

**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

Ariel Pierre Calonne
City Attorney

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

**SEPTEMBER 23, 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: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

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 for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room,
630 Garden Street
2:00 p.m. - City Council Meeting

FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

1. Subject: Consideration Of An Ordinance To Amend The Municipal Code Title 5 Related To Business License Taxes For Artists (120.03)

Recommendation: That the Finance Committee consider and recommend to the Council an Ordinance to amend Municipal Code Title 5 pertaining to Business License Taxes to add an exemption for Artists with annual gross receipts of less than \$5,000.

2. Subject: Financial Statements For The Fiscal Year Ended June 30, 2014 And Recognition Of A Loss On A Loan Tied To The Employee Mortgage Loan Assistance Program (120.03)

Recommendation: That Finance Committee recommend that Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the fiscal year ended June 30, 2014;
- B. Accept the Interim Financial Statements for the Fiscal Year Ended June 30, 2014;
- C. Approve the proposed adjustments to Fiscal Year 2014 budget as detailed in the attached schedule of Proposed Budget Adjustments; and
- D. Approve the recognition of a \$96,230 loss in connection with an outstanding loan executed with a former City employee through the Employee Mortgage Loan Assistance Program.

(See Council Agenda Item No. 15)

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring September 2014 As Suicide Prevention Month (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. **Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the special meeting of September 11, 2014.

3. **Subject: Adoption Of Ordinance Authorizing Approval Of Clean Water State Revolving Fund Financing For Air Process Improvement Project (540.13)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the Public Works Director of an Installment Sale Agreement in Connection With the Air Process Improvement Project Clean Water State Revolving Fund Project No. 7857-110.

CONSENT CALENDAR (CONT'D)

4. Subject: Introduction Of Ordinance For Amendment To Mercury Air Center - Santa Barbara, Inc. Fuel Storage Facility Lease (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute an Amendment of Agreement No. 19,528, Dated April 15, 1999, Between Mercury Air Center - Santa Barbara, Inc., dba Atlantic Aviation, a California Corporation, and the City of Santa Barbara for Operation of a Fuel Storage Facility, Amending Article V, "Rent" (B)(1) and (2) to Allow for the Collection of Fuel Flowage Fees for Fuel Dispensed to the Commercial Air Carriers at the Santa Barbara Airport.

5. Subject: Introduction Of Ordinance For Amendment To Signature Flight Support Corporation Fuel Storage Facility Lease (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute an Amendment of Agreement No. 18,538, Dated March 14, 1997, Between Signature Flight Support Corporation, a Delaware Corporation, and the City of Santa Barbara for Operation of a Fuel Storage Facility, Amending Article IV, "Rent" (B)(1) and (D) to Allow for the Collection of Fuel Flowage Fees for Fuel Dispensed to the Commercial Air Carriers at the Santa Barbara Airport.

6. Subject: Introduction Of Ordinance For Assignment And Amendment To Power Purchase Agreement For Cogeneration Project (540.13)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a First Amendment to the Power Purchase Agreement (City Agreement No. 23,630) Between the City of Santa Barbara and California Power Partners, Inc., to Extend the Term of the Agreement to July 1, 2024, and Further Clarify Section 8.4 of the Agreement; and Authorize the City Administrator to Consent to the Assignment of Agreement No. 23,630, as Amended, from California Power Partners, Inc., to California Power Partners Santa Barbara, LLC.

7. Subject: Fiscal Year 2015 Agreement For Countywide Library System (570.04)

Recommendation: That Council approve and authorize the City Administrator to execute an agreement between the County of Santa Barbara and the Cities of Santa Barbara, Santa Maria and Lompoc for the operation of a Countywide Library system for Fiscal Year 2015.

CONSENT CALENDAR (CONT'D)

8. **Subject: Contract For Construction Of The La Colina Force Main No. 2 Project (540.13)**

Recommendation: That Council:

- A. Award a contract with J&H Engineering General Contractors, Inc., waiving minor irregularities, in their low bid amount of \$515,730 for construction of the La Colina Force Main No. 2, Bid No. 3960; and authorize the Public Works Director to execute the contract and approve expenditures up to \$51,573 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; and
- B. Authorize the Public Works Director to execute a contract with MNS Engineers, Inc., in the amount of \$14,840 for construction support services, and approve expenditures of up to \$1,484 for extra services that may result from necessary changes in the scope of work.

9. **Subject: Contracts For Construction Management Support Services Of The Mason Street Bridge Replacement Project (530.04)**

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services contract with Filippin Engineering in the amount of \$1,215,003 for construction management services for the Mason Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$60,750 for extra services that may result from necessary changes in the scope of work;
- B. Authorize the Public Works Director to execute a City Professional Services contract with Bengal Engineering, Inc., in the amount of \$138,760 for engineering (design) support services for the Mason Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$6,938 for extra services that may result from necessary changes in the scope of work;
- C. Authorize the Public Works Director to execute a City Professional Services contract with Rincon Consultants, Inc., in the amount of \$164,725 for environmental coordination and biological monitor services for the Mason Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$8,236 for extra services that may result from necessary changes in the scope of work;
- D. Increase appropriations and estimated revenues related to the Federal Highway Administration Grant by \$383,365 in the Fiscal Year 2015 Streets Capital Fund for the Mason Street Bridge Replacement Project; and
- E. Authorize an increase in appropriations and estimated revenue of \$298,622 in the Streets Capital Fund from revenues anticipated through the future sale of surplus properties acquired for current bridge replacement projects to cover the City's share of the cost of construction.

CONSENT CALENDAR (CONT'D)

10. 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. 14-046, the Position and Salary Control Resolution for Fiscal Year 2015, Affecting the City Administrator's Office, Effective October 4, 2014.

NOTICES

11. The City Clerk has on Thursday, September 18, 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.
12. A City Council site visit is scheduled for Monday, September 29, 2014, at 1:30 p.m. to the property located at 215 La Jolla Drive, which is the subject of an appeal hearing set for September 30, 2014, at 2:00 p.m.
13. Receipt of communication advising of vacancies created on the Santa Barbara Youth Council with the resignation of Rachael Diaz, and the Downtown Parking Committee with the resignation of Bill Collyer. The vacancies will be part of the current City Advisory Groups Recruitment.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

14. Subject: Adoption Of Resolutions Increasing The City Administrator's Contracting Authority And Establishing Policies Related To The City Council Budgetary Level Of Control For Capital Projects (210.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Authorizing the City Administrator to Bind the City for the Acquisition of Certain Items and Rescinding Resolution No. 96-045; and
- B. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Establishing the City Council Budgetary Level of Control for Capital Projects.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

FINANCE DEPARTMENT (CONT'D)

15. Subject: Financial Statements For The Fiscal Year Ended June 30, 2014 And Recognition Of A Loss On A Loan Tied To The Employee Mortgage Loan Assistance Program (250.02)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the fiscal year ended June 30, 2014;
- B. Accept the Interim Financial Statements for the Fiscal Year Ended June 30, 2014;
- C. Approve the proposed adjustments to Fiscal Year 2014 budget as detailed in the attached schedule of Proposed Budget Adjustments; and
- D. Approve the recognition of a \$96,230 loss in connection with an outstanding loan executed with a former City employee through the Employee Mortgage Loan Assistance Program.

PUBLIC WORKS DEPARTMENT

16. Subject: Authorize Actions And Adopt A Resolution For Reactivating The Charles E. Meyer Desalination Facility (540.10)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Design-Build-Operate Procurement Method for the Contract to Reactivate and Operate the Charles E. Meyer Desalination Facility;
- B. Authorize staff to prepare and present an Enabling Ordinance to the Ordinance Committee for a Design-Build-Operate contract;
- C. Authorize staff to release a Request for Proposals to prospective contractors to design, build, and operate the Desalination Facility;
- D. Authorize staff to submit a Repair and Maintenance Coastal Development Permit application as needed to reactivate the Desalination Facility; and
- E. Authorize the City Attorney to amend Professional Services Agreement Number 24,835 to increase the not to exceed amount from \$25,000 to \$100,000 for legal support services related to contracting for services to design, build, and operate the Desalination Facility, and other contractual requirements as needed.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

17. Subject: Reserve Management Policy Direction For The Stage Three Drought Water Rate Study (540.05)

Recommendation: That Council receive a presentation and provide direction on assumptions for the Stage Three Drought Water Rate Study, specifically for the assumed repayment term of debt needed to finance the Desalination Project and the planned reserves management during drought conditions.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

18. Subject: Conference With City Attorney – 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 *Frank Banales, Sebastian Aldana, Jr., Jacqueline Inda, Cruzito Herrera Cruz, and Benjamin Cheverez, v. City of Santa Barbara, et al.*, SBSC Case No. 1468167.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

19. 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 Kristine Schmidt, Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Unit.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

20. Subject: Conference With City Attorney - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider anticipated litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

To Monday, September 29, 2014, at 1:30 p.m. at the property located at 215 La Jolla Drive. (See Agenda Item No. 12)