



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING July 27, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Das Williams, Mayor Schneider.

Councilmembers absent: Bendy White.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

Speakers: Mr. Saks; Kate Smith; Rudy Ybarra, Santa Barbara Soccer Club.

ITEM REMOVED FROM CONSENT CALENDAR

6. Subject: Three-Year Agreement For Printing, Stuffing, And Mailing Utility Bills, Business License Renewals, And Other Bills; One-Year Agreement For Printing City News In Brief (210.01)

Recommendation: That Council:

- A. Approve and authorize the Finance Director to execute a three-year service agreement with CSG Systems for the printing, stuffing, and mailing of utility bills, business license renewals, and miscellaneous other billings at a cost not to exceed \$72,000 annually (excluding postage); and

(Cont'd)

6. (Cont'd)

- B. Approve and authorize the Finance Director to execute a one-year service agreement with CSG Systems for printing The City News in Brief newsletter at a cost not to exceed \$21,000 annually.

Documents:

July 27, 2010, report from the Interim Finance Director.

Speakers:

Staff: City Administrator James Armstrong.

Motion:

Councilmembers Williams/Francisco to approve the recommendations, directing staff to reduce the frequency of the monthly newsletter to meet legal requirements; Agreement Nos. 23,497 and 23,498.

Vote:

Unanimous voice vote (Absent: Councilmember White).

CONSENT CALENDAR (Item Nos. 1 - 5 and 7 - 11)

The title of the resolution related to the Consent Calendar was read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember White).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 22, the adjourned regular meeting of June 23, and the regular meetings of June 29, July 6 (cancelled), and July 13, 2010.

Action: Approved the recommendation.

2. Subject: June 30, 2010, Investment Report And June 30, 2010, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the June 30, 2010, Investment Report; and
- B. Accept the June 30, 2010, Fiscal Agent Report.

(Cont'd)

2. (Cont'd)

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

3. Subject: Records Destruction For The Airport Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Airport Department.

Action: Approved the recommendation; Resolution No. 10-067 (July 27, 2010, report from the Airport Director; proposed resolution).

4. Subject: Airline Terminal Public Arts Program Agreements With Artists (560.04)

Recommendation: That Council approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, public arts program agreements with:

- A. Lori Ann David for design and installation of a mosaic tile floor medallion associated with the Airline Terminal Project, in an amount not to exceed \$65,000; and
- B. Vidya Gauci for design and installation of decorative stenciling associated with the Airline Terminal Project, in an amount not to exceed \$12,000.

Action: Approved the recommendations; Agreement Nos. 23,495 and 23,496 (July 27, 2010, report from the Airport Director).

5. Subject: Sole Source Vendor For Airport Mosquito Control Services (560.04)

Recommendation: That Council:

- A. Find it is in the City's best interest to waive the formal bid process as provided in Municipal Code Section 4.52.070(k), and authorize the City's General Services Manager to issue a Purchase Order to the Mosquito and Vector Management District of Santa Barbara County (District) as the sole source and most favorable source for providing the City with mosquito monitoring and control services at the Airport in the amount of \$74,462;
- B. Subject to the appropriation of funds approved by City Council, authorize the City's General Services Manager to issue Purchase Orders and Change Orders to the District for four subsequent fiscal years for mosquito monitoring and control services, in amounts not to exceed the annual appropriated budget for the program.

Action: Approved the recommendations (July 27, 2010, report from the Airport Director).

7. Subject: Agreement With The Council On Alcoholism And Drug Abuse For The Criminal Justice Early Identification Specialist (520.04)

Recommendation: That Council:

- A. Authorize the Chief of Police to execute a Memorandum of Understanding, subject to approval of the City Attorney, between the City of Santa Barbara and the Council on Alcoholism and Drug Abuse; and
- B. Appropriate \$47,000 from available reserves in the Police Asset Forfeiture and Grants Fund to fund the Council on Alcoholism and Drug Abuse for a Criminal Justice Early Identification Specialist position for the contract period beginning September 1, 2010, through August 31, 2011.

Action: Approved the recommendations; Contract No. 23,499 (July 27, 2010, report from the Police Chief; July 25, 2010, letter from Paula Westbury).

8. Subject: Contract For Construction For The Escondido And Bothin Water Pump Stations Rehabilitation Project (540.06)

Recommendation: That Council:

- A. Award a contract with Taft Electric Company (Taft), in their low bid amount of \$1,376,734, for construction of the Escondido and Bothin Water Pump Stations Rehabilitation Project (Project), Bid No. 3573;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$138,000 to cover any cost increases that may result from contract change orders for extra work; and
- C. Authorize the Public Works Director to execute a contract with AECOM Technical Services, Incorporated (AECOM), in the amount of \$44,611, for construction support services, and approve expenditures of up to \$4,500 for extra services of AECOM that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,500 and 23,501 (July 27, 2010, report from the Public Works Director).

9. Subject: Contract For Design Of The El Estero Wastewater Treatment Plant Supervisory Control And Data Acquisition WiFi Backup System (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract, subject to approval by the City Attorney as to form, with Beckman Software Engineering in the amount of \$43,700 for design and installation services for the El Estero Supervisory Control and Data Acquisition (SCADA) WiFi Backup System, and authorize the Public Works Director to approve expenditures of up to \$4,400 for extra services of Beckman Software Engineering that may result from necessary changes in the scope of work.

(Cont'd)

9. (Cont'd)

Action: Approved the recommendation; Contract No. 23,502 (July 27, 2010, report from the Public Works Director).

NOTICES

10. The City Clerk has on Thursday, July 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.
11. Received a letter of resignation from Lower Westside Center Advisory Committee Member Nicolas Ferrara; the vacancy will be part of the next recruitment for City advisory groups.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Member Dale Francisco reported that the Committee met to discuss the June 30, 2010, Investment Report and the June 30, 2010, Fiscal Agent Report, which was approved by the City Council as part of this agenda's Consent Calendar (Item No. 2).

PUBLIC HEARINGS

12. Subject: Public Hearing On The Proposed Santa Barbara Tourism Business Improvement District (150.05)

Recommendation: That Council hold a public hearing to hear comments from the public on the proposed Santa Barbara Tourism Business Improvement District.

Documents:

- July 27, 2010, report from the Interim Finance Director.
- July 14, 2010, email communication from Scott Perry, representing the Lemon Tree Inn and Orange Tree Inn.
- July 23, 2010, email communication from Dewayne Copus, Owner of Montecito Inn and Coast Village Inn.
- July 25, 2010, letter from Paula Westbury.
- July 26, 2010, email communication from Eilene Bruce, Owner of Old Yacht Club Inn.

(Cont'd)

12. (Cont'd)

Public Comment Opened:
2:17 p.m.

Speakers:

- Staff: Treasury Manager Jill Taura.
- Members of the Public: Ruth Grande, Hotel Mar Monte; Jeanette Webber, Santa Barbara Hotel Group; Paul Bullock, The Eagle Inn; Matthew LaVine, Fess Parker's Doubletree; Tom Patton, Ramada Hotel/Santa Barbara Conference & Visitors Bureau; Laura McIver, Canary Hotel; Kathy Janega-Dykes, Santa Barbara Conference & Visitors Bureau; Glyn Davies, Simpson House.

Public Comment Closed:
2:32 p.m.

By consensus, Council held the public hearing.

Councilmember Williams stated that he would recuse himself from voting on the following item due to a conflict of interest related to his service on the Board of the Peabody Charter School, which is in close proximity to the project, and he left the meeting at 2:36 p.m.

13. Subject: Appeal Of The Architectural Board Of Review Final Approval Of 3052 State Street (640.07)

Recommendation: That Council:

- A. Deny the appeal of Marc Chytilo, on behalf of Breathe Easy, and support the Architectural Board of Review's Final Approval of the proposed BevMo project design; and
- B. Grant a revised Final Approval of the project with consideration of compatibility criteria per Santa Barbara Municipal Code 22.68.040.

Documents:

- July 27, 2010, report from the Assistant City Administrator/Community Development Director.
- July 27, 2010, PowerPoint presentation prepared and made by staff.
- July 27, 2010, PowerPoint presentation prepared and made by Appellant Marc Chytilo.
- July 27, 2010, letter from Traffic Engineer Stephen A. Orosz, representing the Appellant.
- July 19, 2010, letter from Air Quality Specialist Jennifer Pace and Senior Project Manager Jonathan Leech, representing the Applicant.

(Cont'd)

13. (Cont'd)

Documents (Cont'd):

- July 27, 2010, letter from Principal Transportation Planner Scott A. Schell, representing the Applicant.
- July 22, 2010, email communications from Daniel Painter; Caryn Meagher; Kurt Koenig, Koenig & Associates; Noelle Buben; Maritza Perez; Ben Johnson; Jon Blake; Mike Sheffler; Ryan Pflieger; Steven Pokornowski; Sarah Dalton; Antonio Nonan; Bram Craig; Christina Speed; David Abbott; David Meldrum-Taylor; Gabriel Millos; Beto Antunez; Guy Tingos; unidentifiable party.
- July 23, 2010, email communications from Stan Laband; Caryl and Steve Bowman; David and Beverly Thompson; Jennifer Leone; Gary and Tina Lemp; Adam Sand; John Glowicki.
- July 24, 2010, email communications from Diana Wilk; David Gorbet; Mark Golden.
- July 25, 2010, letter from Paula Westbury.
- July 26, 2010, email communications from Marti Fletcher; Robert and Sloane Reali.
- July 27, 2010, letter from Cathie McCammon, President, Allied Neighborhood Association.

Public Comment Opened:

2:38 p.m.

Speakers:

- Staff: Project Planner II Jaime Limon, City Planner Bettie Weiss, Principal Transportation Planner Rob Dayton.
- Architectural Board of Review: Member Clay Aurell.
- Appellant: Attorney Marc Chytilo, Traffic Engineer Steve Orosz.
- Applicant: Jeff Sealy, Attorney Doug Fell, Senior Project Planner Jonathan Leech, Transportation Planner Scott Schell.

Recess: 4:24 p.m. - 4:38 p.m.

Speakers (Cont'd):

- Members of the Public: Paul Thomton; Tim Garrett, Property Owner; Michael Winthrop; Tom Curry; Eloy Ortega; Steve Cushman, Santa Barbara Chamber of Commerce; Patrice Surmeier; John Cochrane, Cochrane Property Management, Inc.; Cathie McCammon, Allied Neighborhood Association; Alan Johnson, Chief Executive Officer, BevMo!; Jim Feinberg, Breathe Easy; Camille Scott; Erik Scott, Breathe Easy; John S. Reynolds; Darwin Holter; Peter Basch; Becka Doering; Brad Frohling; Mary Chang, Breathe Easy; Susan Shields; Jim Caldwell.

(Cont'd)

13. (Cont'd)

Public Comment Closed:
5:15 p.m.

Motion:

Councilmembers House/Hotchkiss to approve the recommendations and direct staff to return to the Council with a resolution of findings that includes the following:

- 1) Loading/Unloading Plan;
- 2) Employee Parking Program; and
- 3) Delivery Truck Plan related to Calle Noguera.

Vote:

Unanimous voice vote (Absent: Councilmembers White and Williams).

Councilmember Williams returned to the meeting at 6:11 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

14. Subject: Single-Use Bags And Support For AB 1998 (Brownley) (630.01)

Recommendation: That Council:

- A. Authorize the Mayor to send a letter to State Legislators in support of AB 1998 (Brownley) Solid Waste: Single-Use Carryout Bags; and
- B. Postpone reconsideration of a voter survey regarding a possible single-use bag tax until September of 2010.

Documents:

- July 27, 2010, report from the Interim Finance Director.
- July 25, 2010, letter from Paula Westbury.

Speakers:

- Staff: Acting Environmental Services Manager Kristine Schmidt.
- Members of the Public: Penny Owens, Santa Barbara Channel Keeper; Geoffery Bard, Basic Earth Arts Restoration Science Action; Kathi King.

Motion:

Councilmembers Williams/Francisco to approve the recommendations, with the following amendments to the letter:

- 1) Add "if amended" to the first sentence; and
- 2) Strike the reference to post-consumer recycled content of 60%.

Vote:

Majority voice vote (Noes: Councilmembers Hotchkiss and Self; Absent: Councilmember White).

RECESS

Mayor Schneider recessed the meeting at 6:51 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 15 - 18, and stated the Council would report out on Item No. 17.

CLOSED SESSIONS

15. 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 Cynthia Ricci v. Isadora Gonzalez; City of Santa Barbara, SBSC Case Number 1337050.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

July 27, 2010, report from the City Attorney.

Time:

6:52 p.m. - 7:21 p.m. Councilmembers Hotchkiss and White were absent.

No report made.

16. 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, Police Managers Association, the Treatment and Patrol Bargaining Units, Firefighters Association and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

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

Time:

7:22 p.m. - 7:40 p.m. Councilmember White was absent.

No report made.

17. Subject: Finance Director Appointment (440.05)

Recommendation: That Council hold a closed session, pursuant to Section 54957 of the Government Code, to consider a public employee appointment.

Scheduling: Duration, 20 minutes; anytime

Report: Anticipated

Documents:

July 27, 2010, report from the City Administrator.

Time:

7:41 p.m. - 7:55 p.m. Councilmember White was absent.

RECESS

7:55 p.m. – 7:59 p.m.

Report:

City Administrator James Armstrong reported that the Council unanimously approved his appointment of Robert Samario as the Finance Director.

Speakers:

Staff: Finance Director Robert Samario.

PUBLIC COMMENT

Speakers: Robert Burke.

WORK SESSIONS

18. Subject: Plan Santa Barbara General Plan Update (650.05)

Recommendation: That Council hold work sessions on the Plan Santa Barbara General Plan Update - Development Plan Ordinance, Growth Management, Density, and Design Policy direction.

(Estimated Time: 6:00 p.m.)

Documents:

- July 27, 2010, report from the Assistant City Administrator/Community Development Director.
- July 27, 2010, PowerPoint presentation prepared and made by staff.

(Cont'd)

18. (Cont'd)

Speakers:

- Staff: City Planner Bettie Weiss, Principal Planner John Ledbetter, City Attorney Stephen Wiley.
- Members of the Public: Gil Barry, Allied Neighborhood Association; Kellam de Forest; Cathie McCammon, Allied Neighborhood Association; John Campanella; Sheila Lodge; LeeAnne French, Citizens Planning Association.

Discussion:

City Planner Bettie Weiss made a presentation on the City's development plan ordinance and the growth management programs. Staff also made a brief presentation on the issues that will be discussed at a meeting of Council to be held Thursday, including land use designations, residential densities in both residential and commercial zones, pattern of development and transitions, amendments to variable density guidelines, incentives and design tools. Staff answered Councilmembers' questions.

The Mayor stated that the work session would be continued to Thursday, July 29, 2010, at 9:00 a.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 9:08 p.m. to Thursday, July 29, 2010, at 9:00 a.m. for continuation of the Plan Santa Barbara General Plan Update work session (Agenda Item No. 18).

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER