



## **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

**REGULAR MEETING  
May 24, 2011  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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### **CALL TO ORDER**

Mayor Helene Schneider called the meeting to order at 2:02 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, Randy Rowse, Michael Self, Mayor Schneider.

Councilmembers Absent: Bendy White.

Staff Present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

### **CHANGES TO THE AGENDA**

By consensus, the Council agreed to hear Item No. 14 after the Report from the Finance Committee.

### **PUBLIC COMMENT**

Speakers: Pat Love; Wayne Scoles; Robert Burke; AIE, the person.

### **ITEM REMOVED FROM CONSENT CALENDAR**

Councilmembers Hotchkiss and House stated they would abstain from voting on the following item due to a conflict of interest relating to ownership of/residency at real property located near the subject of the agenda item.

8. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2012 For The Wildland Fire Suppression Assessment (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Continue Assessments for Fiscal Year 2012; Establishing a Time of 2:00 P.M. on Tuesday, June 7, 2011, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment; and Rescinding Resolution No. 11-025.

Documents:

- May 24, 2011, report from the Fire Chief.
- Proposed Resolution.

The title of the resolution was read.

Motion:

Councilmembers Francisco/Rowse to approve the recommendation;  
Resolution No. 11-030.

Vote:

Unanimous roll call vote (Abstentions: Councilmembers Hotchkiss, House; Absent: Councilmember White).

**CONSENT CALENDAR (Item Nos. 1 – 7 and 9 – 12)**

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember White).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of May 3, and the special meeting of May 5, 2011.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance Amending Plumbing Code (640.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.04.030 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code Concerning Local Amendments to the California Plumbing Code.

Action: Approved the recommendation; Ordinance No. 5550.

3. Subject: Approval Of Final Map And Execution Of Agreements For 101 West Canon Perdido Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,792 (Map) and other standard agreements relating to the approved subdivision at 101 West Canon Perdido Street, and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 23,782 - 23,784 (May 24, 2011, report from the Public Works Director).

4. Subject: Contract For Scanning Support Services For The El Estero Scanning And Document Management Project (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Contract with MNS Engineers, Inc., in the amount of \$55,350 for scanning support services for the El Estero Wastewater Treatment Plant Scanning and Document Management Project, and authorize the Public Works Director to approve expenditures of up to \$5,535 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,785 (May 24, 2011, report from the Public Works Director).

5. Subject: Contract For Design For The Las Canoas Water Main Replacement (540.06)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Contract with O'Brien & Wall (Wall) in the amount of \$99,528 for design services for the Las Canoas Water Main Replacement Project (Project), and authorize the Public Works Director to approve expenditures of up to \$9,950 for extra services of Wall that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,786 (May 24, 2011, report from the Public Works Director).

6. Subject: Amend Airline Terminal Public Arts Program Agreements (560.04)

Recommendation: That Council:

- A. Approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, an amendment to Agreement No. 23,496 between the City and Vidya Gauci for design and installation of decorative stenciling associated with the Airline Terminal Project to increase the contract amount by \$2,994 for a total not-to-exceed amount of \$14,994; and
- B. Approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, an amendment to Agreement No. 23,168 between the City and the Santa Barbara County Arts Commission for the long-term loan of the "Fiesta" Mural by artist Channing Peake to increase the reimbursement amount by \$2,000 for a total not-to-exceed amount of \$10,000.

Action: Approved the recommendations; Agreement Nos. 23,496.1 and 23,168.1 (May 24, 2011, report from Airport Director).

7. Subject: April 2011 Investment Report (260.02)

Recommendation: That Council accept the April 2011 Investment Report.

Action: Approved the recommendation (May 24, 2011, report from the Finance Director).

9. Subject: Adoption Of Medical Marijuana Dispensary Ordinance - Amendment For Dispensaries Permitted Under The March 2008 Dispensary Ordinance (520.04)

Recommendation: That Council adopt, by ready of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code to Establish Revised Regulations for Those Storefront Medical Marijuana Dispensaries Permitted Under City Ordinance No. 5449 as Adopted on March 25, 2008.

Action: Approved the recommendation; Ordinance No. 5551.

## NOTICES

10. The City Clerk has on Thursday, May 19, 2011, 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. The public hearing scheduled for May 24, 2011, at 2:00 p.m. regarding the Wildland Fire Suppression Assessment District has been postponed to June 7, 2011, at 2:00 p.m. (See Agenda Item No. 8)

12. Cancellation of the special City Council meeting of May 26, 2011, at 1:30 p.m. for consideration of Recommended Operating and Capital Budget for Fiscal Year 2012-2013, and the regular City Council meeting of May 31, 2011.

This concluded the Consent Calendar.

## REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to hear a report from Staff on minor revisions to the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### PARKS AND RECREATION DEPARTMENT

14. Subject: Interview And Appointment Of Youth Intern Applicant To Creeks Advisory Committee (140.05)

Recommendation: That Council:

- A. Interview applicant Annie Marroquin for the position of Youth Intern on the Creeks Advisory Committee; and
- B. Appoint Annie Marroquin to the position of Youth Intern on the Creeks Advisory Committee.

Documents:

May 24, 2011, report from the Parks and Recreation Director.

Speakers:

- Staff: Neighborhood and Outreach Services Supervisor I Susan Young.
- Members of the Public: Applicant Annie Marroquin.

Motion:

Councilmembers House/Hotchkiss to appoint Annie Marroquin to the position of Youth Intern on the Creeks Advisory Committee.

Vote:

Unanimous voice vote (Absent: Councilmember White).

### COMMUNITY DEVELOPMENT DEPARTMENT

13. Subject: Sign Ordinance Revisions (640.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020 and 22.70.030 of the Santa Barbara Municipal Code Relating to Sign Regulations.

(Cont'd)

## 13. (Cont'd)

## Documents:

- May 24, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.
- May 24, 2011, list of requested revisions by Pumpflix, submitted by Doug Fell.

The title of the ordinance was read.

## Speakers:

- Staff: Zoning & Enforcement Supervisor Renee Brooke, City Planner Bettie Weiss.
- Members of the Public: Doug Fell, representing Pumpflix.

## Motion:

Councilmembers House/Hotchkiss to approve the recommendation, including the revisions requested by Pumpflix, revised by the City Attorney:

- g. No digital display shall be installed within twenty-five (25) feet of any property zoned exclusively for residential uses, residentially zoned property. (~~Define to exclude mixed use.~~)

## Vote:

Unanimous voice vote (Absent: Councilmember White).

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## Information:

- Councilmember Francisco reported that the Cachuma Operation and Maintenance Board met yesterday to review the budget for the upcoming fiscal year, and discussed the hiring of a new general manager. He also reported that the General Plan Update Ad Hoc Subcommittee met and would like to hold another meeting regarding the density issue prior to bringing this item to the full Council.
- Mayor Schneider reported that today she attended the Jake Boysel Bike Path ribbon cutting event.

**RECESS**

Mayor Schneider recessed the meeting at 3:11 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 15 - 18, and she stated that no reportable action is anticipated.

**CLOSED SESSIONS**

17. Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

May 24, 2011, report from the City Attorney.

Time:

3:15 p.m. - 3:37 p.m. Councilmember White was absent, and Councilmember Rowse left the meeting at 3:25 p.m.

No report made.

16. Subject: Conference With Real Property Negotiators - 423 W. Victoria Street (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 to provide direction to the City Administrator and to the City Attorney regarding the possible City disposition of the real property known as 423 W. Victoria Street. Property: Westside Community Center - 423 W. Victoria Street (Youth CineMedia). City Negotiators: Nancy Rapp, Parks and Recreation Director; Scott Vincent, Assistant City Attorney. Negotiating Party: Youth CineMedia - Osiris Castaneda, Co-Director; Regina Ruiz, Co-Director. Under Negotiation: Rent and terms of lease.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

May 24, 2011, report from the City Attorney.

Time:

3:38 p.m. - 3:55 p.m. Councilmembers Rowse and White were absent.

No report made.

15. Subject: Conference With Real Property Negotiators - 500 Ninos Drive (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 to provide direction to the City Administrator and to the City Attorney regarding the possible City disposition of the real property known as 500 Ninos Drive. Property: Santa Barbara Zoo - 500 Ninos Drive. City Negotiators: Nancy Rapp, Parks and Recreation Director; Paul Casey, Assistant City Administrator; Scott Vincent, Assistant City Attorney. Negotiating Party: Santa Barbara Zoological Foundation - Rich Block, Zoo CEO; Glenn Miller, Foundation Boardmember; and Greg Faulkner, Foundation Boardmember. Under Negotiation: Terms of Lease.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

May 24, 2011, report from the City Attorney.

Time:

3:55 p.m. - 4:18 p.m. Councilmembers Rowse and White were absent.

No report made.

18. 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 General and Supervisory bargaining units and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

May 24, 2011, report from the Assistant City Administrator/Administrative Services Director.

Time:

4:20 p.m. - 4:27 p.m. Councilmembers Rowse and White were absent.

No report made.

## RECESS

4:27 p.m. - 6:00 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Rowse, Self, Mayor Schneider.

Councilmembers absent: White.

Staff present: City Administrator Armstrong, City Attorney Wiley, City Clerk Services Manager Rodriguez.

**PUBLIC COMMENT**

No one wished to speak.

**MAYOR AND COUNCIL REPORTS**

## 19. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 7, and June 14, 2011.

Documents:

- May 24, 2011, report from the Assistant City Administrator/Administrative Services Director.
- May 22, 2011, email communications from Ellen P. Bildsten, Bildsten + Sherwin Design Studio, Inc.; Karen Phillips, Cielito Restaurant.
- May 23, 2011, email communications from Celeste Varner, Loop & Leaf; Alan and Cindy Macy.
- May 23, 2011, letter from Dana F. Longo.
- May 24, 2011, email communications from Paul and Barbara Primeau; Laura M. Bridley; S. Timothy Buynak, Buynak & Fauver, LLP; Sam Chesluk; Carl Hightower.

Speakers:

The following applicants were interviewed:

Access Advisory Committee:

Mary Ellen Bangs

Creeks Advisory Committee:

Stephen MacIntosh

Jeremy Lyter

Housing Authority Commission:

David K. Hughes

Living Wage Advisory Committee:

Allen Williams

Parks and Recreation Commission:

Desmond O'Neill

Rental Housing Mediation Task Force:

Michael Petretta

David M. Brainard

Single Family Design Board:

Barry Winick

By consensus, the Council continued the interviews to June 7, 2011.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:   
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FOR CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER