



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING July 22, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider 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 date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Ariel Pierre Calonne, City Clerk Services Manager Gwen Peirce.

### CHANGES TO THE AGENDA

City Administrator Armstrong stated the following item is being removed from the agenda.

### CLOSED SESSIONS

#### 13. **Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristine Schmidt, Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Unit.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## **PUBLIC COMMENT**

Speakers: William Gentry, Lee Moldaver, Tom Becker, Alex Pujo.

## **CONSENT CALENDAR (Item Nos. 1 – 8)**

The title of the ordinance related to Item No. 2 was read.

Motion:

Councilmembers Murillo/Hotchkiss to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

## **CONSENT CALENDAR**

### **1. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of July 1, 2014 and the regular meeting (cancelled) of July 8, 2014.

Action: Approved the recommendation.

### **2. Subject: Adoption of Ordinance for 2014-2017 Fire Association Memorandum of Understanding (440.02)**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the City of Santa Barbara Adopting the 2014-2017 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Firefighters' Association.

Action: Approved the recommendation; Ordinance No. 5661; Agreement No. 24,916.

### **3. Subject: Fiscal Year 2014 Interim Financial Statements For The Eleven Months Ended May 31, 2014 (250.02)**

Recommendation: That Council accept the Fiscal Year 2014 Interim Financial Statements for the Eleven Months ended May 31, 2014.

Action: Approved the recommendation (July 22, 2014, report from the Finance Director).

**4. Subject: County Of Santa Barbara Strategic Prevention Framework State Incentive Grant (520.04)**

Recommendation: That Council:

- A. Accept \$35,400 from the County of Santa Barbara Alcohol, Drug & Mental Health Services ("ADMHS") Strategic Prevention Framework State Incentive Grant to address underage and excessive drinking, and alcohol related motor vehicle accidents for Fiscal Year 2015; and
- B. Increase appropriations and estimated revenues by \$35,400 in the Police Miscellaneous Grants Fund for Fiscal Year 2015.

Speakers:

Members of the Public: Melissa Wilkins, Council on Alcoholism and Drug Abuse.

Action: Approved the recommendations (July 22, 2014, report from the Police Chief).

**5. Subject: Contract For Design Of The Airfield Electrical Rehabilitation Project (560.04)**

Recommendation: That Council authorize the Public Works Director to execute a Professional Services contract with Mead & Hunt, Inc., in the amount of \$119,500 for design services of the Airfield Electrical Rehabilitation Project, and authorize the Public Works Director to approve expenditures of up to \$12,000 for extra services of Mead & Hunt, Inc., that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,917 (July 22, 2014, report from the Public Works Director).

**6. Subject: Contract For Design For Influent Pump Station Variable Frequency Drive And Programmable Logic Controller Replacement Project (540.06)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Brown & Caldwell in the amount of \$74,154 for design services for the Influent Pump Station Variable Frequency Drive and Programmable Logic Controller Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$7,415 for extra services of Brown & Caldwell that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,918 (July 22, 2014, report from the Public Works Director).

**7. Subject: Contract For Construction Of The Marina One Replacement Project Phases 5-8 (570.03)**

Recommendation: That Council:

- A. Award a contract with Bellingham Marine Industries, Inc., in their low bid amount of \$6,851,250 for construction of the Marina One Replacement Project Phases 5-8, Bid No. 3723; and authorize the Public Works Director to execute the contract and approve expenditures up to \$342,563 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; and
- B. Authorize the Waterfront Director to execute a contract with URS in the amount of \$64,150 for construction support services, and approve expenditures of up to \$6,400 for extra services of URS that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 24,919 and 24,920 (July 22, 2014, report from the Public Works Director and Waterfront Director).

NOTICES

- 8. The City Clerk has on Thursday, July 17, 2014, 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.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

CITY ATTORNEY

**9. Subject: California Voting Rights Act And District Elections Presentation From National Demographics Corporation (110.03)**

Recommendation: That Council consider a presentation concerning District Elections and the California Voting Rights Act, receive public comment, and provide direction to staff regarding possible Charter amendments.

Documents:

- July 22, 2014, report from the City Attorney.
- PowerPoint presentation prepared and made by Douglas Johnson from National Demographics Corporation.

(Cont'd)

**9. (Cont'd)**

Speakers:

- Staff: City Attorney Ariel Calonne.
- National Demographics Corporation: President Douglas Johnson.
- Members of the Public: Cruzito Herrera Cruz, Sebastian Aldana, Jr., Mickey Flacks, Isaac Garrett.

Motion:

Councilmembers Murillo/Hart to proceed with further data analysis on district elections by National Demographics Corporation.

Vote:

Unanimous voice vote.

**PUBLIC HEARINGS**

**10. Subject: Municipal Code Amendments For Implementation Of Senate Bill 2 Related To Emergency Shelter Zoning (640.09)**

Recommendation: That Council:

- A. Continue the Public Hearing opened on July 15, 2014, to further consider proposed amendments to the Santa Barbara Municipal Code establishing regulations for Emergency Shelters; and
- B. Introduce, and subsequently adopt, by reading of title only, either:
  1. An Ordinance of the Council of the City of Santa Barbara Establishing Regulations for Emergency Shelters As a Permitted Use in the R-4, C-P, C-L, C-1, C-2 and C-M Zones (Option 1); or
  2. An Ordinance of the Council of the City of Santa Barbara Establishing Regulations for Emergency Shelters As a Permitted Use in the C-M Zone (Option 2).

Continued from July 15, 2014, Item No. 23.

Documents:

- July 22, 2014, report from the Community Development Director.
- Proposed Ordinances.
- PowerPoint presentation prepared and made by Staff.

The titles of the ordinances were read.

Public Comment Opened:

3:34 p.m.

(Cont'd)

**10. (Cont'd)**

Speakers:

- Staff: Project Planner Irma Unzueta.
- Members of the Public: Jason Colbert, Jose Arturo Ortiz de Martinez-Gallegos.

Public Comment Closed:

3:39 p.m.

Motion:

Councilmember Murillo to approve Recommendation B, Option 1.

Motion died for a lack of second.

Motion:

Councilmembers White/Hotchkiss to approve Recommendation B, Option 2.

Vote:

Majority voice vote (Noes: Councilmember Murillo).

**MAYOR AND COUNCIL REPORTS**

**11. Subject: Request From Mayor Schneider And Councilmember Murillo Regarding 2020 A Year Without War Proclamation (120.04)**

Recommendation: That Council consider the request from Mayor Schneider and Councilmember Murillo regarding a proposal from the Santa Barbara based 2020 A Year Without War organization.

Documents:

July 22, 2014, report from the City Administrator.

Speakers:

Members of the Public: Professor Joe White, Santa Barbara City College, 2020 A Year Without War; Melisa Johnston, 2020 A Year Without War; Benjamin Ivarrison, 2020 A Year Without War.

Motion:

Councilmembers Hotchkiss/Murillo to approve the proposal to send a proclamation in support of 2020 A Year Without War.

Vote:

Majority voice vote (Noes: Councilmember Francisco).

**12. Subject: Appointment Of Ad Hoc City Administrator Recruitment Committee (170.01)**

Recommendation: That Council authorize appointment of an ad hoc Council committee to evaluate options and prepare recommendations to the full Council concerning recruitment processes for the interim and permanent City Administrator.

Documents:

July 22, 2014, report from the Mayor.

Motion:

Councilmembers Hotchkiss/Francisco to appoint Councilmembers Francisco, White and Mayor Schneider to an ad hoc subcommittee for the recruitment processes for the interim and permanent City Administrators.

Vote:

Unanimous voice vote.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember White reported on a recent Planning Commission meeting he attended and briefly described the projects being considered.
- Councilmember Hotchkiss spoke regarding his absence from the previous City Council meeting due to emergency surgery.
- Councilmember Rowse reported on his attendance at a recent Downtown Parking Committee meeting.
- Councilmember Murillo commented on two events that she had attended regarding reducing violence in the youth community: 1) Pro Youth Movement; and 2) Gang Task Force meeting.
- Councilmember Hart reported on his attendance at 1) party for Sherrie Fisher's retirement from the Metropolitan Transit District; 2) Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) meeting; and 3) Isla Vista Governance Town Hall Meeting.

## **RECESS**

Mayor Schneider recessed the meeting at 4:21 p.m. in order for the Council to reconvene in closed session for Item Nos. 14 and 15, and she stated that no reportable action is anticipated.

## CLOSED SESSIONS

### 14. 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) arising out of the United States Supreme Court's decision in *McCullen v. Coakley*, SBMC Chapter 9.99, and a threat made by the Life Legal Defense Foundation, pursuant to Government Code sections 54956.9(d)(2) & (e)(2)/(3) and take appropriate action as needed.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

July 22, 2014, report from the City Attorney.

Time:

4:21 p.m. – 5:15 p.m. Mayor Schneider was absent, having announced that she would recuse herself due to a potential conflict of interest.

No report made.

### 15. Subject: Conference with City Attorney - Existing 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:

*Carter, Camille v. City of Santa Barbara*, SBSC Case No. 1438672

*Cotledge, Brittney v. City of Santa Barbara*, USDC Case No. CV12-08623

*Davydova, Svetlana v. City of Santa Barbara*, SBSC Case No. 1418380

*Delgadillo, Lucio Ramirez v. City of Santa Barbara*, SBSC Case No. 1439502

*Denunzio, Tony v. City of Santa Barbara, et. al.*, USDC Case No. CV13-06542  
GW(MANx)

*Gosztyla, Richard v. City of Santa Barbara*, SBSC Case No. 1440151

*Hicks, Joseph M. v. City of Santa Barbara*, USDC Case No. CV13-9016 FMO-RZx

*Holland, Michael J. v. City of Santa Barbara*, USDC Case No. CV13-1711  
AG(SP)

*Martinez, Joseph v. City of Santa Barbara*, SBSC Case No. 1438811

*Miller, Richard v. City of Santa Barbara*, SBSC Case No. 1440331

*Moore, Passion v. City of Santa Barbara*, USDC Case No. CV13-7354 BRO-RZx

*Reyes, Toni M. v. City of Santa Barbara*, SBSC Case No. 1416050

*Thomas, Michael F. v. SBPD, et al.*, USDC Case No. CV13-06659

(Cont'd)



15. (Cont'd)

*Wager, Sarelyn v. City of Santa Barbara*, SBSC Case No. 1415112  
*Wikman, Monika v. City of Santa Barbara*, SBSC Case No. 1467345  
*Yang, Jun v. City of Santa Barbara*, SBSC Case No. 1467569  
*Berenstein, Boris v. City of Santa Barbara, et al.*, SBSC Case No. 1466244  
*Glover, Anthony v. City of Santa Barbara, et al.*, SBSC Case No. 14738882  
*Environmental Const., Inc., v. City of Santa Barbara*, SBSC Case No. 1415695  
*Corral, Debra A., et al. v. City of Santa Barbara*, SBSC Case No. 1466439  
*Sipple v. City of Santa Barbara*, LASC BC 462270  
*McKee, Jonathan v. City of Santa Barbara, et al.*, SBSC Case No. 1440173  
*Brost, Luke, etc. et al. v. City of Santa Barbara, et al.*, SBSC Case No. 1342979  
*Jacks, Rolland, et al., v. City of Santa Barbara*, SBSC Case No. 1383959  
*Josfan, Drew v. City of Santa Barbara, et al.*, USDC Case No. CV09-7904-AHM(PLAx)

Scheduling: Duration, 60 minutes; anytime  
Report: None anticipated

Documents:

July 22, 2014, report from the City Attorney.

Time:

5:17 p.m. – 6:05 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:05 p.m. in memory of Ralph Fertig.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
GWEN PEIRCE, CMC  
CITY CLERK SERVICES MANAGER