



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
September 11, 2012
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: Dale Francisco, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: 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 September 30, 2012.

Documents:

September 11, 2012, report from the Assistant City Administrator/
Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong.

(Cont'd)

1. (Cont'd)

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

5-Year Pin

Erik Uchida, Administrative Services
 Natasya Katsikaris, Administrative Services
 Sherrie McClellan, Administrative Services
 Gina Battaglia, Police
 James Lombardo, Police
 Adam Hendel, Public Works
 Sarita King, Public Works
 Daniel Takacs, Public Works
 Chris Schmidtchen, Public Works
 James Rumbley, Parks and Recreation
 Luis Quesada, Parks and Recreation
 Charles Williams, Parks and Recreation

10-Year Pin

Randell Graham, Public Works
 Robert Cerda, Parks and Recreation

15-Year Pin

Lindsey Baker, Finance
 Bruce Kiefer, Community Development
 Ronald Liechti, Fire
 Joseph Avila, Library
 Susan Jang-Bardick, Parks and Recreation

25-Year Pin

Yolanda Gonzalez, Public Works
 Noellan Bickham, Library

2. **Subject: Letter Of Recognition To Santa Barbara Foresters For National Baseball Congress World Series Championship (120.08)**

Action: Letter of Recognition presented to Foresters Head Coach Bill Pintard.

Councilmember House arrived at the meeting at 2:09 p.m.

PUBLIC COMMENT

Speakers: Scott Wenz, Cars Are Basic; Robert Burke; K8 Longstory as AIE! The Person; Kenneth Loch, Pete Dal Bello, Chiari Association.

CONSENT CALENDAR

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

Motion:

Councilmembers Hotchkiss/White 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 August 14, 2012, and the regular meetings of August 21 and 28, 2012, and September 4, 2012 (cancelled).

Action: Approved the recommendation.

4. Subject: Fiscal Year 2013 Interim Financial Statements For The One Month Ended July 31, 2012 (250.02)

Recommendation: That Council accept the Fiscal Year 2013 Interim Financial Statements for the One Month Ended July 31, 2012.

Action: Approved the recommendation (September 11, 2012, report from the Finance Director).

5. Subject: Introduction Of Ordinance For Amendments To Municipal Code Chapter 9.116, Civil Defense And Disaster (520.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 9.116 of the Santa Barbara Municipal Code Relating to Emergency Services.

Action: Approved the recommendation (September 11, 2012, report from the Fire Chief; proposed ordinance).

6. Subject: Introduction Of Ordinance Approving Sale Of City Surplus Real Property Located At 309 West Ortega Street (330.03)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Sale of the Surplus Real Property Located at 309 West Ortega Street (APN 037-113-007) to Raquel Medina in the High Bid Amount of \$400,300; and

(Cont'd)

6. (Cont'd)

- B. Authorize the City Administrator to Execute the Land Purchase Agreement, Escrow Instructions and Title Transfer Documents, as approved by the City Attorney, to effectuate the sale of the real property located at 309 West Ortega Street.

Action: Approved the recommendations (September 11, 2012, report from the Public Works Director; proposed ordinance).

7. **Subject: Introduction Of Ordinance For A Lease Agreement With Clean Seas, L.L.C. (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 Five-Year Lease Agreement with One Five-Year Option with Clean Seas, L.L.C., at a Monthly Rent of \$2,200 for Approximately 1,800 Square Feet of Water Area Adjacent to Marina 1-F Finger in the Santa Barbara Harbor, Effective October 18, 2012.

Action: Approved the recommendation (September 11, 2012, report from the Waterfront Business Manager; proposed ordinance).

8. **Subject: Introduction Of Ordinance For Restated Lease With Signature Flight Support Corporation (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 and Authorizing the Airport Director to Execute a Restated Lease Agreement No. 12,037 Dated August 1, 1983, As Amended, Between Signature Flight Support Corporation, a California Corporation, and the City of Santa Barbara Encompassing Approximately 938,321 Square Feet Located at 515 Robert Marxmiller Place at the Santa Barbara Airport for a Monthly Rental of \$31,125 Exclusive of Utilities.

Action: Approved the recommendation (September 11, 2012, report from the Airport Director; proposed ordinance).

9. **Subject: Adoption Of Ordinance To Approve An On Bill Financing Agreement For The Los Banos Boiler Replacement Project (570.07)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Public Works Director to Execute an On Bill Financing Loan Agreement in the Amount of \$53,032.83 with Southern California Gas Company for the Acceptance of Loan Funds to Assist in the Replacement of Pool Heaters at the Los Banos Del Mar Pool.

(Cont'd)

9. (Cont'd)

Action: Approved the recommendation; Ordinance No. 5591; Agreement No. 24,236.

10. Subject: Adoption Of Ordinance Approving The Sale Of City Surplus Real Property Located At 20 South Milpas Street (330.03)

Recommendation: That council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Sale of the Surplus Real Property Located at 20 South Milpas Street (APN 017-165-007) to 18-20 Milpas Investors, LLC, a California Limited Liability Company, in the high bid amount of \$570,000.

Action: Approved the recommendation; Ordinance No. 5592; Agreement No. 24,237.

11. Subject: Lease Agreement For Primo Boxing Club, Inc. (330.04)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a one-year lease agreement with two additional one-year options for the Haley Street Youth Sports Center with Primo Boxing Club, Inc.; and
- B. Authorize a waiver of unpaid rents and penalties totaling \$23,250 for Primo Boxing, Inc., associated with City Lease Agreement No. 23,094.

Action: Approved the recommendations; Agreement No. 24,238 (September 11, 2012, report from the Parks and Recreation Director).

12. 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. 24,239 (September 11, 2012, report from the Finance Director).

13. Subject: Contract For Construction For McKinley School Pedestrian Improvements Project (530.04)

Recommendation: That Council:

- A. Award a contract with Aguilera Brothers Construction, Inc., in their low bid amount of \$38,005 for construction of the McKinley School Pedestrian Improvements Project, Bid No. 3663; and

(Cont'd)

13. (Cont'd)

- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$5,700 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. 24,240 (September 11, 2012, report from the Public Works Director).

14. Subject: Contract For Construction For Milpas And Cabrillo Pedestrian Safety Improvements Project (530.04)

Recommendation: That Council:

- A. Award a contract with Lee Wilson Electric Company, Inc., in their low bid amount of \$58,335 for construction of the Milpas and Cabrillo Pedestrian Safety Improvements Project, Bid No. 3672; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$8,750 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. 24,241 (September 11, 2012, report from the Public Works Director).

15. Subject: Increase In Design And Appraisal Services For The Cabrillo Boulevard Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Authorize an increase in the extra services amount with Bengal Engineering, Inc., for final design for the Cabrillo Boulevard Bridge Replacement Project, Contract No. 22,346, in the amount of \$216,867.50, for a total project expenditure authority of \$1,908,118.50; and
- B. Authorize an increase in the extra services amount with Reeder, Gilman & Associates for real estate appraisal services for the Cabrillo Boulevard Bridge Replacement Project, Contract No. 24,023, in the amount of \$10,000.00, for a total project expenditure authority of \$49,000.00.

Speakers:

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

Action: Approved the recommendations (September 11, 2012, report from the Public Works Director).

16. Subject: Cost Sharing Agreement With The City Of Goleta For Operation And Maintenance Of Shared Traffic Signals (560.01)

Recommendation: That Council authorize the Public Works Director to execute a Cost Sharing Agreement, approved as to form by the City Attorney, with the City of Goleta for the operation and maintenance of six shared traffic signals surrounding the Santa Barbara Airport property.

Action: Approved the recommendation; Agreement No. 24,242 (September 11, 2012, report from the Public Works Director).

17. Subject: Integrated Regional Water Management Plan Update (540.08)

Recommendation: That Council authorize the Public Works Director to execute, subject to approval as to form by the City Attorney, a Memorandum of Understanding with the Cooperating Partners providing for the continued administration and development of an update to the Integrated Regional Water Management Plan for Santa Barbara County, with the City's share of costs not to exceed \$20,000.

Action: Approved the recommendation; Agreement No. 24,243 (September 11, 2012, report from the Public Works Director).

18. Subject: Fiscal Year 2013 Agreement For A Countywide Library System (570.04)

Recommendation: That Council approve and authorize the City Administrator to execute an agreement between the County of Santa Barbara and the Cities of Santa Barbara, Santa Maria and Lompoc for the operation of a Countywide Library System for Fiscal Year 2013.

Action: Approved the recommendation; Agreement No. 24,244 (September 11, 2012, report from the Library Director).

19. Subject: Contract With Ampco Parking System To Manage And Operate Airport Public Parking Lots (550.08)

Recommendation: That Council approve a three-year Management Agreement, with two one-year options, with Ampco System Parking (aka ABM Parking Services), a California Corporation, to operate the public parking lots at the Santa Barbara Airport, provide shuttle service to Long Term Lot 2 for passengers and employees, and curbside attendant services, effective upon completion of the Airline Terminal Improvement Project.

Action: Approved the recommendation; Agreement No. 24,245 (September 11, 2012, report from the Airport Director).

20. Subject: Goleta Slough Ecosystem Management Plan Update (560.09)

Recommendation: That Council:

- A. Accept and authorize the Airport Director to execute, on behalf of the City, a grant offer of \$50,000 from State Coastal Conservancy for an update to the Goleta Slough Ecosystem Management Plan (Plan) including a sea level rise study;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Execution of Grant Agreement No. ~~44-07712-009~~ with the State Coastal Conservancy and Approving its Terms and Conditions;
- C. Accept a Goleta Valley Land Trust grant offer of \$20,000 to contribute to the preparation of an update to the Goleta Slough Ecosystem Management Plan;
- D. Accept \$15,000 from the Goleta West Sanitary District in contribution to the Goleta Slough Ecosystem Management Plan;
- E. Transfer \$10,014 from the Airport Operating Fund from unappropriated reserves into the Airport Capital Fund to cover the Airport's portion of the cost to complete the Plan;
- F. Increase appropriations and estimated revenues in the Airport Capital Fund by \$95,014, of which \$50,000 will be funded from the State Coastal Conservancy Grant, \$15,000 from the Goleta West Sanitary District, \$18,620 from the Goleta Valley Land Trust, and \$11,394 from the Airport Operating Fund; and
- G. Approve and authorize the Airport Director to execute a Contract with ESA PWA for preparation of an update to the Goleta Slough Ecosystem Management Plan, in an amount not to exceed \$95,014.

Action: Approved the recommendations; Resolution No. 12-062; Agreement Nos. 24,246 and 24,247 (September 11, 2012, report from the Airport Director; proposed resolution).

21. Subject: State Office Of Traffic Safety Grant For Sobriety Checkpoint Program (520.04)

Recommendation: That Council:

- A. Accept \$103,200 from the State of California Office of Traffic Safety and authorize the Chief of Police to execute the Grant Agreement; and
- B. Increase appropriations and estimated revenues for the grant allocation of \$103,200 to the Miscellaneous Grants Fund for Fiscal Year 2012/2013 for the Sobriety Checkpoint Program.

Action: Approved the recommendations; Agreement No. 24,248 (September 11, 2012, report from the Chief of Police).

22. Subject: State Office Of Traffic Safety Grant For Selective Traffic Enforcement (520.04)

Recommendation: That Council:

- A. Accept \$86,000 from the State of California Office of Traffic Safety and authorize the Chief of Police to execute the Grant Agreement; and
- B. Increase appropriations and estimated revenues for the grant allocation of \$86,000 to the Miscellaneous Grants Fund for 2012-2013 for the Selective Traffic Enforcement Program.

Action: Approved the recommendations; Agreement No. 24,249 (September 11, 2012, report from the Chief of Police).

23. Subject: Purchase Order For Digital Payment Technologies Parking Equipment (550.08)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.070 (L), and authorize the General Services Manager to issue a purchase order to Digital Payment Technologies Corporation for three self-pay parking stations for Waterfront Department parking lots, in an amount not to exceed \$40,000.

Action: Approved the recommendation (September 11, 2012, report from the Waterfront Director).

24. Subject: Emergency Purchase Order For Ice House Compressor Replacement (330.05)

Recommendation: That Council approve an emergency purchase order pursuant to Santa Barbara Municipal Code Section 4.52.080 (E) in the amount of \$34,230 to TRJ Refrigeration, Inc., for the replacement and installation of a compressor for the Ice House.

Action: Approved the recommendation (September 11, 2012, report from the Waterfront Director).

25. Subject: Federal Criminal History Information For Emergency Medical Technician Certification (520.03)

Recommendation: That Council, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for the City of Santa Barbara Fire Department to Have Access to Both State and Federal Criminal History Information for the Purposes of Emergency Medical Technician (EMT) Licensing and/or Certification.

Action: Approved the recommendation; Resolution No. 12-063 (September 11, 2012, report from the Chief of Police).

NOTICES

26. The City Clerk has on Thursday, September 6, 2012, 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.
27. Received a letter of resignation from Architectural Board of Review Member Keith Rivera; the vacancy will be part of the next recruitment for City Advisory Groups.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTSCOMMUNITY DEVELOPMENT DEPARTMENT

28. **Subject: City Arts Advisory Committee And Community Events And Festivals Committee Funding Recommendations And Contract With The Santa Barbara County Arts Commission For Fiscal Year 2013 (610.04)**

Recommendation: That Council:

- A. Review and approve the City of Santa Barbara Arts Advisory Committee and Community Events and Festivals Committee funding recommendations for Fiscal Year 2013; and
- B. Authorize the Assistant City Administrator/Community Development Director to execute an agreement, subject to approval by the City Attorney, with the Santa Barbara County Arts Commission in the amount of \$427,260 as approved in the Fiscal Year 2013 budget.

Documents:

September 11, 2012, report from the Assistant City Administrator/Community Development Director.

Speakers:

- Staff: Community Development Business Manager Sue Gray.
- Santa Barbara County Arts Commission: Executive Director Ginny Brush.

Motion:

Councilmembers House/Rowse to approve the recommendations; Agreement No. 24,250.

Vote:

Unanimous voice vote.

RECESS

2:43 p.m. – 2:54 p.m.

PUBLIC HEARINGS**29. Subject: Appeal Of Architectural Board Of Review Approval Of 901 Olive Street (640.07)**

Recommendation: That Council deny the appeal of Grant Castleberg of the application of DesignARC, and uphold the Architectural Board of Review's Project Design Approval for the proposed mixed use project consisting of 19 new apartments, a new parking garage, and alterations to the existing office building.

Documents:

- September 11, 2012, report from the City Planner.
- PowerPoint presentation prepared and made by Staff.
- September 10, 2012, letter from Beth Collins-Burgard, Attorney representing the Applicant.
- September 4, 2012, e-mails from Pamela Grant, Caroline White, Janis Kling.
- September 9, 2012, letter from Mary Louise Days.
- September 10, 2012, letters from Citizens Planning Association of Santa Barbara County, Keith Rivera.
- September 11, 2012, letters from Robin Donaldson, Mark Mansfield, Monique Mansfield.

Public Comment Opened:

2:54 p.m.

Speakers:

- Staff: Planning Technician Anthony Boughman, City Planner Bettie Weiss, City Attorney Stephen Wiley.
- Architectural Board of Review: Vice Chair Paul Zink.
- Appellant: Grant Castleberg.
- Applicant: Architect Mark Kirkhart, Landscape Architect Philip Suding, Property Owner Peter Lewis, Attorney Beth Collins-Burgard.
- Members of the Public: Ernie Watson; Mary Louise Days; Pam Brandon, Citizens Planning Association; Mickey Flacks; Sheila Lodge; Monique Mansfield; Leon Olson; William Morrow; Don Sharpe.

Public Comment Closed:

4:53 p.m.

Motion:

Councilmembers Hotchkiss/Murillo to approve the recommendation and request that the Architectural Board of Review consider a requirement that the portion of the building consisting of residential units be moved to make its front yard setback more compatible with that required in the R-3 residential zone.

Vote:

Majority voice vote (Noes: Councilmember Francisco).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss reported on a recent meeting convened to discuss the problems being encountered in the enforcement of laws related to consumption of alcohol in public; he described a map being installed inside the Airport Terminal showing the location of all of the City's sister cities; and he spoke about a recent visit by the International Association of Former Secret Service Agents.
- Councilmember Murillo provided more information about the August 29 meeting regarding enforcement of laws regulating public alcohol consumption; she mentioned her attendance at a meeting of the Housing Authority Commission, which included a discussion of the consolidation of that group; she mentioned that the Youth Council will cohost a forum for School Board candidates; and she stated that the Metropolitan Transit District has extended the deadline for applications for the current vacancy on its Board of Directors.
- Mayor Schneider elaborated on the visit by the Association of Former Secret Service Agents and commented on the U.S.S. Halsey's visit to Santa Barbara. She also reported on her attendance at the annual League of California Cities conference, and she commended the Sister Cities Board for its Concert for Peace commemorating the 11th anniversary of September 11, 2001.
- Councilmember White reported that the Water Commission met to discuss the recommissioning of the City's hydroelectric plant as well as upgrades being made to the El Estero Wastewater Treatment Plant; he also reported on the recent meeting of the Council's Sustainability Committee.

RECESS

The Mayor recessed the meeting at 4:45 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 30 and 31, and she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

30. **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 Drew Josfan vs. Indochine, et al., USDC Case No. CV 09-07904 AHM (PLAx).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

September 11, 2012, report from the City Attorney.

(Cont'd)

30. (Cont'd)

Time:

5:46 p.m. – 5:52 p.m.

No report made.

31. **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 Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

September 11, 2012, report from the Assistant City Administrator.

Time:

5:55 p.m. – 5:59 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:59 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE


 HELENE SCHNEIDER
MAYOR

ATTEST:



 SUSAN TSCHECH, CMC
DEPUTY CITY CLERK