



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 25, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum 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 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, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

CEREMONIAL ITEMS

22. Subject: Proclamation Declaring September 2009 As Spinal Muscular Atrophy Awareness Month

Action: Proclamation presented to Bill, Victoria and Gwendolyn Strong.

PUBLIC COMMENT

Speakers: David Daniel Diaz; Gert Walter; Lee Moldaver; Britta Bartels; Sharon Byrne, West Downtown Neighborhood Group.

CONSENT CALENDAR (Item Nos. 1 - 14)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of August 3, 2009, and the regular meetings of August 4, and August 11, 2009.

Action: Approved the recommendation.

2. Subject: July 2009 Investment Report (260.02)

Recommendation: That Council accept the July 2009 Investment Report.

Action: Approved the recommendation (August 25, 2009, report from the Finance Director).

3. Subject: Adoption Of Ordinance Regulating Aggressive Panhandling (520.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Nine of the Santa Barbara Municipal Code to Enact a Revised Ordinance Prohibiting Abusive Panhandling by Amending and Revising Santa Barbara Municipal Code Chapter 9.50.

Action: Approved the recommendation; Ordinance No. 5499.

4. Subject: Resolution Authorizing A Financial Assistance Agreement For A Grant Amount Of \$1,789,388 From The State Water Resources Control Board For Catch Basin Inlet Storm Drain Screens Project (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director or Designee to Apply, Negotiate and Execute a Financial Assistance Agreement, and Any Amendments Thereto, with the State Water Resources Control Board (SWRCB).

(Cont'd)

4. (Cont'd)

Action: Approved the recommendation; Resolution No. 09-071; Agreement No. 23,177 (August 25, 2009, report from the Parks and Recreation Director; proposed resolution).

5. Subject: Resolution Authorizing The Execution Of A Financial Assistance Agreement For A Grant Amount of \$1,652,197 From The State Water Resources Control Board For Upper Las Positas Creek Restoration And Storm Water Management Project (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director or Designee to Apply, Negotiate and Execute a Financial Assistance Agreement, and Any Amendments Thereto, with the State Water Resources Control Board (SWRCB).

Action: Approved the recommendation; Resolution No. 09-072; Agreement No. 23,178 (August 25, 2009, report from the Parks and Recreation Director; proposed resolution).

6. Subject: Contract For Design Of The Airline Terminal Improvement Project - Specialty Items (560.04)

Recommendation: That Council authorize the Public Works Director to execute a contract with Howard, Needles, Tammen & Bergendoff, California Architects, P. C. (HNTB), in the amount of \$216,904 for professional services for the Airline Terminal Improvement Project (Project), and authorize the Public Works Director to approve expenditures of up to \$22,000 for extra services of HNTB that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,179 (August 25, 2009, report from the Public Works Director).

7. Subject: Professional Services Contract With HDR Engineering, Inc., For The Mission Creek Fish Passage Project At The Caltrans Channels Final Design Plans And Construction Specifications (530.03)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a professional services agreement with HDR Engineering, Inc., in the amount of \$511,600 to prepare final design plans and construction specifications for the Mission Creek Fish Passage Project at the Caltrans Channels; and

(Cont'd)

7. (Cont'd)

- B. Authorize the Parks and Recreation Director to increase these services by 10 percent, or \$51,160, to cover any cost increases that may result from final design review and construction requirements.

Action: Approved the recommendations; Agreement No. 23,180 (August 25, 2009, report from the Parks and Recreation Director).

8. Subject: Representative Services Agreement With Carpi & Clay, Inc., For The Waterfront Department (570.03)

Recommendation: That Council authorize the City Administrator to execute a Representative Services Agreement between the City of Santa Barbara and Carpi & Clay Inc., doing business as Carpi, Clay & Smith, for liaison and contact services with the United States Government regarding federal assistance to the City's waterfront, at a rate not to exceed \$1,500 per month, and in a total amount not to exceed \$36,000, for Fiscal Years 2010 and 2011

Action: Approved the recommendation; Agreement No. 23,181 (August 25, 2009, report from the Waterfront Director).

9. Subject: Renewal Of Agreement With Major League Softball (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute an agreement with Major League Softball, Inc. (MLS), to perform adult softball league services.

Action: Approved the recommendation; Agreement No. 23,182 (August 25, 2009, report from the Parks and Recreation Director).

10. Subject: License Agreement With Commercial Fishermen Of Santa Barbara, Inc. (330.08)

Recommendation: That Council authorize the City's execution of a five-year license agreement between the City and Commercial Fishermen of Santa Barbara, Inc., for the berthing of commercial fishing boats on the north side of Cabrillo Landing in the Santa Barbara Harbor.

Action: Approved the recommendation; Agreement No. 23,183 (August 25, 2009, report from the Waterfront Director).

11. Subject: Increase In Change Order Authority For The Santa Barbara Airport Temporary Facilities And Site Preparation Contract (560.04)

Recommendation: That Council approve additional change order expenditure authority for the Santa Barbara Airport Temporary Facilities and Site Preparation Contract No. 23,004, in the amount of \$202,069, for a total change order expenditure authority of \$552,069.

Action: Approved the recommendation (August 25, 2009, report from the Waterfront Director).

12. Subject: Renewal Of Passenger Facility Charge Application (560.01)

Recommendation: That Council authorize staff to submit an "impose and use" Passenger Facility Charge (PFC) application, continuing the \$4.50 PFC fee, in the amount of \$19,945,000 to finance a portion of the debt service for the Airline Terminal Improvement Project.

Action: Approved the recommendation (August 25, 2009, report from the Airport Director).

NOTICES

13. The City Clerk has on Thursday, August 20, 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.
14. Cancellation of the regular City Council and Redevelopment Agency meetings of September 1, and September 8, 2009.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to discuss the July 2009 Investment Report; this item was approved by Council as part of this agenda's Consent Calendar (Item No. 2). The Committee also heard a report on the Fiscal Year 2009 Preliminary Year-End Results; this report will be presented to the Council as Agenda Item No. 17. He also mentioned that this was Finance Director Robert Peirson's last meeting and that the Committee expressed their gratitude for the support that Mr. Peirson provided to the Committee.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

15. Subject: New Sister City Of Kotor, Montenegro (130.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Providing for the Establishment of a Sister City Relationship with the City of Kotor, Montenegro.

Documents:

- August 25, 2009, report from the Assistant City Administrator.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

- Staff: City Administrator's Office Supervisor Linda Gunther.
- Sister Cities Board: Chair Takako Wakita.
- Santa Barbara Kotor Sister City Committee: George Lilly.

Motion:

Councilmembers Horton/Falcone to approve the recommendation; Resolution No. 09-073.

Vote:

Unanimous roll call vote.

FIRE DEPARTMENT

16. Subject: *StormReady* Community Designation (120.08)

Recommendation: That Council accept an award by the National Weather Service designating the City of Santa Barbara as "*StormReady*".

Documents:

August 25, 2009, report from the Interim Fire Chief.

Speakers:

- Staff: Emergency Services Manager Yolanda McGlinchey.
- National Weather Service: Eric Boldt, Working Coordination Meteorologist, and Mark Jackson, Meteorologist-In-Charge.

Action:

Mark Jackson presented a Certificate of Achievement to Yolanda McGlinchey, Emergency Services Manager.

FINANCE DEPARTMENT

17. Subject: Fiscal Year 2009 Preliminary Year-End Results (250.02)

Recommendation: That Council:

- A. Accept the Fiscal Year 2009 Interim Financial Statements for the Year Ended June 30, 2009; and
- B. Hear a report from staff on the General Fund's preliminary year-end results of operations and options for addressing the shortfall of revenues in relation to expenditures.

Documents:

August 25, 2009, report from the Finance Director.

Speakers:

Staff: Assistant Finance Director Robert Samario, City Administrator James Armstrong.

Motion:

Councilmembers Schneider/Falcone to approve the recommendations.

Vote:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

Mayor Blum stated that she would step down from consideration of the following agenda item due to a conflict of interest related to her ownership of property within the vicinity of the subject area, and she left the meeting at 3:15 p.m. Mayor Pro Tempore Francisco presided over the meeting.

18. Subject: Contract For Construction Of Streetlight Improvements Project In Underground Utility District No. 10 Cliff Drive (530.07)

Recommendation: That Council:

- A. Find that, in accordance with City Charter Section 519, and as stated in this staff report, the City may dispense with the public bidding process for the Streetlight Improvements Project (Streetlight Project) in Underground Utility District No. 10 Cliff Drive;

(Cont'd)

18. (Cont'd)

- B. Award and authorize the Public Works Director to execute a contract with the successful bidder, Tidwell Excavation Acquisition Co, Inc. (Tidwell), in the amount of \$567,697.51, for construction of the Streetlight Project, City Bid No. 3569, and authorize the Public Works Director to approve expenditures up to \$56,700 to cover any cost increases that may result from contract change orders for extra work and differences between estimated quantities and actual quantities measured for payment, and authorize the Public Works Director to accept the final contract amount, with approved changes, and to file all Notices of Completion with the County Clerk-Recorder's Office;
- C. Authorize the Public Works Director and City Attorney to negotiate with Verizon California, Inc. (Verizon) and Cox Communications (Cox) to delete or reduce the private service lateral costs in the City's contract with Tidwell, in accordance with the California Public Utilities Code (CPUC) regulations, or other regulations and ordinances, as applicable;
- D. Authorize the General Services Manager to issue a Purchase Order to Facilities Management Specialists (FMS) in the amount of \$40,000 for construction support services, and authorize the General Services Manager to approve expenditures of up to \$4,000 for extra services of FMS that may result from necessary changes in the scope of work;
- E. Authorize the General Services Manager to issue a Purchase Order to Steve Friesen Utility Consultant in the amount of \$5,000 for construction support services; and
- F. Authorize the General Services Manager to issue a Purchase Order to Santa Barbara Electrical Design (SBED), in the amount of \$10,000 for design support services during construction.

Documents:

- August 25, 2009, report from the Public Works Director.
- August 25, 2009, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Principal Engineer John Ewasiuk.

Motion:

Councilmembers Falcone/House to approve the recommendations;
Contract No. 23,184.

Vote:

Unanimous voice vote (Absent: Mayor Blum).

RECESS

3:44 p.m. - 3:54 p.m. Councilmember Horton was absent when the Council reconvened. Mayor Blum presided over the meeting.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS (CONT'D)

19. Subject: Gibraltar Pass-Through Agreement - Contract For Computer Modeling (540.09)

Recommendation: That Council authorize the Public Works Director to negotiate and execute a professional services agreement with Stetson Engineers for computer modeling services related to implementation of pass-through operations under the Upper Santa Ynez River Operations Agreement in a form approved by the City Attorney and in an amount not to exceed \$40,700.

Documents:

August 25, 2009, report from the Public Works Director.

Speakers:

Staff: Water Resources Manager Rebecca Bjork.

Councilmember Horton returned to the meeting at 3:56 p.m.

Motion:

Councilmembers House/Falcone to approve the recommendation; Agreement No. 23,185.

Vote:

Unanimous voice vote.

RECESS

Mayor Blum recessed the meeting at 3:59 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 20 and 21, and stated that no reportable action is anticipated.

CLOSED SESSIONS

20. Subject: Conference With Real Property Negotiators - Fremont Hall Army Reserve Center (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Â§54956.8 to provide direction to the City Administrator and to the City Attorney regarding the possible City acquisition of the real property known as Fremont Hall Army Reserve Center. Property: 3237 State Street (APN 051-112-019). City Negotiators: City Attorney Stephen Wiley, Community Development Director Paul Casey, Parks and Recreation Director Nancy Rapp, City Administrator's Office Special Projects Manager Don Olson, and Assistant City Administrator Joan Kent. Negotiating Party: U.S. Army Representatives. Under Negotiation: Price, terms of payment, possible exchange terms.

Scheduling: Duration, 20 minutes; anytime
Report: None anticipated

Document:

August 25, 2009, report from the City Attorney.

Time:

4:02 p.m. - 4:30 p.m.

No report made.

21. 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 Citizens Planning Association v. Peak-Las Positas Partners, Mark Lee, Michael Bollag, et al., SBSC Case Number 1243174.

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

Document:

August 25, 2009, report from the City Attorney.

Time:

4:30 p.m. - 4:45 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:45 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

MARTY BLUM
MAYOR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK

DALE FRANCISCO
MAYOR PRO TEMPORE