



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING  
November 15, 2011  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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## **CALL TO ORDER**

Mayor Pro Tempore Bendy White called the joint meeting of the Council and Redevelopment Agency to order at 2:00 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 Pro Tempore White.

## **ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Mayor Pro Tempore White.

Councilmembers absent: Mayor Schneider.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

## **CHANGES TO THE AGENDA**

City Administrator James Armstrong reported that the applicant related to the following item asked that the item be continued to a date not yet determined:

14. Subject: Appeal Of Planning Commission Decision For 415 Alan Road (640.07)

Recommendation: That Council:

- A. Hear the appeal of Steven Amerikaner, agent for Mr. & Mrs. Andrew Seybold, of the Planning Commission's denial of the staff recommendation that Council approve a General Plan amendment, Rezone, and Local Coastal Program amendment, and a proposed Lot Area Modification, the Tentative Subdivision Map, and the Coastal Development Permit at 415 Alan Road; and

(Cont'd)

14. (Cont'd)

- B. Take one of the following actions:
1. Deny the appeal, thereby upholding the Planning Commission's denial of the project, and direct staff to return with findings and decisions; or
  2. Uphold the appeal, and:
    - a. Approve the following applications, making findings in Attachment 8, subject to the conditions of approval in Attachment 9:
      - i. A Lot Area Modification to allow the proposed Parcel A to be less than the minimum lot size of 1.5 acres required for lots with slopes of 10%-20% in the A-1 Zone (SBMC §28.92.026.A);
      - ii. A Tentative Subdivision Map to allow the division of one (1) lot into two (2) parcels (SBMC 27.07);
      - iii. A Coastal Development Permit for the development within the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).
    - b. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Local Coastal Program Amendment for an application of Patsy Stadleman, agent for Andrew Seybold, 415 Alan Road - Parcel B (MST2009-00083);
    - c. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving a General Plan Map Amendment for an Application of Patsy Stadleman, Agent for Andrew Seybold, 415 Alan Road - Parcel B (MST2009-00083); and
    - d. Introduce and subsequently 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 the Rezoning of Property in the Campanil Area Neighborhood.

Motion:

Councilmembers Rowse/Francisco to continue Agenda Item No. 14 to a future date.

Vote:

Unanimous voice vote (Absent: Mayor Schneider).

**PUBLIC COMMENT**

Speakers: John Bassist; Marshall Getto, Occupy Santa Barbara; Anni Telfer; K8 Longstory; Nancy Tunnell; Ruth Wilson; Brooke Robison, Antioch University.

## CONSENT CALENDAR (Item Nos. 1 – 10 and 12)

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

### Motion:

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

### Vote:

Unanimous roll call vote (Absent: Mayor Schneider).

1. Subject: Introduction Of Ordinance For A Grant Of Easement At 633 Bath Street (330.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Grant of an Easement for a Private Sewer Service Lateral Across the City-Owned Property at 633 Bath Street for the Benefit of the Real Property at 631 Bath Street.

Action: Approved the recommendation (November 15, 2011, report from the Public Works Director; proposed ordinance).

2. Subject: Introduction Of Ordinance For A Lease Agreement With Stearns Wharf Bait & Tackle (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Reggie Drew, Doing Business As Stearns Wharf Bait & Tackle, for the Lease Space at 232 Stearns Wharf, Effective December 15, 2011.

Action: Approved the recommendation (November 15, 2011, report from the Interim Waterfront Director; proposed ordinance).

3. Subject: Introduction Of Ordinance For Amendment To Lease No. 200846 With Mercury Air Center - Santa Barbara, Inc. (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Amendment to Lease Agreement No. 200846 Between the City and Mercury Air Center - Santa Barbara, Inc., a California Corporation, dba Atlantic Aviation, Amending the "Leasehold Premises", "Term", "Rent", and "Utilities" Provisions of Lease No. 200846 to Take Effect Upon the Effective Date of the Ordinance.

Action: Approved the recommendation (November 15, 2011, report from the Airport Director; proposed ordinance).

4. Subject: Adoption Of Ordinances Adding Public Employee Retirement System Cost Sharing Alternatives To Memorandum Of Understanding (430.08)

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the 2010-2013 Police Officers Association Memorandum Of Understanding to Include an Alternative Public Employee Retirement System Cost Sharing Scenario;
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the 2011-2013 Patrol Officers' and Treatment Plants' Bargaining Units (Treatment and Patrol Units) Memorandum Of Understanding to Include an Alternative Public Employee Retirement System Cost Sharing Scenario; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the 2009-2012 Supervisory Employees' Bargaining Unit Memorandum Of Understanding to Include an Alternative Public Employee Retirement System Cost Sharing Scenario.

Action: Approved the recommendations; Ordinance Nos. 5570 - 5572; Agreement Nos. 23,590.1; 23,797.1; and 23,016.2.

5. Subject: Five-Year License Agreement With Santa Barbara Water Taxi, LLC (330.08)

Recommendation: That Council approve a five-year license agreement with Santa Barbara Water Taxi, LLC, for a water taxi service, shoreboat service and limited charter operation from Santa Barbara Harbor.

Action: Approved the recommendation; Agreement No. 23,943 (November 15, 2011, report from the Interim Waterfront Director).

6. Subject: State Of California Office Of Traffic Safety Grant (520.04)

Recommendation: That Council:

- A. Accept \$150,000 from the State of California Office of Traffic Safety and authorize the Chief of Police to execute the Grant Agreement; and
- B. Appropriate the grant allocation of \$150,000 to the Miscellaneous Grants Fund for Fiscal Year 2012 for the Sobriety Checkpoint Program.

Action: Approved the recommendations; Agreement No. 23,944 (November 15, 2011, report from the Chief of Police).

7. Subject: Memorandum Of Understanding For Early Digital Transition Of PEG Access Channels On The Cox Cable System (510.04)

Recommendation: That Council authorize the City Administrator to execute a Memorandum of Understanding with CoxCom, LLC (dba Cox Communications), the County of Santa Barbara, and the cities of Carpinteria and Goleta for the early transition of the Santa Barbara South Coast PEG channels from an analog format to a digital format on the regional cable system.

Action: Approved the recommendation; Agreement No. 23,945 (November 15, 2011, report from the Finance Director).

8. Subject: Waive Formal Bid Requirements And Authorize A Purchase Order For Trionic Corporation Dock Boxes (340.08)

Recommendation: That Council find it in the City's best interest to waive the formal bid process, as authorized by Municipal Code Section 4.52.070 (L), and authorize the General Services Manager to issue a purchase order to Trionic Corporation, as the most favorable source for providing the City with 155 standardized dock boxes for the Waterfront Department's Marina Three in an amount not to exceed \$56,000.

Action: Approved the recommendation (November 15, 2011, report from the Interim Waterfront Director).

9. Subject: Appeal Of Penalty For Late Tax Filing By Santa Barbara Luxury Rentals (270.06)

Recommendation: That the City Council appoint the City Administrator as the appropriate City agency, officer, commission or committee to hear the appeal of the imposition of a penalty for a late transient occupancy tax payment upon Santa Barbara Luxury Rentals pursuant to the authority of Santa Barbara Municipal Code Section 1.30.050(B).

Action: Approved the recommendation (November 15, 2011, report from the Finance Director).

10. Subject: Capital Improvement Projects First Quarter Report For Fiscal Year 2012 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects for the First Quarter of Fiscal Year 2012.

Action: Approved the recommendation (November 15, 2011, report from the Public Works Director).

Agenda Item No. 11 appears in the Redevelopment Agency minutes.

## NOTICES

12. The City Clerk has on Thursday, November 10, 2011, 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.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to review the Fiscal Year 2012 Interim Financial Statements for the Three Months Ended September 30, 2011, which will be presented to the Council as Agenda Item No. 13.

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

### FINANCE DEPARTMENT

13. Subject: Fiscal Year 2012 First Quarter Interim Financial Statements (250.02)

Recommendation: That Council:

- A. Accept the Fiscal Year 2012 Interim Financial Statements for the Three Months Ended September 30, 2011; and
- B. Approve a transfer from the Airport Grants Fund to the Airport Operating Fund in the amount of \$150,337 to reduce the City's 5% match for two FAA grants that were awarded at lower amounts than projected.

Documents:

November 15, 2011, report from the Finance Director.

Speakers:

Staff: Finance Director Robert Samario, City Administrator James Armstrong.

Motion:

Councilmembers House/Hotchkiss to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Mayor Schneider).

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Councilmember Rowse reported on the most recent meeting of the Downtown Parking Committee, and recognized the City Clerk's Office for a job well done during the election process.

## RECESS

Mayor Pro Tempore White recessed the meeting at 2:35 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 17.

## CLOSED SESSIONS

17. Subject: Waterfront Director - Public Employee Appointment (570.03)

Recommendation: That Council hold a closed session, pursuant to Section 54957 of the Government Code to consider a public employee appointment.

Title: Waterfront Director

Scheduling: Duration, 20 minutes; anytime

Report: Anticipated

Documents:

November 15, 2011, report from the City Administrator.

Time:

2:40 p.m. - 2:50 p.m. Mayor Schneider was absent.

Report:

City Administrator James Armstrong reported that the Council approved his selection of Scott Reidman as the Waterfront Director.

## RECESS

Mayor Pro Tempore White recessed the meeting at 2:58 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 16 and 15, and he stated that no reportable action is anticipated.

16. Subject: Real Property Negotiations (330.03)

Recommendation: That Council hold a closed session, pursuant to Section 54956.8 of the Government Code, to consider real property negotiations between the staff of the City Administrator's Office for the City of Santa Barbara, and the staff of the Superintendent's Office for the Santa Barbara School District. The subject properties are known as:

- Fire Station No. 5, 2505 Modoc Road, La Cumbre Junior High School APN 049-170-007;
- Franklin Elementary School, 1111 East Mason Street, APN 017-101-003, APN 017-101-004, APN 017-061-003 and APN 017-094-002; and
- Santa Barbara High School, 700 East Anapamu Street, APN 029-180-009, APN 029-240-003, and APN 029-240-008

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

(Cont'd)

16. (Cont'd)

Documents:

November 15, 2011, report from the City Administrator.

Time:

3:00 p.m. - 3:12 p.m. Mayor Schneider was absent.

No report made.

15. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) 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, 30 minutes; anytime

Report: None anticipated

Documents:

November 15, 2011, report from the City Attorney.

Time:

3:13 p.m. - 3:42 p.m. Mayor Schneider was absent.

No report made.

## **RECESS**

3:43 p.m. - 5:59 p.m.

Mayor Pro Tempore White presiding.

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Mayor Pro Tempore White.

Councilmembers absent: Mayor Schneider.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley.

## **PUBLIC COMMENT**

Speakers: Executive Director Greg Gorga, Maritime Museum.

## MAYOR AND COUNCIL REPORTS

### 18. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 22, 2011.  
(Continued from November 1, 2011, Item No. 8)

Documents:

November 1, 2011, report from the Assistant City Administrator/  
Administrative Services Director.

Speakers:

The following applicants were interviewed:

Access Advisory Committee:

Scott Smigel

Architectural Board of Review:

Barry Winick

Kevin Moore

Arts Advisory Committee:

Nathan Vonk

Darian Bleacher

Charmaine Curtis Jacobs

Civil Service Commission:

Donna Lewis

Community Development and Human Services Committee:

Daniel Ramirez

Community Events & Festivals Committee:

Laura Inks

Kate Schwab

Creeks Advisory Committee:

Stephen MacIntosh

Lee Moldaver

Kathleen "Betsy" Weber

Paul Bullock

Fire and Police Commission:

Paul R. Zink

Jennifer Christensen

Harbor Commission:

Frank Kelly

Helene Webb

(Cont'd)

18. (Cont'd)

Speakers (Cont'd):

The following applicants were interviewed (Cont'd):

Historic Landmarks Commission:

Ronald Sorgman

Michael Drury

Charmaine Curtis Jacobs

Barry Winick

Neighborhood Advisory Council:

Sally Kingston

Parks and Recreation Commission:

Charles Trentacosti

Megan Luciana Diaz

Charmaine Curtis Jacobs

Planning Commission:

Addison S. Thompson

John P. Campanella

June Pujo

Joseph A. Rution

Daniel Ramirez

Paul R. Zink

Rental Housing Mediation Task Force:

David M. Brainard

David McDermott

Water Commission:

Barry Keller

By consensus, the interviews were continued to November 22, 2011, at 2:00 p.m.

**ADJOURNMENT**

Mayor Pro Tempore White adjourned the meeting at 7:29 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
BENDY WHITE  
MAYOR PRO TEMPORE

ATTEST: \_\_\_\_\_  
CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER