



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 13, 2012 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, which ordinarily meet 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 Armstrong advised the Council that the following item was being removed from the agenda and would be resubmitted on a later date:

18. Subject: Proposal To Formally Establish The Santa Barbara Youth Council As A City Advisory Committee (570.08)

Recommendation: That Council:

- A. Formally establish the Santa Barbara Youth Council as a City Advisory Committee; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing the Santa Barbara Youth Council.

PUBLIC COMMENT

Speakers: Kenneth Loch, Ruth Wilson.

ITEM REMOVED FROM CONSENT CALENDAR

5. Subject: Adoption Of An Ordinance For Construction Prohibited In The Vicinity Of The Conejo Landslide And Homes Destroyed In The Tea Fire (640.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 22.90 of Title 22 of the Municipal Code in Order to Define "New Construction" to Allow Those Homes Which Existed on November 12, 2008, to be Rebuilt When They Have Been Destroyed by Fire or Other Casualty.

Motion:

Councilmembers White/Hotchkiss to approve the recommendation;
Ordinance No. 5582.

Vote:

Majority roll call vote (Noes: Councilmember Murillo).

CONSENT CALENDAR (Item Nos. 1 - 4 and 6 - 12)

Motion:

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

Vote:

Unanimous roll call vote.

CITY COUNCIL

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of February 7, 2012.

Action: Approved the recommendation.

2. Subject: Professional Services Agreement For Business License Audit Services (220.03)

Recommendation: That Council authorize the Finance Director to enter into a professional services agreement with MuniServices, LLC, in a form approved by the City Attorney, for business license tax audit services.

(Cont'd)

2. (Cont'd)

Speakers:

Staff: Treasury Manager Jill Taura.

Action: Approved the recommendation; Agreement No. 24,012 (March 13, 2012, report from the Finance Director).

3. Subject: Sole Source Purchase Order For Enterprise Energy Management Information System (630.06)

Recommendation: That Council:

- A. Authorize the receipt of the Southern California Edison Flight 5.6 Award of \$360,000;
- B. Increase appropriations and estimated revenues in the Intra-City Services Fund by \$360,000, to be used for the procurement and implementation of an Enterprise Energy Management Information System; and
- C. Approve and authorize the General Services Manager to issue a Purchase Order to McKinstry Essention, Inc., pursuant to Santa Barbara Municipal Code section 4.52.070(L), for \$340,000 for the purchase of the Enterprise Energy Management Information System.

Action: Approved the recommendations (March 13, 2012, report from the Public Works Director; Assessment and Planning Report for Utility Manager System Implementation, prepared for the City of Huntington Beach).

4. Subject: Fiscal Year 2012 Interim Financial Statements For The Seven Months Ended January 31, 2012 (250.02)

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

Action: Approved the recommendation (March 13, 2012, report from the Finance Director).

6. Subject: Adoption Of An Ordinance For The Lease Of City Attorney Office Space At 740 State Street (160.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the City Attorney to Execute Amendment No. 3 to Agreement No. 16,332 with BDC Management, as Agents for the Owners, to Extend the Term of the Lease for the City Attorney's Office at 740 State Street, Suite 201, from February 1, 2012, to July 31, 2017.

Action: Approved the recommendation; Ordinance No. 5583; Agreement No. 16,332.3.

7. Subject: Contract For Final Design Of Conejo Road Repairs (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Penfield & Smith in the amount of \$39,765 for final design services for short-term repair of Conejo Road, and authorize the Public Works Director to approve expenditures of up to \$3,977 for extra services of Penfield & Smith that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,013 (March 13, 2012, report from the Public Works Director).

8. Subject: Contract For Construction Of Santa Barbara Airport Short-Term Parking Lot Kiosk (550.08)

Recommendation: That Council:

- A. Award a contract with Vernon and Associates, Inc., in their low bid amount of \$103,900 for construction of the Santa Barbara Airport Short-Term Parking Lot Kiosk, Bid No. 3658; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$15,585 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.

Action: Approved the recommendations; Contract No. 24,014 (March 13, 2012, report from the Public Works Director).

9. Subject: Increase In Change Order Authority For Headworks Screening Replacement Project At El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Headworks Screening Replacement Project at El Estero Wastewater Treatment Plant, Contract No. 23,881, in the amount of \$223,440, for a total contract expenditure authority of \$4,524,440;
- B. Authorize extra services amount with Carollo Engineering for construction support services for the Headworks Screening Replacement Project at El Estero Wastewater Treatment Plant, Contract No. 23,882, in the amount of \$4,192, for a total contract expenditure authority of \$224,192; and
- C. Authorize an increase in the extra services amount with Brown & Caldwell for design and construction support services for the Influent Pump Replacement Project, Contract No. 23,247, in the amount of \$40,522, for a total contract expenditure authority of \$380,394.

(Cont'd)

9. (Cont'd)

Speakers:

Staff: Assistant Public Works Director/City Engineer Pat Kelly, City Administrator James Armstrong.

Action: Approved the recommendations (March 13, 2012, report from the Public Works Director).

SUCCESSOR AGENCY

10. Subject: Minutes

Recommendation: That Council, acting as the Successor Agency to the City of Santa Barbara Redevelopment Agency, waive the reading and approve the minutes of the regular meeting of January 10, 2012.

Action: Approved the recommendation.

11. Subject: Redevelopment Agency Fiscal Year 2012 Interim Financial Statements For The Seven Months Ended January 31, 2012

Recommendation: That Council, acting as the Successor Agency to the City of Santa Barbara Redevelopment Agency, accept the Redevelopment Agency Fiscal Year 2012 Interim Financial Statements for the Seven Months Ended January 31, 2012.

Action: Approved the recommendation (March 13, 2012, report from the Fiscal Officer).

NOTICES

12. The City Clerk has on Thursday, March 8, 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.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

13. Subject: Council Liaison To The Housing Authority Commission (140.07)

Recommendation: That Council consider a change to the appointment of the Liaison to the Housing Authority Commission.

(Cont'd)

13. (Cont'd)

Documents:

March 13, 2012, report from the City Administrator.

Speakers:

Staff: City Administrator James Armstrong.

Motion:

Councilmembers House/Francisco to appoint Councilmember Murillo as the Council Liaison to the Housing Authority Commission.

Vote:

Unanimous voice vote.

FINANCE DEPARTMENT

14. Subject: Presentation From The Santa Barbara Conference And Visitors Bureau And Film Commission (180.02)

Recommendation: That Council receive a presentation from the Santa Barbara Conference and Visitors Bureau and Film Commission.

Documents:

- March 13, 2012, report from the Finance Director.
- PowerPoint presentation prepared and made by staff of the Santa Barbara Conference and Visitors Bureau and Film Commission.

Speakers:

- Santa Barbara Conference and Visitors Bureau and Film Commission: President/CEO Kathy Janega-Dykes.
- Staff: City Administrator James Armstrong.

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

MAYOR AND COUNCIL REPORTS

15. Subject: Request From Mayor Schneider And Councilmember House Regarding Single-Use Bag Ordinance (630.01)

Recommendation: That Council consider a request from Mayor Schneider and Councilmember House regarding a single-use bag ordinance.

(Cont'd)

15. (Cont'd)

Documents:

- March 13, 2012, report from the City Administrator.
- PowerPoint presentation prepared and made by "Where's Your Bag" Campaign.
- March 7, 2012, email from Lauren Bragg.
- March 8, 2012, email from China Cisney; same message also sent by Kaia Stachel-Zambryski, Save the Mermaids; Garrett Ritter Kababik, Mike Wathen, and Craig Bailes, Channel Islands Outfitters, Inc.; Laurel Podsen; Ben Spring; Jerry Jackintell; Dawn Fink; David Walker.
- March 9, 2012, email from Emma Cohen.
- March 12, 2012, email from Kate Nelson.
- March 13, 2012, letter from the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON).
- Undated letters from students of the 6th grade class at Santa Barbara Middle School.
- Articles entitled "World's oceans in 'shocking' decline" (by Richard Black) and "Plastic Debris in a Nesting Leatherback Turtle in French Guiana (by Virginie Plot and Jean-Yves Georges), and excerpt from August 2007 Los Angeles County Staff report, all submitted by Andy Shrader.

Speakers:

- "Where's Your Bag" Campaign: Penny Owens, Kathi King.
- California Grocers Association: Sarah Sheehy, Director of Southern California Local Government Relations.
- Staff: Environmental Services Manager Matt Fore, Creeks Restoration/Clean Water Manager Cameron Benson, City Attorney Stephen Wiley.
- BEACON: Counsel Kevin Ready.
- Members of the Public: Bill Collyer, Downtown Organization; Mike Meshkov; Stephen Joseph, Save the Plastic Bag Coalition; Barbara Andersen, The Orfaea Foundation; Kaia Stachel-Zambryski, Save the Mermaids; Jill Cloutier, Watershed Resource Center; Ally Gialketsus; Tim Benson; Andy Shrader; James Smallwood, Bill Hideman and Scott Bull, Santa Barbara Surfrider Foundation; Christine Fancher; Isaac Hernandez; Molly McDonough; John Dixon; Eric Cardenas; Nancy Black; Erica Aguilera, Plastic Pollution Coalition.

Motion:

Councilmembers House/Murillo to:

- 1) Direct Staff to stop work on the drafting of an ordinance mandating elements of the "Where's Your Bag?" program;

(Cont'd)

15. (Cont'd)

- 2) Initiate the development of an ordinance, to be reviewed by the Ordinance Committee, which includes the following elements:
 - A ban on single-use plastic bags;
 - A fee for paper bags;
 - Application of the ordinance to all supermarkets, pharmacies, large stores, and convenience stores;
 - Regulations will be phased in, with large stores required to comply with the ordinance provisions first;
 - Exemptions from the ordinance for: product bags for meat, vegetables, and bulk items; restaurants; newspaper bags; prescription medication bags; dry cleaning bags; WIC and related food programs; and
 - Consideration of pending litigation related to the ordinance enacted by the County of Los Angeles (possible violation of Proposition 218);
- 3) Direct Staff to coordinate with BEACON as the lead agency for preparation of an Environmental Impact Report, with encouragement to other member agencies of BEACON to join the effort; and
- 4) Direct the Ordinance Committee to return to Council with recommendations for adoption of the ordinance.

Substitute Motion:

Councilmembers Francisco/Rowse to empower Councilmember House or an ad hoc committee of Council to pursue, with committed support from the City's regional partners, the preparation of a unified ordinance and an Environmental Impact Report, which effort will follow as policy the guidelines set forth in the main motion stated above.

This motion was withdrawn.

City Administrator Armstrong suggested the following process for moving forward:

- Notify all BEACON members of the City's intent to draft a proposed ordinance based on the parameters set by the Council, and solicit BEACON's written comments to the Ordinance Committee;
- The ordinance is prepared, and the City Council approves it;
- The draft ordinance is submitted to the BEACON Board for its review;
- If the BEACON Board approves the ordinance, environmental review will be initiated; and
- City Staff will simultaneously develop with BEACON a Memorandum of Understanding regarding sharing the cost of environmental review, to be approved by Council.

(Cont'd)

15. (Cont'd)

The maker and seconder of the original motion agreed to amend their motion to include this process as the manner for moving forward.

Vote on Original Motion as Amended:

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

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PARKS AND RECREATION DEPARTMENT

16. Subject: Interview And Appointment Of Youth Intern Applicants To Community Development and Human Services Committee and Library Board (610.03)

Recommendation: That Council:

- A. Interview applicant Elizabeth Linn for appointment as a Youth Intern to the Community Development and Human Services Committee; and
- B. Interview applicant Eileen Saltman for appointment as a Youth Intern to the Library Board.

Documents:

March 13, 2012, report from the Parks and Recreation Director.

Speakers:

- Staff: Neighborhood and Outreach Services Supervisor Susan Young.
- Members of the Public: Applicant Elizabeth Linn.

Staff advised that recommendation B was being removed from consideration as the applicant for the Library Board can no longer serve.

Motion:

Councilmembers Murillo/Rowse to appoint Elizabeth Linn as a Youth Intern on the Community Development and Human Services Committee.

Vote:

Unanimous voice vote.

17. Subject: Santa Barbara Youth Council's 2011 Youth Impact Award (570.08)

Recommendation: That Council recognize the Santa Barbara Youth Council for being one of the recipients of the 2011 Youth Impact Award.

Documents:

March 13, 2012, report from the Parks and Recreation Director.

(Cont'd)

17. (Cont'd)

Speakers:

- Staff: Neighborhood and Outreach Services Supervisor Susan Young.
- Santa Barbara County Kids Network: Outreach and Education Specialist Joy Thomas.
- Santa Barbara Youth Council: Members Kristina Rodriguez, Miguel Jasso and Jordan Lund; Chair Ivette Gil.

Councilmembers congratulated the Youth Council on its receipt of the award.

CHANGES TO THE AGENDA

Upon City Administrator Armstrong's recommendation, the Council agreed to continue the following items to March 20, 2012:

20. 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: Rolland Jacks, et al., v. City Of Santa Barbara, SBSC Case No. 1383959.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

21. 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: People of the State of California, City of Santa Barbara v. Eastside, Westside, et al., SBSC Case No. 1379826.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

RECESS

The Mayor recessed the meeting at 5:45 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. Pending litigation considered is: Mark Wiehpahl v. City of Santa Barbara, City of Santa Barbara Liability Case Number 10-130.

Scheduling: Duration, 10 minutes; anytime
Report: None anticipated

Documents:

March 13, 2012, report from the Finance Director.

Time:

5:47 p.m. - 5:55 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:55 p.m. in memory of Selma Rubin, a participant in community issues for over 40 years and the founder of many local nonprofits.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK