



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING APRIL 9, 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 met at 12:30 p.m.)

### 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, City Clerk Services Manager Sarah Gorman.

### CEREMONIAL ITEMS

**1. Subject: National Library Week April 7-13, 2019**

Action: Proclamation presented to Library Board Chair Joan Young.

**2. 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, 2019.

Action: City Administrator Casey listed the names of recipients of service award pins.

### CHANGES TO THE AGENDA

## **PUBLIC COMMENT**

Members of the Public: Caroline Abate; Monica C. Ramirez, C.A.R.R.M.A.; Ed St. George; Guillermo Gomez; Phil Walker; Kira Nemeth, Westmont Downtown Program; Allie Kelly; Sophie Ramirez, Westmont Downtown; Hannah Nelson; Sam Reep, Westmont Downtown; Alexandra Lillenberg, Westmont Downtown; Megan Davis; Anna Marie Gott; Emerson Steady; Nicholas Choi; Mark Marshall Wofford; Christine Neuhauser.

### **Motion:**

Councilmember Dominguez to direct staff to bring back ranked choice voting for Council consideration at a future date with time to implement, if that is the will of the Council.

Motion failed for lack of a second.

## **ITEM REMOVED FROM CONSENT CALENDAR**

### **3. Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meetings of February 26, and March 12, 2019, the minutes of the special meetings of March 25, and March 26, 2019, and the revised minutes of the regular meeting of October 30, 2018.

Councilmember Sneddon stated that she would be abstaining from approval of the March 12, 2019 minutes due to her absence at that meeting and requested a separate vote on this item.

### **Documents:**

- March 12, 2019 minutes.

### **Motion:**

Councilmembers Friedman/Murillo to approve the March 12, 2019 minutes.

### **Vote:**

Unanimous roll call vote (Abstain: Councilmember Sneddon).

## **CONSENT CALENDAR (Item Nos. 3-17)**

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

### **Motion:**

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

### **Vote:**

Unanimous roll call vote.

**3. Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meeting of February 26, the minutes of the special meetings of March 25, and March 26, 2019, and the revised minutes of the regular meeting of October 30, 2018.

Councilmember Sneddon requested that the minutes of the February 26, 2019 be amended to reflect that she is the alternate appointee to the Metropolitan Transit District, rather than the primary appointee.

Action: Approved the recommendation.

**4. Subject: Introduction Of Ordinance For Grant Of Easement To Southern California Edison For The Installation Of Electrical Distribution Facilities At 6100 Hollister Avenue (380.01)**

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 Granting of an Easement on City-Owned Property to Southern California Edison for Electrical Distribution Facilities and Authorizing the City Administrator to Execute as Necessary the Grant Deed in a Form Approved by the City Attorney.

Action: Approved the recommendation (April 9, 2019, report from the Public Works Director; proposed Ordinance).

**5. Subject: Adoption Of An Ordinance For A License Agreement With Rametto Company, LLC (550.01)**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Public Works Director to Execute a License Agreement Between the City of Santa Barbara, as Licensor, and Rametto Company, LLC, as Licensee, For Nineteen Parking Permits in Parking Lots 2 and 9.

Action: Approved the recommendation; Ordinance No. 5880, Agreement No, 26,399.

**6. Subject: Annual Authorization For The Allocation Of The City's Share Of Transportation Development Act Funds For Bicycle And Pedestrian Projects (670.01)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa

Barbara County Association of Governments for Allocation of \$78,746 in Transportation Development Act Funds for Fiscal Year 2020.

Action: Approved the recommendation; Resolution No. 19-020 (April 9, 2019, report from the Public Works Director; proposed Resolution).

**7. Subject: Amendment To Professional Services Agreement For Sea-Level Rise Adaptation Plan (630.02)**

Recommendation: That Council:

- A. Approve an amendment to Grant Agreement Number LCP-16-04 A/2 between the California Coastal Commission and the City of Santa Barbara to accept an additional \$10,000 for the City's Local Coastal Program Update, for a total grant amount of \$295,892;
- B. Authorize the Community Development Director to execute a first amendment to Professional Services Agreement Number 26,053 with Environmental Science Associates for the City's Sea-Level Rise Adaptation Plan to increase the amount of the contract by \$51,361, for a total contract amount of \$252,106; and
- C. Increase appropriations and estimated revenues by \$10,000 in the Community Development Department Miscellaneous Grants Fund to provide the budgetary authority to spend the additional Local Coast Program Update grant funds.

Action: Approved the recommendations; Agreement No. 26,053.1 (April 9, 2019, report from the Community Development Director).

**8. Subject: Approval Of Increased Funding For Pre-Qualified Professional Engineering Firms To Support Water Capital Program (540.01)**

Recommendation: That Council:

- A. Authorize the Public Works Director to amend a professional services agreement with Filippin Engineering, Inc., Contract No. 26,253, and increase the amount of the contract by \$820,000 for a total contract amount of \$1,120,000 to allow for the assignment of additional construction tasks;
- B. Authorize the Public Works Director to amend a professional services agreement with MNS Engineers, Inc., Contract No. 26,254, and increase the amount of the contract by \$630,000 for a total contract amount of \$930,000 to allow for the assignment of additional construction tasks;
- C. Authorize the Public Works Director to amend a professional services agreement with Stantec Consulting Services, Inc., Contract No. 25,987, and increase the amount of the contract by \$350,000 for a total contract amount of \$700,000 to allow for additional tasks;
- D. Authorize the Public Works Director to amend a professional services agreement with Kennedy/Jenks Consulting, Contract No. 25,985, and

increase the amount of the contract by \$350,000 for a total contract amount of \$700,000 to allow for additional tasks; and

- E. Authorize the Public Works Director to amend a professional services agreement with Carollo Engineers, Contract No. 25,851, and increase the amount of the contract by \$350,000 for a total contract amount of \$700,000 to allow for additional tasks.

Action: Approved the recommendations; Agreement Nos. 26,353.1; 26,254.1; 25,987.1; 25,985.1; 25,851.1 (April 9, 2019, report from the Public Works Director).

**9. Subject: Contract For Installation Of Locution Fire Station Alerting System (520.03)**

Recommendation: That Council award a contract with Endelos Energy Inc., waiving minor irregularities (if applicable), in their low bid amount of \$51,309 for installation of the Locution Fire Station Alerting System, Bid No.3952; and authorize the Public Works Director to execute the contract and approve expenditures up to \$10,260 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. 26,400 (April 9, 2019, report from the Fire Chief).

**10. Subject: Award Of A Three-Year Independent Audit Contract To Certified Public Accountants, White Nelson Diehl Evans, LLP (220.03)**

Recommendation: That Council authorize the Finance Director to execute a professional services agreement, in an amount not to exceed \$259,110 with White Nelson Diehl Evans, LLP, Certified Public Accountants (WNDE), to perform independent audits of the City of Santa Barbara for an initial three-year term commencing fiscal year ending June 30, 2019, through 2021, subject to annual budget appropriations with one option to extend the term for two additional years at City's option and subject to agreement as to cost.

Action: Approved the recommendation; Agreement No. 26,401 (April 9, 2019, report from the Finance Director).

**11. Subject: First Amendment To Agreement For Labor Negotiations (440.03)**

Recommendation: That Council approve and authorize the Administrative Services Director to execute an amendment to the labor relations agreement (Agreement #21900016) with the Law Firm of Liebert Cassidy Whitmore increasing the contract amount by \$23,000, for a total not to exceed \$46,000.

Action: Approved the recommendation; Agreement No. 26,402 (April 9, 2019, report from the Administrative Services Director).

**12. Subject: Approval Of Task Order Consulting Services Contract For Water Conservation Program (540.05)**

Recommendation: That Council authorize the Public Works Director to execute a five-year Task-Order Agreement with Maddaus Water Management in an amount not to exceed \$150,000.

Action: Approved the recommendation; Agreement No. 26,403 (April 9, 2019, report from the Public Works Director).

**13. Subject: Professional Services Agreement With RRM Design Group For Preliminary Design Of The Ortega Park Renovation Project (570.05)**

Recommendation: That Council authorize the Parks and Recreation Director to execute a professional services agreement with RRM Design Group in the amount of \$228,485 for preliminary design of the Ortega Park Renovation Project, and approve expenditures of up to \$22,849 to cover any additional cost that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 26,404 (April 9, 2019, report from the Parks and Recreation Director).

**14. Subject: Contract For Design Of The Arroyo Burro Open Space Restoration Project Phase Two (570.05)**

Recommendation: That Council authorize the Parks and Recreation Director to execute a Professional Services Agreement with Waterways Consulting, Inc. in the amount of \$138,083 to prepare final design plans and construction specifications for the Arroyo Burro Open Space Restoration Project Phase Two, and approve expenditures in the amount of \$13,808 to cover extra services resulting from changes in the scope of work, for a total contract amount of \$151,891.

Action: Approved the recommendation; Agreement No. 26,405 (April 9, 2019, report from the Parks and Recreation Director).

**15. Subject: Contract Amendment For Construction Support Services Associated With The Cabrillo Pavilion Renovation Project (570.07)**

Recommendation: That Council authorize the Public Works Director to execute a contract amendment with Pacific Materials Laboratory, Inc. to amend the scope of services for construction support services associated with the Cabrillo Pavilion and Bathhouse Renovation Project in the amount of \$12,000, and authorize the Public

Works Director to approve expenditures of up to \$1,200 for extra services as necessary for a total contract amount of \$46,547.

Action: Approved the recommendation; Agreement No. 26,406 (April 9, 2019, report from the Public Works Director).

**16. Subject: Airline Terminal Capacity Enhancement Program (560.01)**

Recommendation: That Council:

- A. Reprogram \$176,896 in Airport Capital Funds from the Northeast Aircraft Parking Apron Rehabilitation Project to the Shared Use Passenger Processing System (SUPPS) Project;
- B. Appropriate \$93,104 in the Airport Capital Fund for the SUPPS Project from available Airport Capital Fund reserves;
- C. Reprogram \$30,000 in Airport Capital Funds from the Airport Industrial Area Specific Plan Update to the SUPPS Project; and
- D. Reprogram \$50,000 in Airport Capital Funds from the Airport Industrial Area Specific Plan Update to design of the Airline Terminal Modular Building Design Project.

Action: Approved the recommendations (April 9, 2019, report from the Airport Director).

NOTICES

17. Subject: The City Clerk has on Thursday, April 4, 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 FINANCE COMMITTEE**

Finance Committee Chair Dominguez reported that the Finance Committee met and reviewed rates for the wastewater system and voted to recommend the department bring the items to the full Council at a future meeting.

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Sneddon reported that the Ordinance Committee heard amendments to the shared mobility ordinance, and the information will come to Council.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

**PUBLIC WORKS DEPARTMENT**

**18. Subject: Declaration Of Stage One Water Supply Condition And Amendment To Legal Services Agreement For Water Rights Legal Services (540.05)**

Recommendation: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring a Stage One Water Supply Condition and Repealing Resolution No. 17-017; and
- B. Authorize the City Administrator to amend a professional services agreement with Bartkiewicz, Kronick & Shanahan, Contract No. 22,810, and increase the amount of the contract by \$100,000, for a total contract amount of \$300,000, for specialized water rights-related legal services.

The title of the Resolution was read.

Documents:

- April 9, 2019, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.
- Proposed Resolution.

Speakers:

- Staff: Water Supply Manager Kelly Dyer; Assistant City Attorney Daniel Hentschke; Waterfront Facility Manager Karl Treiberg; Water Resources Manager Joshua Haggmark.
- Member of the Public: Phil Walker.

Motion:

Councilmembers Rowse/Friedman to adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring a Stage One Water Supply Condition and Repealing Resolution No. 17-017; Resolution 19-021.

Vote:

Unanimous roll call vote.

Motion:

Councilmembers Rowse/Friedman to authorize the City Administrator to amend a professional services agreement with Bartkiewicz, Kronick & Shanahan, Contract No. 22,810, and increase the amount of the contract by \$100,000, for a total contract amount of \$300,000, for specialized water rights-related legal services; Contract No. 22,810.2.

Vote:

Unanimous roll call vote.

Motion:

Councilmembers Rowse/Friedman to direct staff to start the dolphin fountain at the earliest opportunity.

Vote:

Majority roll call vote (Noes: Councilmember Sneddon).

Motion:

Councilmembers Dominguez/Sneddon to work with the Water Commission to prepare a replacement resolution that states it will not be mandatory or punitive in nature, and would express the Council's desire for the community to maintain its water conservation practices which were followed in previous drought years.

Vote:

Motion failed. (Noes: Councilmembers Friedman, Harmon, Rowse, Mayor Murillo; Ayes: Councilmembers Dominguez, Gutierrez, Sneddon).

## **RECESS**

3:49 – 3:59 p.m.

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

### **PUBLIC HEARINGS**

**19. Subject: Appeal Of The Planning Commission's Approval Of A Conditional Use Permit At 35 N. Calle Cesar Chavez (640.07)**

Recommendation: That Council:

- A. Consider the appeal of Mark Massara, Esq., of the Planning Commission's approval of a Conditional Use Permit to operate a building materials supply company and lumberyard in the OM-1 (Ocean-Oriented Light Manufacturing) zone; and
- B. Direct staff to return to Council with a Decision and Findings Resolution reflecting the outcome of the appeal.

Public Hearing opened: 3:59 p.m.

Ex Parte Communications:

- Councilmember Gutierrez reported that he met with commercial fishermen a few months ago about the appeal.
- Councilmember Harmon reported that she met with Michael Nelson of the commercial fisheries of Santa Barbara.
- Councilmember Friedman reported that he met with the Michael Nelson of the commercial fisheries, Chris Voss, Kim Silkoe, as well as the project applicant, and Ken Marshall, Mark Rabatin, Jim Youngson, and Brad Frohling.
- Mayor Murillo reported that she met with commercial fisherpeople and had a conversation with appellant Massara after the Planning Commission decision but before filing of the appeal.

- Councilmember Sneddon met with the commercial fishermen.
- Councilmember Rowse met with the commercial fisherman and Jim Youngson.
- Councilmember Dominguez met with the commercial fishermen and the applicant.

**Documents:**

- April 9, 2019, report from the Community Development Director.
- PowerPoint Presentation prepared and made by staff.
- PowerPoint presentation prepared and made by Appellant.
- PowerPoint presentation prepared and made by Applicant.
- March 16, 2019, PDF letter from David J. Goldenberg.
- March 16, 2019, letter from David J. Goldenberg.
- March 4, 2019, letter from Edward Anderson.
- March 27, 2019, letter from Ryan Lovelace.
- April 2, 2019, letter from Catherine Odale.
- April 2, 2019, letter from Juan Ruiz.
- April 2, 2019, letter from Athena Washburn.
- April 4, 2019, letter from Ruben Munoz.
- April 8, 2019, letter from Ken Olsen.
- April 9, 2019, letter from William Rehling.

**Speakers:**

- Staff: Associate Planner Kelly Brodison;
- Appellant: Mark Massara.
- Applicant: Doug Fell, Mark Rabatin, Bedrock Building Supplies; Brad Frohling, Radius Group Commercial Real Estate. Planning Commission: Deborah Schwartz.
- Members of the Public: Kim Silkoe, Commercial Fishermen of Santa Barbara; Brian Escalera; Guy Rivera; Robert Gilcrest; John Price; Anna Marie Gott.

Public Hearing Closed: 5:55 p.m.

**Motion:**

Councilmembers Dominguez/Rowse to deny the appeal and make reference to Planning Commission Resolution 001-19, to include the Planning Commission findings and determinations, and to direct staff to return to Council with a Decision and Findings Resolution reflecting the outcome of the appeal.

**Vote:**

Majority roll call vote (Noes: Councilmember Sneddon).

**PUBLIC HEARINGS**

**20. Subject: Community Development And Human Services Committee Recommendations For Fiscal Year 2020 And Annual Action Plan Public Hearing (610.05)**

Recommendation: That Council:

- A. Approve the Fiscal Year 2020 funding recommendations of the Community Development and Human Services Committee for use of Human Services and Community Development Block Grant funds;
- B. Approve the funding contingency plan;
- C. Authorize the Community Development Director to negotiate and execute grant agreements implementing the funding recommendations, subject to the review and approval as to form by the City Attorney; and
- D. Conduct a public hearing to obtain input on the City's Annual Action Plan for Fiscal Year 2020.

Public Hearing opened: 6:21 p.m.

Documents:

- April 9, 2019, report from the Community Development Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Senior Community Development Program Specialist Elizabeth Stotts.
- Community Development and Human Services Committee: Bryan Smith.
- Members of the Public: Lisa Brabo, Family Service Agency; Nancy Crouse, Women's Economic Ventures; Jennifer Griffin, Independent Living Resource Center; Gabriella Forrester, Friendship Center; Patricia Keelean, Community Action Commission; Dan Herlinger, Rental Housing Mediation Board; Jenna Tico, AHA!; Susan Murray, Sarah House; Nancy Tillie, Santa Barbara Neighborhood Clinics; Patrick-Lyra Lanier, Pacific Pride Foundation; Anthony Carrocio, Organic Soup Kitchen; Rosa Paredes, St. Vincent's; Idalia Gomez, Standing Together to End Sexual Assault; Danielle Garcia, Cliff Drive Care Center.

Public Hearing closed: 6:58 p.m.

Motion:

Councilmembers Friedman/Sneddon to approve the staff recommendations.

Vote:

Unanimous roll call vote.

**COUNCIL AND STAFF COMMUNICATIONS**

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

- Councilmember Dominguez attended the following events or meetings: 1. League of Cities meeting in Newport Beach; 2. WELL water conference in Long Beach; and 3. League of Cities Coastal Cities meeting.
- Councilmember Friedman attended the following events or meetings: 1. Paseo Nuevo groundbreaking; 2. Library Advisory Board tour of Library Plaza; 3. Target ribbon-cutting; 4. Central Coast Water Agency meeting; 5. Tour of Santa Barbara Neighborhood Clinics; 6. Arts Advisory Committee; and 7. State of the City.
- Councilmember Gutierrez attended the following events or meetings: 1. Home For Good donors meeting; 2. State of the City; 3. Paseo Nuevo groundbreaking; 4. Youth Council; 5. Community meeting regarding street safety in Westside; and 6. Community meeting regarding neighborhood watch in the Westside.
- Councilmember Sneddon attended the following events or meetings: 1. State of the City; 2. Parks and Recreation Committee meeting; 3. COMB meeting; 4. Senator Jackson and Assembly member Limon woman of year ceremony; 5. CCRB meeting; 6. Target ribbon-cutting; and 7. Police Officer swearing in ceremony.
- Mayor Murillo attended the following events or meetings: 1. Office hours at Montecito Farmer's Market and First Thursday event; 2. Met with Westmont students; 3. MTD 50 year anniversary; 4. Neighborhood Watch; 5. Downtown Organization board meeting; 6. Westside listening group regarding transportation planning; 7. Building and Fire Code Board of Appeals; and 8. SBCAG and APCD meeting attendance.

## ADJOURNMENT

Mayor Murillo adjourned the meeting at 7:11 p.m. in the memory of John Dudley, Russ Spencer, and Marcy Fuller Kjoller.

Approved and adopted by the City Council of the City of Santa Barbara on April 30, 2019.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

  
\_\_\_\_\_  
CATHY MURILLO  
MAYOR

ATTEST:

  
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SARAH GORMAN  
CITY CLERK SERVICES MANAGER