



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 2, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:00 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 Blum.

ROLL CALL

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

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, Acting City Attorney N. Scott Vincent, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring June 9, 2009, As The 40th Anniversary of Special Olympics Santa Barbara (120.04)

Action: Proclamation presented to Sara Spataro, Special Olympics Regional Director.

2. 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 June 30, 2009.

(Cont'd)

2. (Cont'd)

Documents:

June 2, 2009, report from the Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Award Recipient Gary Kerwood.

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

5-Year Pin

Donald Jahadhmy, Finance
Drusilla Van Hengel, Public Works
Russell Douglas, Public Works
Beverly Schwartzberg, Library
Troy Kuhlman, Waterfront

10-Year Pin

James Austin, Fire
Nikki Studt, Fire
Luisa Bird-Robinson, Library

15-Year Pin

Nicholas Cabugos, Public Works
Gary Horwald, Public Works

30-Year Pin

Gary Kerwood, Police
Edith Wells, Public Works

PUBLIC COMMENT

Speakers: Kenneth Loch, Gert Walter, Kate Smith.

ITEMS REMOVED FROM CONSENT CALENDAR

14. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2009-2010 For The Wildland Fire Suppression Assessment (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 Renew the Wildland Fire Suppression Assessment 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; Preliminarily Approving the Updated Engineer's Report;

(Cont'd)

14. (Cont'd)

Stating Intention to Levy Assessments for Fiscal Year 2009-2010; and Establishing a Time of 2:00 P.M. on Tuesday, June 16, 2009, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.
(Continued from May 19, 2009, Item No. 13)

Councilmembers Horton and House stated they would abstain from voting on this item due to conflicts of interest relating to their ownership of or residence at property located within the subject assessment district.

Documents:

- May 19, 2009, report from the Interim Fire Chief.
- Proposed Resolution.

The title of the resolution was read.

Motion:

Councilmembers Schneider/Francisco to approve the recommendation; Resolution No. 09-036.

Vote:

Unanimous roll call vote (Abstentions: Councilmembers Horton, House).

13. Subject: Human Services Contract Assignment For The Youth CineMedia Program (610.05)

Recommendation: That Council authorize the assignment of Zona Seca Human Services Contract No. 22,773 in the remaining amount of \$2,667 for the period of January 1 - June 30, 2009, to the Parks and Recreation Community Foundation (PARC) for operation of the Youth CineMedia Program.
(Continued from May 19, 2009, Item No. 8)

Councilmembers Falcone and Horton stated they would abstain from voting on this item due to conflicts of interest pertaining to their membership on the Board of Directors of the Parks and Recreation Community Foundation.

Documents:

May 19, 2009, report from the Community Development Director.

Motion:

Councilmembers Williams/Schneider to approve the recommendation.

Vote:

Unanimous voice vote (Abstentions: Councilmembers Falcone, Horton).

CONSENT CALENDAR (Item Nos. 3 – 12, 18, and 19)

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

Motion:

Councilmembers Williams/Schneider to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of May 5, 2009, the special meeting of May 6, 2009, the adjourned regular meeting of May 11, 2009 (cancelled), and the regular meeting of May 12, 2009.

Action: Approved the recommendation.

4. Subject: Fiscal Year 2009 Interim Financial Statements For The Ten Months Ended April 30, 2009 (250.02)

Recommendation: That Council accept the Fiscal Year 2009 Interim Financial Statements for the Ten Months Ended April 30, 2009.

Action: Approved the recommendation (June 2, 2009, report from the Finance Director).

5. Subject: Introduction Of An Ordinance Allowing The Temporary Occupancy Of Trailers While Rebuilding Homes Severely Damaged Or Destroyed In The Jesusita Fire (640.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5473 that Temporarily Amended Section 28.87.180 of Title 28 of the Santa Barbara Municipal Code in Order to Allow the Use of Trailer Coaches, Recreational Vehicles, and Mobile Homes as Temporary Dwellings for Those Homes Damaged in the November 2008 Tea Fire.

Action: Approved the recommendation (June 2, 2009, report from the Community Development Director; proposed ordinance).

6. Subject: Amendment To Drinking Water State Revolving Fund Loan Application To Include The Ortega Groundwater Treatment Plant (540.10)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the City Administrator as the Individual Authorized to Apply for the Drinking Water State Revolving Fund (DWSRF) Loan on Behalf of the City, Authorizing the City Administrator to Execute the DWSRF Loan Application, and Identifying the Water Fund as the Dedicated Source of Funding for Repayment of the DWSRF Loan.

Action: Approved the recommendation; Resolution No. 09-034 (June 2, 2009, report from the Public Works Director; proposed resolution).

7. Subject: Authorization For The Allocation Of Transportation Development Act Funds (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments for Allocation of Transportation Development Act (TDA) Funds for Fiscal Year 2010.

Action: Approved the recommendation; Resolution No. 09-035 (June 2, 2009, report from the Public Works Director; proposed resolution).

8. Subject: Contract For Construction Of Zone 3 Slurry Seal And Construction Services (530.04)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Valley Slurry Seal in their low bid amount of \$2,204,366.64, for construction of the Zone 3 Slurry Seal Project (Project), Bid No. 3567, authorize the Public Works Director to approve expenditures up to \$220,000 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 with the County Clerk-Recorder's Office;
- B. Authorize the General Services Manager to issue a Purchase Order with Flowers and Associates (Flowers) in the amount of \$249,460, for construction support services, and approve expenditures of up to \$24,946 for extra services of Flowers that may result from necessary changes in the scope of work; and

(Cont'd)

8. (Cont'd)

- C. Accept Proposition 1B Local Street and Road, Congestion Relief, and Traffic Safety Account grant funding in the amount of \$1,329,883.49, and appropriate this amount to the Fiscal Year 2009 Streets Capital Fund Revenues and Operating Budgets.

Action: Approved the recommendations; Contract No. 23,116 (June 2, 2009, report from the Public Works Director).

9. Subject: Contract For Construction Of Santa Barbara Golf Club Safety Plan Implementation And Upper Las Positas Creek Restoration And Storm Water Management Project (570.02)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Shaw Contracting, Inc. (Shaw), waiving a minor bid irregularity, for \$1,771,524.50, for construction of the Santa Barbara Golf Club Safety Plan Implementation and Upper Las Positas Creek Restoration and Storm Water Management Project (Combined Project), Bid No. 3463B, which includes their low bid of \$1,632,080.25, and expenditures to construct Bid Alternate 1 in the amount of \$47,444.25, and Bid Item 68 in the amount of \$92,000; and authorize the Public Works Director to approve additional expenditures up to \$218,627 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 filing all Notices of Completion (NOC) with the County Clerk-Recorder's Office;
- B. Authorize the Public Works Director to execute a contract with Wallace Group (Wallace), in the amount of \$41,500, for design support services during construction, and to approve expenditures of up to \$4,150 for extra services of Wallace that may result from necessary changes in the scope of work;
- C. Authorize the Public Works Director to execute a contract with Fugro West, Inc. (Fugro), in the amount of \$28,280 for material testing and inspection services, and approve expenditures of up to \$2,820 for extra services of Fugro that may result from necessary changes in the scope of work; and
- D. Approve the allocation of \$1,421,027.08 from the Creeks Reserve Fund to the Creek Restoration/Water Quality Improvement Capital Fund to cover the cost of construction for the Upper Las Positas Creek Restoration and Storm Water Management portion of the Combined Project.

Action: Approved the recommendations; Contract Nos. 23,117 - 23,119 (June 2, 2009, report from the Parks and Recreation Director and Public Works Director).

10. Subject: Youth Watershed Education Program Contract With Art From Scrap (540.14)

Recommendation: That Council authorize the Parks and Recreation Director to execute a 12-month professional services contract with Art From Scrap (AFS) in the amount of \$56,309 in Measure B funds for the provision of Creeks Program youth and community watershed education programs in Fiscal Year 2010.

Action: Approved the recommendation; Contract No. 23,120 (June 2, 2009, report from the Parks and Recreation Director).

11. Subject: Mission Street Bikeway Project, Caltrans Construction Agreement Amendment No. 2 (530.04)

Recommendation: That Council approve Amendment No. 2 to Contribution Agreement No. 21,812 with Caltrans for the Mission Street Bikeway Project (Project), and authorize the Public Works Director to extend the Agreement term to January 31, 2011.

Action: Approved the recommendation; Agreement No. 21,812.2 (June 2, 2009, report from the Public Works Director).

12. Subject: Increase In Professional Services For Subdivision Map Review And Approval (640.08)

Recommendation: That Council increase Purchase Order No. 379227 with MNS Engineers, Inc. (MNS), by \$15,047.94 for a total amount of \$37,547.94, for professional services to assist in development review of projects in the public right-of-way.

Action: Approved the recommendation (June 2, 2009, report from the Public Works Director).

Agenda Item Nos. 15 – 17 appear in the Redevelopment Agency minutes.

NOTICES

18. The City Clerk has on Thursday, May 28, 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.
19. Received letters of resignation from Community Development & Human Services Committee Member James Kyriaco, Jr., and Fire and Police Commissioner John Lauritsen; the vacancies will be included in a special City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met to review Redevelopment Agency Interim Financial Statements for the nine months ended March 31, 2009, and for the ten months ended April 30, 2009, and City Interim Financial Statements for the ten months ended April 30, 2009; these statements were approved by the Council/Redevelopment Agency as part of this agenda's Consent Calendar (Item Nos. 16, 17, and 4, respectively). The Committee also received Staff-recommended adjustments to the Fiscal Year 2010 Recommended Budget.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

20. Subject: Agreement With County Of Santa Barbara For Sharing Costs For Legal Services In Connection With The Conversion Technology Project (630.01)

Recommendation: That Council approve and authorize the Finance Director to execute an agreement between the City of Santa Barbara and the County of Santa Barbara, in an amount not to exceed \$32,250, to share costs for legal services in connection with the preparation of a request for proposals from qualified vendors for the potential siting of a facility at the Tajiguas Landfill that would convert the municipal solid waste currently being disposed at Tajiguas Landfill into energy or some other beneficial byproduct.

Documents:

June 2, 2009, report from the Finance Director.

Speakers:

Staff: Assistant Finance Director Robert Samario.

Motion:

Councilmembers Falcone/Horton to approve the recommendation;
Agreement No. 23,122.

Vote:

Unanimous voice vote.

RECESS

2:34 p.m. - 4:00 p.m.

MAYOR AND COUNCIL REPORTS

21. 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 9, 2009, at 6:00 p.m.
(Estimated Time: 4:00 p.m.)

Documents:

June 2, 2009, report from the Administrative Services Director.

Speakers:

- Staff: City Clerk Services Manager Cynthia Rodriguez.
- The following applicants were interviewed:
 - Creeks Advisory Committee:
Natasha Lohmus
 - Harbor Commission:
Charles E. Watson
Bill T. Spicer
 - Housing Authority Commission:
Barbara B. Allen
William C. Tumelty
 - Rental Housing Mediation Task Force:
Joshua Allen
Trudy A. Paul
Lynn E. Goebel
 - Single Family Design Board:
Lesley Wiscomb
Berni Bernstein
 - Water Commission:
William Thomas

By consensus, the interviews were continued to June 9, 2009, at 6:00 p.m.

RECESS

4:53 p.m. - 6:00 p.m.

Mayor Blum presiding.

Councilmembers present: Falcone, Francisco, Horton, House, Schneider, Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: Assistant City Administrator Joan M. Kent, Acting City Attorney Vincent, Deputy City Clerk Tschech.

PUBLIC COMMENT

Speakers: Claudia Bratton, Summer Solstice; Andrew Bermant.

PUBLIC HEARINGS

22. Subject: Appeal Of The Architectural Board Of Review Preliminary Approval Of 1298 Coast Village Road (640.07)

Recommendation: That Council deny the appeals of Save Coast Village Road and Anthony Fischer, Attorney, representing Protect Our Village, and uphold the Architectural Board of Review's Preliminary Approval of the mixed-use development at 1298 Coast Village Road.

Documents:

- June 2, 2009, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- June 2, 2009, e-mail communication from Transportation Staff.
- Packet of various documents, submitted by Appellant (John and Sandy Wallace, Protect Our Village).
- Architectural drawings of project with comments added, and excerpt from Tree Report prepared by Bill Spiewak, submitted by Appellant (John Wallace).
- Completed questionnaire forms regarding the project, submitted by Appellant (Sandy Wallace).
- May 13, 2009, letter from the Montecito Association.
- June 2, 2009, e-mail communications from Patricia Hiles; Joe Armendariz, Santa Barbara County Taxpayers Association; Paul Cashman.
- June 2, 2009, letter from Michelle Velarde.
- Written comments from Sara Kinsell.

Public Comment Opened:

6:08 p.m.

Speakers:

- Staff: Associate Planner Peter Lawson, Community Development Director Paul Casey.
- Architectural Board of Review: Chair Christopher Manson-Hing.
- Appellant: Jeff Farrell, Phoebe Alexiades, and Tom Bollay, representing Save Coast Village Road; Attorney Anthony Fischer, Steve Orosz, Sandy Wallace, and John Wallace, representing Protect Our Village.
- Applicant: Architect Jeff Gorrell, Scott Schell, Greg Van Sande, Bill Spiewak, Attorney Douglas Fell.

(Cont'd)

22. (Cont'd)

Recess: 7:28 p.m. - 7:35 p.m.

Speakers (Cont'd):

- Members of the Public: Dr. Bud Stuart; Cathie McCammon, Allied Neighborhoods Association; Jim Hamilton; Rob Vance; Ron Johnson; Mike Renga; Jeff Overeem; Joann Douglas; Don Hunt; Ray Madison; Sky McGuinnes; Linda Ullner, speaking for herself and on behalf of Leone Mourphy; Tod Berlinger; Pat Carroll; Masoud Amami; Mike Woods; Jaime Melgoza; Kyle McClung; Pat Odell; Brian Placencia; Pete Jordano; Jim Wickman; Joe Murillo; Darron Willson; Sean Cheketts; Mike Vierra; Bill Parris; Jon Bull; Bruce Robles; John Ziliotto; Frank Vilra; Mary Lu Warder; Mike Chenawith; Mike Underwood; Paul Cashman; Dave Pintard; Frank Hotchkiss; Kellam de Forest; Jim Westby; Danny Copus; Louis Rezzonigo, Jr.; Peter Van Duinwyk, Montecito Association; Naomi Kovacs, Citizens Planning Association; Robert Burnap; Marco Farrell; Kathleen Lauraiu; David Randon; Ed Edick; Tom Bastian.
- Staff: Acting City Attorney N. Scott Vincent.

Public Comment Closed:
8:34 p.m.

Motion:

Councilmembers House/Williams to deny the appeals, thereby upholding the Architectural Board of Review's Preliminary Approval of the development, and add a Condition of Approval to the project requiring a minimum reduction of 1.5 feet in the height of the north side of the building (Units 1 and 8).

Vote:

Majority voice vote (Noes: Councilmember Francisco).

ADJOURNMENT

Mayor Blum adjourned the meeting at 9:22 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK