



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING March 15, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider 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 Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

### PUBLIC COMMENT

Speakers: Kate Smith; Kristi Horton and Kimmie Coley, Junior League of Santa Barbara; Cruzito Cruz; Robert Burke.

### CONSENT CALENDAR (Item Nos. 1 – 10, 14 – 16)

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

Motion:

Council/Agency members Francisco/Self 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 regular meeting of January 11, the regular and special meetings of March 1, and the regular meeting of March 8, 2011.

Action: Approved the recommendation.

2. Subject: Fiscal Year 2011 Interim Financial Statements For The Seven Months Ended January 31, 2011 (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the Seven Months Ended January 31, 2011.

Action: Approved the recommendation (March 15, 2011, report from the Finance Director).

3. Subject: Acceptance Of Federal Aviation Administration Airport Improvement Program Grant Offer For Santa Barbara Airport (560.04)

Recommendation: That Council accept and authorize the Airport Director to execute, on behalf of the City, a Federal Aviation Administration Airport Improvement Program Grant offer in an amount not to exceed \$2,800,000 to be distributed in two or three phases for the Airport Terminal Improvement Project and the preparation of an Airport Master Plan.

Action: Approved the recommendation; Agreement Nos. 23,657 and 23,658 (March 15, 2011, report from the Airport Director).

4. Subject: Safe Drinking Water State Revolving Fund Loan Acceptance And Increase Of Appropriations And Revenues In The Water Capital Fund (540.10)

Recommendation: That Council:

- A. Accept a loan in the amount of \$29,283,000 from the Safe Drinking Water State Revolving Fund (SDWSRF) for the Cater Water Treatment Plant Advanced Treatment and Ortega Groundwater Treatment Plant Rehabilitation Projects; and
- B. Increase Water Capital Fund appropriations and estimated revenues by \$29,283,000.

Action: Approved the recommendations (March 15, 2011, report from the Public Works Director).

5. Subject: Contract For Orthophoto, Topographic, Utility Mapping And Boundary Survey Project (560.01)

Recommendation: That Council authorize the Airport Director to execute a Professional Services contract, subject to approval as to form by the City Attorney, with Penfield & Smith for services for the Orthophoto, Topographic, Utility Mapping and Boundary Survey Project in the amount of \$146,579, and authorize the Airport Director to approve expenditures of up to \$15,000 for extra services of Penfield & Smith that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,659 (March 15, 2011, report from the Airport Director).

6. Subject: Introduction Of Ordinance For Amendment Of Concession Agreement With First Class Concessions, Inc. (330.04)

Recommendation: That Council:

- A. Authorize the Airport Director to execute, subject to approval as to form by the City Attorney, an amendment to Concession Agreement No. 23,445 with First Class Concessions, Inc., a California Corporation, amending Article 3 "Obligation to Construct and Operate Leasehold Improvements" providing for reimbursement to First Class Concessions, Inc., for permanent affixed Leasehold Improvements for a not to exceed amount of \$450,000; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Amendment of Concession Agreement No. 23,445, Dated June 22, 2010, Between the City of Santa Barbara and First Class Concessions, Inc., for Operation of the Food and Beverage Concession at the Airport.

Action: Approved the recommendations (March 15, 2011, report from the Airport Director; proposed ordinance).

7. Subject: Introduction Of Ordinance For A Lease Agreement With Leather Depot, Incorporated (330.04)

Recommendation: That Council approve a five-year lease with one five-year option with Leather Depot, Inc., doing business as Coastal Treasures, with a base rent of \$2,427 per month, for the 610 square foot retail store located at 217-E Stearns Wharf, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease with One Five-Year Option with Leather Depot, Inc., Doing Business as Coastal Treasures, with a Base Rent of \$2,427 Per Month, for the 610 Square Foot Retail Store Located at 217-E Stearns Wharf, Effective April 21, 2011.

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7. (Cont'd)

Action: Approved the recommendation (March 15, 2011, report from the Waterfront Director; proposed ordinance).

8. Subject: Approval Of Parcel Map And Execution Of Agreements For 714 And 716 N. Voluntario Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map (Map) Number 20,787, and standard agreements relating to the approved subdivision at 714 and 716 N. Voluntario Street.

Action: Approved the recommendation; Agreement Nos. 23,660 and 23,661 (March 15, 2011, report from the Public Works Director).

9. Subject: Increase In Design Services For Influent Pump Replacement Project (540.13)

Recommendation: That Council authorize an increase in the extra services amount with Brown & Caldwell for extra design work for the Influent Pump Replacement Project (Project) at El Estero Wastewater Treatment Plant (EEWWTP), Contract No. 23,247, in the amount of \$60,253, for a total project expenditure authority of \$339,872.

Action: Approved the recommendation (March 15, 2011, report from the Public Works Director).

10. Subject: Transfer Of Reserves From The Airport Operating Fund To The Airport Capital Fund (560.01)

Recommendation: That Council authorize the transfer of \$1,497,368 from Airport Operating Fund reserves to the Airport Capital Fund to replenish funds used in advance of receiving Passenger Facility Charges for terminal design costs.

Action: Approved the recommendation (March 15, 2011, report from the Airport Director).

Item Nos. 11 – 13 appear in the Redevelopment Agency minutes.

14. Subject: Contract For Construction For The Ortega Street Bridge Replacement Project (530.04)

Recommendation: That Council:

A. Accept Federal Highway Administration (FHWA) Grant funding in the total amount of \$3,324,921;

(Cont'd)

14. (Cont'd)

- B. Increase appropriations and estimated revenues by \$3,324,921 in the Fiscal Year 2011 Streets Capital Fund for the Ortega Street Bridge Replacement Project (Project) funded by the FHWA Grant;
- C. Approve the allocation of transfer of \$147,000 from available appropriations in the Streets Capital Fund from existing projects to partially pay for the City's matching funds required for the Project;
- D. Award a contract with Granite Construction Company (Granite) in their low bid amount of \$2,909,893 for construction of the Project, Bid No. 3426;
- E. Authorize the Public Works Director to execute the contract and approve expenditures up to \$290,989 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;
- F. Authorize the Public Works Director to execute a contract with MNS Engineers, Inc. (MNS), in the amount of \$504,380 for construction management support services, and approve expenditures of up to \$50,438 for extra services of MNS that may result from necessary changes in the scope of work;
- G. Authorize the Public Works Director to execute a contract with Bengal Engineering (Bengal) in the amount of \$56,495 for design support services during construction, and approve expenditures of up to \$5,649 for extra services of Bengal that may result from necessary changes in the scope of work;
- H. Authorize the Public Works Director to execute a contract with Ayars and Associates (Ayars) in the amount of \$33,920 for community outreach services during construction, and approve expenditures of up to \$3,392 for extra services of Ayars that may result from necessary changes in the scope of work;
- I. 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 the Funding of Capital Improvements for the Mission Creek Flood Control Enhancements; and
- J. That the Redevelopment Agency Board authorize the expenditure of \$20,000 from the Agency's Mission Creek Flood Control Enhancements project account for demolition costs associated with the Agency's properties at 633 and 635 Bath Street.

Action: Approved the recommendations; City Council Contract Nos. 23,662 - 23,665; City Council Resolution No. 11-013 (March 15, 2011, report from the Public Works Director and Assistant City Administrator/Community Development Director/Deputy Director).

## NOTICES

15. The City Clerk has on Thursday, March 10, 2011, 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.
16. A City Council site visit is scheduled on Monday, March 21, 2011, at 1:30 p.m. to the property located at 320 Cooper Road, which is the subject of an appeal hearing set for March 22, 2011, at 2:00 p.m.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee received and reviewed the Capital Improvement Program for Fiscal Years 2012-2017.

## **REDEVELOPMENT AGENCY REPORTS**

Council/Agency member Rowse stated he would not participate in the following item due to a conflict of interest related to his wife's membership on the Board of Directors of the Council on Alcoholism and Drug Abuse, and he left the meeting at 2:12 p.m.

17. Subject: Proposed Grant To Housing Authority Of The City Of Santa Barbara For Purchase Of Property At 1020 Placido Avenue (520.04)

### Recommendation:

- A. 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 the Grant Funding for the Acquisition of 1020 Placido Avenue, Located in the Central City Redevelopment Project Area, by the Housing Authority of the City of Santa Barbara, and Authorizing Certain Other Actions; and
- B. That the Redevelopment Agency Board approve a \$865,000 grant in Redevelopment Agency capital funds for the acquisition of the property by the Housing Authority of the City of Santa Barbara at 1020 Placido Avenue as a possible location for the Project Recovery Detox Facility, and authorize the Agency's Executive Director to enter into a grant agreement in a form acceptable to Agency Counsel.

### Documents:

- March 15, 2011, report from the Assistant City Administrator/Community Development Director/Deputy Director.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

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17. (Cont'd)

Documents (Cont'd):

- March 14, 2011, e-mail from Kevin Moore.
- March 15, 2011, e-mail from Delia Smith.

The title of the resolution was read.

Public Comment Opened:

2:13 p.m.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, City Attorney/ Agency Counsel Stephen Wiley.
- Housing Authority of City of Santa Barbara: Executive Director Robert Pearson.
- Council on Alcoholism and Drug Abuse: Director of Administration Wim Verkaik.
- Members of the Public: Aurelio Bocanegra; Chuck Bergquist, Council on Alcoholism and Drug Abuse; Victoria Mather; Jeff Money; Dave Hopkins, South Coast Homeless Advisory Committee; Pat O'Connor; Joyce Dudley, Santa Barbara County District Attorney; Sharon Byrne, Milpas Community Association; Emmet Hawkes; David Hughes; Fred Clough, Council on Alcoholism and Drug Abuse; Ann Detrick, County of Santa Barbara Alcohol, Drug & Mental Health Services; Bill Batty Family Service Agency; Jeanette Sanchez; Penny Jenkins, Council on Alcoholism and Drug Abuse; Brittany Odermann Heaton; Jim Heaton; Jim Cadenhead; Rebecca Long; Nancy Caponi; Carolyn Clancy; Nancy Gottlieb; Andrew Davis; Geof Bard; Robert Burke.

Public Comment Closed:

3:18 p.m.

Motion:

Council/Agency members House/White to approve the recommendations, directing Staff to revise the proposed resolution to clarify the required findings and resubmit it for Council's approval; Redevelopment Agency Agreement No. 538.

Vote:

Majority voice vote (Noes: Council/Agency member Self; Absent: Council/Agency member Rowse).

**RECESS**

3:54 p.m. - 4:09 p.m. All Councilmembers were present when the meeting was reconvened.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### COMMUNITY DEVELOPMENT DEPARTMENT

18. Subject: Sign Ordinance Revisions (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 Sections 22.70.020, 22.70.030, and 22.70.040 of the Santa Barbara Municipal Code Relating to Sign Regulations; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020, 22.70.030, and 22.70.040 of the Santa Barbara Municipal Code Relating to Sign Regulations for Digital Displays.

Mayor Schneider noted that the Council would consider recommendation B first.

Councilmember White stated he would not participate in the discussion of or action taken on the ordinance referred to in recommendation B due to a conflict of interest related to his having a client involved in digital display production; he left the meeting at 4:09 p.m.

Documents:

- March 15, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinances.
- PowerPoint presentations prepared and made by Staff.

The titles of the ordinances were read.

Speakers:

- Staff: Zoning and Enforcement Supervisor Renee Brooke, City Attorney Stephen Wiley, City Planner Bettie Weiss, Assistant City Attorney Scott Vincent.
- Historic Landmarks Commission: Member Louise Boucher.
- Members of the Public: Jim Caldwell, Santa Barbara Association of Realtors; Jonatha King; Lee Wotherspoon; Lance Jones; Ed Edick; Sean Checketts; John Price; Douglas Fell.

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18. (Cont'd)

Motion:

Councilmembers House/Hotchkiss to direct Staff to revise the ordinance referred to in recommendation B to include a definition of and exemption(s) for video devices on gas pumps ("gas pump flicks") and return to Council for introduction and subsequent adoption of the revised ordinance.

Vote:

Unanimous voice vote (Absent: Councilmember White).

Councilmember White returned to the meeting at 5:27 p.m., and the Council then considered recommendation A.

Speakers:

- Staff: Zoning and Enforcement Supervisor Renee Brooke, Assistant City Attorney Scott Vincent, City Planner Bettie Weiss.
- Members of the Public: Kellam de Forest; Robert Burke.

Motion:

Councilmembers House/Hotchkiss to introduce the ordinance referred to in recommendation A, to be revised to include a definition of balloons as well as an exemption for the display of up to 12 balloons from the prohibition for inflatable signs.

Vote:

Unanimous voice vote.

19. Subject: Introduction Of Ordinance Regarding Temporary Suspension Of Certain Hedge Regulations (640.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 28.87 of Title 28, the City's Zoning Ordinance, in Order to Temporarily Suspend the Application of Certain Provisions of Section 28.87.170 Concerning the Height of Hedges in Required Setbacks and Along the Front Lot Line.

Documents:

- March 15, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

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19. (Cont'd)

Speakers:

- Staff: Zoning and Enforcement Supervisor Renee Brooke.
- Member of the Public: Kellam de Forest.

Motion:

Councilmembers Rowse/Hotchkiss to approve the recommendation.

Vote:

Unanimous voice vote.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

Councilmember White reported on his attendance at the most recent meeting of the Water Commission, during which the City's water supply and infrastructure needs were discussed.

## **COUNCIL AND STAFF COMMUNICATIONS**

Information:

Mayor Schneider noted that she had sent an e-mail to the Mayor of Toba City, Japan (sister city to Santa Barbara), to express the City's concern following the March 11 earthquake and tsunami; she read the response received.

## **CHANGES TO THE AGENDA**

### Item Removed from Agenda

City Administrator James Armstrong stated that the following item was being removed from the agenda:

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 General, Treatment and Patrol, and Supervisory bargaining units and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:28 p.m. to Monday, March 21, 2011, at 1:30 p.m. at 320 Cooper Road.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

ATTEST:

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HELENE SCHNEIDER  
MAYOR

\_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK