



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 13, 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 12:30 p.m. and the Ordinance 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 Pierre Calonne, Deputy City Clerk Deborah L. Applegate.

PUBLIC COMMENT

Speakers: Richard Busback, University of Applied Sciences, Germany; Denise Spangler Adams; Clint Orr; Anna Marie Gott.

CONSENT CALENDAR (Item Nos. 1 – 16)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular cancelled meetings of February 21, 2017, April 4, 2017, and the special meeting of April 6, 2017.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance To Re-Establish The Sign Committee (610.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.22.130, 22.68.080, 22.70.050, 22.70.070, 22.70.080, and 22.70.095 of the Santa Barbara Municipal Code Relating to Sign Regulations in Order to Re-Establish the Sign Committee to Full Committee Status.

Approved the recommendation; Ordinance No. 5791.

3. Subject: 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, by introduction and subsequent adoption of, 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 (June 13, 2017, report from the Administrative Services Director Kristine Schmidt; proposed ordinance).

4. Subject: A Resolution Denying The Appeal And Upholding The Decision Of The Planning Commission Granting Approval Of A Development Plan For The 6100 Hollister Avenue Light Industrial And Commercial Project (640.07)

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Planning Commission Approving the Development Plan for the 6100 Hollister Avenue Light Industrial and Commercial Project, Making Findings Supporting the Action, and Adopting Conditions of Approval and the Mitigation Monitoring and Reporting Program.

Action: Approved the recommendation; Resolution No. 17-044 (June 13, 2017, report from the City Attorney; proposed resolution).

5. Subject: Refugio Oil Spill Settlement Appropriations (160.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Appropriating Funds Received from the Settlement of Claims Against Plains Pipeline, L.P. and Plains All American Pipeline, L.P. Arising Out of the 2015 Refugio Oil Spill for Use in Connection With City Parks and Beaches and to Support Administrative and Legal Costs Related to the Claims.

Action: Approved the recommendation; Resolution No. 17-045 (June 13, 2017, report from the City Attorney; proposed resolution).

6. Subject: Records Destruction For Finance 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 Finance Department in the Accounting, Administration, General Services, Risk Management, and Treasury Divisions.

Action: Approved the recommendation; Resolution No. 17-046 (June 13, 2017, report from the Finance Director; proposed resolution).

7. Subject: Fiscal Year 2018 Professional Services Contract With Cardno, Inc. For Biological Resource Survey Services (570.08)

Recommendation: That Council authorize the Parks and Recreation Director to execute a professional services agreement with Cardno, Inc. in the amount of \$16,407 with options to renew in Fiscal Year 2019 for \$16,407 and in Fiscal Year 2020 for \$16,407, subject to Council appropriation of funds.

Action: Approved the recommendation; Agreement No. 25,890 (June 13, 2017, report from the Parks and Recreation Director).

8. Subject: Purchase Order For UCP / Work, Incorporated For Janitorial Services For Waterfront (570.03)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.070 (L), and authorize the General Services Manager to issue a purchase order to UCP / Work, Incorporated for janitorial services at the Waterfront Department for Fiscal Year 2018 in an amount not to exceed \$320,000 and for Fiscal Year 2019 in an amount not to exceed \$333,000.

Speakers:

Staff: Waterfront Business Manager Brian Bosse.

Action: Approved the recommendation (June 13, 2017, report from the Waterfront Director).

9. Subject: Lease Agreements With Non-Profit Organizations At The Westside Neighborhood Center (330.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute annual lease agreements for office space at the Westside Neighborhood Center for the Independent Living Resource Center, UCP/Work Inc., United Cerebral Palsy Association of Los Angeles, Ventura, and Santa Barbara Counties, and the Santa Barbara Unified School District-Quetzal program.

Action: Approved the recommendation; Agreement Nos. 25,891, 25,892, 25,893, and 25,894 (June 13, 2017, report from the Parks and Recreation Director).

10. Subject: Renew An Agreement To Maintain And Operate Pilgrim Terrace Community Gardens (570.05)

Recommendation: That Council authorize the Parks and Recreation Director to execute an agreement with Pilgrim Terrace Affordable, L.P., to maintain and operate the Pilgrim Terrace Community Gardens.

Action: Approved the recommendation; Agreement No. 25,895 (June 13, 2017, report from the Parks and Recreation Director).

11. Subject: Authorization To Amend Agreement For Legal Services With Colantuono, Highsmith & Whatley, PC for Kendra L. Feshbach v. City of Santa Barbara (160.01)

Recommendation: That Council authorize the City Attorney to amend Legal Services Agreement Number 21600170 with Colantuono, Highsmith & Whatley, PC to increase the not-to-exceed amount by \$250,000 from \$150,000 to \$400,000 for special counsel services related to Kendra L. Feshbach v. City Of Santa Barbara SBSC Case No. 16CV03385.

Action: Approved the recommendation; Agreement No. 25,896 (June 13, 2017, report from the City Attorney).

12. Subject: Renewal Of Agreement With Major League Softball (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute a two-year agreement with Major League Softball, Inc. (MLS), to perform adult softball league services at an annual cost of \$26,000 in Fiscal Years 2018 and 2019 using City parks facilities.

Action: Approved the recommendation; Agreement No. 25,897 (June 13, 2017, report from the Parks and Recreation Director).

13. Subject: Acquisition And Acceptance Of A Temporary Construction Easement And An Agreement For Right Of Entry For The Anapamu 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 1120 San Andres Street, and Execute An Agreement for Right Of Entry On Property Located At 1135 San Pascual Street, and Authorize the Public Works Director, Subject To Review and Approval of the Form of the Agreement for Acquisition of Temporary Construction Easement and the Agreement for Right of Entry by The City Attorney, to Execute Such Agreements and Related Documents That May Be Required, All Relating to The Anapamu Street Bridge Replacement Project, and Consenting to The Recordation of the Temporary Construction Easement in The Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 17-047; Agreement Nos. 25,898, and 25,899 (June 13, 2017, report from the City Attorney; proposed resolution).

14. Subject: Contract For Construction Of The Cacique And Soledad Pedestrian/Bicycle Bridges And Corridor Improvements Project (530.04)

Recommendation: That Council:

- A. Reject the apparent low bid from Lash Construction, Inc., of \$1,499,949.65 for construction of the Cacique and Soledad Pedestrian/Bicycle Bridges and Corridor Improvements Project, Bid No. 3775, as non-responsive due to inadequate good faith efforts in response to obtaining Disadvantaged Business Enterprise participation;
- B. Award a contract with Granite Construction Company, in their low bid amount of \$1,514,555.00 for construction of the Cacique and Soledad Pedestrian/Bicycle Bridges and Corridor Improvements Project, Bid No. 3775; and authorize the Public Works Director to execute the contract and approve expenditures up to \$227,183.25 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;
- C. Accept Caltrans Active Transportation Program grant funding, and authorize the increase in appropriations and estimated revenues in the Fiscal Year 2017 Streets Grant Fund by \$2,153,000.00 for the federally funded participating share of the Cacique and Soledad Pedestrian/Bicycle Bridges and Corridor Improvements Project; and

- D. Authorize the Public Works Director to execute the First Amendment to City Professional Services Contract No. 25,106 with Bengal Engineering for construction support services, as there are sufficient remaining funds in the existing contract to cover the additional services.

Action: Approved the recommendations; Agreement Nos.: 25,900, and 25,106.1 (June 13, 2017, report from the Public Works Director).

15. Subject: Purchase Order for Skidata, Inc., Parking Revenue Control Equipment, Parts, and Maintenance for Airport Parking Lots (550.08)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.070(L), and authorize the General Services Manager to issue a purchase order to Sentry Control Systems for Skidata parking revenue control equipment for Airport parking lots in an amount not to exceed \$519,760;
- B. Find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.070(L), and authorize the General Services Manager to issue a purchase order to Sentry Control Systems for Skidata parking revenue control equipment parts and services for one year with four additional one-year options ending October 31, 2022, in amounts not to exceed the amount set aside for this purpose in the budget adopted by Council for each fiscal year; and
- C. Increase appropriations in the Fiscal Year 2017 Airport Capital Fund by \$519,760, funded from Airport Operating Fund reserves above policy, to cover the costs of parking revenue control equipment; and
- D. Increase appropriations in the Airport Capital Fund by \$519,760, funded from a transfer from the Airport Operating Fund, for the purchase of parking revenue control equipment.

Speakers:

Staff: Airport Director Hazel Johns.

Action: Approved the recommendations (June 13, 2017, report from the Airport Director).

NOTICES

- 16. Subject: The City Clerk has on Thursday, June 8, 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.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Gregg Hart reported that the Committee met to hear a staff report regarding recommending to Council adoption of an ordinance to approve the sale of the exclusive right to repurchase property located at 420 East De La Guerra Street to Presidio Park, LP for the amount of \$12,029,200. The Finance Committee unanimously approved the ordinance and will be bringing to Council in the near future.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

AIRPORT DEPARTMENT

17. Subject: Introduction of Ordinance for Airline Terminal Solar Photovoltaic Power Purchase Agreement at 500 Fowler Road (560.01)

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 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.

Documents:

- June 13, 2017, report from the Airport Director.
- Proposed ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Speakers:

- Staff: Airport Director Hazel Johns; Facility Manager Jeff McKee.
- Members of the Public: Randy Arteson, Enolas Energy.

Motion:

Councilmembers Murillo/White to approve the recommendation.

Vote:

Unanimous roll call vote.

PUBLIC WORKS DEPARTMENT

18. Subject: Downtown/Waterfront Shuttle - Agreement With The Metropolitan Transit District (670.08)

Recommendation: That Council authorize the Public Works Director to execute a five-year Master Agreement with the Santa Barbara Metropolitan Transit District, in a form acceptable to the City Attorney, for transit services in an amount not to

exceed \$1,240,392 starting Fiscal Year 2018, with annual adjustments based on the Consumer Price Index and the availability of Downtown Parking Program funds.

Documents:

- June 13, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Transportation and Planning Manager Rob Dayton; Parking/Temporary Superintendent Victor Garza.
- Transportation and Circulation Committee: Committee Member Trey Pinner.
- Members of the Public: Jerry Estrada, General Manager, Metropolitan Transit District (MTD).

Motion:

Councilmembers White/Hart to approve the recommendation; Agreement No. 25,901.

Vote:

Unanimous voice vote.

MAYOR AND COUNCIL REPORTS

19. Subject: New Beginnings Counseling Center Agreement For Monitoring Daytime Off-Street Parking For Oversized Vehicles In The Safe Parking Program (550.01)

Recommendation: That Council:

- A. Authorize the Community Development Director to execute a funding agreement with New Beginnings Counseling Center for \$1,500 per year, per daytime parking space, up to a maximum of \$60,000, for the purpose of monitoring daytime off-street parking spaces for participants in the Safe Parking Program living in oversized vehicles in the City of Santa Barbara; and**
- B. Allocate existing General Fund appropriations totaling \$60,000 from the following sources to fund the agreement with New Beginnings: \$24,100 from unspent Fiscal Year 2017 appropriations from the El Nino Daytime Warming Center, and \$35,900 from Fiscal Year 2017 Community Development Department General Fund salary savings.**

Documents:

- June 13, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Community Development Business Manager Sue Gray.
- Members of the Public: Kristine Schwarz, Executive Director of New Beginnings Counseling Center.

Motion:

Councilmembers Murillo/Hart to approve the recommendation; Agreement No.: 25,902.

Vote:

Unanimous voice vote.

PUBLIC HEARINGS

20. Subject: Public Hearing Regarding Proposed Increases To Water Fees, Wastewater Rates And Fees, And Solid Waste Rates For Fiscal Year 2018 (270.06)

Recommendation: That Council:

- A. Hold a public hearing, as required by State law, regarding proposed water fee increases, wastewater rate and fee increases, and solid waste rate increases for Fiscal Year 2018; and
- B. Provide direction to staff regarding any changes to the proposed Fiscal Year 2018 utility rates and fees for wastewater, solid waste collection services, and water fees.

Documents:

- June 13, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- February 20, 2017, email from Scott McGolpin, re: Tajiguas.
- June 12, 2017, letter from Marc Chytilo, Law Office of Marc Chytilo.
- June 13, 2017, letter from Gaviota Coast Conservancy, Santa Barbara Chapter of the Surfrider Foundation and Patagonia.

Public Comment Opened at:

3:38 p.m.

Speakers:

- Staff: Rene Eyerly, Environmental Services Manager; Wastewater System Manager Lisa Arroyo.
- Downtown Parking Committee: Committee Member Trey Pinner.
- Members of the Public: Shannon O'Bryan; Leslie Wells, County of Santa Barbara, Public Works; Jim Laponis; Marc Chytilo, Law Office of Marc Chytilo; Philip McKenna; Janet Koed.

Public Comment Closed at:

3:54 p.m.

Speakers (Cont'd):

- Santa Barbara Deputy Public Works Director Mark Schleich.

Motion:

Councilmembers Murillo/Hotchkiss to approve the proposed rate and fee increases for Fiscal Year 2017-2018 for fees for water, wastewater, and solid waste utilizing reserve funds.

Friendly Amendment:

Councilmember Hart to increase the amount of reserve use in the formula to an amount that would hold the rate payers harmless for the initial increase in the tipping fee. The maker and seconder accepted the amendment.

Councilmembers Murillo/Hotchkiss to approve the proposed rate increase of 2.1 percent for solid waste services, which excludes that portion of the rate increase that would have gone toward covering the County's increased tipping fee for the Tajiguas Resource Recovery Project (as referenced in Staff's PowerPoint Presentation, slides 27 through 28) and using reserve funds to cover the costs associated with the increased tipping fees.

Vote on Amended Motion: Majority voice vote (Noes: Councilmembers Dominguez, White, Mayor Schneider).

Motion:

Mayor Schneider/Councilmember Dominguez to direct staff to come back to Council in open or closed session, as appropriate, to determine when the City should pay the County its tipping fees for the Tajiguas Resource Recovery Project.

Vote:

Majority voice vote: (Noes: Councilmembers: Hart, Hotchkiss, Murillo).

Councilmember Dominguez requested the Council prepare modeling.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

21. Subject: Mobilehome Park Conversion Regulations Update

Recommendation: That Council review the proposed revisions to the Mobilehome Park Conversion Regulations, receive public comment, and refer the matter to the Ordinance Committee and Planning Commission with directions as to civic engagement and other related issues.

Documents:

- June 13, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- May 31, 2017, handout from Pam Emerson and Jim Farned, Flamingo Park Preservation Committee.
- Speakers:
 - Staff: City Attorney Ariel Calonne; Community Development Director George Buell.
 - Members of the Public: Sharon Rose; Pamela Emerson, Flamingo Mobilehome Park; Chris Berris, Flamingo Mobilehome Park; Anna Marie Gott; Jim Farned.

Motion:

Councilmembers Dominguez/Hotchkiss to refer the proposed revisions to the Mobilehome Park Conversion Regulations to the Ordinance Committee.

Vote:

Unanimous voice vote.

Motion:

Councilmembers Dominguez/White to direct staff to bring item for removal of AUD from Mobilehome Parks to the Housing Task Force.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo congratulated Mayor Schneider for an award from Women in Communication Association. She also reported on her attendance at the following events: 1) the Downtown Santa Barbara meeting; 2) Community Choice Energy Public Forum; 3) League of Women Voters annual luncheon; 4) Santa Barbara Youth Council Farewell Dinner; 5) the Pacific Pride Foundation's Educational Forum; 6) Ordinance Committee meeting; and 7) Living Wage Committee meeting.
- Councilmember Hotchkiss congratulated Mayor Schneider for throwing out the first ball for the Santa Barbara Foresters Lawn Bowling Tournament.
- Councilmember White commented on his attendance at the Santa Barbara Housing Task Force meeting where they discussed employer housing and the Chumash Operations and Release Board where they met in closed session to discuss water rights and state water permits and biological opinions.
- Councilmember Dominguez reported on his attendance at Downtown Santa Barbara meeting where they discussed a retail study for revitalizing State Street.
- Mayor Schneider reported she attended the Collation against Gun Violence event and recognized Smart and Final and Earl Warren Fairgrounds for their contributions in making this event a success.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:39 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