



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING February 28, 2017 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 Committee met at 12:00 p.m. and 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: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White (2:09), Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Deborah L. Applegate.

### CEREMONIAL ITEMS

#### 1. **Proclamation: Healthy Heart Month - February 2017 (120.04)**

Recommendation: That Council proclaim February as "Healthy Heart Month" with special recognition to Soroptimist of Camino Real Region for their service, advocacy, and public education efforts.

Action: Proclamation was presented to Jayne Brechwald, a representative of the Soroptimist of Camino Real Region.

## **ITEM REMOVED FROM CONSENT CALENDAR**

City Administrator Paul Casey announced that Item No. 8 was being removed from the Consent Calendar and would be returning at a later time.

### **8. Subject: Proposed Changes To Parking Violation Penalties And Related Fees (550.01)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 16-044 Establishing Certain City Fees Adjusting Parking Violation Penalties and Related Fees.

## **PUBLIC COMMENT**

Speakers: Victor Trujillo, Casa De Rodos; Peter Marin; Linn Mae LaGue; Renn Strong; Leoncio Martins; Jimmy Joe Shapakary, Barbareno Band of Chumash Indians; Emiliano Campobello, Santa Barbara Standing Rock Coalition; Max Golding; Todd Eaton

## **CONSENT CALENDAR (Item Nos. 2 – 7)**

The title of the resolution related to the Consent Calendar was read.

Motion:

Councilmembers Murillo/Hart to adopt Item No. 6 as revised and approve the remainder of the Consent Calendar.

Vote:

Unanimous roll call vote.

### **2. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the cancelled regular meeting of February 21, 2017.

Action: Approved the recommendation.

## CONSENT CALENDAR (CONT'D.)

### 3. **Subject: Contract For Final Design Of El Estero Drain Restoration Project (540.13)**

Recommendation: That Council authorize the Public Works Director to execute a Professional Services contract with Arcadis U.S., Inc., in the amount of \$65,500 for final design services of the El Estero Drain Restoration Project, and authorize the Public Works Director to approve expenditures of up to \$6,500 for extra services of Arcadis U.S., Inc. that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,790 (February 28, 2017, report from the Public Works Director).

### 4. **Subject: Contract For Construction Of Corporate Yard Aboveground Fuel Storage Tank (530.01)**

Recommendation: That Council:

- A. Award a contract with Western Pump, Inc., in their lowest acceptable bid amount of \$148,664.41 for construction of the Corporate Yard Aboveground Fuel Storage Tank Project, Bid No. 3847; and authorize the Public Works Director to execute the contract and approve expenditures up to \$14,866 to cover any cost increases that may result from contract change orders for extra work; and
- B. Award a contract with Berry General Engineering Contractors, Inc., in their lowest acceptable bid amount of \$445,397.68 for construction of the Corporate Yard Pavement Improvements Project, Bid No. 3849; and authorize the Public Works Director to execute the contract and approve expenditures up to \$44,540 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; Agreement Nos. 25,791 and 25,792 (February 28, 2017, report from the Public Works Director).

## CONSENT CALENDAR (CONT'D.)

**5. Subject: Proposed Changes To Parks And Recreation Department Fiscal Year 2017 Fees And Charges Schedule (570.06)**

Recommendation: That Council approve proposed changes to the Fiscal Year 2017 Parks and Recreation Department Schedule of Fees and Charges for implementation March 1, 2017.

Action: Approved the recommendation (February 28, 2017, report from the Finance Director).

**6. Subject: Resolution Approving Santa Barbara County's Drought Relief Projects Submittal To The State (540.05)**

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's Support of the Santa Barbara County's Governor's Drought Task Force Letter and Project List Developed by Local Water Agencies, and Include in Distribution the State Senate, State Assembly, and Cal OES Office.

Action: Approved the recommendation; Resolution No. 17-009 (February 28, 2017, report from the Public Works Director; proposed resolution).

**7. Subject: January 2017 Investment Report (260.02)**

Recommendation: That Council accept the January 2017 Investment Report.

Action: Approved the recommendation (February 28, 2017, report from the Finance Director).

## NOTICES

9. The City Clerk has on Thursday, February 23, 2017, 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.
10. Cancellation of the site visit scheduled for March 6, 2017, at 1:30 p.m. to the property located at 6100 Hollister Ave.
11. Subject: Recruitment For City Advisory Groups:
  - A. The City Clerk's Office will accept applications through Monday, May 1, 2017, at 5:30 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Tuesday, April 4, 2017;
  - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, May 9, 2017, at 4:00 p.m. (Estimated Time), Tuesday, May 16, 2017, at 4:00 p.m. (Estimated Time), and Tuesday, May 23, 2017, at 6:00 p.m.;
  - C. The Santa Barbara Youth Council will conduct interviews for vacancies on the Santa Barbara Youth Council on Monday, May 15, 2017, at 5:30 p.m. and Thursday, May 25, 2017, at 4:30 p.m.; and
  - D. The City Council will make appointments to fill the vacancies on various City Advisory Groups on Tuesday, June 6, 2017.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Hart reported that the Committee met to consider a Staff recommendation of approval of the Fiscal Year 2017 Mid-Year Review and termination of Article XV-A Fire and Police Service Retirement Plan. The Committee approved the recommendations, which will be presented to Council in Items Nos. 12 and 13A. The Committee also received a Staff report on the Options For Enhanced Abandoned Waste Collection Services which will be submitted to Council at a future date.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### FINANCE DEPARTMENT

#### **12. Subject: Fiscal Year 2017 Mid-Year Review (230.04)**

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the six months ended December 31, 2016;
- B. Accept the Fiscal Year 2017 Interim Financial Statements for the Six Months Ended December 31, 2016; and
- C. Approve the proposed mid-year adjustments to Fiscal Year 2017 appropriations and estimated revenues as detailed in the attached schedule of Proposed Mid-Year Adjustments.

Documents:

- February 28, 2017, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Treasury Manager Julie Nemes; Accounting Manager Jennifer Tomaszewski.

Councilmembers heard the staff report and their questions were answered.

Motion:

Councilmembers Hart/Dominguez to approve the recommendations.

Vote:

Unanimous voice vote.

FINANCE DEPARTMENT (CONT'D.)

**13. Subject: Termination Of Article XV-A Fire And Police Service Retirement Plan (430.08)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Take All Necessary Actions to Distribute the Plan Assets of, and Subsequently Dissolve, the Article XV-A Fire and Police Service Retirement Plan In Accordance With the Approval of Such Action by the Fire and Police Pension Commission and Plan Beneficiaries; and
- B. Consider a request from the Fire and Police Pension Commission that City Council authorize a contribution of approximately \$160,000 to address the unfunded liability in the Plan prior to liquidation and, if approved, increase appropriations in the General Fund by \$160,000 from reserves to cover the cost of funding the deficit in the Plan.

Documents:

- February 28, 2017, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution related to the item was read.

Speakers:

Staff: Finance Director Robert Samario.

Motion:

Councilmembers Hart/Dominguez to approve staff recommendation A; Resolution No. 17-010.

Vote:

Unanimous roll call vote.

## **PUBLIC HEARINGS**

### **14. Subject: Public Hearing For The 2017 Downtown And Old Town Business Improvement Districts Assessments (620.05)**

Recommendation: That Council:

- A. Conduct a public hearing and consider appropriate protests to the renewal of the Downtown and Old Town Business Improvement Districts Assessments for 2017, as required under the California Parking and Business Improvement Area Law of 1989; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Confirming the Fiscal Year 2017 Downtown and Old Town Business Improvement District Annual Assessment Report and Renewing the Downtown Business Improvement District and Old Town Business Improvement District Assessments for 2017.

Documents:

- February 28, 2017, report from the City Administrator.
- Proposed resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution related to the item was read.

Councilmember Rowse recused himself from this item due to his being a member of the Downtown Business Improvement District and left Council Chambers at 3:02 p.m.

Councilmember Hotchkiss recused himself from this item due to a financial interest and left Council Chambers at 3:02 p.m.

Public Comment Opened:  
3:08 p.m.

Speakers:

- Staff: Assistant to City Administrator Nina Johnson.
- Members of the Public: Tom Rapko, David Steinberg.

Public Comment Closed:  
3:11 p.m.

Motion:

Councilmembers Murillo/Hart to approve the recommendations; Resolution No. 17,011.

Vote:

Unanimous roll call vote. (Abstentions: Councilmembers Rowse and Hotchkiss).

Councilmembers Rowse and Hotchkiss returned to the Council meeting (Closed Session) at 3:14 p.m.

## **RECESS**

Mayor Schneider recessed the meeting at 3:14 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 16; she stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

### **16. Subject: Conference With City Attorney – Anticipated Litigation (160.03)**

Recommendation: That Council hold a closed session to consider initiating litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

February 28, 2017, report from the City Attorney.

Time:

3:14 p.m. – 3:50 p.m.

## MAYOR AND COUNCIL REPORTS

### 15. **Subject: Consideration Of A Temporary Restriction On Average Unit-Size Density Incentive Program Applications (640.01)**

Recommendation: That Council consider options to implement a temporary restriction on development projects proposed under the Average Unit-Size Density Incentive Program, and provide direction to staff.

#### Documents:

- February 28, 2017, report from the Community Development Director.
- PowerPoint presentation made and presented by staff.
- February 24, 2017, letter from David Kim, Santa Barbara Association of Realtors (SBAOR).
- February 28, 2017, letter from Olivia K. Marr, Buynak, Fauver, Archbald & Spray, LLP.
- February 27, 2017, letter from Allied Neighborhoods Association.
- February 27, 2017, email from Joe Rution, Allied Neighborhoods Association.
- February 27, 2017, email from Detley Peikert, rrm design group.
- February 27, 2017, email from William "Bill" Smith.
- February 27, 2017, letter from Detlev Peikert.
- February 27, 2017, letter from Leslie M. Colasse.
- February 28, 2017, letter from Joanna Kaufman.
- February 28, 2017, email from Peter Hale.
- February 28, 2017, email from Donnis Galvan.
- February 28, 2017, email from Catherine McCammon.
- February 28, 2017, email from Berni Bernstein.

Cont'd.

15. Cont'd.

Speakers:

- Staff: City Planner Renee Brooke; Assistant City Attorney Scott Vincent; Community Development Director George Buell.
- Members of the Public: Maggie Munroe; Art Ludwig; Lindsey Baker; Sheila Lodge; Marian Stone; April Montoya; Lindsey Wessberg; Lee Mirrer; Trevor J. Martinson; Mike Jordan, "PAUSE"; Steve Powtell, National Community Renaissance; Mickey Flacks, "SB CAN"; Steven AmeriKaner; Mark Kirkhart; Steve Brown; Christine Newhauser, "PAUSE"; Trish Allen, "SEPPS"; Greg Reitz; Steve Fort, Coastal Housing Coalition; Brian Cearnal; Alex Pujo, "SB4ALL"; June Pujo; Cameron Gray, Community Environmental Council; Scott Hopkins; Mark Sheridan; Naomi Greene; Anna Marie Gott; Leslie Colasz; Natasha Todorovic; Bea Molina; Bob Ludwick; Frank Rodriguez; Ellen Bildstein, AIA Advocacy Committee.
- Housing Task Force: Chair John Campanella.

**RECESS**

6:03 p.m. – 6:12 p.m.

By consensus, the Council received the report and their questions were answered.

Motion:

Councilmembers White/Hotchkiss to direct staff to take appropriate action to limit the number of building permits per calendar year to 100 units.

Vote:

Majority roll call vote. (Noes: Hart, Murillo, Rowse).

Motion:

Councilmembers Hart/Murillo to have staff come back to Council to help prioritize the Planning Division's workload.

Vote:

Failed to carry by voice vote (Ayes: Councilmembers Dominguez, Hart, Murillo; Noes: Councilmembers Dominguez, Rowse, White, Mayor Schneider.)

Motion:

Councilmembers Dominguez/Rowse to have staff prepare a resolution that would formally notify all Average Unit-Size Density (AUD) development applicants that the Average Unit-Size Density (AUD) process would be changing in the near future.

Vote:

Unanimous voice vote.

Cont'd.

**15. Cont'd.**

**Motion:**

Councilmember Dominguez to have Council adopt a policy that would require the Architectural Board of Review (ABR) and Historic Landmarks Commission (HLC) to refer all Average Unit-Size Density (AUD) projects to the Planning Commission for comments.

Motion died for lack of a second.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 7:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

ATTEST:

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HELENE SCHNEIDER  
MAYOR

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DEBORAH L. APPLGATE  
DEPUTY CITY CLERK