



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING
June 20, 2017
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: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White (2:06 p.m.), Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, City Clerk Services Manager Sarah Gorman.

CHANGES TO THE AGENDA

City Administrator Casey stated that the following item was being removed from the Agenda to be heard at a later meeting:

18. Subject: Tenant Protection Task Force (580.01)

Recommendation: That Council direct the City Administrator to consider and make recommendations to Council, in consultation with a Tenant Projection Task Force, on the following: enhancement options for the City's Rental Housing Mediation Program, mandatory leases, safety inspections, just cause evictions, and other tenant protection alternatives (except rent control), as appropriate.

PUBLIC COMMENT

Speakers: Raquel Vela; Dillon Schultz, Equity for Santa Barbara; Denice Adams; Michael Baker, United Boys & Girls Club; Margaret Saavedra, Santa Barbara/Puerto Vallarta Sister City; Wanda Livernois; Bonnie Raisin.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Hotchkiss stated that he would abstain from voting on the following item due to a conflict of interest. Councilmember Rowse stated that he would abstain from voting on the following item due to a conflict of interest related to being a PBIA member.

CONSENT PUBLIC HEARING

13. Subject: Parking And Business Improvement Area Annual Assessment Rates For Fiscal Year 2018 – Public Hearing (550.1)

Recommendation: That Council:

- A. Consider any appropriate protests to the Parking and Business Improvement Area Annual Assessment Report For Fiscal Year 2018, 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 Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2018, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2018.

Motion:

Councilmembers Murillo/White to approve the staff recommendation; Resolution 17-050.

Vote:

Majority voice vote (Abstentions: Councilmembers Hotchkiss, Rowse).

ITEM REMOVED FROM CONSENT CALENDAR

8. Subject: Update Of State And Federal Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the legislative platform that guides the City's support or opposition to regional, state and federal legislative issues; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact regional, state and federal representatives to advocate for legislation and actions consistent with the goals of the legislative platform.

Documents:

June 20, 2017, report from the City Administrator.

Speakers:

Senior Assistant to the City Administrator Matthew Fore.

Motion:

Councilmembers White/Hotchkiss to approve the staff recommendation with the exception of approving items 59, 60 and 72 of the staff proposed legislative platform.

Vote:

Unanimous voice vote.

Motion:

Councilmembers White/Murillo to approve items 59, 60 and 72 of the staff proposed legislative platform.

Vote:

Majority voice vote (Noes: Councilmember Hotchkiss).

CONSENT CALENDAR (Item Nos. 1 - 7, 9 - 12, 14)

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

Motion:

Councilmembers Murillo/Rowse to approve the balance of the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes (000.00)

Recommendation: That Council waive the reading and approve the minutes of the special meeting of February 2, 2017 and the regular meetings of February 14, and March 7, 2017.

Action: Approved the recommendation.

2. Subject: Adoption Of 2016-2018 General Unit Memorandum of Understanding (440.02)

Recommendation: That Council Ratify the Memorandum of Understanding between the City and the Santa Barbara City Employees' Association, Local 620, Service Employees' International Union, for the period of October 1, 2016 through March 30, 2018, and adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2016-2018 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City

Employees' Association (General Unit) and Providing for Compensation Changes for Confidential Employees.

Action: Approved the recommendation; Ordinance No. 5792; Agreement No. 25,889.

3. Subject: Adoption Of Ordinance For Airline Terminal Solar Photovoltaic Power Purchase Agreement At 500 Fowler Road (560.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City Of Santa Barbara Approving and Authorizing the Airport Director to Execute a Power Purchase Agreement with EEI Solar One, LLC to Develop, Own, Operate, and Maintain a Solar Photovoltaic Generating System at the Airport, and Sell All Power generated to the Airport.

Action: Approved the recommendation; Ordinance No. 5793; Agreement No. 25,905.

4. Subject: Records Destruction For The Public Works Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Transportation Planning and Parking, Streets Operations and Infrastructure Management, and Water Resources Divisions.

Action: Approved the recommendation; Resolution No. 17-048 (June 20, 2017, report from the Public Works Director; proposed resolution).

5. Subject: Public At-Grade Crossing Agreement With Union Pacific Railroad For The Lower Milpas Street Sidewalk Infill Project (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to enter into a Public Highway At-Grade Crossing Agreement with Union Pacific Railroad for the Lower Milpas Street Sidewalk Infill Project, Located Partially at 335 South Milpas Street (Assessor's Parcel Number 017-010-065 and over Assessor's Parcel Number 017-010-050, no street address), and Authorize the Public Works Director, Subject to Approval as to Form of the Public Highway At-Grade Crossing Agreement by the City Attorney, to Execute such Agreement and Related Documents that may be Required, All Relating to the Lower Milpas Street Pedestrian Improvement Project, and Consenting to the Recordation of the Agreement, or Memorandum of the Agreement, in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 17-049 (June 20, 2017, report from the Public Works Director; proposed resolution).

6. Subject: Increase In Construction Change Order Authority For Fiscal Year 2017 Pavement Grind And Overlay Project For Zone 3 (530.04)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Fiscal Year 2017 Pavement Grind and Overlay Project for Zone 3, Contract No. 25,778, in the amount of \$995,936, for a total Project expenditure authority of \$3,830,272.

Action: Approved the recommendation (June 20, 2017, report from the Public Works Director).

7. Subject: HOME Tenant-Based Rental Assistance Grants (660.01)

Recommendation: That Council:

A. Allocate \$250,000 in federal HOME Investment Partnerships Program (HOME) appropriated funds for a new two-year Tenant-Based Rental Assistance Subrecipient grant to Carrillo Counseling Services, Inc., dba New Beginnings Counseling Center;

B. Allocate \$154,000 in federal HOME appropriated funds to the Transition House Tenant-Based Rental Assistance Subrecipient Grant Agreement #25,338, and extend its term two years to expire in 2020;

C. Allocate \$20,195 in federal HOME appropriated funds to the Housing Authority of the City of Santa Barbara Tenant-Based Rental Assistance Subrecipient Grant Agreement #24,153, as amended, and extend its term two years to expire in 2020;

D. Increase appropriations by \$79,805 in the HOME fund, funded from \$77,856 in available reserves and \$1,949 of increased estimated Fiscal Year 2017 revenues to cover the balance of the costs associated with the Housing Authority of the City of Santa Barbara Tenant-Based Rental Assistance Subrecipient Grant Agreement #24,153, as amended;

E. Approve extending the term of the PATH Tenant-Based Rental Assistance Subrecipient Grant Agreement # 25,194 for one year to expire in July 2018; and

F. Authorize the Community Development Director to execute such agreements and related documents, as necessary.

Action: Approved the recommendation; Agreement Nos. 25,911, 25,338.1, and 24,153.3 (June 20, 2017, report from the Community Development Director).

9. Subject: Professional Consulting Services Agreement For The Cabrillo Pavilion And Bathhouse Renovation Capital Campaign (570.05)

Recommendation: That Council authorize the Parks and Recreation Director to execute a professional services agreement with Netzel Grigsby Associates, Inc. in the amount \$238,500 to provide capital campaign management services for the Cabrillo Pavilion and Bathhouse Renovation Project.

Action: Approved the recommendation; Agreement No. 25,907 (June 20, 2017, report from the Parks and Recreation Director).

10. Subject: Amendment Of Agreement - Increasing The Contract with Bureau Veritas For Plan Review Services (610.01)

Recommendation: That Council approve the Amendment to the Professional Services Agreement with Bureau Veritas for plan review services by \$35,000 for a total amount of \$264,000 in order to address lengthy building permit plan review timeframes.

Action: Approved the recommendation; Agreement No. 25,387.3 (June 20, 2017, report from the Community Development Director).

11. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board of Review's May 8th Denial Of Application For A Short Term Rental Conversion For 2017 Bath Street (640.07)

Recommendation: That Council set the date of August 8, 2017, at 2:00 p.m. for hearing the appeal filed by Jarrett Gorin, Vanguard Planning Inc., on behalf of property owner Drew Rudman, of the Architectural Board of Review's denial of application MST2017-00146 on May 8, 2017, to convert an existing residential unit to a short-term rental at 2017 Bath Street (APN 025-292-014), in the R-4 (Hotel-Motel-Multiple Residence) Zone.

Action: Approved the recommendations (Appeal letter received May 24, 2017).

12. Subject: Set A Date For Public Hearing Regarding Planning Commission's May 18, 2017 Approval For 926 Indio Muerto

Recommendation: That Council:

- A. Set the date of September 26, 2017, at 2:00 p.m. for hearing the appeal filed by Natalia Govoni, on behalf of Citizens for Livable Neighborhoods, of the Planning Commission's approval of a Coastal Development Permit, Development Plan, and Transfer of Existing Development Rights for 926 Indio Muerto (MST2014-00415, Coastal Zone, General Plan Designation C-2, Commercial Zone with a Local Coastal Plan Designation of General Commerce). The project proposes the construction of a 62,541 square foot, 45-foot tall, four-story hotel development with 111 rooms and a 28,646 square foot parking garage with 121 spaces on a 38,122 square foot lot in the Non-Appealable Jurisdiction of the City's Coastal Zone; and
- B. Set the date of September 25, 2017, at 1:30 p.m. for a site visit to the property located at 926 Indio Muerto.

Action: Approved the recommendations (Appeal letter received May 31, 2017).

NOTICES

14. Subject: The City Clerk has on Thursday, June 15, 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.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

15. Subject: Resolution To Authorize Property Assessed Clean Energy (PACE) In The City (630.06)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the City of Santa Barbara, Consenting to the Inclusion of Properties within the Territory of the City of Santa Barbara in the California Statewide Communities Development Authority (CSCDA) Open PACE Program; Authorizing CSCDA to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments within the Territory of the City of Santa Barbara; and Authorizing Related Actions; and
- B. Direct staff to develop participation agreements between the City of Santa Barbara and the Open PACE Administrators for consideration and approval by Council at a later date.

Documents:

- June 20, 2017, report from the City Administrator.
- PowerPoint presentation prepared and presented by staff.
- June 15, 2017, letter from Dan Modisette, Efficient Energy, LLC.
- June 20, 2017, handout from Kevin Neuber.
- June 20, 2017 handout from Jeremy Hutman.

Speakers:

- Staff: Senior Assistant to the City Administrator Matthew Fore.
- Members of the Public: Kevin Neuber; Mark Rodger; Matt Walker, Renew Financial; Dustin Reilich, Renovate America HERO; Jeremy Hutman, Renew Financial; David Kim, Santa Barbara Association of Realtors; Kim Schaefer, Bakersfield Association of Realtors; Alec Bruice, Santa Barbara Association of Realtors; Staci Caplan, Santa Barbara Association of Realtors; Erik Taiji, Santa Barbara Association of Realtors; Dan Morisette, Efficient Energy LLC, Mike Hackett, NRG Central Coast; Lacy Robertson; April Price, Community Environmental Council; James Hamill, CSCDA.

Motion:

Councilmembers Murillo/Dominguez to approve the recommended action, request a staff report six months after the program is ready for implementation, and to incorporate consumer protection language in proposed state legislation in participation agreements.

Vote:

Majority voice vote; Resolution No. 17-051. (Noes: Councilmembers Hotchkiss, Rowse).

PUBLIC WORKS DEPARTMENT

16. Subject: Stage Three Drought Update (540.05)

Recommendation: That Council:

- A. Receive an update on the status of the current drought, drought-response capital projects, and continuing conservation efforts; and
- B. Approve and Authorize the Public Works Director to execute a water purchase agreement with the City of Santa Maria.

Documents:

- June 20, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and presented by staff
- Proposed agreement.

Speakers:

- Staff: Water Resources Manager Joshua Haggmark, Water Supply Manager Kelley Dyer.

Motion:

Councilmembers White/Hotchkiss to approve the staff recommendation; Agreement No. 25,908.

Vote:

Unanimous voice vote.

17. Subject: Proposed Water Rates For Fiscal Years 2018, 2019, And 2020 (540.01)

Recommendation: That Council:

- A. Hear a presentation on the proposed water rates for Fiscal Years 2018, 2019, and 2020;
- B. Set a Public Hearing date for August 15, 2017, at 2:00 p.m., in the Council Chambers for Council's consideration of increases in City water rates for Fiscal Years 2018, 2019, and 2020; and
- C. Direct staff to send a Notice of Public Hearing to customers informing them of the hearing and proposed changes to water rates.

Documents:

- June 20, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and presented by staff

Speakers:

- Staff: Water Resources Manager Joshua Haggmark, Administrative Analyst Malcolm Hamilton.
- Members of the Public: Denice Adams.

Motion:

Councilmembers White/Murillo to approve the staff recommendation.

Vote:

Unanimous voice vote.

RECESS

4:32 p.m. – 4:38 p.m.

MAYOR AND COUNCIL REPORTS

19. Subject: Marijuana Policy Discussion (610.01)

Recommendation: That Council provide direction to staff to draft amendments to the Municipal Code to update or develop regulations regarding medical and non-medical marijuana cultivation, manufacturing, testing, dispensing, distribution, and transportation.

Documents:

- June 20, 2017, report from the Community Development Director.
- PowerPoint presentation prepared and presented by staff.
- June 20, 2017, letter from Erin Weber, California Strategies

Speakers:

- Staff: Project Planner Andrew Bermond, Assistant City Attorney Tava - Ostrenger, Public Engagement Manager Anthony Wagner.
- Members of the Public: Tracy Trotter; Ryan Howe, The Canopy Health & Wellness Center; Bobby Fedor; Liz Rogan, CBCSB; James Devine.

Motion:

Councilmembers Rowse/Hart to prepare for Ordinance Committee a consideration of the following issues, including but not limited to: locations, types and numbers of dispensaries, cultivation, manufacturing, and testing, distribution and transportation of cannabis products in the City of Santa Barbara, and for the Ordinance Committee to check back with the City Council consider the issue and report to the City Council, and for staff to present a draft ordinance to the Ordinance Committee.

Vote:

Unanimous voice vote.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

- Councilmember Murillo attended the following events or meetings: 1. Westside Boys and Girls Club Board of Directors meeting regarding creating a space for teens; 2. meeting with Jan Sigler of 10 West Anapamu Art Gallery regarding art on State Street; 3. Neighborhood Advisory Council meeting regarding infrastructure measure and work with Schools; and 4. Fund for Santa Barbara awards ceremony.
- Councilmember Rowse attended the following events or meetings: 1. AIA meeting discussing State Street developments; and 2. went to the Mesa to give a presentation on the infrastructure measure.
- Councilmember White attended the following events or meetings: 1. Cachuma Operations and Maintenance Board Administration Subcommittee and Operations Subcommittee meetings; 2. meeting at the Samarkand regarding infrastructure.
- Mayor Schneider attended the following events or meetings: 1. Orange County water summit to discuss the desalination plant. She will also speak at the 4th annual water summit in Sacramento.

CLOSED SESSIONS

The Mayor announced that the Council will be continuing to hear the closed session commenced at the June 20, 2017 1:00 p.m. closed session, described as:

Subject: Conference with City Attorney – Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) 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 from litigation threats made by the Santa Barbara Association of Realtors.

Scheduling: Duration: 15 minutes; anytime

Report: None anticipated

20. Subject: Public Employee Performance Evaluation – Government Code Section 54957 (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime
Report: None anticipated

Documents:
June 20, 2017, report from the City Attorney.

Time:
6:00 p.m. – 6:10 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:10 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on
September 12, 2017.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



HELENE SCHNEIDER
MAYOR

ATTEST: 

SARAH P. GORMAN
CITY CLERK SERVICES MANAGER