



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING July 28, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee and Ordinance Committee met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco (2:07 p.m.), 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, Deputy City Clerk Susan Tschech.

### PUBLIC COMMENT

Speakers: Tariq Kadri; Phil Walker; Richard Robinson; John Palminteri; Tom Widroe, City Watch.

### CONSENT CALENDAR (Item Nos. 1 – 13)

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

#### Motion:

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

#### Vote:

Unanimous roll call vote.

**1. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of July 14, 2015.

Action: Approved the recommendation.

**2. Subject: Resolution Approving A Grant Application For The Las Positas Creek Restoration Project (540.14)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Application for Grant Funds for the California River Parkways Grant Program.

Action: Approved the recommendation; Resolution No. 15-063 (July 28, 2015, report from the Parks and Recreation Director; proposed resolution).

**3. Subject: Acceptance Of A Public Street Easement At 406 East Haley Street (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a New Public Street Easement on the Private Property Known as 406 East Haley Street, Located at the Corner of East Haley Street and Laguna Street, For All Street Purposes.

Action: Approved the recommendation; Resolution No. 15-064; Deed No. 61-444 (July 28, 2015, report from the Public Works Director; proposed resolution).

**4. Subject: Introduction Of Ordinance To Designate Fishing Areas On Stearns Wharf (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 Amending the Santa Barbara Municipal Code by Adding Section 17.13.060 to Designate Fishing Areas on Stearns Wharf.

Action: Approved the recommendation (July 28, 2015, report from the Waterfront Director; proposed ordinance).

**5. Subject: June 30, 2015, Investment Report And June 30, 2015, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the June 30, 2015, Investment Report; and
- B. Accept the June 30, 2015, Fiscal Agent Report.

(Cont'd)

**5. (Cont'd)**

Action: Approved the recommendation (July 28, 2015, report from the Acting Assistant City Administrator/Finance Director).

**6. Subject: Fiscal Year 2015 Interim Financial Statements For The Eleven Months Ended May 31, 2015 (250.02)**

Recommendation: That Council accept the Fiscal Year 2015 Interim Financial Statements for the Eleven Months Ended May 31, 2015.

Action: Approved the recommendation (July 28, 2015, report from the Acting Assistant City Administrator/Finance Director).

**7. Subject: Professional Services Contract With Hunt Design, Inc., For The Parks And Recreation Facility Sign Replacement Project (570.08)**

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a professional services agreement with Hunt Design, Inc., in the amount of \$45,000 to develop a comprehensive sign program for City parks and recreation facilities; and
- B. Authorize the Parks and Recreation Director to approve additional expenditures of up to \$5,000 to cover cost increases that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 25,272 (July 28, 2015, report from the Parks and Recreation Director).

**8. Subject: Contract For Final Design Of The Arroyo Burro Restoration Project At Barger Canyon (540.14)**

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a Professional Services Agreement with Questa Engineering Corporation in the amount of \$78,080 to prepare final design plans and construction specifications for the Arroyo Burro Restoration Project at Barger Canyon; and
- B. Authorize the Parks and Recreation Director to approve expenditures of up to \$7,800 for extra services from Questa Engineering Corporation that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 25,273 (July 28, 2015, report from the Parks and Recreation Director).

**9. Subject: Mesa Business Association Flag Agreement (530.04)**

Recommendation: That Council authorize the Public Works Director to enter into a five-year agreement with the Mesa Business Association to allow them to install flags on City-owned streetlight poles.

Speakers:

Members of the Public: John Kelley, Mesa Architects.

Action: Approved the recommendation; Agreement No. 25,274 (July 28, 2015, report from the Public Works Director).

**10. Subject: Community Promotion Contract With Old Spanish Days (230.02)**

Recommendation: That Council authorize the City Administrator to execute a community promotion contract with Old Spanish Days in an amount of \$101,000, covering the period from July 1, 2015, to June 30, 2016.

Action: Approved the recommendation; Contract No. 25,275 (July 28, 2015, report from the City Administrator).

**11. Subject: Adoption Of Ordinances For Reactivation Of The Charles E. Meyer Desalination Facility (540.10)**

Recommendation: That Council:

- A. 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 of an Installment Sale Agreement in Connection with the Desalination Plant Reactivation Project Drinking Water State Revolving Fund Project No. 4210010-005C;
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval, Subject to Receipt of SRF Loan For Project No. 4210010-005C, and Execution by the Public Works Director of a Contract to Design, Build, and Operate the Charles E. Meyer Desalination Facility With IDE Americas, Inc., in the Amount of \$43,437,234 and Approve Expenditures up to \$1,864,420 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
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Acceptance and Execution by the Public Works Director of a Lease for a Term of 25 Years With the State Of California State Lands Commission for the Continued Use and Maintenance of One 48-Inch Diameter Sewer Outfall Pipeline and Maintenance of One 42-Inch Diameter Non-Operational Outfall Pipeline and Associated Facilities, as Further Described on Exhibit "A" Attached Thereto.

(Cont'd)

**11. (Cont'd)**

Action: Approved the recommendations; Ordinance Nos. 5709 – 5711;  
Agreement Nos. 25,276 – 25,278.

**NOTICES**

12. The City Clerk has on Thursday, July 23, 2015, 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.
13. A City Council site visit is scheduled for Monday, August 3, 2015, at 1:30 p.m. to the property located at 3425 Sea Ledge Lane, which is the subject of an appeal hearing set for August 4, 2015, at 2:00 p.m.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to review the June 30, 2015, Investment and Fiscal Agent Reports. The Committee accepted and forwarded the reports to the City Council, which approved them as part of this agenda's Consent Calendar (Item No. 5).

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Randy Rowse reported that the Committee met to review proposed Municipal Code amendments regarding: 1) the improvement to the management and permitting of news racks; and 2) bidding thresholds. The Committee voted to forward both ordinances to the full Council for introduction and subsequent adoption.

**PUBLIC HEARINGS**

**14. Subject: Solar Energy System Permits Ordinance (630.06)**

Recommendation: That Council conduct a public hearing, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 22.91 to the Municipal Code and Amending Sections 28.04.050 and 28.93.030 Relating to Permitting Procedures and Construction Requirements for Solar Energy Systems.

Documents:

- July 28, 2015, report from the Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- July 28, 2015, e-mail from Virginia Rehling.

(Cont'd)

**14. (Cont'd)**

The title of the proposed ordinance was read.

Public Comment Opened:  
2:20 p.m.

Speakers:

- Staff: Chief Building Official Andrew Stuffer, Assistant City Attorney Scott Vincent, City Attorney Ariel Calonne.
- Members of the Public: April Price, Community Environmental Council.

Public Comment Closed:  
2:39 p.m.

Motion:

Councilmembers Hart/White to introduce the ordinance.

Vote:

Unanimous voice vote.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

FINANCE DEPARTMENT

**15. Subject: Status Of The Resource Recovery Project At Tajiguas Landfill (630.01)**

Recommendation: That Council:

- A. Receive a report on the status of the proposed Resource Recovery Project at Tajiguas Landfill; and
- B. Direct staff to work with County of Santa Barbara staff to study and evaluate a public financing model for the Resource Recovery Project.

Documents:

- July 28, 2015, report from the Acting Assistant City Administrator/Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Environmental Services Manager Matthew Fore, Acting Assistant City Administrator/Finance Director Robert Samario.
- County of Santa Barbara: Deputy Public Works Director Mark Schleigh.
- Members of the Public: Derek Carlson, MarBorg Industries.

(Cont'd)

**15. (Cont'd)**

Motion:

Councilmembers Murillo/Rowse to approve recommendation B.

Vote:

Unanimous voice vote.

Councilmember Francisco left the meeting at 3:37 p.m. and returned at 3:43 p.m.

**PARKS AND RECREATION DEPARTMENT**

**16. Subject: Council Direction On Operating Options For Santa Barbara Golf Club (570.02)**

Recommendation: That Council:

- A. Receive a report on three operating models evaluated for Santa Barbara Golf Club; and
- B. Direct staff to proceed with Option B, to include a Request for Proposals for professional golf management services for golf course management, Pro Shop, and course maintenance operations; and negotiate contractual terms with the existing operators of Mulligan's Café and Bar to provide food and beverage services at the golf course.

Documents:

- July 28, 2015, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.
- Binder consisting of public comment/correspondence received regarding this issue.

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Administrative Analyst Mark Sewell.
- Parks and Recreation Commission: Chair Lesley Wiscomb.
- Members of the Public: Anna Dato; Lila Anne Bartz; Brian MacDonald; Cynthia Goena, Service Employees International Union Local 620; Bret Hughes; Karen Hughes; Beebe Longstreet; Tom Widroe, City Watch; Celeste Barber; Mike Thompson; Robert Garcia; Chris Talerico; Gretchen Ostergren; Mario Medina; Lani Medina; Melissa Osuna; Richard Chavez; Mary Hulme; Dominic Namnath; Ronnie Shahbazian; Michael Woodard; Valerie Ekern; Steve Metsch.

Motion:

Councilmembers White/Francisco to approve recommendation B, including direction to Staff to ensure that the cooperation between the golf course operation and the restaurant is improved.

Vote:

Majority voice vote (Noes: Councilmembers Hart, Murillo, Mayor Schneider.

## RECESS

5:30 p.m. – 5:42 p.m.

## MAYOR AND COUNCIL REPORTS

### 17. **Subject: Request From Mayor Schneider And Mayor Pro Tempore Hart Regarding Phillips 66 Rail Extension Project Proposal (630.12)**

Recommendation: That Council consider the request from Mayor Schneider and Mayor Pro Tempore Hart to send correspondence to the San Luis Obispo County Planning Commission and Board of Supervisors to express concerns about the Phillips 66 Rail Spur Extension Project regarding the safety impacts of the increased frequency of oil trains along freight corridors and request denying the Project.

#### Documents:

- July 28, 2015, report from the City Administrator.
- PowerPoint presentation prepared and made by the Mayor.
- July 27, 2015, e-mail from Richard Hall.
- July 27, 2015, letter from the Community Environmental Council.
- July 28, 2015, letter from California State Senator Hannah-Beth Jackson.
- Written remarks made by Larry Bishop during public comment.
- Map submitted by Linda Krop, representing the Environmental Defense Center.

#### Speakers:

Members of the Public: Felix Esparza; Hillary Blackerby, representing Assemblymember Das Williams; Jane Baxter, Santa Barbara County Action Network; Robert Miller, Westside Goleta Coalition; Ken Hough, Santa Barbara County Action Network; James Joyce, representing State Senator Hannah-Beth Jackson; Fred Shaw; Larry Bishop; Katie Davis, Sierra Club; Dr. Lee Heller, Environmental Defense Center; Dr. Matthew Margulies; Sharon Broberg; Rebecca Claassen, Food and Water Watch; Vivian Stanton; Jefferson Litten, Community Environmental Council; Scott Burnett; Linda Krop, Environmental Defense Center.

#### Motion:

Councilmembers Hart/Murillo to direct Staff to draft a letter for the Mayor's signature opposing the Phillips 66 Rail Spur Extension Project.

#### Vote:

Majority voice vote (Noes: Councilmembers Francisco, Hotchkiss).

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### Information:

- Councilmember Murillo mentioned the following events/meetings which had taken place in the last week: 1) Westside cleanup; 2) Police Department's Explorer Program Menudo Festival; 3) celebration of the 25<sup>th</sup> anniversary of the Americans with Disabilities Act; and 4) discussion of vacation rentals sponsored by the City/County Affordable Housing Task Group.
- Councilmember White reported on issues discussed at the most recent meeting of the Cachuma Operation and Maintenance Board.
- Councilmember Rowse commented on his attendance at the Westside and Eastside cleanups; he also met with the Mesa Architects group regarding the flag program intended to celebrate the Mesa Neighborhood identity.
- Mayor Schneider thanked Westmont College and the local chapter of Special Olympics for their contributions in hosting athletes from four foreign countries participating in the Special Olympic games being held in Los Angeles.

## **RECESS**

The Mayor recessed the meeting at 6:40 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 18, and she stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

### **18. Subject: City Attorney Compensation Negotiations (160.01)**

Recommendation: That Council hold a closed session with Kristine Schmidt, Administrative Services Director, pursuant to CA Government Code Section 54957(b)(1) and Section 54957.6 regarding the negotiation of the salary and fringe benefits applicable to the City Attorney.

Negotiators: Kristine Schmidt, Administrative Services Director

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

### Documents:

July 28, 2015, report from the City Administrator.

### Time:

6:43 p.m. – 6:58 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:58 p.m. to Monday, August 3, 2015, at 1:30 p.m. at 3425 Sea Ledge Lane.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

ATTEST:

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HELENE SCHNEIDER  
MAYOR

\_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK