



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 9, 2016 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deborah L. Applegate Deputy City Clerk.

PUBLIC COMMENT

Speakers: Virginia Sato; Raquel; Christian Heslin, Oceanhills Covenant Church; Alysse Mastromarino and Jeff Shaffer, Free Methodist Church; Phil Walker; Mark Sheridan; David Davis.

Deputy City Clerk Applegate read a memorandum, dated August 2, 2016, from Mayor Pro Tempore Bendy White, stating that he had inadvertently failed to recuse himself from voting on Consent Item No. 5 of the August 2, 2016 Council meeting.

CONSENT CALENDAR (Item Nos. 1 – 12)

The title of the ordinance related to the Consent Item was read.

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Adoption Of Ordinance For Encroachment Permits For Victoria Hall Theater Facilities At 33 West Victoria Street And Parking Lot No. 5 (330.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving An Encroachment Permit Agreement with Child Abuse Listening Mediation, Inc., a California Nonprofit Public Benefit Corporation, Ensemble Theatre Company, Inc., a California Non-profit Corporation, and Luria New Vic, LLC, a California Limited Liability Company, Affecting the Properties Known as 1236 Chapala Street and 33 West Victoria Street, and Approving An Encroachment Permit Agreement With Ensemble Theatre Company, Inc., a California Non Profit Corporation, Affecting the Property Known as 33 West Victoria Street, Each Agreement Intended to Terminate and Supersede Encroachment Permit Agreement 24,521, Approved by Ordinance 5621, and Adopted by Council on June 4, 2013, for Portions of Site Improvements That Were Authorized to Encroach Along and Into the Frontage of Victoria Street, and a Portion of City Parking Lot No. 5, and Authorizing the Public Works Director to Execute Both Encroachment Permit Agreements.

Action: Approved the recommendation; Ordinance No. 5762; Agreement No. 25,658 and 25,659.

2. Subject: Transfer Of 518 East Canon Perdido (Eleanor Apartments) To The Housing Authority Of The City Of Santa Barbara (660.01)

Recommendation: That Council:

- A. Approve Assignment and Assumption Agreement that assigns all contractual rights, duties and obligations of all City documents to the Housing Authority;
- B. Increase appropriations in the amount of \$122,000 in the Housing Successor Agency Fund, from reserves, to cover the cost of the additional loan amount;
- C. Increase the allocation to City Loan Agreement No. 18,701 account by \$122,000 from the Housing Successor Agency Fund;
- D. Approve the Amendment to the City Loan Agreement No. 18,701, including forgiveness of \$592,000 of accrued interest;

(Cont'd)

2. (Cont'd)

- E. Approve the Additional Advance of \$122,000 to the City Deed of Trust;
- F. Approve the Amendment of the Affordability Control Covenant Imposed on Real Property; and
- G. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary.

Action: Approved the recommendations; Agreement Nos. 25,660 and 18,701.01 (August 9, 2016, report from the Community Development Director).

Speakers:

- Staff: Project Planner David Rowell
- Members of the Public: Robert Pearson, Housing Authority of the City of Santa Barbara.

3. Subject: Consent To Sublease Between Museum Of Exploration And Innovation (MOXI) And Chicken Little At 125 State Street (330.04)

Recommendation: That Council approve and authorize the City Administrator to execute a Consent to Sublease Agreement between the Children's Museum of Santa Barbara, Inc., dba MOXI, and Chicken Little, LLC for approximately 400 square feet of space within the City-owned property at 125 State Street.

Action: Approved the recommendation; Agreement No. 25,661 (August 9, 2016, report from the City Administrator).

4. Subject: Contract For Preliminary Design And Environmental Studies For Cabrillo Boulevard And Union Pacific Railroad Bridge (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Ty-Lin International in the amount of \$689,207 for design services of the Cabrillo Boulevard at Union Pacific Railroad Underpass Project, and authorize the Public Works Director to approve expenditures of up to \$68,920 for extra services of Ty-Lin International that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,662 (August 9, 2016, report from the Public Works Director).

5. Subject: Acceptance Of Grant Revenues And Increase The Design Contract For The Gutierrez Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Authorize an increase in the extra services amount with Drake Haglan and Associates, for bridge design services for the Gutierrez Street Bridge Replacement Project, Contract No. 24,338, in the amount of \$83,194, for a total project expenditure authority of \$733,617;
- B. Accept Federal Highway Administration Highway Bridge Program Grant Funding in the total amount of \$885,300 for right of way phase costs for the Gutierrez Street Bridge Replacement Project;
- C. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2017 Streets Grant Fund by \$221,325 of the total \$885,300 approved grant for the required right of way costs related to the Gutierrez Street Bridge Replacement Project; and
- D. Approve a transfer of \$28,675 from existing Street Capital Fund appropriations to the Streets Grant Fund to cover the anticipated City Funds required for right of way costs for the Gutierrez Street Bridge Replacement Project, and appropriate these funds in the Streets Grant Fund.

Action: Approved the recommendations; Contract No. 24,338.01 (August 9, 2016, report from the Public Works Director).

6. Subject: Contract For Contaminated Soils Management Of Water Main Replacement In The 100 To 300 Blocks Of Calle Cesar Chavez (540.06)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Rincon Consultants, Inc., in the amount of \$44,587 for environmental consulting services of the Cabrillo and Alameda Padre Serra Water Line Replacement Project at the 100-300 blocks of Calle Cesar Chavez, and authorize the Public Works Director to approve expenditures of up to \$8,917 for extra services of Rincon Consultants, Inc., that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,663 (August 9, 2016, report from the Public Works Director).

7. Subject: Authorize Out-Of-City Sewer Service Agreement For 529 Apple Grove Lane (540.13)

Recommendation: That Council authorize the Public Works Director to execute an agreement for out-of-City sewer service for 529 Apple Grove Lane.

Action: Approved the recommendation; Agreement No. 25,664 (August 9, 2016, report from the Public Works Director).

8. Subject: Montecito Water District Funding Agreement (540.10)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a Funding Agreement with the Montecito Water District for Phase 1 work associated with ongoing development of a Water Sales Agreement in relation to the City's Charles E. Meyer Desalination Plant as a potential regional water supply;
- B. Authorize the City Attorney to negotiate and execute a Professional Services contract in the amount of \$150,000 with Best, Best & Krieger, for special legal support in the drafting of the Water Sales Agreement;
- C. Authorize the increase of estimated revenues in the Water Operating Fund by \$193,594, which is the Montecito Water District's portion of the Phase I work of the Funding Agreement;
- D. Approve, and authorize the Public Works Director to execute a Professional Services contract in the amount of \$425,187 with Carollo Engineers, for technical support services related to the Water Sales Agreement;
- E. Authorize the Public Works Director to approve expenditures of up to \$42,518.70 for extra services of Carollo Engineers that may result from necessary changes in the scope of work; and
- F. Authorize the City Attorney to make both minor and technical changes to the Funding Agreement necessary to effectuate the final Agreement with the Montecito Water District.

Action: Approved the recommendations; Agreement Nos. 25,665 - 25,667 (August 9, 2016, report from the Public Works Director).

Speakers:

- Staff: Water Manager Joshua Haggmark.

9. Subject: Increase To Contract Number 25,572 With PlanetBids For Electronic Bidding System (520.02)

Recommendation: That Council approve increasing contract number 25,572 by \$6,500 for a new not to exceed amount of \$58,975 to add a license for an Emergency Operations module.

Action: Approved the recommendation; Agreement No. 25,572.01 (August 9, 2016, report from the Finance Director).

10. Subject: Contract For Measuring The Impact Of Neonicotinoid Pesticides On Estuaries And Coastal Streams (570.05)

Recommendation: Authorize the Parks and Recreation Director to execute a Joint Funding Agreement with the United States Geological Survey (USGS) in the amount of \$50,000 to conduct laboratory testing in support of the "Impact of Neonicotinoid Pesticides on Estuaries and Coastal Streams Research Project."

Action: Approved the recommendation; Agreement No. 25,668 (August 9, 2016, report from the Parks and Recreation Director).

11. Subject: Purchase Order With T-2 Systems For Luke Parking Stations (550.08)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.070.K, and authorize the General Services Manager to issue a purchase order to T-2 Systems for eight Luke Parking Payment Stations in an amount not-to-exceed \$90,000.

Action: Approved the recommendation (August 9, 2016, report from the Waterfront Director).

NOTICES

12. The City Clerk has on Thursday, August 4, 2016, 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 ORDINANCE COMMITTEE

Ordinance Committee Chair Hotchkiss reported that the Ordinance Committee met to hear a presentation on a proposed ordinance related to amendment Section 17.20.005 of the Santa Barbara Municipal Code related to the Slip Assignment Policy that would extend the time allowed for a slip permittee to replace a vessel that is donated, stolen, destroyed or otherwise permanently removed from the slip from 120 days to 180 days and eliminate the Lottery List Assignment Fee for slips assigned from the Lottery Waiting List.

PUBLIC HEARINGS

13. Subject: Fiscal Year 2017 Water Rates Public Hearing And Adoption Of Resolution Amending A Portion Of Resolution No. 16-044 Establishing Water Rates And Fees (540.10)

Recommendation: That Council:

- A. Hold the continued public hearing for Fiscal Year 2017 water rates from June 14, 2016; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution 16-044 and Establishing Certain Water Service Rates for Fixed Monthly Service Charges and Metered Volumetric Charges.

Documents:

- August 9, 2016, report from the Public Works Director.
- Proposed resolution.
- August 1, 2016, letter from Ruth Warkentim.
- August 8, 2016, letter from Mike McBirney.
- August 8, 2016, letter from John Beardsmore.
- August 8, 2016, letter from Curtis C. Ridling.
- August 9, 2016, email from Anna McMillin.
- August 9, 2016, email from Anna Marie Gott.
- August 9, 2016, letter from Lawrence Thompson.

Public Comment Opened:

2:49 p.m.

Speakers:

- Staff: Water Supply Manager Kelly Dyer.
- Members of the Public: Ed Behrman; Michael McBritney; Denise Adams, Montecito Vista Subdivision; Deborah Kirkhoff, Montecito Vista Subdivision; Ted Tedesco.

Public Comment Closed:

2:59 p.m.

Motion:

Councilmembers White/Murillo to approve the staff recommendations; Resolution No. 16-054.

Vote:

Unanimous roll call vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

14. Subject: Development Impact Fees (290.00)

Recommendation: That Council:

- A. Discuss the potential merits and drawbacks of development impact fees; and
- B. Direct staff on the process to bring the item back to Council, if needed.

Documents:

- August 9, 2016, report from the Community Development Director and Community Development Business Manager.
- PowerPoint presentation prepared and made by Staff.
- August 9, 2016, letter from Joe Rution and Anna Marie Gott.

Speakers:

- Staff: Community Development Director George Buell; City Planner Renee Brooke.
- Members of the Public: Ken Oplinger, Chamber of Commerce; Bob Hart, Santa Barbara Association of Realtors; Jeff Eckles, Home Builders Association of the Central Coast.

Motion:

Councilmembers White/Rowse for staff to add this item to the pending list of projects for the Community Development department and bring back for future discussion at the joint meeting of Planning Commission and City Council in Spring, 2017.

Vote:

Majority voice vote. (Noes: Councilmembers Murillo, Hart and Hotchkiss)

RECESS

4:38 p.m. – 4:43 p.m.

FINANCE DEPARTMENT

15. Subject: New Online Payment System For Utility Bills (210.01)

Recommendation: That Council receive a demonstration of the City's new electronic bill presentment and payment services system for utility bills.

Documents:

- August 9, 2016, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

15. (Cont'd)

Speakers:

Staff: Treasury Manager Julie Nemes.

By consensus, the Council accepted the report and their questions were answered.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Schneider commended all those involved with the coordination of this year's Old Spanish Days.
- Councilmember White reported on his recent meeting at the Cachuma Conservation Release Board.
- Councilmember Murillo reported on her attendance at the Boys and Girls Club of Santa Barbara First Annual Fiesta Celebration Car Show.

RECESS

The Mayor recessed the meeting at 5:05 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 16. She stated that no reportable action is anticipated.

CLOSED SESSIONS

16. 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 sections 54956.9(d)(2) & (e)(1) and take appropriate action as needed.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

August 9, 2016, report from the City Attorney.

Time:

5:05 p.m. – 6:25 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:25 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLGATE
DEPUTY CITY CLERK