



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING  
JULY 30, 2019  
COUNCIL CHAMBERS, 735 ANACAPA STREET**

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## **CALL TO ORDER**

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

## **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 Angela Rodriguez.

## **CHANGES TO THE AGENDA**

## **PUBLIC COMMENT**

Members of the Public: Barbara Carroll, La Presidenta; Linda Mathews, Toba Sister City Organization; Caroline Abate; Mark Marshall Wofford, Y.M.C.A. Surf Rider Foundation; Anna Marie Gott; Monica C. Ramirez, C.A.R.R.M.A.; Quinn Stephan, Santa Barbara Youth Council; Cruzito Herrera Cruz; Phil Walker; Richard Berti; Jason Jaeger.

## **CONSENT CALENDAR (Item Nos. 1 - 15)**

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

**Motion:**

Councilmembers Friedman/Sneddon to approve the Consent Calendar as recommended.

**Vote:**

Unanimous roll call vote.

### **1. Subject: Introduction Of Ordinance Establishing Speed Limits (530.05)**

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 10.60.015 of the Santa Barbara Municipal Code to Revise the Prima Facie Speed Limit on Calle Real Between Pueblo Street and Las Positas Road, Coast Village Road Between Cabrillo Boulevard and Olive Mill Road, and Milpas Street Between Cabrillo Boulevard and Anapamu Street.

**Speaker:**

- Member of the Public: Barry Remis, COAST.

Action: Approved the recommendation (July 30, 2019, report from the Public Works Director; proposed Ordinance).

### **2. Subject: Lease Agreement With Santa Barbara County Public Health At The Franklin Neighborhood Center (580.04)**

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into a 10-year lease with one 10-year option with the County of Santa Barbara for tenant space at the Franklin Neighborhood Center for the Public Health Clinic; and
- B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Parks and Recreation Director to Execute a Lease Agreement with the County of Santa Barbara, for 6,777 Square Feet of Lease Space at the Franklin Neighborhood Center Located at 1136 East Montecito Street, Santa Barbara.

Action: Approved the recommendations (July 30, 2019, report from the Parks and Recreation Director; proposed Ordinance).

**3. Subject: Adoption Of Ordinance For Outdoor Dining License Annual Fee (530.04)**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Amending Section 9.95.080 Relating to Outdoor Dining Licenses.

Action: Approved the recommendation; Ordinance No. 5891.

**4. Subject: Adoption Of Ordinance For Extension Of Memorandum Of Understanding With Hourly Bargaining Unit (440.02)**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5805, the 2017-2019 Memorandum of Understanding with the Hourly Employees' Bargaining Unit, to Extend the Term of the Agreement Through June 30, 2020 and Provide Pay Rate Increases for Certain Classifications.

Action: Approved the recommendation; Ordinance No. 5892; Agreement No. 25,981.1 (July 30, 2019 report from the City Administrator).

**5. Subject: Resolutions Adopting Strategic Energy Plan And Agreement With California Choice Energy Authority For Community Choice Energy Implementation Plan (630.06)**

Recommendation: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting the Strategic Energy Plan to Guide the City's Energy-Related Policies and Actions through 2030;
- B. Authorize the City Administrator to execute an Agreement between the City and the California Choice Energy Authority, in a form acceptable to the City Attorney, for the base amount of \$58,000 and an additional amount up to \$2,000 for travel expenses, for the development of a community choice energy implementation plan; and
- C. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Repealing Resolution No. 18-063.

Speaker:

- Staff: Senior Assistant to the City Administrator Matt Fore.
- Members of the Public: Bonnie B. Raisin; Phil Walker.

Action: Approved the recommendations; Agreement No. 26,519; Resolution Nos. 19-056; 19-057; (July 30, 2019, report from the City Administrator; proposed Resolutions).

**6. Subject: Resolution Of Intent For Capital Expenditure Reimbursement For The El Estero Electrical Distribution Renewal Project (540.13)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring its Official Intent to Reimburse Capital Expenditures Paid Prior to Either the Issuance of Obligations or the Approval by the State Water Resources Control Board of a Clean Water State Revolving Fund Installment Agreement for the El Estero Electrical Distribution Renewal Project.

Action: Approved the recommendation; Resolution No. 19-058 (July 30, 2019, report from the Public Works Director; proposed Resolution).

**7. Subject: June 30, 2019, Investment Report And June 30, 2019, Fiscal Agent Report (210.01)**

Recommendation: That Council:

- A. Accept the June 30, 2019, Investment Report; and
- B. Accept the June 30, 2019 Fiscal Agent Report.

Action: Approved the recommendations (July 30, 2019, report from the Finance Director).

**8. Subject: Authorization To Amend Agreement For Legal Services With Silver & Wright, LLP For Special Counsel Services (160.01)**

Recommendation: That Council:

- A. Authorize the City Attorney to amend Legal Services Agreement Number 25,601 with Silver & Wright, LLP to increase the not-to-exceed amount by \$149,000 for special counsel services on residential receivership and code enforcement actions; and
- B. Increase appropriations and estimated revenues in the General Fund for the Fiscal Year 2020 City Attorney's Office budget in the amount of \$149,000 to cover the cost of the legal services, funded from reimbursements through the judicial process.

Action: Approved the recommendations; Agreement No. 25,601.3 (July 30, 2019, report from the City Attorney).

**9. Subject: Acceptance Of Federal Aviation Administration Airport Improvement Program Grant Offers For Santa Barbara Airport For Federal Fiscal Year 2019 (560.01)**

Recommendation: That Council accept and authorize the Airport Director to execute, on behalf of the City, Federal Aviation Administration Grant Offers, No. 3-06-0235-056-2019 and No. 3-06-0235-057-2019, in an amount not to exceed

\$2,905,760 in Airport Improvement Program (AIP) funds for Federal Fiscal Year 2019, for the Airport Security System Rehabilitation Project, and Environmental Assessment (EA) for the Taxiway H Extension Project.

Action: Approved the recommendation (July 30, 2019, report from the Airport Director).

**10. Subject: Operation And Maintenance Agreement With Pilgrim Terrace Affordable, L.P. (570.08)**

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 Garden.

Action: Approved the recommendation; Agreement No. 26,511 (July 30, 2019, report from the Parks and Recreation Director).

**11. Subject: Community Promotion Contract With Santa Barbara International Film Festival (230.02)**

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with Santa Barbara International Film Festival in the amount of \$80,700 to support film festival programming and year-round administrative expenses.

Action: Approved the recommendation; Agreement No. 26,512 (July 30, 2019, report from the City Administrator).

**12. Subject: Contract For Construction Of Santa Barbara Airport Airline Terminal Apron Maintenance To Accommodate Airline Parking For A Fourth Passenger Boarding Bridge (560.04)**

Recommendation: That Council award a contract with Tomar Construction Inc., in their low bid amount of \$246,340 for construction of the Santa Barbara Airport Airline Terminal Apron Improvements, Bid No. 3968; and authorize the Public Works Director to execute the contract and approve expenditures up to \$24,634 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.

Action: Approved the recommendation; Agreement No. 26,513 (July 30, 2019, report from the Airport Director).

**13. Subject: Set A Date For Public Hearing Regarding The Architectural Board Of Review's Design Approval For 1108 Olive Street (640.07)**

Recommendation: That Council:

- A. Set the date of September 24, 2019, at 2:00 p.m. for hearing the appeal filed by Jack Zehren, et. al. of the Architectural Board of Review's Project Design Approval for a four-unit residential project to be developed using the Average Unit Size Density (AUD) Program located at 1108 Olive Street; Assessor Parcel No. 029-180-012; R-M (Residential Multi-Unit) Zone; General Plan Land Use Designation of Medium-High Density (15-27 du/ac) (PLN2018-00476); and
- B. Set the date of September 23, 2019, at 1:30 p.m. for a site visit to the property located at 1108 Olive Street.

Action: Approved the recommendations.

**14. Subject: Set A Date For Public Hearing Regarding The Single Family Design Board's Review After Final Approval For 1631 Shoreline Drive (640.07)**

Recommendation: That Council:

- A. Set the date of September 10, 2019, at 2:00 p.m. for hearing the appeal filed by Tom Ochsner, Architect, representing Chad Yonker, Owner, of the Single Family Design Board's approval of a Review After Final for a change to the approved project description to include demolition of the structural framing as part of the major renovations and addition of a second story for the existing residence. The Review After Final was approved with a condition to require a 9-foot first floor to second floor height instead of the previously approved 11-foot first floor to second floor height for the project located at 1631 Shoreline Drive, Assessor Parcel No. 045-173-022, E-3/SD-3 (Single-Family Residential/Coastal Overlay) Zones (PLN2016-00241); and
- B. Set the date of September 9, 2019, at 1:30 p.m. for a site visit to the property located at 1631 Shoreline Drive.

Action: Approved the recommendations.

NOTICES

- 15. Subject: The City Clerk has on Thursday, July 25, 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.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### PUBLIC WORKS DEPARTMENT

**16. Subject: Customer Service Enhancements To The Sewer Lateral Inspection Program (530.01)**

Recommendation: That Council receive an update from staff on changes to the Sewer Lateral Inspection Program that are intended to improve customer service.

Documents:

- July 30, 2019, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Wastewater System Manager Amanda Flesse, Laboratory Supervisor Gaylen Fair, Assistant City Attorney Daniel Hentschke, Public Works Director Rebecca Bjork; Water Resources Manager Joshua Haggmark.
- Member of the Public: Phil Walker; Hillary Hauser, Heal the Ocean.

Discussion:

- Topics covered included sewer lateral ownership, sewer lateral inspection program, enhanced communication, cost control and the next steps in the process customer service enhancements to the sewer lateral inspection program. Councilmembers' questions were answered.

**17. Subject: Approval Of Agreements With MarBorg Industries And Coastal Byproducts For The Disposal Of Fats, Oils, And Grease Materials (540.13)**

Recommendation: That Council approve and authorize the Public Works Director to execute agreements, subject to approval as to form by the City Attorney's Office, between: (1) MarBorg Industries, Inc. and the City; and (2) Coastal Byproducts, Inc. and the City, for the disposal of Fats, Oils, and Grease Materials at the El Estero Water Resource Center.

Documents:

- July 30, 2019, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Laboratory Supervisor Gaylen Fair, Water Resources Manager Joshua Haggmark.
- Members of the Public: Craig Boyce, Coastal Byproducts; Anthony Borgatello, MarBorg Industries.

**Motion:**

Councilmembers Harmon/Rowse to reject the RFP and maintain the status quo with ongoing annual contracts with MarBorg Industries, Inc.

**Vote:**

Majority roll call vote (Ayes: Councilmembers Dominguez, Friedman, Gutierrez, Harmon, and Rowse; Noes: Councilmembers Sneddon, and Mayor Murillo).

**COUNCIL AND STAFF COMMUNICATIONS**

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

- Councilmember Dominguez attended the following events or meetings: 1. Meeting with Councilmember Zadeh from Fort Worth, Texas; 2. PATH's launch of LeaseUp for Homeless.
- Councilmember Friedman attended the following events or meetings: 1. Central Coast Water Authority; 2. Woodies at the Beach Car Show.
- Councilmember Sneddon attended the following events or meetings: 1. Parks & Recreations Committee meeting.
- Mayor Murillo attended the following events or meetings: 1. La Recepción del Presidente; 2. Samarkand Fiesta event; 3. Youth Summit in Los Angeles; 4. Partners in Education retreat.

**PUBLIC COMMENT (IF NECESSARY)**

**RECESS**

Mayor Murillo recessed to closed session at 5:04 p.m. City Attorney Ariel Calonne stated that a report is anticipated for Item No. 20, which will be heard before Item Nos. 18 – 19.

**CLOSED SESSIONS**

**20. 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 Muriel Godfrey v. City of Santa Barbara, et al. SBSC Case No. 17CV04122.

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

Documents:

- July 30, 2019, report from the City Attorney.

Time: 5:05 p.m. – 5:10 p.m.

City Attorney Ariel Calonne announced that the Council voted unanimously, on a motion by Councilmember Rowse, seconded by Councilmember Dominguez, to enter into a settlement agreement in the amount of \$65,000.

## **RECESS**

Mayor Murillo recessed to closed session at 5:13 p.m. in order to hear Item Nos. 18-19, and stated that no reportable action is anticipated.

### **18. 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 City of Santa Barbara vs. CDM Smith, Inc. and Related Cross-Complaints, SBSC Case No. 17CV01847.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

- July 30, 2019, report from the City Attorney.

Time: 5:15 p.m. – 5:30 p.m.

No report made.

### **19. 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 Jeffrey Hanson v. City of Santa Barbara, et al. SBSC Case No. 18CV04769.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

- July 30, 2019, report from the City Attorney.

Time: 5:30 p.m. – 5:40 p.m.

No report made.

**ADJOURNMENT**

Mayor Murillo adjourned the meeting at 5:40 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on September 10, 2019.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

  
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CATHY MURILLO  
MAYOR

ATTEST:   
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SARAH GORMAN  
CITY CLERK SERVICES MANAGER