



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING MARCH 5, 2019 COUNCIL CHAMBERS, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Murillo.

ROLL CALL

Councilmembers present: Jason Dominguez, Eric Friedman, Oscar Gutierrez, Meagan Harmon, Randy Rowse, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Calonne, Deputy City Clerk Norma Estrada.

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 March 31, 2019.

Action: Mayor Murillo presented service award pins to Erik Engebretson and Susan Reardon. Both of the recipients expressed their gratitude.

CHANGES TO THE AGENDA

5. Subject: Adoption Of An Ordinance For The Lease And Operation Of A Visitor Information Center At 120 State Street (330.04)

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 Community Development Director to Execute a Ten-Year Lease Agreement with Four Ten-Year Options Between the City of Santa Barbara and 35 State Street Hotel Partners, LLC; a Sublease Between the City and Visit Santa Barbara; and the Second Amendment to the Owner Participation Agreement Dated April 13, 2004, Pertaining to the Lease of a 1,184 Square Foot Tenant Space at 120 State Street to be Used as Visitor Information Center and Public Restrooms within the Hotel Californian Development.

This item was removed from the Consent Calendar due to a clerical error in its recommendation, and will be brought back to Council at a future date.

12. Subject: Appeal Of The Planning Commission's Approval Of A Conditional Use Permit At 35 N. Calle Cesar Chavez (640.07)

Recommendation: That Council:

- A. Consider the appeal of Mark Massara, Esq., of the Planning Commission's approval of a Conditional Use Permit to operate a building materials supply company and lumberyard in the OM-1 (Ocean-Oriented Light Manufacturing) zone; and
- B. Direct staff to return to Council with a Decision and Findings Resolution reflecting the outcome of the appeal.

This item was removed from the agenda at the request of the City Attorney's Office.

Speakers:

Members of the Public: Applicant Douglas Fell; Appellant Mark Massara.

Motion:

Councilmember Dominguez to reschedule the hearing to two weeks from today.

Motion failed for lack of a second.

Motion:

Councilmembers Friedman/Sneddon to continue the hearing as soon as possible on a date to be determined by staff.

Vote:

Majority roll call vote (Noes: Councilmember Dominguez).

PUBLIC COMMENT

Members of the Public: Caroline Abate; Jose Arturo Gallegos; Rick Closson; Anna Marie Gott; Mark Sheridan; Mark Marshall Wofford, YMCA Surf Rider Foundation; Chris Goldblatt.

CONSENT CALENDAR (Item Nos. 2-4, and 6-10)

The titles of the Ordinances and Resolutions related to the Consent Items were read.

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Adoption Of An Ordinance For A Lease Agreement With JBC Investment Holdings I, LLC, For The Lease Assignment Of Deep Blue Sea (330.04)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a Lease Agreement with JBC Investment Holdings I, LLC, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation; Ordinance No. 5874; Agreement No. 25,727.

3. Subject: Adoption Of An Ordinance For A License Agreement With Santa Barbara Youth Sailing Foundation (330.08)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a License Agreement with the Santa Barbara Youth Sailing Foundation, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation; Ordinance No. 5875; Agreement No. 26,378.

4. Subject: Adoption Of An Ordinance Of Amendment To State Revolving Fund Loan Agreement For The Desalination Plant Reactivation (540.1)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara to Amend Ordinance No. 5862 to Change the Project Completion Date From March 31, 2019 to July 31, 2019 as Set Forth in Amendment No. 3 to the Installment Sale Agreement for the Desalination Plant Reactivation Project Drinking Water State Revolving Fund Project No. 4210010-005C, Agreement No. D15-02006.

Action: Approved the recommendation; Ordinance No. 5876.

6. Subject: Revocation Of San Pedro Creek Water Right (540.01)

Recommendation: That Council authorize staff to file a Request for Revocation of Water Right with the State Water Resources Control Board relating to License for Diversion and Use of Water No. 12609.

Action: Approved the recommendation (March 5, 2019, report from the Public Works Director).

7. Subject: Contract For Construction Of Quinientos Street Bridge Replacement Project (530.01)

Recommendation: That Council:

- A. Award a contract with Lash Construction, Inc., in their low bid amount of \$3,718,975 for construction of the Quinientos Street Bridge Replacement Project, Bid No. 3716; and authorize the Public Works Director to execute the contract and approve expenditures up to \$371,897 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;
- B. Authorize the Public Works Director to execute a City Professional Services contract with Filippin Engineering, Inc. in the amount of \$464,062 for construction management and inspection services, and approve expenditures of up to \$46,406 for extra services of Filippin Engineering, Inc. that may result from necessary changes in the scope of work;
- C. Authorize the Public Works Director to execute the First Amendment to the City Professional Services contract number 24,846A with Bengal Engineering, Inc., in the amount of \$75,623 for design support services during construction;
- D. Authorize the Public Works Director to execute a City Professional Services contract with Rincon Consultants, Inc., in the amount of \$82,350 for environmental monitoring, and restoration specialists services during construction, and approve expenditures of up to \$8,235 for extra services of Rincon Consultants, Inc., that may result from necessary changes in the scope of work; and
- E. Authorize an increase in appropriations and estimated revenues funded by the Federal Highway Administration Bridge Program Grant in the amount of \$4,982,999 in the Streets Grant Fund which will cover the construction costs associated with the Quinientos Street Bridge Replacement Project.

Action: Approved the recommendations; Agreement Nos. 26,379; 26,380; 24,846.1; 26,381 (March 5, 2019, report from the Public Works Director).

8. Subject: Contract For Construction Of De La Guerra Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Award a contract with Granite Construction Company in their low bid amount of \$5,755,950 for construction of the De La Guerra Street Bridge Replacement Project, Bid No. 3669; and authorize the Public Works Director to execute the contract and approve expenditures up to \$575,595 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;
- B. Authorize the Public Works Director to execute a contract with Filippin Engineering, Inc., in the amount of \$546,575 for construction support services;
- C. Authorize the Public Works Director to execute the First Amendment to City Professional Services Contract No. 24,337 with Drake Haglan and Associates for construction support services in the amount of \$86,964;
- D. Authorize the Public Works Director to execute a contract with Cardno, Inc., in the amount of \$103,801 for environmental monitoring and restoration specialists services during construction; and approve expenditures of up to \$5,190 for extra services of Cardno Inc. that may result from necessary changes in the scope of work; and
- E. Accept Federal Highway Bridge Program Grant Funding and approve an increase in estimated revenues and appropriations in the Streets Grant Capital Fund in the amount of \$6,446,090 for the construction phase costs for the De La Guerra Street Bridge Replacement Project.

Action: Approved the recommendations; Agreement Nos. 26,382; 26,383; 24,337.1; 26,384 (March 5, 2019, report from the Public Works Director).

9. Subject: Approval Of A Partial Subordination Of The Santa Barbara Rescue Mission's Covenants, Conditions And Restrictions To Allow The Refinance Of Debt And Authorization For The City Administrator To Execute Agreements (640.08)

Recommendation: That Council approve an agreement to partially subordinate the 1986 Declaration of Covenants, Conditions, and Restrictions imposed on Real Property owned by the Santa Barbara Rescue Mission and consent to waive City's resale controls on transfer of property to SBRM Support Corporation to facilitate New Markets Tax Credit loan, and authorize the City Administrator to execute the agreement.

Action: Approved the recommendation; Agreement No. 26,385 (March 5, 2019, report from the Community Development Director).

NOTICES

10. Subject: The City Clerk has on Thursday, February 28, 2019, 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 ORDINANCE COMMITTEE

Ordinance Committee Chair Sneddon reported that the Committee heard proposed residential tenant protection ordinances, and while the vote was not unanimous, the ordinances will be brought forward to Council for consideration.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

POLICE DEPARTMENT

11. **Subject: Police Department Update (700.08)**

Recommendation: That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

Documents:

- March 5, 2019, report from the Chief of Police
- PowerPoint presentation prepared and made by staff

Speakers:

- Staff: Police Chief Lori Luhnow; Assistant City Attorney John Doimas; Housing and Human Services Manager Laura Dubbels; City Attorney Ariel Calonne; City Administrator Paul Casey.
- Member of the Public: Anna Marie Gott.

Discussion:

- Police Chief Lori Luhnow gave Council a presentation on different topics regarding the Police Department. Topics included were police officer and staff recruitments, crime statistics, City-wide collaborations, community engagement, and upcoming projects. Councilmember's questions were answered.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

- Councilmember Dominguez attended the following events or meetings: 1. Santa Barbara County Mock Trial; 2. Visit Santa Barbara board meeting; and 3. Public Safety Committee of Downtown Santa Barbara meeting.

- Councilmember Friedman attended the following events or meetings: 1. 147th Annual Yacht Club opening; and 2. Central Coast Water Authority monthly meeting.
- Councilmember Gutierrez attended the following events or meetings: 1. Premiere screening of a Taiwanese soap opera; 2. Held a training for the Santa Barbara Youth Council on public service announcements; and 3. Santa Barbara Youth Council meeting.
- Councilmember Sneddon attended the following events or meetings: 1. Parks and Recreation Commission meeting.
- Mayor Murillo attended the following events or meetings: 1. International convention hosted by Raytheon; 2. Mayor's Office Hours at the Central Library; 3. SBCAG workshop on scooters; 4. Chumash Elders meeting; 5. Spoke at the Municipal Management Association of Southern California; and 6. Will hold a training with the Neighborhood Association.

PUBLIC COMMENT (IF NECESSARY)

RECESS

The Mayor recessed to closed session at 4:19 p.m. and stated that no reportable action is anticipated.

CLOSED SESSIONS

13. Subject: Conference With City Attorney – Existing 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 Theodore P. Kracke v. City of Santa Barbara, VSC Case No. 56-2016-00490376-CU-WM-VTA; and Santa Barbara Inland & Coastal Property Rights Association v. City of Santa Barbara, SBSC Case No. 18CV03136.

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

Documents:

- March 5, 2019, report from the City Attorney

Time:

4:25 p.m. – 5:30 p.m.

No report made.

ADJOURNMENT

Mayor Murillo adjourned the meeting at 5:30 p.m. keeping all evacuees in good thoughts, and in memory of Juanita Rodriguez.

Approved and adopted by the City Council of the City of Santa Barbara on April 16, 2019.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



CATHY MURILLO
MAYOR

ATTEST: 

SARAH GORMAN
CITY CLERK SERVICES MANAGER