



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING December 13, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and Redevelopment Agency to order at 2:02 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance 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, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: Randy Rowse.

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

### PUBLIC COMMENT

Speakers: Kenneth Loch; Ruth Wilson; Patricia Bartoli-Wible, Southern California Edison; Kate Longstory.

### CONSENT CALENDAR (Item Nos. 1 – 13)

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

Motion:

Council/Agency members Francisco/Hotchkiss to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Council/Agency member Rowse).

## CITY COUNCIL

1. Subject: Redevelopment Agency Continuation Ordinance (620.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, to Take Effect Only if Assembly Bills 1X 26 and 27 are Upheld and the Stay is Lifted, to Make Remittances, Under Protest, Required by AB 1X 27 in Order to Avoid Dissolution of the Redevelopment Agency of the City of Santa Barbara; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara, to Take Effect Only if Assembly Bills 1X 26 and 27 are Upheld and the Stay is Lifted, Determining that it Will Comply, Under Protest, with the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of Santa Barbara.

Action: Approved the recommendations; Resolution No. 11-077 (December 13, 2011, report from the Assistant City Administrator/Community Development Director; proposed resolution and ordinance).

2. Subject: Adoption Of An Ordinance For A Lease With Sushi Go Go (330.04)

Recommendation: That Council 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 Kyung and Sarah Wang, Doing Business as Sushi Go Go, for the Restaurant at 119-B Harbor Way, Effective January 13, 2012.

Action: Approved the recommendation; Ordinance No. 5577; Agreement No. 23,965.

3. Subject: Contract with InterVISTAS Consulting, LLC, for Air Service Development (560.01)

Recommendation: That Council authorize the Airport Director to execute a contract with InterVISTAS Consulting, LLC, for specialized air service development support for the Santa Barbara Airport, in an amount not to exceed \$80,000.

Action: Approved the recommendation; Contract No. 23,966 (December 13, 2011, report from the Airport Director).

4. Subject: Wetland Mitigation Monitoring Year 6 Contract (560.04)

Recommendation: That Council approve and authorize the Airport Director to execute a professional services contract with URS Corporation for post-construction biological monitoring associated with the Airfield Safety Projects and other small projects at the Santa Barbara Airport in an amount not to exceed \$60,852, and authorize the Airport Director to approve expenditures up to \$6,085 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,967 (December 13, 2011, report from the Airport Director).

5. Subject: Purchase Order With Cardno ENTRIX To Provide Biological Services For The Andrée Clark Bird Refuge Vegetation Maintenance And Restoration Project (570.05)

Recommendation: That Council authorize the General Services Manager to increase a purchase order with Cardno ENTRIX by \$21,191, for a total cost of \$39,328, to provide biological consulting services for the construction and restoration phase of the Andrée Clark Bird Refuge Vegetation Maintenance and Restoration Project.

Action: Approved the recommendation (December 13, 2011, report from the Parks and Recreation Director).

6. Subject: Contract For Final Design Services For The Lower Mesa Lane Stairs Replacement Project (570.05)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Bengal Engineering in the amount of \$52,398.30 for final design services for the Lower Mesa Lane Stairs Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$5,240 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,968 (December 13, 2011, joint report from the Public Works and Parks and Recreation Directors).

7. Subject: Contract For Design Of Zone 5 Pavement Maintenance Project (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates in the amount of \$80,479 for design services for the Zone 5 Pavement Maintenance Project, and authorize the Public Works Director to approve expenditures of up to \$8,048 for extra services of Flowers & Associates that may result from necessary changes in the scope of work.

(Cont'd)

7. (Cont'd)

Action: Approved the recommendation; Contract No. 23,969 (December 13, 2011, report from the Public Works Director).

8. Subject: Response To Grand Jury Report Regarding Patrol Vehicle Cameras (150.04)

Recommendation: That Council review and approve a draft letter in response to the findings and recommendations of the 2011-2012 Santa Barbara County Civil Grand Jury entitled, "Grand Jury Endorses Patrol Vehicle Cameras."

Action: Approved the recommendation (December 13, 2011, report from the Police Chief).

9. Subject: November 2011 Investment Report (260.02)

Recommendation: That Council accept the November 2011 Investment Report.

Action: Approved the recommendation (December 13, 2011, report from the Finance Director).

### REDEVELOPMENT AGENCY

10. Subject: Redevelopment Agency 2011 Comprehensive Annual Financial Report (620.01)

Recommendation: That Council and the Redevelopment Agency Board:

- A. Approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2011, consisting of the Auditor's Opinion and Financial Statements, and the Auditor's Compliance Report; and
- B. Direct staff to submit required copies of the Report to the California State Controller's Office.

Action: Approved the recommendations (December 13, 2011, report from the Assistant City Administrator/Community Development Director/Deputy Director; Redevelopment Agency Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2011).

### NOTICES

11. The City Clerk has on Thursday, December 8, 2011, 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.

12. Cancellation of the regular City Council and Redevelopment Agency meetings of December 20, 2011, the regular City Council meeting of December 27, 2011, and of the regular City Council and Redevelopment Agency meetings of January 3, 2012.
13. Received a letter of resignation from Neighborhood Advisory Council Member Raquel Vela Mendoza; the vacancies will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to review Comprehensive Annual Financial Reports for the Fiscal Year Ended June 30, 2011, for both the Redevelopment Agency and the City. The Annual Report for the Redevelopment Agency was approved by the Council/Agency as part of this Agenda's Consent Calendar (Item No. 10); the Annual Report for the City will be presented to the full Council as Agenda Item No. 15.

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

### COMMUNITY DEVELOPMENT DEPARTMENT

14. Subject: Adoption Of Updated Design Review General Guidelines And Meeting Procedures For Design Review Boards (640.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Approve Revised General Design Guidelines and Meeting Procedures for the Historic Landmarks Commission, Architectural Board of Review, and Single Family Design Board.

#### Documents:

- December 13, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

#### Speakers:

Staff: Project Planner Heather Baker, City Administrator James Armstrong, City Attorney Stephen Wiley, City Planner Bettie Weiss.

(Cont'd)

14. (Cont'd)

Motion:

Councilmembers White/Hotchkiss to approve the recommendation;  
Resolution No. 11-078.

Vote:

Unanimous roll call vote (Absent: Councilmember Rowse).

## FINANCE DEPARTMENT

15. Subject: Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2011 (250.02)

Recommendation: That Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2011; and
- B. Accept the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2011.

Documents:

- December 13, 2011, report from the Finance Director.
- City of Santa Barbara Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2011.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Finance Director Robert Samario.
- Lance, Soll & Lunghard (City Auditor): Richard Kikuchi.
- Members of the Public: Ethan Shenkman, Annie McGill.

Motion:

Councilmembers Francisco/House to approve recommendation B.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Councilmember House left the meeting at 3:03 p.m. and returned at 3:13 p.m.

16. Subject: Zone One Solid Waste Franchise Recommendation (510.04)

Recommendation: That Council authorize the Finance Director to enter into exclusive negotiations with MarBorg Industries for a Citywide Solid Waste Franchise Agreement contingent on MarBorg's written agreement, in a form acceptable to the City Attorney, to do the following:

- A. Provide the City with an option to extend the term of the current franchise agreement for an additional year should agreement not be reached before June 30, 2012;

(Cont'd)

16. (Cont'd)

- B. Provide a deposit to cover the City's costs for HF&H's consultant services related to the franchise renewal process; and
- C. Provide City staff with access to all available financial information about the City's franchise zones, including, but not limited to, MarBorg's operations, revenues, costs, and profits.

Documents:

- December 13, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.
- PowerPoint presentation prepared and made by Derek Carlson, representing MarBorg Industries.
- Draft "Standardized Rate Revenue Comparison," submitted by MarBorg Industries.

Speakers:

- Staff: Employee Relations Manager Kristy Schmidt, Environmental Services Manager Matt Fore, City Administrator James Armstrong, City Attorney Stephen Wiley, Finance Director Robert Samario.
- MarBorg Industries: Derek Carlson, Business Manager.
- Members of the Public: Cathy Murillo.
- HF&H (Consultant to City): Senior Vice President Laith Ezzet.

Motion:

Councilmembers Hotchkiss/Francisco to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

**RECESS**

4:22 p.m. - 4:35 p.m.

PUBLIC WORKS DEPARTMENT

17. Subject: Annual Water Supply Management Report (540.08)

Recommendation: That Council approve and adopt the City of Santa Barbara's Water Supply Management Report for the 2011 water year, finding that groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

Documents:

- December 13, 2011, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

17. (Cont'd)

Speakers:

Staff: Water Resources Manager Rebecca Bjork, Water Resources Supervisor Bill Ferguson.

Motion:

Councilmembers Francisco/Self to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

## MAYOR AND COUNCIL REPORTS

18. Subject: Appointments To City Advisory Groups (140.05)

Recommendation: That Council make appointments to the City's advisory groups.

Documents:

December 13, 2011, report from the Assistant City Administrator/ Administrative Services Director.

Speakers:

Members of the Public: Robert Burke.

Access Advisory Committee:

Nominees for Disability Community:

Robert Burnham, Ken McLellan, Scott Smigel.

Vote:

- For Burnham: Councilmembers Francisco, Hotchkiss, House, Self, White, Mayor Schneider.
- For McLellan: Councilmembers Francisco, Hotchkiss, House, Self, Mayor Schneider.
- For Smigel: Councilmember White.

Appointments:

Robert Burnham and Ken McLellan were reappointed as representatives of the Disability Community for terms expiring December 31, 2014.

Architectural Board of Review:

Nominees for Licensed Architect/Professional Qualifications/Public at Large category:

Kirk Gradin, Robert Kupiec, Stephanie Poole.

(Cont'd)



18. (Cont'd)

Architectural Board of Review (Cont'd):

Vote:

- For Gradin: Councilmembers Francisco, Hotchkiss, House, Self, White, Mayor Schneider.
- For Kupiec: Councilmembers Francisco, White.
- For Poole: Councilmembers Hotchkiss, House, Self, Mayor Schneider.

Appointments:

Kirk Gradin and Stephanie Poole were appointed for terms expiring December 31, 2015.

Arts Advisory Committee:

Nominees:

Darian Bleecher, Charmaine Curtis Jacobs, Carol Taylor, Thea Vandervoort, Nathan Vonk.

Vote:

- For Bleecher: Councilmembers Francisco, Hotchkiss, House, Self, White, Mayor Schneider.
- For Jacobs: Councilmember White.
- For Taylor: Councilmembers Francisco, Hotchkiss, House, Self, White, Mayor Schneider.
- For Vandervoort: Councilmember House.
- For Vonk: Councilmembers Francisco, Hotchkiss, Self, Mayor Schneider.

Appointments:

Darian Bleecher was reappointed, and Carol Taylor and Nathan Vonk were appointed for terms expiring December 31, 2015.

Civil Service Commission:

Motion:

Mayor Schneider/Councilmember House to reappoint Alan Kasehagen and Donna Lewis.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Alan Kasehagen and Donna Lewis were reappointed for terms expiring December 31, 2015.

(Cont'd)

18. (Cont'd)

Community Development and Human Services Committee:

Motion:

Councilmembers House/Hotchkiss to reappoint Veronica Loza and Daniel Ramirez.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Veronica Loza was reappointed to the Eastside Neighborhood category, and Daniel Ramirez was reappointed to the Youth Oriented Services category, for terms expiring December 31, 2015.

Community Events & Festivals Committee:

Motion:

Councilmembers House/Hotchkiss to reappoint Jason McCarthy and appoint Laura Inks and Kate Schwab.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Jason McCarthy was reappointed to the Business/Lodging/Retail Industry category for a term expiring December 31, 2015, Laura Inks was appointed to the Cultural Arts category for a term expiring December 31, 2015, and Kate Schwab was appointed to represent the Public at Large for a term expiring December 31, 2014.

Creeks Advisory Committee:

Motion:

Councilmembers House/Hotchkiss to reappoint Paul Bullock, Stephen MacIntosh, Lee Moldaver, and Kathleen Weber.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Paul Bullock was reappointed to the Hotel/Lodging Industry category, and Stephen MacIntosh, Lee Moldaver and Kathleen Weber were reappointed to the Experience in Ocean Use, Business or Environmental Issues/Public at Large category, for terms expiring December 31, 2015.

(Cont'd)

18. (Cont'd)

Downtown Parking Committee:

Motion:

Councilmembers House/Hotchkiss to reappoint William Collyer and Tom Williams.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

William Collyer and Tom Williams were reappointed for terms expiring December 31, 2015.

Fire and Police Commission:

Nominees:

Jennifer Christensen, Thomas Parker, John Torell, Paul Zink.

Vote:

- For Christensen: Councilmembers Francisco, Hotchkiss, House, Self, White, Mayor Schneider.
- For Parker: Councilmembers Francisco, Hotchkiss, Self.
- For Torell: Mayor Schneider.
- For Zink: Councilmembers House, White.

Second Vote:

- For Parker: Councilmembers Francisco, Hotchkiss, Self.
- For Torell: Councilmembers House, White, Mayor Schneider.

Councilmember Francisco changed his vote to be for Torell.

Appointments:

Jennifer Christensen was reappointed, and John Torell was appointed for terms expiring December 31, 2015.

Harbor Commission:

Motion:

Councilmembers Hotchkiss/White to reappoint Frank Kelly and appoint Helene Webb.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

(Cont'd)

18. (Cont'd)

Harbor Commission (Cont'd):

Appointments:

Frank Kelly was reappointed, and Helene Webb was appointed for terms expiring December 31, 2015.

Historic Landmarks Commission:

Motion:

Mayor Schneider/Councilmember White to reappoint Michael Drury and appoint Barry Winick.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Michael Drury was reappointed, and Barry Winick was appointed for terms expiring December 31, 2015.

Housing Authority Commission:

Motion:

Councilmembers Hotchkiss/Francisco to appoint Victor Suhr.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointment:

Victor Suhr was appointed to the Senior Tenant category for a term beginning February 16, 2012, and expiring February 15, 2014.

Neighborhood Advisory Council:

Motion:

Councilmembers Francisco/White to reappoint Teresa Peña and Sally Kingston.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Teresa Peña was reappointed to represent the Eastside Neighborhood, and Sally Kingston was reappointed to represent the Public at Large, for terms expiring December 31, 2015.

(Cont'd)

18. (Cont'd)

Parks and Recreation Commission:

Nominees:

Charmaine Curtis Jacobs, Charles Trentacosti.

Vote:

- For Jacobs: Councilmember House.
- For Trentacosti: Councilmembers Francisco, Hotchkiss, Self, White, Mayor Schneider.

Appointment:

Charles Trentacosti was reappointed for a term expiring December 31, 2015.

Planning Commission:

Nominees:

John Campanella, June Pujo, Joseph Rution, Addison Thompson.

Vote:

- For Campanella: Councilmembers House, White.
- For Pujo: Councilmembers House, White, Mayor Schneider.
- For Rution: Councilmembers Francisco, Hotchkiss, Self.
- For Thompson: Councilmembers Francisco, Hotchkiss, Self, Mayor Schneider.

Appointment:

Addison Thompson was appointed for a term expiring December 31, 2015.

Councilmember Hotchkiss nominated Dan Secord.

Second Vote:

- For Campanella: None.
- For Pujo: Councilmembers House, White, Mayor Schneider.
- For Rution: Councilmembers Francisco, Hotchkiss, Self.
- For Secord: None.

Third Vote:

- For Campanella: Councilmembers White, Mayor Schneider.
- For Pujo: Councilmember House.
- For Rution: Councilmembers Francisco, Self.
- For Secord: Councilmember Hotchkiss.

(Cont'd)

18. (Cont'd)

Planning Commission (Cont'd):

By consensus, the Council continued consideration of an appointment to fill the second vacancy to January 2012 when a full Council will be present.

Rental Housing Mediation Task Force:

Motion:

Councilmembers House/Hotchkiss to appoint David McDermott and reappoint David Brainard.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

David McDermott was appointed to the Homeowner category, and David Brainard was reappointed to the Tenant category, for terms expiring December 31, 2015.

Water Commission:

Motion:

Councilmembers House/Hotchkiss to reappoint Barry Keller.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointment:

Barry Keller was reappointed for a term expiring December 31, 2015.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Self mentioned that the Metropolitan Transit District will be serving a second annual holiday dinner at Casa Esperanza.
- Mayor Schneider acknowledged the efforts of all those involved in coordination of the Parade of Lights and the Milpas Parade.

## **COUNCIL AND STAFF COMMUNICATIONS**

Information:

Councilmember House, in anticipation of his absence from the Council swearing-in ceremony on January 10, 2012, thanked Councilmember Self for her service on the Council.

## RECESS

The Mayor recessed the meeting at 5:17 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 19, and she stated there would be no reportable action taken during the closed session.

## CLOSED SESSIONS

19. 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 Santa Barbara Channelkeeper v. City of Santa Barbara, USDC Case No. CV-1103624 JHN (AGRx).

Scheduling: Duration, 30 minutes; anytime  
Report: None anticipated

Documents:

December 13, 2011, report from the City Attorney.

Time:

5:21 p.m. - 7:10 p.m. Councilmembers Rowse and Self were absent.

No report made.

## ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:10 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK