



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING April 27, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 11:00 a.m., and the Ordinance 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, 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 May 3-7, 2010, As Girls Rights Week (120.04)

Action: Proclamation presented to Monica Spear, Executive Director of Girls Incorporated.

### PUBLIC COMMENT

Speakers: Ralph Fertig, President, Santa Barbara Bicycle Coalition; Kenneth Loch; Jack Wilson; Jeremy Pemberton, Twiin Productions, Inc.; Kate Smith.

## CONSENT CALENDAR (Item Nos. 2 - 9)

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

Motion:

Councilmembers Hotchkiss/House 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 April 13, 2010.

Action: Approved the recommendation.

3. Subject: March 31, 2010, Investment Report And March 31, 2010, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the March 31, 2010, Investment Report; and
- B. Accept the March 31, 2010, Fiscal Agent Report.

Action: Approved the recommendations (April 27, 2010, report from the Interim Finance Director).

4. Subject: Integrated Regional Water Management Plan Update - Memorandum Of Understanding (540.01)

Recommendation: That Council authorize the Public Works Director to negotiate and execute, subject to approval by the City Attorney, a Memorandum of Understanding (MOU) with the Cooperating Partners, providing for the continued administration and development of an update to the Integrated Regional Water Management Plan (IRWMP) for Santa Barbara County, with the City's share of costs not to exceed \$40,000.

Action: Approved the recommendation; Agreement No. 23,407 (April 27, 2010, report from the Public Works Director).

5. Subject: Adoption Of Ordinance For Lease Agreement With Doug Chessmore (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement with Doug Chessmore, Doing Business As Ocean Aire Electronics, Effective May 27, 2010, for Lease of the Premises Located at 125 Harbor Way #7.

Action: Approved the recommendation; Ordinance No. 5515; Agreement No. 23,408.

6. Subject: Adoption Of Ordinance For Extension And Amendment of Supervisors' Memorandum of Understanding (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5484, the 2009-2011 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit (Supervisors' Unit).

Action: Approved the recommendation; Ordinance No. 5516; Agreement No. 23,409.

7. Subject: Purchase, Release, And Possession Of Property Interests For The Ortega Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Various Permanent and Temporary Easement Interests Located at 314 West Ortega Street, 627 Bath Street, 631 Bath Street, and 620 Castillo Street, and Authorizing the Public Works Director, Subject to Review and Approval of the Form of the Four Separate Agreements by the City Attorney, to Execute Such Agreements and Related Documents that May be Required, Including Among Others, Necessary Escrow Instructions, all Relating to the Proposed Ortega Street Bridge Replacement Project, and Consenting to the Recordation of the Related Deeds in the Official Records, County of Santa Barbara; and
- B. Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Quitclaim Deed to Release any Fee Interest Within Mission Creek Located on a Portion of the Real Property at 314 West Ortega Street, as Described in a Deed Recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, and Authorizing the Public Works Director of the City to Execute the Same.

Action: Approved the recommendations; Resolution No. 10-021; Agreement Nos. 23,410 - 23,413 (April 27, 2010, report from the Public Works Director; proposed resolution; proposed ordinance).

8. Subject: Interim Agreements For Possession And Use Of Property Interests For The Ortega Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Authorize the Public Works Director to Negotiate, Subject to Review and Approval by the City Attorney of their Forms, Two Interim Agreements with Mission Creek Properties, LLC, the Owner of the Property Commonly Known as 306 West Ortega Street, Namely an Agreement for Possession and Use, and an Interim Vacancy Agreement, and to Subsequently Execute such Agreements, Relating to the Proposed Ortega Street Bridge Replacement Project;
- B. Accept Federal Highway Administration (FHWA) Highway Bridge Program grant funding in the total amount of \$197,015; and C. Authorize the increase of estimated revenues and expenditures by \$197,015 in the Fiscal Year 2010 Streets Capital Fund for the Ortega Street Bridge Replacement Project (Project).

Action: Approved the recommendations; Resolution No. 10-022; Agreement Nos. 23,414 and 23,415 (April 27, 2010, report from the Public Works Director; proposed resolution).

## NOTICES

9. The City Clerk has on Thursday, April 22, 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.

This concluded the Consent Calendar.

Councilmember House left the meeting at 2:23 p.m.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Das Williams reported that the Committee met to discuss the March 31, 2010, Investment Report and Fiscal Agent Report, which were approved as part of the Agenda's Consent Calendar, Item No. 3. The Committee also discussed recommendations from the Community Development Department related to the Fiscal Year 2011 budget.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Bendy White reported that the Committee met to review and consider amendments to the Municipal Code related to registered domestic partners, and the conflict of interest code and fair practices within the City. The Committee also had a final review of the draft Medical Marijuana Storefront Collective Dispensary Ordinance, which has been forwarded to the Planning Commission before it will be returned to the Council in approximately one month.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### CITY ADMINISTRATOR

10. Subject: 2010 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the 2010 Legislative Platform that guides the City's support of or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

(Continued from April 13, 2010, Agenda Item No. 12)

Documents:

- April 13, 2010, report from the Public Works Director.
- April 27, 2010, PowerPoint presentation prepared and made by Staff.

Councilmember House returned to the meeting at 2:26 p.m.

Speakers:

Staff: Assistant to the City Administrator Nina Johnson, City Attorney Stephen Wiley, Harbor Operations Manager Mick Kronman, City Administrator James Armstrong.

Motion:

Councilmembers Hotchkiss/Francisco to adopt the 2010 Legislative Platform, as amended.

Vote:

Unanimous voice vote.

### COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Neighborhood Preservation Ordinance Two-Year Review (640.02)

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 Titles 22 and 28 of the Santa Barbara Municipal Code Relating to the Neighborhood Preservation Ordinance, Single Family Residence Parking Design Standards, and the Expiration of Design Review Approvals; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Revised Single Family Residential Design Guidelines and Revised Single Family Design Board Guidelines.

(Cont'd)

11. (Cont'd)

Documents:

- April 27, 2010, report from the Assistant City Administrator/Community Development Director.
- Built Green Checklist submitted by Staff.
- Proposed Ordinance.
- Proposed Resolution.
- April 27, 2010, PowerPoint presentation prepared and made by Staff.
- April 26, 2010, letter from Brian Felix.
- April 27, 2010, letters from Brian Felix.

The titles of the ordinance and resolution were read.

Speakers:

- Staff: Project Planner Heather Baker, City Attorney Stephen Wiley, Senior Planner Jaime Limón, Assistant City Administrator/Community Development Director Paul Casey.
- Single Family Design Board: Member Bill Mahan.
- Members of the Public: Kellam de Forest; Joe Campanelli, Santa Barbara Contractors Association Education Foundation, Inc.; Dan George, Built Green Santa Barbara; Brian Felix; Karin Perissinotto, Built Green Santa Barbara.

Motion:

Councilmembers House/White to approve the recommendations;  
Resolution No. 10-023.

Vote:

Unanimous roll call vote.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Das Williams reported on his attendance at the Cachuma Conservation and Release Board meeting where there was a majority vote to approve the Board's budget. He further mentioned that the Bureau of Reclamation has not yet declared a spill at Cachuma Lake, and that people still need to conserve.
- Councilmember Francisco reported on his attendance at the Central Coast Water Authority Board (CCWA) meeting where they voted to reject staff recommendations for a pay increase for CCWA staff.
- Mayor Schneider reported that Supervisor Salud Carbajal will be attending the Los Angeles-San Diego Rail Corridor Agency (LOSSAN) meeting tomorrow where one of the agenda items is a discussion of alternate schedules for Amtrak between Los Angeles and Goleta.

## **CHANGES TO AGENDA**

### Item Removed from Agenda

City Administrator James Armstrong announced that the following item was being removed from the Agenda and will be brought back to the Council on May 3:

15. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (160.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

## **RECESS**

Mayor Schneider recessed the meeting at 4:02 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 12 - 14, and stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

12. 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 Luke Brost as Trustee for the Luke Brost Living Trust, et al., v. City of Santa Barbara, Case No. 1342979.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

April 27, 2010, report from the City Attorney.

Time:

4:04 p.m. – 4:50 p.m. Councilmember Williams entered the meeting at 4:35 p.m.

No report made.

13. 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, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

April 27, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

4:50 p.m. – 5:35 p.m.

No report made.

14. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Administrator

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

Documents:

April 27, 2010, report from the Mayor.

Time:

5:35 p.m. - 5:55 p.m. Councilmember Self left the meeting at 5:40 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 5:55 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK