



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING December 10, 2013 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, Grant House, Cathy Murillo, Bendy White, Mayor Schneider.

Councilmembers absent: Frank Hotchkiss, Randy Rowse.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

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 December 31, 2013.

Documents:

December 10, 2013, report from the Assistant City Administrator/
Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong.

(Cont'd)

1. (Cont'd)

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

5-Year Pin

Mike Witbeck, Public Works Department
Nicholas Negro, Waterfront Department

10-Year Pin

Karen Gumtow, Finance Department

15-Year Pin

Nina Johnson, City Administrator's Office
Alec Hardy, Administrative Services Department
John Ledbetter, Community Development Department
Michael Brown, Police Department
Scott Klacking, Police Department
Dave Harris, Public Works Department
George Jimenez, Parks and Recreation Department

20-Year Pin

William Sandoval, Public Works Department
Alfonso Lopez, Public Works Department
Amador Escalante, Public Works Department

25-Year Pin

Anthony Ruggieri, City Administrator's Office

30-Year Pin

Jaime Limón, Community Development Department
Richard Marshall, Public Works Department
Rae Rosas, Airport Department

PUBLIC COMMENT

Speakers: Robert Burke; Ethan Shenkman; Cassandra Ensberg, Architectural Foundation of Santa Barbara; Carol Holm; Bad Santa; Alan Howard; Trevor Martinson, on behalf of Dr. Posch.

CLOSED SESSIONS

19. Subject: Public Employment/Public Employee Appointment (160.01)

Recommendation: Continuation of the December 5, 2013 closed session, pursuant to Section 54957 of the Government Code, regarding the appointment of an interim City Attorney. The Council will announce in open session the selection of the Interim City Attorney.

Position Title: Interim City Attorney

Scheduling: Anytime.

Report: The Council will announce the selection of the Interim City Attorney.

(Cont'd)

19. (Cont'd)

Documents:

December 10, 2013, report from the Assistant City Administrator.

Announcement:

The Mayor stated that the closed session was unnecessary, and she announced that the Council has appointed Sarah Knecht to the position of Interim City Attorney. Ms. Knecht made a few comments in accepting the position.

ITEM REMOVED FROM CONSENT CALENDAR

3. Subject: Resolution Of Council Findings Regarding Arlington Village (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 Historic Landmarks Commission to Approve the Application of Metropolitan Theatres Corporation for a Project Located at 1330 Chapala Street (MST2013-00169) and Known As the "Arlington Village" Project.

Documents:

Proposed Resolution.

The title of the resolution was read.

Speakers:

- Staff: City Attorney Stephen Wiley.
- Member of the Public: Lisa Plowman, representing Peikert Group Architects.

Motion:

Councilmembers Murillo/House to approve the recommendation; Resolution No. 13-091.

Vote:

Majority roll call vote (Noes: Councilmember Francisco; Absent: Councilmembers Hotchkiss, Rowse).

CONSENT CALENDAR (Item Nos. 2 and 4 – 13)

The title of the resolution related to Item No. 4 was read.

Motion:

Councilmembers House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, Rowse).

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of November 12, 2013, and the adjourned regular meeting of November 25, 2013.

Action: Approved the recommendation.

4. Subject: Local Coastal Program Grant Application Resolution (650.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Supporting a Grant Application to Update the City of Santa Barbara Local Coastal Program (LCP) to Address Sea-Level Rise, Coastal Hazards and Other Climate Change-Related Impacts.

Action: Approved the recommendation; Resolution No. 13-092 (December 10, 2013, report from the Assistant City Administrator/Community Development Director; proposed resolution).

5. Subject: Authorization Of Payment To Southern California Edison For Interconnection At The City's Hydroelectric Plant (380.01)

Recommendation: That Council authorize the Public Works Director to approve payment to Southern California Edison for installation of interconnection equipment at the City's Hydroelectric Plant in the amount of \$106,628, and an additional \$10,663 to cover any unforeseen costs.

Action: Approved the recommendation (December 10, 2013, report from the Acting Public Works Director).

6. Subject: Extension Of Banking Services Agreement (210.03)

Recommendation: That Council authorize the Finance Director to negotiate and execute a second amendment to banking services agreement, in a form acceptable to the City Attorney, with Union Bank, to provide banking services on the same terms and conditions as Agreement No. 22,312 and the First Amendment dated December 14, 2011, for an additional two months through February 28, 2014.

Action: Approved the recommendation; Agreement No. 24,663 (December 10, 2013, report from the Finance Director).

7. Subject: Entrada De Santa Barbara Owner Participation Agreement, Substantial Encroachment And Land Development Agreements (700.07)

Recommendation: That Council:

- A. Authorize the City Administrator to execute an Amendment to the April 2004 Owner Participation Agreement with 35 State Street Hotel Partners, LLC, in a form of agreement approved by the City Attorney;
- B. Authorize the Public Works Director to execute a standard City Land Development Agreement (and related subsidiary agreements), in a form of agreement approved by the City Attorney, for the remaining public improvements associated with the Entrada Project; and
- C. Authorize the Public Works Director to execute a standard City Substantial Encroachment Agreement for the Entrada Project's Hotel Arcade on East Mason Street.

Action: Approved the recommendations; Agreement Nos. 24,664 – 24,666 (December 10, 2013, report from the Acting Public Works Director).

8. Subject: Contract For Design Of Lift Station Improvement Project (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with MNS Engineers in the amount of \$188,350 for design services for the Lift Station Improvement Project, and authorize the Public Works Director to approve expenditures of up to \$18,835 for extra services of MNS Engineers that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,667 (December 10, 2013, report from the Acting Public Works Director).

9. Subject: Agreement For Fats, Oils, And Grease Inspection Services For Food Services Establishments (540.13)

Recommendation: That Council authorize the Public Works Director to execute a one-year City professional services agreement with Wallace Group for fats, oils, and grease inspection services for the City's food service establishments in an amount not to exceed \$149,575, and authorize the Public Works Director to approve expenditures of up to \$14,958 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 24,668 (December 10, 2013, report from the Acting Public Works Director).

10. Subject: Professional Services Agreement For Final Design Of Santa Barbara Police Department Vehicle Access Security Gate Project (320.01)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Agreement with Kruger, Bensen, Ziemer Architects, Inc., in the amount of \$25,750 for the final design of the Vehicle Access Security Gate Project at the Santa Barbara Police Department at 215 East Figueroa Street, and authorize the Public Works Director to approve expenditures of up to \$2,575 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 24,669 (December 10, 2013, report from the Acting Public Works Director).

11. Subject: Professional Services Agreement For Santa Barbara Police Department HVAC Design (320.01)

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services contract with Mechanical Engineering Consultants for \$150,000 for the design of a new heating, ventilation and air conditioning system for the Police Department building.

Action: Approved the recommendation; Contract No. 24,670 (December 10, 2013, report from the Acting Public Works Director).

12. Subject: Declaration Of Fire Engine As Surplus, And Donation Of Said Fire Engine (520.03)

Recommendation: That Council authorize the General Services Manager to prepare all documentation required to donate one (1) surplus 1983 Mack fire engine, Vehicle No. 1264, to Allan Hancock College Regional Fire Academy.

Speakers:

- Allan Hancock College: David Senior.
- Staff: Fire Chief Pat McElroy.

Action: Approved the recommendation (December 10, 2013, report from the Fire Chief).

NOTICES

13. The City Clerk has on Thursday, December 5, 2013, 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 AND FINANCING AUTHORITY REPORTS

14. Subject: 2014 Waterfront Refunding Revenue Bonds (210.05)

Recommendation:

- A. That the Board adopt, by reading of title only, A Resolution of the Board of Directors of the Santa Barbara Financing Authority Authorizing the Execution and Delivery by the Authority of an Installment Sale Agreement, a Trust Agreement and a Letter Agreement for Purchase in Connection With the Execution and Delivery of Santa Barbara Financing Authority Waterfront Refunding Revenue Bonds, Series 2014, Authorizing the Execution and Delivery of Such Bonds in an Aggregate Amount Not to Exceed \$14,000,000, and Authorizing Related Actions;
- B. That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Authorizing the Execution and Delivery by the City of an Installment Sale Agreement and a Letter Agreement for Purchase and Approving the Execution of a Trust Agreement by the Authority in Connection with the Execution and Delivery of Santa Barbara Financing Authority Waterfront Refunding Revenue Bonds, Series 2014, and Authorizing Related Actions; and
- C. That Council approve and authorize the City Administrator to execute a Commitment Letter between the City and Compass Bank.

Documents:

- December 10, 2013, report from the Finance Director/Financing Authority Treasurer.
- Proposed Resolution and Ordinance.
- Proposed Trust Agreement, Installment Sale Agreement, and Letter Agreement for Purchase.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolution and ordinance were read.

Speakers:

Staff: Finance Director Robert Samario.

Motion:

Council/Authority Members Francisco/White to approve the recommendations; Financing Authority Resolution No. FA-009.

Vote:

Unanimous roll call vote (Absent: Council/Authority Members Hotchkiss, Rowse).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

15. Subject: Freedom Warming Centers Funding Request (660.04)

Recommendation: That Council:

- A. Consider the request from The Unitarian Society to support the Freedom Warming Centers' pilot emergency overflow site;
- B. If approved, authorize the Assistant City Administrator to execute an agreement with The Unitarian Society for up to \$15,000 for the operation of the pilot emergency overflow site from December 15, 2013, through March 31, 2014, subject to City Attorney approval as to form; and
- C. Appropriate \$15,000 from the Overnight Accommodation reserves funds held within the General Fund.

Documents:

- December 10, 2013, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Community Development Business Manager Sue Gray.
- Freedom Warming Centers: Maria Long, Director.
- Members of the Public: Jeff Shafler, Central Coast Collaborative on Homelessness; Bob Hansen; Ethan Shenkman.

Motion:

Councilmembers White/House to approve recommendations B and C; Agreement No. 24,671.

Vote:

Unanimous voice vote (Absent: Councilmembers Hotchkiss, Rowse).

Councilmember Francisco stated he would not participate in the following two items due to a conflict of interest related to his membership on the Board of Directors of the Pearl Chase Society. He left the meeting at 3:05 p.m.

PUBLIC HEARINGS

16. Subject: Proposed City Landmark Designation Of The Hodges House And Property Improvements At 2112 Santa Barbara Street (640.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Hodges House and Property Improvements at 2112 Santa Barbara Street as a City Landmark.

16. (Cont'd)

Documents:

- December 10, 2013, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- December 7, 2013, e-mail from Hattie Beresford, representing the Pearl Chase Society.

The title of the resolution was read.

Public Comment Opened:

3:06 p.m.

Speakers:

Staff: Urban Historian Nicole Hernandez.

Public Comment Closed:

3:26 p.m.

Motion:

Councilmembers White/House to approve the recommendation;
Resolution No. 13-093.

Vote:

Unanimous roll call vote (Absent: Councilmembers Francisco, Hotchkiss, Rowse).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT (CONT'D)

17. Subject: Mills Act Historic Property Contract For 2112 Santa Barbara Street - Assessor's Parcel Nos. 025-252-006 And -007 (640.06)

Recommendation: That Council consider approval of an exception to the Mills Act contract limits outlined in Santa Barbara Municipal Code Section 22.22.160.C.4(m) for historic property at 2112 Santa Barbara Street, subject to completion of City Landmark Designation, and authorize the Community Development Director to execute a historic property contract.

Documents:

- December 10, 2013, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.

17. (Cont'd)

Speakers:

- Staff: Senior Planner Jaime Limón.
- Member of the Public: Barbara Lowenthal, representing the property owners.

Motion:

Councilmembers White/House to approve the recommendation; Contract No. 24,672.

Vote:

Unanimous voice vote (Absent: Councilmembers Francisco, Hotchkiss, Rowse).

Councilmember Francisco returned to the meeting at 3:34 p.m.

18. Subject: General Plan Safety Element Update (650.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the 2013 Safety Element Update to the General Plan and Making Environmental Findings Pursuant to the California Environmental Quality Act.

(Continued from November 12, 2013, Item No. 12)

Documents:

- December 10, 2013, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.
- December 6, 2013, letter from Richard Monk, Hollister & Brace.

The title of the resolution was read.

Speakers:

- Staff: Principal Planner John Ledbetter, Project Planner Elizabeth Limón, City Planner Bettie Weiss, City Attorney Stephen Wiley.
- Member of the Public: Richard Monk, Hollister & Brace.

Motion:

Councilmembers White/Francisco to approve the recommendation and adopt Resolution No. 13-094, revising the following sentence on page 2: "S25. . . . For example, methodologies include the California Coastal Commission memorandum entitled "Establishing Development Setbacks From Coastal Bluffs" (2003), ~~is provided in Appendix B of the Safety Element Technical Background Report is provided for informational purposes only. . . .~~"

Vote:

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, Rowse).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported that at its most recent meeting, the Milpas Action Task Force considered the possibility of an alcohol sales ordinance as well as the monitoring of neighborhood conditions resulting from the change made to the Casa Esperanza Conditional Use Permit.
- Councilmember White commented on the recent Water Commission meeting, at which the lack of rainfall and the increasing pressure being put on the City's water supply were discussed.
- Councilmember House remarked on his attendance at meetings of the Downtown Organization and the Community Action Commission.
- Mayor Schneider recognized the Parks and Recreation Department for its coordination of the annual community 90th birthday party, and the Waterfront Department for its organization of the annual Parade of Lights.

RECESS

The Mayor recessed the meeting at 4:17 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 20, and she stated that no reportable action is anticipated.

CLOSED SESSIONS (CONT'D)

20. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the General Bargaining Unit, Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

December 10, 2013, report from the Assistant City Administrator.

Time:

4:22 p.m. – 4:58 p.m. Councilmembers Hotchkiss and Rowse were absent.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:58 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK