



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING DECEMBER 4, 2018 COUNCIL CHAMBERS, 735 ANACAPA HOTEL LOBBY OF HOTEL SUNSQUARE, MONTECASINO BOULEVARD, FOURWAYS, JOHANNESBURG, 2055, SOUTH AFRICA

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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 meets at 12:30 p.m., did not meet on this day.)

### PLEDGE OF ALLEGIANCE

Mayor Murillo.

### ANNOUNCEMENT REGARDING TELEPHONIC APPEARANCE

Mayor Murillo announced that Councilmember Dominguez is participating telephonically in the meeting from the hotel lobby of his hotel in South Africa, and that all the votes at the meeting will be roll call votes.

### 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.

### 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 December 31, 2018.

Action: No recipients were present to receive their awards.

## **CHANGES TO THE AGENDA**

### **PUBLIC COMMENT**

Speakers: Rick Closson; Craig Keasler; Lee Moldaver, Citizens Planning Association; Rev. Michael Corrigan, Arriba Way Citizens United; Phil Walker; Elizabeth Reed; Nancy Smith Rubiolo, Arriba Way; Ken Dunkley; Alan Gallegos; Paul Pratt; Mark Sheridan; W. Scott Burns; Robert Burke; Don Elkonin; Anna Marie Gott.

### **ITEMS REMOVED FROM CONSENT CALENDAR**

**5. Subject: Introduction Of Ordinance Of A Major Encroachment Permit For Installation And Maintenance Of Stormwater Treatment Devices At 634 Anacapa Street (530.01)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Major Encroachment Permit for Installation and Maintenance of Private Stormwater Treatment Devices in Parkways on Anacapa Street and Ortega Street Fronting the Parcel at 634 Anacapa Street (APN No. 031-151-020).

Mayor Pro Tem Rowse announced that he was recusing himself from consideration of this issue due to his leasehold location's proximity to the item's location.

Documents:

- December 4, 2018, report from the Public Works Director.

Motion:

Councilmembers Friedman/Hart to approve staff recommendation.

Vote:

Unanimous roll call vote (Abstain: Councilmember Rowse).

**11. Subject: Increase The Contract For Design Of The Cabrillo Boulevard And Union Pacific Railroad Bridge Project (530.01)**

Recommendation: That Council:

- A. Authorize the City Administrator to sign Amendment No. 2 to the Memorandum of Understanding, approved as to form by the City Attorney, with the Santa Barbara County Association of Governments to increase the funding from the Santa Barbara County Association of Governments by

- \$257,248, from \$2,219,752 to \$2,477,000, for work to complete Phase 2 of the Cabrillo Boulevard And Union Pacific Railroad Bridge Project;
- B. Authorize the Public Works Director to execute Amendment No. 1 to the City Professional Services contract number 26,031 with T.Y. Lin International in the amount of \$125,000 for design services; and
  - C. Authorize an increase in appropriations and estimated revenues by \$257,248 in the Streets Grant Capital Fund, funded by additional revenues from the Santa Barbara County Association Of Governments, for the Cabrillo Boulevard And Union Pacific Railroad Bridge Project.

Councilmember Hart announced that he was recusing himself from consideration of this issue due to his employment with the Santa Barbara County Association of Governments to avoid the appearance of a conflict of interest, despite the fact that there is no actual conflict of interest.

Documents:

- December 4, 2018, report from the Public Works Director.

Motion:

Councilmembers Rowse/Friedman to approve the staff recommendations; Agreement Nos. 25,513.2; 26,031.1.

Vote:

Unanimous roll call vote (Abstain: Councilmember Hart).

**CONSENT CALENDAR (Item Nos. 2-4, 6-10, 12-13)**

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.

**2. Subject: 2018-2020 Fire Management Association Memorandum Of Understanding (440.02)**

Recommendation: That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Fire Management Association for the period of July 1, 2018, through June 30, 2020, by introduction and subsequent adoption of, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Adopting the 2018-2020 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Fire Management Association.

Action: Approved the recommendation (December 4, 2018, report from the Administrative Services Director; proposed Ordinance).

**3. Subject: 2018-2020 General Unit Memorandum Of Understanding (440.02)**

Recommendation: That Council ratify the Memorandum of Understanding between the City and the Santa Barbara City Employees' Association, Local 620, Service Employees' International Union, for the period of April 1, 2018 through March 31, 2020, by introduction and subsequent adoption of, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Adopting the 2018-2020 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit) and Providing for Compensation Changes for Confidential Employees.

Action: Approved the recommendation (December 4, 2018, report from the Administrative Services Director; proposed Ordinance).

**4. Subject: Introduction Of Ordinance For Authorization To Execute Amendment To State Revolving Fund Loan Agreement For The Desalination Plant Reactivation (450.10)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the City Administrator, Subject to Approval as to Form by the City Attorney, of Amendment No. 3 to the Installment Sale Agreement for the Desalination Plant Reactivation Project Drinking Water State Revolving Fund Project No. 4210010-005C, Agreement No. D15-02006.

Action: Approved the recommendation (December 4, 2018, report from the Public Works Director; proposed Ordinance).

**6. Subject: Position Title Change In Community Development Department (410.06)**

Recommendation: That Council approve, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution No. 18-043, the Position and Salary Control Resolution for Fiscal Year 2019, Affecting the Community Development Department Effective December 4, 2018.

Action: Approved the recommendation; Resolution No. 18-089 (December 4, 2018, report from the Administrative Services Director; proposed Resolution).

**7. Subject: Adoption Of Resolutions For Additional Property Assessed Clean Energy Programs (630.06)**

Recommendation: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara, Consenting to Inclusion of Properties Within the City's Jurisdiction in the California HERO Program to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and Approving the Amendment to a Certain Joint Powers Agreement Related Thereto;
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Consenting to the Inclusion of Properties Within the Territory of the City in the California Municipal Finance Authority Open PACE Programs; Authorizing the California Municipal Finance Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the City; and Authorizing Related Actions;
- C. Authorize the City Administrator to negotiate and execute a Participation Agreement with the Western Riverside Council of Governments and/or Renovate America HERO Program for a Property Assessed Clean Energy Program;
- D. Authorize the City Administrator to negotiate and execute a Participation Agreement with California Municipal Finance Authority and/or Energy Efficient Equity for a Property Assessed Clean Energy Program; and
- E. Determine that the actions are not a "project" under the California Environmental Quality Act.

Action: Approved the recommendations; Resolution Nos. 18-090; 18-091; Agreement Nos. 26.325; 26,326; 26,327 (December 4, 2018, report from the Public Works Director; proposed Resolutions).

**8. Subject: Amendment To Resolution No. 18-005 Revising Commercial Cannabis Business Application Fee (520.04)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution No. 18-005 Establishing a Commercial Cannabis Business Application Fee, Initial Year Compliance Fee, Annual Permit Renewal Fee, Permit Amendment Fee, and Permit Relocation Fee.

Action: Approved the recommendation; Resolution No. 18-092 (December 4, 2018, report from the City Administrator; proposed Resolution).

**9. Subject: Approval Of Parcel Map And Execution Of Agreements For 1236 San Andres Street (530.01)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,830 and standard agreements relating to the approved subdivision at 1236 San Andres Street.

Action: Approved the recommendation; Agreement Nos. 26,328; 26,329 (December 4, 2018, report from the Public Works Director).

**10. Subject: Contract For Construction Of Lower State Street Railroad Crossing Safety Project (530.01)**

Recommendation: That Council:

- A. Award a contract with Lash Construction, in their low bid amount of \$728,728 for construction of the Lower State Street Railroad Crossing Safety Project, Bid No. 3791A; and authorize the Public Works Director to execute the contract and approve expenditures up to \$124,567, 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;
- B. Authorize the increase in appropriations and estimated revenues related to the (Section 130) Program grant funds by \$157,000 in the Streets Railway-Highways Crossing Grant Capital Fund, for construction; and
- C. Authorize the increase in appropriations and estimated revenues by \$37,121 in the Streets Grant Capital Fund, funded from monies paid by Hotel California to cover a portion of the project pursuant to the hotel's condition of approval.

Action: Approved the recommendations; Agreement No. 26,330 (December 4, 2018, report from the Public Works Director).

**NOTICES**

- 12. Subject: The City Clerk has on Thursday, November 29, 2018, posted the 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.
- 13. Subject: The Agenda was also posted in the hotel lobby of Hotel Sunsquare located at Montecasino Boulevard, Fourways, Johannesburg, 2055, South Africa.

This concluded the Consent Calendar.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**14. Subject: Average Unit-Size Density Incentive Program—Confirmation Of City Council Direction On Amendments (610.04)**

Recommendation: That City Council confirm initiation of certain amendments to Title 30 of the Santa Barbara Municipal Code (SBMC) and possibly initiate amendments to other portions of the Municipal Code or other administrative

practices related to the Average Unit-Size Density Incentive Program (AUD Program).

Documents:

- December 4, 2018, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- November 29, 2018, letter from Andy Alexander, Santa Barbara Association of Realtors.
- December 3, 2018, letter from Lindsey Baker, League of Women Voters of Santa Barbara.

Speakers:

- Staff: City Planner Renee Brooke; Transportation Planning and Parking Manager Robert Dayton; Housing Project Planner David Rowell; Principal Planner Daniel Gullett; Assistant City Attorney Scott Vincent.
- Members of the Public: Vijaya Jammalamadaka; Chris Barros; John Allen; Lucas Zucker, CAUSE; Mark Sheridan; Robert Burke; Steve Fort, Coastal Housing Coalition; Linda Honikman; Matt Lowe; Jeremy Bassan; Trish Allen; Ken Oplinger, Chamber; Joanna Kaufman, COAST; Brian Ceamal; Anna Marie Gott.
- Planning Commission: Mike Jordan; Sheila Lodge; John Campanella.

Motion:

Councilmembers Rowse/Friedman to confirm the direction on Phase 2 amendments regarding inclusionary brought forth with the study, looking at downtown densities with that process playing out, looking at parking requirements, not removing the trial period, having the Planning Commission have a stronger decision making role while still keeping design review, and looking into the primary residence requirement.

Vote:

Majority roll call vote (Noes: Councilmember Hart).

**RECESS**

6: 15 – 6:22 p.m.

**PUBLIC WORKS DEPARTMENT**

**15. Subject: Options For Potential Use Of Project Labor Agreements On City Public Works Capital Improvement Projects (530.01)**

Recommendation: That Council:

- A. Receive a report relating to the potential use of Project Labor Agreements on City Public Works Capital Improvement Projects; and
- B. Choose one of the following options for Council action:
  1. Adopt by motion the Ordinance Committee's recommendation to maintain the status quo without Project Labor Agreements, but

- direct staff to further investigate other options for enhanced local hire opportunities;
2. Determine the appropriate dollar threshold for Public Works projects subject to a potential requirement for a Project Labor Agreement and introduce and subsequently adopt, by reading of title only, Ordinance option A, an Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.52 of the Santa Barbara Municipal Code by Adding Section 4.52.200 to Authorize the Use Of Project Labor Agreements on City Public Works Capital Improvement Projects as Determined by the City Council; or
  3. Determine the appropriate dollar threshold for Public Works projects subject to a requirement for a Project Labor Agreement and introduce and subsequently adopt, by reading of title only, Ordinance option B, an Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.52 of the Santa Barbara Municipal Code by Adding Section 4.52.200 to Authorize the Use of Project Labor Agreements on City Public Works Projects Having an Estimated Value of \$ \_\_\_\_ Million and Subject to Section 519 of the City Charter.

The title of the Ordinances were read.

Documents:

- December 4, 2018, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- Proposed Ordinances.
- November 16, 2018, email from Nickolas Harvey, Business Developer/ Recruiter.
- November 26, 2018, letter from Al Austin II, Councilmember of the Eighth District for City of Long Beach.
- November 27, 2018, email from Eric Christen, Coalition for Fair Employment in Construction.
- November 29, 2018, letter from Kelly Candaele, Former Trustee and President of the Board of Los Angeles Community College.
- November 30, 2018, letter from Jesse Bishop, CalPortland Construction.
- November 30, 2018 letter from Eric Christen, Coalition for Fair Employment in Construction.
- November 30, 2018, letter from Mayor Andre Quintero, City of El Monte.
- December 3, 2018, email from Ronald Mathews.
- December 3, 2018, email from Rob Fredericks.
- December 4, 2018, email from Eric Christen, Coalition for Fair Employment in Construction.
- December, 2018, letter from Steven F. Veres, Board of Trustees of Los Angeles Community College District.

Speakers:

- Staff: Public Works Director Rebecca Bjork; City Engineer Brian D'Amour; Assistant City Attorney Dan Hentschke.
- Members of the Public: Meadow Croff-Schipper, Tradart Foundation; Enrique Armenta, Associated General Contractors of California; Jack Martin, Action Roofing; Kelly Candale; Nelson Lichtenstein, UCSB Center for the Study of Work, Labor & Democracy; Chuck Huddleston, IBEW 413; Austin Armenta, Electrical Apprenticeship; Jon Gordon, Santa Barbara County Electrical App.; Kevin Norton; Michael Lopez, UA Local 114; Britney DeLeon, UA Local 114; Nicholas Harvey; Bill Baker, IBEW; Earl Armstrong; Jesse Bishop, CALPORTLAND; Erwin Villegas; Martin A. Rodriguez, Tri-County Building & Construction; Kevin Dayton, Coalition for Fair Employment in Construction; Richard Markuson, Western Electrical Contractors Association; Mark Coffin; Joel Pierce, Ironworkers 432; Jim Dinning, Non-Union Tradespeople; Ken Oplinger; Lee Cushman, Cushman Contracting Corp.; James Smith, City Tax Payer; Paul Wieckowski, Schipper Construction; Byron Duran; Victoria Ornsbey; Les Cushman.

**Motion:**

Councilmembers Hart/Friedman: to (1) approve a PLA for all covered projects above the \$5M threshold, including determination of the appropriate dollar threshold for Public Works projects subject to a requirement for a Project Labor Agreement and introduce, and subsequently adopt, by reading of title only, Ordinance option B, an Ordinance of the Council of the City of the Santa Barbara Amended Chapter 4.52 of the Santa Barbara Municipal Code by Adding Section 4.52.200 to Authorize the Use of Project Labor Agreements on City Public Works Projects Having an Estimated Value of \$5M and Subject to Section 519 of the City Charter; and (2) direct staff to develop programs for local hire preference similar to those outlined in page 5 of the staff report and bring back to the City Council for consideration.

**Substitute motion:**

Councilmembers Sneddon/Rowse for the status quo with direction for staff to return with considerations for local hire outside PLA.

**Vote:**

Motion failed by roll call vote (Ayes: Councilmembers Rowse, Sneddon, Dominguez; Noes: Friedman, Gutierrez, Hart, Murillo).

**Vote on original motion:**

Majority roll call vote (Noes: Councilmembers Sneddon, Rowse; Abstain: Councilmember Dominguez).

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

**PUBLIC HEARINGS**

**16. Subject: Appeal Of The Planning Commission's Approval Of A Two-Lot Subdivision At 104 Jorgensen Lane (640.07)**

Recommendation: That Council:

- A. Consider the appeal of Cody Campbell and David Unger of the Planning Commission's approval of a two-lot subdivision; and
- B. Direct staff to return to City Council with decision and findings reflecting the outcome of the appeal.

Public Hearing opened: 8:44 p.m.

Ex Parte Communications:

- Mayor Murillo reported brief conversation with Mr. Lloyd on the phone with general advocacy for the project.

Documents:

- December 4, 2018, 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.
- September 25, 2018, letter from Joy Leach.
- November 26, 2018, letter from Jason Rick and Meggen Maloney.
- November 26, 2018, letter from Tamra Murphy.
- November 29, 2018 letter from Jim Dougherty.
- November 30, 2018, letter from Mark Lloyd.
- November 30, 2018, letter from Mike Walker.
- November 30, 2018 letter from Randy Glick.
- December 4, 2018, letter from Jeff Shelton.
- December 4, 2018, letter from Lori D. Ballance, Gaatzke Dillon & Ballance LLP.

Speakers:

- Staff: Assistant Planner Tony Boughman; Assistant Fire Chief Joe Poire, Assistant City Attorney Scott Vincent.
- Appellant: David Unger; Cody Cammbell.
- Applicant: Jason Rick; Mark Lloyd.
- Members of the Public: Sheila Lodge; Jill Stein; John Warnock.
- Planning Commission: Addison Thompson.

Councilmember Dominguez was excused from the meeting at 9:00 p.m.

Public Hearing closed: 9:51 p.m.

Motion:

Councilmembers Hart/Friedman to deny the appeal, making the findings as set forth in the planning commission's resolution, and incorporating the applicant's decision to restrict the lots in perpetuity to not include accessory dwelling units.

Vote:

Majority roll call vote (Noes: Councilmember Sneddon; Absent: Councilmember Dominguez).

## **COUNCIL AND STAFF COMMUNICATIONS**

Councilmember Rowse was excused at 10:02 p.m.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS 10:01 p.m.**

- Councilmember Dominguez attended the following events or meetings: 1.
- Councilmember Friedman attended the following events or meetings: 1. Tiny homes event; 2. Milpas holiday parade.
- Councilmember Gutierrez attended the following events or meetings: 1. Little homes town hall meeting; 2. Academy showcase at Earl Warren; 3. Milpas holiday parade; 4. Condolences to the family of Santiago Perez Jr who passed away while working.
- Councilmember Sneddon attended the following events or meetings: 1. COMB meeting; 2. Desalination ad hoc committee; 3. Santa Barbara High presentation re student options; 4. Tiny house engagement meetings; 5. Police station ad hoc community meeting; 6. Love thy neighbor vigil; 7. Milpas holiday parade; 8. Democratic Women holiday tea 9. Youth Council; 10. Sea Level Rise Community Meeting.
- Mayor Murillo attended the following events or meetings: 1. Tree lighting at Ralphs on Chapala; 2. Love your neighbor vigil and festival; 3. Milpas holiday parade; 4. Connect home / tiny homes project events; 5. Night market.

## **PUBLIC COMMENT (IF NECESSARY)**

## **ADJOURNMENT**

Mayor Murillo adjourned the meeting at 10:02 p.m. in the memory of Santiago Perez Jr., Jerry Hudson, Gene Sinser, Rebecca Gutierrez, and Jerry Beaver.

Approved and adopted by the City Council of the City of Santa Barbara on January 15, 2019.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

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