

**CITY OF SANTA BARBARA
CITY COUNCIL**

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Dale Francisco
Finance Committee Chair
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Bendy White



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**MARCH 12, 2013
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room,
630 Garden Street

2:00 p.m. - City Council Meeting

FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: City Of Santa Barbara Insurance Programs (120.03)

Recommendation: That the Finance Committee receive a report from staff regarding the City's insurance programs covering City operations and facilities.

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

- 1. Subject: Proclamation Declaring March 12, 2013, As Arbor Day (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of February 26, 2013.

3. Subject: Municipal Code Amendments For Implementation Of The Nonresidential Growth Management Program (610.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 28.85 to the Santa Barbara Municipal Code, Deleting Sections 28.87.300 and 28.87.350, and Amending Sections 28.95.010 Through 28.95.070 to Implement the City's 2011 General Plan Nonresidential Growth Management Program.

4. Subject: Fiscal Year 2013 Interim Financial Statements For The Seven Months Ended January 31, 2013 (250.02)

Recommendation: That Council accept the Fiscal Year 2013 Interim Financial Statements for the Seven Months Ended January 31, 2013.

5. Subject: Records Destruction For Parks And Recreation Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Parks and Recreation Department in the Administration, Parks, and Recreation Divisions.

6. Subject: Lease Agreement With U.S. Department of Transportation, Federal Aviation Administration (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 Twenty-Year Lease Agreement with the U.S. Department of Transportation, Federal Aviation Administration, with No Monetary Consideration, for Approximately 2.5 Acres of Land at 10 Edward Burns Place, at the Santa Barbara Municipal Airport, Effective October 1, 2013.

CONSENT CALENDAR (CONT'D)

7. Subject: Contract For Design Of Wellhead For New Corporation Yard Well (540.01)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services contract with Carollo Engineers in the amount of \$80,000 for design services for the Corporation Yard Wellhead Project, and authorize the Public Works Director to approve expenditures of up to \$8,000 for extra services of Carollo Engineers that may result from necessary changes in the scope of work.

8. Subject: Increase In Construction Change Order Authority For The Intersection Improvement Project At Anacapa And Carrillo Streets (530.04)

Recommendation: That Council:

- A. Increase appropriations by \$45,000 in the Streets Fund from reserves to the Intersection Improvement Project at Anacapa and Carrillo Streets; and
- B. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Intersection Improvement Project at Anacapa and Carrillo Streets, Contract No. 23,907, in the amount of \$75,000 for a total project expenditure authority of \$442,895.

9. Subject: Emergency Purchase Order For El Estero Wastewater Treatment Plant Equipment Repair (540.13)

Recommendation: That Council approve an after-the-fact Emergency Purchase Order to Wick Boiler Service for emergency repairs made to the El Estero Wastewater Treatment Plant's Digester Heat Exchanger units, in an amount of \$49,950.

10. Subject: Contract For Construction For The Bridge Preventive Maintenance Program Project, Bid No. 3635 (530.04)

Recommendation: That Council:

- A. Accept a grant from the Federal Highway Administration for an amount not to exceed \$313,248 for construction of the Bridge Preventive Maintenance Program Project;
- B. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2013 Streets Grant Fund by \$257,237 for the Bridge Preventive Maintenance Program Project;

(Cont'd)

CONSENT CALENDAR (CONT'D)

10. (Cont'd)

- C. Award a contract to Granite Construction Company in their low bid amount of \$198,608 for construction of the Bridge Preventive Maintenance Program, Bid No. 3635; and
- D. Authorize the Public Works Director to execute the contract and approve expenditures up to \$19,861 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.

NOTICES

- 11. The City Clerk has on Thursday, March 7, 2013, 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. A City Council site visit is scheduled for Monday, March 18, 2013, at 1:30 p.m. to the property located at 1911 Chino Street, which is the subject of an appeal hearing set for March 19, 2013, at 6:00 p.m.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

13. Subject: Professional Services Agreements - Financial Advisory Services And Bond Counsel And Disclosure Services (240.03)

Recommendation: That Council:

- A. Authorize the City Attorney to execute an agreement with Orrick, Herrington & Sutcliff, LLP, for Bond and Disclosure Counsel services in an amount not to exceed \$267,750 for the potential sale of Certificates of Participation (COPs) by the Water Fund, Wastewater Fund and Waterfront Fund to refinance existing debt and finance new capital projects, with the cost of the services payable from COP proceeds at such time as the COPs are issued; and
- B. Authorize the Finance Director to execute, subject to City Attorney review as to form, an agreement with KNN Public Finance for financial advisory services in an amount not to exceed \$75,000 for the initial sale of COPs and \$60,000 for each additional COP transaction, for a maximum not to exceed \$195,000, payable from COP proceeds if, and at such time as, the COPs are issued.

PUBLIC WORKS DEPARTMENT

14. Subject: Multi-Year Rate And Revenue Study And Revisions To Water Rates (540.01)

Recommendation: That Council:

- A. Hear a presentation on the Multi-Year Rate and Revenue Plan, proposed modifications to water rate structure for the Water Fund, and proposed changes to capacity fees for new customers;
- B. Adopt the Multi-Year Rate and Revenue Plan for the Water Fund; and
- C. Authorize staff to send notices to customers informing them of changes to the water rate structure and proposed adjustment to water rates and wastewater rates.

15. Subject: Contract For Design Services For The Temporary Relocation Of The 9-1-1 Call Center (520.01)

Recommendation: That Council:

- A. Approve a transfer of \$277,942 from the General Fund to the Capital Outlay Fund for design costs related to the Temporary Relocation of the 9-1-1 Call Center Project to be funded from an increase in estimated property tax revenues received in connection with the dissolution of the City's Redevelopment Agency;
- B. Increase appropriations and estimated revenues for the 9-1-1 Call Center Project by \$277,942 in the Capital Outlay Fund, funded from a transfer from the General Fund; and
- C. Authorize the Public Works Director to execute a City Professional Services contract with Leach Mounce Architects in the amount of \$122,675 for design services for Tenant Improvements to the Granada Garage Office Building for the Temporary Relocation of the 9-1-1 Call Center Project, and authorize the Public Works Director to approve expenditures of up to \$12,267 for extra services that may result from necessary changes in the scope of work.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

16. **Subject: Conference With Real Property Negotiators Regarding Acquisition Of Properties For The Mason And Cota Streets Bridge Replacements (330.03)**

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 to provide direction to the Public Works Director and to the City Attorney regarding the possible City purchase of the following real properties affected by the Mason Street and Cota Street Bridge Replacement Projects:

Property: 15 W. Mason Street (APN 033-075-006)
City Negotiators: Christine F. Andersen, Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; John Ewasiuk, Principal Civil Engineer; David Thornburgh, Senior Real Property Agent; and Stephen P. Wiley, City Attorney.

Negotiating Party: David Nordahl, Trustee; Brent & Julia Reichard, Trustees; Bruce & Peggie Reichard, Trustees; and Janet Nancarrow, Trustee.

Under Negotiation: Price and terms of payment.

Property: 20 W. Mason Street (APN 033-074-005)
City Negotiators: Christine F. Andersen, Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; John Ewasiuk, Principal Civil Engineer; David Thornburgh, Senior Real Property Agent; and Stephen P. Wiley, City Attorney.

Negotiating Party: Marian Walters, Trustee, and Grant Walters, Trustee.

Under Negotiation: Price and terms of payment.

Property: A property primarily located in the Mission Creek floodway in the 100 Block of Kimberly Avenue (APN 033-074-019)

City Negotiators: Christine F. Andersen, Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; John Ewasiuk, Principal Civil Engineer; David Thornburgh, Senior Real Property Agent; and Stephen P. Wiley, City Attorney.

Negotiating Party: Alex Funke and Erick Funke.

Under Negotiation: Price and terms of payment.

Property: 536 Bath Street / 233 W. Cota Street (APN 037-161-001)

City Negotiators: Christine F. Andersen, Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; John Ewasiuk, Principal Civil Engineer; David Thornburgh, Senior Real Property Agent; and Stephen P. Wiley, City Attorney.

Negotiating Party: Lorenzo & Angelina Martel, Trustees, and Oglia Martel.

Under Negotiation: Price and terms of payment. (Cont'd)

CLOSED SESSIONS (CONT'D)

16. (Cont'd)

Property: 221 - 223 W. Cota Street (APN 037-161-001)
City Negotiators: Christine F. Andersen, Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; John Ewasiuk, Principal Civil Engineer; David Thornburgh, Senior Real Property Agent; and Stephen P. Wiley, City Attorney.
Negotiating Party: Edward & Renee Grubb.
Under Negotiation: Price and terms of payment.

Property: 230 W. Cota Street (APN 037-121-018)
City Negotiators: Christine F. Andersen, Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; John Ewasiuk, Principal Civil Engineer; David Thornburgh, Senior Real Property Agent; and Stephen P. Wiley, City Attorney.
Negotiating Party: Marsha Kvocka for Maria Trinidad Vega, Trustee of the Vega Family Trust.
Under Negotiation: Price and terms of payment.

Scheduling: Duration, 40 minutes; anytime
Report: None anticipated

17. **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 Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Fire Management Association and the Police Officers' Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

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

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. 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

CLOSED SESSIONS (CONT'D)

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 *On Patrol with SBPD, Inc., vs. City of Santa Barbara, City of Santa Barbara vs. On Patrol with SBPD, Inc., Ira Distenfield, Linda Distenfield, et al.*, SBSC Case No. 1385228.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

20. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

Recommendation: That Council hold a closed session to consider the possible initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

ADJOURNMENT

To Monday, March 18, 2013, at 1:30 p.m. at 1911 Chino Street. (See Agenda Item No. 12)