



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 15, 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. 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: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White (2:12), Mayor Schneider.

Councilmembers absent: None.

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

CHANGES TO THE AGENDA

City Administrator Paul Casey requested that Items 18 and 19 be moved to the Consent Calendar. The Mayor concurred, noting that Councilmembers may pull one of those items for a separate vote.

PUBLIC COMMENT

Speakers: Scott Ruskamp, Equity for SB; Ellie Stuck, Philip Marteney; Phil Walker; Anna Marie Gott; Denice Adams; Ewen Bildsten.

CONSENT CALENDAR (Item Nos. 1 – 16, 18 - 19)

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

Motion:

Councilmembers White/Dominguez to approve the Consent Calendar Item Nos. 1 – 16 and 18 as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes (000.00)

Recommendation: That Council waive reading and approve the minutes of the regular meetings of March 14, March 28, and April 25, 2017.

Action: Approved the recommendation.

2. Subject: 2017-2018 Hourly Employees Memorandum of Understanding (440.02)

Recommendation: That Council ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Hourly Employees' Bargaining Unit, for the period of January 1, 2017 through June 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 2017-2018 Memorandum of Understanding Between the City of Santa Barbara and the Service Employees' International Union, Local 620, Hourly Employees' Bargaining Unit.

Action: Approved the recommendation (August 15, 2017, report from the City Administrator's Office; proposed ordinance).

3. Subject: Adoption Of Ordinance For A Right-Of-Way Use Agreement With Crown Castle NG West LLC For A Distributed Antenna System On Streetlight Poles (530.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Right-of-Way Use Agreement with Crown Castle NG West LLC, for the Operation of Distributed Antenna System Facilities on Three City Street Light Poles and Six Crown Castle Poles at Nine Separate Locations Throughout the City.

Action: Approved the recommendation; Ordinance No. 5802; Agreement No. 25,956.

4. Subject: Acceptance Of Water Meter Agreements And Easements For 3880 State Street And 1330 Chapala Street (540.06)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of The City of Santa Barbara Approving An Agreement for Access to Water Meters and Sub-meters, and Accepting a Grant of Easement for 3880 State Street; and
- B. Adopt, by reading of title only, A Resolution of the Council of The City of Santa Barbara Approving An Agreement for Access to Water Meters and Sub-meters, and Accepting a Grant of Easement for 1330 Chapala Street.

Action: Approved the recommendations; Resolution Nos. 17-087 and 17-088; Agreement Nos. 25,957 and 25,958 (August 15, 2017, report from the Public Works Director; proposed resolutions).

5. Subject: Contract For Lower Mission Creek Floodplain Management Services (530.03)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services contract with Dudek in the amount of \$178,923 for floodplain management services of the Lower Mission Creek Flood Control Project, and authorize the Public Works Director to approve expenditures of up to \$17,500 for extra services that may result from necessary changes in the scope of work;
- B. Accept Federal Highway Administration Highway Bridge Program grant funding in the total amount of \$53,118 to fund a portion of the costs associated with this scope of work;
- C. Authorize the increase in appropriations and estimated revenues in the Fiscal Year 2018 Streets Grant Fund in the amount of \$53,118;
- D. Approve a transfer of \$6,882 from existing appropriations in the Streets Fund (Post Bridge Construction Monitoring Program) to the Streets Capital Fund for a portion of the City match; and
- E. Increase appropriations and estimated revenues in the Streets Capital Fund by \$6,882 funded from a transfer from the Streets Fund.

Action: Approved the recommendations; Contract No. 25,959 (August 15, 2017, report from the Public Works Director).

6. Subject: Short-Term Agreement For Airport Parking Management Services (560.01)

Recommendation: That Council approve and authorize the Airport Director to execute a professional services agreement with ABM Parking Management, Inc. (ABM) in the amount of \$3,250 per month to cover the reimbursement costs to manage airport parking operations through December 31, 2017.

Action: Approved the recommendation; Contract No. 25,960 (August 15, 2017, report from the Airport Director).

7. Subject: Increase In Construction Change Order Authority For Central Library South Entrance Americans With Disabilities Act Accessibility Improvements (570.04)

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 \$40,629, for a total Project expenditure authority of \$487,550.

Action: Approved the recommendation (August 15, 2017, report from the Public Works Director).

8. Subject: Purchase Order With Metropolitan Transit District For Cruise Ship Shuttles (150.05)

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 in the amount of \$62,000 to Metropolitan Transit District for Cruise Ship Shuttle Service for Fiscal Year 2018.

Action: Approved the recommendation (August 15, 2017, report from the Waterfront Director; proposed ordinance).

9. Subject: Funding Recommendations For Community Events And Festivals And Annual Contract With The Santa Barbara County Office Of Arts And Culture (230.02)

Recommendation: That Council:

- A. Review and approve the City of Santa Barbara Arts Advisory Committee and Community Events and Festivals Committee funding recommendations for Fiscal Year 2018; and
- B. Authorize the City Administrator to execute an agreement with the Santa Barbara County Office of Arts and Culture in the amount of \$475,100 as approved in the Fiscal Year 2018 budget.

Speakers:

- Mark Whitehurst; Kerry Methner, SB Beautiful, Sarah Rubin, Executive Director of the Office of Arts & Culture.

Action: Approved the recommendations; Contract No. 25,961 (August 15, 2017, report from the City Administrator's Office).

10. Subject: Contract For Final Design Of The Arroyo Burro Open Space Restoration Project (570.05)

Recommendation: That Council authorize the Parks and Recreation Director to execute a Professional Services Agreement with Waterways Consulting, Inc. in the amount of \$91,277 to prepare final design plans for the Arroyo Burro Open Space Restoration Project, and approve expenditures in the amount of \$9,127 to cover extra services resulting from changes in the scope of work, for a total contract amount of \$100,404.

Action: Approved the recommendation; Contract No. 25,962 (August 15, 2017, report from the Parks and Recreation Director).

11. Subject: Response To Grand Jury Report Regarding Managing Regional Water Supplies

Recommendation: That Council:

- A. Consider and adopt the letter response to the Honorable James Herman, Presiding Judge, Santa Barbara Superior Court regarding the 2016-2017 Grand Jury report entitled "Managing Regional Water Supplies";
- B. Authorize the Mayor to sign and forward the letter and response to the Presiding Judge of Santa Barbara County Superior Court; and
- C. Determine, pursuant to the California Environmental Quality Act Guidelines section 15378(b)(5), that the above actions are not a project that is subject to the California Environmental Quality Act review, because they are organizational or administrative activities that will not result in direct or indirect physical changes to the environment.

Speaker: Lindsay Baker, League of Women Voters.

Action: Approved the recommendation (August 15, 2017, report from the Public Works Director).

12. Subject: Adoption Of The 2017 City Of Santa Barbara Annex Of The Santa Barbara County Multi-Jurisdictional Hazard Mitigation Plan (650.01)

Recommendation: That Council:

- A. Approve and adopt the revisions of the City's Local Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000 (DMA2000);
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting the 2017 City of Santa Barbara Annex of the Santa Barbara County Multi-Jurisdictional Hazard Mitigation Plan; and
- C. Set the effective date of the Resolution as August 15, 2017.

Speaker: Phil Walker.

Action: Approved the recommendations; Resolution No. 17-089 (August 15, 2017, report from the Fire Chief; proposed resolution).

13. Subject: City Administrator Salary Increase (170.01)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5706, the Salary Plan for the City Administrator for Fiscal Year 2016 and Fiscal Year 2017, to Provide a 1.4% Increase Effective February 4, 2017.

Action: Approved the recommendation (August 15, 2017, report from the City Administrator's Office; proposed ordinance).

18. Subject: Authorization To Execute New And Amended Legal Services Agreements (160.03)

Recommendation: That Council:

- A. Authorize the City Attorney to execute an amended Legal Services Agreement (Number 25,601) with Silver & Wright, LLP to increase the not-to-exceed amount by up to \$188,000 for special counsel services on residential receivership and code enforcement actions;
- B. Authorize the City Attorney to execute an amended Legal Services Agreement (Number 25,126) with Colantuono, Highsmith & Whatley, LLP to increase the not-to-exceed amount by up to \$192,000 to provide special legal services on matters related to Rolland Jacks, et al., v. City of Santa Barbara, SBSC case number 1383959;
- C. Authorize the City Attorney to execute a legal services agreement with Manning & Kass, Ellrod, Ramirez, Trester, LLP in an amount not to exceed up to \$200,000 for special counsel services relating to David Anduri, Sr. v. City of Santa Barbara, et. al., USDC case number 2:16-cv-05461-MWF(SKx);
- D. Authorize the City Attorney to execute a legal services agreement with Best, Best and Krieger, LLP in an amount not to exceed up to \$300,000, for special counsel services relating to inverse condemnation; and
- E. Increase appropriations in the Fiscal Year 2018 City Attorney's Office budget in the amount of \$880,000 to cover the costs of the contracted legal services, funded from the use of General Fund reserves.

Action: Approved the recommendations; Contract Nos. 25,601.1; 25,126.2; 25,963; and 25,964 (August 15, 2017, report from the City Attorney Office).

19. Subject: Resolution Denying the Applicant's Appeal Of the Planning Commission's Denial Of A Coastal Development Permit For A Residential Project At 1925 El Camino De La Luz (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 Action of the Planning Commission to Deny the Approval of a Single-Family Residence at 1925 El Camino De La Luz, Including Approval of a Final Mitigated Declaration and Addendum.

Documents:

- August 15, 2017, report from the City Attorney
- August 15, 2017, letter from Joseph Liebman

Speakers:

- Joseph Liebman, representative for Emprise Trust.

Motion: Councilmembers Murillo/Hart to approve the recommendation;
Resolution No. 17-091.

Vote:

Majority roll call vote (Noes: Hotchkiss; Abstain: Dominguez)

NOTICES

14. Subject: The City Clerk has on Thursday, August 10, 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. (000.00)
15. Subject: A City Council site visit originally scheduled for August 14, 2017 at 1:30 p.m. to the property located at 288 Canon Drive, has been cancelled due to the withdrawal of the appeal. (000.00)
16. Subject: The public hearing originally scheduled for August 15, 2017 at 2:00 to hear an appeal of the Single Family Design Review Board's approval for 288 Canon Drive has been cancelled due to the withdrawal of the appeal. (000.00)

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Hart reported that the Committee met to hear a staff report regarding options for including socially responsible criteria in the annual investment policy and in the banking services request for proposal. The Committee heard from a number of speakers and voted to move forward with the policy and that the specific issue will come back to the Finance Committee.

PUBLIC HEARINGS

17. Subject: Public Hearing On Water Rates For Fiscal Years 2018, 2019, And 2020 (540.01)

Recommendation: That Council:

- A. Hold a public hearing, as required by State law, regarding proposed water rates for Fiscal Years 2018, 2019, and 2020; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending a Portion of Resolution No. 17-058 Adopted by the City Council on June 27, 2017, and Establishing Certain Water Service Rates, Fixed Monthly Charges, and Metered Volumetric Charges for Fiscal Years 2018, 2019 and 2020.

The title of the proposed resolution was read.

Documents:

- July 12, 2017, letter from Brian Lindner.
- July 12, 2017, letter from Lowell J. Miller.
- July 17, 2017, letter from Doreen A. Galasca.
- July 25, 2017, letter from J. Gallenson.
- July 27, 2017, letter from Tatiana Nazarenko.
- August 14, 2017, letter from Vera Markov.
- August 14, 2017, email from Eric Elliot.
- August 14, 2017, email form Heike Venturino.
- August 15, 2017, letter from John Manning.
- August 15, 2017, report from the Public Works Director.
- Proposed resolution.
- PowerPoint presentation prepared and made by staff.

Public Comment Opened:
2:46 p.m.

Speakers:

- Staff: Administrative Analyst Malcolm Hamilton; Water Resources Manager Joshua Haggmark.
- Members of the public: Denice Williams, Vista del Montecito sub-division; Heike Kilian.

Public Comment Closed:
2:51 p.m.

Motion:

Councilmembers White/Hart to approve the recommendation; Resolution No. 17-090.

Vote:

Unanimous roll call vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

20. Subject: Housing Task Force Update And Initiation Of Amendments To Average Unit-Size Density Incentive Program (AUD) Ordinance (640.01)

Recommendation: That Council:

- A. Initiate a Zoning Ordinance Amendment to require two parking spaces for units with three or more bedrooms proposed for Average Unit-Size Density Incentive Program projects located outside the Central Business District;
- B. Initiate a Zoning Ordinance Amendment to prohibit all units approved under the Average Unit-Size Density Incentive Program from being converted to a short-term rental/hotel;
- C. Initiate a Zoning Ordinance Amendment to exclude mobile home parks from the Average Unit-Size Density Incentive Program Map; and
- D. Authorize the continuation of the Housing Task Force to address the following new objectives: 1. Central Business District issues (fees, incentives, increase of residential use within the district); 2. Geographic boundaries of the AUD Program area (review City-wide); and 3. Consideration of a "point system" to be used to meter future AUD projects.

Documents:

- August 15, 2017, report from the Community Development Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Community Development Director George Buell; City Planner Renee Brooke; Transportation and Parking Manager Robert Dayton.
- Planning Commission: John Campanella
- Members of the public: Lindsey Baker, League of Women Voters; Eve Sanford, SBBike; Lucas Zucker, CAUSE; Jon Peterson, Habitat for Humanity; Rob Fredericks, Housing Authority of the City of Santa Barbara; Mary Louise Days; Mark Sheridan, Sheila Lodge; Denice Adams; Natasha Todorovic, Citizens for Livable Neighborhoods; Anna Marie Gott; Michael Chiacos, Community Environmental Council; Frank Rodriguez, CAUSE; Bonnie Raisin; Brian Cearnal, AIA; Wayne Norris.

Motion:

Councilmembers White/Hart to approve the recommendations, with recommendation D(3) pending consideration of Item 21.

Amendment Motion:

Councilmember Murillo to authorize the Housing Task Force to address the question of what to do when 250 units are reached. The motion was accepted by the mover and the seconder.

Amendment Motion:

Councilmember Dominguez to authorize the Housing Task Force to review restricting commercial use of AUD projects in the Central Business District or other parts of the AUD map. The motion was accepted by the mover, but was not accepted by the seconder.

Vote:

Unanimous roll call vote.

RECESS

4:40 p.m. – 4:47 p.m.

21. Subject: Consideration Of A Limitation On Average Unit-Size Density Incentive Program Projects (640.01)

Recommendation: That Council consider options to implement a limitation on the number of units developed under the Average Unit-Size Density Incentive Program, and provide direction to staff.

Documents:

- August 15, 2017, report from the Community Development Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Community Development Director George Buell; City Planner Renee Brooke.
- Planning Commission: Mike Jordan; Sheila Lodge; John Campanella, Housing Task Force.
- Housing Authority of the City of Santa Barbara: Rob Fredericks.
- Members of the public: Kellam de Fareil; Lucas Zucker, CAUSE; Frank Rodriguez, CAUSE; Michael Chiacos, Community Environmental Council; Christine Neuhauser; Anna Marie Gott; Natasha Torodovic; Wayne Norris.

Motion:

Councilmembers White/Hotchkiss to initiate an annual limitation on AUD incentive program projects with a number of 125 units per year, excluding Affordable units.

Vote:

Majority roll call vote (Noes: Councilmembers Hart, Murillo).

Motion:

Councilmembers White/Hotchkiss to provide staff direction to draft an ordinance and to refer the concept of a scoring system to the Housing Task Force as its next task.

Vote:

Majority roll call vote. (Noes: Councilmember Hart.)

RECESS

6:27 p.m. – 6:30 p.m.

FINANCE DEPARTMENT

22. Subject: Status Of Tajiguas Resource Recovery Project (630.01)

Recommendation: That Council hear a report from County of Santa Barbara staff on the status of the Tajiguas Resource Recovery Project.

Documents:

- August 15, 2017, report from the Finance Director.
- PowerPoint presentation prepared and made by staff.
- August 14, 2017, letter from Marc Chytilo.

Speakers:

- City staff: City Planner Renee Brooke.
- County of Santa Barbara staff: Public Works Director Scott McGolpin; Resource Recovery and Waste Management Manager Leslie Wells.
- Members of the public: Marc Chytilo, Gaviota Coast Conservancy; Paul Zelis.

Councilmembers heard the report and their questions were answered.

Council provided direction to the City Administrator to continue withholding payment of the increased County tipping fees and schedule a closed session item on the topic after City staff has an understanding of the financial impacts of the delay in the Tajiguas Resource Recovery Project (TRRP) on the cost of construction and operation of the TRRP.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at the following meetings/events: 1. SEIU 620 family barbeque; 2. Habitat for Humanity cleanup event, which her intern attended; 3. Meeting of the Library Board.
- Mayor Schneider reported on her attendance at the following meetings/events: 1. National Conference of Mayors; 2. Meeting with League of California Cities Coastal Cities Issues Group.
- Councilmember Dominguez reported on his attendance at the following meetings/events: 1. Community Environmental Council regarding Community Choice Energy 2. Water law workshop in Oxnard; 3. Attended community gathering of Diana Lane and Diana Road neighborhood.

PUBLIC COMMENT (IF NECESSARY)

CLOSED SESSIONS

23. 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 construction of the desalination plant.

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

Documents:
August 15, 2017, report from the City Attorney.

Time:
7:30 – 7:40 p.m.

No report made.

24. Subject: Conference With Real Property Negotiators (330.03)

Recommendation: That Council hold a closed session pursuant to Government Code Section 54956.8 (Conference with Real Property Negotiators):

Real Property: A portion of the property located at 631 Garden Street in the City of Santa Barbara.

City Negotiators: Paul Casey, City Administrator; Nina Johnson, Senior Assistant to the City Administrator; Ariel Calonne, City Attorney; Scott Vincent, Assistant City Attorney.

Negotiating Parties: Santa Barbara Arts Collaborative.

Under Negotiation: Instructions to negotiators regarding the price and terms of payment of extending a ground lease.

Scheduling: Duration, 30 minutes; anytime

Documents:

August 15, 2017, report from the City Administrator's Office.

Time:

7:40 – 7:45 p.m.

No report made.

25. Subject: Conference With City Attorney – Existing Litigation

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 Thomas Felkay as Trustee of the Emprise Trust v. COSB, et al. SBSC Case No. 17CV03351.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 15, 2017, report from the City Attorney.

Time:

7:45 p.m. – 7:48 p.m.

No report made.

26. Subject: Conference With City Attorney – Existing Litigation

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 City of Goleta v. City of Santa Barbara, et al., SBSC Case No. 17CV03270.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 15, 2017, report from the City Attorney.

Time:

7:48 p.m. – 7:58 p.m.

No report made.

27. 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

Documents:

August 15, 2017, report from the City Attorney.

Time:

7:58 p.m. – 8:14 p.m.

No report made.

28. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiator Kristine Schmidt, Administrative Services Director, regarding negotiations with the Treatment Plants' Bargaining Unit and Airport and Harbor Patrol Officers' Bargaining Unit, Local 620 Service Employees' International Union (Treatment and Patrol or "TAP").

Scheduling: Duration, 30 Minutes; anytime

Report: None anticipated

Documents:

August 15, 2017, report from the City Attorney.

Time:

8:15 p.m. – 8:20 p.m.

No report made.

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 9-26, 2017.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



HELENE SCHNEIDER
MAYOR

ATTEST:



SARAH GORMAN
CITY CLERK SERVICES MANAGER