



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING January 24, 2017 COUNCIL CHAMBER, 735 ANACAPA STREET

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: Jason Dominguez, Gregg Hart (2:04), Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, City Clerk Services Manager Sarah Gorman.

PUBLIC COMMENT

Speakers: Cary Matsuoka, Santa Barbara Unified School District; Matthew Kramer; David Prato; John Goodman; Roger Eggers; Eric Wilmanns; Mike Brown, Sprinter Owners; Jeff McFarlane; Lori Rafferty; Cruzito Herrera Cruz; Dr. Lee Heller.

ITEM REMOVED FROM CONSENT CALENDAR

2. **Subject: Agreement For Pet Licensing Services With PetData And Amendment To The Fee Schedule For Animal Control (520.05)**

Recommendation: That Council:

- A. Authorize the Chief of Police to execute a professional services agreement with PetData, Inc. for pet licensing services in an amount not to exceed \$25,000 per year for three fiscal years, with options to renew for two additional 1-year periods, for a total possible term of five years with a value not to exceed \$125,000; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 16-044 Establishing Certain City Fees, Adjusting Animal Control Administrative Fees Related to Pet Licensing.

Documents:

- January 17, 2017, report from the Police Chief.
- Proposed resolution.

Speakers:

Police Chief Lori Luhnnow.

Motion:

Councilmembers Murillo/Hart to move this item to the administrative agenda on a future Council meeting.

Vote:

Majority roll call vote (Noes: Councilmember Rowse).

CONSENT CALENDAR (Item Nos. 1, 3 - 12)

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

Motion:

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

Vote:

Unanimous roll call-vote.

1. **Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meetings of January 10 and January 17, 2017, and the special meetings of December 14, 2016 and January 9, 2017.

3. Subject: Public Works Transportation Division Reorganization And Position Changes (410.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 16-045, the Position and Salary Control Resolution for Fiscal Year 2017, Affecting the Public Works Department Beginning February 4, 2017.

Speakers: Public Works Director Rebecca Bjork.

Action: Approved the recommendation; Resolution No. 17-002 (January 17, 2017, report from the Public Works Director; proposed resolution).

4. Subject: Fiscal Year 2017 Interim Financial Statements For The Five Months Ended November 30, 2016 (250.02)

Recommendation: That Council accept the Fiscal Year 2017 Interim Financial Statements for the Five Months Ended November 30, 2016.

Speakers: City Administrator Paul Casey, Finance Director Robert Samario.

Action: Approved the recommendation (January 17, 2017, report from the Finance Director).

5. Subject: Agreement For Surface Water And Groundwater Monitoring (540.10)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a joint funding agreement with the United States Geological Survey for water resources investigations related to surface water and groundwater measurements for the period of November 1, 2016, through October 31, 2017, with a City cost share not to exceed \$206,814; and
- B. Authorize the Public Works Director to approve expenditures up to \$20,000 for extra monitoring services.

Action: Approved the recommendations; Agreement No. 25,776 (January 17, 2017, report from the Public Works Director).

6. Subject: Authorize Waiver Of Formal Bid Requirement For Asphalt Vendors For Pavement Maintenance And Repairs (530.04)

Recommendation: That Council:

- A. Find it in the City's best interest to waive formal competitive bid requirements for procurement of asphalt for pavement maintenance and repairs as authorized by the best interest waiver in Municipal Code Section 4.52.070 (L);
- B. Authorize the General Services Manager to issue purchase orders to two asphalt, Vulcan Materials and Granite Construction Company, in a combined amount not to exceed \$200,000 for Fiscal Year 2017, and for up to four additional fiscal years in combined amounts not to exceed the amount set aside for this purpose in the budget adopted by Council for each fiscal year; and
- C. Authorize the Public Works Director to execute a professional services agreement with Flowers & Associates, Inc., in the amount of \$102,202 for engineering and construction support services for the Pilot Pavement Maintenance Point Repair Program.

Action: Approved the recommendations, Agreement No. 25,777 (January 17, 2017, report from the Public Works Director).

7. Subject: Contract For Construction Of Fiscal Year 2017 Pavement Grind And Overlay Project For Zone 3 (530.04)

Recommendation: That Council:

- A. Award a contract with Toro Enterprises in their low bid amount of \$2,673,902 for construction of the Fiscal Year 2017 Pavement Grind and Overlay Project for Zone 3, Bid No. 3804; and authorize the Public Works Director to execute the contract and approve expenditures up to \$160,434 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 Public Works Director to execute a contract with Flowers & Associates, Inc., in the amount of \$166,285 for construction support services, and approve expenditures of up to \$16,628 for extra services of Flowers & Associates that may result from necessary changes in the scope of work; and

(Cont'd.)

7. Cont'd.

- C. Increase appropriations and estimated revenues related to the Local Surface Transportation Program grant funding by \$345,553 in the Fiscal Year 2017 Streets Grant Capital Fund to cover a portion of the cost of construction for the Westside Neighborhood Zone 3 Pavement Maintenance Project.

Action: Approved the recommendations, Agreement Nos. 25,778 – 25,779 (January 17, 2017, report from the Public Works Director).

8. Subject: Contract For Construction Of Sidewalk Access Ramps For Fiscal Year 2017 Pavement Grind and Overlay Project (530.04)

Recommendation: That Council award a contract with CalPortland Construction in their low bid amount of \$166,525 for construction of the Westside Neighborhood Zone 3 Sidewalk Access Ramps Project, Bid No. 3839; and authorize the Public Works Director to execute the contract and approve expenditures up to \$16,653 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. 25,780 (January 17, 2017, report from the Public Works Director).

9. Subject: Approval To Donate Outdated And/Or Inoperable Computer Workstations To The Santa Barbara County Education Office Computers For Families Program (340.02)

Recommendation: That Council authorizes the General Services Manager to donate outdated and/or inoperable computer workstations to the Santa Barbara County Education Office for the Computers for Families Program.

Action: Approved the recommendation (January 17, 2017, report from the Public Works Director).

10. Subject: Set A Date For Public Hearing Regarding Appeal For 6100 Hollister Ave

Recommendation: That Council:

- A. Set the date of March 7, 2017, at 2:00 p.m. for hearing the appeal filed by the City of Goleta of the Planning Commission's approval of a Development Plan for a Light Industrial Park at 6100 Hollister Avenue; and
- B. Set the date of March 6, 2017, at 1:30 p.m. for a site visit to the property located at 6100 Hollister Ave.

Action: Approved the recommendations.

11. Subject: Approval of Benefits Administration Contract (410.01)

Recommendation: That Council Authorize the City Administrator to enter into a three and one half year agreement with Businessolver.com, Inc. for employee benefits administration services effective January 1, 2017.

Action: Approved the recommendation; Agreement No. 25,781 (January 17, 2017, report from the Administrative Services Director).

NOTICES

12. The City Clerk has on Thursday, January 19, 2017, 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 ADMINISTRATOR

13. Subject: Options For Enhanced Oversight Of On-Sale And/Or Off-Sale Alcohol Outlets (520.04)

Recommendation: That Council:

- A. Receive a report on the options available to the City to further regulate on-sale and off-sale alcohol outlets;
- B. Determine whether to consider regulation of on-sale outlets, off-sale outlets, or both; and
- C. Provide direction to staff on whether to work with the Ordinance Committee on the development of an ordinance to amend the Municipal Code to regulate new and/or existing alcohol outlets.

Documents:

- January 24, 2017, report from the City Administrator's Office.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Senior Assistant to the City Manager Matt Fore; Police Chief Lori Luhnnow.
- Members of the Public: Bob Stout; Bea Molina, Milpas Community Association; Maggie Campbell.

City Attorney Ariel Calonne stated that due to Councilmember Randy Rowse's ownership of a business with an on-sale alcohol sale permit, he would recommend Councilmember Rowse's recusal from Council discussion of on-sale alcohol sale permits.

Councilmember Rowse stated that he would recuse himself from participating in this item to conflicts of interest related to owning or operating a business with an on-sale liquor license.

Councilmember Rowse left the meeting at 2:33 p.m.

(Cont'd.)

13. **Cont'd.**

Motion:

- Councilmembers Murillo/Hotchkiss to direct staff to work with the Ordinance Committee on an off sale outlet program.

Amendment Motion:

Councilmember White to amend the motion by requesting the Chief provide information regarding whether nuisance calls are on-sale or off-sale calls. The amendment was acceptable to the mover and the seconder.

Vote on Amendment Motion:

Majority roll call vote (Abstentions: Councilmember Rowse.)

Councilmember Rowse to the Chambers returned at 3:41 p.m.

PUBLIC WORKS DEPARTMENT

14. **Subject: Drought Update And Annual Water Supply Management Report (540.05)**

Recommendation: That Council:

- A. Receive an update on the status of the current drought, drought-response capital projects, and continuing conservation efforts; and
- B. Approve and adopt the City of Santa Barbara Water Supply Management Report for the 2016 water year, finding that groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

Documents:

- January 24, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Water Resources Manager Joshua Haggmark; Water Conservation Madeline Ward, Water Supply Manager Kelley Dyer.

Motion:

Councilmembers Hart/White to approve the recommended action.

Vote:

Unanimous voice vote.

15. Subject: South Coast 101 High Occupancy Vehicle Lanes Project Draft Revised Environmental Impact Report (530.04)

Recommendation: That Council:

- A. Receive a presentation summarizing staff's findings of the Draft Revised Environmental Impact Report for the South Coast 101 High Occupancy Vehicle Lanes Project with staff analysis; and
- B. Provide Comments on the Draft Revised Environmental Impact Report.

Documents:

- January 24, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.

Councilmember Gregg Hart stated that while he has no financial conflict of interested, based on the appearance of conflict of interest, he was stepping down and leaving the dais.

Councilmember Hart left the meeting at 4:14 p.m.

Speakers:

- Staff: Principal Transportation Planner Robert Dayton,
- California Department of Transportation: Scott Eads, Jacob Wilkinson
- Planning Commission: Michael Jordan, John Campanella
- Members of the Public: Tom Becker, Cars Are Basic; Art Ludwig, Ana Citrin, CLAWS; , Marjie Kim, SBCAG; Bob Short; Steve Lew; Jack Ucciferi; Ariana Katovich; Ron Pulice; Thomas Bollay, Montecito Association; Jack Overall; Nancy Black, CLAWS; Howard Green; Matt Dobberteen.

Motion:

Councilmembers Hotchkiss/White to submit the letter as submitted by staff.

Vote:

Majority roll call vote (Abstention: Councilmember Hart).

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo commented on her attendance at the Independent Living Resource Center event, the Santa Barbara Chamber of Commerce business award, the Martin Luther King Jr. event, the Girls Rock event, healthcare forums and forums regarding the oversized vehicle ordinance.
- Councilmember Hart commented on his attendance at a Beach Erosion Authority for Clean Oceans and Nourishment meeting.
- Councilmember Rowse commented on the sad passing of Phil Womble.
- Councilmember White commented on his attendance at the Cachuma Operations and Maintenance Board meeting, including discussion of the barge at the location, and successful oak tree plantings.
- Mayor Schneider commented on her attendance at the US Conference of Mayors, including discussions there regarding infrastructure and water; she also commented on the positive performance of Santa Barbara police officers at the recent march.

RECESS

The Mayor recessed the meeting at 6:32 p.m. in order for the Council to reconvene in closed session for Item Nos. 16 - 18. She stated that reportable action is anticipated on Item 16.

CLOSED SESSIONS

16. Subject: Conference with City Attorney - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to decide whether to authorize the initiation of litigation (one potential case) pursuant to Government Code sections 54956.9(d)(4) and take appropriate action as needed.

Scheduling: Duration, 15 minutes; anytime

Report: Yes

Documents:

January 24, 2017, report from the City Attorney.

Time:

6:32 – 6:46 p.m.

17. Subject: Conference With City Attorney - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is Joseph Wladyka v. City of Santa Barbara, WCAB case number ADJ1069377.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

January 24, 2017, report from the City Attorney.

Time:

6:46 – 6:50 p.m.

No report made.

18. Subject: Conference With City Attorney - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is John Mead v. City of Santa Barbara, WCAB case numbers ADJ9214907 and ADJ 9655157.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

January 24, 2017, report from the City Attorney.

Time:

6:50 - 6:53 p.m.

No report made.

16. Cont'd.

Council returned to open session for this item at 6:53 p.m.

Motion:

Councilmember White/Hotchkiss to initiate litigation.

Vote:

Unanimous voice vote.

Announcement:

City Attorney Calonne stated that he will report the nature of the action, defendants, and other particulars once the case is formally commenced.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:55 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SARAH GORMAN
CITY CLERK SERVICES MANAGER