



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
July 17, 2012
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance 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, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator James Armstrong advised that the following item was being removed from the agenda due to the need to reschedule the subject public hearing:

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 901 Olive Street (640.07)

Recommendation: That Council:

- A. Set the date of August 7, 2012, at 2:00 p.m. for hearing the appeal filed by Grant Castleberg of the Architectural Board of Review approval of an application for property owned by 901 Holdings LLC and located at 901 Olive Street, Assessor's Parcel No. 029-302-018, C-2 Commercial Zone, General Plan Designation: Commercial/Medium High Residential (15-27 Dwelling Units per Acre).

(Cont'd)

13. (Cont'd)**A. Cont'd:**

The project proposes the construction of 10 one-story, studio apartment units and 9 two-story, one-bedroom apartment units above a new two-level parking structure. The new apartment units and parking structure will be added to an existing two-story office building; total development would be 60,060 square feet with a maximum height of 51 feet on a 33,005 square-foot lot. The project also includes alterations to the existing office building. The Staff Hearing Officer granted a zoning modification for a reduction in the number of required parking spaces; and

B. Set the date of August 6, 2012, at 1:30 p.m. for a site visit to the property located at 901 Olive Street.**PUBLIC COMMENT**

Speakers: Ruth Wilson, Steve Reynolds, Harmony, K8 Longstory, Milt Hess.

CONSENT CALENDAR (Item Nos. 1 – 12 and 14 – 17)

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

Motion:

Councilmembers Hotchkiss/Rowse to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of June 18, 19, and 21, 2012, and the regular meetings of June 26, and July 3, 2012.

Action: Approved the recommendation.

2. Subject: Certification Of The Election Results Of The Official Canvass For The Special Municipal Election Of June 5, 2012 (110.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Election Results of the Official Canvass for the Special Municipal Election Held in the City on June 5, 2012.

Action: Approved the recommendation; Resolution No. 12-052 (July 17, 2012, report from the Assistant City Administrator/Administrative Services Director; proposed resolution).

3. Subject: Adoption Of Ordinance For The Santa Barbara Zoological Gardens Lease (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Thirty-Five Year Lease Agreement With A Fifteen-Year Lease Option, Between the City of Santa Barbara and the Santa Barbara Zoological Gardens Foundation, for Continued Lease of the Property Being Operated as the Santa Barbara Zoological Gardens, Commonly Known as the Santa Barbara Zoo.

Action: Approved the recommendation; Ordinance No. 5588; Agreement No. 24,200.

4. Subject: Resolution Approving Application For Local Groundwater Assistance Grant (540.08)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director to Submit a Groundwater Management Plan Grant Application in an Amount of \$250,000 and Execute an Agreement With the California Department of Water Resources Local Groundwater Assistance Grant Program.

Action: Approved the recommendation; Resolution No. 12-053 (July 17, 2012, report from the Public Works Director; proposed resolution).

5. Subject: Introduction Of Ordinance For A Lease Agreement With Channel Island Outfitters, Inc., Doing Business As Paddle Sports Of Santa Barbara (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 Channel Island Outfitters, Inc., Doing Business As Paddle Sports of Santa Barbara, at a Monthly Rent of \$2,762.75, for Approximately 956 Square Feet of Retail Space and 374 Square Feet of Water Area Adjacent to the Navy Pier in the Santa Barbara Harbor, Effective August 24, 2012.

Action: Approved the recommendation (July 17, 2012, report from the Waterfront Director; proposed ordinance).

6. Subject: Fiscal Year 2012 Interim Financial Statements For The Eleven Months Ended May 31, 2012 (250.02)

Recommendation: That Council accept the Fiscal Year 2012 Interim Financial Statements for the Eleven Months Ended May 31, 2012.

(Cont'd)

6. (Cont'd)

Action: Approved the recommendation (July 17, 2012, report from the Finance Director).

7. Subject: Amendment To Caltrans Agreement For State Route 192 Utility Relocations (530.04)

Recommendation: That Council authorize the Public Works Director to execute an amendment to Utility Agreement No. 05-UT-1015.703 with the California Department of Transportation, District 5, for relocation of City water line facilities, which increases the reimbursement by the City to Caltrans for relocation costs to a total of \$138,980.

Action: Approved the recommendation; Agreement No. 24,201 (July 17, 2012, report from the Public Works Director).

8. Subject: Contract For Construction Of The El Estero Wastewater Treatment Plant Influent Pumps Replacement Project (540.13)

Recommendation: That Council:

- A. Award a contract with GSE Construction Co. in their low bid amount of \$2,583,700 for construction of the El Estero Wastewater Treatment Plant Influent Pumps Replacement Project, Bid No. 3607;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$258,370 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;
- C. Authorize the Public Works Director to execute a contract with Brown & Caldwell in the amount of \$178,892 for design support services during construction, and approve expenditures of up to \$17,890 for extra services of Brown & Caldwell that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a contract with Mimiaga Engineering Group in the amount of \$264,000 for construction management services, and approve expenditures of up to \$26,400 for extra services of Mimiaga Engineering Group that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 24,202 – 24,204 (July 17, 2012, report from the Public Works Director).

9. Subject: Contract For Development Of Wastewater Collection System Strategic Management Program - Phase III (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract with Brown and Caldwell in the amount of \$100,925 for Wastewater Collection system maintenance-related business process development and the related Sewer System Management Plan update, and authorize the Public Works Director to approve expenditures of up to \$10,093 for extra services of Brown and Caldwell that may result from necessary changes in the scope of work, for a total of \$111,018.

Action: Approved the recommendation; Contract No. 24,205 (July 17, 2012, report from the Public Works Director).

10. Subject: Contract For Survey Services For Wastewater Collection System Survey Project (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Contract with Penfield and Smith in the amount of \$211,780 for survey services for the Wastewater Collection System Survey Project, and authorize the Public Works Director to approve expenditures of up to \$21,180 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,206 (July 17, 2012, report from the Public Works Director).

11. Subject: California Department Of Forestry And Fire Protection Urban Forest Management Plan Grant Award (570.05)

Recommendation: That Council increase revenues and appropriations by \$71,092 in the Parks and Recreation Department Fiscal Year 2013 Miscellaneous Grants Fund for the California Department of Forestry and Fire Protection (CAL FIRE) Urban and Community Forestry Grant.

Action: Approved the recommendation (July 17, 2012, report from the Parks and Recreation Director).

12. Subject: Cancellation Of August 21, 2012, City Council Meeting (120.09)

Recommendation: That Council cancel the August 21, 2012, City Council meeting.

Action: Approved the recommendation (July 17, 2012, report from the City Administrator).

NOTICES

14. The City Clerk has on Thursday, July 12, 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.
15. Received a letter of resignation from Neighborhood Advisory Council member Sharon Byrne; the vacancy will be part of the next recruitment for City Advisory Groups.
16. Received a communication advising of a vacancy created on the Measure P Committee with the death of Member Gary Buffington; the vacancy will be part of the next City Advisory Groups recruitment.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Grant House reported that the Committee met to consider proposed revisions to Municipal Code Chapter 9.116 related to emergency services; the Committee approved the amendments, which will be forwarded to the full Council for introduction and subsequent adoption.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTSFINANCE DEPARTMENT**17. Subject: General Fund Reserve Policies (210.01)**

Recommendation: That Council consider newly proposed policies governing the establishment and use of General Fund reserves recommended by the Finance Committee.

Documents:

- July 17, 2012, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

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

(Cont'd)

17. (Cont'd)**Motion:**

Councilmembers White/Francisco to:

1. Approve the proposed General Fund Reserve Policies as outlined in the attachment to the Council Agenda Report, with the addition of language to 1) allocate future year-end surpluses such that 50% is directed to capital and 50% is directed toward the restoration and maintenance of reserves as necessary, and 2) provide for a separate vote of Council on a proposed use of the Contingency Reserve; and
2. Set aside for separate action the proposed policy to require a supermajority approval by Council for the use of Contingency Reserves.

Vote:

Unanimous voice vote.

Motion:

Councilmembers White/Murillo to adopt the following policy for Council approval of the use of Contingency Reserves: "Any use of Contingency Reserves requires a simple majority approval of City Council."

Vote:

Majority voice vote (Ayes: Councilmembers House, Murillo, White, Mayor Schneider; Noes: Councilmembers Francisco, Hotchkiss, Rowse).

RECESS

3:57 p.m. – 4:08 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**FINANCE DEPARTMENT (CONT'D)****18. Subject: Proposed Budget Strategy For Impacts Of Redevelopment Agency Dissolution (620.01)**

Recommendation: That Council hear a report from staff on the proposed budget strategy to address the financial impact of the Redevelopment Agency dissolution.

Documents:

- July 17, 2012, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

18. (Cont'd)

Speakers:

Staff: Accounting Manager Ruby Carrillo, Assistant City Administrator/
Community Development Director Paul Casey, City Administrator James
Armstrong.

By consensus, the Council received the report and their questions were
answered.

PUBLIC WORKS DEPARTMENT19. **Subject: Contract For Final Design Of The Mason Street Bridge
Replacement Project (530.04)**

Recommendation: That Council:

- A. Confirm that Kimberly Avenue shall remain a two-way street;
- B. Approve the proposed Mason Street Bridge Project width design and roadway geometry in accordance with City, State, and Federal standards, with design exceptions as approved by the City Engineer;
- C. Accept Federal Highway Administration Highway Bridge Program grant funding in the amount of \$5,106,236 for the Mason Street Bridge Replacement Project, and authorize the increase of estimated revenues and appropriations in the Fiscal Year 2013 Streets Capital Fund by \$5,106,236 for the Mason Street Bridge Replacement Project; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Bengal Engineering, Inc., in a form acceptable to the City Attorney, in the amount of \$550,340 for final design services for the Mason Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$55,034 for extra services of Bengal Engineering, Inc., that may result from necessary changes in the scope of work.

Documents:

- July 17, 2012, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Assistant Public Works Director/City Engineer Pat Kelly.
- Creeks Advisory Committee: Member Lee Moldaver.
- Historic Landmarks Commission: Vice Chair Donald Sharpe.
- Members of the Public: Mark Romasanta, Clay Aurell, Robert Burke.

(Cont'd)

19. (Cont'd)**Motion:**

Councilmembers Hotchkiss/Francisco to approve the recommendations;
Contract No. 24,207.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**Information:**

- Councilmember Hotchkiss noted that he had presented the Mayor's Cup at the event held at the Polo Fields last weekend.
- Councilmember Murillo reported that the Milpas Action Task Force had met to discuss both Casa Esperanza's relations with the public and law enforcement pertaining to public urination; she also mentioned her participation in a walkabout which demonstrated a "safe passage" proposal designed to enhance pedestrian safety between the Mission and the Natural History Museum.
- Mayor Schneider commented on the extremely positive feedback she had received about this year's July 4th fireworks display and expressed her appreciation to all those involved in its coordination.

RECESS

Mayor Schneider recessed the meeting at 5:19 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 20 and 21; she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS**20. Subject: Conference with Legal Counsel - Anticipated Litigation (160.03)**

Recommendation: That Council hold a closed session to consider significant exposure to litigation (two potential cases) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

July 17, 2012, report from the City Attorney.

Time:

5:23 p.m. – 5:35 p.m.

No report made.

21. Subject: Conference with Real Property Negotiators - 701 E. Haley Street (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54956.8 in order to provide direction to the City Administrator and to the City Attorney regarding the possible lease of real property owned by the City commonly known as 701 E. Haley Street.

Property: 701 E. Haley Street (Primo Boxing - Youth Sports Center)

City Negotiators: Nancy Rapp, Scott Vincent.

Negotiating Party: Primo Boxing - Joe and Jean Pommier

Under Negotiation: Rent and terms of lease.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

July 17, 2012, report from the City Attorney.

Time:

5:37 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:

SUSAN TSCHUCH, CMC
DEPUTY CITY CLERK