CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this day.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring November 28, 2017 As Michael Towbes Day

   Recommendation: Not applicable.

   Action: Proclamation presented to Anne Towbes, Liane Towbes, Robert Skinner, Janet Garufis, and Craig Zimmerman.

PUBLIC COMMENT
ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE VOTE

10. Subject: Contract For Preliminary Design Of Coast Village Road/North Jameson Road/Olive Mill Road/U.S.-101 Intersection Roundabout Project (530.04)

Recommendation: That Council:
A. Authorize the Public Works Director to execute a City Professional Services contract with TY Lin International in the amount of $396,222 for preliminary design services of the Coast Village Road/North Jameson Road/Olive Mill Road/U.S.-101 Roundabout Project, and authorize the Public Works Director to approve expenditures of up $28,700 for extra services of TY Lin International that may result from necessary changes in the scope of work;
B. Authorize the City Administrator to execute an amendment to the Memorandum of Understanding between the City of Santa Barbara, the County of Santa Barbara, and the Santa Barbara County Association of Governments to increase the funding amount to $899,900 to develop freeway interchange capacity improvements at Olive Mill and San Ysidro Roads; and
C. Authorize the increase in appropriations and estimated revenues in the Fiscal Year 2018 Streets Grant Fund by $449,950 for work reimbursable through the Santa Barbara County Association of Governments for the Coast Village Road/North Jameson Road/Olive Mill Road/U.S.-101 Intersection Roundabout Project.

Councilmember Hart stated that he would recuse himself from consideration of this item because of the appearance of a conflict of interest.

Documents:
- November 21, 2017, report from the Public Works Director.

Motion:
Councilmembers Rowse/Dominguez to approve the recommendations.

Vote:
Unanimous roll call vote (Abstain: Councilmember Hart).

CONSENT CALENDAR (Item Nos. 2 – 9, 11 - 12)

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

Motion:
Councilmembers Dominguez/White to approve the Consent Calendar, Items 2 – 9, 11 – 12) as recommended.

Vote:
Unanimous roll call vote.

2. **Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meeting of October 31, 2017 and the special meeting of October 31, 2017.

Action: Approved the recommendation.

3. **Subject: A Resolution Denying The Appeal And Upholding The Decision Of The Architectural Board of Review To Deny A Development Plan For The Conversion Of An Existing Residential Unit Located At 2017 Bath Street To A Short-Term Rental/Hotel**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal of Vanguard Planning, Inc., Agent for Drew Rudman, and Upholding the Decision of the Architectural Board of Review Denying the Application for a Development Plan Related to the Proposed Conversion of an Existing Residential Unit Located at 2017 Bath Street to a Short-Term Rental/Hotel, Making Findings Supporting the Action.

Speakers:
- Staff: City Attorney Ariel Calonne.
- Members of the Public: Anna Marie Gott.

Documents:
- November 21, 2017, handout from Anna Marie Gott.

Mr. Calonne corrected a typographical error in the Resolution, and confirmed that the citation to Santa Barbara Municipal Code 28.90.050.G.10 on page 4, section IV(D), should be a cite to Santa Barbara Municipal Code 28.90.100.J.10.

Mr. Calonne also stated that the public hearing is closed and the Council may listen to the public speaker but is not able to take new evidence.

Action: Approved the recommendation; Resolution No. 17-107 (November 21, 2017, report from the City Attorney; proposed resolution).

4. **Subject: A Resolution Denying The Appeals And Upholding The Decision Of The Historic Landmarks Commission To Deny A Development Plan For The**
Conversion Of An Existing Residential Unit Located At 101 West Anapamu Street To A Short-Term Rental/Hotel

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeals and Upholding the Decision of the Historic Landmarks Commission Denying the Application to Convert an Existing Residential Unit Located At 101 West Anapamu Street to a Short-Term Rental/Hotel, Making Findings Supporting the Action.

Action: Approved the recommendation; Resolution No. 17-108 (November 21, 2017, report from the City Attorney; proposed resolution).

5. **Subject: October 2017 Investment Report**


Action: Approved the recommendation (November 21, 2017, report from the Finance Director).

6. **Subject: Fiscal Year 2018 First Quarter Review**

Recommendation: That Council:
A. Accept the Fiscal Year 2018 Interim Financial Statements for the Three Months Ended September 30, 2017; and
B. Approve the proposed first quarter adjustments to Fiscal Year 2018 appropriations and estimated revenues as detailed in the attached Schedule of Proposed First Quarter Budget Adjustments.

Action: Approved the recommendations (November 21, 2017, report from the Finance Director).

7. **Subject: Contract For Construction Of The Replacement Of Equipment At The El Cielito Pump Station (540.06)**

Recommendation: That Council:
A. Award a contract with Lash Construction, in their low bid amount of $981,000 for construction of the El Cielito Pump Station Upgrades Project; and authorize the Public Works Director to execute the contract and approve expenditures up to $98,100 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; and
B. Authorize the Public Works Director to execute a contract with Carollo Engineers Inc., in the amount of $143,482 for construction support services, and approve expenditures of up to $14,348 for extra services of Carollo Engineers Inc. that may result from necessary changes in the scope of work.
Action: Approved the recommendations, Agreement Nos. 26,024, 26,025 (November 21, 2017, report from the Public Works Director).

8. **Subject: Cancellation Of Certain Council Meetings In 2018**

Recommendation: That Council cancel the regular Council Meetings on the following dates: January 2, January 16, February 20, April 3, May 29, July 3, August 21, August 28, September 4, November 27, December 18, and December 25, 2018.

Action: Approved the recommendation (November 21, 2017, report from the City Administrator).

9. **Subject: Increase In Construction Change Order Authority For Central Library South Entrance Americans With Disabilities Act Accessibility Improvements**

Recommendation: That Council authorize an increase in the Public Works Director’s Change Order Authority to approve expenditures for extra work for the Central Library South Entrance Americans With Disabilities Act Accessibility Improvements, with Diani Building Corporation, Contract No. 25,752, in the amount of $17,786, for a total Project expenditure authority of $505,336.

Action: Approved the recommendation (November 21, 2017, report from the Public Works Director).

**NOTICES**

11. Subject: The City Clerk has on Thursday, November 16, 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.

12. Subject: The public hearing originally scheduled for 10/24/17, at 2:00 p.m. to hear an appeal of Planning Commission’s Certification of the Final Environmental Impact Report for the proposed S.B. Airport Master Plan, has been rescheduled for 12/12/17 at 2:00 p.m. (000.00)

This concluded the Consent Calendar.

**REPORT FROM THE ORDINANCE COMMITTEE**
Ordinance Committee Chair Rowse reported that the committee met and discussed SB 1236 relating to electric vehicle charging statements and permits. Ordinance Committee approved the recommendation 3-0.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

13. **Subject: Certification Of The Election Results Of The Official Canvass For The General Municipal Election Of November 7, 2017**

Recommendation: That Council:
A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Reciting the Fact of the Vote-By-Mail General Municipal Election Held on November 7, 2017, and Declaring the Results and Setting Forth Such Other Matters as Required by the State Elections Code; and
B. Receive a final presentation on the November 7, 2017 Election.

The title of the resolution was read.

Documents:
- November 21, 2017, report from the Administrative Services Director.
- PowerPoint presentation prepared and made by Staff.
- November 21, 2017, “City Wide Totals – Mayoral and Measure” report from the City Clerk Services Manager.

Speakers:
- Staff: City Clerk Services Manager Sarah Gorman.

Motion:
Councilmembers Murillo/Hart to move the recommended actions.
Vote:
Unanimous roll call vote.

PUBLIC WORKS DEPARTMENT

14. **Subject: Introduction Of Ordinance Regarding Water Metering Requirements For Accessory Dwelling Units**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 14.08.150 of Chapter 14.08 of Title 14 of the Santa Barbara Municipal Code Regarding the Water Metering Requirements for New Dwelling Units and Accessory Dwelling Units.
The title of the ordinance was read.

City Administrator Paul Casey stated that he was recusing himself from consideration of this item based on his current application for an Accessory Dwelling Unit permit. He left the Council Chambers at 2:45 p.m.

Documents:
- November 21, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:
- Staff: Water Supply Manager Kelley Dyer; Water Resources Specialist Dana Hoffenberg.
- Members of the public: Ben Swartzman.

Motion:
Councilmembers Hotchkiss/Hart to move the recommended actions.

Vote:
Unanimous roll call vote.

Mr. Casey returned to Council Chambers at 3:05 p.m. after completion of Item 14.

QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM

PUBLIC HEARINGS

15. Subject: Appeal Of The Historic Landmarks Commission's Denial Of A Revision To An Approved Project At 35, 36, and 118 State Street

Recommendation: That Council:
A. Consider the appeal of Douglas E. Fell, on behalf of property owner 35 State Street Hotel Partners (Owner) and Michael Rosenfeld (Applicant), of the Historic Landmarks Commission's denial of changes to the Plaza Lawn Area at 118 State Street as part of an approved project located at 35, 36, and 118 State Street; and
B. Direct staff to return to Council with a Decision and Findings resolution reflecting the outcome of the appeal.

Documents:
- November 21, 2017, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Ex parte communications:
- Councilmember White reported that he spoke with applicant/appellant’s attorney Douglas Fell.
- Councilmember Rowse reported that he spoke with developer Michael Rosenfeld.
- Councilmember Hotchkiss reported that he went to the hotel opening and spoke briefly with Mr. Fell.
- Councilmember Hart report that he spoke with Mr. Fell.
- Mayor Schneider reported that she went to the hotel opening and spoke briefly with Mr. Fell.

Public comment opened at 3:08 p.m.

Speakers:
- Staff: Project Planner Allison DeBusk, City Attorney Ariel Calonne
- Applicant/appellant: Attorney Douglas Fell, representing property owner 35 State Street Hotel Partners (Owner) and Michael Rosenfeld (Applicant).
- Members of the public: Anna Marie Gott.

Public comment closed at 3:21 p.m.

Motion:
Councilmembers Hotchkiss/Dominguez to uphold the appeal.

Vote:
Unanimous roll call vote.

RECESS

Mayor Schneider recessed the meeting at 3:30 p.m. in order for Council to reconvene in closed session for Agenda Item Nos. 18 and 19 before beginning Advisory Group interviews.

At 4:22 p.m., Mayor Schneider called the meeting back to order, and stated that there would be a report from Item 19 from the Closed Sessions.

MAYOR AND COUNCIL REPORTS

16. Subject: Interviews For City Advisory Groups

Recommendation: That Council:
A. Hold interviews of applicants to various City Advisory Groups; and
B. Continue interviews of applicants to December 5, 2017.
(Estimated Time: 4:00 p.m.) (Continued from November 14, 2017.)

Documents:
November 21, 2017, report from the Administrative Services Director.

Speakers:
The following applicants were interviewed.

Single Family Design Board:
Jonathan Ziegler
Kate Svensson

Rental Housing Mediation Board:
Jenna Dressel

Planning Commission:
Betsy R. Cramer

Neighborhood Advisory Council:
Sebastian Aldana, Jr.

Library Board:
Bessie Condos

Housing Authority Commission:
Robert W. Burke

Community Development and Human Services Committee:
Charlotte A. Gullap-Moore

Arts Advisory Committee:
Nina Dunbar

Architectural Board of Review:
Bob Cunningham

Airport Commission:
James Wilson
Carl L. Hopkins
Paul Bowen
Maxwell Rosenberg

CITY ATTORNEY

17. **Subject: Cannabis Regulatory And Zoning Ordinances**

Recommendation: That Council:

A. Make the environmental findings contained in this Council Agenda Report;

B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Adding Chapter 9.44 “Commercial Cannabis Businesses” to Title 9 of the Santa Barbara Municipal Code and Amending Santa Barbara Municipal Code section 30.185.250 and Subsequently Repealing Santa Barbara Municipal Code Chapter 28.80, Section 30.185.250 and Ordinance Nos. 5526 and 5551;

C. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending sections 30.20.020, 30.25.020, 30.30.020, 30.175.040, 30.295.040, and 30.295.050 of Title 30
D. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending in their Entirety sections 28.87.300 and 30.185.110 of the Santa Barbara Municipal Code Pertaining to Personal Cannabis Cultivation.

The titles of the resolutions were read.

Documents:
- November 21, 2017, report from the City Attorney.
- PowerPoint presentation prepared and made by Staff.
- November 21, 2017, "Presentation to Santa Barbara City Council," from Adrian Sedlin.
- Add docs from the public

Speakers:
- Staff: Public Engagement Manager Anthony Wagner; Assistant City Attorney Tava Ostreger; Project Planner Andrew Bermond; City Attorney Ariel Calonne.
- Members of the public: Adrian Sedlin, Canndescent; Liz Rogan; Erin Weber; Pete Dal Bello; Ray Mahboob; Clay Becker; Tracy Trotter.

Motion:
Councilmembers Hart/Hotchkiss make the environmental findings contained in the Council Agenda Report.

Vote:
Majority roll call vote (Noes: Dominguez).

Motion:
Councilmembers Hart/Hotchkiss to introduce, and subsequently adopt, by reading of title only, an ordinance of the Council of the City of Santa Barbara Amending in their Entirety sections 28.87.300 and 30.185.110 of the Santa Barbara Municipal Code Pertaining to Personal Cannabis Cultivation.

Vote:
Majority roll call vote (Noes: Dominguez, Rowse).

Motion:
Councilmembers Hart/Rowse to introduce, and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code section 30.185.250 and Subsequently Repealing Santa Barbara Municipal Code Chapter 28.80, Section 30.185.250 and Ordinance Nos. 5526 and 5551.

Vote:
Majority roll call vote (Noes: Dominguez).
Motion:
Councilmembers Hart/Murillo to amend Santa Barbara Municipal Code section 9.44.240(9), to state: "9. Security personnel shall be on site during open hours, and the Police Chief may require additional security as warranted."

Vote:
Majority roll call vote (Noes: Hotchkiss, Dominguez, Rowse).

Motion:
Councilmembers Hart/White to introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Adding Chapter 9.44 "Commercial Cannabis Businesses" to Title 9 of the Santa Barbara Municipal Code, including the amendment to Santa Barbara Municipal Code section 9.44.240(9), to state: "9. Security personnel shall be on site during open hours, and the Police Chief may require additional security as warranted."

Vote:
Majority roll call vote (Noes: Councilmembers Dominguez, Rowse).

Motion:
Councilmembers Hart/Murillo to direct staff to return after the new year with analysis of tax rate.

Vote:
Majority roll call vote (Noes: Councilmembers Dominguez, Rowse).

Motion:
Councilmembers Hart/Murillo to direct staff to return with an analysis allowing everything but retail in the C-M Zone.

Vote:
Majority roll call vote (Noes: Councilmembers Dominguez, Hotchkiss, Rowse).

Motion:
Councilmembers Hart/Murillo to introduce, and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code section 30.185.250 and Subsequently Repealing Santa Barbara Municipal Code Chapter 28.80, Section 30.185.250 and Ordinance Nos. 5526 and 5551.

Vote:
Majority roll call vote (Noes: Councilmembers Dominguez, Rowse).

Motion:
Councilmembers Hart/White to not impose a cap for wholesale.

Vote:
Majority roll call vote (Noes: Councilmembers Dominguez, Hotchkiss, Rowse).

Motion:
Councilmembers Hotchkiss/Murillo to provide staff direction to return with a resolution providing for a cap of five retail outlets under the new ordinance.

Vote:
Majority roll call vote (Noes: Dominguez, Rowse, White).

COUNCIL AND STAFF COMMUNICATIONS

CLOSED SESSIONS

18. Subject: Conference With City Attorney – Anticipated Litigation

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

Time:
3:40 p.m. – 4:20 p.m.

No report made.

19. Subject: Conference With City Attorney – Anticipated Litigation

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 Ampersand airport lease.

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

Time:
3:30 p.m. – 3:40 p.m.

Report:
The City Attorney reported that Council has entered into a settlement agreement with 1998 Ampersand Aviation, LLC to settle threatened litigation at the Santa Barbara Airport pertaining to lease of the hangar
space at 495 South Fairview. Under the terms of the settlement agreement the parties have agreed to mutual releases and waivers for potential claims and causes of action that may derive from the current lease and subleases at the hangar, including the cost of any electrical work that needs to be performed at the space. The City will enter into a new lease with Ampersand for a portion of the hangar space at the agreed upon price and terms for a period of one year.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:20 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on January 30, 30, 2018.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA CITY CLERK'S OFFICE

CATHY MURILLO
MAYOR

SARAH GORMAN
CITY CLERK SERVICES MANAGER

ATTEST: