



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING December 11, 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.

PUBLIC COMMENT

Speakers: Andrew DiMizio; Wayne Scoles; Bob Hansen; Craig Shallenberger, Historic Landmarks Commission; Dr. R. Johns; Kate Smith.

ITEM REMOVED FROM CONSENT CALENDAR

4. Subject: Resolution Of Intent To Award A Franchise Agreement To MarBorg Industries, Inc. (510.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Grant a Ten-Year Exclusive Franchise for Citywide Solid Waste Collection and Disposal Services in the City to MarBorg Industries, Inc., A California Corporation.

(Cont'd)

4. (Cont'd)

Documents:

- December 11, 2012, report from the Finance Director.
- Proposed resolution.

The title of the resolution was read.

Speakers:

Staff: City Administrator James Armstrong.

Motion:

Councilmembers House/Francisco to approve the recommendation; Resolution No. 12-087, revised to reschedule the public hearing required to award the franchise from January 29, 2012, to February 5, 2012.

Vote:

Unanimous roll call vote.

CONSENT CALENDAR (Item Nos. 1 – 3 and 5 – 14)

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

Motion:

Councilmembers House/White 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 regular meetings of November 27, 2012 (cancelled), and December 4, 2012.

Action: Approved the recommendation.

2. Subject: Introduction of Erosion and Sedimentation Control Ordinance (640.04)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 22.85 to the Santa Barbara Municipal Code Relating to Erosion and Sedimentation Control Standards for Construction; and

(Cont'd)

2. (Cont'd)

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Building and Safety Division Erosion and Sedimentation Control Program.

Action: Approved the recommendations; Resolution No. 12-086 (December 11, 2012, report from the Assistant City Administrator/Community Development Director; proposed ordinance and resolution).

3. Subject: Adoption Of Ordinance For Renewal Of Agreement To Use Recycled Water (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Renewal of an Agreement Between the City of Santa Barbara and Elings Park Dated as of January 10, 2013, for the Use and Delivery of the City's Recycled Water at Elings Park.

Action: Approved the recommendation; Ordinance No. 5605; Agreement No. 24,316.

5. Subject: Resolution Authorizing Execution Of Grant Agreement In The Amount Of \$1,889,299 With The State Of California For Low Impact Development Storm Water Infiltration Project (540.10)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director, or Designee, to Negotiate and Execute an Agreement, and Any Amendments Thereto, with the State of California for the Low Impact Development (LID) Storm Water Infiltration Project.

Speakers:

Staff: Creeks Restoration/Clean Water Manager Cameron Benson.

Action: Approved the recommendation; Resolution No. 12-088; Agreement No. 24,317 (December 11, 2012, report from the Parks and Recreation Director; proposed resolution).

6. Subject: Fiscal Year 2013 Interim Financial Statements For The Four Months Ended October 31, 2012 (250.02)

Recommendation: That Council accept the Fiscal Year 2013 Interim Financial Statements for the Four Months Ended October 31, 2012.

Action: Approved the recommendation (December 11, 2012, report from the Finance Director).

7. Subject: Approval Of Final Map And Execution Of Agreements For 1255 Coast Village Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,805 and standard agreements relating to the approved subdivision at 1255 Coast Village Road, and authorize the City Engineer to record a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document after the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 24,318 and 24,319 (December 11, 2012, report from the Public Works Director).

8. Subject: Approval Of Parcel Map And Execution Of Agreements For 1533 San Miguel Avenue (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,799 and standard agreements relating to the approved subdivision at 1533 San Miguel Avenue.

Action: Approved the recommendation; Agreement Nos. 24,320 and 24,321 (December 11, 2012, report from the Public Works Director).

9. Subject: Contract For Asset Management Program Support Services For El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the Public Works Director, subject to approval as to form by the City Attorney, to execute a contract with Carollo Engineers, Inc., in the amount of \$247,802 to provide Asset Management Program support services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$24,780 for extra services of Carollo Engineers that may result from necessary changes in the scope of work, for a total not-to-exceed amount of \$272,582.

Action: Approved the recommendation; Contract No. 24,322 (December 11, 2012, report from the Public Works Director).

10. Subject: Contract For Construction Of The Corporate Yard Well Replacement Project (540.10)

Recommendation: That Council:

- A. Award a contract with Layne Christensen Co. in their bid amount of \$978,000 for construction of the Corporate Yard Well Replacement Project, Bid No. 3659, and authorize the Public Works Director to execute the contract and approve expenditures up to \$117,360 to cover any cost increases that may result from contract change orders and differences between estimated bid quantities and actual quantities measured for payment;
- B. Authorize the Public Works Director to execute a contract with Pueblo Water Resources in the amount of \$150,454 for construction support services, and approve expenditures of up to \$15,046 for extra services of Pueblo Water Resources that may result from necessary changes in the scope of work; and
- C. Authorize the City Administrator to execute, subject to approval as to form by the City Attorney, an amendment to the document entitled "Declaration of Covenants, Conditions and Restrictions" entered into between the Redevelopment Agency of the City of Santa Barbara and Transition House, Inc. in 1992 to extend the term thereof for an additional period of 40 years.

Speakers:

Staff: Water Resources Manager Rebecca Bjork.

Action: Approved the recommendations; Contract Nos. 24,323 and 24,324 (December 11, 2012, report from the Public Works Director).

11. Subject: Extension Of Agreement For Southern California Edison Energy Management Grant (630.06)

Recommendation: That Council authorize the Public Works Director to execute an amendment to the Flight 5.6 Agreement with Southern California Edison to extend the date of the agreement from December 31, 2012, to December 31, 2014.

Action: Approved the recommendation (December 11, 2012, report from the Public Works Director).

12. Subject: Increase To Contract For Self-Check/Radio Frequency Identification System (570.04)

Recommendation: That Council:

- A. Authorize the Library Director to increase the contract with Bibliotheca in the amount of \$149,794.38 to trade-up nine self-check kiosks to models with significantly improved design and functionality, and purchase 9 additional staff stations;
- B. Authorize the Library Director to approve additional services that may be identified during the contract in an amount not to exceed \$14,900;
- C. Authorize the Library Director to negotiate and execute an amendment to the contract with Bibliotheca in a form acceptable to the City Attorney and an amount not to exceed \$164,694.38;
- D. Appropriate \$113,219.90 in the Fiscal Year 2013 Library Department, General Fund, operating budget funded from a transfer from the Miscellaneous Library Trust Account for the improved self-check kiosks with improved functionality, and additional staff stations at the Central and Eastside Libraries; and
- E. Appropriate \$51,474.48 from the County Library Reserve Fund for the same system at the Goleta Valley Branch Library.

Action: Approved the recommendations; Contract No. 23,597.1 (December 11, 2012, report from the Library Director).

13. Subject: Introduction Of Ordinance For 2012-2013 Police Management Memorandum Of Understanding (440.02)

Recommendation: That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association for the period of July 1, 2012, through December 31, 2013, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2013 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Management Association.

Action: Approved the recommendation (December 11, 2012, report from the Assistant City Administrator; proposed ordinance).

NOTICES

- 14. The City Clerk has on Thursday, December 6, 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.

Councilmember House left the meeting at 2:32 p.m. and returned at 2:40 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

15. Subject: Annual Wastewater Collection System Report (540.13)

Recommendation: That Council hear a report from staff on the wastewater collection system maintenance and management activities for Calendar Year 2012.

Documents:

- December 11, 2012, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork, Wastewater System Manager Christopher Toth, City Attorney Stephen Wiley.
- Members of the Public: Kira Redmond, Santa Barbara ChannelKeeper; Hillary Hauser, Heal the Ocean.

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

MAYOR AND COUNCIL REPORTS

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

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

Documents:

December 11, 2012, report from the Assistant City Administrator/
Administrative Services Director.

Access Advisory Committee:

Motion:

Councilmembers Hotchkiss/White to appoint Martha Degasis.

Vote:

Unanimous voice vote.

Appointment:

Martha Degasis was appointed to the Architectural/Engineering/Building Community category for a term expiring December 31, 2014.

(Cont'd)

16. (Cont'd)

Airport Commission:

Nominees:

John Busby, Carl Hopkins, Karen Kahn.

Vote:

- For Busby: Councilmembers Rowse, White.
- For Hopkins: Councilmembers Francisco, Hotchkiss.
- For Kahn: Councilmembers House, Murillo, Mayor Schneider.

Councilmember White changed his vote to be for Ms. Kahn.

Appointment:

Karen Kahn was appointed for a term expiring December 31, 2016.

Architectural Board of Review:

Nominees:

Sarah Maria Anthony, Thiep Cung, Scott Hopkins, Penn Smith, William Howard Wittausch.

Vote:

For Anthony: Councilmembers House, Murillo, White.
For Cung: Councilmembers Hotchkiss, House, Murillo, White, Mayor Schneider.
For Hopkins: Councilmembers House, Murillo, Rowse, Mayor Schneider.
For Smith: Councilmembers Francisco, Hotchkiss, Rowse.
For Wittausch: Councilmembers Francisco, Hotchkiss, Rowse, White, Mayor Schneider.

Appointments:

Thiep Cung and William Howard Wittausch were appointed to the Professional Qualifications category, and Scott Hopkins was appointed to the Licensed Architect category, for terms expiring December 31, 2016.

Civil Service Commission:

Motion:

Councilmembers Hotchkiss/Rowse to re-appoint Gabriel Garcia.

Vote:

Unanimous voice vote.

Appointment:

Gabriel Garcia was re-appointed for a term expiring December 31, 2016.

(Cont'd)

16. (Cont'd)

Community Development and Human Services Committee:

Motion:

Councilmembers House/Murillo to re-appoint Michael Just, James Cook, Greg Gorga and Rocky Jacobson, and appoint Frank Quezada and Patricia "Max" Rorty.

Vote:

Unanimous voice vote.

Appointments:

Michael Just was re-appointed to the Disabled Community category, James Cook was re-appointed to the Downtown Neighborhood category, Frank Quezada was appointed to the Housing Authority category, and Greg Gorga was re-appointed to the Lower Westside Neighborhood category, for terms expiring December 31, 2016; Patricia "Max" Rorty was appointed to the Human Services Agencies category for a term expiring December 31, 2014; and Rocky Jacobson was re-appointed to the Senior Community category for a term expiring December 31, 2015.

Downtown Parking Committee:

Motion:

Councilmembers Rowse/Francisco to re-appoint Matt LaBrie and Eugene McKnight.

Vote:

Unanimous voice vote.

Appointments:

Matt LaBrie and Eugene McKnight were re-appointed for terms expiring December 31, 2016.

Fire and Police Commission:

Motion:

Councilmembers Hotchkiss/Francisco to re-appoint Diego Torres-Santos.

Vote:

Unanimous voice vote.

Appointment:

Diego Torres-Santos was re-appointed for a term expiring December 31, 2016.

(Cont'd)

16. (Cont'd)

Fire and Police Pension Commission:

Motion:

Councilmembers Hotchkiss/Francisco to re-appoint Michael Jacobs.

Vote:

Unanimous voice vote.

Appointment:

Michael Jacobs was re-appointed to the Active/Retired Firefighter category for a term expiring December 31, 2016.

Harbor Commission:

Motion:

Councilmembers Hotchkiss/White to re-appoint Bill Spicer.

Vote:

Unanimous voice vote.

Appointment:

Bill Spicer was re-appointed for a term expiring December 31, 2016.

Historic Landmarks Commission:

Motion:

Councilmembers Francisco/White to re-appoint Fermina Murray.

Vote:

Unanimous voice vote.

Appointment:

Fermina Murray was re-appointed to the Professional Architectural Historian category for a term expiring December 31, 2016.

Library Board:

Nominees:

Pamela McMaster, Susette Naylor.

Vote:

For McMaster: Councilmember Francisco.

For Naylor: Councilmembers Hotchkiss, House, Murillo, Rowse, White, Mayor Schneider.

Appointment:

Susette Naylor was appointed for a term expiring December 31, 2016.

(Cont'd)

16. (Cont'd)

Measure P Committee:

Motion:

Councilmembers House/Hotchkiss to re-appoint Dr. David Bearman.

Vote:

Unanimous voice vote.

Appointment:

Dr. David Bearman was re-appointed to the Medical Professional category for a term expiring December 31, 2013.

Metropolitan Transit District Board:

Nominees:

John Britton, Olivia Rodriguez, David Tabor.

Vote:

- For Britton: Councilmembers Francisco, Hotchkiss, House, Rowse.
- For Rodriguez: Councilmembers Francisco, House, Murillo, Rowse, White, Mayor Schneider.
- For Tabor: Councilmembers Hotchkiss, Murillo, White, Mayor Schneider.

Second Vote:

- For Britton: Councilmembers Francisco, Hotchkiss, Rowse.
- For Tabor: Councilmembers House, Murillo, White, Mayor Schneider.

Appointments:

Olivia Rodriguez was re-appointed and David Tabor was appointed for terms expiring March 6, 2017.

Neighborhood Advisory Council:

Motion:

Councilmembers Murillo/White to re-appoint Sally Foxen.

Vote:

Unanimous voice vote.

Appointment:

Sally Foxen was re-appointed as the Lower Westside Neighborhood representative for a term expiring December 31, 2016.

(Cont'd)

16. (Cont'd)

Planning Commission:

Nominees:

June Belletto de Pujo, Sheila Lodge, Jay Rawlins.

Vote:

- For Belletto de Pujo: Councilmembers House, Murillo, White, Mayor Schneider.
- For Lodge: Councilmembers Francisco, Hotchkiss, House, Murillo, Rowse, White, Mayor Schneider.
- For Rawlins: Councilmembers Francisco, Hotchkiss, Rowse.

Appointments:

June Belletto de Pujo was appointed and Sheila Lodge was re-appointed for terms expiring December 31, 2016.

Rental Housing Mediation Task Force:

Motion:

Mayor Schneider/Councilmember Murillo to re-appoint Leesa Beck and Justin Dullum to the Homeowner category and appoint Richard Axilrod to the Landlord category.

Vote:

Unanimous voice vote.

Nominees for Tenant category:

Pamela McMaster, Jay Rawlins.

Vote:

- For McMaster: Councilmembers Francisco, House, Rowse, White, Mayor Schneider.
- For Rawlins: Councilmembers Hotchkiss, Murillo.

Appointments:

Leesa Beck and Justin Dullum were re-appointed to the Homeowner category, Richard Axilrod was appointed to the Landlord category, and Pamela McMaster was appointed to the Tenant category, for terms expiring December 31, 2016.

(Cont'd)

16. (Cont'd)

Santa Barbara Youth Council:

Nominees:

Cambria De La Cruz, Alexis Flores.

Vote:

- For De La Cruz: None.
- For Flores: Councilmembers Francisco, Hotchkiss, House, Murillo, Rowse, White, Mayor Schneider.

Appointment:

Alexis Flores was appointed as the San Marcos High School representative for a term expiring June 30, 2014.

Sister Cities Board:

Motion:

Mayor Schneider/Councilmember Hotchkiss to appoint Marti Correa de Garcia and Barbara Ellis.

Vote:

Unanimous voice vote.

Appointments:

Marti Correa de Garcia and Barbara Ellis were appointed for terms expiring December 31, 2016.

Transportation and Circulation Committee:

Nominees:

Sebastian Aldana, Cynthia Boche, Robert Burnham, Edward France.

Vote:

- For Aldana: Councilmembers Francisco, Hotchkiss, Rowse.
- For Boche: Councilmembers House, Murillo, Rowse, White, Mayor Schneider.
- For Burnham: Councilmembers Francisco, Hotchkiss, House, Murillo, Rowse, White, Mayor Schneider.
- For France: Councilmembers Hotchkiss, House, Murillo, White, Mayor Schneider.

Appointments:

Cynthia Boche and Robert Burnham were appointed and Edward France was re-appointed for terms expiring December 31, 2016.

(Cont'd)

16. (Cont'd)

Water Commission:

Motion:

Councilmembers Murillo/Hotchkiss to re-appoint Landon Neustadt and Russell Ruiz.

Vote:

Unanimous voice vote.

Appointments:

Landon Neustadt and Russell Ruiz were re-appointed for terms expiring December 31, 2016.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at the most recent meetings of: 1) the Housing Authority Commission, where the remodeling of two housing projects was discussed; and 2) the Milpas Action Task Force, which considered efforts to reach out to and patrol areas surrounding Casa Esperanza.
- Councilmember Hotchkiss mentioned his attendance at the groundbreaking for the Surgical Arts Center project at 1722 State Street.
- Councilmember House commented that he had extended the City's appreciation to the Downtown Organization for its coordination of the annual Downtown Holiday Parade. He also reported on action taken by the Beach Erosion Authority for Clean Oceans and Nourishment to notice the preparation of the Environmental Impact Report for the proposed single-use bag ban; and he reported that the South Coast Homeless Advisory Committee will be handing off its recommendations for various homelessness issues to the new Central Coast Collaborative on Homelessness.
- Mayor Schneider thanked Waterfront Department Staff for its efforts to coordinate the annual Parade of Lights; she also spoke about a meeting held with newly-elected State Senator Hannah-Beth Jackson to discuss the issue of ownership of City parking lots and the Railroad Depot following dissolution of the Redevelopment Agency.

RECESS

Mayor Schneider recessed the meeting at 4:16 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 17, 18 and 19, and she stated that no reportable action is anticipated.

CLOSED SESSIONS

17. 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: **Stanley Thompson v. City of Santa Barbara, WCAB case numbers ADJ7241417, ADJ7240125, and ADJ6825246.**

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

December 11, 2012, report from the Finance Director.

Time:

4:22 p.m. – 4:25 p.m.

No report made.

18. 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: **Hector Balboa v. City of Santa Barbara, WCAB case number unassigned.**

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

December 11, 2012, report from the Finance Director.

Time:

4:25 p.m. – 4:27 p.m.

No report made.

19. Subject: Conference with Legal Counsel – Anticipated Litigation (160.03)

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

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

19. (Cont'd)

Documents:

December 11, 2012, report from the City Attorney.

Time:

4:27 p.m. – 5:10 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:10 p.m. in memory of Peter Sklar, the creator and publisher of Edhat.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK