



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
October 20, 2009
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 2:09 p.m. (The Ordinance Committee met at 12:00 p.m. The Finance Committee met at 1:00 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco (2:10 p.m.), 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: 2009 Solar Design Recognition Awards (630.06)

Recommendation: That Council grant the 2009 Solar Design Recognition Awards.

Documents:

- October 20, 2009, report from the Community Development Director.
- October 20, 2009, PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Project Planner Heather Baker.
- Members of the Public: Connie Hannah, Santa Barbara League of Women Voters; Megan Birney, Community Environmental Council.

By consensus, Mayor Blum presented certificates and plaques to recipients of the 2009 Solar Design Recognition Awards.

PUBLIC COMMENT

Speakers: David Daniel Diaz; Daniel Knapp; Gert Walter; AIE, the person (Kate Smith); Tony Vassallo.

CONSENT CALENDAR (Item Nos. 2 – 8 and 12)

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Fiscal Year 2010 Interim Financial Statements For The Two Months Ended August 31, 2009 (250.02)

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Two Months Ended August 31, 2009.

Action: Approved the recommendation (October 20, 2009, report from the Interim Finance Director).

3. Subject: Donation From The Insurance Professionals Of Santa Barbara (520.03)

Recommendation: That Council:

- A. Accept a donation of \$1,500 from the Insurance Professionals of Santa Barbara; and
- B. Increase estimated revenues and appropriations by \$1,500 in the Fiscal Year 2010 General Fund Fire Department, Office of Emergency Services budget for the Car Seat and Safety Program.

Action: Approved the recommendations (October 20, 2009, report from the Interim Fire Chief).

4. Subject: Contract For Construction Of The Haley At De La Vina Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Award a contract with Lash Construction, Inc. (Lash), waiving minor irregularities, in their low bid amount of \$4,721,406, for construction of the Haley at De La Vina Street Bridge Replacement Project (Project), Bid No. 3396;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$472,140 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;

(Cont'd)

4. (Cont'd)

- C. Authorize the Public Works Director to execute a contract with Mimiaga Engineering Group (MEG), in the amount of \$886,828 for construction management services, and authorize the Public Works Director to approve expenditures of up to \$88,682 for extra services of MEG that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Bengal Engineering (Bengal), in the amount of \$45,000 for design support services during construction, and authorize the Public Works Director to approve expenditures of up to \$4,500 for extra services of Bengal that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to execute a contract with Ayers & Associates (Ayers), in the amount of \$55,080 for community outreach services.

Action: Approved the recommendations; Contract Nos. 23,221 - 23,224 (October 20, 2009, report from the Public Works Director).

5. Subject: Acceptance And Appropriation Of American Recovery And Reinvestment Act Funding (530.04)

Recommendation: That Council:

- A. Accept the American Recovery and Reinvestment Act (ARRA) funding in the total amount of \$3,774,796; and
- B. Increase estimated revenues by \$3,774,796 in the Fiscal Year 2010 Streets Capital Fund, and appropriate \$2,674,796 for the Road Overlay and Maintenance Project, \$800,000 for the Access Ramp and Sidewalk Maintenance Project, and \$300,000 for the Pedestrian Countdown Timers and Battery Backup Upgrades Project.

Action: Approved the recommendations (October 20, 2009, report from the Public Works Director).

6. Subject: Self Insured Workers' Compensation Program Annual Report (350.08)

Recommendation: That Council receive the Annual Self Insured Workers' Compensation Program Annual Report for the year ended June 30, 2009.

Action: Approved the recommendation (October 20, 2009, report from the Interim Finance Director).

7. Subject: Appropriation Of Federal Funds For The Boysel Multipurpose Pathway (530.04)

Recommendation: That Council increase estimated revenues and appropriations by \$7,000 in the Streets Capital Fund for the Right-of-Way Phase of the Jake Boysel Multipurpose Pathway Project (Project) funded by the Federal Safe Routes to School grant program.

Action: Approved the recommendation (October 20, 2009, report from the Public Works Director).

8. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Denial For 617 Bradbury Avenue (640.07)

Recommendation: That Council:

- A. Set the date of December 8, 2009, at 2:00 p.m. for hearing the appeal filed by LEED Santa Barbara, LLC, property owner, of the Planning Commission denial of an application for property located at 617 Bradbury Avenue, Assessor's Parcel No. 037-122-006, C-2 Commercial Zone, General Plan Designation: Commercial/Residential, 12 Units per Acre. The project proposes the demolition of an existing duplex and the construction of a 5,488 square-foot, three-story, mixed-use building consisting of two residential condominiums, two commercial condominiums, and an on-grade parking structure. The discretionary applications required for this project are a Modification and a Tentative Subdivision Map; and
- B. Set the date of December 7, 2009, at 1:30 p.m. for a site visit to the property located at 617 Bradbury Avenue.

Action: Approved the recommendations (September 25, 2009, letter of appeal).

Item Nos. 9 – 11 appear in the Redevelopment Agency minutes.

NOTICES

12. The City Clerk has on Thursday, October 15, 2009, 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.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to continue discussion on the Medical Cannabis Dispensary Ordinance revision. The Committee came up with 10 recommendations which will be included in a draft ordinance to be reviewed by the Committee in approximately 2 to 3 weeks.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to review and discuss the City's and Redevelopment Agency's Interim Financial Statements for the two months ended August 31, 2009; both items were approved by the Council and Redevelopment Agency Board as part of this agenda's Consent Calendar, item Nos. 2 and 10, respectively.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

13. Subject: Resolution Approving The City's Participation In The Property Tax Securitization Program (270.06)

Recommendation: That Council adopt, by reading of title only, A Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.

Documents:

- October 20, 2009, report from the Interim Finance Director.
- Proposed Resolution.
- October 20, 2009, PowerPoint presentation prepared and made by staff.

The title of the resolution was read.

Speakers:

Staff: Interim Finance Director Robert Samario.

Motion:

Councilmembers Horton/Williams to approve the recommendation; Resolution No. 09-085; Agreement No. 23,225.

Vote:

Unanimous roll call vote.

14. **Subject: Release Of Conversion Technology RFP And Project Cost-Sharing With The County Of Santa Barbara (630.01)**

Recommendation: That Council:

- A. Receive a report on the release and subsequent schedule of events related to the Request for Proposals (RFP) for the Conversion Technology (CT) project at the Tajiguas Landfill;
- B. Authorize the Finance Director to enter into a cost-sharing agreement with the County of Santa Barbara in an amount not to exceed \$66,650, for a new contract with Alternative Resources, Incorporated (ARI), for the evaluation of proposals and the selection of a CT vendor; and
- C. Increase Fiscal Year 2010 Solid Waste Fund appropriations by \$46,650 for the unbudgeted amount needed to fully reimburse the County for the City's portion of costs related to the new contract with ARI.

Documents:

- October 20, 2009, report from the Interim Finance Director.
- October 20, 2009, PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Interim Finance Director Robert Samario, Environmental Services Supervisor Stephen MacIntosh.
- County of Santa Barbara: Mark Schleich, Resource Recovery & Waste Management Deputy Director.

Motion:

Councilmembers Falcone/Williams to approve recommendations B and C; Agreement No. 23,226.

Vote:

Unanimous voice vote.

MAYOR AND COUNCIL REPORTS

15. **Subject: Request From Councilmembers Schneider And Williams Regarding Amending The Dance Permit Ordinance (520.04)**

Recommendation: That Council consider the request from Councilmembers Schneider and Williams to refer amending the Dance Permit Ordinance to the Ordinance Committee.

Documents:

October 20, 2009, report from the Assistant City Administrator.

(Cont'd)

15. (Cont'd)

Speakers:

- Members of the Public: Dana Walters, Reds; Ron Glover.
- Staff: Police Chief Camerino Sanchez, City Attorney Stephen Wiley.

Motion:

Councilmembers House/Horton to forward this request to the Ordinance Committee and the Fire and Police Commission for discussion.

Vote:

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

RECESS

Mayor Blum recessed the meeting at 3:53 p.m. in order for the Council to reconvene in closed session for Item No. 16. No reportable action is anticipated.

CLOSED SESSIONS

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

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

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

October 20, 2009, report from the City Attorney.

Time:

3:58 p.m. - 4:12 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:12 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

Marty Blum

MARTY BLUM
MAYOR

ATTEST:

Brenda Alcazar

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK

10/20/2009

Santa Barbara City Council Minutes