



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
May 25, 2010
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Finance Committee met at 11:00 a.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, Acting City Attorney N. Scott Vincent, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

Speakers: Matthew Kramer, Jack Wilson, Robert Burke.

Councilmember Williams left the meeting at 2:06 p.m.

CONSENT CALENDAR (Item Nos. 1 – 6, 9, and 10)

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

Motion:

Councilmembers House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of April 22, 2010, the regular meeting of April 27, 2010, the special meeting of April 29, 2010, the regular meeting of May 4, 2010, the special meeting of May 5, 2010, and the regular meeting of May 11, 2010.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance Amending Municipal Code Section 3.16.073 Regarding Registered Domestic Partners (800.05)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Three of the Santa Barbara Municipal Code to Revise Section 3.16.073 of Chapter 3.16 Pertaining to the Employment by the City of Domestic Partnerships in the Same City Department or Division.

Action: Approved the recommendation; Ordinance No. 5520.

3. Subject: April 2010 Investment Report (260.02)

Recommendation: That Council accept the April 2010 Investment Report.

Action: Approved the recommendation (May 25, 2010, report from the Interim Finance Director; May 22, 2010, letter from Paula Westbury).

4. Subject: Professional Services Contract With Art From Scrap (630.01)

Recommendation: That Council approve a professional services agreement with Art From Scrap for an amount not to exceed \$29,970 for the implementation of waste reduction, recycling, and composting education for K-12 students in City schools.

Action: Approved the recommendation; Agreement No. 23,426 (May 25, 2010, report from the Interim Finance Director).

5. Subject: Contract For Construction Of American Recovery And Reinvestment Act Access Ramp And Sidewalk Maintenance Project (530.04)

Recommendation: That Council:

- A. Award a contract with Toro Enterprises, Inc. (Toro), in the amount of \$603,170, for construction of the American Recovery and Reinvestment Act Access Ramp and Sidewalk Maintenance Project (Project), Bid No. 3593; and

(Cont'd)

5. (Cont'd)

- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$86,830 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 recommendations; Contract No. 23,427 (May 25, 2010, report from the Public Works Director; May 22, 2010, letter from Paula Westbury).

6. Subject: Agreement Between The City Of Santa Barbara And The Santa Barbara County Sheriff's Department For Hourly Law Enforcement Services At Special Events (520.04)

Recommendation: That Council approve and authorize the City Administrator to execute an agreement between the City of Santa Barbara and the Santa Barbara County Sheriff's Department for hourly law enforcement services at Special Events with an expiration date of June 30, 2013.

Action: Approved the recommendation; Agreement No. 23,428 (May 25, 2010, report from the Chief of Police).

Agenda Item Nos. 7 and 8 appear in the Redevelopment Agency minutes.

NOTICES

9. The City Clerk has on Thursday, May 20, 2010, 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.
10. Cancellation of the regular City Council and Redevelopment Agency meetings of June 1, 2010.

This concluded the Consent Calendar.

Councilmember Williams returned to the meeting at 2:07 p.m.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to discuss the following items:

- 1) A proposed restated and amended cooperation agreement with the City Housing Authority, which will be submitted to Council for its consideration on June 8, 2010;

(Cont'd)

REPORT FROM THE FINANCE COMMITTEE (CONT'D)

- 2) Redevelopment Agency Interim Financial Statements for the Nine Months Ended March 31, 2010 (these statements were approved by the Agency as Item No. 8 of this Agenda's Consent Calendar);
- 3) The status of revenues and expenditures as of the end of the third quarter of Fiscal Year 2010 (this presentation will be made to the full Council as Agenda Item No. 11);
- 4) Fiscal Year 2010 budget balancing options; and
- 5) Fiscal Year 2011 Recommended Budget.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

11. Subject: Fiscal Year 2010 Third Quarter Review (230.04)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2010;
- B. Accept the Fiscal Year 2010 Interim Financial Statements for the Nine Months Ended March 31, 2010; and
- C. Approve the adjustments to the Fiscal Year 2010 budget as shown in the attached Schedule of Recommended Third Quarter Adjustments.

Documents:

- May 25, 2010, report from the Interim Finance Director.
- May 22, 2010, letters from Paula Westbury.

Speakers:

Staff: Accounting Manager Rudolf Livingston.

Motion:

Councilmembers House/Williams to approve recommendations B and C.

Vote:

Majority voice vote (Noes: Councilmember Self).

FIRE DEPARTMENT

Councilmembers Hotchkiss, House, and White stated they would not vote on the following item due to conflicts of interest related to their ownership of or residence at properties located within the subject assessment district, and they left the meeting at 2:31 p.m.

12. Subject: Renewal Of Levy For Fiscal Year 2011 For The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2011.

Documents:

- May 25, 2010, report from the Fire Chief.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- May 22, 2010, letter from Paula Westbury.

The title of the resolution was read.

Public Comment Opened:
2:32 p.m.

Speakers:

- Staff: Fire Marshal Joe Poire.
- SCI Consulting Group (City Consultant): John Bliss.
- Members of the Public: Father Patrick Mullin, St. Mary's Seminary; Jim Knight, Riviera Association; Paul Cashman, Fire Safe Council.

Public Comment Closed:
2:56 p.m.

Motion:

Councilmembers Francisco/Williams to approve the recommendation; Resolution No. 10-031.

Vote:

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, House, White).

Councilmembers Hotchkiss, House, and White returned to the meeting at 3:03 p.m.

PUBLIC WORKS DEPARTMENT

13. Subject: Public Hearing For The Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2011 (550.10)

Recommendation: That Council:

- A. Consider appropriate protests to the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2011, as required under the California Parking and Business Improvement Area Law of 1989;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2011, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2011; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.37 of the Santa Barbara Municipal Code by Establishing New Business Categories and Revising Rates of Assessment for Specified Categories of Businesses of the Downtown Parking and Business Improvement Assessment District Established by City Ordinance No. 4179, Adopted on September 3, 1991, Pursuant to the Requirements of Parking and Business Improvement Area Law of the 1989 California Streets and Highways Code Sections 36500-36551.

Documents:

- May 25, 2010, report from the Public Works Director.
- Proposed Resolution and Ordinance.
- Addendum to Final Engineer's Report for Parking and Business Improvement Area, dated April 7, 2010.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- Protests from Jason Cox, American Riviera Bank, and Metropolitan Theatres Corporation.

The titles of the resolution and ordinance were read.

Public Comment Opened:
3:04 p.m.

Speakers:

- Staff: Transportation Manager Browning Allen.
- Downtown Parking Committee: Member Randy Rowse.

Public Comment Closed:
3:10 p.m.

(Cont'd)

13. (Cont'd)

Motion:

Councilmembers House/Francisco to approve the recommendations and adopt Resolution No. 10-032 and Ordinance No. 5521.

Vote:

Majority roll call vote (Noes: Councilmember Self).

Councilmember Williams left the meeting at 3:34 p.m.; he returned at 3:42 p.m.

PUBLIC HEARINGS

Councilmember White stated he would not participate in the following item due to a conflict of interest related to his business partnership with a party to the appeal, and he left the meeting at 3:34 p.m.

14. Subject: Continued Appeal Of Planning Commission Denial Of Project At 617 Bradbury Avenue (640.07)

Recommendation: That Council grant the appeal filed by David Lack and approve the Modification and Tentative Subdivision Map for a revised project design, subject to the conditions of approval and findings contained in the Staff Hearing Officer Resolution No. 062-09.

Documents:

- May 25, 2010, report from the Assistant City Administrator/Community Development Director.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- May 19, 2010, letter from Caroline Vassallo.

Public Comment Opened:

3:35 p.m.

Speakers:

- Staff: Assistant Planner Suzanne Riegle.
- Architectural Board of Review: Members Paul Zink, Keith Rivera.
- Appellant/Applicant: Fae Perry, Architect Clay Aurell.
- Planning Commission: Commissioner Sheila Lodge.
- Members of the Public: Kellam de Forest, Wanda Livernois, Robert Livernois, Joe Rution.

Public Comment Closed:

4:03 p.m.

(Cont'd)

14. (Cont'd)

Motion:

Councilmembers House/Williams to approve the recommendation.

Vote:

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

RECESS

4:30 p.m. - 4:38 p.m. Councilmember Williams returned to the meeting at 4:44 p.m.

MAYOR AND COUNCIL REPORTS

15. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups;
- B. Continue interviews of applicants to June 8, 2010; and
- C. Continue interviews of applicants to June 15, 2010.
(Estimated Time: 4:00 p.m.)

Documents:

May 25, 2010, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

The following applicants were interviewed:

Community Development and Human Services Committee:

Rocky Jacobson
Robert Burke
James Cook
Erik Talkin

Fire and Police Pension Commission:

Michael Jacobs

Franklin Center Advisory Committee:

Naomi Green

Housing Authority Commission:

Robert Burke
Donald Olson
Patrick Johnson

Living Wage Advisory Committee:

Gabe Dominocielo

Metropolitan Transit District Board:

Olivia Rodriguez

(Cont'd)

15. (Cont'd)

Speakers (Cont'd):

Parks and Recreation Commission:

Nicolas Ferrara

Rocky Jacobson

Single Family Design Board:

Gil Barry

Councilmember House reported that two applicants to the Lower Westside Center Advisory Committee, Alan Casebier and Josephine Tapia, had been interviewed by a Council subcommittee on Thursday, May 20, 2010.

Mayor Schneider announced that interviews would be continued on June 8, 2010.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White noted that the Water Commission had recently received a presentation regarding the effect of the Zaca Fire on the City's water supply.
- Councilmember Hotchkiss mentioned that he had taken a Staff-sponsored tour of the City's water facilities.
- Councilmember Williams reported that the Cachuma Operation and Maintenance Board is deliberating its proposed budget.
- Councilmember House spoke about projects being undertaken by the Beach Erosion Authority for Control Operations and Nourishment; he also mentioned his attendance at the Athletic Roundtable, where an award was given.
- Mayor Schneider reported on the following matters: 1) the Project Study Report for Highway 101 near the Cottage Hospital project has been signed by the Executive Director of the Santa Barbara Association of Governments; 2) a meeting of the Los Angeles-San Diego Rail Corridor Agency is scheduled regarding the retiming of Amtrak trains; and 3) the presentation of Youth Leadership awards the prior evening.

RECESS

Mayor Schneider recessed the meeting at 5:24 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 16, and she stated there would be no reportable action taken during the closed session.

CLOSED SESSIONS

16. 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 negotiators Kristy Schmidt, Employee Relations Manager, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

May 25, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

5:29 p.m. - 7:00 p.m. Councilmember Williams left the meeting at 6:20 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:00 p.m. in memory of Michael Thomas "TT" McGrew, son of Police Sergeant Michael McGrew.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



HELENE SCHNEIDER
MAYOR

ATTEST:



SUSAN TSCHECH, CMC
DEPUTY CITY CLERK