



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 10, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, 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: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Deborah L. Applegate.

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 November 30, 2015.

Documents:

November 10, 2015, report from the Administrative Services Director.

Speakers:

Staff: City Administrator Paul Casey.

(Cont'd)

1. (Cont'd)

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

5-Year Pin

Kyle Crooks, Police Officer, Police Department
Sarah Fox, Records Technician, Administrative Services Department
Julio Gonzalez-Vasquez, Water District Operator II, Public Works Department
Jesus Jaimes, Senior Water District Operator, Public Works Department
David Rowell, Project Planner, Community Development Department
Andrew Ruiz, Wastewater Treatment Plant Operator II, Public Works Department
Ramon Urrutia, Wastewater Collection Systems Operator II, Public Works Department

10-Year Pin

Heather Clark, Police Officer, Police Department
Kasi Corbett, Police Officer, Police Department
Brian Miller, Police Officer, Police Department
Moises Tinajera, Senior Water District Operator, Public Works Department
Matthew Tonello, Police Officer, Police Department

15-Year Pin

Martin Golszewski, Waterfront Maintenance Worker II, Waterfront Department
Camerino Sanchez, Police Chief, Police Department
Ignacio Valdez, Grounds Maintenance Crew Leader, Parks and Recreation Department

25-Year Pin

Mirna Dubon, Administrative Specialist, Police Department

PUBLIC COMMENT

Speakers: Andrea Roselinsky; Phil Walker; Fred Sweeney; Scott Wenz, Cars Are Basic; Dave Hopkins; Bob Stout, Downtown Santa Barbara; Richard Robinson; Stephen Cruver, Common Ground Santa Barbara; Sharon Byrne, Milpas Community Association.

Councilmember Francisco arrived at 2:16 p.m.

CONSENT CALENDAR

4. Subject: A Resolution Denying The Appeal Of The Montecito Association And Upholding The Decision Of The Parks And Recreation Commission Regarding Tree Removal At 1187 Coast Village Road. (570.08)

Recommendation: That Council adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Denying The Appeal Of The Montecito Association And Upholding The Decision Of The Parks and Recreation Commission To Approve The Removal of Two Canary Island Pine Trees Located In The Front Setback at 1187 Coast Village Road, Pursuant to Council's Direction of October, 2015.

Councilmember Hotchkiss stated he would abstain from voting on the proposed resolution due to his absence from the site visit and Council meeting where the appeal was heard.

Documents:

- November 10, 2015, report from the City Attorney.
- Proposed resolution.

Motion:

Councilmembers Murillo/Hotchkiss to approve the Consent Calendar as recommended; Resolution No. 15-087.

Vote:

Majority roll call vote. (Abstentions: Councilmember Hotchkiss)

CONSENT CALENDAR (Item Nos. 2 - 3, 5 - 18)

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the adjourned regular meeting of October 19, 2015, the regular meetings of October 20 and 27, 2015, and the regular meeting (cancelled) of November 3, 2015.

Action: Approved the recommendation.

3. Subject: Reclassification Of Maintenance Worker Positions In The Facilities Management Division Of The Public Works Department (530.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 15-056, the Position and Salary Control Resolution for Fiscal Year 2016, Affecting the Public Works Department, Effective November 14, 2015.

Action: Approved the recommendation; Resolution No. 15-086 (November 10, 2015, report from the Administrative Services Director; proposed resolution).

5. Subject: Adoption Of Ordinance To Grant Easements To The County Flood Control District (150.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Granting of Easements on City-Owned Airport Properties to the County of Santa Barbara Flood Control and Water Conservation District for Flood Control and All Related Purposes, and Authorizing the City Administrator to Execute as Necessary the Grant Deeds in a Form Approved by the City Attorney.

Action: Approved the recommendation; Ordinance No. 5726.

6. Subject: Contract For Construction Of Westside Sidewalk Access Ramp Project (530.04)

Recommendation: That Council award a contract with Brough Construction, Inc., in their low bid amount of \$191,703 for construction of the Community Development Block Grant 2015-2016 Westside Sidewalk Access Ramp Project, Bid No. 3788, and authorize the Public Works Director to execute the contract and approve expenditures up to \$28,755 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; Agreement No. 25,358 (November 10, 2015, report from the Public Works Director).

7. Subject: Contract For Design For The Zone 3 (Westside, Hidden Valley, Campanil, And West Mesa Neighborhoods) Pavement Maintenance Project (530.04)

Recommendation: That Council:

- A. Approve the selection of Flowers & Associates, Inc., to provide professional engineering design and construction management services for the annual Pavement Maintenance Projects scheduled for Fiscal Years 2016 through 2018; and

(Cont'd)

7. (Cont'd)

- B. Authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates, Inc., in the amount of \$106,544 for design services of the Fiscal Year 2016 Pavement Maintenance Project, and authorize the Public Works Director to approve expenditures of up to \$10,656 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 25,359 (November 10, 2015, report from the Public Works Director).

8. Subject: Emergency Increase In Purchase Order Authority For Repairs To The Laguna Channel (540.06)

Recommendation: That Council authorize the General Services Manager to increase an existing maintenance and repair purchase order with Granite Construction Company, Inc., by \$84,000 for emergency repairs to the Laguna Channel for a new not-to-exceed total of \$157,985.

Action: Approved the recommendation (November 10, 2015, report from the Public Works Director).

9. Subject: Contract Amendment With USGS For Groundwater Modeling In Support Of Studying The Feasibility Of Alternatives To Screened Ocean Intake For Desalination (540.10)

Recommendation: That Council authorize the Public Works Director to execute an Amendment to the Joint Funding Agreement with the United States Geological Survey (USGS) for groundwater modeling services in the amount of \$66,400, and approve expenditures of up to \$15,000 for extra services that may result from unforeseen changes in the scope of work, raising the City's portion of cost in the Joint Funding Agreement to \$488,325.

Action: Approved the recommendation; Agreement No. 23,253.2 (November 10, 2015, report from the Public Works Director).

10. Subject: Aircraft Noise Monitoring And Flight Tracking Services License And Maintenance / Technical Support Agreement (560.14)

Recommendation: That Council:

- A. Authorize the City's General Services Manager to execute a 12-month agreement with Harris Inc. in the amount of \$71,000 pursuant to the Sole Source provisions of the Santa Barbara Municipal Code Section 4.52.070(K) for flight tracking services and maintenance and technical support for noise monitoring equipment at the Airport; and

(Cont'd)

10. (Cont'd)

- B. Authorize the City's General Services Manager to execute any agreements or change orders for a subsequent 12-months in the amount of \$78,000, for a two-year contract total not to exceed \$149,000.

Action: Approved the recommendations; Agreement No. 25,360 (November 10, 2015, report from the Airport Director).

11. Subject: Donation For Police K9 Program (520.04)

Recommendation: That Council accept a donation of \$20,000 from the Santa Barbara Police Foundation for the Police K9 Program Trust Fund.

Action: Approved the recommendation (November 10, 2015, report from the Chief of Police).

12. Subject: Donations For Animal Control Program Equipment (520.05)

Recommendation: That Council:

- A. Accept a donation of \$4,500 from the Deborah K. Oldham Trust of 2001;
- B. Approve an increase in appropriations and estimated revenues in the amount of \$4,500 in Fiscal Year 2016 in the Police Department Miscellaneous Grants Fund for Animal Control equipment that will help enhance public safety and service;
- C. Accept a donation of \$8,310 from Stephen and Joy Frank; and
- D. Approve an increase in appropriations and estimated revenues in the amount of \$8,310 in Fiscal Year 2016 in the Police Department Miscellaneous Grants Fund for an all-terrain vehicle (ATV) which will enhance public safety and service.

Action: Approved the recommendations (November 10, 2015, report from the Chief of Police).

13. Subject: Appropriation Of Human Services Grant Funds For Youth Apprenticeship And Santa Barbara Arts Alliance Programs (570.05)

Recommendation: That Council increase appropriations and estimated revenues in the Fiscal Year (FY) 2016 Parks and Recreation Department Miscellaneous Grant Fund, in the amount of \$15,000, for two Human Services Grant awards.

Action: Approved the recommendation (November 10, 2015, report from the Acting Parks and Recreation Director).

14. Subject: Contributions From Parks And Recreation Community Foundation (570.05)

Recommendation: That Council:

- A. Accept a contribution from the Parks and Recreation Community (PARC) Foundation in the amount of \$45,000 for Parks and Recreation Department programs; and
- B. Increase appropriations and estimated revenues in the Fiscal Year (FY) 2016 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$45,000.

Action: Approved the recommendations (November 10, 2015, report from the Acting Parks and Recreation Director).

15. Subject: Police Officer And Public Safety Dispatcher Recruitment Incentive Program (520.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Police Officer Recruitment Incentive Program Providing Referral Incentives for City Employees and Hiring Incentives for New Police Officers; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Public Safety Dispatcher Recruitment Incentive Program Providing Referral Incentives for City Employees and Hiring Incentives for New Public Safety Dispatchers.

Action: Approved the recommendations; Resolution No. 15-088 and 15-089 (November 10, 2015, report from the Chief of Police; proposed resolutions).

CONSENT PUBLIC HEARING

16. Subject: TEFRA (Tax Equity And Fiscal Responsibility Act) Hearing For 510 N. Salsipuedes (Jardin De Las Rosas Apartments) Debt Issuance (660.01)

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 Revenue Bonds by the California Municipal Finance Authority in an Aggregate Principal Amount not to exceed \$15,000,000 for the Purpose of Financing the Acquisition, Construction, Improvement, and Equipping of a 40-unit Multifamily Rental Housing Facility and Certain Other Matters Relating Thereto.

Action: Approved the recommendation; Resolution No. 15-090 (November 10, 2015, report from the Finance Director).

NOTICES

17. The City Clerk has on Thursday, November 5, 2015, 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.
18. A City Council site visit is scheduled for Monday, November 16, 2015, at 1:30 p.m. to the property located at 806 Alberta Avenue, which is the subject of an appeal hearing set for November 17, 2015, at 2:00 p.m.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

19. Subject: Updated City Council Rules Of Procedure (120.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance Of The Council Of The City Of Santa Barbara Amending Chapter 2.04 Of The Santa Barbara Municipal Code Pertaining To Council Meetings; and
- B. Adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Adopting Rules Of Procedure Governing The Conduct Of City Council Meetings And Rescinding Resolution No. 09-097.

Documents:

- November 10, 2015, report from the City Attorney.
- Proposed ordinance.
- Proposed resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the ordinance and resolution were read.

Speakers:

Staff: City Attorney Ariel Calonne.

Motion:

Councilmembers Francisco/Rowse to approve the recommendations with a modification to 4.11 of the revised procedures giving Speakers until the end of the staff report to submit a "Request to Speak" form for that item.

Amended Motion:

Councilmembers Francisco/Rowse to approve the recommendations with a modification to 4.11 striking the words, "prior" to the time that the item on the agenda is initially read by the Deputy City Clerk.

Vote:

Unanimous roll call vote.

20. Subject: Newly Adopted Medical Marijuana Legislation (160.02)

Recommendation: That Council:

- A. Receive an update on the potential impacts to the City of Santa Barbara resulting from new legislation regulating cultivation, sale, and licensing of medical marijuana;
- B. Provide direction to the Community Development Department and the City Attorney's Office related to mobile marijuana delivery services and the cultivation of marijuana for medicinal purposes within the City.

Documents:

- November 10, 2015, report from the City Attorney.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: City Attorney Callone; Assistant City Attorney Tava Ostrenger;
- Members of the Public: Erie Bjorklund; David Bearman, M.D.; Phil Walker.

Motion:

Councilmember Murillo moved for Council to direct staff to develop an ordinance allowing medical marijuana cultivation in residential zones for people with a medical prescription and to allow commercial cultivation in manufacturing zones.

Motion died for lack of a second.

Motion:

Councilmembers Hotchkiss/Francisco to direct staff to develop an ordinance allowing for personal cultivation of medical marijuana of up to 100 square feet for residential zones and no commercial cultivation.

Amended Motion:

Councilmembers Hotchkiss/Francisco to direct staff to develop an ordinance allowing for personal cultivation of medical marijuana of up to 100 square feet for residential zones and residential occupancy within commercial zones and no commercial cultivation.

Vote:

Unanimous roll call vote.

21. Subject: Short Term Residential Rental Subpoenas (350.05)

Recommendation: That Council receive certified copies of subpoenaed records related to unlawful vacation rentals that are subject to the City's Ordinance prohibiting their operation.

(Cont'd)

21. (Cont'd)

Documents:

- November 10, 2015, report from the City Attorney.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Deputy City Attorney John Doimas.

Councilmembers heard the report and their questions were answered.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Rowse commented on his visit to the County of Santa Barbara Emergency Command Center during the Gibraltar Fire and commented on the excellent coordination of the many agencies involved.
- Councilmember White reported on his attendance at the recent Water Commission Meeting where they reviewed current drought conditions.
- Councilmember Hart commented on his attendance at the National League of Cities Conference where the topics of Technical Platforms and Vacation Rentals were discussed.
- Councilmember Murillo reported on her attendance at the Community Action Commission Board Meeting where they approved a new budget and a Women In Leadership Conference put on by the Santa Barbara County Commission of Women and Women's Economic Ventures.

CLOSED SESSIONS

22. Subject: Conference With City Attorney - Existing 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 *Karen Fox, et al. v. City of Santa Barbara, et al.*, SBSC Case No. 1469026.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

November 10, 2015, report from the City Attorney.

Time:

5:15 p.m. – 5:20 p.m.

No report was made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:15 p.m. to Monday, November 16, 2015, at 1:30 p.m. at 806 Alberta Avenue.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ ATTEST: _____
HELENE SCHNEIDER DEBORAH L. APPLGATE
MAYOR DEPUTY CITY CLERK