



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
September 14, 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 12:30 p.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, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring September 17-23, 2010, As Constitution Week (120.04)

Action: Proclamation presented to Louise Matz, representing Daughters of the American Revolution, Mission Canyon Chapter.

2. 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, 2010.

(Cont'd)

2. (Cont'd)

Documents:

September 14, 2010, report from the Assistant City Administrator.

Speakers:

Staff: City Administrator James Armstrong.

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

5-Year Pin

Jill Pioreschi, Finance

Kelly Brodison, Community Development

10-Year Pin

Jill Taura, Finance

Kathleen Sizemore, Fire

Jon Turner, Fire

Scott Watters, Fire

Arthur Derueda, Public Works

Charles Christman, Parks and Recreation

Zenon Moran, Airport

20-Year Pin

Lorenzo Duarte, Police

Michael Lazarus, Police

Micaela Hase, Public Works

Alison Jordan, Public Works

John Scott, Airport

25-Year Pin

Robert Risser, Airport

PUBLIC COMMENT

Speakers: Ruth Wilson, Andrea Roselinsky, Lee Moldaver, Kate Smith.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember White stated he would not vote on the following item due to his absence from the Council meeting during which the related appeal was considered by the Council. Councilmember Williams stated he would also abstain from voting on this item due to a conflict of interest related to his service on the Board of the Peabody Charter School, which is located near the appealed project.

17. Subject: Adoption Of Appeal Findings Resolution For 3052 State Street - BevMo! Project (640.07)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal of the Architectural Board of Review's Final Approval of the Proposed Bevmo! Project Design Located at 3052 State Street and Granting a Revised Final Design Approval of the Bevmo! Project, Making Findings that the BevMo! Project Meets the Compatibility Criteria Set Forth in Santa Barbara Municipal Code Section 22.68.040.

Documents:

- September 14, 2010, report from the City Attorney.
- Proposed Resolution.

The title of the resolution was read.

Motion:

Councilmembers Francisco/House to approve the recommendation;
Resolution No. 10-078.

Vote:

Unanimous roll call vote (Abstentions: Councilmembers White, Williams).

CONSENT CALENDAR (Item Nos. 3 – 16, 21 and 22)

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

Motion:

Councilmembers House/Williams 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 July 27, the adjourned regular meeting of August 16, the regular meeting of August 17, the adjourned regular meeting of August 23, the regular meeting of August 24, and the special meetings of August 26 and August 27, 2010.

Action: Approved the recommendation.

4. Subject: Adoption Of Resolution For State Funding For The El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Dedicating the Wastewater Fund Net Revenue to Payment of the Clean Water State Revolving Fund (CWSRF) ~~Leans~~Financing Agreements, and Rescinding Resolution No. 10-019.

Speakers:

Staff: City Administrator James Armstrong, who advised that clerical corrections had been made to the text of the resolution.

Action: Approved the recommendation; Resolution No. 10-076 (September 14, 2010, report from the Public Works Director; proposed resolution, showing clerical corrections made to the text after distribution of the original document).

5. Subject: Request For A Resolution Supporting The 2010 Santa Barbara International Marathon (520.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting the State of California Department of Transportation to Permit the Temporary Closure of Portions of State Highway 225 on November 6, 2010.

Action: Approved the recommendation; Resolution No. 10-077 (September 14, 2010, report from the Public Works Director; proposed resolution).

6. Subject: Introduction of Ordinance For A 25-Year Lease With Brophy & Sons, Inc., Doing Business As Brophy Brothers Restaurant And Clam Bar (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 25-Year Lease with Brophy & Sons, Inc., Effective October 21, 2010, Encompassing a Portion of 119 Harbor Way and 117 Harbor Way.

Action: Approved the recommendation (September 14, 2010, report from the Waterfront Director; proposed ordinance).

7. Subject: Five-Year Office Lease With Brophy & Sons, Inc. (330.04)

Recommendation: That Council approve a five-year lease agreement with Brophy & Sons, Inc., for administrative and accounting office space at 125 Harbor Way, at an initial rent of \$1,177 per month.

Action: Approved the recommendation; Agreement No. 23,529 (September 14, 2010, report from the Waterfront Director).

8. Subject: Fiscal Year 2011 Interim Financial Statements For The One Month Ended July 31, 2010 (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the One Month Ended July 31, 2010.

Action: Approved the recommendation (September 14, 2010, report from the Finance Director).

9. Subject: Approval Of Consulting Services Contract For Wastewater Collection Field Crews Technical Training (540.13)

Recommendation: That Council authorize the Public Works Director to execute a professional services contract, subject to approval as to form by the City Attorney, with Tilson & Associates, LLC (Tilson), in an amount not to exceed \$51,070 for on-site consulting and training services for the Water Resources Division, Wastewater Collection Section.

Action: Approved the recommendation; Contract No. 23,530 (September 14, 2010, report from the Public Works Director).

10. 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 \$37,851 to support year-round salary and production expenses.

Action: Approved the recommendation; Contract No. 23,531 (September 14, 2010, report from the Finance Director).

11. Subject: Contract For Construction Of The Marina One Replacement Project Phases II-IV (570.03)

Recommendation: That Council:

- A. Award a contract to Bellingham Marine Industries (BMI) in their low bid amount of \$4,215,146 for construction of the Marina One Replacement Project - Phases II-IV, Bid No. 3612;
- B. Authorize the Public Works Director to execute a contract, subject to approval as to form by the City Attorney, with BMI, and approve expenditures of up to \$421,500 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; and

(Cont'd)

11. (Cont'd)

- C. Authorize the Public Works Director to execute a professional services agreement, subject to approval as to form by the City Attorney, with URS Corporation (URS) in the amount of \$125,000 for construction support services, and approve expenditures of up to \$12,500 for extra services of URS that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 23,532; Agreement No. 23,533 (September 14, 2010, joint report from the Waterfront and Public Works Directors).

12. Subject: Contract For Revisions To Industrial Waste Pretreatment Program Processes (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract, subject to approval as to form by the City Attorney, with Larry Walker and Associates (LWA) in an amount not to exceed \$31,158, to develop needed revisions to the City's Pretreatment Program, and approve expenditures up to \$3,115 for extra services of LWA that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,534 (September 14, 2010, report from the Public Works Director).

13. Subject: Grant From California Department Of Boating And Waterways For Abandoned Vessel Removal (570.03)

Recommendation: That Council:

- A. Authorize the Waterfront Director to execute an agreement with the California Department of Boating and Waterways accepting a \$40,500 grant for the removal of abandoned recreational boats and associated hazards to navigation; and
- B. Increase Fiscal Year 2011 estimated revenue in the amount of \$40,500 and appropriate the funds to the Waterfront Department's Fiscal Year 2011 Capital Budget.

Action: Approved the recommendations; Agreement No. 23,535 (September 14, 2010, report from the Waterfront Director).

14. Subject: Maintenance And Support For Cartegraph Software (170.04)

Recommendation: That Council:

- A. Authorize the City's General Services Manager to issue a \$33,822 purchase order to Cartegraph Systems, Inc., to renew the maintenance and support of the CarteFLEX and CALLdirector software; and

(Cont'd)

14. (Cont'd)

- B. Approve this expenditure for 5 additional years, which also may include nominal increases annually.

Action: Approved the recommendations (September 14, 2010, report from the Assistant City Administrator/Administrative Services Director).

15. Subject: Increase In Change Order Authority For The Parking Lots 4 And 5 Circulation And Accessibility Improvements Project (550.05)

Recommendation: That Council authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work by Lash Construction for the Parking Lots 4 and 5 Circulation and Accessibility Improvements Project (Project), Contract No. 23,318, in the amount of \$17,000, for a total project change order expenditure authority of \$36,265.

Speakers:

Staff: Assistant Public Works Director/City Engineer Pat Kelly.

Action: Approved the recommendation (September 14, 2010, report from the Public Works Director).

16. Subject: Approval Of Final Map And Execution Of Agreements For A 5-Lot Subdivision At 601 E. Micheltorena Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,779 and other standard agreements relating to the approved subdivision located on the property which is primarily the former site of St. Francis Hospital and four adjacent single residential lots along Grand Avenue.

Speakers:

- Members of the Public: Tony Fischer.
- Staff: City Attorney Stephen Wiley, Assistant City Administrator/Community Development Director Paul Casey.

Action: Approved the recommendation; Agreement Nos. 23,536 and 23,537 (September 14, 2010, report from the Public Works Director).

Agenda Item Nos. 18 – 20 appear in the Redevelopment Agency minutes.

NOTICES

21. The City Clerk has on Thursday, September 9, 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.
22. Received a memorandum advising of a vacancy created on the Lower Westside Center Advisory Committee with the departure of Member Paul Contreras; the vacancy will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to review recommendations from the Arts Advisory Committee for Fiscal Year 2011 Community Promotion Grants; these recommendations will be submitted to the full Council on a future agenda. The Committee also heard a Staff report on the General Fund's preliminary results for the budget year ended June 30, 2010, which report will be presented to the Council as Agenda Item No. 23.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTSFINANCE DEPARTMENT

23. Subject: Fiscal Year 2010 Interim Financial Statements For The Twelve Months Ended June 30, 2010 (250.02)

Recommendation: That Council:

- A. Accept the Fiscal Year 2010 Interim Financial Statements for the Year Ended June 30, 2010; and
- B. Hear a report from staff on the General Fund's preliminary year-end results of revenues and expenditures in relation to budget as of June 30, 2010.

Documents:

September 14, 2010, report from the Finance Director.

Speakers:

Staff: Finance Director Robert Samario, City Administrator James Armstrong.

(Cont'd)

23. (Cont'd)

Discussion:

Finance Director Samario highlighted preliminary year-end actual figures for Fiscal Year 2010 General Fund revenues and expenditures, which have resulted in a net surplus.

Motion:

Councilmembers House/Francisco to approve recommendation A.

Vote:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

24. Subject: Increase In Extra Services For Design Of The Carrillo/Anacapa Intersection Traffic Safety Improvements (530.04)

Recommendation: That Council authorize an increase in the extra services amount with Penfield & Smith (P&S) for design services for the Carrillo/Anacapa Intersection Traffic Safety Improvements Project (Project), Contract No. 23,095, in the amount of \$20,000, for a total expenditure authority of \$52,725.

Documents:

- September 14, 2010, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Public Works Director Christine Andersen, Supervising Transportation Engineer Drusilla Van Hengel, City Attorney Stephen Wiley, City Administrator James Armstrong.
- Historic Landmarks Commission: Commissioner Michael Drury.
- Transportation and Circulation Committee: Member David Pritchett, Chair Mark Bradley.
- Members of the Public: Eva Inbar, Coalition for Sustainable Transportation (COAST).

Motion:

Councilmembers Self/Hotchkiss to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmember House, Mayor Schneider).

RECESS

The Mayor recessed the meeting at 4:38 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 25 and 26, and she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

25. 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. Pending litigation considered is: John Andersen v. City of Santa Barbara, WCAB, case number GOL 0093796.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

September 14, 2010, report from the Finance Director.

Time:

4:45 p.m. - 4:53 p.m. Councilmember Self was absent.

No report made.

26. 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, Police Managers Association, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

September 14, 2010, report from the Assistant City Administrator.

Time:

4:53 p.m. - 6:10 p.m. Councilmember Self was absent; Councilmember Williams left the meeting at 6:05 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:10 p.m. in memory of former City of Santa Barbara Police Chief Gerald Lowry.

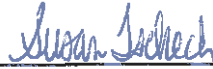
SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



HELENE SCHNEIDER
MAYOR

ATTEST:



SUSAN TSCHUCH, CMC
DEPUTY CITY CLERK