



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 12, 2006 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which ordinarily meets at 1:00 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

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

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 September 30, 2006.

Documents:

September 12, 2006, report from the Administrative Services Director.

Speakers:

Staff: City Administrator James L. Armstrong, Fire Captain Anthony Blanco, Water Distribution Supervisor Gabriel Ibarra.

(Cont'd)

1. (Cont'd)

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

30-Year Pin

Anthony Blanco, Fire Captain, Fire

Michael Schuit, Fire Engineer, Fire

25-Year Pin

Patrick McElroy, Fire Captain, Fire

Maria Borden, Parking Enforcement Officer, Police

Gabriel Ibarra, Water Distribution Supervisor, Public Works

20-Year Pin

Virginia Howard, Planning Technician II, Community Development

David Postada, Engineering Technician II, Public Works

Terri Yamada, Administrative Assistant, Parks and Recreation

Mark Vogel, Grounds Maintenance Crew Leader, Parks and Recreation

15-Year Pin

David Henderson, Police Sergeant, Police

Riley Harwood, Police Sergeant, Police

Paul Rojo, Water Distribution Operator/Emergency Services, Public Works

Laurence Nufer, Harbor Patrol Officer, Waterfront

10-Year Pin

Catherine Taylor, Water System Manager, Public Works

Robert Tsukamoto, Senior Control Systems Operator Specialist, Public Works

Jane Hankey, Library Assistant II, Library

5-Year Pin

Brian Walsh, Fire Engineer, Fire

Oscar Gonzalez, Police Officer, Police

Joshua Morton, Police Officer, Police

Charles Venable, Police Officer, Police

David Williams, Police Officer, Police

Shawn Hill, Police Officer, Police

Jon Palka, Police Officer, Police

Stephen MacIntosh, Environmental Services Supervisor, Public Works

Cristina De Caratachea, Accounting Assistant, Public Works

Nicole Lvoff, Library Assistant I, Library

PUBLIC COMMENT

Speakers: Steve Cushman, Mike McGrew, Casey Nicholson, Stephen Meade, David Petersen, Ken Loch, David Daniel Diaz, Dale Francisco, Michael Self, Ginny Brush.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Horton spoke about the following: 1) the Charity Regatta for the Visiting Nurse & Hospice Care of Santa Barbara; and 2) the commuter rail service and trolley system in San Diego.
- Councilmember House reported on his attendance at the Airline Terminal Design Subcommittee meeting of August 30, 2006.
- Councilmember Schneider commented on the following: 1) the ribbon cutting ceremony for the latest project of the Housing Authority, El Carrillo; and 2) the North County Transit District.
- Councilmember Williams reported on his attendance at 1) the Cachuma Operation & Maintenance Board meeting; and 2) a tour of a test facility in Orange County for micro-media systems.
- Councilmember Falcone reported on the following: 1) her attendance at the League of California Cities annual conference in San Diego and said that she was elected to the Board of Directors; 2) the Charity Regatta for the Visiting Nurse & Hospice Care of Santa Barbara; and 3) the 9/11 concert at Casa de la Guerra.

CONSENT CALENDAR (Item Nos. 2 – 15, and 17 – 21)

The titles of the resolutions related to Item Nos. 6 and 18 were read.

Motion:

Councilmembers Horton/Williams to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

CITY COUNCIL

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of August 15, August 22, and August 29, 2006 (cancelled due to lack of quorum).

Action: Approved the recommendation.

3. Subject: Community Promotion Contract With Summer Solstice Celebration, Inc. (230.02)

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with Summer Solstice Celebration, Inc., in an amount of \$45,914 to support year-round salary and production expenses.

Action: Approved the recommendation; Contract No. 22,196 (September 12, 2006, report from the Finance Director).

4. Subject: Renewal Of Agreement With Major League Softball (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute a two-year agreement with Major League Softball, Inc., to perform adult softball league services.

Action: Approved the recommendation; Agreement No. 22,197 (September 12, 2006, report from the Parks and Recreation Director).

5. Subject: License Agreement With The Santa Barbara Swim Club (570.07)

Recommendation: That Council authorize the Parks and Recreation Director to execute a license agreement with the Santa Barbara Swim Club (SBSC) for the use of Los Baños del Mar Swimming Pool.

Action: Approved the recommendation; Agreement No. 22,198 (September 12, 2006, report from the Parks and Recreation Director).

6. Subject: Revised Minimum Standard Requirements For Airport Aeronautical Services (560.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Revised Minimum Standard Requirements for Airport Aeronautical Services at the Santa Barbara Airport and Repealing Resolution No. 98-098.

Action: Approved the recommendation; Resolution No. 06-078 (September 12, 2006, report from the Airport Director; proposed resolution).

7. Subject: Professional Services Contract For Safety Area Grading Mitigation (560.04)

Recommendation: That Council authorize the Airport Director to execute a contract with URS Corporation (URS), in an amount not to exceed \$121,539 for services associated with the Safety Area Grading project mitigation maintenance and monitoring, and authorize the Airport Director to approve expenditures up to \$12,154 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 22,199 (September 12, 2006, report from the Airport Director).

8. Subject: Consent To Assignment Agreement And Amendment With Twin Lakes Golf Course, LLC (570.02)

Recommendation: That Council:

- A. Approve and authorize the Airport Director to execute a Consent to Assignment Agreement assigning Lease No. 20,722, as amended, between the City and J&J Golf Management Company, Inc., to Twin Lakes Golf Course, LLC, a California Limited Liability Company, for operation of the Twin Lakes Golf Course, 6030 Hollister Avenue, at the Santa Barbara Airport; and
- B. Approve and authorize the Airport Director to execute a second Lease Amendment to Lease No. 20,722, amending Article XXXII, "Leasehold Guaranty."

Speakers:

Staff: Assistant Airport Director Hazel Johns.

Action: Approved the recommendations; Agreement Nos. 20,722.2 and 20,722.2A (September 12, 2006, report from the Airport Director).

9. Subject: Notice Of Completion For The Santa Barbara Airport Verhelle Road Bridge At San Pedro Creek Project (530.04)

Recommendation: That Council accept the work completed by Lash Construction, Contract No. 21,707, Bid No. 3425, for the Santa Barbara Airport Verhelle Road Bridge at San Pedro Creek Project, in the final contract amount of \$1,256,684, including approved changes, and approve the filing of a Notice of Completion.

Action: Approved the recommendation (September 12, 2006, report from the Public Works Director).

10. Subject: Notice Of Completion For The Sheffield Water Quality Project Permanent Reservoirs (540.09)

Recommendation: That Council accept the work completed by SSC Construction, Inc. (SSC), Contract No. 21,144, for the Sheffield Water Quality Project Permanent Reservoirs (Sheffield), Bid No. 3314, located at 605 Mission Ridge Road, in the final contract amount of \$14,594,216.17, including approved changes, and approve filing a Notice of Completion.

Action: Approved the recommendation (September 12, 2006, report from the Public Works Director).

11. Subject: Santa Barbara Beautiful Grant For The San Roque Creek Steward Project (540.14)

Recommendation: That Council increase appropriations and estimated revenues in the Creeks Division Fiscal Year 2007 Operating Budget by \$10,000 for a grant from Santa Barbara Beautiful for the San Roque Creek Stewardship Project at Stevens Park.

Speakers:

Member of the Public: Courtney Seeples, Santa Barbara Beautiful.

Action: Approved the recommendation (September 12, 2006, report from the Parks and Recreation Director).

12. Subject: Art From Scrap Contract For Youth Watershed Education Programs (540.14)

Recommendation: That Council authorize the Parks and Recreation Director to execute a 1-year professional services contract with Art From Scrap (AFS) in the amount of \$37,372 for the provision of youth watershed education programs.

Action: Approved the recommendation; Contract No. 22,200 (September 12, 2006, report from the Parks and Recreation Director).

13. Subject: Purchase Order For The El Estero Wastewater Treatment Plant Equalization Basin (540.13)

Recommendation: That Council:

- A. Find that the materials and services for the proposed Equalization Basin at the El Estero Wastewater Treatment Plant (El Estero) can be procured at a lower price by awarding a Purchase Order to Spiess Construction Company, Incorporated (Spiess), and that the City may dispense with public bidding, pursuant to Section 519 of the City Charter; and

(Cont'd)

13. (Cont'd)

- B. Authorize the General Services Manager to issue a Purchase Order to Spiess for construction of an Equalization Basin at the El Estero Wastewater Treatment Plant in the amount of \$488,295 and \$73,250 for additional services as required.

Action: Approved the recommendations (September 12, 2006, report from the Public Works Director).

14. Subject: Professional Services Agreement To Create An Enterprise Geographic Information System (GIS) Implementation Plan (170.04)

Recommendation: That Council:

- A. Authorize the City's General Services Manager to execute a professional services agreement with RBF Consulting in an amount not to exceed \$30,000, to develop an Enterprise GIS Implementation Plan; and
- B. Authorize the City's Information Systems Supervisor to issue required Change Orders to RBF Consulting, in a total amount not to exceed \$4,000, to cover contingencies associated with changes to services.

Action: Approved the recommendations; Agreement No. 22,201 (September 12, 2006, report from the Administrative Services Director).

15. Subject: Set A Date For Public Hearing Regarding Planning Commission Approval For 40 Pine Drive

Recommendation: That Council:

- A. Set the date of October 24, 2006, at 2:00 p.m. for hearing the appeal filed by Martha Hogan of the Planning Commission approval of an application for property owned by Justin J. and Michelle M. Pawl and located at 40 Pine Drive, Assessor's Parcel No. 049-100-019, E-3/PUD, One-Family Residence and Planned Unit Development Zone, General Plan Designation: Residential, Five Units per Acre. The project proposes the merger of two existing parcels and subsequent subdivision to create two new parcels; and
- B. Set the date of October 23, 2006, at 1:30 p.m. for a site visit to the property located at 40 Pine Drive.

Action: Approved the recommendations (July 31, 2006, letter of appeal).

REDEVELOPMENT AGENCY

Item No. 16 appears in the Redevelopment Agency minutes.

17. Subject: Contract For Construction For Chapala Intersection Improvements (530.04)

Recommendation:

- A. That the Agency Board appropriate \$158,300 from the Redevelopment Agency Project Contingency Fund to the Chapala Street Improvement Fund for construction of the Chapala Intersection Improvements;
- B. That Council award and authorize the Public Works Director to execute a contract with Granite Construction Company, in their low bid amount of \$737,966.20, for construction of the Chapala Intersection Improvements at De La Guerra & Gutierrez Streets, Bid No. 3480;
- C. That Council authorize the Public Works Director to approve expenditures up to \$73,800 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
- D. That Council authorize the Public Works Director to execute a contract with Penfield and Smith Engineers for the construction phase design services in an amount not to exceed \$19,275, and authorize the Public Works Director to approve expenditures up to \$1,928 for extra services that may result from necessary changes in the scope of work.

Speakers:

- Members of the Public: Dale Francisco, Michael Self and Jim Westby, Santa Barbara Safe Streets.
- Staff: Principal Engineer John Schoof, Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson, Redevelopment Supervisor Brian Bosse.

Action: Approved the recommendations; City Council Contract Nos. 22,202 and 22,203 (September 12, 2006, report from the Public Works Director and the Community Development Director/Deputy Director; September 12, 2006, letters from Dale Francisco and Michael Self).

18. Subject: Transition House Subordination Request For 421 - 425 East Cota Street (660.04)

Recommendation:

- A. That the Redevelopment Agency Board approve the subordination of an Agency loan for the Transition House property located at 421-425 East Cota Street to a refinanced first trust deed loan;

(Cont'd)

18. (Cont'd)

- B. That Council approve an amendment to its affordability covenant on the Transition House property and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Conditional Subordination of the Affordability Covenant on the Mixed Use Property Located at 421-425 East Cota Street and Owned by Transition House to a Refinanced First Trust Deed Loan; and
- C. That Council and the Redevelopment Agency Board authorize the City Administrator and Executive Director to execute the affordability covenant amendment and subordination agreements subject to approval by the City Attorney and Agency Counsel.

Action: Approved the recommendations; City Council Resolution No. 06-079; City Council Agreement Nos. 22,204 and 22,205; Redevelopment Agency Agreement No. 481 (September 12, 2006, report from the Community Development Director/Deputy Director; proposed resolution).

NOTICES

- 19. The City Clerk has on Thursday, September 7, 2006, 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.
- 20. The public hearing scheduled for September 12, 2006, at 2:00 p.m., to hear appeal of the Architectural Board of Review's approval with conditions for the Granada Theater property located at 1214 State Street has been continued to October 17, 2006, at 2:00 p.m.
- 21. The site visit scheduled for September 18, 2006, at 1:30 p.m. to the property located at 210 Miegs Road, has been continued to December 11, 2006, at 1:30 p.m.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Iya G. Falcone reported that the Committee met to review and discuss the proposed Tenant Displacement Assistance Ordinance; the Committee agreed to forward the proposed ordinance to the full Council.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

22. Subject: Allocation Of Community Promotion Grants And Contract With County Arts Commission For Fiscal Year 2007 (230.02)

Recommendation: That Council:

- A. Review and approve the City of Santa Barbara Arts Advisory Committee grant recommendations for Fiscal Year 2007; and
- B. Authorize the Community Development Director to execute a \$575,295 contract with the Santa Barbara County Arts Commission as approved in the Fiscal Year 2007 budget.

Documents:

September 12, 2006, report from the Community Development Director.

Speakers:

- Staff: Community Development Director Paul Casey.
- Santa Barbara County Arts Commission: Executive Director Ginny Brush.
- Member of the Public: Ken Loch.

Motion:

Councilmembers Horton/Schneider to approve the recommendations; Contract No. 22,206.

Vote:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

23. Subject: Contract For Construction Of Sanitary Sewer Wet Weather Capacity Improvement Project (540.13)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Whitaker Contractors, Inc. (Whitaker), in their low bid amount of \$2,472,873 for construction of the Sanitary Sewer Wet Weather Capacity Improvement Project, Bid No. 3488;
- B. Authorize the Public Works Director to approve expenditures up to \$247,300 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

(Cont'd)

23. (Cont'd)

- C. Authorize the General Services Manager to issue a Purchase Order to Martyn Field Services (Martyn), in the amount of \$6,800, for material testing services, and authorize the General Services Manager to approve expenditures up to \$700 for extra services of Martyn that may result from necessary changes in the scope of work.

Documents:

- September 12, 2006, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Public Works Director Tony Nisich, Wastewater System Manager Rebecca Bjork.

Motion:

Councilmembers Horton/House to approve the recommendations;
Contract No. 22,207.

Vote:

Unanimous voice vote.

RECESS

3:47 p.m. – 3:56 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

24. Subject: Introduction Of Ordinance To Require Inspection Of Private Sewer Laterals (640.09)

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 Municipal Code by Adding Chapter 14.46 (Building Sewer Inspections) and Repealing Sections 14.40.005, 14.40.050 and 14.44.170 of Title 14, and Amending Section 28.87.220 of Chapter 28.87 of the Santa Barbara Municipal Code Pertaining to a Sewer Inspection Program, Other Sewer Requirements and With Respect to Zoning Information Reports;

(Cont'd)

24. (Cont'd)

- B. Approve a \$200,000 Fiscal Year 2007 Wastewater Fund pilot rebate program for private sewer lateral inspections or repairs in accordance with the following criteria:
 - 1. For single-family through three-unit properties, a per-property rebate for half the cost of sewer lateral repairs, up to \$2,000;
 - 2. Where the sewer lateral is in good condition, a rebate in an amount of up to \$150 for sewer lateral inspections; and
- C. Appropriate \$200,000 from the Wastewater Fund Reserves to the Fiscal Year 2007 Wastewater Fund Operating Budget.

Documents:

- September 12, 2006, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

- Staff: Public Works Director Tony Nisich, Wastewater System Manager Rebecca Bjork, City Attorney Stephen P. Wiley.
- Members of the Public: Kira Schmidt, Santa Barbara ChannelKeeper; Hillary Hauser, Heal the Ocean; Philip Walker.

Motion:

Councilmembers House/Falcone to approve the recommendations.

Vote:

Unanimous voice vote.

MAYOR AND COUNCIL REPORTS

25. Subject: City Advisory Group Subcommittee Status Report (140.02)

Recommendation: That Council:

- A. Receive a status report from the City Advisory Group Subcommittee;
- B. Approve the City Advisory Group Subcommittee's recommended administrative changes to the appointment process; and
- C. Provide direction to the City Advisory Group Subcommittee related to more complex items.

Documents:

September 12, 2006, report from the Administrative Services Director.

(Cont'd)

25. (Cont'd)

Speakers:

Staff: City Clerk Services Manager Cynthia Rodriguez, Community Development Director Paul Casey.

Motion:

Councilmembers Barnwell/Williams to approve the recommendations.

Vote:

Unanimous voice vote.

RECESS

Mayor Blum recessed the meeting at 4:58 p.m. in order for the Council to reconvene in closed session for Item Nos. 26 and 27, and stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

26. Subject: Conference with Legal Counsel - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider anticipated litigation pursuant to subsection (b) of section 54956.9 of the Government Code and take appropriate action as needed. There is significant exposure to litigation: one potential case.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

September 12, 2006, report from the City Attorney.

Time:

5:05 p.m. - 5:30 p.m.

No report made.

27. Subject: Conference With Labor Negotiator (Police) (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to the City's labor negotiators, Bruce Barsook, Liebert Cassidy Whitmore, and Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers' Association.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

27. (Cont'd)

Documents:

September 12, 2006, report from the Assistant City Administrator.

Time:

5:30 p.m. - 7:15 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 7:15 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK