



## CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING**  
**April 29, 2014**  
**COUNCIL CHAMBER, 735 ANACAPA STREET**

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### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco (2:08 p.m.), Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

### CHANGES TO THE AGENDA

#### Item Removed from Agenda

City Administrator Armstrong stated that the following item was being removed from the Agenda and would be resubmitted at a later date:

6. **Subject: Professional Services Agreement With Xerox Government Systems, LLC, For Information Technology Hosting And Support Services (520.03)**

Recommendation: That Council authorize the Fire Chief to execute a Professional Services Agreement with Xerox Government Systems, LLC, in the amount of \$38,000 for licensed access to the web version of FIREHOUSE Software Enterprise Version 7, for use in the Fire Department's daily operations.

## PUBLIC COMMENT

Speakers: Steve Windbeger and Lesley Wiscomb, Santa Barbara Public Gardens Partnership; Dorene White; Donna Moser; Clare Moser; Phil Walker; Nancy Tunnell; Trevor Martinson; Ginny Brush, Santa Barbara County Arts Commission; Ethan Shenkman.

## CONSENT CALENDAR (Item Nos. 1 – 5 and 7 – 11)

### Motion:

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

### Vote:

Unanimous voice vote.

### 1. **Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the special meeting of April 10, 2014, and the regular meeting of April 15, 2014.

Action: Approved the recommendation.

### 2. **Subject: Fiscal Year 2014 Interim Financial Statements For The Eight Months Ended February 28, 2014 (250.02)**

Recommendation: That Council accept the Fiscal Year 2014 Interim Financial Statements for the Eight Months Ended February 28, 2014.

Action: Approved the recommendation (April 29, 2014, report from the Finance Director).

### 3. **Subject: March 31, 2014, Investment Report And March 31, 2014, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the March 31, 2014, Investment Report; and
- B. Accept the March 31, 2014, Fiscal Agent Report.

Action: Approved the recommendation (April 29, 2014, report from the Finance Director).

**4. Subject: Haley Street Youth Center Lease With The Channel Islands YMCA (330.04)**

Recommendation: That Council authorize the Parks and Recreation Director to enter into a three-year lease agreement with the Channel Islands YMCA for the Haley Street Youth Center with a monthly rent of \$1,785, commencing on May 1, 2014, and ending on April 30, 2017.

Speakers:

Channel Islands YMCA: Margo Byrne, Vince Inculano.

Action: Approved the recommendation; Agreement No. 24,822 (April 29, 2014, report from the Parks and Recreation Director).

**5. Subject: Award Of Professional Services Agreement For Solid Waste Management Brand Development And Strategic Marketing Support To Robert TenEyck (630.01)**

Recommendation: That Council authorize the Finance Director to execute a professional services agreement with Robert TenEyck in the amount of \$43,000 for brand development and marketing support, and authorize the Finance Director to approve expenditures of up to \$7,000 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 24,823 (April 29, 2014, report from the Finance Director).

**7. Subject: Contract For Supervisory Control And Data Acquisition Integration Services For The Corporation Yard Well - Wellhead Project (540.10)**

Recommendation: That Council authorize the Public Works Director to execute a contract with Systems Integrated, LLC, in the amount of \$65,923 for equipment, testing, and Supervisory Control and Data Acquisition Programming, and approve expenditures of up to \$10,000 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,824 (April 29, 2014, report from the Public Works Director).

NOTICES

8. The City Clerk has on Thursday, April 24, 2014, 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.

9. The public hearing scheduled for April 29, 2014, at 2:00 p.m. to hear an appeal of the Architectural Board of Review's approval for 510 N. Salsipuedes Street has been cancelled due to withdrawal of the appeal.
10. The City Council will hold a public hearing on May 20, 2014, at 2:00 p.m., to consider the Historic Landmarks Commission's recommendations that the following resources be designated as City Landmarks: The Santa Barbara Club, located at 1105 Chapala Street, The Unitarian Church, located at 1535 Santa Barbara Street, and The Masonic Temple, located at 16 East Carrillo Street.
11. Receipt of communication advising of vacancy created on the Santa Barbara Youth Council with the resignation of Caedon Hirrel. The vacancy will be part of the current City Advisory Groups Semiannual Recruitment.

This concluded the Consent Calendar.

### **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported on the Committee's discussion of the following items: 1) March 31, 2014, Investment and Fiscal Agent Reports—the Committee approved these reports, which were also approved by the Council as part of this Agenda's Consent Calendar (Item No. 3); 2) Fiscal Year 2015 Recommended Budget—the Committee received an updated multi-year financial forecast for the General Fund; and 3) the City's business license tax as it affects artists.

### **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Randy Rowse reported that the Committee met to consider proposed amendments to the Municipal Code related to unlawful water use and regulations during water shortage conditions. The Committee approved the ordinance amendments, which will be forwarded to the full Council for introduction and subsequent adoption.

### **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

#### PUBLIC WORKS DEPARTMENT

#### **12. Subject: Contract For Construction Of Tertiary Filtration Plant Replacement Project (540.13)**

Recommendation: That Council:

- A. Appropriate \$3,116,748 from Water Fund reserves to the Water Capital Fund to construct the Tertiary Filtration Plant Replacement Project;
- B. Reject the apparent low bid from GSE Construction Co., Inc., for construction of the Tertiary Filtration Plant Replacement Project as non-responsive due to their failure to meet the bid specifications;

(Cont'd)

**12. (Cont'd)**

- C. Award a contract with Schock Contracting Corporation in their low bid amount of \$8,490,000 for construction of the Tertiary Filtration Plant Replacement Project, Bid No. 3688A, and authorize the Public Works Director to execute the contract and approve expenditures up to \$879,000 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;
- D. Authorize the Public Works Director to execute a contract with MNS Engineers, Inc., in the amount of \$706,154 for construction management services, and approve expenditures of up to \$70,615.40 for extra services that may result from necessary changes in the scope of work;
- E. Authorize the Public Works Director to execute a contract with CDM Smith, Inc., in the amount of \$491,019 for construction support services, and approve expenditures of up to \$49,101 for extra services that may result from necessary changes in the scope of work; and
- F. Authorize the Public Works Director to execute a contract with Dudek in the amount of \$60,304.40 for environmental monitoring and support services, and approve expenditures of up to \$6,031 for extra services that may result from necessary changes in the scope of work.

**Documents:**

- April 29, 2014, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

**Speakers:**

- Staff: Assistant Public Works Director/City Engineer Pat Kelly, Acting Water Resources Manager Joshua Haggmark.
- Members of the Public: John Schock, Schock Contracting Corp.; Phil Walker.

**Motion:**

Councilmembers Rowse/Francisco to approve the recommendations;  
Contract Nos. 24,825 – 24,828.

**Vote:**

Unanimous voice vote.

**COMMUNITY DEVELOPMENT DEPARTMENT****13. Subject: Waterfront Hotel Update (640.10)**

Recommendation: That Council receive an update from the Parker Family Trust and staff on a new Development Agreement Proposal and possible changes to the Waterfront Hotel project, and provide comments.

(Cont'd)

**13. (Cont'd)**

## Documents:

- April 29, 2014, report from the Acting Community Development Director/City Planner.
- PowerPoint presentation prepared and made by Staff.

## Speakers:

- Staff: Acting Community Development Director/City Planner Bettie Weiss, Assistant City Attorney Scott Vincent.
- Fespar Enterprises, LLC: Eli Parker.
- Members of the Public: Mickey Flacks.

## Discussion:

All Councilmembers provided comments as to the terms of a new Development Agreement for the Waterfront Hotel project.

**RECESS**

3:27 p.m. – 3:34 p.m.

**MAYOR AND COUNCIL REPORTS****14. Subject: Request From Mayor Schneider And Councilmember White Regarding A Ballot Measure For Hybrid At-Large/District Elections (110.03)**

Recommendation: That Council consider the request from Mayor Schneider and Councilmember White regarding a ballot measure for hybrid at-large/district elections.

## Documents:

April 29, 2014, report from the City Administrator.

## Speakers:

- Staff: City Attorney Ariel Calonne, City Administrator James Armstrong.
- Members of the Public: Lee Moldaver; A. Barry Cappello; Mickey Flacks; Daniel Ramirez, Cause Action Fund; Richard Flacks, Santa Barbara County Action Network; Cruzito Herrera Cruz; Sebastian Aldana, Jr.; Lanny Ebenstein.

## Motion:

Councilmember White/Mayor Schneider to direct Staff to schedule a public workshop for May 2014 to discuss various options related to a district election system.

## Vote:

Unanimous voice vote.

**15. Subject: Council Liaison To The Santa Barbara Airport Commission (560.03)**

Recommendation: That Council consider a change to the appointment of the Council liaison to the Santa Barbara Airport Commission.

Documents:

April 29, 2014, report from the City Administrator.

Speakers:

Staff: City Administrator James Armstrong.

Motion:

Councilmembers White/Hart to appoint Councilmember Hotchkiss as the Council liaison to the Santa Barbara Airport Commission.

Vote:

Unanimous voice vote.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Rowse mentioned his attendance at the annual Eggstravaganza and the Tip-A-Cop event to benefit Special Olympics.
- Councilmember White reported on his attendance at the annual Earth Day Festival as well as the Parks and Recreation Community Foundation's "Magic on the Urban Wine Trail" event, which benefits Parks and Recreation Department youth programs.
- Councilmember Hotchkiss commented on a meeting held with State Street business owners to follow up on the City's response to issues related to the homeless.
- Councilmember Hart reported that the Fire and Police Commission has been hearing comment from several tow companies regarding the rates set by the Commission for those vendors.
- Councilmember Francisco mentioned his attendance at the recent Police Activities League event to honor Richard Berti.
- Councilmember Murillo congratulated both Our Lady of Guadalupe Church for its "Safeguarding Children" program and the Marjorie Luke Theater on its 10<sup>th</sup> anniversary. She also commented on her attendance at the annual Founding Day celebration.
- Mayor Schneider reported on the block party held recently in the first block of West Victoria Street to celebrate the opening of the new Victoria Theater and the Public Market.

## RECESS

Mayor Schneider recessed the meeting at 5:02 p.m. in order for the Council to reconvene in closed session for Item Nos. 16 and 17. She stated that no reportable action is anticipated.

## CLOSED SESSIONS

### 17. Subject: Conference With City Attorney - Existing Litigation (160.03)

Recommendation: That Council hold a closed session to consider existing litigation pursuant to Government Code section 54956.9(d)(1) and take appropriate action as needed. The existing litigation is *People of the State of California, City of Santa Barbara v. Eastside, Westside, et al.*, SBSC Case No. 1379826.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

April 29, 2014, report from the City Attorney.

Time:

5:05 p.m. – 5:35 p.m.

No report made.

### 16. 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 Kristine Schmidt, Acting Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Units and Firefighters Association.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

April 29, 2014, report from the Acting Administrative Services Director.

Time:

5:35 p.m. – 6:30 p.m. Councilmember Francisco left at 6:15 p.m., and Councilmember Rowse left at 6:20 p.m.

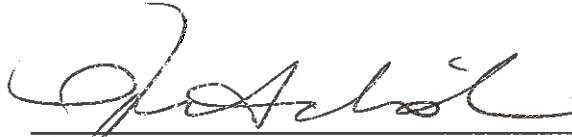
No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE



HELENE SCHNEIDER  
MAYOR

ATTEST:



SUSAN TSCHUCH, CMC  
DEPUTY CITY CLERK