



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
June 6, 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 met at 12:00 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: Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Mayor Pro Tem Dominguez.

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

CEREMONIAL ITEMS

1. Subject: Employee Recognition – Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through June 30, 2017.

5 YEARS

Steve Biddle, Parks Supervisor, Parks and Recreation Department

Nicole Hernandez, Associate Planner, Community Development Department

William "Billy" Larsen, Firefighter, Fire Department

Fernando Lopez, Custodian, Airport

Elizabeth Velazquez, Accounting Assistant, Public Works Department

10 YEARS

Timothy Downey, Urban Forest Superintendent, Parks and Recreation Department

Charles Katsapis, Police Sergeant, Police Department

Brian Larson, Police Sergeant, Police Department

Tava Ostrenger, Assistant City Attorney I, City Attorney's Office

Darla Rowe, Police Officer, Police Department

15 YEARS

John Bacon, Police Officer, Police Department

Rickey Callahan, Airport Patrol Officer II, Airport

Jeffrey DeForest, Police Sergeant, Police Department

Lorena Renteria, Public Safety Dispatch Supervisor, Police Department

25 YEARS

Lori Pedersen, Police Business Manager, Police Department

CHANGES TO THE AGENDA

Mayor Schneider stated that the following item was being removed from the Agenda to be heard at a later meeting:

16. Subject: Public Employee Performance Evaluation – Government Code Section 54957

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

PUBLIC COMMENT

Speakers: Gordon Sichi; Peter Marin; Richard Rennie; Phil Walker; Gabriela; Emiliano Campobello; Daniel Knap; Bryan Rosen.

CONSENT CALENDAR (Item Nos. 2 – 10)

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

Separate vote for Item 2:

2. Subject: Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2018 – Intention To Levy (550.1)

Recommendation: That Council:

- A. Approve the Parking and Business Improvement Area Annual Assessment Report 2018; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Parking and Business Improvement Area Assessment Rates for the 2018 Fiscal Year, at a Public Hearing to be Held on June 20, 2017, at 2:00 p.m.

Speakers: Colin Service

Action: Approved the recommendation; Resolution No. 17-038 (June 6, 2017, report from the Public Works Director, proposed resolution).

Councilmember Hotchkiss was recused due to property ownership. Councilmember Rowse was recused due to business location in district. Both left the podium.

Motion:

Councilmembers Murillo/Hart to approve the staff recommendation.

Vote:

Unanimous roll call vote (Abstain: Councilmembers Hotchkiss and Rowse; Absent: Councilmember Dominguez).

Balance of consent vote:

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Dominguez).

3. Subject: Resolution For Acceptance Of Temporary Construction Easement For The De La Guerra Street Bridge Replacement Project (330.03)

Recommendation: That Council, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept a Temporary Construction Easement, Located at 314, 316, and 318 West De La Guerra Street, and Authorize the City Administrator to Execute the Easement Purchase

Agreement and Related Documents as Necessary, in a Form Approved by the City Attorney.

Action: Approved the recommendation; Resolution No. 17-039 (June 6, 2017, report from the Public Works Director, proposed resolution).

4. Subject: Adoption Of Resolution Relating To The General Municipal Election Of November 7, 2017 (110.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling for the Holding of a Vote-By-Mail General Municipal Election to be Held in the City on Tuesday, November 7, 2017, for the Election of Certain Officers as Required by the Provisions of the Charter and That Certain Settlement Agreement Dated March 10, 2015, in Banales, et al. v. City Of Santa Barbara.

Action: Approved the recommendation; Resolution No. 17-040 (June 6, 2017, report from the Administrative Services Director, proposed resolution).

5. Subject: Public At-Grade Crossing Agreement And Signal Interconnect Agreement With Union Pacific Railroad For The Lower State Street Railroad Crossing Safety Project (700.05)

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 and a Signal Interconnect Agreement with Union Pacific Railroad for the Lower State Street Railroad Crossing Improvement Project, Located at the Intersection of State Street and the Union Pacific Railroad Tracks; and Authorize the Public Works Director, Subject to Review and Approval of the Form of the Public Highway At-Grade Crossing Agreement and Signal Interconnect Agreement by the City Attorney, to Execute Such Agreements and Related Documents That May Be Required, All Relating to the Lower State Street Railroad Crossing Improvement Project, and Consenting to the Recordation of the Agreements or a Memorandum of the Agreements in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 17-041 (June 6, 2017, report from the Public Works Director, proposed resolution).

6. Subject: RV Overnight Safe Parking Program Agreement (660.04)

Recommendation: That Council authorize the City Administrator to execute a five-year agreement with New Beginnings Counseling Center to administer the Recreational Vehicle Safe Parking Program in City-operated parking lots,

effective July 1, 2017, until June 30, 2022, for \$43,500 annually from the General Fund.

Action: Approved the recommendation; Agreement No. 25,885 (June 6, 2017, report from the Public Works Director).

7. Subject: Partial Acquisition Of Real Property And Right Of Entry Agreement, And Appropriation Of Funds For The Lower Milpas Street Sidewalk Infill Project (330.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Fee Title to a Portion of the Real Property Located at 335 South Milpas Street, and Authorize the Public Works Director, Subject to Review and Approval of the Form of the Agreement for Acquisition of Real Property and the Right of Entry Agreement by the City Attorney, to Execute such Agreements and Related Documents that may be Required, all Relating to the Lower Milpas Street Sidewalk Infill Project, and Consenting to the Recordation of the Grant Deed in the Official Records, County of Santa Barbara;
- B. Approve an increase in appropriations in the Streets Grant Fund in the amount of \$65,000 funded from Streets Fund reserves, and authorize the transfer of such funds from the Streets Fund to the Streets Capital Fund to cover the remaining project design costs; and
- C. Approve an increase in appropriations and estimated revenues in the Streets Grant Fund in the amount of \$65,000 funded from a transfer from the Streets Fund to cover the remaining project design costs.

Action: Approved the recommendation; Resolution No. 17-042 (June 6, 2017, report from the Public Works Director, proposed resolution).

8. Subject: Cachuma Conservation Release Board Fiscal Year 2018 Budget Ratification (540.03)

Recommendation: That Council ratify the Cachuma Conservation Release Board's Fiscal Year 2018 budget, with the City's proportional share not to exceed \$323,705.

Action: Approved the recommendation (June 6, 2017, report from the Public Works Director).

NOTICES

9. Subject: The City Clerk has on Thursday, June 1, 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. Subject: Receipt of communication advising of vacancies created on the Architectural Board of Review with the resignation of Courtney Jane Miller and on the Building and Fire Code Board of Appeals with resignation of Tariq Kadri. (140.05)

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Councilmember Hart stated the Finance Committee met and considered the allocation of Federal Home Funds for tenant based rental assistance grants to the Housing Authority, New Beginnings, Transitions House and PATH and the staff recommended grantees.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

11. **Subject: Update On City Sustainability Program And Resolution To Adopt Renewable Energy Goals (630.02)**

Recommendation: That Council:

- A. Receive a report from staff on next steps related to the City's Sustainability Program; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting a Goal of 100 Percent Renewable Energy Use by Municipal Facilities and 100 Percent Renewable Electricity Supply for the Community by 2030.

Documents:

- June 6, 2017, report from the City Administrator.
- PowerPoint presentation prepared and presented by staff.

Speakers:

- Staff: Senior Assistant to the City Administrator Matthew Fore.
- Members of the Public: Hal Conklin; Alena Simon, Fund and Water Watch, CLUE, SBCAN; Cheryl Rogers, League of Women Voters; Matthew Margulies MD, 100% Sustainable Energy for S.B.; Katie Davis, Sierra Club; Joseph Bobrow; Loren; Matt Lowe; David Moore; Martha Sadler; Chris Jeffries; Catherine Mullin;

Haley Nieh, Diego Cordero; Gabrielle Dashiers; Stephen Read; Kyle Anderson; Justin Deckhard, USCB Campus Democrats; Woodrow Davidson, UCSB Campus Democrats; Linda Krop, EDC; Jonathan Abbud; Robert Perry, World Business Academy; Andre Gaytan; Nancy Lynch; Rinaldo Brutuco, World Business Academy; Michael Lynch; Michael Chiacos, Community Environmental Council; Jordan benShea, Community Environmental Council; Colin Service; Matthew Gries; Judi Weisbart, World Business Academy; Jennifer Manning, California Public Interest Research Group; Jack Lin; Hanna Armer; Deborah Williams; Paul Relas, CEC; Ken Oplinger, Chamber; Emiliano Campobello.

Motion:

Murillo/Hart for staff recommendation.

Vote:

Staff recommendation was approved (No: Councilmember Hotchkiss; Absent: Councilmember Dominguez)

MAYOR AND COUNCIL REPORTS

Subject: Appointments To City Advisory Groups (140.05)

Recommendation: That Council make appointments to the City's advisory groups.

Speakers: Santa Barbara Youth Council: Charlie Thrift; Jensen Steady.

Architectural Board of Review:

Motion:

Rowse/Hart to appoint Lisa LaPlaca.

Vote:

Unanimous voice vote by acclamation.

Appointment:

Lisa LaPlaca was appointed for a term expiring December 31, 2020.

Community Development and Human Services Committee:

Motion:

White/Hart to appoint Bryan Smith to represent the Downtown Neighborhood.

Vote:

Unanimous voice vote by acclamation.

Appointment:

Bryan Smith was appointed for a term expiring December 31, 2020.

Community Events and Festival Committee:

Nominees:

Mitchell Kriegman, Roger Brian Perry

Vote:

- For Kriegman: Councilmembers Hart, Schneider, White
- For Perry: Councilmembers Murillo, Rowse, Hotchkiss

Re-Vote:

- For Kriegman: Councilmembers Hart, Rowse, White, Mayor Schneider
- For Perry: Councilmembers Murillo, Hotchkiss

Appointment:

Mitchell Kriegman was appointed for a term expiring December 31, 2019.

County of Santa Barbara Library Advisory Committee – City of Santa Barbara Representative:

Nominees:

Milton Hess, Julia Springer

Vote:

- For Hess: Councilmembers Hart, Murillo, Rowse, Mayor Schneider
- For Springer: Councilmembers Hotchkiss, White

Appointment:

Milton Hess was appointed for a term expiring June 30, 2018.

Creeks Advisory Committee:

Motion:

Rowse/White to appoint Ryan Parker.

Vote:

Unanimous voice vote by acclamation.

Appointment:

Ryan Parker was appointed for a term expiring December 31, 2019.

Harbor Commission:

Motion:

Hart/Rowse to appoint Sabrina Noelani Kranz and Shoham Yaniv.

Vote:

Unanimous voice vote by acclamation.

Appointment:

Sabrina Noelani Kranz was appointed for a term expiring December 31, 2017.

Shoham Yaniv was appointed for a term expiring December 31, 2019.

Historic Landmarks Commission:

Motion:

Rowse/White to appoint Anthony Grumbine as the Professional Architectural Historian.

Vote:

Unanimous voice vote by acclamation.

Motion:

Hotchkiss/White to appoint Steve Hausz to represent the public at large.

Vote:

Unanimous voice vote by acclamation.

Appointment:

Anthony Grumbine and Steve Hausz were appointed for a term expiring December 31, 2020.

Housing Authority Commission:

Public at Large:

Nominees:

David Gustafson, Roberta Ann Maccianti, Patricia Wheatley

Vote:

- For Gustafson: Councilmembers Hart, Hotchkiss, Rowse, White, Mayor Schneider
- For Maccianti: Councilmembers Hotchkiss, Murillo, Rowse
- For Wheatley: Councilmembers Hart, Murillo, White, Mayor Schneider

Appointment:

David Gustafson and Patricia Wheatley were appointed for a term expiring July 12, 2021.

Living Wage Advisory Committee:

Member of a Local Living Wage Advocacy Organization

Motion:

Rowse/Hotchkiss to appoint Richard Flacks as the Local Living Wage Advocacy Organization Representative.

Nominees:

Richard Flacks

Vote:

Unanimous voice vote by acclamation.

Appointment:

Richard Flacks was appointed for a term expiring June 30, 2021.

Employee of a Local Non-Profit Entity

Nominees:

Irene Ann Robinson

Vote:

Unanimous voice vote by acclamation.

Appointment:

Irene Ann Robinson was appointed for a term expiring June 30, 2020.

Metropolitan Transit District:

Nominees:

Howard E. Green, Olivia G. Rodriguez, David Tabor

Vote:

- For Green: Councilmembers Hotchkiss, Rowse
- For Rodriguez: Councilmembers Hart, Murillo, White, Mayor Schneider
- For Tabor: Councilmembers Hart, Hotchkiss, Murillo, Rowse, White, Mayor Schneider.

Appointment:

Olivia G. Rodriguez and David Tabor were appointed for a term expiring March 6, 2021.

Neighborhood Advisory Council:

Public at Large

Motion:

Hart/Rowse to appoint Jacqueline Barrios and Rehman Nasim Qadri to represent the Public at Large and Brittany Odermann Heaton to represent the West Downtown Neighborhood.

Vote:

Unanimous voice vote by acclamation.

Appointment:

Jacqueline Barrios was appointed for a term expiring December 31, 2020.

Rehman Nasim Qadri was appointed for a term expiring December 31, 2019.

Brittany Odermann Heaton was appointed for a term expiring December 31, 2020.

Parks and Recreation Commission:

Nominees:

Roger Brian Perry, Emily Zacarias

Vote:

- For Perry: Councilmembers Hart, Hotchkiss, Murillo, Rowse
- For Zacarias: Councilmembers White, Mayor Schneider

Appointment:

Robert Brian Perry was appointed for a term expiring December 31, 2017.

Rental Housing Mediation Board:

Motion:

Hart/White to appoint Evan D. Crook and Holly Lynn Garcin as tenant members and Dianne L. Kryter as the homeowner member.

Vote:

Unanimous voice vote by acclamation.

Appointment:

Evan D. Crook was appointed for a term expiring December 31, 2019.

Holly Lynn Garcin was appointed for a term expiring December 31, 2019.

Dianne L. Kryter was appointed for a term expiring December 31, 2020.

Santa Barbara Youth Council:

Member from Dos Pueblos High School

Nominees: Michael Diaz and Nathaniel Getachew

Vote:

Unanimous voice vote by acclamation.

Appointment:

Michael Diaz was appointed for a term expiring June 30, 2019.
Nathaniel Getachew was appointed for a term expiring June 30, 2019.

Member from San Marcos High School

Nominees: Kevin Acuna and Kristine Carrillo

Vote:

Unanimous voice vote by acclamation.

Appointment:

Kevin Acuna was appointed for a term expiring June 30, 2019.
Kristine Carrillo was appointed for a term expiring June 30, 2019.

Member from Santa Barbara High School

Nominees: Ellie Chenoweth, Jensen Steady, and Audrey Zuck

Vote:

Unanimous voice vote by acclamation.

Appointment:

Ellie Chenoweth was appointed for a term expiring June 30, 2019.
Jensen Steady was appointed for a term expiring June 30, 2019.
Audrey Zuck was appointed for a term expiring June 30, 2019.

Member from Local Private High School

Nominees: Ty Trosky and Julia Stone

Vote:

Unanimous voice vote by acclamation.

Appointment:

Ty Trosky was appointed for a term expiring June 30, 2019.
Julia Stone was appointed for a term expiring June 30, 2018.

Member from Public at Large

Nominees: Milo T. Hensley and Anjali Thakrar

Vote:

Unanimous voice vote by acclamation.

Appointment:

Milo T. Hensley was appointed for a term expiring June 30, 2019.

Anjali Thakrar was appointed for a term expiring June 30, 2018.

Single Family Design Board:

Motion:

White/Rowse to appoint:

Robert Paul Richards III as the Licensed Landscape Architect member;

Vote:

Unanimous voice vote by acclamation.

Appointment:

Robert Paul Richards III was appointed for a term expiring June 30, 2020.

Transportation and Circulation Committee:

Motion:

White/Rowse to appoint Jennifer Cregar.

Vote:

Unanimous voice vote by acclamation.

Appointment:

Jennifer Cregar was appointed for a term expiring December 31, 2020.

CLOSED SESSIONS

13. 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 out of the Appeal Of Planning Commission Denial Of A Coastal Development Permit For 1925 El Camino De La Luz Residence Project.

Scheduling: Duration: 15 minutes; anytime
Report: None anticipated

Documents:
June 6, 2017, report from the City Attorney.

Time:
5:10 – 5:40 p.m.

No report made.

QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM

PUBLIC HEARING

QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM

14. Subject: Appeal Of Planning Commission Denial Of A Coastal Development Permit For 1925 El Camino De La Luz Residence Project (640.07)

Recommendation: That Council:

- A. Take one of the following three actions to resolve the appeal:
 1. Deny the Coastal Development Permit for the 1925 El Camino De La Luz residence project, making findings to support the action; or
 2. Approve the Coastal Development Permit for the 1925 El Camino De La Luz residence project (consistent with the City's certified Local Coastal Plan), making findings to support the action, including CEQA findings adopting the Final Mitigated Negative Declaration and Addendum dated November 16, 2016, and subject to conditions of approval; or
 3. Approve the Coastal Development Permit for the 1925 El Camino De La Luz residence project under Coastal Act Section 30010 provisions for avoiding a potential taking, making findings to support the action, including CEQA findings adopting the Final Mitigated Negative Declaration and Addendum dated November 16, 2016, and subject to conditions of approval.

- B. Direct staff to return to Council with a Decision and Findings resolution reflecting the outcome of the appeal.

Documents:

- June 6, 2017, report from the Community Development Director.
- PowerPoint presentation prepared and presented by staff.
- PowerPoint presentation prepared and presented by Emprise Trust.
- 1925 El Camino de la Luz CDP2013-00014/MST2013-00240 Communications in Support, June 6, 2017
- May 30, 2017, letter from Dr. David and Marcene Smith
- May 31, 2017, letter from Scott Wiscomb.
- June 1, 2017, emails from Scott Wiscomb.
- June 1, 2017, email from Judith Smith.
- June 2, 2017, email from Scott Wiscomb.
- June 3, 2017, memo from Edward Keller.
- June 4, 2017, letter from Douglass Crawford
- June 5, 2017, email and letter from Scott Wiscomb.
- June 5, 2017, email from Norbert Dall.
- June 5, 2017, email from Tom Morrison.
- June 6, 2017, email from Kim Finegold.

No ex parte communications were reported by Mayor or Councilmembers.

Speakers:

- Staff: Senior Assistant to the City Administrator Matthew Fore.
- Appellant/Applicant: Stephen Kaufmann, Clay Arell, Architect, AB Design Studio, Mike Phipps, Cotton, Shires & Associates

Public Comment Opened: 6:20 p.m.

- Members of the Public: Ray Franco, Scott Wiscomb, Robert Echler, Thomas Morrison, Nancy Brock

Public Comment Closed: 6:53 p.m.

Motion:

Councilmember Hotchkiss to approve the Coastal Development Permit for the 1925 El Camino De La Luz residence project under Coastal Act Section 30010 provisions for avoiding a potential taking, making findings to support the action, including CEQA findings adopting the Final Mitigated Negative Declaration and Addendum dated November 16, 2016, and subject to conditions of approval. The motion died due to lack of a second.

Motion:

Councilmember Murillo to deny the Coastal Development Permit for the 1925 El Camino De La Luz residence project, finding the project to be inconsistent with the LCP Policy 8.2 because the top of bluff edge was determined to be located at the 127-foot elevation and the proposed development would be located at a lower elevation. The motion died due to lack of a second.

Motion:

Mayor Schneider/Councilmember Murillo to direct staff to prepare a draft resolution denying, the Coastal Development Permit for the 1925 El Camino De La Luz residence project, finding the project to be inconsistent with the LCP Policy 8.2 because the top of bluff edge was determined to be located at the 127-foot elevation and the proposed development would be located at a lower elevation.

Vote:

Majority voice vote (No: Councilmember Hotchkiss).

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

CLOSED SESSIONS

15. 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:

June 6, 2017, report from the City Attorney.

Time:

7:25 - 7:45 p.m.

No report made.

16. Subject: Public Employee Performance Evaluation – Government Code Section 54957 (160.01)

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 6, 2017, report from the City Administrator's Office.

Time:

7:45 – 8:15 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:15 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on 10-10, 2017.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



HELENE SCHNEIDER
MAYOR

ATTEST:



SARAH GORMAN
CITY CLERK SERVICES MANAGER