



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING AUGUST 6, 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, which ordinarily meet 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, Meagan Harmon, Randy Rowse, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, Assistant City Attorney Daniel Hentschke, City Clerk Services Manager Sarah Gorman.

### CEREMONIAL ITEMS

**1. 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 August 31, 2019.

Action: Mayor Murillo presented service award pins and proclamations to Leanna Pencek and Pete Concepcion.

### CHANGES TO THE AGENDA

City Administrator Paul Casey stated that the following item was being removed from the agenda; it will be resubmitted on a later date:

**13. Subject: Expansion Of City Electric Vehicle Charging Infrastructure To Support An Additional 4 Charging Stations (550.01)**

Recommendation: That Council:

- A. Find it in the City's best interest to standardize to ChargePoint electric vehicle charging station for City-owned electric vehicle charging infrastructure;
- B. Authorize the General Service Manager to issue a Purchase Order in the amount of \$318,500 to ChargePoint, Inc., for 44 electric vehicle charging stations, network service and maintenance support;
- C. Approve an increase in appropriations in the Fleet Management Fund in the amount of \$70,900, funded by Fleet Management Fund reserves, to purchase 12 and install 14 electric vehicle charging stations, including network and maintenance support, at the Public Works/Community Development Yard;
- D. Approve an increase in appropriations in the Downtown Parking Fund in the amount of \$232,600 funded from Downtown Parking Fund reserves, and authorize the transfer of such funds to the Downtown Parking Capital Fund; and
- E. Approve an increase in appropriations and estimates revenues in the Downtown Parking Capital Fund in the amount of \$232,600, funded by a transfer from the Downtown Parking Fund, to purchase 30 electric vehicle charging stations, including network and maintenance support, at the Granada Garage.

**PUBLIC COMMENT**

Speakers: Caroline Abate; Phil Walker; Monica Ramirez, C.A.R.R.M.A.; Jason Lehman, NAMI; Anna Marie Gott; Mark Marshall Wofford, Y.M.C.A. Surfrider Foundation; Cruzito Herrera Cruz; Bonnie Donovan; Kevin McGibben, Logic Monitor, Inc.; Renn Strong, Solife Services and Soil Harmonics.

**ITEM REMOVED FROM CONSENT CALENDAR**

**7. Subject: Professional Service Agreement For Public Outreach Services For Public Works Projects (530.01)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Agreement with Ayars & Associates to provide public outreach and communications support to the Public Works Department for infrastructure projects, in an amount not to exceed \$250,000.

Speakers:

- Staff: Public Works Director Rebecca Bjork.

Motion:

Councilmember Dominguez to table item until other problems addressed, including a mobile phone application.

The motion failed for lack of a second.

Motion:

Councilmembers Rowse/Murillo to approve the recommended action; Agreement No. 26,515.

Vote:

Majority roll call vote (Noes: Councilmember Dominguez.)

### **CONSENT CALENDAR (Items 2 – 6; 8 -12, 14 – 16.)**

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

Motion:

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

Vote:

Unanimous roll call vote.

- 2. Subject: Introduction Of Ordinance To Grant A License And Agreement For Electrical Facilities To Southern California Edison Company On City Property At 40 East Anapamu Street, 1125 Anacapa Street, And Library 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 to Approve and Authorize Execution of a License and Agreement for Electrical Facilities On, In, and Under a Portion of the City-Owned Property at 40 East Anapamu Street, 1125 Anacapa Street, and Library Avenue.

Action: Approved the recommendation (August 6, 2019, report from the Public Works Director; proposed Ordinance.).

- 3. Subject: Proposed Amendments To Lease Agreement With The National Oceanic And Atmospheric Administration (570.03)**

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 Waterfront Director to Execute Two Lease Agreement Amendments with the National Oceanic and Atmospheric Administration, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation (August 6, 2019, report from the Waterfront Director; proposed ordinance.).

**4. Subject: Adoption Of Ordinance Establishing Speed Limits (530.05)**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Section 10.60.015 of the Santa Barbara Municipal Code to Revise the Prima Facie Speed Limit on Calle Real Between Pueblo Street and Las Positas Road, Coast Village Road Between Cabrillo Boulevard and Olive Mill Road, and Milpas Street Between Cabrillo Boulevard and Anapamu Street.

Action: Approved the recommendation; Ordinance No. 2893.

**5. Subject: Adoption Of Mobilehome Park Conversion Regulations (660.01)**

Recommendation: That Council:

- A. Adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Section 30.185.290 of the Santa Barbara Municipal Code Pertaining to Mobilehome and Permanent Recreational Vehicle Park Conversion Regulations;
- B. 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 Chapter 27.50 Pertaining to Subdivision Conversion of Mobilehome and Permanent Recreational Vehicle Parks to Resident Ownership;
- C. Adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Section 27.03.010 of the Santa Barbara Municipal Code to Designate the Chief of Building and Zoning as the Advisory Agency for Subdivisions Involving the Conversion of Mobilehome and Permanent Recreational Vehicle Parks to Another Use or to Resident Ownership; and
- D. Adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Section 27.07.030 of the Santa Barbara Municipal Code to Establish Subdivision Procedures for Conversions of Mobilehome and Permanent Recreational Vehicle Parks.

Action: Approved the recommendations; Ordinance Nos. 5894, 5995, 5896, 5897.

**6. Subject: Resolution Authorizing A Grant Application To The California Department Of Water Resources Urban Streams Restoration Program For The Arroyo Burro At Palermo Drive Restoration Planning And Design Project (570.05)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Approving the Application for \$80,000 in Grant Funds from the California Department of Water Resources Urban Streams Restoration Program for the Arroyo Burro at Palermo Drive Restoration Planning and Design Project and, if Awarded, Authorizing the Parks and Recreation Director to Negotiate and Execute a Grant Agreement, and Any Amendments Thereto,

Subject to Approval as to Form by the City Attorney, with the California Department of Water Resources.

Action: Approved the recommendation; Resolution No. 19-059 (August 6, 2019, report from the Parks and Recreation Director; proposed resolution.).

**8. Subject: Contract For Design Of Northeast Airfield Apron Rehabilitation Phase II (560.04)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Mead & Hunt in the amount of \$141,300 for design services of the Northeast Apron Rehabilitation Project, and authorize the Public Works Director to approve expenditures of up to \$14,130 for extra services of Mead & Hunt that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 26,516 (August 6, 2019, report from the Public Works Director).

**9. Subject: Contract To Develop Updated Parking And Business Improvement Area Assessment Methodology And Complete Engineers Report Establishing Benefit Amounts (550.1)**

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services Agreement with Walker Consultants in the amount of \$131,570 for services, and approve expenditures of up to \$13,157 for extra services of Walker Consultants that may result from necessary changes in the scope of work; and
- B. Approve an increase in appropriations in the Downtown Parking Fund in the amount of \$144,727, funded by Downtown Parking Fund reserves, for the Parking and Business Improvement Area assessment methodology contract.

Speakers:

- Staff: Victor Garza, Sarah Clark
- Members of the public: Mark Wofford; Anna Marie Gott.

Action: Approved the recommendations; Agreement No. 26,517 (August 6, 2019, report from the Public Works Director).

**10. Subject: Response To The Santa Barbara County Grand Jury On Union Pacific Corridor Safety Concerns (150.04)**

Recommendation: That Council authorize the Mayor to send a letter of response to the Santa Barbara Grand Jury report concerning railroad fatalities that occurred in the Union Pacific Railroad's right of way in the City of Santa Barbara.

Action: Approved the recommendation. (August 6, 2019, report from the Public Works Director).

**11. Subject: Appropriation Of Funds From The Canine Unit Trust Fund (520.04)**

Recommendation: That Council:

- A. Appropriate \$20,000 from the Canine Unit Trust Fund from available reserves to cover the purchase of a new K-9 and the related training costs; and
- B. Find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code 4.52.080 (k) and approve the purchase of a new K-9, equipment, and related training from Mission Canines.

Action: Approved the recommendations (August 6, 2019, report from the Police Chief).

**12. Subject: Proposed License Agreement With The California Sea Urchin Commission, Santa Barbara Chapter (570.03)**

Recommendation: That Council approve a five-year license agreement with the California Sea Urchin Commission, Santa Barbara Chapter (formerly, Commercial Fishermen of Santa Barbara, Inc.), for the berthing of commercial fishing boats on the north side of Cabrillo Landing, in the Santa Barbara Harbor.

Action: Approved the recommendation; Agreement No. 26,518 (August 6, 2019, report from the Waterfront Director).

**14. Subject: Set A Date For Hearing Of Appeal Of Finance & Treasury Manager's July 9, 2019 Decision Regarding Amount Of Transient Occupancy Tax Refund (210.01)**

Recommendation: That Council:

- A. Set the date of September 17, 2019, at 2:00 p.m. for hearing the appeal filed by Peter Chiarenza; and
- B. Delegate the City Administrator, or his designee, to serve as Administrative Hearing Officer to consider and rule on this appeal.

Action: Approved the recommendations.

## NOTICES

15. Subject: The City Clerk has on Thursday, August 1, 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.
16. Subject: Received a letter of resignation from Santa Barbara Youth Council Member Julia Stone; this vacancy will be part of the next City Advisory Groups recruitment.

This concluded the Consent Calendar.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### PARKS AND RECREATION DEPARTMENT

17. **Subject: Municipal Code Amendments Pertaining To Park Closing Times, Park Playgrounds And Aquatic Facilities, Portable Grills And Stoves, And Off-Leash Dog Areas (570.05)**

Recommendation: That Council introduce and subsequently adopt, by reading of the title only, an Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Adding Section 15.16.265 Pertaining to Exclusive Designated Children Playgrounds and Aquatic Facilities, Adding Section 15.16.270 Pertaining to Use of Portable Self-Contained Grills and Stoves in Parks, Amending Section 6.08.020 Pertaining to Off Leash Dog Areas in City Parks, and Amending Section 15.16.260 Pertaining to Park Closing Times.

#### Documents:

- August 6, 2019, report from the Parks and Recreation Director and City Attorney.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the Ordinance was read.

#### Speakers:

- Staff: Parks and Recreation Director Jill Zachary, Assistant Parks and Recreation Director Rich Hanna, Police Captain Todd Stoney, Assistant City Attorney Robin Lewis.
- Parks and Recreation Commission: Vice-Chair Kathy McGill.

#### Motion:

Councilmembers Friedman/Rowse to approve the recommended action, with a modification of closing hours to one half hour after sunset.

Substitute motion:

Councilmembers Sneddon/Harmon for restrooms, gates, services, and barbeques to be closed at sunset, and for persons to be permitted to be physically at parks until 10:00 p.m.

Substitute motion failed by roll call vote. (Noes: Councilmembers Gutierrez, Rowse, Dominguez, Friedman, Murillo.)

Vote on original motion:

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

PUBLIC WORKS DEPARTMENT

**18. Subject: Policy Points For Community Workforce Agreement Negotiation With Tri-Counties Building And Construction Trades Council (120.02)**

Recommendation: That Council provide direction to staff on the policy points of a Community Workforce Agreement for construction projects over \$5 million.

Documents:

- August 6, 2019, report from the Public Works Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Public Works Director Rebecca Bjork, City Engineer Brian D'Amour.
- Outside Counsel: Michael Vlaming, Vlaming and Associates.
- Members of the Public: Michael Lopez, UA Local 114 Plumbers/Pipefitters; Amber Aviles, AGC of CA; Tom Skinner, Tri Counties Building and Construction Trade; Kevin Norton; Lee Cushman, Bill Baker, IBEW; Chuck Huddleston, IBEW; Nickolas Harvey, Local 114 Plumbers & Pipefitters.

Discussion:

Council discussed items including employment of local residents, tiers of workers, core workers, and hiring and referral preferences. Councilmembers' questions were answered.

**Motion:**

Councilmembers Rowse/Sneddon to direct the City Attorney to cease work on the project and further direct the City Attorney to prepare an ordinance to repeal the ordinance previously adopted.

**Vote:**

Motion failed by roll call vote (Ayes: Councilmembers Sneddon, Rowse  
Noes: Councilmembers Dominguez, Friedman, Gutierrez, Harmon, Mayor Murillo.

**COUNCIL AND STAFF COMMUNICATIONS**

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

- Councilmember Friedman attended the following events or meetings: 1. Harry Potter Birthday at Library.
- Mayor Murillo attended the following events or meetings: 1. Old Spanish Days events.

**PUBLIC COMMENT (IF NECESSARY)**

**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 request for assignment of the lease at 521 Norman Firestone Road (Facts known to Plaintiff).

Scheduling: Duration: 15 minutes; anytime

Report: None anticipated

**Documents:**

August 6, 2019, report from the City Attorney.

**Time:**

5:20 p.m. – 5:50 p.m.

No report made.

**ADJOURNMENT**

Mayor Murillo adjourned the meeting at 5:50 p.m. in memory of persons who lost their lives in gun violence.

Approved and adopted by the City Council of the City of Santa Barbara on September 17, 2019.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:   
\_\_\_\_\_  
SARAH GORMAN  
CITY CLERK SERVICES MANAGER