



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 25, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting 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 Schneider.

ROLL CALL

Councilmembers present: Dale Francisco (2:05 p.m.), Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: Acting City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

Speakers: Phil Walker, Ethan Shenkman.

CONSENT CALENDAR (Item Nos. 1 – 12)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of November 4, 2014.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance To Amend Municipal Code Title 16, Liquid And Industrial Waste Disposal (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code By Repealing Title 16 in its Entirety and Adding Title 16 Pertaining to Liquid and Industrial Waste Disposal.

Action: Approved the recommendation; Ordinance No. 5675.

3. Subject: Introduction Of Ordinance To Amend Municipal Code To Require The Payment Of Prevailing Wages On Public Works Projects As Defined By California Senate Bill 7 (210.01)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara to Amend Municipal Code Section 4.52.160 to Require the Payment of Prevailing Wages on Public Works Projects as Defined and Required by California Senate Bill 7.

Action: Approved the recommendation (November 25, 2014, report from the Acting Assistant City Administrator; proposed ordinance).

4. Subject: Banking Services Agreement (210.03)

Recommendation: That Council approve a three-year contract with Union Bank to provide banking services for the period of January 1, 2015, through December 31, 2017.

Action: Approved the recommendation; Contract No. 25,036 (November 25, 2014, report from the Acting Assistant City Administrator).

5. Subject: Fiscal Year 2015 First Quarter Review (250.02)

Recommendation: That Council:

- A. Accept the Fiscal Year 2015 Interim Financial Statements for the Three Months Ended September 30, 2014; and

(Cont'd)

5. (Cont'd)

- B. Approve the proposed first quarter adjustments to Fiscal Year 2015 appropriations and estimated revenues as detailed in the attached Schedule of Proposed First Quarter Adjustments.

Action: Approved the recommendations (November 25, 2014, report from the Acting Assistant City Administrator).

6. Subject: October 2014, Investment Report (260.02)

Recommendation: That Council accept the October 2014, Investment Report.

Action: Approved the recommendation (November 25, 2014, report from the Acting Assistant City Administrator).

7. Subject: Self-Insured Workers' Compensation Program Annual Report (350.08)

Recommendation: That Council receive the Annual Self-Insured Workers' Compensation Program Annual Report for the year ended June 30, 2014.

Action: Approved the recommendation (November 25, 2014, report from the Acting Assistant City Administrator).

8. Subject: Approval Of City Charter Findings For Alameda Park Groundwater Well Siting (540.10)

Recommendation: That Council:

- A. Find that the design proposed for the Alameda Park Well Relocation Project is compatible with the use and character of Alameda Park; and
- B. Make the following findings pursuant to City Charter Section 520: The well relocation is compatible with and accessory to the purposes to which the property is devoted because: A) a portion of the water supply developed by the well will be devoted to park irrigation and maintenance, thus rendering the well accessory to the park use; B) the findings made above pursuant to Santa Barbara Municipal Code section 28.37.025 demonstrate that the well location is compatible with park uses; C) the use of the well will be by agreement between the Parks and Recreation and Public Works Departments and fully regulated by the City; and D) permission for the well will be contingent upon the Parks and Recreation and Public Works Departments reaching an agreement to the satisfaction of the City Administrator on all relevant construction and use issues, including appropriate compensation for the use of the park land.

(Cont'd)

8. (Cont'd)

Action: Approved the recommendations (November 25, 2014, report from the Public Works Director).

9. Subject: Contract For Construction Of Santa Barbara Police Department Heating, Ventilation, And Air Conditioning Replacement Project (320.01)

Recommendation: That Council:

- A. Award a contract with ACCO Engineered Systems in their low bid amount of \$1,234,567 for construction of the Santa Barbara Police Department Heating, Ventilation and Air Conditioning Replacement Project, Bid No. 3755; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$185,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Speakers:

Staff: Supervising Engineer Michael Wiltshire.

Action: Approved the recommendations; Contract No. 25,037 (November 25, 2014, report from the Public Works Director).

10. Subject: Water Main Replacement Program Funding (540.06)

Recommendation: That Council appropriate \$1,500,000 from Water Fund Reserves to the Water Capital Fund to address the need for ongoing water distribution system maintenance and repair projects.

Speakers:

Members of the Public: Phil Walker.

Action: Approved the recommendation (November 25, 2014, report from the Public Works Director).

NOTICES

- 11. The City Clerk has on Thursday, November 20, 2014, 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.
- 12. Cancellation of the regular City Council meeting of December 2, 2014.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to review financial statements for the first quarter of Fiscal Year 2015 as well as proposed adjustments to Fiscal Year 2015 appropriations and estimated revenues. The Committee accepted the statements and approved the adjustments, and both items were also approved by the Council as part of this agenda's Consent Calendar (Item No. 5).

Councilmember Francisco left the meeting at 2:10 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

13. Subject: Casa Esperanza Review Of Operations (660.04)

Recommendation: That Council accept a report prepared by City and County of Santa Barbara staff based on a review of Casa Esperanza Homeless Shelter's operations, and release the remaining contingency funds pursuant to Agreement Number 24,952.

Documents:

- November 25, 2014, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Community Development Business Manager Sue Gray.
- Casa Esperanza Homeless Shelter: Interim Executive Director Joseph Tumbler, Executive/Managing Director Jessica Wishan.
- Members of the Public: Jason Colbert, Jose Arturo Gallegos, Dorothy.

Motion:

Councilmembers Murillo/Hart to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

FINANCE DEPARTMENT

14. Subject: Public Meeting On The Proposed Modification Of 2011-2015 Santa Barbara South Coast Tourism Business Improvement District (290.00)

Recommendation: That Council hold a public meeting to hear comments on the proposed modification of the 2011-2015 Santa Barbara South Coast Tourism Business Improvement District for the District to expire on December 31, 2014.

(Cont'd)

14. (Cont'd)

Documents:

- November 25, 2014, report from the Acting Assistant City Administrator.
- Affidavit of Publication.

Speakers:

- Staff: Treasury Manager Genie Wilson.
- Civitas (Consultant to City): Project Manager Cheryl Cuming.

Public Comment was opened and closed at 3:07 p.m. No one wished to speak.

A public hearing will be held on December 16, 2014, to complete the process to modify the 2011-2015 Santa Barbara South Coast Tourism Business Improvement District.

Councilmember Francisco returned to the meeting at 3:08 p.m.

PUBLIC HEARINGS

15. Subject: Appeal Of Single Family Design Board Denial Of A Residence On Lot 2 Of The 3626 San Remo Drive Subdivision (640.07)

Recommendation: That Council uphold the appeal of Jarrett Gorin, agent on behalf of Capital Pacific Development Group, granting Project Design Approval for a new single-family residence on a vacant lot at 3626 San Remo Drive.

Councilmember Murillo stated she would not participate in this item due to a conflict of interest related to a family member's ownership of property in close proximity to the subject property; she left the meeting at 3:08 p.m.

Documents:

- November 25, 2014, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Letters and e-mails supporting the appeal and proposed project:
 - November 18, 2014, from Henry Lenny/Robert Adams/ Detty Peikert.
 - November 20, 2014, from Patricia Larkins, Jeff Venegas.
 - November 21, 2014, from Tom Ochsner, Steve Fisher, Lorie Bartron.
- Letters and e-mails opposing the proposed project:
 - October 4, 2014, from Michael Ward.
 - October 7, 2014, from Bob Feitt, Sharon Samski, Margaret C. Cornett, June Gill.
 - November 20, 2014, from Joan and Bob Jacobs, Peter and Shirley Edwards, Robert Westwick.
 - November 25, 2014, from John Steen.

(Cont'd)

15. (Cont'd)

Documents (Cont'd):

- November 24, 2014, letter from the Santa Barbara Association of Realtors.

Public Comment Opened:

3:09 p.m.

Speakers:

- Staff: Project Planner Daniel Gullett, City Attorney Ariel Calonne.
- Appellant/Applicant: Jarrett Gorin, Henry Lenny.
- Members of the Public: Peter Edwards, Shirley Edwards, Bob Westwick, John Steen, Molly Steen, Edward de Vicente.

Public Comment Closed:

4:24 p.m.

Motion:

Councilmembers Hotchkiss/Hart to uphold the appeal, with a condition directing the Single Family Design Board, in its consideration of the project for final approval, to pay particular attention to the landscaping for the western edge of the subject property to provide screening for the neighborhood.

Vote:

Majority voice vote (Noes: Councilmember White; Absent: Councilmember Murillo).

Councilmember Murillo returned to the meeting at 4:59 p.m.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hart commented on his attendance at the "State of the Schools" breakfast sponsored by the Santa Barbara Unified School District and at a recent Fire and Police Commission meeting.
- Councilmember Murillo reported on her attendance at: 1) a Restorative Court ceremony celebrating accomplishments of the City's Restorative Policing Program; and 2) a meeting of the Santa Barbara City College Task Force about issues with the college's surrounding neighborhood.
- Councilmember Hotchkiss reported on his attendance at meetings of the Airport and Harbor Commissions.
- Councilmember White commented on recent meetings of the Council committees working on matters related to infrastructure and sustainability.

RECESS

Mayor Schneider recessed the meeting at 5:04 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 16 and 17. She stated that no reportable action is anticipated.

CLOSED SESSIONS

16. 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 Joseph M. Hicks v. City of Santa Barbara, et al., USDC Case No. CV 13-9016 FMO(RZx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

November 25, 2014, report from the City Attorney.

Time:

5:06 p.m. – 5:14 p.m.

No report made.

17. 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 Camille Carter v. City of Santa Barbara, et al., SBSC Case No. 1438672.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

November 25, 2014, report from the City Attorney.

Time:

5:14 p.m. – 5:20 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:20 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK