



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

**REGULAR MEETING  
May 17, 2016  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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## **CALL TO ORDER**

Mayor Helene Schneider called the meeting to order at 2:05 p.m. (The Finance Committee and Ordinance Committee met at 12:30 p.m.)

## **PLEDGE OF ALLEGIANCE**

Mayor Schneider.

## **ROLL CALL**

Councilmembers present: Jason Dominguez, Gregg Hart, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Frank Hotchkiss.

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

## **CEREMONIAL ITEMS**

- 1. Subject: Proclamation Declaring May 2016 As General Aviation Appreciation Month (120.04)**

Action: The Mayor read the proclamation.

## **PUBLIC COMMENT**

Speakers: Scott Wenz, Cars Are Basic; Phil Walker; David Diaz; Pete Dal Bello; Michael Baker, United Boys and Girls Clubs; Bonnie Raisin.

Councilmember Hotchkiss arrived at the meeting at 2:15 p.m.

## **CONSENT CALENDAR (Item Nos. 2 – 8)**

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

**Motion:**

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

**Vote:**

Unanimous roll call vote.

### CITY COUNCIL

**2. Subject: Sole Source Purchase Order For B.I.G. Enterprises, Inc., Parking Attendant Kiosk For Stearns Wharf (550.08)**

Recommendation: That Council authorize the General Services Manager to issue a sole source purchase order as authorized by Municipal Code Section 4.52.060 (B) (2) to B.I.G. Enterprises, Inc., for a parking attendant kiosk located on Stearns Wharf, in an amount not to exceed \$43,384.

Action: Approved the recommendation (May 17, 2016, report from the Waterfront Director).

**3. Subject: Introduction Of Ordinance For The Approval Of A Building Encroachment Agreement At 6 State Street And 13 East Cabrillo Boulevard (330.10)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute an Encroachment Agreement to Virginia Castagnola-Hunter, as Trustee of the Virginia Castagnola-Hunter Trust Created u/d/t Dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust Created u/d/t Dated January 15, 2014; for Building Improvements on a Portion of 6 State Street (Santa Barbara County Assessor's Parcel Number 033-111-011) and 13 East Cabrillo Boulevard (Santa Barbara County Assessor's Parcel Number 033-111-012) That Will Encroach Into the Public Flood Control Easement.

Action: Approved the recommendation (May 17, 2016, report from the Public Works Director; proposed ordinance).

**4. Subject: Introduction Of Ordinance To Quitclaim And Release The 1983 Flood Control Easement On 13 East Cabrillo Boulevard (330.03)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a Quitclaim Deed Releasing the 1983 Flood Control Easement on 13 East Cabrillo Boulevard, and to Record Same in the Office of the Santa Barbara County Recorder upon Recordation of the Final Order of Condemnation in Santa Barbara Superior Court Case Number 1469840, City of Santa Barbara v. Virginia Castagnola-Hunter, et al.

Action: Approved the recommendation (May 17, 2016, report from the Public Works Director; proposed ordinance).

**5. Subject: Resolution For Master Agreement With Caltrans For Federally Funded Transportation Projects (670.05)**

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 Approve and Execute the Master Agreement Administering Agency-State Agreement for Federal Aid Projects, Agreement No. 05 5007F15, with the State of California, Acting By and Through the California Department of Transportation.

Action: Approved the recommendation; Resolution No. 16-028; Agreement No. 25,561 (May 17, 2016, report from the Public Works Director; proposed resolution).

**6. Subject: Issuance Of Subpoenas To Assess And Collect Any Transient Occupancy Taxes Owed By Short-Term Rentals And To Investigate The Effects Of Short-Term Rentals In Residential Neighborhoods (640.09)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Issuance of Subpoenas for Certain Documents Related to Short-Term Rentals in the City.

Action: Approved the recommendation; Resolution No. 16-029 (May 17, 2016, report from the City Attorney; proposed resolution).

## SUCCESSOR AGENCY

**7. Subject: Professional Services Agreement With Rincon Consultants, Inc., To Conduct Phase II Environmental Site Assessment At 125 Calle Cesar Chavez (330.03)**

Recommendation:

- A. That City Council allocate \$37,200 from the General Fund's Appropriated Reserve to the Successor Agency Fund, and increase appropriations and estimated revenues in the Successor Agency Fund, for a Phase II Environmental Site Assessment for 125 Calle Cesar Chavez to be repaid by the Successor Agency in Fiscal Year 2017; and
- B. That the Successor Agency execute a Professional Services Agreement with Rincon Consultants, Inc., in the amount of \$37,200 to conduct a Phase II Environmental Site Assessment at 125 Calle Cesar Chavez.

Action: Approved the recommendations; Successor Agency Agreement No. 003 (May 17, 2016, report from the City Administrator).

## NOTICES

8. The City Clerk has on Thursday, May 12, 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.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Gregg Hart reported that the Committee met to hear staff reports regarding proposed fee changes by Enterprise Funds for Fiscal Year 2017, as well as funding requests from community organizations. The Committee will make decisions on these items at its meeting next week.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Randy Rowse reported that the Committee heard a staff report and public comment related to proposed amendments to the City's Recreational Vehicle Parking Ordinance to address the protection of sensitive land uses. The Committee continued the matter to a future meeting.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### CITY ATTORNEY

**9. Subject: Revised Waterfront Hotel Development Agreement And Amendment To Chapter 28.95 Of The Zoning Ordinance (640.10)**

Recommendation: That Council:

- A. Make the California Environmental Quality Act findings specified in the conclusion of this Council Agenda Report;
- B. (Re)-Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Development Agreement for the Waterfront Hotel By and Between the City of Santa Barbara and American Tradition, LLC; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.95 of Title 28 of the Santa Barbara Municipal Code by Adding a Provision Relating to the Development Agreement Between the City of Santa Barbara and American Tradition, LLC.

Documents:

- May 17, 2016, report from the City Attorney.
- Proposed Ordinances.
- May 17, 2016, memorandum from the City Attorney.

The titles of the ordinances were read.

Speakers:

- Staff: City Attorney Ariel Calonne, Project Planner Allison DeBusk, Assistant City Attorney Scott Vincent.
- Members of the Public: Hal Conklin, Paul Relis.
- American Tradition (Applicant): Suzanne Elledge.

Motion:

Councilmembers White/Hotchkiss to approve the Development Agreement, with the following conditions:

- The transfer of existing development rights is to be on the basis of square footage rather than room-to-room;
- The Applicant must pull building permits for the new Waterfront Hotel within five years; and
- The term of the agreement will be extended by three additional years, during which time the Applicant must submit an application for the development of square footage transferred from the Waterfront Hotel site to the Doubletree Hotel site, and the mitigation credits will remain with the two properties during that period.

(Cont'd)

**9. (Cont'd)**

**Amendment Motion:**

Councilmembers White/Hotchkiss to amend the motion to extend the term of the agreement by two years (rather than three) for the submittal of an application for the development of square footage transferred from the Waterfront Hotel site to the Doubletree Hotel site.

**Vote on Original Motion as Amended:**

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

**Motion:**

Councilmembers White/Hotchkiss to introduce the ordinance referred to in recommendation B, directing Staff to revise the Development Agreement pursuant to the proposal outlined in the first motion.

**Vote:**

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

**Motion:**

Councilmembers Hotchkiss/Rowse to adopt the ordinance referred to in recommendation C; Ordinance No. 5750.

**Vote:**

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

**RECESS**

3:45 p.m. – 3:56 p.m.

Councilmembers Hotchkiss and White stated they would not participate in the following item due to conflicts of interest related to their ownership of property located within the Assessment District, and they left the meeting at 3:57 p.m. City Attorney Calonne disclosed a similar conflict and also left the meeting.

**PUBLIC HEARINGS**

**10. Subject: Renewal Of Levy For Fiscal Year 2017 For The Wildland Fire Suppression Assessment District (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 Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program 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; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2016-17.

(Cont'd)

**10. (Cont'd)**

**Documents:**

- May 17, 2016, report from the Fire Chief.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

**Public Comment Opened:**  
3:58 p.m.

**Speakers:**

- Staff: Fire Marshal Joe Poiré, Fire Services Specialist Christopher Braden.
- Members of the Public: Pete Dal Bello.

**Public Comment Closed:**  
4:07 p.m.

**Motion:**

Councilmembers Murillo/Dominguez to approve the recommendation;  
Resolution No. 16-030.

**Vote:**

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, White).

Councilmembers Hotchkiss and White and City Attorney Calonne returned to the meeting at 4:10 p.m.

**MAYOR AND COUNCIL REPORTS**

**12. Subject: Interviews For City Advisory Groups (140.05)**

**Recommendation:** That Council:

- A. Hold interviews of applicants for various City Advisory Groups; and
- B. Continue interviews of applicants to May 24, 2016, and June 14, 2016.  
(Estimated Time: 4:00 p.m.)

**Speakers:**

The following applicants were interviewed:  
Harbor Commission:  
Laurie Dalton  
Jeff Escola

(Cont'd)

**12. (Cont'd)**

**Speakers (Cont'd):**

Housing Authority Commission:

Victor Suhr

County of Santa Barbara Library Advisory Committee:

Joan Young

Library Board:

Pete Dal Bello

Joan Young

Neighborhood Advisory Council:

Pete Dal Bello

Stacey Lydon

Parks and Recreation Commission:

Jacob Lesner-Buxton

By consensus, the Council continued interviews to their meeting of June 14, 2016.

**11. Subject: Designation Of "The Olives" Residence, Our Lady of Sorrows Church, And The Dolores/Notre Dame School As City Landmarks (640.06)**

**Recommendation: That Council:**

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating "The Olives" Residence at 2121 Garden Street as a City Landmark;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Our Lady of Sorrows Church at 33 East Sola Street as a City Landmark; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Dolores/Notre Dame School at 33 East Micheltorena Street as a City Landmark.

**Documents:**

- May 17, 2016, report from the Community Development Director.
- Proposed Resolutions.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

**Public Comment Opened:**

4:28 p.m.

(Cont'd)

**11. (Cont'd)**

**Speakers:**

Staff: Associate Planner Nicole Hernandez.

**Public Comment Closed:**

4:40 p.m.

**Motion:**

Councilmembers Hart/White to approve the recommendations; Resolution Nos. 16-031 – 16-033.

**Vote:**

Unanimous roll call vote.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

**Information:**

- Councilmember Murillo reported on her attendance at the following events/meetings: 1) Sweetwater Collaborative workshop regarding rainwater capture; 2) Rape Crisis fundraiser; 3) Library Board meeting, at which the remodeling of the Main Library building was discussed; 4) Milpas Action Task Force meeting regarding the monitoring of impacts to the neighborhood surrounding the homeless shelter; and 5) Neighborhood Advisory Council meeting.
- Councilmember Rowse mentioned that his restaurant had sponsored a "Tip-A-Cop" dinner to benefit Special Olympics.
- Councilmember Dominguez commented on the recent meeting of the Milpas Action Task Force.
- Councilmember Hart reported that he had attended a reception for the new president of Santa Barbara City College and a ribbon-cutting event for the first hydrogen fueling station on the Central Coast.
- Councilmember White reported on recent meetings of the Cachuma Conservation Release Board and the Eucalyptus Hill Improvement Association.
- Mayor Schneider remarked on an event to kick off the annual Old Spanish Days celebration, which included a ceremony with local Chumash elders.

**RECESS**

The Mayor recessed the meeting at 4:47 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 13 – 15. She stated that no reportable action is anticipated.

**CLOSED SESSIONS**

**14. 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:

May 17, 2016, report from the City Attorney.

Time:

4:50 p.m. – 4:56 p.m.

No report made.

**15. Subject: Conference With City Attorney - Pending 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 Linda Curtiss v. City of Santa Barbara; SBSC Case No. 15CV00345.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

May 17, 2016, report from the City Attorney.

Time:

4:56 p.m. – 5:05 p.m.

No report made.

**13. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiators Kristine Schmidt, Administrative Services Director, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the General Bargaining Unit, Firefighters Association, Police Officers Association, and regarding salaries and fringe benefits for unrepresented management.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Cont'd)

**13. (Cont'd)**

Documents:

May 17, 2016, report from the Administrative Services Director.

Time:

5:05 p.m. – 5:40 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 5:40 p.m..

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

  
\_\_\_\_\_  
SUSAN TSCHETCH, CMC  
DEPUTY CITY CLERK

