



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING February 3, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:30 p.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, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. **Subject: Employee Recognition - Service Award Pins (410.01)**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through February 28, 2015.

Documents:

February 3, 2015, report from the Administrative Services Director.

Speakers:

Staff: City Administrator Paul Casey, Award Recipient Sarah Dunn.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation and the following employees were recognized:

10-Year Pin

Chelsea Swanson, Assistant Planner, Public Works Department
Joe Gonzales, Facilities Maintenance Supervisor, Public Works Department
Mary Lou Chavez Sanabria, Waterfront Maintenance Worker I, Waterfront Department

15-Year Pin

Adrian Gutierrez, Police Officer, Police Department
Linda West, Senior Public Works Inspector, Public Works Department
Shawn Martin, Water Treatment Plant Operator III, Public Works Department

25-Year Pin

Randy Webb, Survey Technician II, Public Works Department

35-Year Pin

Jose Marquez, Water Distribution Supervisor, Public Works Department
Sarah Dunn, Senior Library Technician, Library Department

2. **Subject: 2015 Historic Landmarks Commission Design Awards (640.03)**

Recommendation: That Council join the Historic Landmarks Commission in presenting its 2015 Design Awards.

Documents:

- February 3, 2015, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Senior Planner Jaime Limón.
- Award Recipients: Brian Cearnal; Jason Currie, PMSM Architects; Derek Westen, Ensemble Theatre Company; Phil Suding, representing Katie O-Reilly Rogers; Courtney Jane Miller; Barbara Lowenthal and Anthony Spann, Harrison Design Associates; Donald Sharpe.

The Mayor presented the award recipients with personalized tile plaques.

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator Paul Casey recommended that the following item be continued to February 10, 2015:

14. Subject: Mission Park To Mission Canyon Multimodal Improvements Plan (670.08)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Making the Mission Park to Mission Canyon Multimodal Improvements Plan a Project in the City's Capital Improvement Program and Direct Public Works Staff to Work with the County of Santa Barbara to Seek Funding for Design and Construction.

Motion:

Councilmembers Rowse/White to continue Item No. 14 to February 10, 2015.

Vote:

Unanimous voice vote.

PUBLIC COMMENT

Speakers: Lee Moldaver; Melody Joy Baker; Lori Gaskin, Santa Barbara City College; Phil Walker; Tom Widroe, City Watch; Marta Cruz, speaking for Elena Hernández.

CONSENT CALENDAR (Item Nos. 3 – 9)

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

Motion:

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

Vote:

Unanimous roll call vote.

3. Subject: Adoption Of Ordinance Approving An Amendment To The Agreement To Use Recycled Water For Pilgrim Terrace Homes (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Amendment to the Agreement Between the City of Santa Barbara and Pilgrim Terrace Homes for Purchase, Use, and Delivery of the City's Recycled Water.

Action: Approved the recommendation; Ordinance No. 5681; Agreement No. 24,113.1.

4. Subject: Contract For Construction Of The Cota Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Award a contract with Granite Construction Company in their low bid amount of \$4,956,146 for construction of the Cota Street Bridge Replacement Project, Bid No. 3589, and authorize the Public Works Director to execute the contract and approve expenditures up to \$495,615 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;
- B. Authorize the Public Works Director to execute a City Professional Services contract with Filippin Engineering in the amount of \$620,070 for construction management services for the Cota Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$62,007 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 Bengal Engineering, Inc., in the amount of \$86,313 for engineering design support services for the Cota Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$8,631 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 \$5,489,520 in the Fiscal Year 2015 Streets Capital Fund for the Cota Street Bridge Replacement Project;
- E. Authorize an increase in appropriations and estimated revenues of \$758,617 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;
- F. Authorize the Public Works Director to execute a Protect in Place and Release of Liability Agreement with Verizon California; and
- G. Increase appropriations and estimated revenues by \$247,500 in the Fiscal Year 2015 Streets Capital Fund, representing Verizon California's share of the construction contract for the Cota Street Bridge Replacement Project pursuant to the Protect in Place and Release of Liability Agreement.

Action: Approved the recommendations; Contract Nos. 25,087 - 25,089; Agreement No. 25,090 (February 3, 2015, report from the Public Works Director).

5. Subject: City Administrator Employment Agreement And Amendment Of City Attorney Employment Agreement (450.01)

Recommendation: That Council:

- A. Approve, and authorize the Mayor to execute, an employment agreement with Paul Casey to serve as the City Administrator effective February 3, 2015; and
- B. Approve, and authorize the Mayor to execute, an amended and restated employment agreement between the City and Ariel Pierre Calonne, City Attorney, to remove sections of Agreement No. 24,713 attaching health and welfare benefit changes to those provided to other management employees.

Action: Approved the recommendations; Agreement Nos. 25,091 and 24,713.1 (February 3, 2015, report from the Administrative Services Director).

6. Subject: Amend Position and Salary Control Resolution To Include Salary Range For City Administrator (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, to Add a Salary Range for the City Administrator.

Speakers:

Members of the Public: Tom Widroe, City Watch.

Action: Approved the recommendation; Resolution No. 15-006 (February 3, 2015, report from the Administrative Services Director; proposed resolution).

7. Subject: Emergency Appointment Of Paul Zink To The Single Family Design Board (640.03)

Recommendation: That Council confirm the emergency appointment of Paul Zink to the Single Family Design Board on an interim basis until the Council makes a final appointment.

Action: Approved the recommendation (February 3, 2015, report from the Administrative Services Director).

8. Subject: Authorize Actions Regarding Agreements For Professional Services Relating To Reactivating The Charles E. Meyer Desalination Facility (540.10)

Recommendation: That Council:

- A. Authorize the City Attorney to amend Professional Services Agreement Number 24,835 with Hanson Bridgett, LLP, to increase the not-to-exceed amount from \$100,000 to \$150,000 for legal support services related to contracting for services to design, build, and operate the Desalination Facility, and other contractual requirements as needed;
- B. Authorize the City Attorney to execute a Professional Services Agreement with Orrick, Herrington & Sutcliffe, LLP, in the not-to-exceed amount of \$30,000 to provide bond counsel services to assist the City with financing for reactivation of the Charles E. Meyer Desalination Facility; and
- C. Appropriate \$155,000 from Water Fund reserves for the transfer of funds to the Water Drought Fund for professional services related to the reactivation of the Charles E. Meyer Desalination Facility.

Action: Approved the recommendations; Agreement Nos. 24,835.2 and 25,092 (February 3, 2015, joint report from the City Attorney and Public Works Director).

NOTICES

- 9. The City Clerk has on Thursday, January 29, 2015, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to consider a Staff recommendation for approval of additional funds for the development of low income rental housing at 510-520 N. Salsipuedes Street and 601 E. Haley Street. The Committee approved the recommendation, which will be submitted to the full Council on February 10, 2015. The Committee also received a Staff report on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2014, which will be presented to the full Council as Agenda Item No. 12.

PUBLIC HEARINGS

10. Subject: Designation Of Joseph Knowles Mural, First Church Of Christ, Scientist, And Mont Joie Residence As City Landmarks (640.06)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Joseph Knowles Mural at 38 West Victoria Street (Formerly Known as 34 West Victoria Street Along 1200 Block of Chapala Street) as a City Landmark;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the First Church of Christ, Scientist, at 116-120 East Valerio Street as a City Landmark; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Mont Joie Residence at 931 Las Alturas Road as a City Landmark.

Documents:

- February 3, 2015, report from the Community Development Director.
- Proposed Resolutions.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Public Comment Opened:
2:45 p.m.

Speakers:

- Staff: Associate Planner Nicole Hernandez.
- Members of the Public: Richard Kentro, First Church of Christ, Scientist.

Public Comment Closed:
2:57 p.m.

Motion:

Councilmembers White/Hotchkiss to approve the recommendations;
Resolution Nos. 15-007 – 15-009.

Vote:

Unanimous roll call vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

11. **Subject: Civic Engagement Plan Regarding District Elections (110.03)**

Recommendation: That Council:

- A. Consider and approve, in concept, an outreach plan to ensure civic engagement in the question of implementing by-district Council elections; and
- B. Direct the Administrative Services Director to negotiate and return to Council with an agreement with National Demographics Corporation, Inc., in an amount to be determined, to develop tools to facilitate the public input process.

Documents:

February 3, 2015, report from the Administrative Services Director.

Speakers:

- Staff: Administrative Services Director Kristine Schmidt, City Attorney Ariel Calonne.
- Members of the Public: Tom Widroe, City Watch; Lanny Ebenstein; Lucas Zucker, CAUSE.

Discussion:

City Attorney Calonne advised Council that the Staff report should not have included the issue of even-year elections as a question for input at Community Workshop No. 1.

Motion:

Councilmembers Murillo/Hart to not foreclose the consideration of even-year elections at Community Workshop No. 1, and, depending on public input, direct Staff to report to Council on this issue from the workshop.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Hotchkiss).

Motion:

Councilmembers Rowse/Hart to approve the recommendations.

Vote:

Unanimous voice vote.

Councilmember Francisco left the meeting at 3:35 p.m. and returned at 3:53 p.m.

FINANCE DEPARTMENT

12. Subject: Comprehensive Annual Financial Report For The Fiscal Year Ended June 30, 2014 (250.02)

Recommendation: That Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2014; and
- B. Accept the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2014.

Documents:

- February 3, 2015, report from the Acting Assistant City Administrator/ Finance Director.
- Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2014.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Accounting Manager Julie Nemes, Acting Assistant City Administrator/Finance Director Robert Samario.
- Independent Auditor (Lance, Soll & Lunghard): Richard Kikuchi.

Motion:

Councilmembers Murillo/Rowse to approve recommendation B.

Vote:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

13. Subject: Contract For Design Of Montecito-Yanonali Street Bridge Replacement And Pedestrian Improvements (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan & Associates, Inc., in the amount of \$651,771, for design services of the Montecito-Yanonali Street Bridge Replacement and Pedestrian Improvements Project, and authorize the Public Works Director to approve expenditures of up to \$65,177 for extra services that may result from necessary changes in the scope of work.

Documents:

- February 3, 2015, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

13. (Cont'd)

Speakers:

Staff: Principal Engineer John Ewasiuk.

Motion:

Councilmembers White/Francisco to approve the recommendation;
Contract No. 25,093.

Vote:

Unanimous voice vote.

15. Subject: Stage Two Drought Update (540.05)

Recommendation: That Council receive an update on the status of the current drought and related efforts.

Documents:

- February 3, 2015, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Water Resources Manager Joshua Haggmark, City Attorney Ariel Calonne, Acting Water Conservation Coordinator Madeline Ward, Acting Water Resources Supervisor Kelley Dyer.

Discussion:

Staff's presentation included current rainfall totals and the outlook for continued drought conditions, the community's response to the need for conservation, the status of supplemental water supplies, capital projects, and features of the City's Water Conservation Program. Councilmembers' questions were answered.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss reported on his attendance at a meeting of the Architectural Board of Review regarding an Airport project, and at interviews for community development and human services grants.
- Councilmember Murillo commented on the Youth Council's work to promote the anti-bullying initiative and on her attendance at a breakfast for the A-OK afterschool program.
- Mayor Schneider extended her thanks to the organizers of the Point-In-Time count of countywide data related to the homeless population; she also mentioned the success of the 30th anniversary of the Santa Barbara Film Festival.

RECESS

Mayor Schneider recessed the meeting at 4:50 p.m. in order for the Council to reconvene in closed session for Item Nos. 16 – 18.

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to decide whether to authorize the initiation of litigation (one potential case) pursuant to Government Code sections 54956.96(a) and take appropriate action as needed.

Scheduling: Duration, 15 minutes; anytime

Report: Possible

Documents:

February 3, 2015, report from the City Attorney.

Time:

4:51 p.m. – 5:25 p.m.

No report made.

16. 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 MHA Garden Street Owners' Association, et al., v. Trabucco General Incorporated, et al., SBSC Case No. 1374378.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

February 3, 2015, report from the City Attorney.

Time:

5:25 p.m. – 5:30 p.m.

Report:

No report made.

17. Subject: Conference With City Attorney -- Anticipated Litigation -- Gov. Code § 54956.9(d)(2) & (e)(2)/(3): Significant Exposure To Litigation Arising Out Of The City's Subrogation Claim Against Renee Savalio To Recover Property Damage Costs Paid By The City Of Santa Barbara (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsections (d)(2) & (e)(2/3) of Section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

February 3, 2015, report from the Finance Director.

Time:

5:30 p.m. – 5:32 p.m.

Report:

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:32 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK