



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
JULY 17, 2018
COUNCIL CHAMBERS, 735 ANACAPA**

CALL TO ORDER

Mayor Cathy Murillo 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 day.)

PLEDGE OF ALLEGIANCE

Mayor Murillo.

ROLL CALL

Councilmembers present: Jason Dominguez, Eric Friedman, Oscar Gutierrez, Gregg Hart, Randy Rowse, Kristen W. Sneddon, Mayor Murillo.

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 Casey announced that hearing of the Closed Session item heard at the July 17, 2018 11:30 a.m. Special Meeting, Subject: Conference With City Attorney – Anticipated Litigation, Recommendation: That Council hold a closed session to consider initiating litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case); will be continued to be heard at the end of this regular Council Meeting.

PUBLIC COMMENT

Speakers: Jason Rodriguez, The Food Liaison; Monica C. Vande, Kempe Ripperda, Citizens of America Rights Re-enactment Movement Auxillary; Peter Marin; Kathryn Richardson; Phil Walker; Paul LeMert.

ITEMS REMOVED FROM CONSENT CALENDAR

3. Subject: Designation Of Voting Delegate For League Of California Cities Annual Conference (180.01)

Recommendation: That Council designate a voting delegate and up to two alternates to represent the City of Santa Barbara at the League of California Cities Annual Meeting of September 12-14, 2018.

Documents:

- July 17, 2018, report from the City Administrator's Office.

Motion:

Councilmembers Rowse/Dominguez to designate Mayor Murillo as the voting delegate, Councilmember Sneddon as the second alternate, and Councilmember Dominguez as the third alternate.

Vote:

Unanimous roll call vote.

4. Subject: Time Extension To Funding Deadline For Design Of Two Measure A Funded Sustainable Transportation Projects (670.08)

Recommendation: That Council authorize the Public Works Director to execute amendments to the Measure A Cycle 3 Project Cooperative Agreement between the City of Santa Barbara and the Santa Barbara County Association of Governments for purposes of obtaining extensions of use of fund deadlines.

Councilmember Hart stated that he was abstaining from consideration of this item because of a potential conflict of interest due to his employment by the Santa Barbara County Association of Governments.

Documents:

- July 17, 2018, report from the Public Works Director.

Motion:

Councilmembers Friedman/Rowse to approve the staff recommendation; Agreement No. 25,606.1.

Vote:

Unanimous roll call vote (Abstain: Hart.)

CONSENT CALENDAR (Item Nos. 1-2, 5-8)

The titles of the ordinances and resolutions related to Consent Items were read.

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Adoption Of Ordinance For Approving Santa Barbara Financing Authority 2018 Airport Revenue Refunding Bonds (560.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Approving the Issuance by the Santa Barbara Financing Authority, in one or more Series, of not to Exceed \$40,000,000 of Santa Barbara Financing Authority Revenue Refunding Bonds (Airport Project), Series 2018, Approving the Execution and Delivery of Various Related Documents in Connection with the Sale of Such Bonds and Other Matters Related thereto.

Action: Approved the recommendation; Ordinance No. 5843; Agreement Nos. 26,224; 26,225; 26,226; 26,227; and 26,228 (July 17, 2018, report from the Finance Director).

2. Subject: Donation Of A 32-foot Mobile Command Center And Authorization For Additional Command Post Equipment (520.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Police Department to Accept a Donation from the Santa Barbara Police Foundation of a 32-foot Mobile Command Post;
- B. Waive the formal bid process as authorized by Municipal Code Section 4.52.070(k) and authorize the City General Services Manager to issue a purchase order to LDV Custom Specialty Vehicles as the most favorable source for providing the City with additional specified equipment necessary to complete the Command Center build; and
- C. Approve the expenditure of \$61,500 from funds allocated for a replacement mobile Command Post to purchase necessary equipment not included in the donated vehicle, plus an additional \$5,000 to cover any change order. The necessary equipment included in this additional expenditure includes: audio and video satellite systems, computer networking equipment, paint and graphics, and delivery to the City of Santa Barbara from Burlington, Wisconsin.

Action: Approved the recommendations; Resolution No. 18-053 (July 17, 2018, report from the Police Department Director; proposed resolution).

5. Subject: Community Promotion Contract With Old Spanish Days (180.02)

Recommendation: That Council authorize the City Administrator to execute a community promotion contract with Old Spanish Days in an amount of \$104,100, covering the period from July 1, 2018 to June 30, 2019.

Action: Approved the recommendation; Agreement No. 26,229 (July 17, 2018, report from City Administrator's Office).

6. Subject: Community Promotion Contract With Summer Solstice Celebration (180.02)

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with Summer Solstice Celebration, Inc. in the amount of \$68,000 to support year-round administrative expenses for the community event.

Action: Approved the recommendation; Agreement No. 26,230 (July 17, 2018, report from City Administrator's Office).

7. Subject: Purchase Order With Metropolitan Transit District For Cruise Ship Shuttles (570.03)

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 \$52,955.67 to Metropolitan Transit District for Cruise Ship Shuttle Service for Fiscal Year 2019.

Action: Approved the recommendation; (July 17, 2018, report from the Waterfront Department Director).

8. Subject: Approval Of Emergency Purchase Order For Sewer Rehabilitation On Anacapa Street (540.13)

Recommendation: That Council approve an Emergency Purchase Order for \$36,270 to NuLine Technologies, LLC for emergency sewer rehabilitation work on Anacapa Street.

Action: Approved the recommendation; (July 17, 2018, report from Public Works Department).

NOTICES

9. Subject: The City Clerk has on Thursday, July 12, 2018, 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 stated that the Ordinance Committee considered the water submetering ordinance; that item will be coming to Council.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

10. Subject: Results And Findings Of The Santa Barbara County Study On Community Choice Energy By Pacific Energy Advisors (630.06)

Recommendation: That Council:

- A. Receive a report from staff on the results and findings of the Feasibility Study on Community Choice Energy by Pacific Energy Advisors; and
- B. Direct staff to work with the County of Santa Barbara and other interested cities to pursue the formation of a new Community Choice Energy Program throughout Santa Barbara County.

Documents:

- July 17, 2018, report from the City Administrator.
- PowerPoint prepared by Staff
- July 12, 2018, letter from Community Environmental Council.
- July 13, 2018, letter from the Sierra Club.

Speakers:

- City of Santa Barbara Staff: Senior Assistant to the City Administrator Matthew Fore; Administrative Analyst Alelia Parenteau.
- County of Santa Barbara Staff: Jennifer Cregar, Chief of Sustainability Division
- Pacific Energy Advisors: Kirby Dusel.
- Members of the Public: Ken Oplinger, Chamber; Robert Perry, World Business Academy; Jack Liu; Jonathan Ullman, Sierra Club Los Padres Chapter; Mariah Clegg, UCSB; Allen Mosher; Barbara Lindemann, CEC; Michael Chiacos, Community Environmental Council; Alena Simon.

Motion:

Councilmembers Gutierrez/Dominguez to approve the staff recommendation.

Vote:

Unanimous roll call vote.

FINANCE DEPARTMENT

12. Subject: Introduction Of Ordinances To Regulate Expanded Polystyrene Food Containers And Plastic Beverage Straws, Stirrers, And Cutlery (630.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 9 to Add Chapter 9.160 to Regulate Expanded Polystyrene Food Containers and Products; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 9 to Add Chapter 9.165 to Regulate Plastic Beverage Straws, Stirrers, and Cutlery.

Documents:

- July 17, 2018, report from the Finance Director.
- PowerPoint prepared by Staff.
- Proposed ordinances.
- July 12, 2018 letter from the Community Environmental Council.
- July 13, 2018 letter from the Sierra Club.

The titles of the ordinances were read.

Speakers:

- Staff: Environmental Services Manager Rene Eyerly; Assistant City Attorney Scott Vincent.
- Members of the public: Lauren Coiro; Bonnie B. Raisin; Lolayna Redmond; Lena Fackler; Kira Redmond; Kathi King; Jacob Lesner Buxton, Independent Living Center; Holly Sherwin, Santa Barbara Channelkeeper/Santa Barbara Outrigger Canoe Club; Barbara Lindemann, CEC; Brian Hollander, Independent Living Resource Center; Julie Freeman; Weston Burwell; Penny Owens, Santa Barbara Channelkeeper; Hillary Hauser, Heal the Ocean; Matthew Lowe.

Motion:

Councilmembers Sneddon/Friedman to approve staff recommendation B, with the following changes to the proposed ordinance (1) changing 9.165.040 to state, in its entirety, "It shall be unlawful for any beverage provider or food provider to provide plastic cutlery or plastic stirrers to any person being served a beverage or prepared food for consumption on the premises of the beverage provider or food provider or to be taken away from the premises of the beverage provider or food provider unless either: (1) the beverage provider or food provider first asks that person whether they want to receive the plastic cutlery or plastic stirrer and the person

responds that he or she does, or (2) the customer affirmatively requests the plastic cutlery or plastic stirrer from the beverage provider or food provider.”; (2) substituting “shall not be renewed” for “may be renewed upon the submission of a new application. The Finance Director or designee is not obligated to approve the renewal of an exemption even though an exemption was granted previously.” in 9.165.050(B)(4); (3) adding “3. The food provider or beverage provider provides, distributes, or sells a plastic beverage straw to a person for whom non-plastic alternatives are unsuitable due to a mental or physical condition that qualifies as a disability pursuant to the Americans with Disabilities Act (42 USC § 12102).” to 9.165.050(C); and (4) substituting “This ordinance shall take effect on the 31st day following its adoption, but shall not become operative until 2:01 a.m. on January 1, 2019” for “This ordinance shall take effect at 2:01 a.m. on January 1, 2019” in 9.160.080.

Vote:

Majority roll call vote (Noes: Councilmember Rowse).

Motion:

Councilmembers Sneddon/Hart to approve staff recommendation A, with the following changes to the proposed ordinance: (1) deleting the “affordable” clause in 9.160.030; (2) substituting “shall not be renewed” for “may be renewed upon the submission of a new application. The Finance Director or designee is not obligated to approve the renewal of an exemption even though an exemption was granted previously.” in 9.160.070(B)(4); (3) substituting “This ordinance shall take effect on the 31st day following its adoption, but shall not become operative until 2:01 a.m. on January 1, 2019” for “This ordinance shall take effect at 2:01 a.m. on January 1, 2019” in 9.160.080.

Vote:

Unanimous roll call vote.

RECESS

5:45 p.m. – 5:53 p.m.

QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM

PUBLIC HEARINGS

- 13. Subject: Appeal Of The Historic Landmarks Commission’s Approval Of A Dark Green Awning At 1295 Coast Village Road (640.07)**

Recommendation: That Council:

- A. Consider the property owner's appeal of the Historic Landmarks Commission's decision to approve a dark green entry awning for a restaurant at the Montecito Inn, located at 1295 Coast Village Road; and
- B. Direct staff to return to Council with decision and findings reflecting the outcome of the appeal.

Documents:

- July 17, 2018, report from the Community Development Director.
- PowerPoint prepared by Staff.

The public hearing opened at 5:55 p.m.

Speakers:

- Staff: Senior Planner Irma Unzueta; Associate Planner Laura Hernandez; Assistant City Attorney Scott Vincent.
- Historic Landmarks Commission: Commissioner William Mahan; Commissioner Steve Hausz.
- Applicant/Appellant: Danny Copus; Jason Copus; Joe Andrulaitis.
- Members of the public: Robert Ludwick.

Discussion:

- Council heard presentations by the applicant/appellant and heard from Historic Landmarks Commission members and a member of the public, and discussed the merits of the appeal.

Motion:

Councilmembers Rowse/Hart to uphold the appeal on the basis of A.5: The Commission has determined that the proposed changes to the Structure of Merit do not constitute a demolition as defined by this chapter and constitute alterations which are not incompatible with the goal of long term preservation enhancement of the structure as a City historic resource.

Vote:

Unanimous roll call vote.

The public hearing closed at 6:57 p.m.

ADMINISTRATIVE SERVICES DEPARTMENT

- 11. Subject: Appointments To Finance Committee, Ordinance Committee, And Liaisons To Advisory Boards And Commissions (140.07)**

Recommendation: That Council consider the appointments to Finance Committee, Ordinance Committee and Liaisons to Advisory Boards and Commissions.

Documents:

- July 17, 2018, report from the City Administrator's Office.

Motion:

Councilmembers Rowse/Dominguez to approve Council liaison appointments as provided in the attachment to the staff report with the following changes: (1) Councilmember Sneddon to become liaison to the Parks and Recreation Commission (previously represented by Councilmember Hart); (2) Councilmember Sneddon to become alternate to Santa Barbara Metropolitan Transit District Board (previously represented by Councilmember Hart); (3) Mayor Murillo to become alternate to Rental Housing Mediation Board (previously represented by Councilmember Hart); and (4) Councilmember Gutierrez to become liaison to the following Advisory Groups: Board of Civil Service Commissioners (previously represented by Councilmember Sneddon); Community Development and Human Services Committee (previously represented by Councilmember Sneddon); Rental Housing Mediation Board (previously represented by Mayor Murrillo); Neighborhood Advisory Council (previously represented by Mayor Murillo); Santa Barbara Youth Council (previously represented by Mayor Murillo); Santa Barbara Center for the Performing Arts (previously represented by Mayor Murillo); Living Wage Advisory Committee (previously represented by Councilmember Sneddon); Board of Fire and Police Commissioners (previously represented by Councilmember Hart); PATH Neighborhood Partnership (previously represented by Mayor Murillo); Community Action Commission (previously represented by Councilmember Friedman); Santa Barbara Metropolitan Transit District Board primary position (previously represented by Councilmember Sneddon).

Vote:

Unanimous roll call vote.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Councilmember Dominguez attended the following events or meetings: 1. PATH Neighborhood Partnership; 2. Neighborhood Advisory Commission; 3. Clean energy community meeting; 4. League of Cities regional meeting; 5. Santa Barbara Visitors Center celebration.

Councilmember Friedman attended the following events or meetings: 1. COMB meeting; 2. Community meeting on senior assisted living facility.

Councilmember Sneddon attended the following events or meetings: 1. Metropolitan Transit District meeting.

Mayor Murillo attended the following events or meetings: 1. COAST rail coordinating council meeting; 2. Spoke with the Santa Barbara County Council of Governments; 3. Kiwanis group meeting; 4. PATH neighborhood partnership; 5. Environment Defense Council TGIF event.

Councilmember Gutierrez attended the following events or meetings: 1. Neighborhood Advisory Council meeting; 2. Youth Council meeting. Councilmember Gutierrez sent his condolences to the family of David Andrade Jr.

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT

Mayor Murillo adjourned the meeting at 7:25 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on September 11, 2018.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



CATHY MURILLO
MAYOR

ATTEST: 

SARAH GORMAN
CITY CLERK SERVICES MANAGER