



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING April 11, 2017 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance 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, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Monday Fitz-Gerald.

### CEREMONIAL ITEMS

- Subject: Proclamation Declaring April As National Poetry Month And Appointment Of Poet Laureate Enid Osbourne For 2017 - 2019 (120.04)**

Recommendation: That Council declare April as National Poetry Month and approve the City Arts Advisory Committee's recommendation for the City Poet Laureate from April 11, 2017 to April 1, 2019.

**Motion:**

Councilmembers Murillo/White to approve the appointment of Poet Laureate Enid Osbourne for 2017-2019.

**Vote:**

Unanimous voice vote.

Action: Proclamation presented to Enid Osbourne Poet Laureate for 2017-2019.

**2. Subject: National Library Week April 9-15, 2017 (120.04)**

Recommendation: That Council proclaim April 9-15, 2017 as National Library Week.

Action: Proclamation presented to Kristina Hernandez and Jace Turner.

**3. 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 April 30, 2017.

Documents:

April 11, 2017, report from the Administrative Services Director.

By consensus, the Council approved the recommendation and the following employees were recognized:

5-Year Pin

Oscar Cornejo, Water Distribution Operator II, Public Works Department

Oscar Corral, Police Officer, Police Department

Andrew Wilson, Water Distribution Operator Technician II, Public Works Department

10-Year Pin

Maria Hernandez, Accounting Assistant, Public Works Department

15-Year Pin

Kenneth Ficklin, Streets Maintenance Worker II, Public Works Department

20-Year Pin

Rebecca Fribley, Senior Property Management Specialist, Airport

Jan Martinez, Harbor Patrol Officer, Waterfront Department

25-Year Pin

Linda Allan, Administrative Specialist, Finance Department

30-Year Pin

Stella Balboa, Administrative Specialist, Public Works Department

Olivia White, Administrative Specialist, Police Department

**PUBLIC COMMENT**

Speakers: Peter Marin; Bob Mayo; Phil Walker; Demetria Pope, Mothers Vision; Greg Brown, Vietnam Vets.

## **CONSENT CALENDAR (Item Nos. 4 – 16)**

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

**Motion:**

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

**Vote:**

Unanimous roll call vote.

**4. Subject: Reauthorization Of Public, Educational And Governmental Access Fees And Establishing A Schedule Of Penalties For State Franchised Video Service Providers (510.04)**

**Recommendation:** That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Reauthorizing a Fee for Public, Educational, and Government Access Purposes (PEG Fee) on State Video Franchise Holders within the City of Santa Barbara;
- B. Adopt, by reading of title only, a Resolution of the City of Santa Barbara Rescinding Resolution No. 13-049, Entitled "Establishing a Public, Education, and Government Access Fee on State Franchised Video Service Providers for Use in Providing Public, Educational and Government Access Video Services", Effective May 17, 2017; and
- C. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Establishing a Schedule of Penalties for State Franchised Video Service Providers that Breach Customer Service and Privacy Standards.

**Action:** Approved the recommendations: Resolution Nos. 17-019, 17-020 (April 11, 2017, report from the Finance Director; proposed ordinance and resolutions).

**5. Subject: Introduction Of Ordinance Approving Sale Of Excess City Land At 20 West Mason Street Related To The Mason Street Bridge Replacement Project (530.04)**

**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 City Administrator to Execute the Land Purchase Agreement, Escrow Instructions, and Grant Deed as Approved by the City Attorney for the sale of Certain City Excess Land, Located at 20 West Mason Street, to James and Kelly Hallman in the amount of \$2,300,098.

**Action:** Approved the recommendation (April 11, 2017, report from the Public Works Director; proposed ordinance).

**6. Subject: Introduction Of Ordinance For Agreement To Use Recycled Water For Irrigation At The First Baptist Church Of Santa Barbara At 949 Veronica Springs Road (540.13)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Agreement Between the City of Santa Barbara and the First Baptist Church of Santa Barbara for Purchase, Use, and Delivery of the City's Recycled Water.

Action: Approved the recommendation (April 11, 2017, report from the Public Works Director; proposed ordinance).

**7. Subject: Introduction Of Ordinance For Agreement To Use Recycled Water For Irrigation At Stonecreek Owners' Association On Portions Of Rebecca Lane, Stonecreek Road And Richelle Lane (540.13)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Agreement Between the City of Santa Barbara and Stonecreek Owners' Association for Purchase, Use, and Delivery of the City's Recycled Water.

Action: Approved the recommendation (April 11, 2017, report from the Public Works Director; proposed ordinance).

**8. Subject: Resolution Of Acceptance Of Grant Deeds For Public Street Purposes From Development Projects At 717 North Milpas, 3880 State, And 3869 State Streets (530.04)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Street Purposes on the Property Known as 717 North Milpas Street;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Street Purposes on the Property Known at 3880 State Street; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Portion of Land In Fee for Street Purposes on the Property Known as 3869 State Street.

Action: Approved the recommendations; Deed Nos. 61-488, 61-489, 61-490; Resolution Nos. 17-021, 17-022, 17-023 (April 11, 2017, report from the Public Works Director; proposed resolutions).

**9. Subject: Contract For Construction Of La Cumbre Sidewalk Infill Project, Phase 1 (530.04)**

Recommendation: That Council:

- A. Reject the apparent low bid from Alpha to Omega Constructors of \$334,562.63 for the La Cumbre Sidewalk Infill Project, Phase 1 - Bid No. 3696, as non-responsive;
- B. Award a contract with S&H Civilworks, in their low bid amount of \$345,900 for construction of the La Cumbre Sidewalk Infill Project, Phase 1 - Bid No. 3696, and authorize the Public Works Director to execute the contract and approve expenditures up to \$34,590 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. Transfer \$139,227 of existing and appropriated Transportation Development Act funds to the Streets Grant Fund for construction;
- D. Transfer \$34,277 of existing and appropriated Streets Capital Fund funds to the Streets Grant Fund for construction; and
- E. Authorize the increase in appropriations and estimated revenues in the Fiscal Year 2017 Streets Grant Fund in the amount of \$440,276 funded from the local Measure A Grant (\$266,772), a transfer of funds from the Transportation Development Act Fund (\$139,227) and a transfer from the Streets Capital Fund for construction.

Action: Approved the recommendations; Contract No. 25,850 (April 11, 2017, report from the Public Works Director).

**10. Subject: Approval Of On-Call Engineering Service Firms For Water System Facilities (540.13)**

Recommendation: That Council:

- A. Approve a list of pre-qualified professional engineering firms to provide on-call engineering services for Water System Facilities, that will expire on April 11, 2020;
- B. Authorize the Public Works Director to execute a three-year Master Agreement with Carollo Engineers in the amount of \$350,000; and
- C. Authorize the Public Works Director to execute a three-year Master Agreement with Dudek, in the amount of \$350,000.

Action: Approved the recommendations; Contract Nos. 25,851, 25,852 (April 11, 2017 report from the Public Works Director).

**11. Subject: Amendment Of Agreement With Bureau Veritas - Increasing Contract For Plan Review Services (610.01)**

Recommendation: That Council approve the Second Amendment to Agreement No. 25387 and the associated contract to increase funding by \$69,000 for a total amount of \$229,000 with Bureau Veritas for plan review services.

Action: Approved recommendation; Contract No. 25,387.2 (April 11, 2017, report from the Community Development Director).

**12. Subject: Monetary Donation for Animal Control Program Equipment (520.05)**

Recommendation: That Council:

- A. Accept a donation of \$5,400 from the Deborah K. Oldham Trust of 2001 for the Animal Control program; and
- B. Increase appropriations and estimated revenues in the Fiscal Year 2017 Police Department Miscellaneous Grants Fund for Animal Control equipment in the amount of \$5,400.

Action: Approved recommendation (April 11, 2017, report from the Police Chief).

**13. Subject: Increase Contract For Professional Services For Polygraphs For Police Department Personnel (520.04)**

Recommendation: That Council authorize the Chief of Police to execute an increase of \$10,000 in the professional services agreement with polygraph examiner Joe Delia, bringing the total cost of a three-year agreement from \$45,000 to \$55,000 to cover the cost of performing polygraph tests for potential Police Department personnel through June 30, 2017.

Action: Approved recommendation; Agreement No. 25,853 (April 11, 2017, report from the Chief of Police).

**14. Subject: Authorization For Execution Of Lease Agreement - Pretreatment Equipment For The Cater Water Treatment Plant (540.1)**

Recommendation: That Council authorize the Public Works Director to execute a five-year lease agreement, subject to approval as to form by the City Attorney, with Premier Materials Technology, Inc., for pretreatment equipment to assist the Cater Water Treatment Plant at a monthly lease rate of \$5,014.96 or \$60,179.52 per year.

Action: Approved recommendation; Agreement No. 25,854 (April 11, 2017, report from the Public Works Director).

**15. Subject: Set A Date For Public Hearing Regarding Appeal Of The Parks And Recreation Commission's Denial For Removal Of A Nicholas Willow Leafed Peppermint Tree Located At 2514 Castillo Street (570.08)**

Recommendation: That Council:

- A. Set the date of May 2, 2017, at 2:00 p.m. for hearing the appeal filed by Blanca F. Benedict of the Parks and Recreation Commission denial of an application for removal of a Eucalyptus nicholii, Nichols Willow Leafed Peppermint tree located at 2514 Castillo Street; and
- B. Set the date of May 1, 2017, at 1:30 p.m. for a site visit to the property located at 2514 Castillo Street.

Action: Approved recommendations.

PUBLIC HEARINGS

**16. Subject: Notice Of Intent To Adopt A Resolution Of Necessity To Acquire Real Property Interests For The De La Guerra Street Bridge Replacement Project (330.03)**

Recommendation: That Council adopt, by reading of title only, unless a timely request for hearing is received, A Resolution of Necessity of the Council of the City of Santa Barbara to Acquire Real Property Rights on the Property Commonly Known as the De La Guerra Square Owners' Association Located at 314, 316, and 318 West De La Guerra Street.

Documents:

- April 11, 2017, report from the Public Works Director.

Speakers:

- Staff: Assistant City Attorney Tava Ostrenger, City Attorney Ariel Calonne, Principal Engineer John Ewasiuk.
- Members of the Public: Tobe Plough; Sally Bromfield

Motion:

Councilmembers Hart/Hotchkiss to continue the item one month to an appropriate council meeting.

Vote:

Majority roll call vote (Noes: Councilmember Murillo).

## NOTICES

17. Subject: The City Clerk has on Thursday, April 6, 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.
18. Subject: Receipt of communication advising of vacancy created on the Community Events and Festival Committee with the resignation of Brad Nack. This vacancy will be part of the current recruitment.

This concluded the Consent Calendar.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Randy Rowse reported that the Committee voted 2/0 (Absent: Hotchkiss) to restore the Sign Committee, comprised of three members, to full status.

## **RECESS**

Mayor Schneider recessed the meeting at 3:10 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 19, 20 and 21.

## **CLOSED SESSIONS**

### **19. 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 City of Goleta's appeal of the approval of development at 6100 Hollister Avenue.

Scheduling: Duration: 15 minutes; anytime

Report: None anticipated

Documents:

April 11, 2017 report from the City Attorney.

Time: 3:10 p.m. – 3:40 p.m.

No report made.

**20. 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 #: ADJ9535185.

Scheduling: Duration, 20 minutes; anytime  
Report: None anticipated

**Documents:**

April 11, 2017 report from the City Attorney, Risk Management and Finance Department.

Time: 3:40 p. m. – 3:45 p.m.

No report made.

At 3:47 p.m., with all Councilmembers present, the Mayor announced that at the conclusion of agenda item 23, Council will reconvene in Closed Session for Item No. 21.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

POLICE DEPARTMENT

**22. Subject: Police Department Update (520.04)**

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

**Documents:**

- April 11, 2017 report from the Chief of Police.
- PowerPoint presentation prepared and presented by staff.

**Speakers:**

- Staff: Police Chief Lori Luhnnow, Captian Alex Altavilla, Captain Todd Stoney, 911 Communication Manager Cynthia Freeman, Public Safety Dispatch Supervisor Lorena Renteria.
- Member of the Public: Lizzie Rodriguez, Restorative Community Network.

**Discussion:**

Police Chief Lori Luhnnow discussed the Community Service Officers Program and that the program needed to be reexamined. She introduced new recruits to the Council and explained the current situation regarding staffing of the department. Councilmembers' questions were answered.

## **PUBLIC HEARINGS**

### **QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM**

#### **23. Subject: Appeal Of 6100 Hollister Avenue Light Industrial Project Approval (640.07)**

Recommendation: That Council:

- A. Consider the appeal of Michelle Greene, Goleta City Manager, of the Planning Commission's approval of a Development Plan for a light industrial and commercial project at 6100 Hollister Avenue; and
- B. Take one of the following three actions:
  - 1. Approve the Development Plan for the 6100 Hollister Avenue light industrial and commercial project, making findings supporting the action and subject to conditions of approval; or
  - 2. Continue the item with direction to staff about changes to the project, conditions of approval, and/or CEQA review process, and a return for further action; or
  - 3. Deny the project, making supporting findings.

Mayor Schneider reported an ex-parte communication with Mayor Perotte in January 2017 inquiring if Mayor Perotte was aware of the appeal.

Mayor Schneider reported an ex-parte communication with Kyle Richards and Stuart Kasdin also regarding if they were aware of the appeal.

Documents:

- April 11, 2017, report from the Community Development Director.
- PowerPoint presentation prepared and presented by staff.
- Letter from City of Goleta dated April 11, 2017.
- PowerPoint Presentation by City of Goleta.
- Affidavit of publication.

Public Comment Opened:

4:47 p.m.

Speakers:

- Staff: City Planner Renee Brooke, City Attorney Ariel Calonne, Assistant City Attorney Scott Vincent, Supervising Transportation Planner Daniel Gullett.
- Appellants: Paula Perotte, City of Goleta; Winnie Cai, City of Goleta; Rosemarie Gaglione, City of Goleta; Stuart Kasdin, City of Goleta.

Public Comment Closed:

6:00 p.m.

**Motion:**

Councilmembers Dominguez/Hotchkiss to:

1. Approve the development plan for the 6100 Hollister Ave light industrial and commercial project and adopt the findings supporting the action and subject to the conditions of approval specified in Attachment 9 to the CAR;
2. Continue discussions with the City of Goleta regarding future cumulative impact mitigation pursuant to the adopted specific plan; and
3. Authorize the City Attorney to offer the City of Goleta a tolling agreement for the CEQA statute of limitations for a period of time (to be determined by the City Attorney).

**Vote:**

Unanimous voice vote.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

**Information:**

- Councilmember Murillo commented on her attendance at the following events: 1. Santa Barbara Teen Coalition meeting with Chief Luhnnow and immigrant family issues were discussed. 2. Santa Barbara Youth Council met and talked about fund raising, a budget request to City Council, preparing for Earth Day and tobacco prevention projects. 3. Bioneers Film Festival addressing topics of climate change response and ocean farming. 4. Sharon Hoshida and Greg Freeland were honored for lifetime achievement at the CAUSE dinner. 5. Sister City, Puerta Villarta Group discussed water issues, with Councilmember Bendy White presenting. 6. The Housing Authority Commission met and announced that Garden on Hope Senior Housing did not get their tax credit benefit; they will reapply for the credit. 7. WEAVE advisory council who organize a program to help small businesses expand.
- Councilmember Bendy White commented on his attendance at the following events: 1. presented at the Sister City Puerta Villarta Group. The group does work building projects in Puerta Villarta. 2. As a CCRB representative, Councilmember White met with a subcommittee of the Carpinteria Water District. Carpinteria is no longer involved in CCRB, but agreed to meet to begin discussions regarding participation in CCRB again.

**21. Subject: Conference With Real Property Negotiators (330.03)**

**Recommendation:** That Council hold a closed session pursuant to Government Code Section 54956.8 to consider the possible acquisition of real property.

**Real Property:** 740 State Street, Suites 201 and 202, Santa Barbara (Leasehold interest)  
**City Negotiators:** Paul Casey, City Administrator; Bob Samario, Finance Director; Ariel Calonne, City Attorney  
**Negotiating Parties:** Mohammad and Gity Mahboob; Ray Mahboob

Under Negotiation: Price and Terms of Payment  
Scheduling: Duration, 30 minutes; anytime  
Report: None anticipated

Documents: April 11, 2017 report from the City Attorney, Risk Management and Finance Department.

Time: 6:05 p. m. – 6:25 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:25 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on May 23, 2017.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE



HELENE SCHNEIDER  
MAYOR

ATTEST:



SARAH GORMAN  
CITY CLERK SERVICES MANAGER