



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING MARCH 12, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Randy Rowse called the meeting to order at 2:00 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 Pro Tempore Rowse.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Cathy Murillo, Bendy White, Mayor Pro Tempore Rowse.

Councilmembers absent: Grant House, Mayor Helene Schneider.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Gwen Peirce.

CEREMONIAL ITEMS

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

Action: Proclamations were presented to representatives of Santa Barbara Beautiful and to City Arborist Tim Downey.

PUBLIC COMMENT

Speakers: Tamara Erickson, Kenneth Loch.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Subject: Minutes

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

Documents:

Draft minutes of the regular meeting of February 26, 2013.

Councilmember Murillo stated that she was absent from the February 26, 2013, meeting and therefore would abstain from voting on this item.

Motion:

Councilmembers White/Hotchkiss to approve the recommendation.

Vote:

Majority voice vote (Abstention: Councilmember Murillo; Absent: Councilmember House, Mayor Schneider).

7. Subject: Contract For Design Of Wellhead For New Corporation Yard Well (540.10)

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.

Documents:

March 12, 2013, report from the Public Works Director.

Motion:

Councilmembers White/Francisco to approve the recommendation; Contract No. 24,389.

Vote:

Majority voice vote (Noes: Councilmember Murillo; Absent: Councilmember House, Mayor Schneider).

CONSENT CALENDAR (Item Nos. 3 – 6, 8 – 12)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember House, Mayor Schneider).

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.

Action: Approved the recommendation; Ordinance No. 5609.

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.

Action: Approved the recommendation (March 12, 2013 report from the Finance Director).

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.

Action: Approved the recommendation; Resolution No. 13-011 (March 12, 2013 report from the Parks & Recreation Director; proposed resolution).

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.

Action: Approved the recommendation (March 12, 2013, report from the Airport Director; proposed ordinance).

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.

Speakers:

Staff: Assistant Public Works Director Pat Kelly, Principal Civil Engineer Linda Sumansky.

Action: Approved the recommendations (March 12, 2013, report from the Public Works Director).

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.

Action: Approved the recommendation (March 12, 2013, report from the Public Works Director).

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;
- 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.

(Cont'd)

10. (Cont'd)

Action: Approved the recommendations; Contract No. 24,390 (March 12, 2013, report from the Public Works Director).

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 concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to hear a Staff presentation on insurance programs covering City operations and facilities.

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.

Documents:

- March 12, 2013, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff. (Cont'd)

13. (Cont'd)

Speakers:

Staff: Finance Director Robert Samario.

Motion:

Councilmembers Francisco/White to approve the recommendations; Agreement Nos. 24,391 and 24,392.

Vote:

Unanimous voice vote (Absent: Councilmember House, Mayor Schneider).

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.

Documents:

- March 12, 2013, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- Correspondence from Randy and Lin Reetz.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork, Water Resources Supervisor Alison Jordan.
- Consultant: Sudhir Pardiwala, Raftelis Financial Consultants, Inc.
- Members of the Public: Peter Marin.

Motion:

Councilmembers Murillo/Hotchkiss to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember House, Mayor Schneider).

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.

Documents:

- March 12, 2013, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant City Administrator/Community Development Director Paul Casey, Principal Civil Engineer Joshua Haggmark, Fire Chief Pat McElroy.

Motion:

Councilmembers White/Francisco to approve the recommendations; Professional Services Agreement No. 24,393.

Vote:

Unanimous voice vote (Absent: Councilmember House, Mayor Schneider).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss reported on a recent meeting with West Beach residents regarding the La Entrada project, specifically regarding State Street pedestrian access. He spoke regarding a First Thursday Art display in the Mayor and Council's offices featuring Herbert Bayer, who created the Chromatic Gate. He also mentioned his attendance at the groundbreaking for the new Sansum Clinic.

(Cont'd)

Information: (Cont'd)

- Councilmember White reported on a recent Water Commission meeting, specifically regarding current drought conditions and information on Regional Quality Control Board fines being imposed on the El Estero Wastewater Treatment Plant.
- Councilmember Murillo spoke regarding her attendance at the Menudo Festival, hosted by the Santa Barbara Police Department's Youth Police Explorer Program.
- Mayor Pro Tempore Rowse reported on his attendance at a recent Pescatore Club meeting where they discussed the narrowing of lanes on State Street.

RECESS

Mayor Pro Tempore Rowse recessed the meeting at 4:12 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 16, 17, 18, 19 and 20, and he stated that no reportable action is anticipated.

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. (Cont'd)

16. (Cont'd)

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 Ogla Martel.
Under Negotiation: Price and terms of payment

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

Documents:
March 12, 2013, report from the Public Works Director.

Time:
4:16 p.m. – 4:38 p.m. Councilmember House and Mayor Schneider were absent.

No report made.

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

Documents:

March 12, 2013, report from the Assistant City Administrator.

Time:

4:38 p.m. – 5:25 p.m. Councilmember House and Mayor Schneider were absent.

No report made.

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

Documents:

March 12, 2013, report from the City Attorney.

Time:

5:25 p.m. – 5:33 p.m. Councilmember House and Mayor Schneider were absent.

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. 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

(Cont'd)

18. (Cont'd)

Documents:

March 12, 2013, report from the City Attorney.

Time:

5:33 p.m. – 5:45 p.m. Councilmember House and Mayor Schneider were absent.

No report made.

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

Documents:

March 12, 2013, report from the City Attorney.

Time:

5:45 p.m. – 5:50 p.m. Councilmember House and Mayor Schneider were absent.

No report made.

ADJOURNMENT

Mayor Pro Tempore Rowse adjourned the meeting at 5:50 p.m. in the memory of Fred Benko.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

RANDY ROWSE
MAYOR PRO TEMPORE

GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER