



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## COUNCIL MEETING May 14, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:02 p.m. (The Finance Committee met at 11:00 a.m., and the Ordinance Committee met at 12:00 p.m.)

### 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 Deborah L. Applegate.

### CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring May 19-25, 2013, As National Public Works Week (120.04)**

Action: Proclamation presented to City Public Works Director Christine Andersen.

## CHANGES TO THE AGENDA

### Item Removed from Agenda

City Administrator Armstrong stated that the following item was being removed from the agenda:

**9. Subject: Contract For Construction For The Chapala Street Bridge Replacement Project (530.04)**

Recommendation: That Council:

- A. Award a contract with Granite Construction Company in their low bid amount of \$1,411,510 for construction of the Chapala Street Bridge Replacement Project, Bid No. 3590;
- B. Authorize the Public Works Director to execute the contract in the amount of \$1,411,510 with Granite Construction Company and approve expenditures up to \$141,151 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;
- C. Authorize the Public Works Director to execute a contract with MNS Engineers, Incorporated, in the amount of \$478,596 for construction management services, and approve expenditures of up to \$16,404 for extra services of MNS Engineers that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Drake Haglan and Associates in the amount of \$45,080 for design support services during construction;
- E. Accept Federal Highway Administration Grant funding in the total amount of \$2,188,562 to cover the cost of construction;
- F. Increase appropriations and estimated revenues by \$2,188,562 in the Fiscal Year 2013 Streets Capital Fund for the Chapala Street Bridge Replacement Project funded by the Federal Highway Administration Grant;
- G. Authorize an appropriation of \$74,537 from available Streets Fund reserves to cover final City costs for the design and right-of-way phases as well as to cover the cost of work not eligible for reimbursement during the construction phase of this Project; and
- H. Increase appropriations and estimated revenues by \$2,000 in the Fiscal Year 2013 Streets Capital Fund for the Chapala Street Bridge Replacement Project from revenues from granting Crown Castle a utility easement.

## **PUBLIC COMMENT**

Speakers: Tom Becker; Darla Kaiser, Advocates for Mental Health; Rob Holland, CALIRG.

## **CONSENT CALENDAR (Item Nos. 2 - 8, 10 - 12)**

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

### **Motion:**

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

### **Vote:**

Unanimous roll call vote.

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

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 23, 2013, and the special meetings of May 1 and 2, 2013.

Action: Approved the recommendation.

### **3. Subject: Adoption Of Ordinance For Power Purchase Agreement (380.01)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the City of Santa Barbara Authorizing the Execution and Delivery of a California Renewable Energy Small Tariff Agreement with Southern California Edison, Inc., for the Purpose of Selling Electricity, Generated at the City's Conduit Hydroelectric Plant, and Authorizing Related Actions.

### **Speakers:**

Southern California Edison: Patricia Bartoli-Wible.

Action: Approved the recommendation; Ordinance No. 5619; Agreement No. 24, 501.

**4. Subject: Adoption Of Ordinance For Fire Management Memorandum of Understanding (440.02)**

Recommendation: That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Fire Managers Association for the period of July 1, 2012, through June 30, 2015, by adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2015 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Fire Managers Association.

Action: Approved the recommendation; Ordinance No. 5620; Agreement No. 24,502.

**5. Subject: Records Destruction For Airport 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 Airport Department in the Administration Division.

Action: Approved the recommendation; Resolution No. 13-031 (May 14, 2013, report from the Airport Director; proposed resolution).

**6. Subject: Agreements With Martin & Chapman Company And Donna M. Grindey, CMC, For Election Services Related To The November 5, 2013, General Municipal Election (110.03)**

Recommendation: That Council:

- A. Authorize the Assistant City Administrator to execute a \$134,000 professional services agreement with Martin & Chapman Company for election services necessary concerning the City's November 2013 General Election, and to approve expenditures of up to \$20,100 for extra services that may result from necessary changes in the scope of work; and
- B. Authorize the Assistant City Administrator to execute a \$30,000 professional services agreement with Donna M. Grindey, CMC, for election services, and to approve expenditures of up to \$4,500 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement Nos. 24,496 and 24,497 (May 14, 2013, report from the Assistant City Administrator).

**7. Subject: Representative Services Agreement With Carpi & Clay, Inc. (570.03)**

Recommendation: That Council authorize the Waterfront Director to execute a Representative Services Agreement between the City of Santa Barbara and Carpi & Clay, Inc., doing business as Carpi, Clay & Smith, for liaison and contact services with the United States Government, at a rate not to exceed \$1,600 per month, and in a total amount not to exceed \$38,400 for Fiscal Years 2014 and 2015.

Action: Approved the recommendation; Agreement No. 24,498 (May 14, 2013, report from the Waterfront Director).

**8. Subject: Authorization To Award A Purchase Order For The Airport Building 247 Demolition Project (560.04)**

Recommendation: That Council authorize the General Services Manager to issue a purchase order with Tryco Contracting Company, in their low bid amount of \$67,000 for the Airport Building 247 Demolition Project, Bid Number 3692, and approve expenditures of up to \$6,700 for extra services of Tryco Contracting Company that may result from necessary changes in the scope of work.

Action: Approved the recommendation (May 14, 2013, report from the Airport Director).

**10. Subject: Tax Equity And Fiscal Responsibility Act Hearing for Covenant Retirement Communities, Inc. (Samarkand) Debt Issuance (280.01)**

Recommendation: That Council hold a public hearing and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving a Tax-Exempt Bond Financing to be Issued by the California Statewide Communities Development Authority to Benefit Covenant Retirement Communities, Inc., and Certain Affiliates.

Action: Approved the recommendation; Resolution No. 13-032 (May 14, 2013, report from the Finance Director; proposed resolution).

**11. Subject: Resolution Approving Application For Clean Beaches Initiative Grant (570.05)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Authorizing the Public Works Director to Submit a Clean Beaches Initiative Grant Application in an Amount Not to Exceed \$675,000, and Execute an Agreement with the California State Water Resources Control Board Grant Program.

(Cont'd)

**11. (Cont'd)**

Action: Approved the recommendation; Resolution No. 13-033; Agreement No. 24,503 (May 14, 2013, report from the Public Works Director; proposed resolution).

**12. Subject: Set A Date For Public Hearing Regarding Proposed Designation Of City Landmarks (640.06)**

Recommendation: That Council set the date of June 18, 2013, at 2:00 p.m. for a public hearing to consider the proposed designation of multiple buildings at El Encanto Hotel as a City historic district.

Action: Approved the recommendation.

**NOTICES**

13. The City Clerk has on Thursday, May 9, 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.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to review the City's Interim Financial Statements for the Nine Months Ended March 31, 2013; and proposed third quarter adjustments to Fiscal Year 2013 appropriations and estimated revenues. The Committee also heard a report from staff on the Proposed Two-Year Financial Plan for Fiscal Years 2014 and 2015, including the Recommended Budget for Fiscal Year 2014. The Committee approved the recommendations of the Fiscal Year 2013 Third Quarter Review, which will be presented to the full Council as Item No. 14.

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Grant House reported that the Committee met to consider proposed amendments to the Municipal Code for implementation of the Average Unit-Size Density Incentive Program, one of the first implementations of the recently passed General Plan. The Committee will be meeting again to review a proposed Ordinance.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **FINANCE DEPARTMENT**

#### **14. Subject: Fiscal Year 2013 Third Quarter Review (250.02)**

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the nine months ended March 31, 2013;
- B. Accept the Fiscal Year 2013 Interim Financial Statements for the Nine Months Ended March 31, 2013; and
- C. Approve the proposed third quarter adjustments to Fiscal Year 2013 appropriations and estimated revenues as detailed in the schedule of Proposed Third Quarter Adjustments.

Documents:

- May 14, 2013, report from the Finance Director.
- PowerPoint presentation prepared and presented by Staff.

Speakers:

Staff: Finance Director Robert Samario.

Motion:

Councilmembers House/White to approve recommendations B and C.

Vote:

Unanimous voice vote.

### **PUBLIC WORKS DEPARTMENT**

#### **15. Subject: Resolution To Place The Exchange Of A Leased Excess Portion Of MacKenzie Park On The Municipal Election Ballot In November 2013 (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Placement of a Measure on the November 2013 General Election Ballot to Obtain Voter Approval to Exchange 14,564 Square Feet of MacKenzie Park Property for 12,511 Square Feet of the Adjacent U.S. Army Reserve Center Property, as Required by City Charter Section 520.

Documents:

- May 14, 2013, report from the Public Works Director.
- Proposed Resolution.
- PowerPoint presentation prepared and presented by Staff.

The title of the resolution was read.

(Cont'd)

**15. (Cont'd)**

**Speakers:**

Staff: Assistant Public Works Director/City Engineer Pat Kelly, Assistant City Administrator/Community Development Director Paul Casey.

**Motion:**

Councilmembers House/Rowse to approve the staff recommendation; Resolution No. 13-034 (May 14, 2013, report from the Public Works Director).

**Vote:**

Unanimous roll call vote.

**PUBLIC HEARINGS**

**16. Subject: Appeal Of The Fire And Police Commission's Sixty (60) Day Suspension Of The Nightclub Dance Permit For Whiskey Richards (520.01)**

Recommendation: That Council deny the appeal of William (Bill) Clayton, owner of Whiskey Richards nightclub, upholding the Fire and Police Commission's decision to suspend the nightclub dance permit for Whiskey Richards for a period of 60 days.

**Documents:**

- May 14, 2013, report from the Chief of Police.
- PowerPoint presentation prepared and presented by Staff.

**Public Comment Opened:**

2:32 p.m.

**Speakers:**

- Staff: Police Lieutenant William Marazita, Police Sergeant Kenneth Kushner, Police Officer Justin Cruz, City Attorney Stephen P. Wiley.
- Appellant: Whiskey Richards Co-Owner Bill Clayton, Business Broker Matt Olufs.
- Members of the Public: Tamara Erikson, Hotel Santa Barbara; Kay Morter, Holiday Inn Express; Gail Zannon.

**Public Comment Closed:**

3:25 p.m.

(Cont'd)

## 16. (Cont'd)

### Motion:

Councilmembers Hotchkiss/Rowse to approve the recommendation by staff and deny the appeal.

### Substitute Motion:

Councilmembers White/Francisco to 1) approve the recommendation to deny the appeal, modifying the term of the suspension to 30 days, 14 days of which has been completed; and 2) direct the City Attorney to return to Council on June 4, 2013, with a resolution containing written findings and stipulating that the remaining 16 days of the suspension term will commence upon adoption of the resolution.

### Vote on Substitute Motion:

Majority voice vote (Noes: Councilmember Rowse).

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

### Information:

- Councilmember Murillo reported on a recent meeting of the Metropolitan Transit District Board regarding State pension reform. She spoke regarding the Youth Leadership Awards where Ivette Gil, chair of the Santa Barbara Youth Council, was honored as student of the year. She also mentioned her attendance at the Neighborhood Advisory Council meeting.
- Councilmember White reported on his attendance at the Ensemble Theatre Company celebration to launch the "New Vic"; he reported that they are making tremendous progress on the remodeling of the theatre and have scheduled a new production for October.
- Mayor Schneider commended Councilmember House for his enthusiastic Master of Ceremonies presentation at Coastal Rail Now's celebration of National Train Day.

## RECESS

Mayor Schneider recessed the meeting at 4:56 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 17, and she stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

### **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 Police Bargaining Unit, Supervisors' Bargaining Unit, and the General Bargaining Unit, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, twelve minutes; anytime

Report: None anticipated.

#### Documents:

May 14, 2013, report from the Assistant City Administrator.

#### Time:

4:58 p.m. – 5:10 p.m.

No report made.

## **RECESS**

5:10 p.m. to 6:01 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Murillo, Rowse, White, Mayor Schneider.

Councilmembers absent: None.

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

## **PUBLIC COMMENT**

No one wished to speak.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### CITY ADMINISTRATOR

### **18. Subject: Request from Mayor Helene Schneider and Councilmember Bendy White for a Gang Injunction Informational Update (520.04)**

#### Documents:

- May 14, 2013, report from the City Administrator.
- PowerPoint presentation prepared and presented by Staff.

(Cont'd)

**18. (Cont'd)**

**Speakers:**

- Staff: City Attorney Stephen Wiley, Chief of Police Camerino Sanchez, City Administrator James Armstrong.
- County of Santa Barbara: Chief Deputy District Attorney Hilary Dozer.
- Members of the Public: Marcial Garcia; Irma Santibanez, Palabra; Michael Gutierrez, PODER and Santa Barbara City College Mecha; Chelsea Lancaster; Francisco Rimerio, KEYS Program; Keith Terry, Ystrive for Youth, Inc.; Patricia Hiles, ACLU; Olivia Uribe, Latidems; Edwina Baruosa, Professor of Chicano Studies at University of California Santa Barbara; Roy Sarabia, Palabra; Brandon Morse; Anabel Merino, CAUSE Action Fund; Alfonso Palengia; Zachary King; Jorge Ramirez; Daraka Larimore-Hall, Santa Barbara Democratic Party; Arthur Stevens, PODER; Gabriela Hernandez; Paul Zink; Chris Castillo; Jackie Luna, Tania Ramirez, and Rosio Almaguer, Room 106, La Cumbre Jr. High School; Tania Israel, President of the Fund for Santa Barbara; Dr. Manuel Casas, Palabra; Daniel Ramirez, Democratic Party; Sergio Medrano, Palabra; Elias Estrada, Palabra.

Recess: 8:35 p.m.– 8:49 p.m.

**Speakers (Cont'd):**

- Members of the Public: Alex De La Torre, Palabra; Luis Terrazas, Palabra; Luis Gonzalez, Palabra; Christian Catalan, Palabra; Cruzito Herrera Cruz; Nayra Pacheco; Richard Munoz, ALLFORONE; Gerardo F., Palabra.

**Discussion:**

Councilmembers' questions were answered by Staff. Several Councilmembers commented on the proposed Gang Injunction.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 9:54 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

ATTEST:

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

\_\_\_\_\_  
DEBORAH L. APPLGATE  
DEPUTY CITY CLERK

