



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING April 14, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, which ordinarily meet 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: Councilmember Francisco.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Deborah L. Applegate.

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring April 12-18, 2015 As National Public Safety Telecommunicators Week (120.04)**

Action: Proclamation presented to Police Lieutenant Pfleging.

2. **Subject: Proclamation Declaring April 12-18, 2015 As Week Of The Young Child (120.04)**

Action: Proclamation presented to Eileen Monahan, Early Care and Education Coordinator/Manager, First 5 of the County of Santa Barbara.

PUBLIC COMMENT

Speakers: Melody Baker; Tom Widroe, City Watch; Nancy McCradie; Robert Hansen; Peter Marin; Geof Bard; Tom Becker; Susy Valadez, Friday Night Live; Luis Gomez, Friday Night Live.

Councilmember Francisco arrived at 2:22 p.m.

CONSENT CALENDAR (Item Nos. 3 – 9)

The title of the resolution and ordinance related to Consent Calendar items were read.

Motion:

Councilmembers Murillo/Hart to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

3. **Subject: Adoption Of Ordinance For A License Agreement With Southern California Gas Company (380.02)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 20-year license agreement with Southern California Gas Company, for installation, operation, and maintenance of Advanced Metering Infrastructure on City Water Resources properties, for a one-time fee of \$780 per location, effective April 27, 2015.

Action: Approved the recommendation; Ordinance No. 5682; Agreement No. 25,180.

4. **Subject: Strategic Prevention Framework State Incentive Grant To Address Underage And Excessive Drinking And Driving (520.04)**

Recommendation: That Council:

- A. Accept an additional \$15,000 from the County of Santa Barbara Alcohol, Drug & Mental Health Services (ADMHS) Strategic Prevention Framework State Incentive Grant to address underage and excessive drinking and alcohol related motor vehicle accidents for Fiscal Year 2015; and
- B. Increase appropriations and estimated revenues by \$15,000 in the Police Miscellaneous Grants Fund for Fiscal Year 2015.

Action: Approved the recommendations (April 14, 2015, report from the Chief of Police).

5. Subject: Authorization For The Allocation Of Transportation Development Act Funds (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments for Allocation of \$71,663 in Transportation Development Act Funds for Fiscal Year 2016.

Action: Approved the recommendation; Resolution No. 15-022 (April 14, 2015, report from the Public Works Director, proposed resolution).

6. Subject: Contract For Construction Of Elings Park Recycled Water Pump Station Project (540.06)

Recommendation: That Council:

- A. Award a contract with Pacific Coast Excavation, in their low bid amount of \$213,874 for construction of the Elings Park Recycled Water Pump Station Project, Bid No. 3722; and authorize the Public Works Director to execute the contract and approve expenditures up to \$21,390 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 Mimiaga Engineering Group in the amount of \$23,400 for construction support services, and approve expenditures of up to \$2,340 for extra services of Mimiaga Engineering Group that may result from necessary changes in the scope of work.

Speakers:

- Staff: Joshua Haggmark, Water Resources Manager.
- Members of the Public: Karin Van Hoel, Las Positas Tennis Group; David Niles.

Action: Approved the recommendations; Agreement Nos. 25,181 and 25,182 (April 14, 2015, report from the Public Works Director).

7. Subject: Contract Amendment For Contract Plan Review Services (610.01)

Recommendation: That Council approve an amendment to Agreement No. 21500032 to increase total compensation for contract plan review services and the associated Purchase Order by \$77,500 for a total of \$112,500.00.

Action: Approved the recommendation; Agreement No. 25,183 (April 14, 2015, report from the Community Development Director).

NOTICES

8. The City Clerk has on Thursday, April 9, 2015, 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.
9. A City Council site visit is scheduled for Monday, April 20, 2015, at 1:30 p.m. to the property located at 2405 State Street, which is the subject of an appeal hearing set for April 21, 2015, at 2:00 p.m.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTSCITY ATTORNEY**10. Subject: Sidewalk Behavior and Panhandling Ordinances (520.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, the following Ordinance Committee recommended ordinances:

- A. An Ordinance Of The Council Of The City Of Santa Barbara Amending Section 2.28.030 Of The Santa Barbara Municipal Code To Grant The Library Director The Authority To Promulgate And Post Facility Specific Regulations;
- B. An Ordinance Of The Council Of The City Of Santa Barbara Amending Title 9 Of The Municipal Code By Adding Chapter 9.07 To Prohibit Urinating Or Defecating In Public;
- C. An Ordinance Of The Council Of The City Of Santa Barbara Amending Section 9.48.010 Of The Municipal Code Regarding Commercial Use Of City Streets To Prohibit The Use Of Public Street Furniture As A Venue For Selling Or Offering For Donation;
- D. An Ordinance Of The Council Of The City Of Santa Barbara Amending Section 9.50.010 Of The Santa Barbara Municipal Code To Prohibit Active Panhandling In Specified Locations;
- E. An Ordinance Of The Council Of The City Of Santa Barbara Amending Section 9.97.010 Of The Santa Barbara Municipal Code Regarding Sitting Or Lying On Sidewalks And Paseos Along Certain Downtown Portions Of State Street; and
- F. An Ordinance Of The Council Of The City Of Santa Barbara Amending Section 9.98.010 Of The Santa Barbara Municipal Code Regarding Pedestrians Blocking Public Sidewalks.

Documents:

- April 14, 2015, report from the City Attorney.
- Proposed ordinances.
- Letter/Email from Jeff Nelson.
- PowerPoint presentation prepared and made by Staff.

10. (Cont'd)**Speakers:**

- Staff: City Attorney Ariel Calonne.
- Members of the Public: Tom Widroe, Santa Barbara City Watch; Reverend Dr. Douglas Miller, Santa Barbara Clergy Association and Inter-Faith Initiative of Santa Barbara; Nancy McCradie; Robert Hansen; Peter Marin; Tamara Erickson; Ken Oplinger, Chamber of Commerce; Maggie Campbell, Downtown Organization of Santa Barbara.

Motion:

Councilmembers Murillo/White to introduce Ordinances A, B, C, and F as recommended.

Vote:

Unanimous roll call vote.

Motion:

Councilmembers Francisco/Hart to introduce Ordinances D and E as recommended.

Vote:

Majority roll call vote. (Noes: Mayor Schneider and Councilmember Murillo).

AIRPORT DEPARTMENT**11. Subject: Airport Aircraft Rescue And Firefighting (ARFF) Budget Discussion (560.01)**

Recommendation: That Council hear a staff discussion on potential adjustments to the Fire Department staffing for Federal Aviation Administration required Aircraft Rescue and Firefighting (ARFF) services at the Airport.

Documents:

- April 14, 2015, report from the Airport Director and Fire Chief.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Airport Director Hazel Johns, Fire Chief Pat McElroy.
- Airport Commission: Bruce Miller, Jim Wilson, Carl Hopkins.

Action: Council heard the report and their questions were answered.

PUBLIC WORKS DEPARTMENT

12. Subject: Stage Two Drought Update (540.01)

Recommendation: That Council receive an update on the status of the current drought and related efforts.

Documents:

- April 14, 2015, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Water Resources Manager Joshua Haggmark, Acting Water Conservation Coordinator Madeline Ward.

Discussion:

Staff's presentation included current rainfall totals and the outlook for continued drought conditions, the community's response to the need for conservation, the status of supplemental water supplies, capital projects, drought staffing, and features of the City's Water Conservation Program. Councilmembers' questions were answered.

13. Subject: Potential Stage Three Drought Condition Response Measures (540.01)

Recommendation: That Council receive a presentation and provide direction to staff on the potential Stage Three Drought Condition modified conservation target, water use regulations, and development restrictions.

Documents:

- April 14, 2015, report from the Public Works Director and Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Resources Manager Joshua Haggmark, Acting Water Conservation Coordinator Madeline Ward, Acting Senior Planner Allison De Busk.
- Members of the Public: Greg Reitz, Rethink Development; Heidi Diaz.

Discussion:

Staff's presentation included potential Stage Three Drought Condition modified conservation target, water use regulations, and development restrictions. Councilmembers' questions were answered.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at: 1) a recent meeting of Our Lady of Guadalupe Safeguard the Children; 2) a benefit concert for Jacob Keefer; and 3) the Coastal Housing Coalition's Santa Barbara Housing Conference.
- Councilmember Hotchkiss reported on his attendance at the event celebrating the Association of Zoos & Aquariums (AZA) grant of accreditation to the Santa Barbara Zoo.

CLOSED SESSIONS

14. 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 *Alexander Cruz v. City of Santa Barbara*; WCAB Case numbers ADJ7371091 and ADJ7371090.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

April 14, 2015, report from the Finance Director/Acting Assistant City Administrator.

Time:

6:15 p.m. – 6:18 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 *Martin Valencia v. City of Santa Barbara*; WCAB Case number ADJ8407029.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

April 14, 2015, report from the Finance Director/Acting Assistant City Administrator.

Time:

6:18 p.m. – 6:19 p.m.

No report made.

16. 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 *Mark Vierra v. City of Santa Barbara*; WCAB Case number ADJ9535185.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

April 14, 2015, report from the Finance Director/Acting Assistant City Administrator.

Time:

6:19 p.m. – 6:22 p.m.

No report made.

17. 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 *Luke Brost as Trustee for the Luke Brost Living Trust, et al., v. City of Santa Barbara*, SBSC Case No. 1342979/Court of Appeal Case No. B246153.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

April 14, 2015, report from the City Attorney.

Time:

6:22 p.m. – 6:26 p.m.

No report made.

18. Subject: Conference With City Attorney - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to decide whether to initiate litigation pursuant to Section 54956.96 of the Government Code and take appropriate action as needed. (one potential case).

Scheduling: Duration, 30 minutes; anytime

Report: Report anticipated

Documents:

April 14, 2015, report from the City Attorney.

(Cont'd)

18. (Cont'd)

Time:

6:26 p.m. – 6:42 p.m.

No report made.

19. 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:

April 14, 2015, report from the Mayor.

Time:

6:42 p.m. – 7:40 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:15 p.m. to Monday, April 20, 2015, at 1:30 p.m. at 2405 State Street.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICEHELENE SCHNEIDER
MAYOR

ATTEST:

DEBORAH L. APPLGATE
DEPUTY CITY CLERK