



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING November 26, 2013 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: Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

### CHANGES TO THE AGENDA

#### Item Removed from Agenda

City Administrator Armstrong advised that the following item was being removed from the agenda since the Council had adopted the ordinance in July, and this item is therefore unnecessary.

#### **3. Subject: Adoption Of Ordinance Authorizing An Alternative Power Public Water And Wastewater Agency Agreement (540.13)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Execution and Delivery of a Renewable and Alternative Power Public Water and Wastewater Agency Agreement With Southern California Edison, Inc., for the Purpose of Selling Electricity Generated at the City's Conduit Hydroelectric Plant, and Authorizing Related Actions.

## **PUBLIC COMMENT**

Speakers: Kathy Swift; Dr. Matter Margulies; Scott Wenz, Cars Are Basic; Mickey Flacks; Arthur Stevens, PODER; Rasta Abolita; Cruzito Herrera Cruz; Brandon Morse; Francisca Lerdo, PODER and CAUSE Action Fund; Michael Warnken.

## **ITEM REMOVED FROM AGENDA**

### **2. 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:

- Members of the Public: Scott Wenz, Cars Are Basic; Kellam de Forest.
- Staff: City Attorney Stephen Wiley.

Motion:

Councilmembers White/House to continue this item to December 10, 2013, as recommended by City Attorney Wiley.

Vote:

Unanimous voice vote.

## **CONSENT CALENDAR (Item Nos. 1 and 4 – 12)**

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

Motion:

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

Vote:

Unanimous roll call vote.

### **1. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of November 19, 2013.

Action: Approved the recommendation.

**4. Subject: Adoption Of Ordinance To Establish Brinkerhoff Avenue As A One-Way Street (530.05)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Revising Section 10.60.030, Establishing Brinkerhoff Avenue as a One-Way Street.

Action: Approved the recommendation; Ordinance No. 5641.

**5. Subject: Adoption Of Ordinance To Amend Citywide Franchise With MarBorg Industries, Inc. (510.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Exclusive Ten-Year Franchise for Citywide Solid Waste Collection and Disposal Services Granted by the City to MarBorg Industries, Inc., a California Corporation, on February 12, 2013, by City Ordinance No. 5608.

Action: Approved the recommendation; Ordinance No. 5642; Agreement No. 24,364.1.

**6. Subject: October 2013 Investment Report (260.02)**

Recommendation: That Council accept the October 2013 Investment Report.

Action: Approved the recommendation (November 26, 2013, report from the Finance Director).

**7. Subject: Contract For Drafting Services For The Fiscal Year 2014 Water Main Replacement Project (540.06)**

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services contract with O'Brien & Wall in the amount of \$47,970 for drafting services for the Fiscal Year 2014 Water Main Replacement Project, in a form of agreement acceptable to the City Attorney, and authorize the Public Works Director to approve expenditures of up to \$5,000 for extra services of O'Brien & Wall that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,660 (November 26, 2013, report from the Acting Public Works Director).

**8. Subject: Golf Professional Concession Agreement (570.02)**

Recommendation: That Council authorize the Parks and Recreation Director to execute a two-year and seven-month Golf Professional Concession Agreement between the City of Santa Barbara and Channel Islands Golf Enterprises, Inc., at the Santa Barbara Golf Club.

Action: Approved the recommendation; Agreement No. 24,661 (November 26, 2013, report from the Parks and Recreation Director).

**9. Subject: Professional Services Agreement To Analyze Aircraft Rescue and Fire Fighting Services (560.01)**

Recommendation: That Council authorize the Airport Director and Fire Chief to execute a contract with Citygate Associates, LLC, to conduct an independent analysis of the current Aircraft Rescue and Fire Fighting service levels at the Santa Barbara Airport, in an amount not to exceed \$34,337.

Action: Approved the recommendation; Contract No. 24,662 (November 26, 2013, report from the Airport Director and Fire Chief).

NOTICES

10. The City Clerk has on Thursday, November 21, 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.
11. Cancellation of the regular City Council meeting of December 3, 2013.
12. Recruitment for City Advisory Groups: Appointments to fill the vacancies on various City Advisory Groups, originally scheduled for December 10, 2013, has been continued to December 17, 2013.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to hear a Staff report regarding the proposed refinancing of Waterfront Department Certificates of Participation. This matter will be submitted to the full Council for its consideration on December 10, 2013.

## **PUBLIC HEARINGS**

### **13. Subject: Appeal Of Architectural Board Of Review Approval For 510 N. Salsipuedes Street (640.07)**

Recommendation: That Council deny the appeal of Trevor Martinson of the application of People's Self Help Housing, and uphold the Architectural Board of Review's Project Design Approval of the proposed three-story, 40-unit apartment project.

#### Documents:

- November 26, 2013, report from the Assistant City Administrator/ Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Copies of project elevations, submitted by the Appellant.
- November 26, 2013, letter from the Appellant.
- November 25, 2013, letter from the Peikert + RRM Design Group, representing the Applicant.
- Written public comments regarding the project, submitted to the Architectural Board of Review.
- November 18, 2013, letter from the Housing Authority of the City of Santa Barbara.
- November 25, 2013, letter from the Central Coast Collaborative on Homelessness.

#### Public Comment Opened:

2:43 p.m.

#### Speakers:

- Staff: Planning Technician Tony Boughman, Fire Prevention Division Chief Joe Poiré, City Planner Bettie Weiss, Principal Transportation Planner Rob Dayton, City Attorney Stephen Wiley.
- Architectural Board of Review: Member Kirk Gradin, Chair Paul Zink, Members Gary Mosel, Howard Wittausch.
- Appellant: Trevor Martinson, Arthur Posch.
- Applicant: Ken Trigueiro, People's Self-Help Housing; Detlev Peikert and Lisa Plowman, Peikert + RRM Design Group; Craig Steward, Penfield & Smith Engineers.
- Members of the Public: Angela Antenore, Central Coast Collaborative on Homelessness; Robert Burke; Rolf Geyling, Santa Barbara Rescue Mission; Rob Fredericks, Housing Authority of City of Santa Barbara; Kathleen Baushke, Transition House; Elizabeth Anne Middleton, People's Self-Help Housing; Ed France.

#### Public Comment Closed:

4:27 p.m.

(Cont'd)

**13. (Cont'd)**

Motion:

Councilmembers House/Murillo to deny the appeal, thereby upholding the Architectural Board of Review's decision.

Vote:

Majority voice vote (Noes: Councilmember Francisco).

**RECESS**

5:29 p.m. – 5:37 p.m.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

ADMINISTRATIVE SERVICES DEPARTMENT

**14. Subject: Certification Of The Election Results Of The Official Canvass For The General Municipal Election Of November 5, 2013 (110.03)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Reciting the Fact of the Vote-By-Mail General Municipal Election Held on November 5, 2013, Declaring the Results and Such Other Matters as Required by the State Elections Code; and
- B. Receive a final presentation on the November 5, 2013, Election.

Documents:

- November 26, 2013, report from the Assistant City Administrator/ Administrative Services Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Speakers:

Staff: City Clerk Services Manager Gwen Peirce.

Motion:

Councilmembers House/Rowse to approve the recommendation; Resolution No. 13-090.

Vote:

Unanimous roll call vote.

Councilmember Francisco left the meeting at 5:47 p.m.

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

### Information:

- Councilmember Hotchkiss mentioned his attendance at the most recent meeting of the Arts Advisory Committee, where the Airport “Wings” project was discussed; he also spoke about his participation in a Police Department ride-along.
- Councilmember Rowse remarked upon the arrival of the State Street Christmas Tree.
- Councilmember Murillo reported on the recent meeting of the Neighborhood Advisory Council, during which traffic and neighborhood improvements, community organizing in the lower westside, and neighborhood “meet and greets” were discussed.
- Councilmember House reported that the Beach Erosion Authority for Clean Oceans and Nourishment had discussed the opportunity to maintain/enhance beach access as it relates to the current Highway 101 Improvements Project. He also commented that the Community Action Commission continues to deal with the impacts of the federal sequester.
- Councilmember White spoke about the Sustainability Committee’s review of three “green” energy projects being undertaken at City facilities, as well as the City’s marketing effort pertaining to solid waste management.
- Mayor Schneider reported that the Santa Barbara County Association of Governments will meet in December to receive an update on a variety of issues related to the Highway 101 High Occupancy Vehicle Project.

## RECESS

The Mayor recessed the meeting at 5:54 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 15 – 17. She stated that no reportable action is anticipated.

## CLOSED SESSIONS

### 17. Subject: Conference with Legal Counsel - 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 *People of the State of California, City of Santa Barbara v. Eastside, Westside, et al.*, SBSC Case No. 1379826.

Scheduling: Duration, 30 minutes; anytime  
Report: None anticipated

### Documents:

November 26, 2013, report from the City Attorney.

(Cont’d)

**17. (Cont'd)**

Time:

5:55 p.m. – 6:55 p.m. All Councilmembers were present.

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 (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Jeannetta Ann Purdue Rizkalla and Tarek Ramzi Rizkalla v. City Of Santa Barbara, et al.*, SBSC Case No.1383789.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

November 26, 2013, report from the City Attorney.

Time:

6:58 p.m. – 7:07 p.m. All Councilmembers were present.

No report made.

**16. 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:

November 26, 2013, report from the Assistant City Administrator.

Time:

7:07 p.m. – 7:21 p.m. All Councilmembers were present.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 7:21 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

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SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK