive to adjacent Federal, State, or City Landmarks or other nearby designated historic resources, including City structures of merit, sites, or natural features because the lift is located within the approved footprint of the front patio and the trash enclosure is located beneath the front patio, enclosed by a roll up door, and concealed behind a gate.
5. The compatibility criteria regarding public views of the ocean and mountains is inapplicable to the application.
6. The compatibility criteria regarding the amount of open space and landscaping is inapplicable to the application.

(Cont'd)

15. (Cont'd)

The City Council finds that the Historic Landmark Commission's consideration of the proposed changes to the trash enclosure on April 6, 2016 was appropriately reviewed on the Consent Agenda in accordance with Section 3.2.6.G.1.b of Part III of the Historic Landmarks Commission General Design Guidelines and Meeting Procedures because the trash enclosure meets the minimum ordinance requirements, complements the building's architecture, and is not within public view as it is tucked underneath the front patio, enclosed by a roll up door, and is set behind a concealing gate.

The City Council finds that the description of agenda item C. on the Historic Landmarks Commission Consent Agenda of April 6, 2016 afforded adequate notice of the business to be transacted or discussed in accordance with the Brown Act when it described the agenda item as the consideration of "proposed changes to trellis and trash enclosure" because the description provided sufficient information to put an interested party on notice that changes were occurring to the trash enclosure and that the term "enclosure" implies an exterior location for the trash disposal.

Vote on Amended Motion:
Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on recent meetings of: 1) the Santa Barbara Metropolitan Transit District (MTD) Board meeting; 2) the City's Sustainability Committee meeting; 3) the Wreaths Across America event; 4) the Longest Night event; 5) the Community Action Board meeting; and 6) the Parks and Recreation Commission meeting.
- Mayor Schneider reported that over the holiday she received a Congressional Report from Senator Barbara Boxer which recognized the City of Santa Barbara's accomplishments and pioneered efforts in sustainability and environmental preservation and read the last paragraph.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:47 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLGATE
DEPUTY CITY CLERK