



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING May 12, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and Redevelopment Agency to order at 2:02 p.m. (The Finance Committee met at 12:00 p.m. and the Ordinance Committee met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Roger L. Horton.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring May 17 - 23, 2009, As National Public Works Week (120.04)

Action: Proclamation presented to Public Works Director Christine Andersen.

### CHANGES TO THE AGENDA

#### Item Added Ex Agenda

City Administrator James Armstrong recommended that an emergency item related to the Jesusita Fire, Item No. 14, be added to the Agenda and held prior to public comment.

## **CHANGES TO THE AGENDA (CONT'D)**

### Motion:

Councilmembers Falcone/Schneider to add Item No. 14 as ex agenda.

### Vote:

Unanimous voice vote (Absent: Councilmember Horton).

### 14. Subject: Briefing On The Jesusita Fire (520.02)

Recommendation: That Council hear a briefing from staff on the Jesusita Fire.

### Documents:

May 12, 2009, PowerPoint prepared and made by staff.

### Speakers:

- Staff: Interim Fire Chief Andy DiMizio, Battalion Chief Pat McElroy.
- County of Santa Barbara Fire Department: Battalion Chief Mark Schmidt.
- California Forest Service: Division Chief Dana D'Andrea.
- Montecito Fire Protection District: Operations Chief Terry McElwee.
- California Department of Forestry and Fire Protection: Incident Commander Joe Waterman.

By consensus, the Council received a briefing on the Jesusita Fire.

## **PUBLIC COMMENT**

Speakers: Ruth Wilson, Kate Smith, Elizabeth Anderson.

## **ITEM REMOVED FROM CONSENT CALENDAR**

### 6. Subject: Adoption Of Proposed Amendments To The Inclusionary Housing Ordinance (660.01)

Recommendation: That Council:

- A. Adopt the findings attached to this Council Agenda Report in order to approve the Final Mitigated Negative Declaration (and related Mitigation Monitoring and Reporting Program) regarding the proposed amendments to the Inclusionary Housing Ordinance; and
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 28 of the Municipal Code to Revise Chapter 28.43 and Section 28.92.110 With Respect to Expanded Inclusionary Housing Requirements for Smaller Residential Projects Approved for Construction Within the City.

(Cont'd)

6. (Cont'd)

Documents:

- May 12, 2009, report from the Community Development Director.
- May 12, 2009, proposed Ordinance.

The title of the ordinance was read.

Speakers:

Members of the Public: Isaac Garrett.

Motion:

Councilmembers Schneider/Falcone to approve the recommendations; Ordinance No. 5488.

Vote:

Majority roll call vote (Noes: Councilmember Francisco; Absent: Councilmember Horton).

**CONSENT CALENDAR (Item Nos. 2 – 5, 8 and 9)**

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

Motion:

Council/Agency Members Schneider/Falcone to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Horton).

**CITY COUNCIL**

2. Subject: Resolution For Repayment Of Low Interest Loan For Economic Stimulus Wastewater Projects (540.13)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Stating the City's Intent to Reimburse any Funds Received from the State Water Resources Control Board for Two Renewable and Reduced Energy Projects at the El Estero Wastewater Treatment Plant (El Estero).

Action: Approved the recommendation; Resolution No. 09-026 (May 12, 2009, report from the Public Works Director; proposed resolution).

3. Subject: Boating Infrastructure Grant From California Department Of Boating And Waterways - Marina 3 (570.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting a \$50,000 Grant from the California Department of Boating and Waterways for the Development of a Boating Infrastructure Facility at Marina 3 in the Santa Barbara Harbor, and Authorizing the Waterfront Director to Execute the Grant Agreement Accepting the Grant; and
- B. Increase estimated Fiscal Year 2009 revenue in the amount of \$50,000 for the grant and appropriate the funds to the Waterfront Capital Fund.

Action: Approved the recommendations; Resolution No. 09-027 (May 12, 2009, report from the Waterfront Director; proposed resolution).

4. Subject: Service Agreement With Thresholds To Recovery 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 2010, beginning July 1, 2009, and ending June 30, 2010, with annual fees not to exceed \$193,260, in a form approved by the City Attorney.

Action: Approved the recommendation; Agreement No. 23,112 (May 12, 2009, report from the Chief of Police).

5. Subject: Contract For Construction Of The Zone 3 Pavement Preparation Project (530.04)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Granite Construction Company (Granite), in their low bid amount of \$347,414, for construction of the Zone 3 Pavement Preparation Project (Project), Bid No. 3566; authorize the Public Works Director to approve expenditures up to \$34,740 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 authorize the Public Works Director to accept the final contract amount, with approved changes, and file all Notices of Completion (NOC) with the County Clerk-Recorder's Office; and

(Cont'd)

5. (Cont'd)

- B. Authorize the General Services Manager to issue a purchase order with Flowers and Associates, Inc., in the amount of \$45,300 for construction management and support services, and authorize the Public Works Director to approve expenditures up to \$4,500 for extra services that may result from necessary changes to the scope of work.

Action: Approved the recommendations; Contract No. 23,113 (May 12, 2009, report from the Public Works Director)

## REDEVELOPMENT AGENCY

Agenda Item No. 7 appears in the Redevelopment Agency minutes.

- 8. Subject: Contract For Construction Of The West Cabrillo Pedestrian Improvement Project (530.04)

Recommendation:

- A. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$2,300,612 for the West Cabrillo Pedestrian Improvement Project;
- B. That Council award and authorize the Public Works Director to execute a contract with Elevation General Engineering (Elevation), in their low bid amount of \$1,895,142, for construction of the West Cabrillo Pedestrian Improvement Project (Project), Bid No. 3522, and authorize the Public Works Director to approve expenditures up to \$189,500 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 authorize the Public Works Director to accept the final contract amount, with approved changes, and file all Notices of Completion (NOC) with the County Clerk-Recorder's Office;
- C. That Council authorize the General Services Manager to issue a purchase order to Fugro West, Inc. (Fugro), in the amount of \$13,500 for material testing services, and authorize the General Services Manager to approve expenditures of up to \$1,500 for extra services of Fugro that may result from necessary changes in the scope of work;
- D. That Council authorize the General Services Manager to issue a purchase order to Penfield & Smith Engineering, Inc. (P&S), in the amount of \$30,000 for design support services during construction; and
- E. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements to the West Cabrillo Boulevard Sidewalk.

(Cont'd)

8. (Cont'd)

Action: Approved the recommendations; City Council Contract No. 23,114; City Council Resolution No. 09-028 (May 12, 2009, joint report from the Public Works Director and Community Development Director/Deputy Director; proposed resolution).

NOTICES

9. The City Clerk has on Thursday, May 7, 2009, 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 Member Helene Schneider reported that the Committee met to hear presentations covering the General Fund department revenues and proposed fees in connection with the review of the Fiscal Year 2010 recommended budget, and stated that the fee schedule outlining the fees is available to the public for review.

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Das Williams reported that the Committee met to consider a proposed amendment to the Municipal Code Title 28 "Zoning Ordinance" to extend the time limit for regulations pertaining to non-residential construction projects based on Charter Section 1508 "Measure E", and directing staff to proceed with the ordinance amendment, including a hearing before the Planning Commission and to return to the Council for introduction and adoption.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

PUBLIC WORKS DEPARTMENT

10. Subject: Capital Program Budget For Fiscal Year 2010 (230.01)

Recommendation: That Council:

- A. Receive the Six-Year Capital Improvement Plan covering Fiscal Years 2010 through 2015; and
- B. Hear a report from staff on the Six-Year Capital Improvement Plan and Fiscal Year 2010 Recommended Capital Budget for all City funds.

(Continued from May 5, 2009, Item No. 11)

(Cont'd)

10. (Cont'd)

Documents:

- May 5, 2009, report from the Public Works Director.
- May 5, 2009, PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Assistant Public Works Director/City Engineer Pat Kelly.
- Infrastructure Financing Task Force: Member W. Scott Burns.

By consensus, the Council received the report.

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Updated El Pueblo Viejo Landmark District Guidelines (640.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Updated Design Guidelines for El Pueblo Viejo Landmark District.

Documents:

- May 12, 2009, report from the Community Development Director.
- May 12, 2009, proposed Resolution.
- May 12, 2009, PowerPoint presentation prepared and made by staff.

Speakers:

- Senior Planner Jaime Limón, Planning Technician Susan Gantz.
- El Pueblo Viejo Subcommittee: Members Louise Boucher and William LaVoie.

Motion:

Councilmembers Schneider/House to approve the recommendation and the errata sheets attached to the Council Agenda Report; Resolution No. 09-029.

Vote:

Unanimous roll call vote (Absent: Councilmember Horton).

12. Subject: Introduction Of Ordinance Pertaining To Proposed Rezone And General Plan/Local Coastal Plan Map Amendments To 210 And 216 Meigs Road And 290 Lighthouse Road (640.09)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property in the East Mesa Neighborhood; and
- B. At the time of Ordinance adoption, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map and Coastal Plan Map for Certain Parcels Located in the East Mesa Neighborhood.

Documents:

- May 12, 2009, report from the Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- May 12, 2009, PowerPoint presentation prepared and made by staff.
- December 12, 2008, Final Mitigated Negative Declaration.
- May 12, 2009, email communication from Facilities Committee Member Natasha Campbell, Washington School PTO.

Public Comment Opened:

4:01 p.m.

Speakers:

- Staff: Project Planner Allison De Busk, Community Development Director Paul Casey.
- Applicant: Architect Pete Ehlen.

Public Comment Closed:

4:08 p.m.

Motion:

Councilmembers Falcone/Williams to approve Recommendation A.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

## **RECESS**

Mayor Blum recessed the meeting at 4:11 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 13, and stated that no reportable action is anticipated.



**CLOSED SESSIONS**

13. 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. The pending litigation is James Ryden, et al., v. City of Santa Barbara, et al., USDC Case Number: CV 09-1578 SVW (SSx)

Scheduling: Duration, 15 minutes; anytime  
Report: None anticipated

Documents:

May 12, 2009, report from the City Attorney.

Time:

4:12 p.m. - 4:59 p.m. Councilmember Horton was absent.

No report made.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 4:59 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
MARTY BLUM  
MAYOR

ATTEST: \_\_\_\_\_  
CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER