



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING April 16, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Ordinance Committee met at 12:00 p.m., and the Finance Committee met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

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

### CEREMONIAL ITEMS

- Subject: Proclamation Declaring April 2013 DMV/Donate Life California Month**

Action: Proclamation presented to Joe Darga, Anne Grey, and Scott Burns.

### COUNCIL AND STAFF COMMUNICATIONS

Mayor Schneider expressed the City's concern for the victims, and for the families of victims, of the Boston Marathon incident.

### PUBLIC COMMENT

Speakers: Robert Burke; Patricia Bartoli-Wible, Southern California Edison, who presented an award recognizing the City's project to install charging stations for electric vehicles; Brian Shafritz, Santa Barbara County Air Pollution Control District; Michael Chiacos, Community Environmental Council; Marissa Barragan; Bill McReynolds, City Ventures; Lee Moldaver; K8 Longstory.

## ITEM REMOVED FROM CONSENT CALENDAR

### 8. **Subject: Contract For Construction Management Services For The Punta Gorda Street Bridge Replacement Project (530.04)**

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services contract with Filippin Engineering in the amount of \$330,674 for construction management support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$33,067 for extra services that may result from necessary changes in the scope of work;
- B. Authorize the Public Works Director to execute a City Professional Services contract with Penfield & Smith in the amount of \$13,060 for engineering (design) support services for Lower Sycamore Creek Channel Widening, and authorize the Public Works Director to approve expenditures of up to \$1,306 for extra services that may result from necessary changes in the scope of work;
- C. Authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan and Associates in the amount of \$50,000 for engineering (design) support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$5,000 for extra services that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Cardno ENTRIX in the amount of \$90,881 for environmental coordination and biological monitoring services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$9,088 for extra services that may result from necessary changes in the scope of work.

Documents:

- April 16, 2013, report from the Public Works Director.
- March 19, 2013, letter from Robert Mayo.

Speakers:

- Members of the Public: Robert Mayo, Don Goolsby.
- Staff: Assistant Public Works Director/City Engineer Pat Kelly, City Administrator James Armstrong.

Motion:

Councilmembers White/Rowse to continue this item to April 23, 2013, pending Staff's submittal of additional information regarding the project.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

## **CONSENT CALENDAR (Item Nos. 2 – 7, 9 – 11)**

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

### **2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of March 18, 2013, and the regular meetings of March 19 and 26, 2013.

Action: Approved the recommendation.

### **3. Subject: Adoption Of Ordinance Amending The Electronic Campaign Disclosure Filing Requirement (110.03)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 2.03.110 of the Santa Barbara Municipal Code Regarding the Mandatory Electronic Campaign Disclosure Filing Requirement.

Action: Approved the recommendation; Ordinance No. 5612.

### **4. Subject: Adoption of Ordinance For Firefighters Memorandum Of Understanding Extension Through June 30, 2014 (440.02)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Extending the 2007-2013 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Firefighters' Association Through June 30, 2014.

Action: Approved the recommendation; Ordinance No. 5613.

**5. Subject: Adoption of Ordinances To Amend The Memoranda Of Understanding With Hourly And Treatment And Patrol TAP Bargaining Units (440.02)**

Recommendation: That Council adopt, by reading of title only:

- A. An Ordinance of the Council of the City of Santa Barbara Amending the Existing 2008-2012 Memorandum of Understanding Between the City Of Santa Barbara and the Hourly Employees' Bargaining Unit to Extend the Term Through December 31, 2013, and to Reflect New Pension Requirements; and
- B. An Ordinance of the Council of the City of Santa Barbara Amending the 2011-2013 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units) to Include Appendix H Regarding the Transfer of Meter Readers to the Bargaining Unit.

Action: Approved the recommendations; Ordinance Nos. 5614 and 5615.

**6. Subject: Contract For Design For Runway 15R-33L Pavement Rehabilitation (560.04)**

Recommendation: That Council authorize the Public Works Director to execute a Professional Services agreement, in a form acceptable to the City Attorney, with Kimley-Horn and Associates in the amount of \$319,524 for design services for the Runway 15R-33L Pavement Rehabilitation Project, and authorize the Public Works Director to approve expenditures of up to \$15,976 for extra services of Kimley-Horn and Associates that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 24,476 (April 16, 2013, report from the Public Works Director).

**7. Subject: Introduction Of Ordinance For Granting Of Easements On City Property At Chapala And Yanonali Streets (330.03)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Granting of Easements for Public Utilities In and Under the City-Owned Property at Chapala and Yanonali Streets, and Authorizing the Public Works Director to Execute Agreements with Southern California Edison Company, Verizon California Inc., Cox Communications California LLC, and Crown Castle NG West Inc., to Grant Easements Related to the City-Owned Property at Chapala and Yanonali Streets.

Action: Approved the recommendation (April 16, 2013, report from the Public Works Director; proposed ordinance).

**9. Subject: Fiscal Year 2013 Interim Financial Statements For The Eight Months Ended February 28, 2013 (250.02)**

Recommendation: That Council accept the Fiscal Year 2013 Interim Financial Statements for the Eight Months Ended February 28, 2013.

Action: Approved the recommendation (April 16, 2013, report from the Finance Director).

**NOTICES**

10. The City Clerk has on Thursday, April 11, 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.
11. The Proposed Two-Year Financial Plan for Fiscal Years 2014 and 2015, including the Recommended Operating and Capital Budget for Fiscal Year 2014, will be filed with the City Clerk's Office on April 16, 2013.

This concluded the Consent Calendar.

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Grant House reported that the Committee met to continue its discussion of Staff recommendations to amend the Historic Resources Ordinance and to add a new Municipal Code chapter entitled "Historic Landmarks Commission." The City Attorney will submit a draft ordinance for both Committee and public review and comment.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Member Bendy White reported that the Committee met to consider a proposed schedule for Committee review of topics related to the Proposed Two-Year Financial Plan for Fiscal Years 2014 and 2015. The Committee expanded the list of review topics and approved the schedule for its review of the Plan.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

**CITY ADMINISTRATOR**

**12. Subject: Presentation From Santa Barbara County Air Pollution Control District On Marine Vessel Speed Reduction Initiative (150.05)**

Recommendation: That Council receive a presentation from the Santa Barbara County Air Pollution Control District on a marine vessel speed reduction initiative.

(Cont'd)

## 12. (Cont'd)

### Documents:

April 16, 2013, report from the City Administrator.

### Speakers:

- Santa Barbara County Air Pollution Control District: Brian Shafritz, Technology and Environmental Assessment Division Manager.
- Environmental Defense Center: Kristi Birney, Marine Conservation Analyst.
- National Oceanic and Atmospheric Administration: Sean Hastings, representing the Channel Islands National Marine Sanctuary.

### Discussion:

Mr. Shafritz outlined a proposed strategy, based on a voluntary, incentive-based program implemented by the Ports of Los Angeles and Long Beach, to reduce emissions from marine shipping vessels. Ms. Birney commented on the impact on sea life resulting from these emissions, and Mr. Hastings spoke about the protection of waters surrounding the Channel Islands National Marine Sanctuary. Mayor Schneider thanked them for their presentation.

## FINANCE DEPARTMENT

### 13. **Subject: Adoption Of Ordinance To Approve An Installment Sale Agreement, Trust Agreement And Continuing Disclosure Agreement In Connection With The Potential Sale Of Water Revenue Refunding Certificates Of Participation (240.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the City of Santa Barbara Authorizing the Execution and Delivery by the City of an Installment Sale Agreement, a Trust Agreement and a Continuing Disclosure Agreement in Connection with the Execution and Delivery of City of Santa Barbara Water Revenue Refunding Certificates of Participation, Series 2013, and Authorizing Related Actions.

### Documents:

- April 16, 2013, report from the Finance Director.
- Proposed Ordinance.

The title of the ordinance was read.

### Speakers:

Staff: Finance Director Robert Samario.

(Cont'd)

**13. (Cont'd)**

Motion:

Councilmembers House/White to approve the recommendation;  
Ordinance No. 5616; Agreement Nos. 24,477 – 24,479.

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

Motion:

Councilmembers Rowse/Murillo to consider Item No. 15 prior to Item No. 14.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

Councilmember Francisco entered the meeting at 3:31 p.m.

**PUBLIC HEARINGS**

**15. Subject: Appeal Of Architectural Board Of Review Approval Of 2700 Miradero Drive (640.07)**

Recommendation: That Council deny the appeal of Anne Senuta regarding the application of the Villa Miradero North Homeowner's Association, and uphold the Architectural Board of Review's approval to allow the Homeowners' Association to remove 40 attached trellises.

Documents:

- April 16, 2013, report from the Senior Planner.
- PowerPoint presentation prepared and made by Staff.
- Documentation submitted by the Appellant and presented during public comment.
- April 11, 2013, letter from the Appellant.
- Documentation submitted by the Applicant, dated April 10, 2013.
- April 4, 2013, letter from Herman Fogata.
- April 10, 2013, letters from Phyllis Westwick, Rosita Arbagey.
- April 11, 2013, letter from Joe Howell.
- April 14, 2013, letter from Joseph and Josephine Petrini.
- Undated document submitted by Christopher Clayton and presented during public comment.

Public Comment Opened:

3:32 p.m.

(Cont'd)

**15. (Cont'd)**

Speakers:

- Staff: Planning Technician Tony Boughman, City Attorney Stephen Wiley, City Planner Bettie Weiss.
- Architectural Board of Review: Member Scott Hopkins.
- Appellant: Anne Senuta.
- Applicant: David Miller, Villa Miradero North Homeowners Association.
- Members of the Public: Wanda Weston, Christopher Clayton, Josephine Petrini, Charles Kaska, Phyllis Westwick, Jean Anderson, Joe Howell, Susan McHale.

Public Comment Closed:

4:36 p.m.

Motion:

Councilmembers House/Hotchkiss to approve the recommendation, upholding the Architectural Board of Review's approval of the application.

Vote:

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

**RECESS**

5:13 p.m. – 5:25 p.m. Councilmember Francisco was absent when the Council reconvened.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

FINANCE DEPARTMENT (CONT'D)

**14. Subject: Recommended Two-Year Financial Plan For Fiscal Years 2014 And 2015 (230.05)**

Recommendation: That Council:

- A. Receive the Recommended Two-Year Financial Plan for Fiscal Years 2014 and 2015, including the Recommended Operating and Capital Budget for Fiscal Year 2014;
- B. Hear a report from staff in connection with the filing of the Recommended Two-Year Financial Plan for Fiscal Years 2014 and 2015; and
- C. Approve the proposed Schedule of Council Budget Review Meetings and Public Hearings of the Recommended Two-Year Financial Plan for Fiscal Years 2014 and 2015.

(Cont'd)

#### 14. (Cont'd)

Documents:

- April 16, 2013, report from the Finance Director.
- Proposed Two-Year Financial Plan for Fiscal Years 2014 and 2015, including the Recommended Operating and Capital Budget for Fiscal Year 2014.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: City Administrator James Armstrong, Finance Director Robert Samario.

Motion:

Councilmembers House/Hotchkiss to approve recommendations A and C.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

### COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss reported that at the last meeting of the Milpas Action Task Force, Staff of the Casa Esperanza Homeless Shelter announced the implementation of a new operating system.
- Councilmember Murillo reported that the Santa Barbara Youth Council is preparing for an upcoming leadership conference and that the Teen Coalition met recently to discuss its summer programming.
- Councilmember House noted that the semiannual recruitment for advisory group membership is in progress.

### RECESS

Mayor Schneider recessed the meeting at 6:05 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 16 and 17. She stated there would be no reportable action taken during the closed sessions.

### CLOSED SESSIONS

#### 16. 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

(Cont'd)

**16. (Cont'd)**

Documents:

April 16, 2013, report from the Assistant City Administrator.

Time:

6:07 p.m. – 6:10 p.m.

No report made.

**17. Subject: Conference with Real Property Negotiators - State Route 225 (330.03)**

Recommendation: That Council hold a closed session pursuant to the authority of Government Code 54956.8 to provide direction to the City Administrator and to the City Attorney regarding the relinquishment by the State of California of a portion of State Route 225 to the City of Santa Barbara.

- Real Property: A portion of State Route 225 between Post Mile 0.031 to Post Mile 4.55 (Castillo Street to Cliff Drive to Las Positas Road) within the City of Santa Barbara.
- City Negotiators: Public Works Director and the City Attorney
- Negotiating Party: CALTRANS, Deputy District Director Loe (San Luis Obispo District)
- Under Negotiation: Price and Terms of Transfer and Compensation  
Scheduling: Duration, 30 minutes; anytime  
Report: None anticipated

Documents:

April 16, 2013, report from the City Attorney.

Time:

6:10 p.m. – 6:43 p.m.

No report made.

**RECESS**

6:43 p.m. – 6:44 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Murillo, Rowse, White (6:59 p.m.), Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Tschech.

## **PUBLIC COMMENT**

Speakers: Gonzalo Rios, Michael Gutierrez, Blair Brambila, Marissa Jimenez, Cindy Gonzalez, Tatiana Jimenez, Miguel Albarran, Savannah Mayer, Kathy Swift, Julio Ricon, Travis, Rosa Mendez, Marvin Giron.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

### CITY ADMINISTRATOR

#### **18. Subject: Request From Councilmember Francisco And Councilmember Rowse Regarding Alternatives To Narrowing Lower State Street (530.04)**

Recommendation: That Council consider the request from Councilmember Francisco and Councilmember Rowse regarding alternatives to the narrowing of Lower State Street.

#### Documents:

- April 16, 2013, report from the City Administrator.
- April 11, 2013, memorandum from the City Attorney.
- PowerPoint presentation prepared and made by Staff.
- Undated letter from Katie Hay.

#### Speakers:

- Staff: City Attorney Stephen Wiley, Project Planner Allison De Busk, Principal Transportation Planner Rob Dayton, City Planner Bettie Weiss, City Administrator James Armstrong.
- Planning Commission: Vice Chair Deborah Schwartz, Commissioner June Pujó.
- Members of the Public: Scott Wenz, Cars Are Basic; Tom Becker; Bonnie Raisin; Tony Romasanta; Holly Walters; Beverly King, Santa Barbara League of Women Voters; Kellam de Forest; Sally McQuillan; Michael Drury; Jim Westby; Douglas Fell, Attorney representing La Entrada Project Applicant; Kay Morter; Barry Remis, Coalition for Sustainable Transportation (COAST); Cassandra Ensberg; Faye Schumacher; Bonnie Donovan.

By consensus, the Council took no action on the request.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 9:31 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

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