



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 21, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee met at 11:00 a.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

PUBLIC COMMENT

Speakers: Nancy Tunnell, Nummie, Michelle Nassif, Andrea Rastalingky.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Rowse stated he would abstain from voting on the following item due to a conflict of interest related to his ownership of a business located within the subject assessment district.

11. Subject: Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2014 - Intention to Levy (550.10)

Recommendation: That Council:

- A. Approve the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2014; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Parking and Business Improvement Area Assessment Rates for the 2014 Fiscal Year, at a Public Hearing to be Held on June 4, 2013, at 2:00 p.m.

Documents:

- May 21, 2013, report from the Public Works Director.
- Proposed Resolution.

The title of the resolution was read.

Motion:

Councilmembers House/Francisco to approve the recommendations; Resolution No. 13-036.

Vote:

Unanimous roll call vote (Abstentions: Councilmember Rowse).

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

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of May 6, 2013, and the regular meeting of May 7, 2013.

Action: Approved the recommendation.

2. Subject: Records Destruction For Community Development Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Community Development Department in the Administration, Housing and Human Services Division. (Cont'd)

2. (Cont'd)

Action: Approved the recommendation; Resolution No. 13-035 (May 21, 2013, report from the Community Development Director; proposed resolution).

3. Subject: April 2013 Investment Report (260.02)

Recommendation: That Council accept the April 2013 Investment Report.

Action: Approved the recommendation (May 21, 2013, report from the Finance Director).

4. Subject: Introduction Of Ordinance For The Approval Of Encroachments At 33 West Victoria Street (330.10)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Encroachment Permit to Luria - New Vic LLC, a California Limited Liability Company, and Ensemble Theatre Company, Inc., a California Non-Profit Corporation, for the Property Known as 33 West Victoria Street and 1236 Chapala Street, Santa Barbara County Assessor's Parcel Number 039-181-001, Which Is Owned by Child Abuse Listening Mediation, Inc., a California Non-Profit Public Benefit Corporation, for Site Improvements That Will Encroach into the Public Right-of-Way and City Parking Lot No. 5, and Authorizing the City Administrator to Execute Same.

Action: Approved the recommendation (May 21, 2013, report from the Public Works Director; proposed ordinance).

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

Recommendation: That Council:

- A. Award a contract with Granite Construction Company in their low bid amount of \$1,411,510 for construction of the Chapala Street Bridge Replacement Project, Bid No. 3590;
- B. Authorize the Public Works Director to execute the contract in the amount of \$1,411,510 with Granite Construction Company and approve expenditures up to \$141,151 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with MNS Engineers, Incorporated, in the amount of \$478,596 for construction management services, and approve expenditures of up to \$16,404 for extra services of MNS Engineers that may result from necessary changes in the scope of work;

(Cont'd)

5. (Cont'd)

- D. Authorize the Public Works Director to execute a contract with Drake Haglan and Associates in the amount of \$45,080 for design support services during construction;
- E. Accept Federal Highway Administration Grant funding in the total amount of \$2,188,562 to cover the cost of construction;
- F. Increase appropriations and estimated revenues by \$2,188,562 in the Fiscal Year 2013 Streets Capital Fund for the Chapala Street Bridge Replacement Project funded by the Federal Highway Administration Grant;
- G. Authorize an increase in appropriations of \$50,000 in the Streets Fund from revenues received through the sale of surplus properties acquired for completed bridge replacement projects to cover final City costs for the design and right-of-way phases of this Project;
- H. Authorize an increase in appropriations of \$24,537 in the Measure A Fund from available Measure A Fund reserves to cover the cost of work not eligible for reimbursement during the construction phase of this Project; and
- I. Increase appropriations and estimated revenues by \$2,000 in the Streets Capital Fund to cover the cost of work not eligible for reimbursement during the construction phase of this Project funded from a fee for granting Crown Castle a utility easement.

Action: Approved the recommendations; Contract Nos. 24,504 – 24,506 (May 21, 2013, report from the Public Works Director).

6. Subject: Contract For Construction For The Zone 6 (Fiscal Year 2013) Pavement Preparation Project (530.04)

Recommendation: That Council:

- A. Award a contract with Granite Construction Company in their low bid amount of \$1,374,015 for construction of the Zone 6 (Fiscal Year 2013) Pavement Preparation Project, Bid No. 3673;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$137,402 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Flowers & Associates, Inc. in the amount of \$108,099 for construction support services, and approve expenditures of up to \$10,810 for extra services that may result from necessary changes in the scope of work; and
- D. Accept \$160,000 of State Local Partnership Program (SLPP) funds for the Zone 6 (Fiscal Year 2013) Pavement Preparation Project, and increase estimated revenues and appropriations by \$160,000 in the Streets Capital Fund.

(Cont'd)

6. (Cont'd)

Action: Approved the recommendations; Contract Nos. 24,507 – 24,508 (May 21, 2013, report from the Public Works Director).

7. Subject: Contract For Construction For The Zone 6 (Fiscal Year 2013) Slurry Seal Project (530.04)

Recommendation: That Council:

- A. Award a contract with VSS International, Inc., waiving minor irregularities, in their low bid amount of \$956,356 for construction of the Zone 6 (Fiscal Year 2013) Slurry Seal Project, Bid No. 3674;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$95,636 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Flowers & Associates in the amount of \$141,284 for construction support services, and approve expenditures of up to \$14,128 for extra services that may result from necessary changes in the scope of work;
- D. Increase appropriations and estimated revenues by \$101,710 in the Streets Capital Fund for the Zone 6 (Fiscal Year 2013) Slurry Seal Project funded from revenues from SL Residential, Inc. and Global West Network; and
- E. Appropriate \$50,000 from reserves in the Measure A Fund for the Zone 6 (Fiscal Year 2013) Slurry Seal Project.

Action: Approved the recommendations; Contract Nos. 24,509 – 24,510 (May 21, 2013, report from the Public Works Director).

8. Subject: Increase In Appraisal Services For The Cabrillo Boulevard Bridge Replacement Project (530.04)

Recommendation: That Council authorize an increase in the extra services amount with Schott & Company, for real estate appraisal services for the Cabrillo Boulevard Bridge Replacement Project, Contract No. 388,237 in the amount of \$15,000, for a total project expenditure authority of \$40,000.

Action: Approved the recommendation (May 21, 2013, report from the Public Works Director).

9. Subject: Service Agreement With Thresholds To Recovery, Inc. To Operate The Sobering Center (520.04)

Recommendation: That Council approve and authorize the Chief of Police to negotiate and execute a service agreement with Thresholds to Recovery, Inc. to operate the Sobering Center in Fiscal Year 2014 with annual fees not to exceed \$202,800 and in a form approved by the City Attorney.

Action: Approved the recommendation; Agreement No. 24,511 (May 21, 2013, report from the Police Chief).

10. Subject: Santa Barbara Police Activities League Donation For The Police Department Youth Explorer Program (520.04)

Recommendation: That Council:

- A. Accept a donation of \$5,516 from the Santa Barbara Police Activities League for the Police Department Explorer Program; and
- B. Increase appropriations and estimated revenues in the Police Department Miscellaneous Grants Fund for the Explorer Program.

Action: Approved the recommendations (May 21, 2013, report from the Police Chief).

NOTICES

12. The City Clerk has on Thursday, May 16, 2013, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Finance Committee agreed to recommend to the City Council approval of a request from Peoples' Self-Help Housing Corporation (PSHHC) for Home Investment Partnership Program (HOME) funds for the construction of low income rental housing at 510-520 N. Salsipuedes Street and 601 E. Haley Street. He stated that the Finance Committee received a report on the Proposed Recommended Budget for Fiscal Year 2014 that will also be presented to Council at a future meeting.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FIRE DEPARTMENT

13. Subject: Renewal Of Levy For Fiscal Year 2014 For The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2014.

Councilmembers Hotchkiss and White, and City Attorney Wiley, stated that because they reside at/own property in the area of the assessment district, they would not participate in the discussion of this item, and they left the meeting at 2:09 p.m. Assistant City Attorney Sarah Knecht took Mr. Wiley's place.

Documents:

- May 21, 2013, report from the Fire Chief.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Public Comment Opened:
2:10 p.m.

Speakers:

Staff: Fire Marshal Joe Poire, Fire Services Specialist Christopher Braden.

Public Comment Closed:
2:22 p.m.

Motion:

Councilmembers House/Francisco to approve the recommendation; Resolution No. 13-037.

Vote:

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, White).

Councilmembers Hotchkiss and White returned to the meeting at 2:24 p.m.

PUBLIC WORKS DEPARTMENT

14. Subject: State Route 225 Relinquishment Authorizations (680.04)

Recommendation: That Council:

- A. Receive an update on the State Route 225 Relinquishment;
- B. Authorize the City Administrator to execute a relinquishment agreement between the State of California Department of Transportation and the City of Santa Barbara for the relinquishment to the City of the portion of State Route 225 on Las Positas Road, Cliff Drive, and Castillo Street, subject to terms and conditions acceptable to the City Administrator and approval as to form of the agreement by the City Attorney; and
- C. Authorize the City Administrator to execute freeway maintenance agreements between the State of California Department of Transportation and the City of Santa Barbara for the Las Positas Road Overcrossing and the Castillo Street Undercrossing, subject to terms and conditions acceptable to the City Administrator and approval as to form of the agreement by the City Attorney.

Documents:

- May 21, 2013, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- May 21, 2013, letter from Scott Wenz.
- May 21, 2013, petition from Alice San Andrés-Calleja.

Speakers:

- Staff: Public Works Director Christine Andersen, City Attorney Stephen Wiley, City Administrator James Armstrong, Supervising Transportation Engineer Derrick Bailey.
- State of California Department of Transportation: Deputy District Director of Planning and Local Assistance Aileen Loe.
- Members of the Public: Angela Bell; Erik Fricke, Security Director, Santa Barbara City College; Julie Hendricks, Director of Facilities and Campus Development, Santa Barbara City College; Holly Tatomer; Chris Cottrell; Jeff King; Richard Box, Chairman of Our Mesa Neighborhood (OMN); Iya Falcone; Doug Ranck, Free Methodist Church; Dale Kearin; Lee Moldaver, Coalition for Sustainable Transportation (COAST); David VanHoy; Lesley Wiscomb; Alfonso Palencia, Santa Barbara City College Student Advocate; Alex Pujo, Coalition for Sustainable Transportation (COAST); Justin Perocco; Alice San Andrés-Calleja, The Mesa Paper; Bonnie Raisin; Laurel Perez, Mesa Architects; Lois Phillips.

Motion:

Councilmembers House/White to approve Recommendations B and C; Agreement Nos. 24,512 – 24,513.

Vote:

Unanimous voice vote.

MAYOR AND COUNCIL REPORTS

16. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 4, 2013, and June 18, 2013.

Documents:

May 21, 2013, report from the Assistant City Administrator.

Speakers:

The following applicants were interviewed:

Airport Commission:

Laura McIver

Santa Barbara Youth Council:

- Erin Linehan
- Christopher Anderson
- Isabella Chierici
- Mengche Ho (Ryan)

Water Commission:

- Jeff Barry
- Ronald Gutier

By consensus, the Council continued the interviews to June 4, 2013.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

15. Subject: Contract For Construction For The Punta Gorda Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Award a contract to Shaw Contracting, Inc., in their low bid amount of \$1,865,964.50 for construction of the Punta Gorda Street Bridge Replacement Project, Bid No. 3575;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$186,600 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a professional services agreement with Filippin Engineering in the amount of \$330,674 for construction management support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$33,067 for extra services that may result from necessary changes in the scope of work; (Cont'd)

15. (Cont'd)

- D. Authorize the Public Works Director to execute a professional services agreement with Penfield & Smith in the amount of \$13,060 for engineering (channel design) support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$1,306 for extra services that may result from necessary changes in the scope of work;
- E. Authorize the Public Works Director to execute a professional services agreement with Drake Haglan and Associates in the amount of \$50,000 for engineering (bridge design) support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$5,000 for extra services that may result from necessary changes in the scope of work; and
- F. Authorize the Public Works Director to execute a professional services agreement with Cardno ENTRIX in the amount of \$90,881 for environmental coordination and biological monitoring services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$9,088 for extra services that may result from necessary changes in the scope of work.

Documents:

- May 21, 2013, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Assistant Public Works Director/City Engineer Pat Kelly.
- Members of the Public: Matt La Brie, Santa Barbara Green Mobile Home Park.

Motion:

Councilmembers Francisco/Murillo to approve the recommendations; Agreement Nos. 24,514 – 24,518.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at the following: 1) a recent Youth Council meeting; 2) a meeting of youth services providers of the Gang Task Force; 3) the Harvey Milk Day Film Screening; and 4) a screening of the film, "Singletrack High," which was sponsored by the Bicycle Coalition and Santa Barbara High School Dons Net Café.

(Cont'd)

Information: (Cont'd)

- Councilmember House reported on his attendance at: 1) the Family Self-Sufficiency Awards ceremony; and 2) a recent Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) Board meeting, where the Environmental Impact Report for the single-use bag ordinance was discussed.
- Councilmember Hotchkiss spoke about the City's acceptance of \$1 million from the Maritime Museum; and he commented on the 50th Anniversary celebration of the Trust for Historic Preservation that was held at El Paseo.
- Mayor Schneider remarked on the Start/Finish ceremonies in the City for the Amgen of California Bicycle Race; and she reported on a recent Santa Barbara County Association of Governments (SBCAG) Board meeting, where the Highway 101 project and recommendations from the Montecito Association were discussed.

RECESS

Mayor Schneider recessed the meeting at 5:36 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 17, 18 and 19, and said that no reportable action is anticipated.

CLOSED SESSIONS

18. Subject: Conference with Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case). The pending litigation is the on-going administrative hearings before the California State Water Resources Control Board regarding appropriative water rights permits 11308 and 11310.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

May 21, 2013, report from the City Attorney.

Time:

5:38 p.m. – 6:15 p.m.

No report made.

17. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Bargaining Unit, and the General Bargaining Unit, and regarding discussions with certain unrepresented employees and managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

May 21, 2013, report from the Assistant City Administrator.

Time:

6:15 p.m. – 6:18 p.m.

No report made.

19. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (160.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

(Continued from April 30, 2013)

Time:

6:18 p.m. – 6:35 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:35 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER