



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
September 28, 2010
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 met at 12:30 p.m.)

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: Assistant City Administrator Paul Casey, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring October 1, 2010, As California Arts Day And October 2010 As National Arts And Humanities Month (120.04)

Action: Proclamation presented to Ginny Brush, Executive Director, Santa Barbara County Arts Commission.

PUBLIC COMMENT

Speakers: Kenneth Loch, Kate Longstory.

CONSENT CALENDAR (Item Nos. 2 – 13)

The titles of the ordinance and resolution related to the Consent Calendar were read.

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of September 14, 2010.

Action: Approved the recommendation.

3. Subject: Adoption Of Ordinance Establishing Prima Facie Speed Limits (530.05)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Revising Section 10.60.015 Establishing Prima Facie Speed Limits on Certain Portions of Carrillo Street, Loma Alta Drive, and Gutierrez Street.

Action: Approved the recommendation; Ordinance No. 5530.

4. Subject: August 2010 Investment Report (260.02)

Recommendation: That Council accept the August 2010 Investment Report.

Action: Approved the recommendation (September 28, 2010, report from the Finance Director).

5. Subject: TEFRA Hearing For Santa Barbara Cottage Hospital (280.01)

Recommendation: That Council hold a public hearing and adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Approving a Tax-Exempt Bond Financing to be Issued by the California Statewide Communities Development Authority to Benefit Santa Barbara Cottage Hospital and Affiliates.

Action: Approved the recommendation; Resolution No. 10-079 (September 28, 2010, report from the Finance Director; proposed Resolution; Affidavit of Publication).

6. Subject: Approval Of Final Map And Execution Of Agreements For 115 Residential Condominium Units At 601 E. Micheltorena Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,793 and standard agreements relating to the approved subdivision of Lot 5 of the previously approved Map Number 20,779, and authorize the City Engineer to subsequently record a removal document for the Land Development Agreement when the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 23,542 - 23,544 (September 28, 2010, report from the Public Works Director).

7. Subject: Increase In Construction Change Order Authority For Streetlight Improvements Project In Underground Utility District No. 10, Cliff Drive (530.07)

Recommendation: That Council authorize an increase in the Change Order Authority amount with Tidwell Excavation Acquisition Co, Inc. (Tidwell), for construction of the Streetlight Improvements Project (Project) in Underground Utility District No. 10, Cliff Drive, Contract No. 23,184, in the amount of \$25,000, for a total expenditure authority of \$649,397.51.

Action: Approved the recommendation (September 28, 2010, report from the Public Works Director).

8. Subject: Contract With InterVISTAS Consulting, LLC, For Air Service Development (560.01)

Recommendation: That Council authorize the Airport Director to execute, subject to approval as to form by the City Attorney, a contract with InterVISTAS Consulting, LLC, for specialized air service development support for the Santa Barbara Airport, in an amount not to exceed \$79,923.

Action: Approved the recommendation; Contract No. 23,545 (September 28, 2010, report from the Airport Director).

9. Subject: Storm Water Sampling And Reporting Contract (530.04)

Recommendation: That Council approve and authorize the Airport Director to execute a contract with URS Corporation to conduct stormwater monitoring and reporting for the 2010-11 rainy season in an amount not to exceed \$49,132, and authorize the Airport Director to approve expenditures up to \$4,467 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,546 (September 28, 2010, report from the Airport Director).

10. Subject: Fiscal Year 2011 Agreement For A Countywide Free 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 Free Library System for Fiscal Year 2011.

Action: Approved the recommendation; Agreement No. 23,547 (September 28, 2010, report from the Library Director).

11. Subject: Approval Of Parcel Map And Execution Of Agreements For 1006 And 1008 Chino Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map (Map) Number 20,790, finding the Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map, and other standard agreements relating to the approved subdivision and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 23,548 - 23,550 (September 28, 2010, report from the Public Works Director).

NOTICES

12. The City Clerk has on Thursday, September 23, 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.
13. City Advisory Groups Recruitment
- A. The City Clerk's Office will accept applications through Monday, October 25, 2010, at 5:30 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Friday, October 8, 2010;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, November 9, 2010, at 4:00 p.m. (Estimated Time), Tuesday, November 16, 2010, at 6:00 p.m., and Tuesday, November 23, 2010, at 4:00 p.m.; and
 - C. The City Council will make appointments to fill vacancies on various City Advisory Groups on Tuesday, December 7, 2010.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to discuss financial assistance to the Housing Authority for acquisition of rental property at 2941 State Street. He stated that the Committee will be recommending that the Council and Redevelopment Agency Board provide \$360,000 in an acquisition loan and \$90,000 in a rehabilitation grant, both of which will be coming before the Council and Board in the near future.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to review a draft ordinance to amend the Municipal Code to require a veterinarian consultation certificate prior to the City licensing of a non-spayed or non-neutered dog, and to establish similar licensing requirements for unaltered cats. Chair White also reported that the Committee unanimously recommended to bring the ordinance to the Council next week.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

14. Subject: Formation Of The Santa Barbara South Coast Tourism Business Improvement District (290.00)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Declaring Results of Majority Protest Proceedings and Establishing the Santa Barbara South Coast Tourism Business Improvement District;
- B. Adopt the Santa Barbara South Coast Tourism Business Improvement District Management District Plan;
- C. Authorize the City Administrator to negotiate a contract with the Santa Barbara Conference and Visitors' Bureau and Film Commission for the provision of duties, responsibilities and objectives as specified in the Santa Barbara South Coast Tourism Business Improvement District Management District Plan, in a form acceptable to the City Attorney; and
- D. Authorize the City Administrator to negotiate a contract with the City of Carpinteria to allow the City of Santa Barbara to collect the Santa Barbara South Coast Tourism Business Improvement District assessment fee from hotels located in the City of Carpinteria, in a form acceptable to the City Attorney.

(Cont'd)

14. (Cont'd)

Documents:

- September 28, 2010, report from the Finance Director.
- Proposed Resolution.
- September 24, 2010, email communication from Glyn Davies, Simpson House Inn.

The title of the resolution was read.

Speakers:

- Staff: Treasury Manager Jill Taura.
- Santa Barbara Conference & Visitors Bureau: President and Chief Executive Officer Kathy Janega-Dykes.
- Members of the Public: Matthew LaVine, Fess Parker Doubletree; Tom Patton, Ramada Limited; Jeanette Webber, Santa Barbara Hotel Group; Scott Perry, Lemon Tree Inn; Bryan Rosen.

Motion:

Councilmembers House/Hotchkiss to approve the recommendations; Resolution No. 10-080; Contract Nos. 23,551 and 23,552.

Vote:

Unanimous roll call vote.

COMMUNITY DEVELOPMENT DEPARTMENT

15. Subject: Update On California Green Building Code (CAL Green) And South Coast Energy Reach Code Proposal From Southern California Edison (380.01)

Recommendation: That Council:

- A. Receive an update regarding the California Green Building Code (CAL Green Code) and a presentation from Southern California Edison proposing a South Coast Energy Reach Code; and
- B. Direct staff to conduct public outreach and prepare ordinance amendments for a South Coast Energy Reach Code for consideration by the City's Ordinance Committee.

Documents:

- September 28, 2010, report from the Assistant City Administrator/Community Development Director.
- September 28, 2010, PowerPoint presentation prepared and made by staff.
- September 24, 2010, email communication from Dave Davis, Community Environmental Council.

(Cont'd)

15. (Cont'd)

Speakers:

- Staff: Chief Building Official George Estrella, Assistant City Administrator/Community Development Director Paul Casey.
- Southern California Edison: Codes and Standards Team Member Javier Mariscal.
- Southern California Gas Company: Program Manager Ron Gorman.
- Dennis Thompson Architects: Architect Dennis Thompson.
- Members of the Public: Lindsey Taggart, Community Environmental Council; Dr. Lee Heller; Dan George, Santa Barbara Contractors Association; Karin Perissinotto, Santa Barbara Contractors Association and Built Green; Karen Feeney, Allen Associates & The Sustainability Project; Mickey Flacks; Mike Gabel, Gabel Associates.

Motion:

Councilmembers House/Francisco to approve recommendation B.

Vote:

Majority voice vote (Noes: Councilmembers Hotchkiss, Self).

RECESS

4:13 p.m. - 4:23 p.m. Councilmembers House, Self and White were absent when the meeting reconvened. Councilmember Self entered the meeting at 4:24 p.m., and Councilmembers House and White entered the meeting at 4:26 p.m.

16. Subject: City Arts Advisory Committee And Community Events & Festivals Committee Funding Recommendations And Contract With The Santa Barbara County Arts Commission For Fiscal Year 2011 (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 2011; and
- B. Authorize the Community Development Director to execute an agreement with the Santa Barbara County Arts Commission for \$427,260 as approved in the Fiscal Year 2011 budget.

Documents:

September 28, 2010, report from the Assistant City Administrator/Community Development Director.

(Cont'd)

16. (Cont'd)

Speakers:

- Staff: Administrative Services Manager Sue Gray.
- Santa Barbara County Arts Commission: Executive Director Ginny Brush.
- Members of the Public: Kenneth Loch.

Motion:

Councilmembers Hotchkiss/Williams to approve the recommendations;
Agreement No. 23,556.

Vote:

Unanimous voice vote.

Councilmember Williams stated that he would recuse himself from voting on the following item due to a conflict of interest related to his residence proximate to the district.

PUBLIC WORKS DEPARTMENT

17. Subject: Chapala Street Underground Utility Assessment District Engineer's Report And Recommended Project Conclusion (530.07)

Recommendation: That Council:

- A. Receive the Assessment Engineer's Report for the Chapala Street Underground Utility Assessment District (UUAD); and
- B. Take no further action regarding the formation of the proposed Chapala Street UUAD.

Documents:

- September 28, 2010, report from the Public Works Director.
- Preliminary Engineer's Report for Chapala Street Underground Utility Assessment District, dated September 16, 2010.
- September 28, 2010, PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Principal Engineer John Ewasiuk, Public Works Director Christine Andersen.
- Harris & Associates: Consultant Joan Cox.
- Members of the Public: Patricia Levee.

Motion:

Councilmembers Francisco/White to approve the recommendations.

Vote:

Unanimous voice vote.

RECESS

Mayor Schneider recessed the meeting at 5:20 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 18 and 19, and stated that no reportable action is anticipated.

CLOSED SESSIONS

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, 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 28, 2010, report from the Assistant City Administrator.

Time:

5:25 p.m. - 5:30 p.m.

No report made.

19. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

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

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

September 28, 2010, report from the City Attorney.

Time:

5:30 p.m. - 6:20 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:20 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



HELENE SCHNEIDER
MAYOR

ATTEST:



CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER