



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING December 16, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 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: Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

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

PUBLIC COMMENT

Speakers: Kenneth Loch, Phil Walker.

CONSENT CALENDAR (Item Nos. 1 – 15)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the adjourned regular meeting of November 24, 2014, and the regular meeting of November 25, 2014.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance For Business Tax Exemption For Artists Earning Less Than \$5,000 In Annual Gross Receipts (210.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Section 5.04.735 of the Santa Barbara Municipal Code to Create a Business Tax Exemption For Artists Earning Less Than \$5,000 in Annual Gross Receipts.

Action: Approved the recommendation; Ordinance No. 5677.

3. Subject: Adoption Of Ordinance For Hotel And Related Commerce Zone Amendment (Clean-Up Amendment) For Area A Of The Cabrillo Plaza Specific Plan (640.09)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 28.22.030 of Chapter 28.22 of Title 28 of the Santa Barbara Municipal Code.

Action: Approved the recommendation; Ordinance No. 5678.

4. Subject: November 2014 Investment Report (260.02)

Recommendation: That Council accept the November 2014 Investment Report.

Action: Approved the recommendation (December 16, 2014, report from the Acting Assistant City Administrator).

5. Subject: Fiscal Year 2015 Interim Financial Statements For The Four Months Ended October 31, 2014 (250.02)

Recommendation: That Council accept the Fiscal Year 2015 Interim Financial Statements for the Four Months Ended October 31, 2014.

Action: Approved the recommendation (December 16, 2014, report from the Acting Assistant City Administrator).

6. Subject: Contract For Construction Of The Alameda Park Well Relocation Project - Infrastructure And Site Restoration (540.10)

Recommendation: That Council:

- A. Reject the apparent low bid for construction from Aguilera Brothers Construction, Inc., as non-responsive for the Alameda Park Well Relocation Project - Infrastructure and Site Restoration; and
- B. Award a contract with Brough Construction, Inc., in their lowest responsive bid amount of \$180,855 for construction of the Alameda Park Well Relocation Project - Infrastructure and Site Restoration, Bid No. 3728; and authorize the Public Works Director to execute the contract and approve expenditures up to \$18,100 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.

Action: Approved the recommendations; Contract No. 25,055 (December 16, 2014, report from the Public Works Director).

7. Subject: Contract For Construction Of Voluntario Street Curb Cuts Project (530.04)

Recommendation: That Council award a contract with Lash Construction, Inc., in their low bid amount of \$210,890 for construction of the Voluntario Street Curb Cuts Project, Bid No. 3739, and authorize the Public Works Director to execute the contract and approve expenditures up to \$21,089 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.

Action: Approved the recommendation; Contract No. 25,056 (December 16, 2014, report from the Public Works Director).

8. Subject: Contract For El Estero Wastewater Treatment Plant Stormwater Master Plan (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract, subject to approval as to form by the City Attorney, with CDM Smith in the amount of \$134,728 for design services of the El Estero Wastewater Treatment Plant Stormwater Master Plan, and authorize the Public Works Director to approve expenditures of up to \$13,472 for extra services of CDM Smith that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 25,057 (December 16, 2014, report from the Public Works Director).

9. Subject: Contract For Final Design Of El Estero Wastewater Treatment Plant Secondary Process Improvements Project - Phase II (540.13)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services contract with Brown and Caldwell in the amount of \$788,683 for final design of the El Estero Wastewater Treatment Plant Secondary Process Improvements Project - Phase II, and authorize the Public Works Director to approve expenditures of up to \$78,868 for extra services of Brown and Caldwell that may result from necessary changes in the scope of work; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Finding that the El Estero Wastewater Treatment Plant Secondary Treatment Process Improvement Project is Substantially Complex and, Therefore, Requires a Construction Contract Retention of Ten Percent.

Speakers:

Staff: Wastewater System Manager Christopher Toth.

Action: Approved the recommendations; Contract No. 25,058; Resolution No. 14-090 (December 16, 2014, report from the Public Works Director; proposed resolution).

10. Subject: Armored Car Transportation Services Agreement (210.03)

Recommendation: That Council authorize the Finance Director to negotiate and execute a one-year contract, in a form acceptable to the City Attorney, with Brinks Security Services to provide Armored Car Transportation services for the period of January 1, 2015, through December 31, 2015, for an annual amount of \$36,120.

Action: Approved the recommendation; Contract No. 25,059 (December 16, 2014, report from the Acting Assistant City Administrator).

11. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 511 Brosian Way (640.07)

Recommendation: That Council:

- A. Set the date of January 27, 2015, at 2:00 p.m. for hearing the appeal filed by Patricia Foley of the Planning Commission approval of an application for property owned by John Park and located at 511 Brosian Way, Assessor's Parcel No. 047-030-011, A-1 One-Family Residence Zone, General Plan Designation: Low Density Residential.

(Cont'd)

11. (Cont'd)

- A. The project proposes construction of a two-story, 5,886 square-foot, single-family residence and attached three-car garage on a vacant 2.2-acre lot in the Hillside Design District. The project includes 3,870 cubic yards of fill grading and 510 yards of cut grading. The discretionary application required for the project is a Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone; and
- B. Set the date of January 26, 2015, at 1:30 p.m. for a site visit to the property located at 511 Brosian Way.

Action: Approved the recommendations (November 14, 2014, letter of appeal).

CONSENT PUBLIC HEARINGS

12. Subject: Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing For Cottage Health Systems Debt Issuance (280.01)

Recommendation: That Council hold a public hearing and adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Approving the Issuance of the California Statewide Communities Development Authority Revenue Bonds (Cottage Health System Obligated Group), Series 2015, in an Aggregate Principal Amount Not to Exceed \$150,000,000 for the Purpose of Financing and Refinancing the Acquisition, Construction, Improvement, Equipping, Renovation, Rehabilitation and Remodeling of Certain Health Support Facilities of Santa Barbara Cottage Hospital and Certain Other Matters Related Thereto.

Public Comment was opened and closed at 2:08 p.m. No one wished to speak.

Action: Approved the recommendation; Resolution No. 14-091 (December 16, 2014, report from the Acting Assistant City Administrator; proposed resolution; affidavit of publication).

13. Subject: Request For Designation Of 400 Hitchcock Way (Tesla Motors, Inc.) As A Community Benefit Project (640.09)

Recommendation: That Council find the proposed development at 400 Hitchcock Way for Tesla Motors, Inc., a Community Benefit Project pursuant to Santa Barbara Municipal Code Section 28.85.020.A.3 and allocate 8,700 square feet of nonresidential floor area to the project from the Community Benefit Project category.

(Cont'd)

13. (Cont'd)

Public Comment was opened and closed at 2:08 p.m. No one wished to speak.

Action: Approved the recommendation (December 16, 2014, report from the Community Development Director; affidavit of publication).

NOTICES

14. The City Clerk has on Thursday, December 11, 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.
15. Cancellation of the regular City Council meetings of December 23 and December 30, 2014, and January 6, 2015.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

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

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Modifying the Santa Barbara South Coast Tourism Business Improvement District; and
- B. Adopt the Modified Santa Barbara South Coast Tourism Business Improvement District Management District Plan.

Documents:

- December 16, 2014, report from the Acting Assistant City Administrator.
- Proposed Resolution.
- Affidavit of Publication.

The title of the resolution was read.

Public Comment Opened:
2:09 p.m.

Speakers:
Staff: Treasury Manager Genie Wilson.

(Cont'd)

16. (Cont'd)

Public Comment Closed:
2:10 p.m.

Motion:

Councilmembers White/Hotchkiss to approve the recommendations;
Resolution No. 14-092.

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

PUBLIC WORKS DEPARTMENT

17. Subject: Stage Two Drought Update (540.05)

Recommendation: That Council receive an update on the status of the current drought and related efforts.

Documents:

- December 16, 2014, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Water Resources Manager Joshua Haggmark, Acting Water Conservation Coordinator Madeline Ward.

Discussion:

Staff presented information on rain totals for the current water year and stated that despite an impressive start, the City's drought situation remains unchanged at this time. They also reviewed the strategy to meet water demands, drought response capital projects, and conservation outreach. Councilmembers' questions were answered.

COMMUNITY DEVELOPMENT DEPARTMENT

18. Subject: Consideration Of Drought-Related Restrictions And Regulations (640.02)

Recommendation: That Council:

- A. Receive a report outlining possible water use and development restrictions to be considered in response to drought;
- B. Direct Planning Division staff to further develop options for development-related regulations in consultation with the Planning Commission, and return to Council for action in 2015 pending persistent or worsening drought conditions; and

(Cont'd)

18. (Cont'd)

- C. Direct Water Resources staff to work with the Water Commission on further water use restrictions and return to Council for action in 2015 pending persistent or worsening drought conditions.

Documents:

- December 16, 2014, joint report from the Community Development and Public Works Directors.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: City Planner Bettie Weiss, Acting Water Conservation Coordinator Madeline Ward, Water Resources Manager Joshua Haggmark.

Motion:

Councilmembers Rowse/Hotchkiss to approve recommendations B and C.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss commented on a meeting he had with the Bicycle Coalition.
- Councilmember Rowse reported on the "Healthy Kids" event sponsored by the Eyeglass Factory.
- Councilmember Murillo mentioned her attendance at the following events: 1) Santa Barbara Festival Ballet's 40th anniversary "Nutcracker" production; 2) Mesa Village holiday event; and 3) reception for the City employees' art exhibit at the Cabrillo Arts Pavilion. She also reported that the Neighborhood Advisory Council has asked the Milpas Community Association to present its Eastside Business Improvement District proposal to the Advisory Council.
- Councilmember Hart spoke about the annual Milpas Holiday Parade and the Parade of Lights held at the City's waterfront.
- Mayor Schneider reported on her participation on a panel regarding the drought, moderated and broadcast live by the KCRW radio station.

RECESS

The Mayor recessed the meeting at 3:18 p.m. in order for the Council to reconvene in closed session for Item No. 19. She stated that no reportable action is anticipated.

CLOSED SESSIONS

19. 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 *Frank Banales, Sebastian Aldana Jr., Jacqueline Inda, Cruzito Herrera Cruz, and Benjamin Cheverez, v. City of Santa Barbara, et al.*, SBSC Case No.1468167.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

December 16, 2014, report from the City Attorney.

Time:

3:20 p.m. – 4:15 p.m. Councilmember Francisco was absent.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:15 p.m. in memory of Anita Guevara, founder and owner of Santa Barbara’s Rose Café, and Leni Fe Bland, a local philanthropist.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK