



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
JANUARY 29, 2019
COUNCIL CHAMBERS, 735 ANACAPA**

CALL TO ORDER

Mayor Cathy Murillo called the meeting to order at 2:01 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 day.)

PLEDGE OF ALLEGIANCE

Mayor Murillo.

ROLL CALL

Councilmembers present: Jason Dominguez, Eric Friedman, Oscar Gutierrez, 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

City Administrator Paul Casey reported that on Item #18, Recommendation B, for a site visit was canceled. This appeal was regarding a land use matter and did not have anything to do with the physical location or structure situated at this site. Councilmembers were encouraged to view the property on their own time.

18. Subject: Set A Date For Public Hearing Regarding Planning Commission's Approval For 35 N. Calle Cesar Chavez (640.07)

Recommendation: That Council:

- A. Set the date of March 5, 2019, at 2:00 p.m. for hearing the appeal filed by Mark Massara of the Planning Commission's decision to approve a Conditional Use Permit to operate a building materials supply company and a lumber yard within the existing industrial buildings located at 35 N. Calle

Cesar Chavez, Assessor Parcel No. 017-113-004, OM-1 (Ocean-Oriented Light Manufacturing) Zone; Coastal Land Use Plan Designation of Ocean Oriented Industrial in the appealable and non-appealable jurisdiction of the Coastal Zone (MST2018-00505); and

- B. Set the date of March 4, 2019, at 1:30 p.m. for a site visit to the property located at 35 N. Calle Cesar Chavez.

PUBLIC COMMENT

Members of the Public: Anna Marie Gott; Rick Closson; Ken Dunkley; Phil Walker; Denise S. Adams, SBCC Unites Us; Michael Baker, United Boys and Girls Clubs; Alejandra Melgoza; Jesus Orozco; Rafaela Orozco; Sandra Alvarado; Soila Cabrera; Matt Williams; Bryan Rosen; Dorothy Dent.

CONSENT CALENDAR (Item Nos. 1–21)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive reading and approve the minutes of the regular meeting of January 8, 2019.

Action: Approved the recommendation.

2. Subject: Introduction Of An Ordinance For A Lease Agreement With Santa Barbara Fuel Dock Incorporated (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Rescinding Ordinance No. 5855, and Approving and Authorizing the Waterfront Director to Execute a Lease Agreement with Santa Barbara Fuel Dock, Incorporated, a California Corporation, to Operate the Fuel Dock Facility in Santa Barbara Harbor, for a Term of Five Years with Four, Five-Year Options Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation (January 29, 2019, report from the Waterfront Director; proposed Ordinance).

3. Subject: Introduction Of Ordinance For Solar Photovoltaic Power Purchase Agreement At Multiple City Facilities (630.06)

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 Public Works Director to Execute a Power Purchase Agreement with Action Energy to Develop, Own, Operate, and Maintain a Solar Photovoltaic Generating System at Fire Station 4, Fire Station 5 and the Eastside Library, and Sell All Power Generated to the City.

Action: Approved the recommendation (January 29, 2019, report from the Public Works Director; proposed Ordinance).

4. Subject: Adoption Of 2018-2020 General Unit MOU Benefit Amendment (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. 5865, the 2018-2020 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit), Increasing Benefit Contribution Amounts.

Action: Approved the recommendation; Ordinance No. 5868.

5. Subject: Adoption Of Ordinance Amendments To The Average Unit-Size Density Incentive Program (330.01)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Section 30.150.100, and Amending Sections 30.150.090, and 30.155.080 Regarding Residential Parking Requirements for Projects Proposed Under the Average Unit-Size Density Incentive Program; Prohibition Against the Conversion of Residential Units Developed Under the AUD Program to Hotels or Similar Uses; and to Exclude Existing Mobile Home Parks from Incentives in the Average Unit-Size Density Incentive Program.

Action: Approved the recommendation; Ordinance No. 5869.

6. Subject: Resolution To Adopt Policies Related To Architectural And Engineering Consultant Contracts For Federal And State Funded Transportation Projects (670.01)

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara to Adopt Policies Related to Architectural and Engineering Consultant Contract Selection and Procurement for Services Related to Federal and State Funded Transportation Projects.

Action: Approved the recommendation; Resolution No. 19-004 (January 29, 2019, report from the Public Works Director; proposed Resolution).

7. Subject: Contract For Consulting Services Of Water Distribution Infrastructure Plan (540.01)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Carollo Engineers, Inc., in the amount of \$490,958 for consulting services for the Water Distribution Infrastructure Plan, and authorize the Public Works Director to approve expenditures of up to \$50,000 for extra services of Carollo Engineers, Inc., that may result from necessary changes in the scope of work.

Staff: City Engineer Brian D'Amour.

Action: Approved the recommendation; Agreement No. 26,359 (January 29, 2019, report from the Public Works Director).

8. Subject: Contract For Design Of Annual Citywide Pavement Maintenance Projects (530.01)

Recommendation: That Council:

- A. Approve the selection of Flowers & Associates, Inc., to provide professional engineering design and construction management services for the annual Pavement Maintenance Projects scheduled for Fiscal Years 2020 through 2025;
- B. Authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates, Inc., in the amount of \$445,907 for design services of the Fiscal Year 2020 Capital Pavement Maintenance Projects, and authorize the Public Works Director to approve expenditures of up to \$44,591 for extra services that may result from necessary changes in the scope of work; and
- C. Authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates, Inc., in the amount of \$186,575 for engineering and construction support services to the Streets Operations and Infrastructure Management Division relating to the Pavement Maintenance Program, and authorize the Public Works Director to approve expenditures of up to \$18,658 for extra services that may result from necessary changes in the scope of work.

Speaker:

- Member of the Public: Bonnie B. Raisin.

Action: Approved the recommendations; Agreement Nos. 26,360; 26,361; (January 29, 2019, report from the Public Works Director).

9. Subject: Contract For Construction Of Oak Park Neighborhood Sidewalk Access Ramps Project (530.04)

Recommendation: That Council award a contract with Toro Enterprises, Inc. in their low bid amount of \$221,575 for construction of the Community Development Block Grant 2018-2019 Oak Park Neighborhood Sidewalk Access Ramps Project, Bid No. 3937; and authorize the Public Works Director to execute the contract and approve expenditures up to \$22,158 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. 26,362 (January 29, 2019, report from the Public Works Director).

10. Subject: Appropriation Of Funds For Lower State Street Railroad Crossing Safety Project (530.01)

Recommendation: That Council authorize the increase in appropriations and estimated revenues by \$314,342 in the Streets Grant Capital Fund, funded from monies paid by the Hotel California to cover Union Pacific Railroad Company's portion of the project pursuant to the Hotel California's condition of approval.

Action: Approved the recommendation (January 29, 2019, report from the Public Works Director).

11. Subject: Aircraft Noise Monitoring, Flight Tracking Service, Landing Fee Collection, And Maintenance/Technical Support Agreement (560.14)

Recommendation: That Council authorize the City's General Services Manager to execute a five-year agreement with Harris Corporation in the amount of \$543,950 plus 12% of all landing fees collected by Harris Corporation for the duration of the agreement.

Speaker:

- Staff: Interim Airport Director Aaron Keller.

Action: Approved the recommendation; Agreement No. 26,363 (January 29, 2019, report from the Interim Airport Director).

12. Subject: Second Amendment To Santa Barbara City Agreement No. 25,390, Golf Course Management Agreement (570.07)

Recommendation: That Council authorize the City Administrator to execute a second amendment to Santa Barbara City Agreement No. 25,390, Golf Course Management Agreement with Santa Barbara Golf, LLC.

Action: Approved the recommendation; Agreement No. 25,390.2 (January 29, 2019, report from the Parks and Recreation Director).

13. Subject: Monetary Donation For Animal Control Program Equipment (520.05)

Recommendation: That Council:

- A. Accept a donation of \$6,000 from the Deborah K. Oldham Trust of 2001 for the Police Department Animal Control program; and
- B. Increase appropriations and estimated revenues in the Police Department Miscellaneous Grants Fund.

Action: Approved the recommendations (January 29, 2019, report from the Police Chief).

14. Subject: Donation Of FLIR Thermal Imaging Monocular Scout III 640 Camera (520.04)

Recommendation: That Council accept a donation of a FLIR Thermal Imaging Monocular Scout III 640 Camera, valued at \$3,262, from the Santa Barbara Police Foundation.

Speaker:

- Member of the Public: Greg Hons, Santa Barbara Police Foundation.

Action: Approved the recommendation (January 29, 2019, report from the Police Chief Director).

15. Subject: Equipment Donation From Vest Carrier Manufacturers (520.04)

Recommendation: That Council accept a donation of approximately \$2,000 in uniform equipment from Elbeco Incorporated and BPS Tactical for the Police Department to evaluate optional vest carrier uniforms.

Action: Approved the recommendation (January 29, 2019, report from the Police Chief Director).

16. Subject: Memorandum Of Understanding With The Community Action Commission For The South Coast Task Force On Youth Safety (570.05)

Recommendation: That Council authorize the City Administrator to execute the Memorandum of Understanding with the Community Action Commission related to the City's participation in the South Coast Task Force on Youth Safety.

Action: Approved the recommendation; Agreement No. 26,364 (January 29, 2019, report from the Parks and Recreation Director).

17. Subject: Sewer System Management Plan Recertification (540.13)

Recommendation: That Council recertify the updated Sewer System Management Plan.

Action: Approved the recommendation (January 29, 2019, report from the Public Works Director).

18. Subject: Set A Date For Public Hearing Regarding Planning Commission's Approval For 35 N. Calle Cesar Chavez (640.07)

Recommendation: That Council:

- A. Set the date of March 5, 2019, at 2:00 p.m. for hearing the appeal filed by Mark Massara of the Planning Commission's decision to approve a Conditional Use Permit to operate a building materials supply company and a lumber yard within the existing industrial buildings located at 35 N. Calle Cesar Chavez, Assessor Parcel No. 017-113-004, OM-1 (Ocean-Oriented Light Manufacturing) Zone; Coastal Land Use Plan Designation of Ocean Oriented Industrial in the appealable and non-appealable jurisdiction of the Coastal Zone (MST2018-00505); and
- B. Set the date of March 4, 2019, at 1:30 p.m. for a site visit to the property located at 35 N. Calle Cesar Chavez.

Action: Recommendation A approved.

NOTICES

- 19. Subject: Received a letter of resignation from Citizens' Oversight Committee member Ken Oplinger; the vacancy will be part of the next City Advisory Groups recruitment.
- 20. Subject: Received a communication advising of a vacancy created on the Building and Fire Code Board of Appeals with the departure of member Kevin Steenberge; the vacancy will not be part of the next City Advisory Groups recruitment.

Speaker:

- Member of the Public: Lindsey Baker, League of Women Voters.

- 21. Subject: The City Clerk has on Thursday, January 24, 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.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Sneddon reported that the Ordinance Committee approved amendments to the SBMC to establish deputies that will be able to issue parking citations. The amendments will be presented to Council at a later date.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

PUBLIC HEARINGS

22. Subject: Designation Of Trinity Episcopal Church As A City Landmark (640.06)

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Designating Trinity Episcopal Church at 1500 State Street as a City Landmark.

Public Hearing opened: 3:01 p.m.

Documents:

- January 29, 2019, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Associate Planner Nicole Hernandez.

Motion:

Councilmembers Sneddon/Rowse to approve the staff recommendation; Resolution No. 19-005.

Action: Proclamation presented to Rev. Elizabeth Molitors.

Vote:

Unanimous roll call vote.

Public Hearing closed: 3:10 p.m.

ADMINISTRATIVE SERVICES DEPARTMENT

23. Subject: Introduce Resolution And Ordinance Updating Nondiscrimination Policies Including SBMC Chapter 9.126, Chapter 9.130, Chapter 5.62, Chapter 9.132, And Chapter 26.30 (410.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City Of Santa Barbara Rescinding Resolution No. 93-134, the Citywide Nondiscrimination Policy, and Adopting a New Citywide Nondiscrimination and Harassment Policy;
- B. Authorize the City Administrator to require that all City Board and Commission members acknowledge in writing their responsibility to comply with this policy as a condition of City service; and
- C. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Amending Section 5.62.040; Sections 26.30.020 and 26.30.030; Section 9.126.020; Section 9.130.020; and Chapter 9.132 Pertaining to Non-Discrimination and Harassment Provisions.

The title of the Resolution and Ordinance was read.

Documents:

- January 29, 2019, report from the Administrative Services Director.
- PowerPoint presentation prepared and made by Staff.
- Proposed Resolution.
- Proposed Ordinance.

Speakers:

- Staff: Administrative Services Director Kristy Schmidt.

Motion:

Councilmembers Sneddon/Rowse to approve the staff recommendations; Resolution No. 19-006.

Vote:

Unanimous roll call vote.

PARKS AND RECREATION DEPARTMENT

24. Subject: Dwight Murphy Field Master Plan (570.08)

Recommendation: That Council receive a presentation on the proposed Dwight Murphy Field Master Plan and authorize staff to develop a project development and fundraising agreement with the Gwendolyn Strong Foundation to advance the proposed park improvements.

Documents:

- January 29, 2019, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.
- January 29, 2019, Email from Bob Kryczko.

Speakers:

- Staff: Parks and Recreation Director Jill Zachary, Parks Capital Projects Supervisor George Thompson.
- Strong Foundation: Victoria Strong.
- Members of the Public: Jacob Lesner, Beebe Longstreet.

Motion:

Councilmembers Friedman/Dominguez to approve the staff recommendation and have staff create an Ordinance which restricts adults who are not accompanied by a child to not be allowed in the playground portion of the park.

Vote:

Unanimous roll call vote.

PUBLIC WORKS DEPARTMENT

25. Subject: Drought Update And Annual Water Supply Management Report (540.05)

Recommendation: That Council:

- A. Receive an update on the status of the current drought, drought-response capital projects, and continuing efforts; and
- B. Approve and adopt the City of Santa Barbara Water Supply Management Report for the 2018 Water Year, finding that groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

Documents:

- January 29, 2019, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Supply Manager Kelley Dyer.
- Member of the Public: Phil Walker.

Motion:

Councilmembers Sneddon/Rowse to approve the staff recommendations.

Vote:

Unanimous roll call vote.

26. Subject: Montecito Water District Desalination Water Sales Agreement Status Update And Term Sheet Approval (540.1)

Recommendation: That Council:

- A. Receive an update on the status of negotiations with the Montecito Water District regarding a Water Sales Agreement in relation to the City's Charles E. Meyer Desalination Plant as a potential regional water supply;
- B. Approve the negotiated Term Sheet outlining the governing principles, water pricing, and key concepts to be included in a Water Sales Agreement; and
- C. Direct staff to negotiate a draft Water Supply Agreement in accordance with the Term Sheet, and upon completion of negotiations, prepare an appropriate ordinance approving the Water Supply Agreement for Council consideration and adoption.

Documents:

- January 29, 2019, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Public Works Director Rebecca Bjork, Water Resources Manager Joshua Haggmark.
- Montecito Water District: Floyd Wicks, President of Montecito Water District Board of Directors.
- Member of the Public: Kira Redmond, Santa Barbara Channel Keeper.

Motion:

Councilmembers Rowse/Dominguez to approve the staff recommendations.

Vote:

Unanimous roll call vote.

27. Subject: Letter Of Support For State Water Contract Assignment To Central Coast Water Authority (540.03)

Recommendation: That Council authorize the Mayor to execute a letter to the County of Santa Barbara Board of Supervisors in support of assignment of the State Water Project Contract to the Central Coast Water Authority.

Documents:

- January 29, 2019, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Supply Manager Kelley Dyer.
- Central Coast Water Authority: Ray Stokes, Executive Director.

Motion:

Councilmembers Friedman/Sneddon to approve the staff recommendation.

Vote:

Unanimous roll call vote.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

- Councilmember Dominguez attended the following events or meetings: 1. Annual Santa Barbara Trust of Historic Preservation meeting; 2. Desalination Ad Hoc Committee meeting; 3. Point in Time Count; 4. Sea Level Rise Subcommittee meeting; 5. Visit Santa Barbara Board of Directors meeting.
- Councilmember Friedman attended the following events or meetings: 1. Water Commission meeting; 2. Central Coast Water Authority meeting; 3. Desalination Ad Hoc Committee meeting; 4. Beach Erosion Authority for Clean Oceans and Nourishment meeting; 5. Martin Luther King Jr. Day parade and event at Arlington; 6. Fire Chief Nickel's swearing in ceremony.
- Councilmember Gutierrez attended the following events or meetings: 1. Community Development and Human Services Committee meeting; 2. Santa Barbara Youth Council meeting; 3. Martin Luther King Jr. Day parade and event at Arlington; 4. Fire Chief Nickel's swearing in ceremony; 5. Point in Time Count; 6. Santa Barbara Maritime Museum's 50 year anniversary of the oil spill talk.
- Councilmember Sneddon attended the following events or meetings: 1. Cachuma Conservation Release Board meeting; 2. Coast Village Association mixer; 3. Martin Luther King Jr. Day parade and event at Arlington; 4. Sea Level Rise Subcommittee meeting; 5. Desalination Ad Hoc Committee meeting; 6. Fire Chief Nickel's swearing in ceremony; 7. Parks and Recreation Commission meeting; 8. Point in Time Count; 9. Annual Santa Barbara Trust of Historic Preservation meeting; 10. Call to Climate Action event at Arlington Theater; 11. Cachuma Operation and Maintenance Board meeting.
- Mayor Murillo attended the following events or meetings: 1. Office hours; 2. Office hours at Eastside Library regarding Cacique underpass; 3. Airport celebration for new airline services to Salt Lake City; 4. Youth Wellness Coalition meeting; 5. Planned Parenthood Rock and Roe event; 6. Affordable Housing Task Force meeting; 6. Fire Chief Nickel's swearing in ceremony; 7. Air Pollution Control District Board meeting; 8. Santa Barbara County Association of Governments; 9. Woman's March; 10. Martin Luther King Jr. Day parade and event at Arlington.

PUBLIC COMMENT (IF NECESSARY)

RECESS

Mayor Murillo recessed to continue the January 29, 2019 Special Meeting Closed Session at 5:27 p.m. and stated that there is no report anticipated.

CLOSED SESSIONS

3. Subject: Conference With City Attorney – Anticipated Litigation (160.03)

Continued from January 29, 2019 Special Meeting.

Time: 5:27 p.m. – 5:35 p.m.

No report made.

ADJOURNMENT

Mayor Murillo adjourned the meeting at 5:35 p.m. in memory of Tom Mendoza.

Approved and adopted by the City Council of the City of Santa Barbara on February 26, 2019.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



CATHY MURILLO
MAYOR

ATTEST: 

SARAH GORMAN
CITY CLERK SERVICES MANAGER