



## CITY OF SANTA BARBARA CITY COUNCIL MINUTES

### REGULAR MEETING March 9, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

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#### 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: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams (2:01 p.m.), Mayor Schneider.

Councilmembers absent: None.

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

#### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 7, 2010, As Arbor Day (120.04)

Action: Proclamation presented to Kerry Methner, President of the Santa Barbara Beautiful Board of Directors, who introduced the Arbor Day Poster Contest winners and school officials.

2. Subject: Proclamation Declaring March 2010 As Colon Cancer Awareness Month (120.04)

Action: Proclamation presented to Judy Corliss and Sally Jordan, representing Santa Barbara Cottage Hospital.

## PUBLIC COMMENT

Speakers: Kenneth Loch; Ruth Wilson; Patrick Gregston and Kevin Barron, Gigabit Santa Barbara; David Daniel Diaz; Kate Smith.

## ITEM REMOVED FROM CONSENT CALENDAR

Councilmember House stated he would abstain from voting on the following item due to a potential conflict of interest related to his residence, which is located within the Wildland Fire Suppression Assessment District. Councilmembers Hotchkiss and White stated they would also abstain from voting on this item, as they may reside within the District.

6. Subject: Agreement With SCI Consulting Group For Engineering Services To Renew The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council authorize the Fire Chief, subject to approval as to form by the City Attorney, to negotiate and execute a five-year professional services agreement with SCI Consulting Group (SCI) in the amount of \$34,375, which includes a 10% contingency, for the purpose of providing engineering services necessary for the annual renewal of the Wildland Fire Suppression Assessment District (WFSAD).

Speakers:

Staff: City Attorney Stephen Wiley.

Documents:

March 9, 2010, report from the Fire Chief.

Motion:

Councilmember Williams/Francisco to approve the recommendation; Agreement No. 23,308.

Vote:

Unanimous voice vote (Abstentions: Councilmembers Hotchkiss, House, White).

## CONSENT CALENDAR (Item Nos. 3 - 5 and 7 - 13)

The titles of the resolutions related to the Consent Calendar were read.

Motion:

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

Vote:

Unanimous roll call vote.

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of February 23, 2010.

Action: Approved the recommendation.

4. Subject: Records Destruction For Community Development Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Community Development Department in the Housing and Redevelopment Division.

Action: Approved the recommendation; Resolution No. 10-010 (March 9, 2010, report from the Assistant City Administrator/Community Development Director; proposed resolution).

5. Subject: Records Destruction For Waterfront Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Waterfront Department in the Administration Division.

Action: Approved the recommendation; Resolution No. 10-011 (March 9, 2010, report from the Waterfront Director; proposed resolution).

7. Subject: Contract For Construction Of Alisos Street Sidewalk Access Ramps (530.04)

Recommendation: That Council:

- A. Award a contract with Talcal Engineering, Inc. (Talcal), in the amount of \$145,015, for construction of the Alisos Street Sidewalk Access Ramps (Project), Bid No. 3597; and
- B. Authorize the Public Works Director to execute a contract with Talcal in the amount of \$145,015, and approve expenditures up to \$14,500 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. 23,309 (March 9, 2010, report from the Public Works Director).

8. Subject: Contract For Construction Of Eastside Sidewalk Access Ramps (530.04)

Recommendation: That Council:

- A. Award a contract with Draper Construction (Draper), in the amount of \$88,675.75, for construction of the Eastside Sidewalk Access Ramps (Project), Bid No. 3598; and
- B. Authorize the Public Works Director to execute a contract with Draper in the amount of \$88,675.75, and approve expenditures up to \$8,900.00 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. 23,310 (March 9, 2010, report from the Public Works Director).

9. Subject: GeoSyntec Contract For Research Into Landfill Area At Garden And Montecito Streets (630.01)

Recommendation: That Council authorize the Finance Director to approve a change order in the amount of \$12,700, for a contract total of \$36,400 with Geosyntec Consultants, Inc., for the development of a final report on the old landfill area at Garden and Montecito Streets as requested by the Central Coast Regional Water Quality Control Board.

Action: Approved the recommendation (March 9, 2010, report from the Interim Finance Director).

10. Subject: Purchase Order For Fire Department Breathing Air Compressor (520.03)

Recommendation: That Council find it in the best interest of the City to waive the bidding process as provided in Municipal Code Section 4.52.070(l) and authorize the General Services Manager to issue a purchase order to Bauer Compressors in the amount of \$50,144.18 to replace the Fire Department's main breathing air compressor.

Action: Approved the recommendation (March 9, 2010, report from the Fire Chief).

NOTICES

11. The City Clerk has on Thursday, March 4, 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.
12. Received a notification advising of a vacancy created on the Santa Barbara Metropolitan Transit District Board with the death of Member Sharon Anderson, and letters of resignation from Housing Authority Commissioner Stanley Eisele, and Parks and Recreation Commissioner Daniel Hochman; the vacancies will be part of the next City Advisory Group recruitment.
13. Cancellation of the regular Redevelopment Agency meeting of March 9, 2010.

This concluded the Consent Calendar.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**CITY ADMINISTRATOR

14. Subject: Participation In The Santa Barbara County Municipal Financing Program (California AB 811) (150.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution Approving County of Santa Barbara Resolution of Intention, Consenting to Participation in Contractual Assessment Program and Approving the Financing of Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements Within the Incorporated Area of the City; and
- B. Authorize the City Administrator to execute a cooperative agreement to implement an AB 811 Contractual Assessment Program with the County of Santa Barbara.

Documents:

- March 9, 2010, report from the City Administrator.
- Proposed Resolution.
- March 9, 2010, PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

(Cont'd)

## 14. (Cont'd)

## Speakers:

- Staff: Assistant to the City Administrator Nina Johnson, Administrative Analyst Lori Pedersen.
- County of Santa Barbara: Chris Rich, County Executive Office.
- Members of the Public: Lindsey Taggart, Community Environmental Council; Charlie Eckberg.

## Motion:

Councilmembers Williams/House to approve the recommendations; Resolution No. 10-012; Agreement No. 23,311.

## Vote:

Unanimous voice vote.

**RECESS**

3:20 p.m. - 3:33 p.m. Councilmember House and City Administrator Armstrong were absent when the Council reconvened. Assistant City Administrator Paul Casey was present.

**PUBLIC HEARINGS**

15. Subject: Appeal Of The City Planning Commission's Certification Of An Environmental Impact Report And Project Approval For 3714-3744 State Street (Sandman Inn Redevelopment Project) (640.07)

## Recommendation: That Council:

- A. Certify the Final Environmental Impact Report for the Sandman Inn Redevelopment Project;
- B. Deny the appeal of Citizens Planning Association and Allied Neighborhoods Association;
- C. Uphold the Planning Commission approval of the development at 3714-3744 State Street; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal of the City Planning Commission's Certification of an Environmental Impact Report and Project Approval for Development Located at 3714-3744 State Street (Sandman Inn Redevelopment Project).

## Documents:

- March 9, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolution.

(Cont'd)

## 15. (Cont'd)

## Documents (Cont'd):

- Affidavit of Publication.
- March 9, 2010, ERRATA for the Sandman Inn Redevelopment Project Final EIR, submitted by Staff.
- March 9, 2010, PowerPoint presentation prepared and made by Staff.
- March 3, 2010, letter from Citizens Planning Association of Santa Barbara County, Inc.
- March 9, 2010, document entitled "Summary of Key Issues in CPA's Sandman Appeal," submitted by Marc Chyttilo.
- March 9, 2010, letter from Allied Neighborhoods Association.
- January 31, 2010, letter from Paula Westbury.
- February 28, 2010, letter from Paula Westbury.
- March 9, 2010, email communications from Patricia Hiles and Jim and Ginger Peterson.
- March 9, 2010, letters from Debbie Cox Bultan, Coastal Housing Coalition, and League of Women Voters of Santa Barbara.
- March 9, 2010, Request to Speak forms submitted by Bill Marks, Patricia Hiles, Rodney Utt, Brian Johnson, Steve Cushman, Debbie Cox Bultan, John Holehouse, Wendy Read and Randy Glick, read into the record by Mayor Schneider.

The title of the resolution was read.

## Public Comment Opened:

3:35 p.m.

Councilmember House entered the meeting at 3:36 p.m.

## Speakers:

- Staff: Project Planner Allison De Busk, City Attorney Stephen Wiley, Project Planner Melissa Hetrick, City Planner Bettie Weiss.
- Consultant to the City: Joe Gibson, Impact Sciences.
- Planning Commission: Commissioner Bruce Bartlett.
- Appellants: Marc Chyttilo, Attorney.
- Applicant: Greg Parker, Investec.
- Members of the Public: David Peterson, McDonalds; Connie Hannah, League of Women Voters of Santa Barbara; Jean Holmes, Grove Lane Area Neighborhood Association; Judy Rattray; Paul Hernadi, Citizens Planning Association; Cathie McCammon, Allied Neighborhoods Association; Mickey Flacks; Bill Pintard; Karen Chackel; Patrick Smith; Hamish Marshall; Ozzie Johnston; Justin Maxwell.

(Cont'd)

## 15. (Cont'd)

Public Comment Closed:  
5:49 p.m.

Motion:  
Councilmembers Williams/House to approve the recommendations.

Amendment Motion:  
Councilmembers Williams/House to approve recommendations A - C and direct staff to return to the Council with a revised resolution of the findings by March 30.

Vote on Amendment Motion:  
Unanimous voice vote.

**RECESS**

Mayor Schneider recessed the meeting at 6:41 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 16 - 18, and stated that no reportable action is anticipated.

**CLOSED SESSIONS**

## 16. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Valley Slurry Seal Company v. City of Santa Barbara, et. al., SBSC Case Number 1341521.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:  
March 9, 2010, report from the City Attorney.

Time:  
6:45 p.m. - 7:25 p.m.

No report made.

17. Subject: Conference With Real Property Negotiator (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible lease of property owned by the City, commonly known as 130 Harbor Way (APN 045-250-11). Instructions to negotiations will direct staff regarding the price and terms of payment of a possible lease of the City-owned property with the Santa Barbara Yacht Club for a 67,500 square-foot ground lease. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. City Negotiators are: John Bradley, Waterfront Director, Scott Riedman, Waterfront Business Manager, and Sarah Knecht, Assistant City Attorney. Negotiators for Lessee are Robert Duncan and Tony Papa, Representatives of the Yacht Club, tenant. Under Negotiation: Price and terms of payment of a possible ground lease.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

March 9, 2010, joint report from the Waterfront Director and City Attorney.

Time:

7:25 p.m. - 7:40 p.m.

No report made.

18. 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 negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, the Hourly Bargaining Unit, and the Supervisory Employees Association, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

March 9, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

7:40 p.m. - 8:30 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 8:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE



HELENE SCHNEIDER  
MAYOR

ATTEST:



BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK