



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING
MAY 22, 2018
COUNCIL CHAMBERS, 735 ANACAPA

CALL TO ORDER

Mayor Cathy Murillo called the meeting to order at 2:00 p.m. (The Finance Committee met at 12:00 p.m. The 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, Gregg Hart, Randy Rowse, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Calonne, Deputy City Clerk Norma Estrada.

CHANGES TO THE AGENDA

The following item was pulled from the agenda at the request of the City Attorney to be rescheduled at a future date.

20. Subject: Conference With City Attorney – Existing And Anticipated Litigation (160.03)

Recommendation: That Council:

Hold a closed session to confer with the City Attorney regarding existing litigation pursuant to Government Code section 54956.9(d)(1), and take appropriate action as needed.

The existing litigation is:

- Bridget Bryden v. City of Santa Barbara, et al.; SBSC Case No. 17CV01529

- Stephen Timothy Buynak, Jr., et al. v. City of Santa Barbara, et al.; SBSC Case No. 18CV00746
- Catt Properties, LLC v. City of Santa Barbara; SBSC Case No. 17CV03729
- Elizabeth Chapman and Cheryl M. Uyeda v. City of Santa Barbara, et al.; SBSC Case No. 17CV02496
- City of Goleta v. City of Santa Barbara, et al.; SBSC Case No. 17CV03270
- City of Santa Barbara v. CDM Smith, Inc., et al; SBSC Case No. 174CV01847
- City of Santa Barbara v. Southern California Edison, et al.; SBSC Case No. 18CV00934
- Patricia Dzukola v. City of Santa Barbara; SBSC Case No. 15CV04278
- Richard Easbey v. COSB; SBSC Case No. 18CV00312
- Thomas Felkay as Trustee of the Emprise Trust v. City of Santa Barbara; SBSC Case No. 17CV03351
- Kendra L. Feshbach, et al. v. City of Santa Barbara, SBSC Case No. 16CV03385; Related to SBSC Case No. 17CV00447
- Muriel Godfrey v. COSB, et al.; SBSC Case No. 17CV04122
- Rolland Jacks v. City of Santa Barbara, et al., SBSC Case No. 1383959
- Theodore P. Kracke v. City of Santa Barbara, VSC Case No. 56-2016-00490376-CU
- Eduardo Olide v. City of Santa Barbara; SBSC Case No. 17CV02956
- Caroline Moncure Taylor v. City of Santa Barbara; SBSC Case No. 17CV01514
- Agnes Nabisert Mubanda, et al. v. City of Santa Barbara, et al.; SBSC Case No. 18CV00628
- Alyssa Nuno v. Santa Barbara Adventure Company, Inc. et al.; SBSC Case No. 18CV00988
- Pete Leyva v. City of Santa Barbara, et al.; SBSC Case No. 16CV00963
- Santa Barbara Association of Realtors v. COSB, et al.; SBSC Case No. 17CV04720
- Greg Smith and Judith Smith v. City of Santa Barbara, et al. SBSC Case No. 18CV01590
- David Anduri, Sr. et al. v. City of Santa Barbara, et al.; USDC Case No. 2:16-CV-05461-MWF-SK
- Andrew Furst v. City of Santa Barbara, et al.; USDC case No. 5:15-CV-02428 VAP(SPx)
- Sonya Huerta and Yvonne Huerta v. City of Santa Barbara, et al., USDC Case
- Richard Burt, et al. v. City of Santa Barbara, et al.; US 9th Cir. COA Case No. 17-56960
- Passion Moore v. City of Santa Barbara, et al., COA Case No. 15-55316
- Lizette Padilla-Lee, Timothy Lee and Lauren Lee v. City of Santa Barbara, et al.; COA Case No. Case No. B282959

Scheduling: Duration: 60 minutes; anytime
 Report: None Anticipated

PUBLIC COMMENT

Speakers: Caroline; Mary Delight Schuetz; Christel Barros; Scott Wens, Cars Are Basic; Phil Walker.

ITEMS REMOVED FROM CONSENT CALENDAR

10. Subject: Set A Date For Public Hearing Regarding Appeal Of The Architectural Board Of Review's April 9, 2018 Project Design Approval And Final Approval Of An Application For The Property Located At 402 Anacapa Street (640.07)

Recommendation: That Council set the date of July 10, 2018, at 2:00 p.m. for hearing the appeal filed by Anna Marie Gott of the Architectural Board of Review's Project Design Approval and Final Approval of an application by property owner Inga Frick to convert an existing residential unit to a short-term rental at 402 Anacapa Street, Assessor's Parcel No. 031-271-016; M-C, Manufacturing Commercial Zone; General Plan Designation: Commercial Industrial/ Medium High Residential. The project involves the conversion of a 1,508 square foot, two-bedroom single residential unit with two uncovered parking spaces into a three-guestroom short-term rental. Two of the guestrooms will have kitchens. Minor exterior alterations include relocating an existing driveway gate.

This item was voted on separately.

Speakers:

- Staff: City Clerk Services Manager Sarah Gorman; City Attorney Ariel Calonne; City Administrator Paul Casey.
- Member of the Public: Anna Marie Gott.

Motion:

Councilmembers Hart/Friedman to approve the staff recommendation.

Vote:

Majority roll call vote (Noes: Councilmembers Dominguez, Sneddon).

CONSENT CALENDAR (Item Nos. 1-9, 11-13)

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

Motion:

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

Vote:

Unanimous voice vote.

1. Subject: Introduction Of Ordinance To Amend Municipal Code Chapter 4.52, Purchasing Code (340.02)

Recommendation: That the Council:

- A. Hear a report on proposed amendments to Chapter 4.52, Purchasing, of the Santa Barbara Municipal Code to clarify exceptions to the competitive award requirements, the authority and approval requirements for bids up to \$75,000, and to streamline the purchasing requirements during emergencies; and
- B. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.52 of Title 4 of the Santa Barbara Municipal Code Relating to City Purchasing Practices and Procedures.

Action: Approved the recommendation; (May 22, 2018, report from the Finance Director; proposed ordinance).

2. Subject: Adoption Of An Ordinance For A Lease Amendment To Agreement No. 22,912 With Mission Support And Test Services LLC (MSTS) (560.01)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute an Amendment to Lease No. 22,912 with Mission Support and Test Services LLC, a Nevada Corporation, amending "Term" to extend the lease for one year.

Action: Approved the recommendation; Ordinance No. 5835; Agreement No. 22,912.1 (May 22, 2018, report from the Airport Director).

3. Subject: April 2018 Investment Report (260.02)

Recommendation: That Council accept the April 2018 Investment Report.

Action: Approved the recommendation (May 22, 2018, report from the Finance Director).

4. Subject: Fiscal Year 2018 Third Quarter Review (230.04)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the nine months ended March 31, 2018;
- B. Accept the Fiscal Year 2018 Interim Financial Statements for the Nine Months Ended March 31, 2018; and
- C. Approve the proposed third quarter adjustments to Fiscal Year 2018 appropriations and estimated revenues as detailed in the attached schedule of Proposed Third Quarter Adjustments.

Action: Approved the recommendation (May 22, 2018, report from the Finance Director).

5. Subject: Professional Services Agreement For Construction Support Services For The El Estero Wastewater Treatment Plant Sludge Pump No. 3 Installation (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Carollo Engineers in the amount of \$50,730 for construction support services, and authorize the Public Works Director to approve expenditures of up to \$5,073 for extra services of Carollo Engineers that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 26,157 (May 22, 2018, report from the Public Works Director).

6. Subject: Assignment And Assumption Of City Loan Agreement, Deed Of Trust And Affordability Control Covenant On 1116 De La Vina Street (Garden Court) (620.01)

Recommendation: That Council consent to the Assignment and Assumption of a former Redevelopment Agency of the City of Santa Barbara Loan Agreement, Deed of Trust and Affordability Control Covenant on 1116 De La Vina Street (Garden Court) from 1116 De La Vina Associates, LP, to Santa Barbara Affordable Housing Group, a California nonprofit public benefit corporation and authorize the Community Development Director to execute such documents as necessary.

Action: Approved the recommendation; Agreement No. 26,158 (May 22, 2018, report from the Community Development Director).

7. Subject: Personal Services Contract With iSurf, A California Corporation, For Provision Of 2018 Youth Travelling Surf Camps (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute a personal services agreement with iSurf, a California Corporation, for the provision of 2018 Youth Travelling Surf Camps, with compensation equal to 90% of the total basic fees collected for the camp and the total compensation estimated at \$48,000 based on the projected number of camp participants.

Action: Approved the recommendation; Agreement No. 26,159 (May 22, 2018, report from the Parks and Recreation Director).

8. Subject: Contract For Construction Of Anapamu Street Bridge Replacement (530.04)

Recommendation: That Council:

- A. Reject the bid protest of Granite Construction Company, and award a contract with Lash Construction, Inc., in their low bid amount of \$1,931,620.75 for construction of the Anapamu Street Bridge Replacement Project, Bid No. 3700; and authorize the Public Works Director to execute the contract and approve expenditures up to \$289,742.25 to cover any cost increases that may result from contract change orders for supplemental and extra work, and differences between estimated bid quantities and actual quantities measured for payment;
- B. Authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan and Associates in the amount of \$42,495.50 for engineering design support services, and approve expenditures of up to \$4,300 for extra services of Drake Haglan and Associates that may result from necessary changes in the scope of work;
- C. Authorize the Public Works Director to execute a City Professional Services contract with Filippin Engineers, Inc. in the amount of \$319,960 for construction management and inspection services, and approve expenditures of up to \$31,000 for extra services of Filippin Engineers, Inc., that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a City Professional Services contract with Rincon Consultants, Inc., in the amount of \$29,619 for environmental mitigation monitoring and restoration specialists services during construction, and approve expenditures of up to \$8,000 for extra services of Rincon Consultants, Inc., that may result from necessary changes in the scope of work;
- E. Authorize an increase in appropriations and estimated revenues funded by the Federal Highway Administration Bridge Program Grant in the amount of \$2,859,984 in the Streets Grant Fund for the Anapamu Street Bridge Replacement Project;
- F. Authorize the appropriation and transfer of \$6,720 from Streets Fund reserves to the Streets Grant Fund, for a portion of the City's share of construction costs; and
- G. Authorize an increase in appropriations and estimated revenues in the Streets Grant Fund in the amount of \$6,720, funded by a transfer from the Streets Fund, for a portion of the City's share of construction costs.

Action: Approved the recommendation; Agreement Nos. 26,160, 26,161, 26,162, 26,163 (May 22, 2018, report from the Public Works Director).

9. Subject: Set A Date For A Public Hearing Regarding Appeal Of The Historic Landmarks Commission's April 18, 2018 Approval Of Review After Final For 1295 Coast Village Road (640.07)

Recommendation: That Council:

- A. Set the date of July 17, 2018, at 2:00 p.m. for hearing the appeal filed by Property Owner Danny Copus of the Historic Landmarks Commission's Review After Final Approval of a dark green awning, with a red lobster and white lettering for a stand-alone restaurant at the Montecito Inn, a designated Structure of Merit (MST2018-00157). The property is located at 1295 Coast Village Road, Assessor Parcel No. 009-293-007, C-1/SD-3, Commercial Restricted/Coastal Overlay Zone. The project proposes the installation of a black entry awning.
- B. Set the date of July 16, 2018, at 1:30 p.m. for a site visit to the property located at 1295 Coast Village Road.

Action: Approved the recommendations.

NOTICES

- 11. Subject: The City Clerk has on Thursday, May 17, 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. (000.00)
- 12. Subject: The Public Hearing scheduled for 5/22/18, 2:00 pm, to hear the appeal of the Planning Comm's decision to not revoke the medical marijuana storefront collective dispensary permit for 118 N. Milpas St, has been cancelled due to the withdrawal of the appeal. (000.00)
- 13. Subject: The Public Hearing previously scheduled for February 27, 2018, regarding the appeal of the Planning Commission's approval of a Coastal Development Permit for landscape changes at 1909 El Camino De La Luz, has been rescheduled to September 18, 2018. (000.00)

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Greg Hart reported that the Committee met to discuss the Third Quarter Investment report, the status of the City's effort to do request for proposals for banking services, and the Measure C capital improvement program.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

14. Subject: Safe Housing Enforcement Update And Authorization To Amend Agreement For Legal Services With Silver & Wright, LLP For Special Counsel Services (160.01)

Recommendation: That Council:

- A. Receive an update on safe housing enforcement efforts;
- B. Authorize the City Attorney to amend Legal Services Agreement Number 25,601 with Silver & Wright, LLP to increase the not-to-exceed amount by up to \$375,000 for special counsel services on residential receivership and code enforcement actions and appropriate the same amount from general fund reserves; and
- C. Increase appropriations from General Fund reserves in the Fiscal Year 2018 City Attorney's Office budget in the amount of \$375,000.

Documents:

- May 22, 2018, report from the City Attorney.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: City Attorney Ariel Calonne; Assistant City Attorney John Doimas.

Motion:

Councilmembers Rowse/Dominguez to approve the staff recommendation.

Vote: Unanimous voice vote; Agreement No. 25,601.2.

PUBLIC WORKS DEPARTMENT

15. Subject: Stage Three Drought Update (540.05)

Recommendation: That Council receive an update on the status of the current drought, drought-response capital projects, and continuing conservation efforts.

Documents:

- May 22, 2018, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Supply Manager Kelley Dyer; Water Resources Manager Joshua Haggmark.

Discussion:

- Staff presented an overview of the status of the draught, as well as the demand status and how the demand is being met. Staff also presented their water supply strategies to both keep up with the current demand, and prepare for any future scenarios. Councilmembers' questions were answered.

16. Subject: Contract For Design Options And Environmental Review For The Mission Canyon Bridge Safety Project (530.04)

Recommendation: That Council:

- Authorize the Public Works Director to negotiate and execute a City Professional Services contract with Wallace Group, Inc., in the amount of \$1,268,096 for design and environmental services for the Mission Canyon Bridge Safety Project, and authorize the Public Works Director to approve expenditures of up to \$126,810 for extra services that may result from necessary changes in the scope of work;
- Accept additional Federal Highway Administration Highway Bridge Program grant funding, and authorize an increase in appropriations and estimated revenues in the Streets Grant Fund in the amount of \$486,915, funded by such grant funds, for the Mission Canyon Bridge Safety Project;
- Authorize the appropriation and transfer of \$100,000 from existing Streets Fund reserves to the Streets Grant Fund to cover a portion of the City's share of the preliminary design phase of the Mission Canyon Bridge Safety Project; and
- Authorize an increase in appropriations and estimated revenues in the Streets Grant Fund in the amount of \$100,000, funded by a transfer from the Streets Fund, for the Mission Canyon Bridge Safety Project.

Documents:

- May 22, 2018, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Transportation Planning & Parking Manager Rob Dayton; City Engineer Brian D'Amour; Principal Traffic Engineer Derrick Bailey.
- Members of the Public: Tom Ostwald; Lee Moldaver; Paulina Conn, Coalition to Preserve Mission Canyon; Lanny Ebenstein; Lorna Moore; Rosanne Crawford; Yvonne Ashton; Peter Marin; Fred Sweeney, Upper East Association; Karl Hutterer, Mission Canyon Association; Luke J. Swetland, Santa Barbara Museum of Natural History; Mary Louise Days; John Kay, Safe Passage; Tom Jacobs, Mission Heritage Trail Association; Cass Ensberg.

RECESS

4:57 – 5:06 p.m.

Public comment closed at 4:57 p.m.

The item resumed at 5:06 p.m.

Motion:

Councilmembers Dominguez/Hart to approve the staff recommendation.

Vote:

Unanimous roll call vote; Agreement No. 26,164.

MAYOR AND COUNCIL REPORTS

17. Subject: Interviews for City Advisory Groups (140.05)

Recommendation: That Council:

A. Hold interviews of applicants to various City Advisory Groups; and

B. Continue interviews of applicants to June 12, 2018.

(Estimated Time: 4:00 p.m.) (Continued from May 15, 2018.)

The following people were interviewed:

Airport Commission

Architectural Board of Review

Citizens' Oversight Committee

Lesley Wiscomb

Steve Epstein

Susan Lafond

Community Development and Human Services Committee

Virginia P. Woolf

County Library Advisory Committee

Norah Dunbar

Downtown Parking Committee

Historic Landmarks Commission

Housing Authority Commission

Jennifer L. Sills

Living Wage Advisory Committee

Measure P Committee

Neighborhood Advisory Council

Susan Lafond

Beverly G. Perkins

Don Perkins

Rental Housing Mediation Board

Santa Barbara Youth Council
Quinn Stefan
Emily Vesper
Sign Committee
Jaime Limon
Single Family Design Board
Sister Cities Board
Whitney Rush
Water Commission

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

- Councilmember Dominguez attended the following events or meetings: 1. Airport Commission; 2. Housing Conference.
- Councilmember Friedman attended the following events or meetings: 1. Community Action Commission; 2. Housing Coalition.
- Councilmember Hart attended the following events or meetings: 1. Downtown Santa Barbara; 2. Visit Santa Barbara; 3. Housing Conference; 4. American Riviera Classic Pickle Ball Tournament.
- Councilmember Sneddon attended the following events or meetings: 1. School Board Community Forum; 2. Water Commission; 3. MTD; 4. Youth Leadership Awards.
- Mayor Murillo attended the following events or meetings: 1. SBCAG; 2. APCD; 3. Grassini Family Winery.

PUBLIC COMMENT (IF NECESSARY)

RECESS

The Mayor recessed to closed session at 6:08 p.m. and stated that no reportable action is anticipated.

CLOSED SESSIONS

18. Subject: Conference Involving Joint Power Agency – Cachuma Conservation Release Board (CCRB) (160.03)

Recommendation: That Council hold a closed session pursuant to Government Code section 54956.96 to discuss and take action, if necessary, on matters involving the Cachuma Conservation Release Board.

Discussion will concern:

Conference With Legal Counsel – Anticipated Litigation Government Code section 54956.9(d) (One potential case)

Conference With Legal Counsel – Existing Litigation Government Code section 54956.9(d)(1) (One case: State Water Resources Control Board adjudicatory proceeding regarding Cachuma Project water rights)

Name of City representative on CCRB: Councilmember Sneddon
Name of Alternate City representative on CCRB: Councilmember Friedman

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

Documents:
- May 22, 2018, report from the City Attorney.

Time: 6:08 – 7:15 p.m.

No report made.

19. Subject: Conference Involving Joint Power Agency – Cachuma Operations And Maintenance Board (COMB) (160.03)

Recommendation: That Council hold a closed session pursuant to Government Code section 54956.96 to discuss and take action, if necessary, on matters involving the Cachuma Operations and Maintenance Board.

Discussion will concern:

Conference With Legal Counsel: Existing And Potential Litigation a. [Government Code Section 54956.9(d)(4)] Name of matter: Protest of Member Agency re: Payment of Quarterly Assessments.

Name of City representative on COMB: Councilmember Sneddon
Name of Alternate City representative on COMB: Councilmember Friedman

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

Documents:
- May 22, 2018, report from the City Attorney.

Time: 6:08 – 7:15 p.m.

No report made.

ADJOURNMENT

Mayor Murillo adjourned the meeting at 7:15 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

