



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING MARCH 30, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and Redevelopment Agency to order at 2:04 p.m. (The Ordinance Committee met at 11:00 a.m., and the Finance Committee met at 12:00 noon.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White (2:11 p.m.), Das Williams, Mayor Schneider.

Councilmembers absent: None.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring April 2010 As National Poetry Month (120.04)

Action: Proclamation presented to Ginny Brush, Executive Director of the Santa Barbara County Arts Commission. City Poet Laureate David Starkey recited a poem entitled "Poetry Month".

PUBLIC COMMENT

Speakers: Tom Becker, Darlena Moore, John Mullen, Bob Hansen, Kenneth Loch, Nancy Tunnell, Andrea Roselinsky and Kate Smith.

CONSENT CALENDAR (Item Nos. 2 – 9 and 11 - 13)

The titles of the resolutions related to Agenda Item No. 8 were read.

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of March 16, 2010.

Action: Approved the recommendation.

3. Subject: February 2010 Investment Report (260.02)

Recommendation: That Council accept the February 2010 Investment Report.

Action: Approved the recommendation (March 30, 2010, report from the Interim Finance Director).

4. Subject: Human Services Contract Assignment For Homemaker Program (610.05)

Recommendation: That Council authorize the assignment of Family Service Agency Human Services Contract No. 23,042 in the remaining amount of \$3,750 for the period of October 1, 2009, to June 30, 2010, to Visiting Nurse & Hospice Care of Santa Barbara for operation of the Homemaker Program.

Action: Approved the recommendation; Contract No. 23,042.1 (March 30, 2010, report from the Community Development Director/Assistant City Administrator).

5. Subject: Increase In Change Order Authority For The Marilla Avenue Sidewalk Infill Project (530.04)

Recommendation: That Council approve an increase in the change order authority for Contract No. 23,174 with Aguilera Brothers Construction, Inc. (Aguilera), for extra work for the Marilla Avenue Sidewalk Infill Project (Project), in the amount of \$7,000, for a total change order authority of \$17,500.

Action: Approved the recommendation (March 30, 2010, report from the Public Works Director).

6. Subject: Contract For Cultural Resources Studies For The Chapala, Cota, And Mason Street Bridge Replacement Projects (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City professional services contract with Applied EarthWorks, Inc. (Applied EarthWorks), in the amount of \$218,585, for mandated cultural resource studies and analyses services during design of the Chapala, Cota, and Mason Street Bridge Replacement Projects (Bridge Projects), and authorize the Public Works Director to approve expenditures of up to \$21,858 for extra services of Applied EarthWorks that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,395 (March 30, 2010, report from the Public Works Director).

7. Subject: West Beach Dredging Project (570.03)

Recommendation: That Council:

- A. Appropriate \$175,000 out of the Waterfront Department's Harbor Preservation Fund unappropriated reserves for the West Beach maintenance dredging project; and
- B. Authorize the General Services Manager to issue a purchase order in an amount not to exceed \$175,000 to AIS Construction Company to dredge approximately 20,000 cubic yards of sand off West Beach.

Action: Approved the recommendations (March 30, 2010, report from the Waterfront Director).

8. Subject: Property Tax Exchange Agreements For Las Canoas Reorganization (680.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara in the Matter of Providing for a Negotiated Exchange of Property Tax Revenues Pertaining to the Las Canoas Reorganization, an Annexation of Property Referred to as Parcel A Located at 2030 Las Canoas Road (APN 021-010-061) to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District and Detachment from County Service Areas 32 and 12; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara in the Matter of Providing for a Negotiated Exchange of Property Tax Revenues Pertaining to the Las Canoas Reorganization, a Concurrent Annexation of a Narrow Strip of Land Underlying Calle Real near Old Mill Road Referred to as Parcel B to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, Detachment from the Goleta Water District and Detachment from County Service Areas 3 and 32.

Action: Approved the recommendations; Resolution Nos. 10-014 and 10-015 (March 30, 2010, report from the Interim Finance Director; proposed resolutions).

9. Subject: Set A Date For Public Hearing Regarding Single Family Design Board Preliminary Denial Of 1464 La Cima Road (640.07)

Recommendation: That Council:

- A. Set the date of May 18, 2010, at 2:00 p.m. for hearing the appeal filed by Scott McCosker of the denial of an application for property located at 1464 La Cima Road, Assessor's Parcel No. 041-022-032, R-1 Single Family Residence Zone, General Plan Designation: Residential-3 units per acre. The project proposes the removal of existing non-permitted Alan block retaining walls, minor grading and construction of concrete block and Alan block retaining walls. The project is located in the Hillside Design District; and
- B. Set the date of May 17, 2010, at 1:30 p.m. for a site visit to the property located at 1464 La Cima Road.

Action: Approved the recommendations (March 11, 2010, letter of appeal).

Item No. 10 appears in the Redevelopment Agency minutes.

NOTICES

11. The City Clerk has on Thursday, March 25, 2010, 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.
12. Received a letter of resignation from Creeks Advisory Committee Member Roger Schlueter; the vacancy will be part of the next City Advisory Group recruitment.
13. Cancellation of the regular City Council and Redevelopment Agency meetings of April 6, 2010.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to review and discuss proposed changes to the Municipal Code related to the Neighborhood Preservation Ordinance; the Committee recommended that the item be returned to the Historic Landmarks Commission for further review. The Committee also continued its discussion on the proposed revisions to the Medical Marijuana Dispensary Ordinance; the Committee continued this item to April 13, 2010.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to review the Capital Improvement Program for Fiscal Years 2011 through 2016. They also met to discuss the proposed adjustments to balance the budget for Fiscal Year 2010, which will be presented to the Council and Redevelopment Agency Board as Agenda Item No. 15.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

14. Subject: Professional Services Contract For Survey On Single-Use Bag Tax (630.01)

Recommendation: That Council consider entering into a professional services agreement with Fairbank, Maslin, Maullin, Metz & Associates for an amount not to exceed \$23,319 to develop and conduct a voter survey regarding a possible tax on single-use bags.

Documents:

- March 30, 2010, report from the Interim Finance Director.
- March 30, 2010, PowerPoint presentation prepared and made by Staff.
- March 29, 2010, email communications from Betty Dickman, and Roger and Jane Manasse.

Speakers:

- Staff: Employee Relations Manager/Acting Environmental Services Manager Kristine Schmidt, Environmental Services Supervisor Stephen MacIntosh, City Attorney Stephen Wiley, City Administrator James Armstrong.
- Members of the Public: Nikolai Lambert; Hunter Flynn; Scott Walker; Stephanie Mutz; Chris Keet; Kathy King, Choose to ReUse; Penny Owens, Santa Barbara ChannelKeeper; Scott Bull, Surfrider Foundation; Nathan Alley, Environmental Defense Center; Sandy Lejeune, Surfrider Foundation; John Dixon, Tri-County Produce.

Motion:

Councilmembers Williams/House to table this item to June.

Substitute Motion:

Councilmembers Hotchkiss/Self to table this item to September.

Revised Substitute Motion:

Councilmembers Hotchkiss/White to table this item to July.

Vote on Revised Substitute Motion:

Unanimous voice vote.

The original motion was withdrawn.

RECESS

4:05 p.m. - 4:14 p.m. Council/Agency Members White and Williams were absent when the Council/Agency reconvened.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

FINANCE DEPARTMENT

15. Subject: Fiscal Year 2010 Budget Balancing And Adjustments (230.05)

Recommendation:

- A. That Council hear a report from staff, as a follow-up to the special budget work session held on February 25, 2010, to continue the discussion of recommended measures to help offset projected General Fund revenue shortfalls in Fiscal Year 2010;
- B. That Council approve the transfer of \$480,000 from the Self-Insurance Fund to the General Fund, representing charges allocated to the General Fund above amounts needed to fund the General Fund's portion of the Fiscal Year 2010 workers' compensation and liability programs based on an analysis of claims paid to date;
- C. That Council approve the transfer of \$440,000 from the Solid Waste Fund to the General Fund, representing unrestricted funds intended to reimburse the City's General Fund for the use of the City's public right-of-way; and
- D. That the Redevelopment Agency Board allocate and authorize the expenditure of up to \$480,000 from the Agency's Project Contingency Account to fund the required relocation lease costs of the Fire Department's Administrative Staff due to the Agency-funded Fire Station No. 1 Annex Renovation Project.

Documents:

- March 30, 2010, report from the Interim Finance Director/Interim Fiscal Officer.
- March 30, 2010, PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Interim Finance Director/Interim Fiscal Officer Robert Samario, City Administrator/Executive Director James Armstrong.
- Members of the Public: Bix Buckley.

Council/Agency Members White and Williams returned to the meeting at 4:18 p.m.

Motion:

Council/Agency Members House/Hotchkiss to approve the recommendations, including the Finance Committee's recommendations as presented to the Council.

Vote:

Unanimous voice vote.

COMMUNITY DEVELOPMENT DEPARTMENT

16. Subject: Update On Strategies To Address Community Issues Related To Homelessness In The City Of Santa Barbara (660.04)

Recommendation: That Council receive an update on the twelve recommended strategies outlined in Strategies to Address Community Issues Related to Homelessness in the City of Santa Barbara.

Documents:

- March 30, 2010, report from the Community Development Director/Assistant City Administrator.
- March 30, 2010, PowerPoint presentation prepared and made by Staff.
- March 14, 2010, Street Outreach Coordination Report, submitted by Bringing Our Community Home.

Speakers:

- Staff: Administrative Services Manager Sue Gray, City Attorney Stephen Wiley, Police Lieutenant James Pfleging, Housing and Redevelopment Manager Brian Bosse.
- Members of the Public: John Buttny, Bringing Our Community Home; John Dixon, Tri-County Produce; Bob Hansen; Jack Wilson; Ruth Wilson; Mike Foley, Casa Esperanza; Kathleen Baushke, Transition House.

By consensus, the report was received. Staff responded to questions from the Councilmembers.

CITY ADMINISTRATOR

17. Subject: Introduction Of Ordinance For Cancellation Of Management Salary Increase And Suspension Of Salary Increase For Supervisors (440.02)

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. 5485, the 2008-2010 Salary Plan for Unrepresented Managers and Professional Attorneys.

Documents:

- March 30, 2010, report from the Administrative Services Director/Assistant City Administrator.
- Proposed Ordinance.

The title of the ordinance was read.

(Cont'd)

17. (Cont'd)

Speakers:

Staff: Employee Relations Manager Kristine Schmidt.

Motion:

Councilmembers Williams/Francisco to approve the recommendation.

Vote:

Unanimous voice vote.

CHANGES TO AGENDA

Item Removed From Agenda

City Administrator James Armstrong stated that the following item was being removed from the Agenda and will be continued to April 13, 2010:

18. 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 Landslide Repair Foundation v. City Of Santa Barbara, SBSC Number 1304297.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

RECESS

Mayor Schneider recessed the meeting at 5:54 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 19 and 20, and stated that no reportable action is anticipated.

CLOSED SESSIONS

19. 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. Pending litigation considered is: Juanita Doyle v. City of Santa Barbara, WCAB, Case Number ADJ142497.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Cont'd)

19. (Cont'd)

Documents:

March 30, 2010, report from the Interim Finance Director.

Time:

6:00 p.m. - 6:15 p.m.

No report made.

20. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, the Hourly Bargaining Unit, and the Supervisory Employees Association, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

March 30, 2010, report from the Administrative Services Director/Assistant City Administrator.

Time:

6:15 p.m. - 7:30 p.m.

Councilmember Williams left the meeting at 7:20 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK