



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
August 18, 2009
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, 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, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

Speakers: Ruth Wilson, Jack Wilson, David D. Diaz, Bob Hansen, Kate Smith, Mr. Pennington.

ITEM REMOVED FROM CONSENT CALENDAR

3. Subject: Rejection of Loma Alta Hill Sidewalk Project Bids (530.04)

Recommendation: That Council reject all bids for construction of the Loma Alta Hill Sidewalk Project (Project), and direct staff to re-bid the Project.

Documents:

August 18, 2009, report from the Public Works Director.

(Cont'd)

3. (Cont'd)

Speakers:

- Staff: City Administrator James Armstrong, Principal Engineer Joshua Haggmark.
- Lash Construction Inc.: Jim Lash.

Motion:

Councilmembers Schneider/Horton to declare the lowest bidder as non-responsive and award bid to the lowest responsive bidder, Lash Construction, Inc., including a 10% contingency for extra services that may be necessary; Contract No. 23,186.

Vote:

Unanimous voice vote.

CONSENT CALENDAR (Item Nos. 1, 2 and 4 - 6)

Motion:

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

Vote:

Unanimous voice vote.

1. Subject: Contract For Construction Of The Santa Barbara Airport Water System Upgrade Project (560.04)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with V. Lopez Jr. & Sons, Inc. (Lopez), in their low bid amount of \$310,488, for construction of the Santa Barbara Airport Water System Upgrade Project (Project), Bid No. 3581, and authorize the Public Works Director to approve expenditures up to \$31,500 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 authorize the Public Works Director to accept the final contract amount, with approved changes, and file all Notices of Completion with the County Clerk-Recorder's Office;
- B. Authorize the Public Works Director to execute a contract with Larry C. Falberg, Civil Engineer (Falberg), in the amount of \$24,000 for construction inspection, and authorize the Public Works Director to approve expenditures of up to \$2,400 for extra services of Falberg that may result from necessary changes in the scope of work; and

(Cont'd)

1. (Cont'd)

- C. Authorize the General Services Manager to issue a Purchase Order to Penfield & Smith (P&S), in the amount of \$16,090, for construction support services, including setting survey line and grade, answering Requests for Information, and reviewing product submittals, and authorize the General Services Manager to approve expenditures of up to \$2,000 for extra services of P&S that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,172 and 23,173 (August 18, 2009, report from the Public Works Director).

2. Subject: Contract For Construction Of The Marilla Avenue Sidewalk Infill Project (530.04)

Recommendation: That Council award and authorize the Public Works Director to execute a contract with Aguilera Brothers Construction, Inc. (Aguilera) in their low bid amount of \$105,045, for construction of the Marilla Avenue Sidewalk Infill Project (Project), Bid No. 3572, and authorize the Public Works Director to approve expenditures up to \$10,500 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 authorize the Public Works Director to accept the final contract amount, with approved changes, and to file all Notices of Completion with the County Clerk-Recorder's Office.

Action: Approved the recommendation; Contract No. 23,174 (August 18, 2009, report from the Public Works Director).

NOTICES

4. The City Clerk has on Thursday, August 13, 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.
5. Cancellation of the regular Redevelopment Agency meeting of August 18, 2009, due to a lack of business.
6. Received a letter of resignation from Creeks Committee Member George Weber; the vacancy will be part of the next advisory group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met to discuss the Joint Participation Agreement for Cachuma Operation and Maintenance Board Bond Issuance relating to a variety of important and needed projects at Cachuma to help ensure the quality of our water supply. The Committee approved the recommendation, which will be presented to the Council in the near future.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to discuss amendments to Municipal Code Title 17 regarding Waterfront Policies. The Committee discussed amendments regarding vessel partnerships, impound and relocation of vessels, and anchoring vessels within a small strip of water. The Committee approved the amendments, which will be presented the Council for consideration in the near future.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

7. Subject: Regulation of Aggressive Panhandling (520.04)

Recommendation: That the City Council introduce and subsequently adopt, reading by title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Nine of the Santa Barbara Municipal Code to Enact a Revised Ordinance Prohibiting Abusive Panhandling by Amending and Revising Santa Barbara Municipal Code Chapter 9.50.

Documents:

- August 18, 2009, report from the City Attorney.
- August 18, 2009, Proposed Ordinance.
- August 18, 2009, PowerPoint Presentation prepared and made by Staff.

The title of the Ordinance was read.

Speakers:

- Staff: City Attorney Stephen Wiley, Housing and Redevelopment Manager Brian Bosse, Community Development Programs Supervisor Sue Gray.
- Members of the Public: Mr. David T., Edmond Finucane, Bob Hansen, Daniel Knapp, Mr. Pennington, Terry Tyler.

Motion:

Councilmembers House/Francisco to approve the recommendation, including the uncodified provision in Section 2 of the ordinance.

(Cont'd)

7. (Cont'd)

Motion:

Councilmembers Williams/Falcone to approve the recommendation to include the following amendments to the ordinance:

- 1) Omit language that delays the implementation of the ordinance until the alternative giving campaign is in effect; and
- 2) Include language that suspends the ordinance at the end of the year if an alternative giving campaign is not in effect.

Vote:

Failed to carry by roll call vote (Ayes: Councilmembers Falcone, Horton, Williams; Noes: Councilmembers Francisco, House, Schneider, Mayor Blum.

Motion:

Councilmembers Schneider/Francisco to approve the recommendation.

Vote:

Majority roll call vote (Noes: Councilmember Horton).

RECESS

4:12 p.m. - 4:25 p.m. Councilmembers Falcone and Francisco were absent when the Council reconvened.

ADMINISTRATIVE SERVICES DEPARTMENT

9. Subject: Child Care And Work/Life Assessment Report

Recommendation: That Council receive a presentation from First 5 regarding the results of the "Child Care and Work/Life Needs Assessment Report."

Documents:

- August 18, 2009, report from the Administrative Services Director.
- August 18, 2009, PowerPoint presentation prepared and made by County of Santa Barbara Staff.
- Downtown Santa Barbara 2009 Child Care & Work/Life Needs Assessment Report, published by First 5 Santa Barbara County.
- City of Santa Barbara 2009 Child Care & Work/Life Needs Assessment Report, published by First 5 Santa Barbara County.
- Downtown Santa Barbara Employee Child Care Study, published by First 5 Santa Barbara County.

(Cont'd)

9. (Cont'd)

Speakers:

- Staff: Human Resources Manager Barbara Barker.
- County of Santa Barbara, First 5: Project Manager Holly Goldberg, Early Care & Education Division Manager Eileen Monahan.

Councilmembers Falcone and Francisco returned to the meeting at 4:31 p.m. and 4:34 p.m., respectively.

Councilmember Falcone left the meeting at 4:47 p.m. and returned at 4:59 p.m.

By consensus, the Council received the presentation.

PUBLIC WORKS DEPARTMENT

8. Subject: Capital Improvement Projects: Annual Report For Fiscal Year 2009 (230.01)

Recommendation: That Council receive the Capital Improvement Projects (CIP) Annual Report for Fiscal Year 2009.

Documents:

- August 18, 2009, report from the Public Works Director.
- August 18, 2009, PowerPoint presentation prepared and made by Staff.

Speakers:

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

Councilmember Williams left the meeting at 5:17 p.m.

By consensus, the Council received the report.

RECESS

Mayor Blum recessed the meeting at 5:21 p.m. in order for the Council to reconvene in Closed Session for Agenda Item Nos. 10, 11 and 12. No reportable action is anticipated.

CLOSED SESSIONS

10. 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 Landslide Repair Foundation v. City of Santa Barbara, SBSC Number 1304297.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 18, 2009, report from the City Attorney.

Time:

5:22 p.m. - 5:33 p.m. (Absent: Councilmembers Falcone and Williams.)

No report made.

11. 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 James Ryden, et al., v. City of Santa Barbara, et al., USDC Case Number: CV 09-1578 SVW (SSx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 18, 2009, report from the City Attorney.

Time:

5:33 p.m. - 5:45 p.m. (Absent: Councilmembers Falcone and Williams.)

No report made.

12. 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 City of Banning/Armenta v. James Jones Co., LASC BC321513.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 18, 2009, report from the City Attorney.

Time:

5:45 p.m. - 6:00 p.m. (Absent: Councilmembers Falcone and Williams.)


No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 6:00 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



MARTY BLUM
MAYOR

ATTEST



CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER