

**CITY OF SANTA BARBARA  
CITY COUNCIL**

**Helene Schneider**  
*Mayor*  
**Cathy Murillo**  
*Mayor Pro Tempore*  
**Randy Rowse**  
*Ordinance Committee Chair*  
**Dale Francisco**  
*Finance Committee Chair*  
**Gregg Hart**  
**Frank Hotchkiss**  
**Bendy White**



**James L. Armstrong**  
*City Administrator*

**Sarah Knecht**  
*Interim City Attorney*

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

**JANUARY 14, 2014  
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](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

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

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CHANGES TO THE AGENDA

### PUBLIC COMMENT

### CONSENT CALENDAR

**1. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of December 17, 2013.

**2. Subject: Emergency Repairs To Cable Restraints And Ventilation Ducts At City Parking Garage Number 2 (550.05)**

Recommendation: That Council approve an emergency purchase order in the amount of \$32,400 for the repair of the cable restraints and ventilation ducts at City Parking Garage No. 2.

## CONSENT CALENDAR (CONT'D)

### 3. **Subject: Acquisition Of Real Property Rights At 10 State Street And Increase In Relocation Services For the Cabrillo Boulevard Bridge Replacement Project (330.03)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept a Temporary Construction Easement Located at 10 State Street (APN: 033-111-006) and Authorize the Payment of Compensation for Temporary Use of Real Property Encumbered by a Private Parking Lot Easement at the Property Located at 6 State Street (APN: 033-111-011) Necessary for Construction of the Cabrillo Bridge Replacement Project, and Authorize the Acting Public Works Director to Execute the Agreement for Acquisition of Temporary Construction Easement and Compensation for Temporary Use of a Parking Lot Easement, Including any other Required Documents, and Consenting to the Recordation of the Related Deed in the Official Records, County of Santa Barbara, State of California; and
- B. Authorize an amendment to Contract No. 388027 with Hamner, Jewell & Associates for the increase in relocation services for the Cabrillo Boulevard Bridge Replacement Project, in the amount not to exceed \$35,000, for a total project expenditure authority not to exceed \$60,000.

### 4. **Subject: Exclusive Listing Agreement With Radius Group Commercial Real Estate, Inc. For Airport Properties (560.01)**

Recommendation: That Council approve, and authorize the Acting Airport Director to execute an Exclusive Listing Agreement with Radius Group Commercial Real Estate, Inc. for real estate broker services to lease Airport property located at 6010 Hollister Avenue and 521 Norman Firestone Road, effective upon approval, with compensation estimated at \$64,000 for the Hollister property and \$103,500 for the Firestone Road property as determined based on ultimate lease term and rental rates.

## **CONSENT CALENDAR (CONT'D)**

### **5. Subject: Aircraft Noise Monitoring And Flight Tracking Services Maintenance And Technical Support Agreement. (560.01)**

Recommendation: That Council:

- A. Authorize the General Services Manager to execute a 9-month agreement for Fiscal Year 2014, at a cost of \$63,000, for cloud-based flight tracking services and maintenance and technical support of the Airport's noise monitoring equipment; and
- B. Authorize the General Services Manager to negotiate and execute a 12-month sole source agreement in Fiscal Year 2015 with Exelis Inc., in a form acceptable to the City Attorney and at a cost not to exceed \$84,000, subject to Council budgetary approval, for cloud-based flight tracking services and maintenance and technical support for the Airport's noise monitoring equipment.

## NOTICES

- 6. The City Clerk has on Thursday, January 9, 2014, 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.
- 7. Receipt of communication advising of vacancy created on the Parks and Recreation Commission with the resignation of Megan Alley. The vacancy will be part of the next City Advisory Group recruitment.
- 8. Receipt from the Housing Authority of the City of Santa Barbara of its 2013 Annual Report.

**This concludes the Consent Calendar.**

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

### PUBLIC WORKS DEPARTMENT

### **9. Subject: Lower Mission Creek Flood Control And Mason Bridge Replacement Projects - Cost Sharing Agreement (530.03)**

Recommendation: That Council approve and authorize the Public Works Director to execute the Cost Sharing Agreement, to be approved to form by the City Attorney, for Construction of the Lower Mission Creek Flood Control Project Reach 1A Phase 2 with the Santa Barbara County Flood Control and Water Conservation District as part of the City's Mason Street Bridge Replacement Project.

## MAYOR AND COUNCIL REPORTS

### 10. **Subject: Appointment Of Council Liaisons To Advisory Boards And Commissions (130.01)**

Recommendation: That Council consider the appointment of Liaisons to Advisory Boards and Commissions.

## COUNCIL AND STAFF COMMUNICATIONS

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

## CLOSED SESSIONS

### 11. **Subject: Conference With Real Property Negotiators For Acquisition Of Easements Over 13 East Cabrillo Boulevard, 21 Helena Avenue, And 6 State Street (330.03)**

Recommendation: That Council hold a closed session pursuant to Government Code Section 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 Cabrillo Boulevard Bridge Replacement.

Real Property: 13 East Cabrillo Boulevard (APN 033-111-012), also known as 15 East Cabrillo Boulevard; 21 Helena Avenue (APN 033-111-004); and 6 State Street (APN 033-111-011), Santa Barbara, California.

City Negotiators: Rebecca Bjork, Acting Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; Marianne Wetzell, Senior Real Property Agent.

Negotiating Party: Steven A. Amerikaner on behalf of the Virginia Castagnola-Hunter Trust created u/d/t dated February 20, 2002, et al.

Under Negotiation: Price and terms of acquisition.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

### 12. **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, Acting Administrative Services Director, regarding negotiations with the General Bargaining Unit, Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## ADJOURNMENT



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING December 17, 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 Finance Committee and Ordinance Committee met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco (2:06 p.m.), Frank Hotchkiss, Grant House, Cathy Murillo, Bendy White, Mayor Schneider.

Councilmembers absent: Randy Rowse.

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

### ITEM REMOVED FROM CONSENT CALENDAR

City Administrator Armstrong stated that the following item is being removed from the agenda and will be placed on a future agenda.

#### 11. **Subject: One-Year Rental Agreement For Skofield House (570.05)**

Recommendation: That Council authorize the Parks and Recreation Director to enter into a one-year rental agreement with Troy Scott, for the Skofield Park House at Skofield Park, with a monthly rent of \$2,400, commencing January 1, 2014, and ending December 31, 2014.

Speakers:

Members of the Public: Jan Vanderford, Ray Bottoms.

(Cont'd)

**11. (Cont'd)**

Motion:

Councilmembers White/Hotchkiss to continue the item to a future meeting.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

**PUBLIC COMMENT**

Speakers: Brandon Morse, Bob Hansen, Nancy McCradie, Lee Moldaver, Geof Bard, Clint Orr.

**CONSENT CALENDAR (Item Nos. 1 – 10, 12 – 17)**

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Rowse).

**CITY COUNCIL**

**1. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of November 26, 2013 and the cancelled meeting of December 3, 2013.

Action: Approved the recommendation.

**2. Subject: November 2013 Investment Report (260.02)**

Recommendation: That Council accept the November 2013 Investment Report.

Action: Approved the recommendation (December 17, 2013, report from the Finance Director).

**3. Subject: Fiscal Year 2014 Interim Financial Statements For The Four Months Ended October 31, 2013 (250.02)**

Recommendation: That Council accept the Fiscal Year 2014 Interim Financial Statements for the four months ended October 31, 2013.

Action: Approved the recommendation (December 17, 2013, report from the Finance Director).

**4. Subject: Self Insured Workers' Compensation Program Annual Report (350.08)**

Recommendation: That Council receive the Self Insured Workers' Compensation Program Annual Report for the year ended June 30, 2013.

Action: Approved the recommendation (December 17, 2013, report from the Finance Director).

**5. Subject: Professional Services Agreements For Cable And Natural Gas Franchise Fee And Utility Users Tax (UUT) Audit Services (220.03)**

Recommendation: That Council authorize the Finance Director to execute professional services agreements with MuniServices, LLC, in a form acceptable to the City Attorney, to conduct audits of Franchise Fee and Utility Users Tax collections of Cox Communications and the Southern California Gas Company.

Action: Approved the recommendation; Agreement Nos. 24,673 and 24,679 (December 17, 2013, report from the Finance Director).

**6. Subject: Contract For Construction For Community Development Block Grant 2013-14 Sidewalk Access Ramp Project (610.05)**

Recommendation: That Council:

- A. Award a contract with DPM Construction Company in their low bid amount of \$94,960 for construction of the Community Development Block Grant 2013-14 Sidewalk Access Ramp Project, Bid No. 3697; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures of up to \$14,250 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.

Action: Approved the recommendations; Contract No. 24,674 (December 17, 2013, report from the Acting Public Works Director).

**7. Subject: Professional Services Agreement For Biosolids System Assessment (540.13)**

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services Agreement with Camp, Dresser, McKee, & Smith, Inc., in the amount of \$372,592 for engineering assessment services for the Biosolids Handling System, and authorize the Public Works Director to approve expenditures of up to \$37,259 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 24,675 (December 17, 2013, report from the Acting Public Works Director).

**8. Subject: Renewal Of Electric Vehicle Charging Network Services Agreement (330.05)**

Recommendation: That Council authorize the Public Works Director to negotiate and execute a five-year contract with ChargePoint, Inc., subject to approval of the City Attorney, for continued enrollment in the ChargePoint Network.

Action: Approved the recommendation; Contract No. 24,676 (December 17, 2013, report from the Acting Public Works Director).

**9. Subject: Contract With InterVISTAS Consulting LLC For Air Service Development (560.01)**

Recommendation: That Council authorize the Airport Director to execute a contract, subject to approval as to form by the City Attorney, with InterVISTAS Consulting LLC, for specialized air service development support for the Santa Barbara Airport, in an amount not to exceed \$40,000.

Action: Approved the recommendation; Contract No. 24,677 (December 17, 2013, report from the Airport Director).

**10. Subject: Creeks Fund Transfer to Golf Fund For Obligations Related To Restoration Project (570.02)**

Recommendation: That Council:

- A. Approve a transfer of \$27,400 from the Creeks Capital Fund to the Golf Capital Fund for obligations incurred related to the Upper Las Positas Creek Restoration and Storm Water Management Project; and
- B. Increase appropriations and estimated revenues in the Fiscal Year 2014 Golf Capital Fund, Golf Club Infrastructure Renewal Project, in the amount of \$27,400, bringing the project funding total to \$97,400.

Action: Approved the recommendations (December 17, 2013, report from the Parks and Recreation Director).

**12. Subject: Parks And Recreation Community Foundation Contributions For Neighborhood And Outreach Services Programs (570.05)**

Recommendation: That Council:

- A. Accept a contribution from the Parks and Recreation Community (PARC) Foundation in the amount of \$16,500 for Parks and Recreation Department programs;
- B. Increase appropriations and estimated revenues in the Fiscal Year 2014 Parks and Recreation Department General Fund in the amount of \$8,500; and

(Cont'd)

**12. (Cont'd)**

- C. Increase appropriations and estimated revenues in the Fiscal Year 2014 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$8,000.

Action: Approved the recommendations (December 17, 2013, report from the Parks and Recreation Director).

**13. Subject: Records Destruction For City Attorney's Office (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 City Attorney's Office.

Speakers:

Members of the Public: Brandon Morse.

Action: Approved the recommendation; Resolution No. 13-095 (December 17, 2013, report from the City Attorney; proposed resolution).

**14. Subject: Amendment To The Position And Salary Control Resolution (410.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 13-050, the Position and Salary Control Resolution for Fiscal Year 2014, Affecting the City Attorney's Office, Effective December 28, 2013.

Action: Approved the recommendation; Resolution No. 13-096 (December 17, 2013, report from the Assistant City Administrator; proposed resolution).

**SUCCESSOR AGENCY**

**15. Subject: Appropriation Of Unencumbered Redevelopment Agency Bond Proceeds (620.01)**

Recommendation: That the Successor Agency:

- A. Approve an increase in appropriations in the total amount of \$2,530,000 and an increase in estimated revenues by \$411,129 in the 2001 RDA Bond Fund for the Bath Street Pocket Park Project (\$250,000) and the Police Department 911 Call Center Project (\$2,280,000), of which \$2,118,871 will be funded from unspent 2001 bond proceeds and \$411,129 will be funded from a transfer from the 2003 RDA Bond Fund; and

(Cont'd)

**15. (Cont'd)**

- B. Approve an increase in appropriations by \$11,778,155 in the 2003 RDA Bond Fund to fund the Cabrillo Bath House and Pavilion Renovation Project (\$9,117,026), the West Downtown Lighting Project - Phases II and III (\$1,300,000), the Ensemble Theater/Victoria Hall Project (\$950,000); and to partially fund the Police Department 911 Call Center Project through a transfer of \$411,129 to the 2001 RDA Bond Fund, with all \$11,778,155 to be funded from unspent 2003 bond proceeds.

Action: Approved the recommendations (December 17, 2013, report from the Assistant City Administrator/Community Development Director).

**NOTICES**

16. The City Clerk has on Thursday, December 12, 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.
17. Cancellation of the regular City Council meetings of December 24, and December 31, 2013.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to hear a Staff report regarding the Self Insured Workers' Compensation Program Annual Report for the year ended June 30, 2013. This item was approved by the full Council for as part of this agenda's Consent Calendar (Item No. 4).

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Grant House reported that the Committee met to hear a Staff report on the Single Family Design Board ordinance, which will be submitted to the full Council on a future agenda.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### ADMINISTRATIVE SERVICES DEPARTMENT

#### **18. Subject: Receipt of CalGRIP 2014/2015 Grant Funds (520.04)**

Recommendation: That Council:

- A. Authorize the receipt of a \$500,000 CalGRIP grant from the Board of State and Community Corrections;
- B. Increase Fiscal Year 2014 estimated revenues and appropriations in the Miscellaneous Grants Fund by \$500,000; and
- C. Authorize the City Administrator to enter into agreements to accept and distribute the CalGRIP 2014/2015 grant funds.

Documents:

December 17, 2013, report from the Assistant City Administrator.

Speakers:

Staff: Assistant City Administrator Marcelo Lopez.

Motion:

Councilmembers Francisco/White to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

### CITY ADMINISTRATOR

#### **19. Subject: Grant Agreement With Legal Aid Regarding Dario Pini (610.05)**

Recommendation: That Council:

- A. Authorize the City Administrator to execute a grant agreement, in a form of agreement acceptable to the City Attorney, with the Legal Aid Foundation of Santa Barbara County ("Legal Aid") in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000) in order to reimburse Legal Aid for providing legal services to the tenants of city landlord Dario Pini; and
- B. Allocate \$25,000 from appropriated reserves to the City Attorney's Office to fund the proposed grant to Legal Aid.

Documents:

December 17, 2013, report from the Assistant City Administrator and City Attorney.

Speakers:

Staff: Assistant City Administrator Paul Casey, City Attorney Stephen Wiley.

(Cont'd)

**19. (Cont'd)**

Motion:

Councilmembers White/House to approve the recommendations; Agreement No. 24,678.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember Rowse).

POLICE DEPARTMENT

**20. Subject: Police Department Update (520.04)**

Recommendation: That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

Documents:

- December 17, 2013, report from the Police Chief.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Police Chief Camerino Sanchez, Sergeant Ed Olsen.
- Members of the Public: Brandon Morse.

Discussion:

Police Chief Sanchez and Sergeant Olsen presented information regarding the current status of various programs, including calls for service, trends in Part 1 and 2 crimes, Restorative Policing and Court, Police Activities League, Beat Coordinators, Police Explorer Program, and the Los Academicos Club. Councilmembers' questions were answered.

**MAYOR AND COUNCIL REPORTS**

**21. Subject: Appointments To City Advisory Groups (140.05)**

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

Documents:

December 17, 2013, report from the Assistant City Administrator.

Access Advisory Committee:

Motion:

Councilmembers Francisco/White to re-appoint Karen Johnson and Adelaida Ortega and appoint Barbara Silver.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse). (Cont'd)

**21. (Cont'd)**

Access Advisory Committee: (Cont'd)

Appointments:

Karen Johnson and Adelaida Ortega were re-appointed and Barbara Silver was appointed to the Public at Large category for a term expiring December 31, 2016.

Airport Commission:

Nominees:

Paul Bowen, Jeff Clark, Carl Hopkins, Mark Rincon-Ibarra, James Wilson.

Vote:

- For Paul Bowen: Councilmembers Francisco, Hotchkiss, House.
- For Jeff Clark: Councilmember Murillo.
- For Carl Hopkins: Councilmember White, Mayor Schneider.
- For Mark Rincon-Ibarra: Councilmember Murillo.
- For James Wilson: Councilmembers Francisco, Hotchkiss, House, White, Mayor Schneider.

Second Vote:

- For Paul Bowen: Councilmembers Francisco, Hotchkiss, House.
- For Carl Hopkins: Councilmembers White, Mayor Schneider.
- For Mark Rincon-Ibarra: Councilmember Murillo.

Third Vote:

- For Paul Bowen: Councilmembers Francisco, House.
- For Carl Hopkins: Councilmembers Hotchkiss, Murillo, White, Mayor Schneider.

Appointments:

Carl Hopkins and James Wilson were appointed for terms expiring December 31, 2017.

Architectural Board of Review:

Motion:

Councilmembers Francisco/White to appoint Courtney Jane Miller.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointment:

Courtney Jane Miller was appointed to the Licensed Landscape Architect category for a term expiring December 31, 2017. (Cont'd)

**21. (Cont'd)**

Arts Advisory Committee:

Nominees:

Robert Adams, Tom Burgher, Jim Laponis, Marylove Thralls, Nina Dunbar, Elizabeth Owen.

Vote:

- For Robert Adams: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.
- For Tom Brooks Burgher II: Councilmembers Francisco, Hotchkiss.
- For Jim Laponis: Councilmember Hotchkiss.
- For Marylove Thralls: Councilmembers House, Murillo, White, Mayor Schneider.
- For Nina Dunbar: Councilmembers Francisco, Hotchkiss, House, Murillo, White and Mayor Schneider.
- For Elizabeth Owen: Councilmembers Francisco, House, Murillo, White and Mayor Schneider.

Appointments:

Robert Adams was re-appointed and Marylove Thralls, Nina Dunbar and Elizabeth Owen were appointed for terms expiring December 31, 2017.

Civil Service Commission:

Nominees:

Richard Banks, Kathryn McKee, Desmond O'Neill, Mark Rincon-Ibarra.

Vote:

- For Richard Banks: Councilmember White, Mayor Schneider.
- For Kathryn McKee: Councilmembers Francisco, Hotchkiss, Murillo, White, Mayor Schneider.
- For Desmond O'Neill: Councilmembers Francisco, Hotchkiss, House.
- For Mark Rincon-Ibarra: Councilmembers House, Murillo.

Second Vote:

- For Richard Banks: Councilmember White, Mayor Schneider.
- For Desmond O'Neill: Councilmembers Francisco, Hotchkiss, House.
- For Mark Rincon-Ibarra: Councilmember Murillo.

Third Vote:

- For Richard Banks: Councilmember White, Mayor Schneider.
- For Desmond O'Neill: Councilmembers Francisco, Hotchkiss, House, Murillo.

(Cont'd)

**21. (Cont'd)**

Civil Service Commission (Cont'd):

Appointments:

Kathryn McKee was re-appointed for a term expiring December 31, 2017;  
Desmond O'Neill was appointed for a term expiring December 31, 2016.

Community Development and Human Services Committee:

Motion:

Councilmembers House/Francisco to re-appoint Stephen Faulstich and  
Laura Knight and appoint Alice Villarreal Redit.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Stephen Faulstich was re-appointed to the Housing Interests category for  
a term expiring December 31, 2017; Laura Knight was re-appointed to the  
Business Community/Economic Development category for a term expiring  
December 31, 2017; Alice Villarreal Redit was appointed to the Housing  
Authority of the City of Santa Barbara category for a term expiring  
December 31, 2016.

Community Events & Festivals Committee:

Motion:

Councilmembers House/White to appoint Katrina Carl.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointment:

Katrina Carl was appointed to the Business/Lodging/Retail Industry  
category for a term expiring December 31, 2015.

Creeks Advisory Committee:

Motion:

Councilmembers Francisco/Murillo to appoint James Hawkins.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointment:

James Hawkins was appointed for a term expiring December 31, 2015.

(Cont'd)

**21. (Cont'd)**

Downtown Parking Committee:

Nominees:

Michael Cooper, William Pinner III, Sean Pratt, Kathryn Schwab.

Vote:

- For Michael Cooper: Councilmembers Francisco, Hotchkiss.
- For William Pinner III: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.
- For Sean Pratt: Councilmembers House, Murillo, White, Mayor Schneider.
- For Kathryn Schwab: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.

Appointments:

William Pinner III was re-appointed and Sean Pratt was appointed for terms expiring December 31, 2017; Kathryn Schwab was appointed for a term expiring December 31, 2016.

Fire and Police Commission:

Nominees:

Jim Laponis, Bernard Melekian, Judith Parris Stevens.

Vote:

- For Jim Laponis: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.
- For Bernard Melekian: Councilmembers Francisco, Hotchkiss, White, Mayor Schneider.
- For Judith Parris Stevens: Councilmembers House, Murillo.

Appointments:

Jim Laponis was appointed for a term expiring December 31, 2017; Bernard Melekian was appointed for a term expiring December 31, 2014.

(Cont'd)

**21. (Cont'd)**

Harbor Commission:

Nominees:

Dennis Power, Mark Rincon-Ibarra, Jim Sloan.

Vote:

- For Dennis Power: Councilmembers Francisco, Hotchkiss, White, Mayor Schneider.
- For Mark Rincon-Ibarra: Councilmembers House, Murillo.
- For Jim Sloan: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.

Appointments:

Dennis Power was appointed and Jim Sloan was re-appointed for terms expiring December 31, 2017.

Historic Landmarks Commission:

Motion:

Councilmembers Francisco/White to appoint William Mahan and re-appoint Philip Suding.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

William Mahan was appointed and Philip Suding was re-appointed for terms expiring December 31, 2017.

Housing Authority Commission:

Motion:

Councilmembers Francisco/White to re-appoint Victor Suhr.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointment:

Victor Suhr was re-appointed for a term expiring February 15, 2016.

(Cont'd)

**21. (Cont'd)**

Library Board:

Motion:

Councilmembers White/Francisco to appoint Milton Hess.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointment:

Milton Hess was appointed for a term expiring December 31, 2017.

Measure P Committee:

Motion:

Councilmembers House/Francisco to appoint Robert Mercado, Brandon Morse and Stephen Pratt.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Robert Mercado was appointed to the City Resident category for a term expiring December 31, 2015; Brandon Morse was appointed to the Medical Marijuana Patient category for a term expiring December 31, 2017; Stephen Pratt was appointed to the Civil Liberties Advocate category for a term expiring December 31, 2016.

Neighborhood Advisory Council:

Nominees:

Sebastian Aldana, Jr., Abbey Fragosa, Christy Haynes, Susan Lafond, Alejandro Martinez, Ana Soto.

Vote:

- For Sebastian Aldana, Jr.: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.
- For Abbey Fragosa: Councilmembers Hotchkiss, House, White, Mayor Schneider.
- For Christy Haynes: Councilmembers Francisco, Hotchkiss, House, Murillo.
- For Susan Lafond: Councilmembers Hotchkiss, House, Murillo, White, Mayor Schneider.
- For Alejandro Martinez: Councilmember Murillo.
- For Ana Soto: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.

(Cont'd)

**21. (Cont'd)**

Neighborhood Advisory Council: (Cont'd)

Appointments:

Sebastian Aldana, Jr. was re-appointed and Abbey Fragosa was appointed to the Neighborhood Representative category for terms expiring December 31, 2017; Christy Haynes was appointed to the Public at Large category for a term expiring December 31, 2015; Susan Lafond was appointed to the Public at Large category for a term expiring December 31, 2016; Ana Soto was re-appointed to the Public at Large category for a term expiring December 31, 2017.

Parks and Recreation Commission:

Nominees:

Margery Baragona, Chris Casebeer, Nichol Clark, Nicolas Ferrara, Jim Heaton, Lesley Wiscomb, Olivia Uribe.

Vote:

- For Margery Baragona: Councilmember Murillo.
- For Chris Casebeer: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.
- For Nichol Clark: Councilmembers Hotchkiss, House.
- For Nicolas Ferrara: Councilmembers House, Murillo, White, Mayor Schneider.
- For Jim Heaton: Councilmembers Francisco, House, Murillo, White, Mayor Schneider.
- For Lesley Wiscomb: Councilmembers Francisco, Hotchkiss, House, Murillo, White, Mayor Schneider.
- For Olivia Uribe: Councilmembers Francisco, Hotchkiss, White, Mayor Schneider.

Appointments:

Chris Casebeer, Nicolas Ferrara and Lesley Wiscomb were re-appointed for terms expiring December 31, 2017; Jim Heaton was appointed for a term expiring December 31, 2016; Olivia Uribe was appointed for a term expiring December 31, 2015.

(Cont'd)

**21. (Cont'd)**

Planning Commission:

Motion:

Councilmembers Francisco/White to re-appoint Michael Jordan and Deborah Schwartz.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Michael Jordan and Deborah Schwartz were re-appointed for terms expiring December 31, 2017.

Rental Housing Mediation Task Force:

Motion:

Councilmembers Francisco/White to appoint Jeana Dressel and re-appoint Lynn Goebel and Daniel Herlinger.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointment:

Jeana Dressel was appointed to the Landlord category for a term expiring December 31, 2017; Lynn Goebel was re-appointed to the Tenant category for a term expiring December 31, 2015; Daniel Herlinger was re-appointed to the Homeowner category for a term expiring December 31, 2017.

Santa Barbara Youth Council:

Motion:

Councilmembers Murillo/White to appoint Rachael Diaz, Caedon Hirrel, Michael Reyes and Emily Velez.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Appointments:

Rachael Diaz was appointed to the Santa Barbara High School category for a term expiring June 30, 2015; Caedon Hirrel was appointed to the Local Alternative, Community or Continuation High School category for a term expiring June 30, 2015; Michael Reyes and Emily Velez were appointed to the Local Private High School category for terms expiring June 30, 2015.

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Mayor Schneider commended City Attorney Stephen Wiley on his service to the City and congratulated him on his upcoming retirement.

### RECESS

The Mayor recessed the meeting at 4:05 p.m. in order for the Council to reconvene in closed session for Item Nos. 22, 23 and 24. She stated that no reportable action is anticipated.

### CLOSED SESSIONS

#### **22. Subject: Conference with Legal Counsel - Pending Litigation (160.03)**

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Edith Martinez vs. City of Santa Barbara, et al.*, SBSC No. 1402992.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

December 17, 2013, report from the City Attorney.

Time:

4:10 p.m. – 4:25 p.m. Councilmember Rowse was absent.

No report made.

#### **23. 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 General Bargaining Unit, Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

December 17, 2013, report from the Assistant City Administrator.

Time:

4:25 p.m. – 4:40 p.m. Councilmember Rowse was absent.

No report made.

**24. Subject: Public Employment/Public Employee Appointment (160.01)**

Recommendation: That Council hold a closed session pursuant to Section 54957 of the Government Code regarding the City Attorney selection process.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

Documents:

December 17, 2013, report from the Assistant City Administrator.

Time:

4:40 p.m. – 5:20 p.m. Councilmember Rowse was absent.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 5:20 p.m. in the memory of Louise Boucher.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
GWEN PEIRCE, CMC  
CITY CLERK SERVICES MANAGER



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** Transportation Division, Public Works Department

**SUBJECT:** Emergency Repairs To Cable Restraints And Ventilation Ducts At City Parking Garage Number 2

### **RECOMMENDATION:**

That Council approve an emergency purchase order in the amount of \$32,400 for the repair of the cable restraints and ventilation ducts at City Parking Garage No. 2.

### **DISCUSSION:**

On Thursday, December 5, 2013, at City Parking Garage No. 2 (Lot 2), located at 914 Chapala Street, a driver attempting to park accidentally accelerated and crashed through the cable restraints. The vehicle demolished the cables, a 24-foot section of ventilation duct, and then landed on top of another car parked in the basement level below. The damage was so severe that 20 public and private parking spaces, including four disabled parking spaces, had to be blocked off in order to protect public safety.

Upon assessment of the damage and the heightened public safety concerns created by the increased holiday shopping traffic, it was determined that immediate repairs were needed. The cable restraints reduce the possibility of vehicles and pedestrians falling into the lower levels of Lot 2. The ventilation system is needed to remove harmful vehicle exhaust fumes from the lowest parking area of the garage. The damaged cables needed to be removed and new cables installed with proper tensioning, complete with new hardware. The damaged sections of ventilation duct had to be completely removed and replaced with new hangers.

Cushman Contracting Corporation (Cushman), a local contractor, was selected to perform the repairs since they were familiar with the Garage, having recently worked on those same cables and ducts on a different project. Cushman also indicated that they would be available to perform the repairs immediately, restoring the parking spaces and eliminating the public safety hazard. An emergency purchase order for \$32,400 was opened with Cushman to perform the repairs.

**BUDGET/FINANCIAL INFORMATION:**

There are sufficient appropriated funds in the Downtown Parking Fund to cover all emergency repair costs. However, because the damage was caused by driver error, as confirmed by the Police, staff is working with Risk Management to have the driver of the vehicle reimburse the City for the repair costs.

**PREPARED BY:** Browning Allen, Transportation Manager/VG/kts

**SUBMITTED BY:** Rebecca Bjork, Acting Public Works Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Acquisition Of Real Property Rights At 10 State Street And Increase In Relocation Services For The Cabrillo Boulevard Bridge Replacement Project

**RECOMMENDATION:** That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept a Temporary Construction Easement Located at 10 State Street (APN: 033-111-006) and Authorize the Payment of Compensation for Temporary Use of Real Property Encumbered by a Private Parking Lot Easement at the Property Located at 6 State Street (APN: 033-111-011) Necessary for Construction of the Cabrillo Bridge Replacement Project, and Authorize the Acting Public Works Director to Execute the *Agreement for Acquisition of Temporary Construction Easement and Compensation for Temporary Use of a Parking Lot Easement*, Including any other Required Documents, and Consenting to the Recordation of the Related Deed in the Official Records, County of Santa Barbara, State of California; and
- B. Authorize an amendment to Contract No. 388027 with Hamner, Jewell & Associates for the increase in relocation services for the Cabrillo Boulevard Bridge Replacement Project, in the amount not to exceed \$35,000, for a total project expenditure authority not to exceed \$60,000.

**DISCUSSION:**

**Acquisition of Real Property Rights**

The Cabrillo Boulevard Bridge Replacement Project ("Project") involves the replacement of the structurally deficient bridge over Lower Mission Creek, which requires the removal of a portion of the restaurant building located at 13 (otherwise known as 15) East Cabrillo Boulevard. The use of 6 State Street is required to reconstruct the existing

## Council Agenda Report

### Acquisition Of Real Property Rights At 10 State Street And Increase In Relocation Services For the Cabrillo Boulevard Bridge Replacement Project

January 14, 2014

Page 2

Mission Creek wall and for construction staging purposes. The temporary construction easement at 10 State Street is necessary to provide adequate access width for equipment to the 6 State Street property. The Project is part of the Federal Highway Administration bridge program (FHWA Bridge Program) with engineering and real property oversight provided to the City through the State Department of Transportation (Caltrans).

On November 19, 2013, the City made a written offer to purchase a temporary construction easement (TCE) over a portion of 10 State Street (APN: 033-111-006) and to compensate the property owner, Above Mission Creek, LLC ("Property Owner"), for the use of a private parking lot easement over a portion of 6 State Street, (APN: 033-111-011), which is necessary for construction staging for the Project (see Attachment 1). The offer was based on the City's determination that \$33,000 is just compensation for the purchase of the TCE and use of the parking lot easement. This amount is based on, and supported by, the appraisal report prepared for the City by a licensed appraiser.

The *Agreement for Acquisition of Temporary Construction Easement and Compensation for Temporary Use of a Parking Lot Easement* has been executed by the property owner and delivered to City staff. The acquisition of the TCE and compensation for the use of the parking lot easement is on the Project's critical path and is necessary for construction to begin as scheduled in the Fall of 2014. The proposed City Council Resolution will authorize execution of the agreement by the Acting Public Works Director, including any other related documents that may be required, and will direct staff to record the related deed in the Official Records of the County of Santa Barbara, State of California.

### **Increase in Contract Amount for Relocation Services**

On August 8, 2012, the City Administrator authorized a relocation services contract (Contract No. 388027) with Hamner, Jewell & Associates to provide tenant relocation services related to the Project for an amount not to exceed \$25,000. The contractor has completed the services under the original Agreement to the point of actually relocating the tenant of the restaurant building at 13 East Cabrillo Boulevard (also referred to as 15 East Cabrillo Boulevard) and 21 Helena Avenue. The Project has had changing schedules, which resulted in more work by the consultant to manage the relocation. Additionally, the schedule delays affected the tenant's date to vacate the restaurant building. The tenant needs to relocate in early 2014, and is on schedule to do so. The proposed contract amendment will increase the original contract amount by \$25,000, plus include potential extra services in the amount of \$10,000 to allow the contractor to complete the necessary relocation services. This will include monitoring both a temporary displacement move and a permanent move, analyzing the entitled expenses due to the tenant, and preparing and processing claims for the City's approval/payment.

**BUDGET/FINANCIAL INFORMATION:**

The final purchase price for the temporary construction easement and the compensation for the temporary use of the parking lot easement, and the relocation services provided by the Contractor are 88.53% reimbursable through the Federal Highway Administration Bridge Program. The remaining 11.47% is the City's responsibility and there are sufficient funds in the Project fund to cover these expenses.

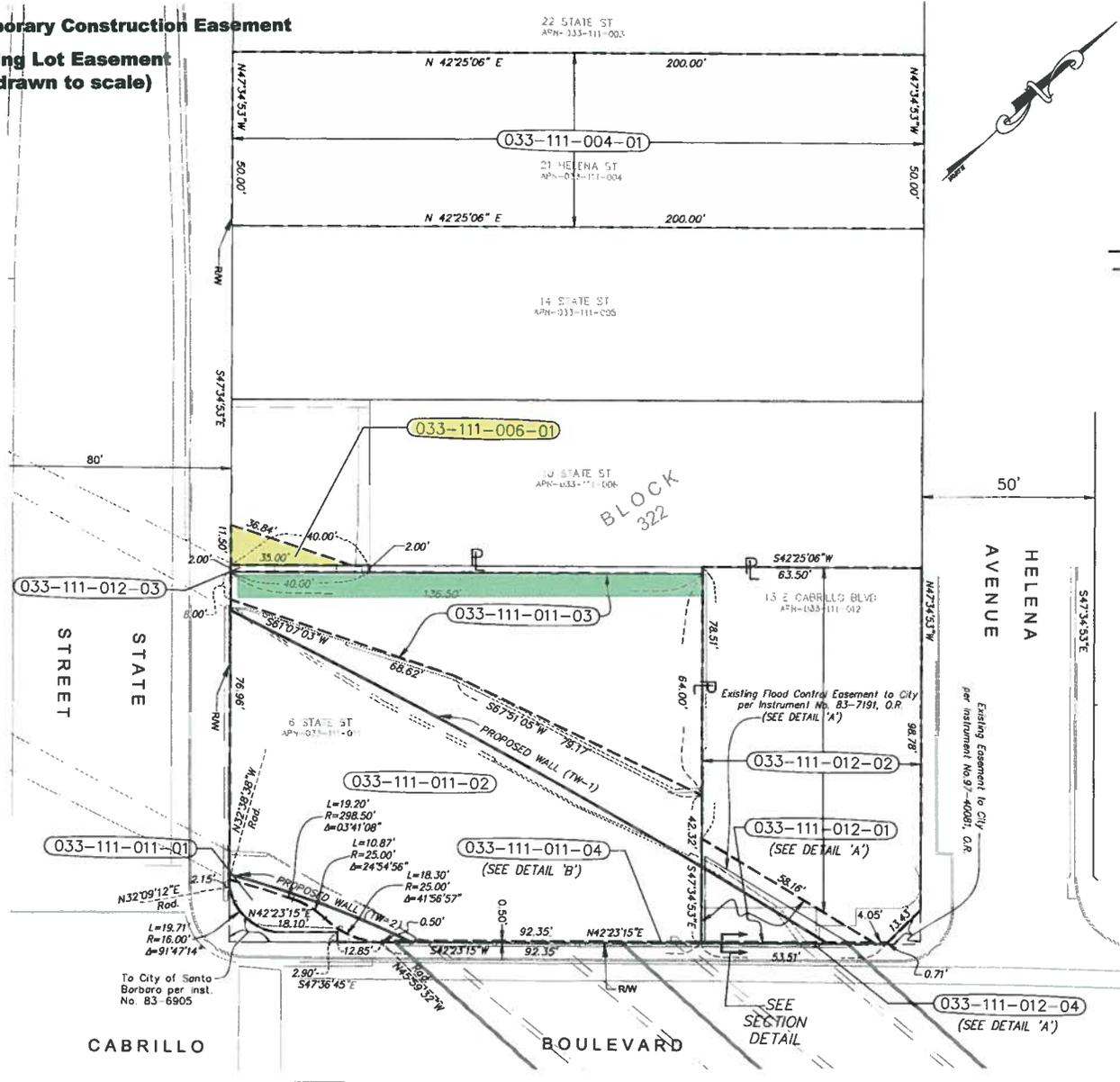
**ATTACHMENT(S):** Map of Temporary Construction Easement and Temporary Use of Parking Lot Easement

**PREPARED BY:** Pat Kelly, Assistant Public Works Director/City Engineer/MAW/kts

**SUBMITTED BY:** Rebecca Bjork, Acting Public Works Director

**APPROVED BY:** City Administrator's Office

- = Temporary Construction Easement
- = Parking Lot Easement (not drawn to scale)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT A TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 10 STATE STREET (APN: 033-111-006) AND AUTHORIZE THE PAYMENT OF COMPENSATION FOR TEMPORARY USE OF REAL PROPERTY ENCUMBERED BY A PRIVATE PARKING LOT EASEMENT AT THE PROPERTY LOCATED AT 6 STATE STREET (APN: 033-111-011) NECESSARY FOR CONSTRUCTION OF THE CABRILLO BRIDGE REPLACEMENT PROJECT, AND AUTHORIZE THE ACTING PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT FOR ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENT AND COMPENSATION FOR TEMPORARY USE OF A PARKING LOT EASEMENT, INCLUDING ANY OTHER REQUIRED DOCUMENTS, AND CONSENTING TO THE RECORDATION OF THE RELATED DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

WHEREAS, the bridge replacement project requires the purchase by the City of a temporary construction easement on a portion of the real property commonly known as 10 State Street (APN: 033-111-006), and requires the City to provide just compensation for the temporary use of a parking lot easement over a portion of the real property commonly known as 6 State Street (APN: 033-111-011) owned by Above Mission Creek, LLC, because of the properties' location immediately adjacent to the existing bridge and the proposed new Cabrillo Boulevard bridge at Mission Creek, in the amount of \$33,000, plus related escrow and closing costs; and

WHEREAS, as authorized by FHWA and Caltrans, the respective temporary construction easement and compensation for temporary use of a parking lot easement have been valued, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, a written offer and required valuation summaries and agreement have been delivered to the Property Owner; and

WHEREAS, the written purchase offer has been accepted by Above Mission Creek, LLC, and the agreement has been signed voluntarily to allow the City to purchase the temporary construction easement and compensate for the temporary use of a parking lot easement, subject to final approval by the Council of the City of Santa Barbara; and

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Acting Public Works Director to accept and execute the Agreement for Acquisition of Temporary Construction Easement and Compensation for Temporary Use of a Parking Lot Easement with Above Mission Creek, LLC; and

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the Acting Public Works Director to subsequently execute any other documents that may become necessary to accomplish such acceptance and execution of the Right of Entry and to accomplish such purchase by the City of the temporary construction easement and compensate for the temporary use of a parking lot easement in the real properties, which may include among others, but not limited to, escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept and execute the Right of Entry and to accept the temporary construction easement interest particularly described in the respective documents delivered for such purposes, without further action or subsequent resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Acting Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Agreement for Acquisition of Temporary Construction Easement and Compensation for Temporary Use of a Parking Lot Easement and any related documents with Above Mission Creek, LLC, necessary to accomplish the purchase by the City of the temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 10 State Street, APN: 033-111-006, for total compensation in the amount of \$33,000, plus related escrow and closing costs.

SECTION 2. The City of Santa Barbara hereby accepts the temporary construction easement mentioned above, as more particularly described in the Temporary Construction Easement Deed signed by Above Mission Creek, LLC, which has been executed and delivered hereunder.

SECTION 3. The City of Santa Barbara hereby consents to the recordation by Chicago Title Company, 3700 State Street, Suite 100, Santa Barbara, CA 93105, under title number 07-77500858, of the Cabrillo Boulevard Bridge Replacement Temporary Construction Easement Deed, in the Official Records, County of Santa Barbara, at the close of escrow.

SECTION 6. This Resolution shall become effective immediately upon its adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** Airport Administration, Airport Department

**SUBJECT:** Exclusive Listing Agreement With Radius Group Commercial Real Estate, Inc. For Airport Properties

### RECOMMENDATION:

That Council approve, and authorize the Acting Airport Director to execute, an Exclusive Listing Agreement with Radius Group Commercial Real Estate, Inc. for real estate broker services to lease Airport property located at 6010 Hollister Avenue and 521 Norman Firestone Road, effective upon approval, with compensation estimated at \$64,000 for the Hollister property and \$103,500 for the Firestone Road property as determined based on ultimate lease term and rental rates.

### DISCUSSION:

#### Background

The Airport Department has historically provided property management services in-house utilizing professional Department staff. The Department manages approximately 150 leases which total about 323,000 square feet of building space and 4.7 million square feet of land. The leases encompass both commercial/industrial and aviation uses with a 98% occupancy rate.

In 2013, the lease at 6010 Hollister Avenue (Woolever Tire) terminated and the lease at 521 Norman Firestone Road (Elephant Bar Restaurant) expired. Due to the unique requirements for the restaurant (Elephant Bar), and the prime location of the vacated Woolever Tire Shop, staff recommended retaining real estate broker services to find and negotiate lease agreements for these locations.

#### Request for Proposals

A Request for Proposal (RFP) for Real Estate Broker Services was developed and distributed to interested real estate companies. The RFP designated the following services to be provided by the real estate company:

- Specific market analysis for each property for potential use.

- Advertising the properties through various means available to the Broker/Agent as widely accessed and most commonly utilized in the real estate market.
- Create property specific profile and marketing materials. Post property with signage and contact information. The property profiles to include due diligence and full disclosure on the property as-is.
- Qualify potential tenants to lease the property under the terms and conditions of City requirements, and handle all closing activities.
- Provide a fixed-fee or percentage fee for the services rendered.

A pre-proposal site tour of both properties was held with two brokerage firms in attendance. Two proposals were received and both submittals were evaluated based on the RFP Evaluation Criteria by staff and the Airport Commission Lease Review Subcommittee. Based on the evaluation and interview, Radius Group Commercial Real Estate, Inc. was recommended to provide professional broker services for the Airport.

Proposed Agreement for Real Estate Broker Services

Staff is recommending that the City enter into a 12-month Exclusive Listing Agreement with Radius Group Commercial Real Estate, Inc., which Agreement can be extended for one additional 12-month period at the discretion of the Airport Director, to market and negotiate lease agreements for the two Airport properties. The real estate agents will maximize advertising and marketing by use of Multiple Listing Service and all other resources available for leasing specialized properties by selected realtors. This additional marketing in conjunction with on-site signage and website ads will gain wider exposure to potential tenants and subsequently result in the highest rental rate and best use for the properties.

**BUDGET/FINANCIAL INFORMATION:**

The actual brokerage compensation will be based on the term and rental rates of the two lease agreements once entered. Both leases are estimated to have a term of five years with two five year options. The charts below provide an overview of the lease rental and brokerage fees for the properties.

**6010 Hollister Avenue**

Lease Term Base rent with 3% annual adjustment	Base Rent/SF Rate	Total Base Rent	Brokerage Fees
Year 1-5	\$1.45 - \$1.63	\$557,507	\$33,450 – 6%
Year 6-10	\$1.68 - \$1.89	\$646,303	\$19,389 – 3%
Year 11-15	\$1.95 - \$2.19	\$749,243	\$11,239 – 1.5%
<b>Total Rental</b>		<b>\$1,953,053</b>	
<b>Total Broker Fee</b>			<b>\$64,078</b>

**521 Firestone Road**

Lease Term Base rent with 3% annual Adjustment	Base Rent/SF Rate	Total Base Rent	Brokerage Fees
Year 1-5	\$1.50 - \$1.69	\$899,453	\$53,967 – 6%
Year 6-10	\$1.74 - \$1.96	\$1,042,712	\$31,281 – 3%
Year 11-15	\$2.02 - \$2.27	\$1,208,789	\$18,132 – 1.5%
<b>Total Rental</b>		<b>\$3,150,954</b>	
<b>Total Broker Fee</b>			<b>\$103,380</b>

Fees for the first five year term will be paid upon execution of the lease, with subsequent brokerage fees paid as each option to renew is executed by the tenant. Funding for the brokerage fees will be included in the Airport Operating Fund budget.

Once tenants have been selected to occupy the properties, staff will return to Council for approval of the lease agreements and any adjustments needed to the Airport Fund budget to cover the compensation to Radius Commercial Real Estate.

**PREPARED BY:** Hazel Johns, Acting Airport Director

**SUBMITTED BY:** Hazel Johns, Acting Airport Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** Certification/Operations, Airport Department

**SUBJECT:** Aircraft Noise Monitoring And Flight Tracking Services Maintenance And Technical Support Agreement

**RECOMMENDATION:** That Council:

- A. Authorize the General Services Manager to execute a 9-month agreement for Fiscal Year 2014, at a cost of \$63,000, for cloud-based flight tracking services and maintenance and technical support of the Airport's noise monitoring equipment; and
- B. Authorize the General Services Manager to negotiate and execute a 12-month sole source agreement in Fiscal Year 2015 with Exelis Inc., in a form acceptable to the City Attorney and at a cost not to exceed \$84,000, subject to Council budgetary approval, for cloud-based flight tracking services and maintenance and technical support for the Airport's noise monitoring equipment.

**DISCUSSION:**

**Background**

The Airport Department has had a noise abatement program in place since 1978 and a noise monitoring system in place since 1991. The noise monitoring and flight tracking system (noise system) is used to monitor compliance with the Airport's noise abatement procedures. It provides data necessary to respond to noise complaints on aircraft operations. The noise system is the key to the airport's ability to extract operational data necessary to effectively respond to citizen complaints regarding airplane noise. In 2013, the Airport had 104,537 aircraft operations (takeoffs and landings) and 511 noise complaints during the same period.

**Noise System Maintenance and Technical Support**

In 2005 Council adopted and the Federal Aviation Administration subsequently approved the Airport's Updated Noise Compatibility Program which recommended upgrades to the Noise Monitoring and Flight Tracking System. The Airport received a FAA noise grant and

completed phased upgrades in 2007 and 2010. The equipment and service upgrades in 2010 included internet or “cloud based” services. The vendor, Exelis Inc., is the current name of the firm (Rannoch Corp.) that was selected via a competitive bid process in 2006 to construct and install the noise system upgrades. The noise system has performed very well and Exelis Inc. has provided excellent maintenance and technical support services. The noise system software is proprietary and “Exelis Inc”. is the only firm able to provide turnkey services to maintain the entire system (hardware and software).

Due to extended negotiations for this contract, staff executed an emergency purchase order for a 90-day agreement to bridge the time period between the warranty expiration and the execution of a new noise system contract for maintenance and technical services. The cost for the 90-day contract was \$21,000.

Staff recommends that Council authorize the General Services Manager to execute the 9-month agreement at a cost of \$63,000. The total cost for the 12 month period including the 90 day agreement executed by staff is \$84,000. Industry standard for equipment maintenance cost is approximately 15% of the original system cost. The cost of the proposed services agreement is less than the industry standard. Staff was able to secure a renewal option for Fiscal Year 2015 at the same 12 month cost of \$84,000.

**BUDGET/FINANCIAL INFORMATION:**

Funds for this contract were included in the Airport’s Fiscal Years 2014 and 2015 operating budgets.

**SUSTAINABILITY IMPACT:**

The noise system maintenance and technical support agreement will require less travel to Santa Barbara for onsite maintenance. The vendor is shifting to cloud-based satellite flight tracking which will eliminate the use of local antennas and receivers. This will result in one less vendor trip from the east coast each year.

Note: The License Agreement is available for public review in the City Clerk’s Office at City Hall, 735 Anacapa Street.

**PREPARED BY:** Tracy C. Lincoln, Airport Operations Manager

**SUBMITTED BY:** Hazel Johns, Acting Airport Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Lower Mission Creek Flood Control And Mason Bridge Replacement Projects - Cost Sharing Agreement

### **RECOMMENDATION:**

That Council approve and authorize the Public Works Director to execute the Cost Sharing Agreement, to be approved as to form by the City Attorney, for Construction of the Lower Mission Creek Flood Control Project Reach 1A Phase 2 with the Santa Barbara County Flood Control and Water Conservation District as part of the City's Mason Street Bridge Replacement Project.

### **DISCUSSION:**

#### **BACKGROUND**

The Lower Mission Creek Flood Control Project (LMC Project) has been a joint project between the U.S. Army Corps of Engineers (Corps), the Santa Barbara County Flood Control and Water Conservation District (District), and the City of Santa Barbara (City), for the past several years. The Project is located along Mission Creek from Canon Perdido Street to Cabrillo Boulevard (see Attachment 1). The Project will widen the creek channel to increase flood flow capacity in order to reduce flooding and property damage to the surrounding areas. In fall 2006, the California Coastal Commission approved the LMC Project's Coastal Consistency Determination application; however, the Corps was unable to secure the required funding to proceed with construction. In 2009, the City and District applied for and received, a Coastal Development Permit, allowing the City and District to proceed with construction.

The LMC Project, in addition to widening the channel, provides for replacement of old concrete walls and non-native invasive plants that will be replaced with native riparian species. Furthermore, natural creek bed improvements will be made to enhance the endangered species habitat for the Steelhead Trout and the Tidewater Goby.

The City and District are committed to moving forward with completing the design and construction of the Project with local funds and grants in affordable increments of work,

due to the benefits of increased flood protection and providing creek rehabilitation. The replacement of the Mason Street Bridge was included as part of the LMC Project. The City has been able to get grant funding to replace the bridge. In order to construct the bridge, it is necessary to construct part of the LMC Project channel to protect the new bridge abutments (see Attachment 2). The bridge project construction is an opportunity to also construct channel walls adjacent to the bridge that are not eligible for grant funding. The proposed cost share agreement with the District (see Attachment 3) provides the means to allow this work to be done by the City and paid for by the District.

## CURRENT STATUS

Progress on the LMC Project continues to be made. The first element of construction for the Project was completed in 2009, when the District built a portion of the Project's by-Pass Culvert under the Union Pacific Railroad tracks at the City's Railroad Depot. Since then, several other key elements of the Project have been completed, which include the following:

- Haley Street Bridge – Construction was completed by the City in 2011 with grant and City funds.
- Channel Project Reach 1A-1 – The District in 2011 completed widening the creek channel from the State Street Bridge to the pedestrian walkway behind the Harbor View Inn with grant and District funds including City support and contributions.
- Ortega Bridge – Construction completed by the City in 2012, with grant and City funds.
- Railroad Depot By-Pass Culvert extension, (District Reach 2B) – Construction completed by the District in 2012, with District funds.

The City is now scheduled to move forward in Summer/Fall 2014 with the grant funded construction of the Mason Street Bridge Replacement Project. This schedule is dependent on the City reestablishing construction grant funding this March, which we are on schedule to secure. As part of the City's Mason Street Bridge Replacement Project, the City and County cost share agreement will allow a portion of District Project Reach 1A-Phase 2 (see Attachment 2) and the westerly portion of Reach 1B to be constructed by the City. These sections of the channel wall extend south from Mason Street to the pedestrian bridge near the Harbor View Inn and north from Mason Street approximately 80 feet, respectively. This work is not part of the City's bridge grant funding. City and District staffs propose that the City and District execute an agreement, whereby the costs of construction and maintenance will be defined and shared. The proposed agreement is an opportunity for both the City and District to more efficiently construct the LMC Project at anticipated lower unit construction costs and spend less time doing construction in the creek.

**BUDGET/FINANCIAL INFORMATION:**

The estimated cost for the construction of the grant funded Mason Street Bridge Project is approximately \$5,000,000. There are sufficient funds in the Streets Capital Program budget for the City's portion of the bridge costs.

Under the cost sharing agreement, which will be approved as to form by the City Attorney, the District will be fully responsible for the costs of construction for the Reach 1A Phase 2 portion of the Project. Funds for construction were included in their adopted Fiscal Year 2013-2014 budget.

**ATTACHMENT(S):**

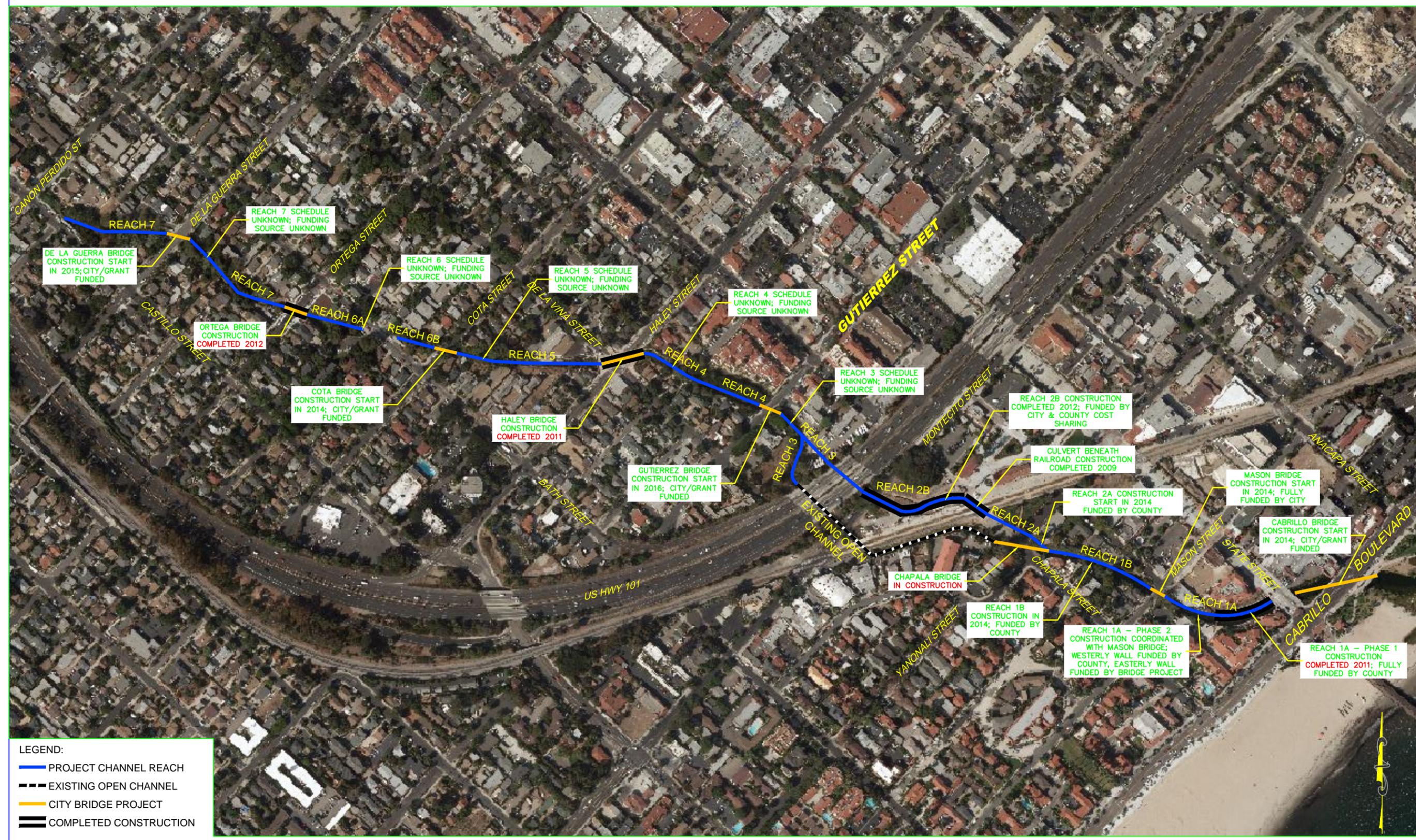
1. LMC Project Map
2. Mason Street Bridge Replacement Project Map
3. Local Sponsor Cost Sharing Agreement - Lower Mission Creek Flood Control Project Reach 1A – Phase 2

**PREPARED BY:** Linda Sumansky, Principal Civil Engineer/mj

**SUBMITTED BY:** Rebecca Bjork, Acting Public Works Director

**APPROVED BY:** City Administrator's Office

# LOWER MISSION CREEK FLOOD CONTROL PROJECT MAP



**LEGEND:**

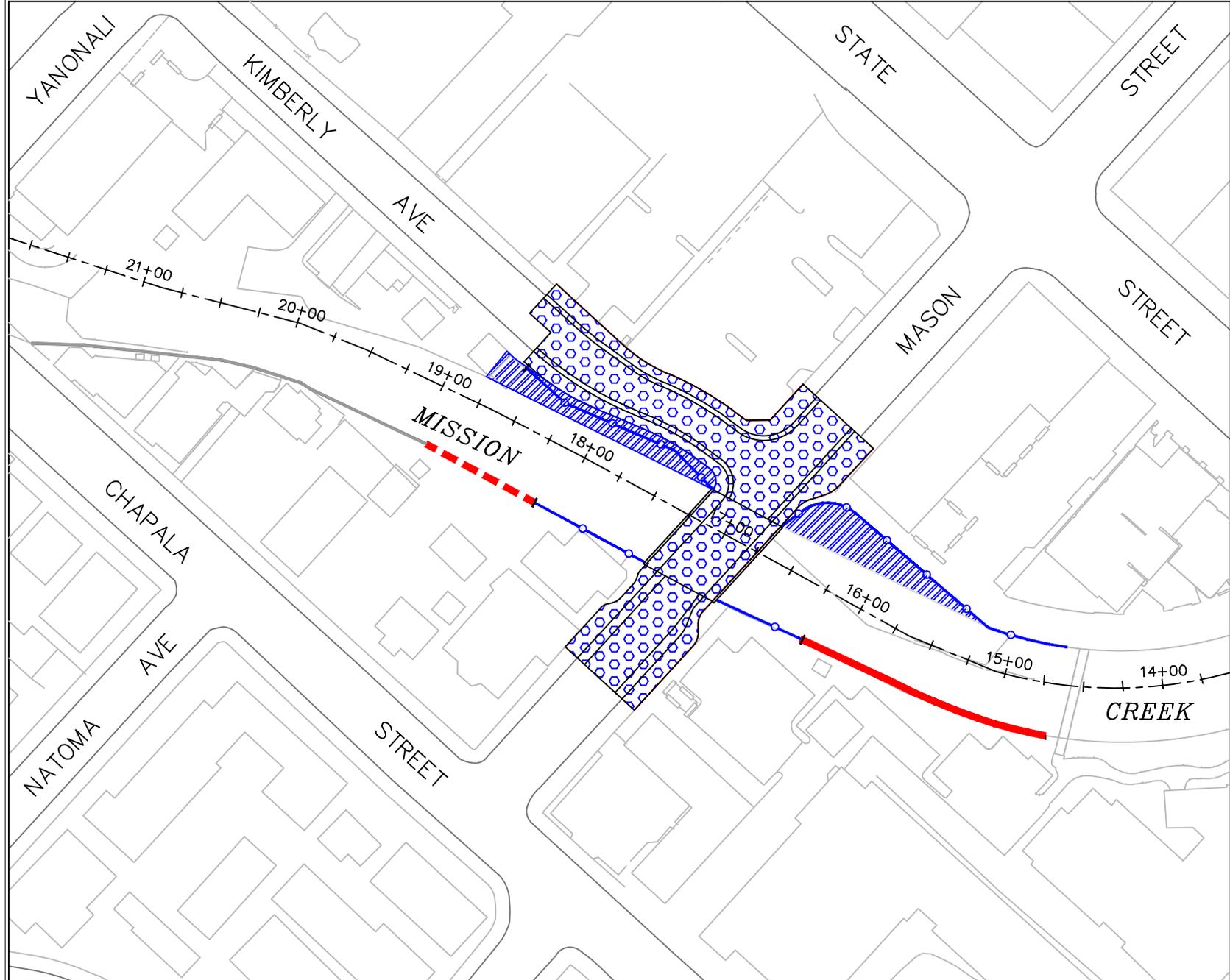
- PROJECT CHANNEL REACH
- - - EXISTING OPEN CHANNEL
- CITY BRIDGE PROJECT
- COMPLETED CONSTRUCTION



N.T.S.

# ATTACHMENT 2

## MASON STREET BRIDGE REPLACEMENT PROJECT



### LEGEND

- Mason Street Bridge Replacement Project
  - Bridge and Roadway
  - Habitat Expansion Zone
  - Channel Walls
- LMC Project Work
  - Phase 1A-2 - Channel Walls
  - Portion of Phase 1B - Channel Walls (optional)



LOCAL SPONSOR COST SHARING AGREEMENT

LOWER MISSION CREEK FLOOD CONTROL PROJECT  
REACHES 1A – PHASE 2 and 1B and MASON STREET BRIDGE CONSTRUCTION

THIS AGREEMENT made and entered this \_\_\_\_ day of \_\_\_\_\_ 2013, by and between the

City of Santa Barbara, a municipal corporation, hereinafter referred to as "CITY";

and the

Santa Barbara DISTRICT Flood Control and Water Conservation District, hereinafter referred to as "DISTRICT";

Witnesseth:

WHEREAS, CITY has the authority to construct, establish and maintain facilities for the collection, control, and discharge of storm water and drains pursuant to California Law and the Santa Barbara City Charter; and,

WHEREAS, DISTRICT has the authority to provide facilities for the collection, control, and discharge of storm water and drains in the DISTRICT pursuant to the Santa Barbara DISTRICT Flood Control and Water Conservation District Act (Stats. 1955, Chapter 1057, p. 2006, as amended); and,

WHEREAS, CITY and DISTRICT are authorized to jointly exercise any power common to both under provisions of Government Code 6500-6514, and CITY and DISTRICT each have powers to investigate, finance, and construct drainage improvements within their jurisdictional limits; and,

WHEREAS, "the Lower Mission Creek Flood Control Project," or the "Creek Project," is a multi-jurisdictional project between the United States Army Corps of Engineers (Corps), the CITY, and the DISTRICT to mitigate flooding within the City of Santa Barbara, with the CITY and DISTRICT as local sponsors.

WHEREAS, the Creek Project will provide benefit to the CITY, and the South Coast Flood Zone within the DISTRICT; and,

WHEREAS, certain CITY bridges are contemplated for replacement as a part of the Creek Project, and such Bridge replacements are being constructed by the CITY; and

WHEREAS, CITY has secured funding for the replacement of the Mason Street Bridge (Bridge Project) and desires to initiate construction; and,

WHEREAS, Reach 1A – Phase 2 is identified as that portion of the Creek Project immediately downstream of the Bridge Project, and a portion of Reach 1B is located immediately upstream of the Bridge Project; and;

WHEREAS, the DISTRICT and CITY have agreed that construction of the two elements of the Creek Project upstream and downstream of the Bridge Project are in the mutual interests of the CITY, DISTRICT, and surrounding properties; and,

WHEREAS, the respective project elements of Reach 1A Phase 2, that portion of Reach 1B, and the Bridge Project are identified on Exhibit 1; and,

WHEREAS, the Creek Project and the Bridge Project have separate funding sources, yet the CITY and the DISTRICT have determined that it is in the best public interest to combine the Bridge Project, Creek Project Reach 1A Phase 2, and a segment of Creek Project Reach 1B into one construction contract, referred to as the “Creek and Bridge Project”; and,

WHEREAS, the CITY’s Planning Commission, acting as the Lead Agency under the California Environmental Quality Act (CEQA), certified and adopted the Creek Project EIS/EIR in 2001, and the DISTRICT Board of Directors, acting as a Responsible Agency, reviewed and considered the environmental effects of the EIS/EIR, appendices and technical studies pursuant to CEQA Section 15096(f), and adopted the CEQA Findings and Statement of Overriding Considerations in May, 2011 pursuant to CEQA Section 15091, as required by CEQA Section 15096(h); and,

WHEREAS, the CITY will assign to the DISTRICT the permanent easement deeds related to the Creek Project as shown on the attached Exhibit 2, that were acquired for the Bridge Project, upon completion and acceptance of the Bridge Project through a separate action.

NOW, THEREFORE, it is mutually agreed by and between the CITY and DISTRICT to coordinate the effort to complete the above portions of the Lower Mission Creek Flood Control Project and the Mason Street Bridge Replacement Project according to the following terms, provisions, limitations and conditions:

#### SECTION 1. SCOPE OF SERVICES, TERM

For and during the term commencing with the execution of this agreement and continuing until filing of a Notice of Completion verifying that the improvements are completed and installed for both the Creek Project and the Bridge Project, the CITY and DISTRICT shall provide services as necessary to produce the improvements required according to the concurrence of the Director of the DISTRICT and the City Public Works Director, and according to plans which are on file with the CITY and DISTRICT.

CITY and DISTRICT shall be responsible for providing their respective services as follows:

Services Provided by CITY:

1. Serve as Lead Agency for, and provide the environmental review, architectural review, permitting and permit monitoring required for the CITY review/approval elements of the Creek and Bridge Project, and obtain such permits, approvals, access and other similar prerequisites for construction of the improvements, including the required State and Federal resource agency permits for the Bridge Project
2. Subject to the approval of CITY Council, the CITY whenever reasonable and possible, will provide easements to the DISTRICT that are necessary for constructing the Creek Project.
3. Approve all improvements associated with all CITY-owned facilities and provide related design consultation for such improvement as needed.
4. Advertise for bids and award a contract for construction of the Creek and Bridge Project.
5. To construct the Creek Project in conformance with the Plans on file with the DISTRICT.
6. Secure construction management and provide contract administration of the Creek and Bridge Project, including; inspection, surveying, geotechnical services, environmental monitoring during and within the limits of construction, and materials testing. Track costs for these items for Bridge and Creek portions of the projects. DISTRICT shall participate in and approve of the selection of construction management team. In the event of a dispute, every effort will be made to resolve the dispute; however, the CITY's decision shall be final.
7. Secure DISTRICT approval of any Contract Change Orders that affect DISTRICT owned facilities, either cost or design.
8. Such staff and professional assistance as may be necessary in progress and construction of the Creek and Bridge Project, including professional construction inspection services for the Creek and Bridge Project.
9. To not assign any of its rights nor transfer any of its obligations under this Agreement without the prior written consent of both parties and any attempt to assign or so transfer without such consent shall be void and without legal effect.

10. Upon acceptance of the Creek and Bridge Project by the City of Santa Barbara Public Works Director and a filing of a Notice of Completion, CITY will accept ownership and maintenance of those portions of the Creek and Bridge Project within the CITY right-of-way, including water lines, sewer lines, surface improvements including bridge structures and channel transition walls, pavement, curb and gutter, street lighting, and landscaping and irrigation. The CITY will also maintain the habitat expansion zones for the period described in the Creek and Bridge Project permits. No transfer of ownership of equipment or other property from CITY to DISTRICT shall occur as a result of this Agreement.
11. To provide all services described above at no cost to the DISTRICT.

Services Provided by DISTRICT:

1. Provide such DISTRICT lands, rights of way and easements available to the CITY necessary for constructing the Creek and Bridge Project as approved by the County Public Works Director for inclusion.
2. Apply for and obtain the required State and Federal resource agency permits for the Creek Project.
3. To provide written approval of Bid received by CITY to be awarded regarding DISTRICT-owned Facilities. If costs for DISTRICT facilities are not acceptable to DISTRICT, DISTRICT reserves right to direct CITY to omit some or all of these elements.
4. Such staff and professional assistance as may be necessary in the progress and construction of the Creek Project including design related consultation as needed.
5. To review and approve at DISTRICT's discretion contract change orders of elements of the Creek Project that will ultimately be in DISTRICT ownership.
6. To not assign any of its rights nor transfer any of its obligations under this Agreement without the prior written consent of both parties and any attempt to assign or so transfer without such consent shall be void and without legal effect.
7. Upon acceptance of the Creek and Bridge Project by the City of Santa Barbara Public Works Director, following acceptance of the Creek Project by the County Public Works Director through the filing of a Notice of Completion, DISTRICT will accept maintenance of the Lower

Mission Creek open channel corridor from top of bank to top of bank, including the constructed creek and channel walls. At the expiration of the maintenance period given in the Creek and Bridge Project regulatory permits, the DISTRICT will take over maintenance of the habitat expansion zones. No transfer of ownership of equipment or other property from DISTRICT to CITY shall occur as a result of this Agreement.

8. To provide all services described above at no cost to the CITY unless stated otherwise.

## SECTION 2. REIMBURSEMENT AND ACCOUNTING

Notwithstanding the above services which are provided by CITY and DISTRICT at their own respective expenses, DISTRICT shall be responsible for reimbursing City for DISTRICT's share of the construction cost related to the Creek and Bridge Project. Construction cost as defined herein shall refer to the final actual construction contract amount for the Creek and Bridge Project bid schedule and on approved change orders. DISTRICT shall reimburse City for those costs expended by CITY in construction of the Creek and Bridge Project for the benefit of the DISTRICT, and as authorized, approved, and accepted by DISTRICT. Respective reaches of DISTRICT responsibility is shown on Exhibit 1.

CITY shall provide to DISTRICT an itemized account of all applicable DISTRICT construction cost expenses incurred by the CITY. CITY will credit DISTRICT account for any amounts agreed upon as credits. CITY shall submit invoices to DISTRICT no more often than once per month. DISTRICT shall pay the amount of such invoices within forty five (45) days of receipt.

## SECTION 3. OWNERSHIP AND MAINTENANCE

Notwithstanding the division of costs and expenses or the provision of easements and rights of way by CITY and DISTRICT, ownership and maintenance responsibility for the Project shall be as follows:

- A. DISTRICT will own and maintain the constructed creek channel and constructed channel walls built as part of the Creek Project.
- B. CITY will own and maintain the bridges, drop inlets, connector pipes, irrigation, and City-constructed right of way landscaping.
- C. Maintenance for the Habitat Expansion Zones is described above.

## SECTION 4. PROVISIONS FOR CONTRACTOR'S SERVICES

Contracts for services of independent contractors and consultants for work required as part of a preliminary cost shall require:

- A. Prudent provisions for, and limits of, Comprehensive General Liability Insurance and Comprehensive Automobile Liability Insurance;
- B. Workers' Compensation, Professional Liability Insurance and Employer's Liability Insurance, as required by law, to cover all employees while performing any work incidental to the services required;
- C. Prohibition of unlawful discrimination in employment practices in observance of the provisions of the California Labor Code; and,
- D. Requirement that a City business tax certificate be maintained through the term of agreements for those services to be performed within the City of Santa Barbara.

#### SECTION 5. RECORDS AND STATEMENTS

The CITY shall tender itemized invoices of applicable project expenses, upon standard forms, to the County Public Works Director. Parties shall keep records concerning payment items on a generally recognized period of 4 years following the completion of the work assigned. Such records shall be made available for copying, inspection or audit by employees or independent agents or either party during reasonable business hours.

#### SECTION 6. INDEMNITY AND DISCLAIMER

Neither DISTRICT nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement. It is also agreed that, pursuant to California Government Code Section 895.4, CITY shall fully indemnify and hold DISTRICT harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement.

Neither CITY nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by DISTRICT under or in connection with any work, authority or jurisdiction delegated to DISTRICT under this Agreement. It is also agreed that, pursuant to California Government Code Section 895.4, DISTRICT shall fully indemnify and hold CITY harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by DISTRICT under

or in connection with any work, authority or jurisdiction delegated to DISTRICT under this Agreement.

If hazardous material regulated by the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”; 42 U.S.C. Sections 9601-9675) is discovered to exist in, on, or under easements deeded by the CITY to the DISTRICT as shown on the attached Exhibit 2, CITY shall be responsible for the costs of remediation, removal, transport and disposal of said hazardous material. Furthermore, CITY shall defend, indemnify, save, and hold harmless DISTRICT, its agents, employees, officers, successors, and assigns from any and all claims, liabilities, demands, costs (including reasonable attorney fees), and causes of action of all kinds with regard to the condition of the easement property which is a subject of this Agreement, especially contamination by harmful, hazardous and/or toxic materials, if any.

#### SECTION 7. AMENDMENT

This agreement may be amended or adjusted by the parties, from time to time, only in writing approved by both parties.

#### SECTION 8. NOTICES

Any notice or consent required or permitted to be given under this Agreement shall be given to the respective parties in writing, by first class mail, postage prepaid, or otherwise delivered as follows:

To DISTRICT:        Thomas D. Fayram, Deputy Director of Public Works  
                              Santa Barbara County Flood Control District  
                              130 E. Victoria Street, Suite 200  
                              Santa Barbara, CA 93101

To CITY:                Pat Kelly, City Engineer  
                              City of Santa Barbara  
                              130 Garden Street  
                              Santa Barbara, CA 93101

or at such other address or to such other person that the parties may from time to time designate. Notices and consents under this section, which are sent by mail, shall be deemed to be received five (5) days following their deposit in the U.S. mail.

#### SECTION 9. AUTHORITY

All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, or firms represented or purported to be represented by such entity(ies), person(s), or firm(s) and that all formal requirements necessary or

required by any state and/or federal law in order to enter into this Agreement have been fully complied with.

#### SECTION 10. TERMINATION

A. By DISTRICT. DISTRICT may, by written notice to CITY, terminate this Agreement in whole or in part at any time, whether for DISTRICT's convenience or because of the failure of CITY to fulfill the obligations herein.

1. For Convenience. DISTRICT may terminate this Agreement upon thirty (30) days written notice. Following notice of such termination, CITY shall promptly cease work related to the Creek Project and notify DISTRICT as to the status of its performance. Notwithstanding any other payment provision of this Agreement, DISTRICT shall pay CITY for service performed to the date of termination to include a prorated amount of compensation due hereunder less payments, if any, previously made. In no event shall CITY be paid an amount in excess of the full price approved by DISTRICT based on the written approved bid nor for profit on unperformed portions of service. CITY shall furnish to DISTRICT such financial information as in the judgment of DISTRICT is necessary to determine the reasonable value of the services rendered by CITY. In the event of a dispute as to the reasonable value of the services rendered by CITY, the decision of DISTRICT shall be final. The foregoing is cumulative and shall not effect any right or remedy which DISTRICT or CITY may have in law or equity.

2. For Cause. Should CITY default in the performance of this Agreement or materially breach any of its provisions, DISTRICT may, at DISTRICT's sole option, terminate this Agreement by written notice, which shall be effective upon receipt by CITY.

B. By CITY. CITY may, by written notice to DISTRICT, terminate this Agreement in whole or in part at any time, whether for CITY's convenience or because of the failure of DISTRICT to fulfill the obligations herein.

1. For Convenience. CITY may terminate this Agreement upon thirty (30) days written notice. Notwithstanding any other payment provision of this Agreement, DISTRICT shall pay CITY for service performed to the date of termination to include a prorated amount of compensation due hereunder less payments, if any, previously made. In no event shall CITY be paid an amount in excess of the full price approved by DISTRICT based on the written approved bid nor for profit on unperformed portions of service. CITY shall furnish to DISTRICT such financial information as in the judgment of DISTRICT is necessary to determine the reasonable value of the services rendered by CITY. In the event of a dispute as to the reasonable value of the services rendered by CITY, the decision of DISTRICT shall be final. The

foregoing is cumulative and shall not effect any right or remedy which CITY or DISTRICT may have in law or equity.

2. For Cause. Should DISTRICT fail to pay CITY as required in Section 2, CITY may, at DISTRICT's option terminate this agreement if such failure is not remedied by DISTRICT within thirty (30) days of written notice to DISTRICT of such late payment.

#### SECTION 11. APPLICABLE LAW

This agreement shall be subject to the Charter, laws, rules and regulations in effect within the City of Santa Barbara, County of Santa Barbara, California, and any interpretation of the law that may be necessary shall be pursuant to the laws applicable within that jurisdiction. If any provision of this agreement is determined to be invalid, illegal or unenforceable for any reason, that provision shall be deleted from this agreement and such deletion shall in no way affect, impair, or invalidate any other provision of this agreement, unless it was material to the consideration for the performance required. If a provision is deleted which is not material to such consideration, the remaining provisions shall be given the force and effect originally intended.

#### SECTION 12. INTEGRATED AGREEMENT

This agreement constitutes the sole and entire agreement between the CITY and DISTRICT with respect to the subject matter hereof. The agreement correctly sets forth the obligations of the CITY and DISTRICT hereto each other as of the date of this agreement. All agreements or representations respecting the subject matter of this agreement not expressly set forth or referred to in this agreement are null and void.

The following exhibits are incorporated by reference in this agreement:

Exhibit 1: Map of Limits of Construction and Construction Cost Responsibility for Reach 1A Phase 2, Reach 1B, and the Mason Street Bridge Replacement Project

Exhibit 2: CITY Fee Acquisition, Easement Rights to be Assigned to Flood Control



LOWER MISSION CREEK FLOOD CONTROL PROJECT  
REACH 1A – PHASE 2 AND REACH 1B CONSTRUCTION

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IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CITY OF SANTA BARBARA

SANTA BARBARA COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

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Rebecca Bjork  
ACTING PUBLIC WORKS DIRECTOR

APPROVED AS TO CONTENT:

ATTEST:

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Scott D. McGolpin, P.E.  
PUBLIC WORKS DIRECTOR

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Gwen Peirce, CMC  
CITY CLERK SERVICES MANAGER

APPROVED AS TO FORM:  
Dennis A. Marshall  
COUNTY COUNSEL

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
Deputy

---

R. Patrick Kelly, P.E.  
ASSISTANT PUBLIC WORKS DIRECTOR/CITY  
ENGINEER

APPROVED AS TO ACCOUNTING FORM:  
Robert W. Geis, C.P.A.  
AUDITOR-CONTROLLER

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

APPROVED AS TO FORM:  
Ray Aromatorio, A.R.M., A.I.C.  
RISK MANAGER

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Stephen P. Wiley,  
CITY ATTORNEY

By: \_\_\_\_\_

# EXHIBIT 1

## LIMITS OF CONSTRUCTION AND CONSTRUCTION COST RESPONSIBILITY

### REACH 1A PHASE 2, REACH 1B AND MASON STREET BRIDGE REPLACEMENT PROJECT



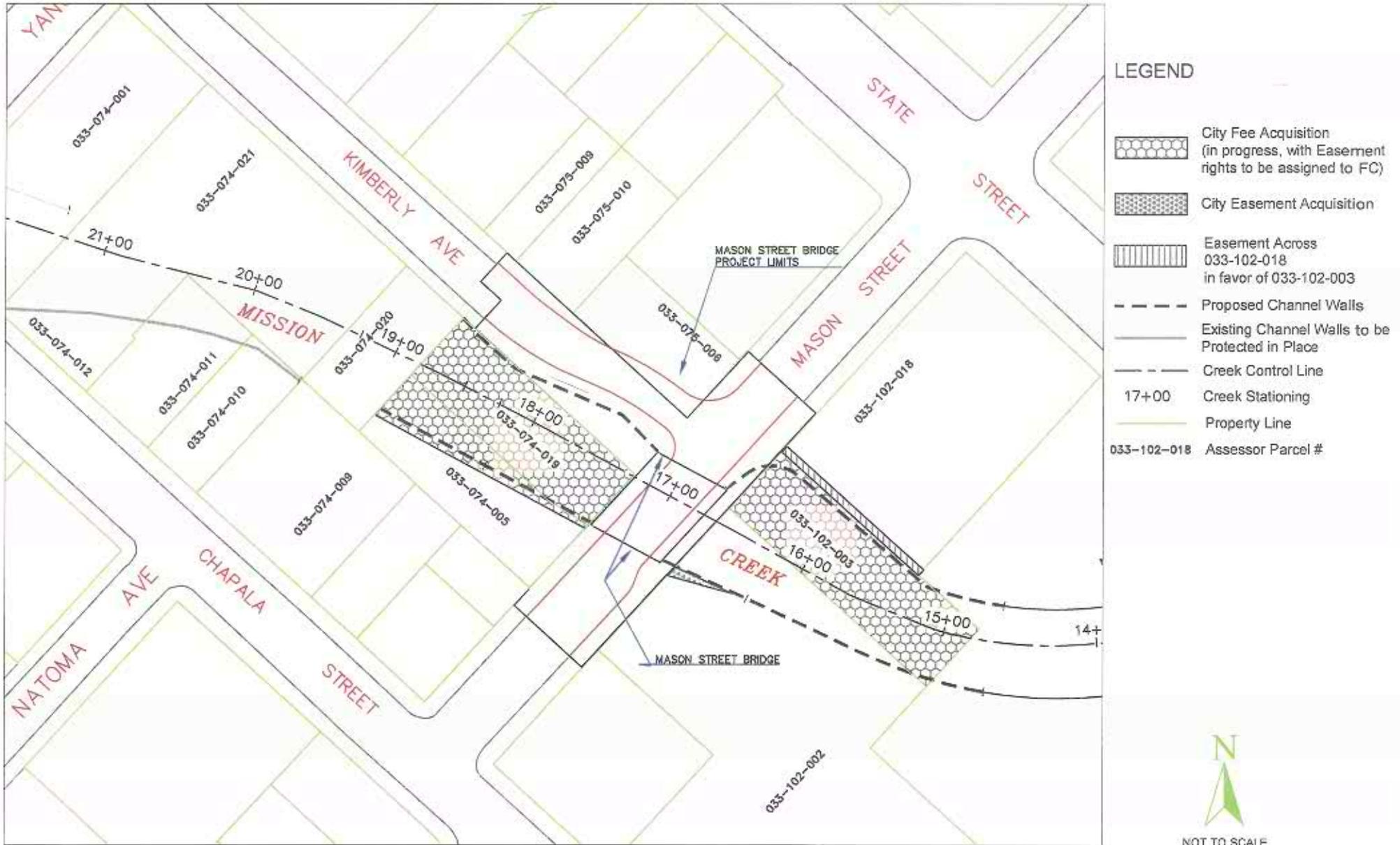
#### LEGEND

- Creek Control Line
- 14+00 Creek Stationing
- Building
- Existing Channel Walls to be Protected in Place
- City Funded - Eligible for Mason Street Replacement Project Federal HBP Funds
  - Bridge and Roadway
  - Habitat Expansion Zone
  - Channel Walls
- County Funded - Non-Eligible for Mason Street Bridge Replacement Project Federal HBP Funds
  - Phase 1A-2 - Channel Walls
  - Portion of Phase 1B - Channel Walls



# EXHIBIT 2

## CITY FEE ACQUISITION WITH EASEMENT RIGHTS TO BE ASSIGNED TO FLOOD CONTROL





# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Appointment Of Council Liaisons To Advisory Boards And Commissions

### **RECOMMENDATION:**

That Council consider the appointment of Liaisons to Advisory Boards and Commissions.

### **DISCUSSION:**

Traditionally, every January, the City Council appoints Council Liaisons to Advisory Groups.

It is recommended that Council Liaisons be appointed to the groups on the attached list.

**ATTACHMENT:** 2013 Advisory Groups Council Liaisons

**PREPARED BY:** Jennifer Jennings, Administrator's Office Supervisor

**SUBMITTED BY:** Jim Armstrong, City Administrator

**APPROVED BY:** City Administrator's Office

**CITY OF SANTA BARBARA  
ADVISORY GROUPS  
COUNCIL LIAISONS  
2013**

Airport Commission..... (incl. Airport Noise Abatement Committee)	Rowse
Architectural Board of Review.....	Francisco; Alternate: House
Arts Advisory Committee.....	Hotchkiss
Building and Fire Code Board of Appeals.....	House
Civil Service Commissioners, Board of.....	House
Community Development and Human Services Committee.....	Hotchkiss
Community Events and Festivals Committee.....	Murillo
Creeks Advisory Committee.....	Hotchkiss; Alternate: House
Downtown Parking Committee.....	Rowse; Alternate: House
Fire and Police Commissioners, Board of.....	White
Fire and Police Pension Commissioners, Board of.....	Murillo
Harbor Commissioners, Board of.....	Hotchkiss
Historic Landmarks Commission.....	Francisco
Housing Authority Commission.....	Murillo
Library Board.....	Francisco
Living Wage Advisory Committee.....	Murillo
Neighborhood Advisory Council.....	Murillo, White
Parks and Recreation Commission.....	Murillo
Planning Commission.....	White
Rental Housing Mediation Task Force.....	Murillo; Alt.: House
Santa Barbara Sister Cities Board.....	Schneider
Santa Barbara Youth Council.....	Murillo
Single Family Design Board.....	Francisco; Alternate: House
Transportation and Circulation Committee.....	Murillo; Alternate: House
Water Commissioners, Board of.....	White

**CITY OF SANTA BARBARA  
COUNCIL COMMITTEES  
2013**

Committee on Legislation.....Francisco, House, White  
Commuter Rail Exploration .....Francisco, House, Schneider  
Finance Committee .....Francisco (Chair), Murillo, White; Alternate: Schneider  
Mayor Pro Tempore ..... Rowse  
Ordinance Committee ..... Hotchkiss, House (Chair), Rowse; Alternate: Schneider  
Sustainability Council Committee ..... Schneider, Rowse, White

**CITY OF SANTA BARBARA  
CITY-RELATED AGENCIES  
2013**

Coast Village Business Association ..... House  
Conference and Visitors Bureau ..... House  
Downtown Organization ..... House; Alternate: White  
Greater Santa Barbara Lodging Association ..... Francisco; Alternate: Rowse  
Looking Good Santa Barbara Committee ..... Hotchkiss  
Milpas Action Task Force ..... Hotchkiss, Murillo  
Presidio Joint Powers Committee ..... Francisco  
Santa Barbara Beautiful ..... White  
Santa Barbara Film Commission ..... House

**COUNCIL REPRESENTATION ON REGIONAL AGENCIES  
2013**

Beach Erosion Authority for Clean Oceans and Nourishment.....House  
Cachuma Conservation Release Board.....Francisco; Alternate: White  
Cachuma Operation and Maintenance Board.....Francisco; Alternate: White  
Central Coast Collaborative on Homelessness ..... Schneider, Francisco; Alternates: Murillo, Hotchkiss  
Central Coast Water Authority .....Francisco; Alternate: White  
City/County Affordable Housing Task Group ..... Francisco, Murillo  
City/County Solid Waste Task Group ..... Schneider, White; Alternate: Rowse  
Community Action Commission .....House (rep. by Comm. Dev. Staff)  
Los Angeles-San Diego Rail Corridor Agency (LOSSAN) (appointed by SBCAG) ..... Alternate: Schneider  
Santa Barbara County Air Pollution Control Dist. Bd. of Directors .....Schneider; Alternate: House  
Santa Barbara County Association of Governments (SBCAG) .....Schneider; Alternate: House  
Santa Barbara Metropolitan Transit District Board ..... Murillo; Alternate: House  
South Coast Gang Task Force Leadership Council .....Schneider; Alternate: Francisco

**NATIONAL AND STATE ORGANIZATIONS  
2013**

Channel Counties Division of the League of California Cities (President)..... Schneider  
Local Government Commission ..... House

## **Mayor Schneider**

1. Central Coast Collaborative on Homelessness
2. Channel Counties Division of the League of California Cities (President)+
3. City/County Solid Waste Task Group
4. Commuter Rail Exploration
5. Finance Committee (Alternate)
6. Los Angeles-San Diego Rail Corridor Agency (LOSSAN) (Alternate)\*
7. Ordinance Committee (Alternate)
8. Santa Barbara County Air Pollution Control District Board of Directors
9. Santa Barbara County Association of Governments (SBCAG)
10. Santa Barbara Sister Cities Board
11. South Coast Gang Task Force Leadership Council
12. Sustainability Council Committee

+Appointed by League of Cities

\*Appointed by Santa Barbara Co. Association of Governments

## **Councilmember Francisco**

1. Architectural Board of Review
2. Cachuma Conservation Release Board
3. Cachuma Operation and Maintenance Board
4. Central Coast Collaborative on Homelessness
5. Central Coast Water Authority
6. City/County Affordable Housing Task Group
7. Committee on Legislation
8. Commuter Rail Exploration
9. Finance Committee (Chair)
10. Greater Santa Barbara Lodging Association
11. Historic Landmarks Commission
12. Library Board
13. Presidio Joint Powers Committee
14. Single Family Design Board
15. South Coast Gang Task Force Leadership Council (Alternate)

## **Councilmember Hotchkiss**

1. Arts Advisory Committee
2. Central Coast Collaborative on Homelessness (Alternate)
3. Community Development and Human Services Committee
4. Creeks Advisory Committee
5. Harbor Commissioners, Board of
6. Looking Good Santa Barbara Committee
7. Milpas Action Task Force
8. Ordinance Committee

## **Councilmember House**

1. Architectural Board of Review (Alternate)
2. Beach Erosion Authority for Clean Oceans and Nourishment
3. Building and Fire Code Board of Appeals
4. Civil Service Commissioners, Board of
5. Coast Village Business Association
6. Committee on Legislation
7. Community Action Commission
8. Commuter Rail Exploration
9. Conference and Visitors Bureau
10. Creeks Advisory Committee (Alternate)
11. Downtown Organization
12. Downtown Parking Committee (Alternate)
13. Local Government Commission
14. Ordinance Committee (Chair)
15. Rental Housing Mediation Task Force (Alternate)
16. Santa Barbara County Air Pollution Control District Board of Directors (Alternate)
17. Santa Barbara County Association of Governments (SBCAG) (Alternate)
18. Santa Barbara Film Commission
19. Santa Barbara Metropolitan Transit District Board (Alternate)
20. Single Family Design Board (Alternate)
21. Transportation and Circulation Committee (Alternate)

## **Councilmember Murillo**

1. Central Coast Collaborative on Homelessness (Alternate)
2. City/County Affordable Housing Task Group
3. Community Events and Festivals Committee
4. Finance Committee
5. Fire and Police Pension Commissioners, Board of
6. Housing Authority Commission
7. Living Wage Advisory Committee
8. Milpas Action Task Force
9. Neighborhood Advisory Council
10. Parks and Recreation Commission
11. Rental Housing Mediation Task Force
12. Santa Barbara Metropolitan Transit District Board
13. Santa Barbara Youth Council
14. Transportation and Circulation Committee

## **Councilmember Rowse**

1. Airport Commission (including Airport Noise Abatement Committee)
2. City/County Solid Waste Task Group (Alternate)
3. Downtown Parking Committee
4. Greater Santa Barbara Lodging Association (Alternate)
5. Mayor Pro Tempore
6. Ordinance Committee
7. Sustainability Council Committee

## **Councilmember White**

1. Cachuma Conservation Release Board (Alternate)
2. Cachuma Operation and Maintenance Board (Alternate)
3. Central Coast Water Authority (Alternate)
4. City/County Solid Waste Task Group
5. Committee on Legislation
6. Downtown Organization (Alternate)
7. Finance Committee
8. Fire and Police Commissioners, Board of
9. Neighborhood Advisory Council
10. Planning Commission
11. Santa Barbara Beautiful
12. Sustainability Council Committee
13. Water Commissioners, Board of



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Conference With Real Property Negotiators For Acquisition Of Easements Over 13 East Cabrillo Boulevard, 21 Helena Avenue, And 6 State Street

### RECOMMENDATION:

That Council hold a closed session pursuant to Government Code Section 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 Cabrillo Boulevard Bridge Replacement.

**Real Property:** 13 East Cabrillo Boulevard (APN 033-111-012), also known as 15 East Cabrillo Boulevard; 21 Helena Avenue (APN 033-111-004); and 6 State Street (APN 033-111-011), Santa Barbara, California.

**City Negotiators:** Rebecca Bjork, Acting Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; Marianne Wetzel, Senior Real Property Agent.

**Negotiating Party:** Steven A. Amerikaner on behalf of the Virginia Castagnola-Hunter Trust created u/d/t dated February 20, 2002, et al.

**Under Negotiation:** Price and terms of acquisition.

**SCHEDULING:** Duration, 15 minutes; anytime

**REPORT:** None anticipated

**SUBMITTED BY:** Rebecca Bjork, Acting Public Works Director

**APPROVED BY:** City Administrator's Office



Agenda Item No. 12

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Conference With Labor Negotiator

**RECOMMENDATION:**

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Acting Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

**SCHEDULING:** Duration, 30 minutes; anytime

**REPORT:** None anticipated

**PREPARED BY:** Kristy Schmidt, Acting Administrative Services Director

**SUBMITTED BY:** Kristy Schmidt, Acting Administrative Services Director

**APPROVED BY:** City Administrator's Office