



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING  
February 9, 2016  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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## **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: Jason Dominguez, Frank Hotchkiss, Cathy Murillo, Bendy White, Mayor Schneider.

Councilmembers absent: Gregg Hart, Randy Rowse.

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

## **CHANGES TO THE AGENDA**

Item Removed from Agenda

City Administrator Paul Casey requested that the following item be removed from the agenda:

**9. Subject: Contract For Storage Of Pass-Through Water In Lake Cachuma (540.09)**

Recommendation: That Council authorize the Public Works Director to negotiate and execute a Warren Act contract with the U.S. Bureau of Reclamation, in a form approved by the City Attorney, to provide for the storage and conveyance of a portion of the City's Gibraltar Reservoir water as non-project water in and through Cachuma Project facilities, pursuant to the provisions of the 1989 Upper Santa Ynez River Operations Agreement.

**9. (Cont'd)**

**Motion:**

Councilmembers Murillo/Hotchkiss to remove Item No. 9 from the agenda.

**Vote:**

Unanimous voice vote (Absent: Councilmembers Hart, Rowse).

**PUBLIC COMMENT**

Speakers: Kenneth Loch; Pete Dal Bello; Phil Walker; Tom Widroe, City Watch; W. Scott Burns and Joe Darga, Donate Life California; Andrea Roselinsky; Rick Morse; Clint Orr; Cruzito Herrera Cruz; American Contender.

**ITEM REMOVED FROM CONSENT CALENDAR**

**3. Subject: Contract For Streets Maintenance Planning Support Services (530.04)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract in the amount of \$100,326 with LA Consulting, Inc., for Streets Maintenance Planning Support Services, and authorize the Public Works Director to approve expenditures of up to \$10,033 for extra services of LA Consulting, Inc., that may result from necessary changes in the scope of work.

**Documents:**

February 9, 2016, report from the Public Works Director.

**Speakers:**

- Staff: Transportation Manager Christopher Toth, City Administrator Paul Casey, Public Works Director Rebecca Bjork.
- Members of the Public: Cynthia Goena, Service Employees International Union Local 620.

**Motion:**

Councilmembers Murillo/Hotchkiss to approve the recommendation and direct Staff to return to Council with a report on the implementation of the contractor's recommendations; Contract No. 25,406.

**Vote:**

Unanimous voice vote (Absent: Councilmembers Hart, Rowse).

**CONSENT CALENDAR (Item Nos. 1, 2, and 4 – 7)**

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

**Motion:**

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

**Vote:**

Unanimous roll call vote (Absent: Councilmembers Hart, Rowse).

**1. Subject: Update To Records Management Policies And Procedures Manual (160.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the City of Santa Barbara Records Management Policies and Procedures Manual, and Rescinding Resolution No. 14-006.

Action: Approved the recommendation; Resolution No. 16-005 (February 9, 2016, report from the Administrative Services Director; proposed resolution).

**2. Subject: Authorization To Request Correction Of Department Of Water Resources Groundwater Basin Map For The Foothill Basin (540.10)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director to Submit a Request to the California Department of Water Resources for a Groundwater Basin Boundary Modification for the Foothill Groundwater Basin.

Action: Approved the recommendation; Resolution No. 16-006 (February 9, 2016, report from the Public Works Director; proposed resolution).

**4. Subject: Service Agreement With Interim Police Chief (440.03)**

Recommendation: That Council authorize the City Administrator to execute a service agreement with John Crombach to act as Interim Police Chief, subject to Mr. Crombach's prior successful completion of a background investigation and other required pre-employment examinations.

Action: Approved the recommendation; Agreement No. 25,407 (February 9, 2016, report from the City Administrator).

**5. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 1818 Castillo Street (640.07)**

Recommendation: That Council:

- A. Set the date of March 8, 2016, at 2:00 p.m. for hearing the appeal filed by Eric and Elenor Wernicke of the Architectural Board of Review's project design approval of an application for property owned by DB Partners and located at 1818 Castillo Street, Assessor's Parcel No. 027-012-023, R-4 Hotel-Motel-Multiple Residential Zone, General Plan Designation: Residential (15-27 dwelling units/acre). The project proposes the demolition of existing buildings and the construction of a two-unit, two-story duplex and a five-unit two- and partial three-story residential apartment building under the Average Unit Size Density Incentive Program. The seven-unit project will comprise 2 two-bedroom units and 5 three-bedroom units totaling 6,609 square feet. The 12,656 square-foot parcel is designated as Medium-High Density with a maximum average density allowed of 945 square feet per unit; the average unit size for this project will be 944 square feet. There will be eight uncovered parking spaces, including one accessible parking space between the two proposed buildings along the southerly property line; and
- B. Set the date of March 7, 2016, at 1:30 p.m. for a site visit to the property located at 1818 Castillo Street.

Action: Approved the recommendation (December 21, 2015, letter of appeal, received January 14, 2016).

NOTICES

6. The City Clerk has on Thursday, February 4, 2016, 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.
7. Cancellation of the regular City Council meeting of February 16, 2016.

This concluded the Consent Calendar.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

COMMUNITY DEVELOPMENT DEPARTMENT

**8. Subject: Amendment To The Noise Ordinance Defining Noise Disturbance And Administrative Citations For Violations (630.09)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 9.16 of the Santa Barbara Municipal Code in its Entirety Pertaining to Noise.

(Cont'd)

8. (Cont'd)

Documents:

- February 9, 2016, report from the Community Development Director.
- Proposed ordinance.
- PowerPoint presentation prepared and made by Staff.
- February 8, 2016, e-mails from Robert Burke, Sophie Foot, Laurie Marx.

The title of the ordinance was read.

Speakers:

- Staff: Project Planner Andrew Bermond, Community Development Director George Buell, Parks and Recreation Director Jill Zachary, City Attorney Ariel Calonne, City Administrator Paul Casey.
- Members of the Public: Laura Nissley; Michael Nelson, Elings Park Foundation; Bill Oliphant; Robert Burke; Luz Reyes-Martin; Gwen Stauffer; Tamara Erickson, Hotel Santa Barbara; Joe Sullivan; Dianna Bottoms; Tom Widroe, City Watch; Beebe Longstreet; Laurie Marx; Nadine Turner, Hotel Santa Barbara; Emily Gribble; Lexi Valas; Marianne Kugler, Santa Barbara City College; Mark Taylor; John Jostes; Bob Stout.

Motion:

Councilmembers Murillo/Hotchkiss to introduce the ordinance with the following revision to Section 9.16.110 (Enforcement):

**"B. VIOLATIONS.** Any violation of the provisions of this Chapter shall be a ~~misdemeanor~~ an infraction or be subject to administrative code enforcement pursuant to Chapter 1.25 of this code. Each hour such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such."

Vote:

Unanimous voice vote (Absent: Councilmembers Hart, Rowse).

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White commented on current vacancies in management positions for both the Cachuma Conservation Release Board and Cachuma Operation and Maintenance Board.
- Councilmember Murillo reported on: 1) the recent meeting of the Metropolitan Transit District Board, during which a drop in ridership was discussed; 2) the Women in Sports luncheon; and 3) United Way's new Financial Empowerment partnership.

## RECESS

Mayor Schneider recessed the meeting at 4:28 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 10, and she stated that no reportable action is anticipated.

## CLOSED SESSIONS

### 10. **Subject: Conference With City Attorney - Existing And Anticipated Litigation (160.03)**

Recommendation: That Council:

- A. Hold a closed session to confer with the City Attorney regarding existing litigation pursuant to Government Code section 54956.9(d)(1), and take appropriate action as needed.

The existing litigation is:

- *Ron Bochner v. City of Santa Barbara*, SBSC Case No. 15CV02939
- *Linda Curtiss v. City of Santa Barbara, et al.*, SBSC Case No. 15CV00345
- *Debra A. Corral, et al. v. City of Santa Barbara*, SBSC Case No. 1466439; Related to Case No. 1343636
- *Patricia Dzukola v. City of Santa Barbara*, SBSC Case No. 15CV04677
- *Nestor Galvan v. City of Santa Barbara, et al.*, SBSC Case No. 15CV00968
- *Susan Guerguy v. City of Santa Barbara*, SBSC Case No. 15CV04677
- *Silbia Limon v. City of Santa Barbara, et al.*, SBSC Case No. 15CV00135
- *Trevor Martinson, et al. v. City of Santa Barbara, et al.*, SBSC Case No. 15CV044465
- *Lizette Padilla-Lee v. Lux; Lux v. City of Santa Barbara*, SBSC Case No. 1486999
- *Toni M. Reyes v. City of Santa Barbara, et al.*, SBSC Case No. 1416050
- *Andrew Furst v. City of Santa Barbara, et al.*, USDC Case No. 5:15-CV-02428 VAP(SPx)
- *Jesus Reyes Herrera v. City of Santa Barbara, et al.*, USDC Case No. 2:15-CV-08402 DMG(PLAx)
- *Travis Middleton v. Santa Barbara Police Department, et al.*, USDC Case No. CV15-09818 SVW(AGR)
- *Home on Wheels, et al. v. City of Santa Barbara*, COA Case No. 2656630
- *Rolland Jacks v. City of Santa Barbara, et al.*, COA Case No. B253474

(Cont'd)

10. (Cont'd)

A. (Cont'd):

- *Passion Moore v. City of Santa Barbara, et al.*, COA Case No. 15-55316
- *Jun Yang v. City of Santa Barbara*, COA Case No. B267587
- *City of Santa Barbara v. Virginia Castagnola, et al.*, SBSC Case No. 1469840

B. Hold a closed session to confer with the City Attorney regarding anticipated litigation pursuant to Government Code section 54956.9(d)(2)&(3), and take appropriate action as needed.

The anticipated litigation is based upon:

- Significant exposure to litigation arising out of the tort claim of David Anduri, Sr.
- Significant exposure to litigation arising out of the claim of Kendra L. Feshbach
- Significant exposure to litigation arising out of the claim of Jennifer McKenzie

C. Hold a closed session to confer with the City Attorney regarding anticipated litigation pursuant to Government Code section 54956.9(d)(2)&(e)(2), and take appropriate action as needed.

The anticipated litigation is based upon:

- Significant exposure to litigation arising out of water main break related damage to U.S. Route 101.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

Documents:

February 9, 2016, report from the City Attorney.

Time:

4:30 p.m. – 6:00 p.m. Councilmembers Hart and Rowse were absent.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:00 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE



HELENE SCHNEIDER  
MAYOR

ATTEST:



SUSAN TSCHUCH, CMC  
DEPUTY CITY CLERK