



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
July 12, 2011
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco, Grant House.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through July 31, 2011.

Documents:

July 12, 2011, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Award Recipient Vincent Pimental.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation, and the following employees were recognized:

5-Year Pin

Thomas Conti, Public Works
Stephanie Routhier, Public Works
Kathleen Frye, Parks and Recreation
Theresa Lawler, Waterfront

10-Year Pin

Cary Stevens, City Attorney's Office
Robin Neubert, Fire
Jeffry Zampese, Fire
Lisa Arroyo, Public Works
Timothy Lawton, Airport
Lyn Story, Airport
Lawrence Self, Waterfront

15-Year Pin

Scott Nelson, Administrative Services
Kent McBride, Police
Karen Putnam, Public Works
Wai Chan, Airport

20-Year Pin

Bridget Moore, Police
Eliseo Campos, Public Works

25-Year Pin

Christopher Woodcock, Fire
Vincent Pimentel, Public Works

30-Year Pin

Richard Yee, Police
Sarah Hanna, Parks and Recreation

Councilmember Francisco entered the meeting at 2:08 p.m.

PUBLIC COMMENT

Speakers: Mike Jordan, Greater Santa Barbara Lodging & Restaurant Association;
Betsy Cramer; Ruth Wilson; Kate Smith.

CONSENT CALENDAR (Item Nos. 2 - 12 and 14 - 16)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember House).

2. **Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the special meetings of June 6, 2011, and the regular meeting of June 7, 2011.

Action: Approved the recommendation.

3. **Subject: Salary And Benefits Continuation For City Employees On Active Military Duty Leave Of Absence (410.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Continuance of Employee Salary and Benefits During a Military Leave of Absence Effective May 1, 2011.

Action: Approved the recommendation; Resolution No. 11-059 (July 12, 2011, report from the Assistant City Administrator/Administrative Services Director; proposed resolution).

4. **Subject: Adoption Of Ordinance For Agreements To Use Recycled Water (540.13)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Agreements to Use Recycled Water Between the City of Santa Barbara and the Santa Barbara School Districts, Fess Parker's Doubletree Resort Santa Barbara, and Santa Barbara Cottage Hospital, Dated June 28, 2011, For Delivery of the City's Recycled Water.

Action: Approved the recommendation; Ordinance No. 5559; Agreement Nos. 23,831 - 23,833.

5. Subject: Adoption Of Ordinance For A License Agreement With Santa Barbara Water Taxi (330.08)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year License Agreement with One Five-Year Option with Santa Barbara Water Taxi, L.L.C., Doing Business as Celebration Cruises, with a Base Rent of \$2,200 Per Month, for a Coastal Cruising Business at 219-G Stearns Wharf, Effective August 11, 2011.

Action: Approved the recommendation; Ordinance No. 5560; Agreement No. 23,834.

6. Subject: Animal Control Shelter Services Agreement With The County Of Santa Barbara (520.05)

Recommendation: That Council authorize the Chief of Police or his designee to execute an agreement with the County of Santa Barbara in the amount of \$274,401 to provide animal control shelter services from July 1, 2011, to June 30, 2012.

Action: Approved the recommendation; Agreement No. 23,835 (July 12, 2011, report from the Police Chief).

7. Subject: Contract For Construction Of Fiscal Year 2011 Sidewalk Access Ramp Project (530.04)

Recommendation: That Council:

- A. Award a contract with Lash Construction ("Lash") in their low bid amount of \$111,220 for construction of the Fiscal Year 2011 Sidewalk Access Ramp Project (Project), Bid No. 3626; and
- B. Authorize the Public Works Director to execute the contract with Lash and approve expenditures up to \$15,000 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 for the Project.

Action: Approved the recommendations; Contract No. 23,836 (July 12, 2011, report from the Public Works Director).

8. Subject: Contract For Construction Of The MacKenzie Park Storm Water Infiltration Project (570.05)

Recommendation: That Council:

- A. Award a contract with Shaw Contracting, Inc. (Shaw), in the amount of \$368,230 for construction of the MacKenzie Park Storm Water Infiltration Project (Project), Bid No. 3643, which includes their low bid of \$351,730 and expenditures to construct Bid Schedule 2 - Bid Alternate in the amount of \$16,500; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$36,823 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. 23,837 (July 12, 2011, report from the Public Works and Parks and Recreation Directors).

9. Subject: Approval Of Dooley Enterprises As Single Source Vendor To Provide Duty And Practice Ammunition For The Police Department (520.04)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process as authorized by Municipal Code Section 4.52.080 (k) and authorize the City General Services Manager to issue a purchase order to Dooley Enterprises as the single and most favorable source for providing the City with its authorized ammunition needs in an amount equal to or less than the \$48,000 currently appropriated in the Police Department's adopted Fiscal Year 2012 budget; and
- B. Authorize the annual expenditure in an amount not to exceed the annual budget adopted by Council for FY 2012 through FY 2016 to purchase duty and practice ammunition for the Police Department's needs.

Action: Approved the recommendations (July 12, 2011, report from the Police Chief).

10. Subject: Approval Of Purchase Order To Chiquita Canyon Landfill To Provide Water Treatment Sludge Disposal (540.10)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process, as authorized by Municipal Code Section 4.52.070(k), and authorize the City General Services Manager to issue a Purchase Order to Chiquita Canyon Landfill for providing the City with up to 3,600 tons of water treatment sludge disposal in Fiscal Year 2012 in an amount of \$165,000; and

(Cont'd)

10. (Cont'd)

- B. Authorize the City General Services Manager to renew the Purchase Order with the Chiquita Canyon Landfill annually through Fiscal Year 2014, subject to Council approval of the annual Water Fund budget.

Action: Approved the recommendations (July 12, 2011, report from the Public Works Director).

11. Subject: Ratification Of The Cachuma Operation And Maintenance Board's Modified South Coast Conduit Upper Reach Reliability Project (540.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Ratifying the Cachuma Operation and Maintenance Board's Approval of the Modified South Coast Conduit Upper Reach Reliability Project, and Authorizing Certain Other Actions.

Action: Approved the recommendation; Resolution No. 11-060 (July 12, 2011, report from the Public Works Director; proposed resolution).

12. Subject: Increase In Construction Change Order Authority For The American Recovery And Reinvestment Act Road Overlay Project (530.04)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the American Recovery and Reinvestment Act (ARRA) Road Overlay Project (Overlay Project), Contract No. 23,321 between the City and Nye and Nelson, Inc., in the amount of \$206,480, for a total construction contract expenditure authority of \$1,415,703; and
- B. Authorize the Public Works Director to execute a City Professional Services Contract with Flowers and Associates (Flowers) in the amount of \$26,564 for construction support services associated with the Overlay Project, and approve expenditures of up to \$2,656 for extra services of Flowers that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 23,838 (July 12, 2011, report from the Public Works Director).

NOTICES

14. The City Clerk has on Thursday, July 7, 2011, 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.

15. The public hearing originally scheduled for July 12, 2011, at 2:00 p.m. to hear an appeal of the Planning Commission's decision for 415 Alan Road has been rescheduled for November 15, 2011, at 2:00 p.m.
16. A City Council site visit is scheduled on Monday, July 18, 2011, at 1:30 p.m. to the property located at 1233 Mission Ridge Road, which is the subject of an appeal hearing set for July 19, 2011, at 2:00 p.m.

This concluded the Consent Calendar.

Councilmember House entered the meeting at 2:28 p.m.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Self stated she would abstain from voting on the following item due to a conflict of interest pertaining to a family relationship with a principal working on the subject project.

13. Subject: Valle Verde Decision And Findings Resolution (640.07)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving an Amended Conditional Use Permit, Modifications, and a Lot Line Adjustment for an Application of American Baptist Homes of the West, 900 Calle de Los Amigos.

Documents:

- July 12, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolution.
- Written comments and email communication submitted by Jermaine Chastain.

The title of the resolution was read.

Speakers:

- Members of the Public: Ruth Georgi; Jermaine Chastain and Heiki Kilien, Hidden Oaks Homeowners Association.
- American Baptist Homes of the West (Applicant): Steven Amerikaner, Cameron Carey.
- Staff: City Attorney Stephen Wiley.

(Cont'd)

13. (Cont'd)

Motion:

Councilmembers White/Hotchkiss to approve the recommendation, revising Paragraph B.13 (Employee/Resident Parking) of the proposed resolution to read ". . . upon completion of the construction approved herein, as such completion is evidenced by the issuance of a Certificate of Occupancy for one or more of the new residential units authorized herein."; Resolution No. 11-061.

Vote:

Unanimous roll call vote (Abstentions: Councilmember Self).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

17. Subject: General Unit Memorandum Of Understanding Extension And Fiscal Year 2012 Furlough (440.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the 2008-2010 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit), Ordinance No. 5477, to Extend the Term of the Agreement Through September 30, 2012, and to Include a Supplemental Agreement on Labor Concessions;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 11-053 to Reduce the Number of Fiscal Year 2012 Furlough Hours for Confidential Employees, the City Attorney, and the City Administrator; and
- C. Approve a General Furlough Closure Schedule for Certain City Offices.

Documents:

- July 12, 2011, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance and Resolution.

The titles of the ordinance and resolution were read.

Speakers:

Staff: Employee Relations Manager Kristine Schmidt, City Administrator James Armstrong.

Motion:

Councilmembers House/Francisco to approve the recommendations; Resolution No. 11-062.

Vote:

Unanimous roll call vote.

FINANCE DEPARTMENT

18. Subject: Options For Reducing The Distribution Of Single-Use Bags Within The City Of Santa Barbara (630.01)

Recommendation: That Council receive a report regarding options presented to, and recommendation of, the Ordinance Committee for reducing the distribution of single-use bags within the City of Santa Barbara.

Documents:

- July 12, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Environmental Services Manager Matthew Fore, Environmental Services Specialist Lorraine Cruz-Carpenter, City Attorney Stephen Wiley, Finance Director Robert Samario.
- Members of the Public: Kathi King, Choose to Reuse; Kira Redmond, Santa Barbara Channelkeeper; Eric Cardenas; Kristi Birney, Environmental Defense Center; Emma Cohen; Warren Gardner; Scott Bull, Surfrider Foundation; Beverly Johnson Trial; John Dixon.

Motion:

Councilmembers White/House to move forward with Option 4 (ordinance prohibiting the distribution of single-use bags and imposing a fee on single-use paper bags) and direct Staff to begin the required environmental review.

Vote:

Failed to carry by voice vote (Ayes: Councilmembers House, White, Mayor Schneider; Noes: Councilmembers Francisco, Hotchkiss, Rowse, Self).

Motion:

Councilmembers House/Self to approve Option 2 (mandate that stores adopt the elements of the "Where's Your Bag?" program), directing that 1) Staff perform deliberate outreach to the businesses to be directly affected by the ordinance to be developed, and 2) the proposed ordinance include a public education component regarding best practices for the use of reusable bags.

Vote:

Unanimous voice vote.

Motion:

Councilmembers Francisco/White to refer Option 3 (voter-approved tax on paper and/or plastic bags) to the Ordinance Committee for discussion and development of a proposed ordinance.

Vote:

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

RECESS

5:26 p.m. - 5:34 p.m.

CHANGES TO THE AGENDAItem Continued to Next Week**Motion:**

Councilmembers Rowse/Francisco to continue the following agenda item to July 19, 2011.

Vote:

Unanimous voice vote.

19. **Subject: Reserve Policies (210.01)**

Recommendation: That Council:

- A. Receive a report regarding the current policy for the establishment of operating and capital reserves pursuant to City Council-adopted Resolution No. 95-157;
- B. Provide staff and the Finance Committee with feedback and direction for improving the policies; and
- C. Refer the item to the Finance Committee for further discussion and analysis and the development of recommended modifications to the policies for City Council consideration.

Agenda Item Nos. 20 and 21 were considered simultaneously.

20. **Subject: Assignment Of 2003-2013 Zone One Solid Waste Franchise Contract From Allied To MarBorg (510.04)**

Recommendation: That Council consent to the assignment of the Solid Waste Collection and Disposal Contract between the City of Santa Barbara and Allied Waste Services of North America, LLC, dated January 25, 2002, and amended on October 16, 2003 (City Agreement Numbers 20,432 and 20,432.1), to MarBorg Industries, Inc., resulting in Marborg Industries becoming the new franchised waste hauler for Zone One for the City of Santa Barbara through the end of the contract period ending June 7, 2013.

Documents:

- July 12, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

20. (Cont'd)

Speakers:

- Staff: Employee Relations Manager Kristine Schmidt, Environmental Services Manager Matthew Fore.
- Members of the Public: Kurt Bratton, Republic Services/Allied Waste; Mario Borgatello and Derek Carlson, MarBorg Industries, Inc.

Motion:

Councilmembers Francisco/House to approve the recommendation.

Vote:

Unanimous voice vote.

21. Subject: Zone One Solid Waste Franchise Timeline And Ad Hoc Subcommittee (510.04)

Recommendation: That Council:

- A. Review the revised Zone One 2013 Franchise Procurement Process Timeline; and
- B. Appoint a Zone One Solid Waste Franchise Ad Hoc Subcommittee of not more than three members for a limited purpose of providing input to staff on the procurement, negotiation, and transition to a new solid waste franchise contract for Zone One and for a limited time to end upon the implementation of the new franchise agreement effective June 8, 2013.

Documents:

- July 12, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Employee Relations Manager Kristine Schmidt, Environmental Services Manager Matthew Fore, City Administrator James Armstrong, City Attorney Stephen Wiley.

Motion:

Councilmembers House/Hotchkiss to: 1) express the City's interest in considering a preliminary proposal from MarBorg Industries for the Zone One solid waste collection and disposal franchise, to be submitted within 60 days; 2) establish an ad hoc Council subcommittee to work with Staff and the City's solid waste consultant in evaluating this proposal; and 3) direct Staff to move forward concurrently with the Zone One 2013 Franchise Procurement Process.

Vote:

Unanimous voice vote.

(Cont'd)

21. (Cont'd)

Motion:

Councilmembers House/Francisco to approve recommendation B and appoint Mayor Schneider and Councilmembers Francisco and Rowse to the Zone One Solid Waste Franchise Ad Hoc Subcommittee.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

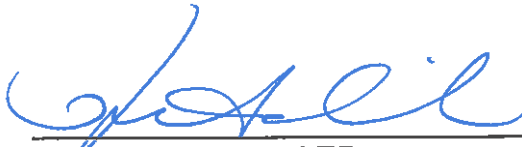
Councilmember White reported on the most recent meeting of the Water Commission.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:33 p.m. to Monday, July 18, 2011, at 1:30 p.m. at 1233 Mission Ridge Road.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



HELENE SCHNEIDER
MAYOR

ATTEST:



SUSAN TSCHECH, CMC
DEPUTY CITY CLERK