



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING July 14, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency 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 (2:01 p.m.), Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

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 July 31, 2009.

Speakers:

Staff: City Administrator James Armstrong and service award recipients Carol Carpenter, Housing Loan Officer, and Connie Styrowoll, Human Resources Analyst.

(Cont'd)

1. (Cont'd)

By consensus, the Council recognized the following employees:

5-Year Pin

Philip Nevarez, Maintenance Worker II, Public Works
Craig Hove, Electrician, Public Works
Robert Garcia, Custodian, Public Works
David De Ponce, Custodial Crew Leader, Airport
Esteban Zambrano, Senior Wastewater Collection Systems Operator, Public Works

10-Year Pin

Christopher Bell, City TV Production Specialist, City Administrator's Office
Victoria Johnson, Project Engineer I, Public Works

15-Year Pin

John Stoney, Police Sergeant, Police
Alexander Cruz, Police Officer, Police
Marylinda Arroyo, Police Sergeant, Police

20-Year Pin

Larry Doria, Streets Maintenance Crew Leader, Public Works
Chito Macario, Treatment Plant Technician, Public Works
Sandy Dietz, Airport Maintenance Coordinator, Airport

25-Year Pin

Connie Styrwoll, Human Resources Analyst, Administrative Services
Carol Carpenter, Housing Loan Officer, Community Development

PUBLIC COMMENT

Speakers: David Daniel Diaz; Gert Walter; Monica Jones, Friends of Los Banos; Kate Smith.

ITEM REMOVED FROM CONSENT CALENDAR

15. Subject: Contract For Construction For The West Downtown Pedestrian Improvement Project (530.04)

Recommendation:

A. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$2,852,845 for the West Downtown Pedestrian Improvement Project (Project);

(Cont'd)

15. (Cont'd)

- B. That Council reject the bid protest and award and authorize the Public Works Director to execute a contract with C.S. Legacy Construction, Inc. (Legacy), waiving minor irregularities, in their low bid amount of \$2,299,220, for construction of the Project, Bid No. 3481, and authorize the Public Works Director to approve expenditures up to \$230,000 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 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 Public Works Director to execute a contract with Penfield & Smith in the amount of \$50,325 for design support services during construction;
- D. That Council authorize the General Services Manager to issue a Purchase Order to Fugro in the amount of \$12,000 for material testing services and to approve expenditures of up to \$2,000 for extra services of Fugro that may result from necessary changes in the scope of work; 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 Downtown Pedestrian Improvement Project.

Documents:

- July 14, 2009, joint report from the Public Works Director and the Community Development Director/Deputy Director.
- Proposed Resolution.
- July 14, 2009, letter from COAST (Coalition for Sustainable Transportation).
- July 14, 2009, written comments submitted by Michael Self.

The title of the resolution was read.

Speakers:

- Members of the Public: Frank Hotchkiss and Michael Self, Santa Barbara Safe Streets; Jim Westby; Kellam deForest; Bonnie Donovan; Alex Pujo, Santa Barbara Walks.
- Transportation & Circulation Committee: Chair David Pritchett.
- Staff: Housing & Redevelopment Manager Brian Bosse.

(Cont'd)

15. (Cont'd)

Motion:

Council/Agency Members House/Horton to approve the recommendations; City Council Resolution No. 09-061; City Council Contract Nos. 23,136 and 23,147.

Vote:

Majority voice vote (Noes: Council/Agency Member Francisco).

CONSENT CALENDAR (Item Nos. 2 - 13 and 16 - 19).

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

Motion:

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

Vote:

Unanimous roll call vote.

CITY COUNCIL

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 16, 2009.

Action: Approved the recommendation.

3. Subject: Adoption Of Amendment Of Zoning Ordinance For Non-Residential Construction Projects Regulations (Measure E) (640.09)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 28.87.300 of Chapter 28.87 of Title 28 of the Municipal Code Regarding Limitations on Non-Residential Development Within the City.

Action: Approved the recommendation; Ordinance No. 5493.

4. Subject: Adoption Of Amendments To The Purchasing Code, Chapter 4.52 Of The Municipal Code (340.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.52 of Title 4 of the Santa Barbara Municipal Code Providing Procedures for the Purchase of Equipment, Supplies and Services.

Action: Approved the recommendation; Ordinance No. 5494.

5. Subject: Introduction Of Ordinance Establishing A Building Safety Assessment Placard System (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 Title 22 of the Santa Barbara Municipal Code to Add Chapter 22.09 Establishing a Building Safety Assessment Placard System.

Action: Approved the recommendation (July 14, 2009, report from the Community Development Director; proposed ordinance).

6. Subject: Used Oil Recycling Block Grant Application - Fifteenth Cycle (630.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Finance Director to Submit an Application to the State of California Integrated Waste Management Board for Fiscal Year 2010 Used Oil Recycling Block Grant - Fifteenth Cycle, in the amount of \$22,812;
- B. If the grant is funded, accept the Used Oil Recycling Block Grant - Fifteenth Cycle, in the amount of \$22,812, for Fiscal Year 2010; and
- C. Increase Fiscal Year 2010 Miscellaneous Grants Fund estimated revenue and appropriations by \$22,812, for the Used Oil Recycling Block Grant.

Action: Approved the recommendations; Resolution No. 09-060 (July 14, 2009, report from the Finance Director; proposed resolution).

7. Subject: Agreement For Funding Of Swimming Programming (570.07)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute an agreement for funding of swimming programming with the Friends of Los Baños del Mar Pool; and
- B. Appropriate \$9,100 in revenue and expenditures to the Parks and Recreation Miscellaneous Grants Fund.

Action: Approved the recommendations; Agreement No. 23,145 (July 14, 2009, report from the Parks and Recreation Director).

8. Subject: Execution Of Amendment To License Agreement With Santa Barbara Certified Farmer's Market (180.02)

Recommendation: That Council approve and authorize the City Administrator to execute Amendment No. 1 to the existing License Agreement No. 21,535 with Santa Barbara Certified Farmer's Market, Inc., for the operation of the Old Town Farmer's Market located in the 500-600 Blocks of State Street, the Downtown Farmer's Market located in the Cota Commuter Parking Lot at 119 East Cota Street, and the Coast Village Farmer's Market located in the 1100-1200 Blocks of Coast Village Road.

Action: Approved the recommendation; Agreement No. 21,535.1 (July 14, 2009, report from the Public Works Director).

9. Subject: Contract For Design Services For The Escondido And Bothin Water Pump Stations Rehabilitation (540.06)

Recommendation: That Council authorize the Public Works Director to execute a contract with AECOM, USA, Incorporated (AECOM), in the amount of \$109,065 for design services for the Escondido and Bothin Water Pump Stations Rehabilitation, and authorize the Public Works Director to approve expenditures of up to \$10,900 for extra services of AECOM that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,146 (July 14, 2009, report from the Public Works Director).

10. Subject: Purchase Order For Powdered Activated Carbon For The William B. Cater Water Treatment Plant (540.10)

Recommendation: That Council waive the formal bidding process, as authorized by Municipal Code Section 4.52.080(k), and authorize the City General Services Manager to issue a Blanket Purchase Order to Mead West Vaco Corporation in the amount of \$57,420 for the purchase of up to 66,000 pounds (two loads) of Mead West Vaco's Aqua Nuchar Powdered Activated Carbon (PAC) for use at the William B. Cater Water Treatment Plant (Cater).

Action: Approved the recommendation (July 14, 2009, report from the Public Works Director).

11. Subject: Revised 2008-2009 Substantial Action Plan Amendment For Use Of 2009 Community Development Block Grant Recovery Act Funds (610.05)

Recommendation: That Council approve the proposed revised substantial amendment to the City's 2008-2009 Consolidated Action Plan to include utilizing \$289,274 in American Recovery and Reinvestment Act of 2009 funds.

Action: Approved the recommendation (July 14, 2009, report from the Community Development Director; 2008-2009 Substantial Action Plan Amendment).

12. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Denial For 415 Alan Road (640.07)

Recommendation: That Council:

- A. Set the date of November 10, 2009, at 2:00 p.m. for hearing the appeal filed by Steven Amerikaner of Brownstein Hyatt Farber Schreck, LLP, Agent representing Mr. and Mrs. Andrew Seybold, of the Planning Commission denial of an application for their property located at 415 Alan Road, Assessor's Parcel No. 041-091-024, A-1/SD-3 One-Family Residence Zone and Coastal Overlay Zone, General Plan Designation: Residential, One Unit Per Acre. The proposed project involves the request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel; and
- B. Set the date of November 9, 2009, at 1:30 p.m. for a site visit to the property located at 415 Alan Road.

Action: Approved the recommendations (June 18, 2009, letter of appeal).

REDEVELOPMENT AGENCY

13. Subject: Agency Board Approval Of Grant Of Easement At Railroad Depot And Council Introduction Of Ordinance Approving Grant Of Easement On City Property Near The Moreton Bay Fig Tree For The Lower Mission Creek Project (530.03)

Recommendation:

- A. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Grant of Easement to Santa Barbara County Flood Control and Water Conservation District for the Lower Mission Creek Project; and

(Cont'd)

13. (Cont'd)

- B. That the Agency Board approve the Grant of Easement to Santa Barbara County Flood Control and Water Conservation District for the Lower Mission Creek Project and authorize the Executive Director to execute the easement.

Action: Approved the recommendations (July 14, 2009, joint report from the Public Works Director and the Community Development Director/Deputy Director; proposed City Council ordinance).

Item No. 14 appears in the Redevelopment Agency minutes.

16. Subject: Purchase Order For Additional Soil And Groundwater Sampling At 631 Garden Street (540.10)

Recommendation:

- A. That the Agency Board authorize the expenditure of \$34,400 for additional soil and groundwater sampling efforts at 631 Garden Street; and
B. That Council authorize the General Services Manager to execute a Purchase Order Contract with Trak Environmental (TRAK), in an amount not to exceed \$28,670, and up to \$5,730 for extra services for additional soil and groundwater sampling at 631 Garden Street.

Action: Approved the recommendations; City Council Contract No. 23,148 (July 14, 2009, joint report from the Public Works Director and the Community Development Director/Deputy Director).

NOTICES

17. The City Clerk has on Thursday, July 9, 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.
18. The site visit and appeal hearing scheduled for July 13, and July 14, 2009, respectively, for the property located at 1642 and 1654 Calle Canon and 2418 Calle Montilla have been continued indefinitely at the request of the appellant.
19. Received letter of resignation from Measure P Committee Member Brendan Hamme; the vacancy will be included in the next City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to consider revisions to the City's Statement of Investment Policy and loans for affordable housing at 416-424 East Cota Street and 421 Cota Street. The Committee recommended that these items be forwarded to the Council at a future date.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

20. Subject: Cabrillo Boulevard Bridge Replacement Project (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of Necessity by the Council of the City of Santa Barbara for Permanent and Temporary Easements Located on Real Property Commonly Known as 22 W. Cabrillo Boulevard, 6 and 10 State Street, and 13 E. Cabrillo Boulevard, Assessor's Parcel Numbers 033-102-017; 033-111-011, -012, and -006.

Documents:

- July 14, 2009, report from the Public Works Director.
- Notice of Hearing prepared by Staff.
- July 14, 2009, PowerPoint presentation prepared and made by Staff.
- Proposed Resolution.
- July 8, 2009, letter from William Rogers.
- July 9, 2009, letter from Steven Amerikaner.

The title of the resolution was read.

Speakers:

- Staff: Public Works Director Christine Andersen, City Attorney Stephen Wiley, Project Manager Harold Hill.
- Members of the Public: Steven Amerikaner on behalf of Virginia Castagnola-Hunter; William Rogers on behalf of Rusty's Pizza.

Motion:

Councilmember Falcone/Mayor Blum to approve the recommendation; Resolution No. 09-062.

Vote:

Unanimous roll call vote.

RECESS

Mayor Blum recessed the meeting at 3:28 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 21. No reportable action is anticipated.

CLOSED SESSIONS

21. Subject: Conference With Real Property Negotiators - Encroachment Permit And Possible Temporary Lease (330.03)

Recommendation: That Council hold a closed session to consider instructions to City Staff regarding real property negotiations for the real property located at 1200 Punta Gorda Street, Santa Barbara, California, pursuant to the authority of Government Code Â§54956.8. Instructions to negotiator concern the terms of an encroachment permit allowing an encroachment over a City interest in the real property and the terms of a short-term lease for the property. Property: Cypress Tree Apartments, 1200 Punta Gorda Street (APN 017-334-01). City Negotiator: Public Works Real Property Staff and the City Attorney's office. Negotiating Party: Board of Directors of Cypress Tree Apartments (Ms. Veronica Smith, President, and Matt Estes, Charles Huller and Ema Sequoia, Directors). Under Negotiation: Term of an encroachment permit and a possible short-term lease or leases.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

July 14, 2009, report from the City Attorney.

Time:

3:31 p.m. - 4:02 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:02 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK