



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 22, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting 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 Brenda Alcazar.

PUBLIC COMMENT

Speakers: James Smallwood, Surfrider Foundation; Ralph Fertig, President of the Santa Barbara Bicycle Coalition; Wayne Scoles; Geoffery Bard.

CONSENT CALENDAR (Item Nos. 1 - 11)

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

Motion:

Councilmembers House/Rowse 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 25, the special meeting of February 7, and the regular meetings of February 8, and February 22, 2011 (cancelled).

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance For The Amendment Of Concession Agreement With First Class Concessions, Inc. (330.04)

Recommendation: That Council 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 recommendation; Ordinance No. 5546; Agreement No. 23,445.1.

3. Subject: Adoption Of Ordinance For A Lease Agreement With Leather Depot, Inc. (330.04)

Recommendation: That Council 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.

Action: Approved the recommendation; Ordinance No. 5547; Agreement No. 23,678.

4. Subject: Adoption Of Ordinance Regarding Temporary Suspension Of Certain Hedge Regulations (640.02)

Recommendation: That Council 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.

Action: Approved the recommendation; Ordinance No. 5548.

5. Subject: Application For Grant Funding For Mission Creek Lagoon And Laguna Channel Restoration And Flood Reduction Project (530.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Application for \$5,175,000 in Grant Funds from the Flood Corridor Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E).

Action: Approved the recommendation; Resolution No. 11-014 (March 22, 2011, report from the Parks and Recreation Director; proposed resolution).

6. Subject: Acceptance Of Street Easement At 2501-2511 Medcliff Road (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Street Easement for Public Street Uses on a Portion of the Real Property Commonly Known as 2501-2511 Medcliff Road, Authorizing City Public Works Director to Execute Same, and Consenting to the Recordation by City Clerk of Said Street Easement Deed in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 11-015; Deed No. 61-358 (March 22, 2011, report from the Public Works Director; proposed resolution).

7. Subject: Acceptance Of Utility Easement For Street Light Pedestal At 2437 Calle Andalucia (530.07)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Utility Easement for the Installation and Use of Public Street Light Utility Pedestal and Facilities on a Portion of the Real Property Commonly Known as 2437 Calle Andalucia, Authorizing City Public Works Director to Execute Same, and Consenting to the Recordation by City Clerk of Said Utility Easement Deed in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 11-016; Deed No. 61-359 (March 22, 2011, report from the Public Works Director; proposed resolution).

8. Subject: Authorization For The Allocation Of Transportation Development Act Funds (150.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments (SBCAG) for Allocation of \$56,584 in Transportation Development Act (TDA) Funds for Fiscal Year 2012.

Action: Approved the recommendation; Resolution No. 11-017 (March 22, 2011, report from the Public Works Director; proposed resolution).

9. Subject: Contract For Construction For The Modoc Road Pavement Preparation Project (530.04)

Recommendation: That Council:

- A. Waive the formal bidding requirements, as authorized by Municipal Code Section 4.52.070 (L), Best Interest to Waive;
- B. Authorize the General Services Manager to issue a Purchase Order Contract to Lash Construction, Inc. (Lash), in the low bid amount of \$77,244 for construction of the Modoc Road Pavement Preparation Project (Project), Bid No. 5059; and
- C. Authorize the General Services Manager to approve expenditures of up to \$7,725 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.

Action: Approved the recommendations (March 22, 2011, report from the Public Works Director).

10. Subject: Rental Property Lease Agreements For Police Recruit Housing And Retroactive Approval Of Purchase Order Number 384872 Issued To The Discovery Group, Inc. (520.04)

Recommendation: That Council:

- A. Grant authority to the Chief of Police through June 30, 2016, to negotiate and execute rental property leases, utility service contracts, and furniture rental agreements, as necessary and in a form acceptable to the City Attorney, for the purpose of police recruit housing; and
- B. Retroactively approve Purchase Order Number 384872 in the amount of \$27,900 issued on January 3, 2011, to the Discovery Group, Inc., for housing and related services for police recruits.

Action: Approved the recommendations (March 22, 2011, report from the Chief of Police).

NOTICES

11. The City Clerk has on Thursday, March 17, 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.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to hear a report from the Finance Department on proposed rate changes for the Solid Waste Fund. Staff will return in April with a complete report.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

12. Subject: Professional Services Agreement For Zone 1 Hauler Franchise Renewal (630.01)

Recommendation: That Council:

- A. Authorize the Finance Director to negotiate and execute a Professional Services Agreement, in a form acceptable to the City Attorney, with HF&H Consultants, LLC, in an amount not to exceed \$110,200 for competitive contracting assistance; and
- B. Appropriate \$110,200 from the available reserves of the City's Solid Waste Fund to cover these contract costs and direct staff to require any successful Zone 1 Hauler to reimburse the City for these costs as part of the franchise agreement to be awarded.

Documents:

- March 22, 2011, report from the Finance Director.
- March 22, 2011, PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Employee Relations Manager Kristy Schmidt, City Attorney Stephen Wiley, Finance Director Robert Samario, Environmental Services Manager Matthew Fore, City Administrator James Armstrong.
- Members of the Public: Kellam de Forest.

Motion:

Councilmembers House/Rowse to approve the recommendations.

The motion was withdrawn.

Motion:

Councilmembers Francisco/Rowse to reconsider this item two weeks after the County of Santa Barbara Board of Supervisors meets to make its decision on its Request for Proposals process and how to proceed.

Vote:

Unanimous voice vote.

PUBLIC HEARINGS

13. Subject: Appeal Of Parks And Recreation Commission Denial Of Tree Removal At 320 Cooper Road (570.08)

Recommendation: That Council deny the appeal filed by Peter Hornemann, and uphold the Parks and Recreation Commission decision to deny the removal of a *Quercus agrifolia* (Coast Live Oak) located in the minimum front setback at 320 Cooper Road.

Documents:

- March 22, 2011, report from the Parks and Recreation Director.
- March 22, 2011, PowerPoint presentation prepared and made by Staff.
- March 22, 2011, letter and photocopy of eHow web page entitled "The Root System of Oak Trees," submitted by the Appellant/Applicant.

Public Comment Opened:

3:16 p.m.

Mayor Schneider announced that the Appellant/Applicant could not be present at the appeal hearing and had requested that she read his statement at the appropriate time.

Speakers:

- Staff: Assistant Parks and Recreation Director Jill Zachary, Urban Forest Superintendent Timothy Downey.
- Street Tree Advisory Committee: Chair Karen Christman.
- Parks and Recreation Commission: Chair Lesley Wiscomb.
- Appellant/Applicant: Mayor Schneider, on behalf of Peter Hornemann.
- Members of Public: Geoffery Bard, Kellam de Forest.

Public Comment Closed:

4:14 p.m.

Motion:

Councilmembers House/White to deny the appeal and direct staff to assist the Appellant/Applicant to determine other options for addressing the concerns he raised about the subject tree.

Vote:

Majority roll call vote (Noes: Councilmembers Hotchkiss, Rowse, Self).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT

14. Subject: Six-Year Capital Improvement Program - Fiscal Year 2012 Through 2017 (230.01)

Recommendation: That Council receive the Six-Year Capital Improvement Program for Fiscal Year 2012 through 2017.

Documents:

- March 22, 2011, report from the Public Works Director.
- March 22, 2011, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Public Works Director Christine Andersen, City Administrator James Armstrong.

By consensus, the Council received the report. Staff answered the Councilmembers' questions.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Schneider reported that the Planning Commission met last week and approved the Highway 101 improvements as they relate to Salinas Street. She also mentioned that last Friday, the League of California Cities Board voted to agree to a compromise with the California Redevelopment Association regarding the extension of local Redevelopment Agencies.
- Councilmember Hotchkiss spoke about his attendance at the Airport Commission meeting and said that the Airport now has its own Application that can be purchased at the App Store. He also said that the flights at the Airport are at 70% capacity which is considered excellent.

RECESS

Mayor Schneider recessed the meeting at 5:03 p.m. in order for the Council to meet in closed session for Agenda Item Nos. 15 and 16. No reportable action is anticipated.

CLOSED SESSIONS

15. Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

March 22, 2011, report from the City Attorney.

Time:

5:10 p.m. - 5:47 p.m.

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 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

Documents:

March 22, 2011, report from the Assistant City Administrator/
Administrative Services Director.

Time:

5:47 p.m. - 6:03 p.m.

No report made.

RECESS

6:03 p.m. - 6:04 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco (6:06 p.m.), Hotchkiss, House, Rowse, Self, White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Alcazar.

PUBLIC COMMENT

No one wished to speak.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Community Development And Human Services Committee Funding Recommendations For Fiscal Year 2012, Policy Amendment And Housing And Urban Development 2011 Action Plan (610.05)

Recommendation: That Council:

- A. Approve the Fiscal Year 2012 funding recommendations of the Community Development and Human Services Committee (CDHSC) for use of Community Development Block Grant (CDBG) and Human Services funds;
- B. Approve the CDHSC funding contingency plan;
- C. Authorize the CDHSC to adjust funding as per the approved contingency plan without further Council action upon receipt of the actual entitlement amount awarded;
- D. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney;
- E. Authorize the City Administrator to sign all necessary documents to submit the City's 2011 Action Plan to the Department of Housing and Urban Development (HUD); and
- F. Authorize staff to amend CDBG and Human Services grant applications, program applications, policies, and agreements as necessary to implement regulations under the Federal Funding Accountability and Transparency Act of 2006 (FFATA) that became effective as of October 1, 2010, subject to the review and approval of the City Attorney.

Documents:

- March 22, 2011, report from the Assistant City Administrator/Community Development Director.
- March 22, 2011, PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, Community Development Programs Specialist Elizabeth Stotts, Community Development Programs Supervisor Deirdre Randolph.

(Cont'd)

17. (Cont'd)

Speakers (Cont'd):

- Community Development & Human Services Committee: Member Veronica Loza.
- Members of the Public: Bill Batty, Family Service Agency; Blanca Flor Benedict, City at Peace; Marsha Bailey, Women's Economic Ventures; Jennifer Griffin, Independent Living Resource Center; Lynn Karlson, Channel Islands YMCA Noah's Anchorage and Transitional Youth Housing; Stephen Cushman, Santa Barbara Chamber of Commerce; Marilyn Statucki, Food from the Heart; Josephine Black, Independent Living Resource Center; Elizabeth Lee, Community Action Commission; Michael Rassler, Jewish Federation of Greater Santa Barbara; Randy Sunday, Sarah House; Kristen Tippelt, People's Self-Help Housing; Heidi Holly and Penny Mathison, Friendship Center; Terri Allison, Storyteller; Rebecca Robertson, St. Vincent's; Michael Colin; Angelica Dominguez and Karen Arizmendi, Future Leaders of America; Elizabeth Rumelt, CALM; Chuck Smith; Regina Ruiz, Marquitos Arebalo and Alba Vargas, Youth CineMedia; Gary Linker, New Beginnings Counseling Center; Francisca Cavdillo, Youth CineMedia; George Rios and Sandra Aguilar, yStrive for Youth Inc.; Nancy Edmondson, Unitarian Society of Santa Barbara; Annmarie Cameron, Mental Health Association in Santa Barbara; Magna Arroyo, Santa Barbara West Boys & Girls Club; Jennifer Freed, Academy of Healthy Arts; Diane Erickson; Geoffery Bard.

Councilmember Rowse stated that he would abstain from voting on funding for the Council on Alcoholism and Drug Abuse (CADA) due to a conflict of interest related to his wife's membership on the Board of Directors.

Councilmember House stated that he would abstain from voting on funding for the Community Action Commission (CAC) due to a conflict of interest related to his membership on the Board of Directors.

Motion:

Councilmembers Francisco/Rowse to approve recommendations A - F, exclusive of the funding for CAC and CADA; Agreement Nos. 23,679 - 23,697, 23,699 - 23,701, 23,703 - 23,706, 23,708 - 23,728, 23,730 - 23,734, and 23,736 - 23,739.

Vote:

Unanimous voice vote.

(Cont'd)

17. (Cont'd)

Motion:

Councilmembers Hotchkiss/White to approve the recommended funding for CADA; Agreement Nos. 23,698, 23,729 and 23,735.

Vote:

Unanimous voice vote (Abstention: Councilmember Rowse).

Motion:

Councilmembers Hotchkiss/White to approve recommended funding for the Community Action Commission; Agreement Nos. 23,702 and 23,707.

Vote:

Unanimous voice vote (Abstention: Councilmember House).

Based on the previous actions, the Council approved allocation of funding as follows:

FISCAL YEAR 2011-2012
COMMUNITY DEVELOPMENT BLOCK GRANT AND HUMAN SERVICES COMMITTEE
FUNDING AGREEMENTS

<u>PUBLIC/HUMAN SERVICE</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>1st Priority</u>		
Casa Esperanza Homeless Center (Homeless Day Program)	\$52,250	23,679
Casa Esperanza (Fiscal Umbrella) (Bringing Our Community Home)	14,250	23,680
Casa Esperanza Homeless Center (Community Kitchen)	48,156	23,681
Aids Housing Santa Barbara (Sarah House)	24,250	23,682
Foodbank (SB Warehouse)	23,250	23,683
Channel Islands YMCA (Noah's Anchorage)	21,000	23,684
Pacific Pride Foundation (Necessities of Life)	22,000	23,685
S.B. Rape Crisis Center	24,000	23,686
S.B. Neighborhood Clinics (Dental Care for the Homeless)	25,000	23,687
Transition House (Comprehensive Homeless Services)	39,000	23,688
S.B. Community Housing Corp. (New Faulding Htl Coordinator)	14,000	23,689
Domestic Violence Solutions (Emergency Shelter)	36,500	23,690
Domestic Violence Solutions (Emergency Shelter)	7,500	23,691
Domestic Violence Solutions (Second Stage)	6,750	23,692
S.B. Community Housing Corp. (Riviera Dual Diagnosis Prog.)	19,000	23,693
New Beginnings Counseling Center (Homeless Outreach)	14,750	23,694
WillBridge	21,750	23,695
Legal Aid Foundation (Emergency Legal Services)	21,000	23,696
Foodbank (Brown Bag)	7,750	23,697
CADA (Project Recovery Detox)	17,000	23,698
St. Vincent's (PATHS)	8,750	23,699

(Cont'd)

17. (Cont'd)

<u>PUBLIC/HUMAN SERVICE</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>1st Priority (Cont'd)</u>		
Unity Shoppe, Inc. (Central Distribution Facility)	\$ 22,000	23,700
People's Self Help Housing (Supportive Housing Program)	7,000	23,701
Community Action Commission (Senior Nutrition)	11,000	23,702
Catholic Charities (Emergency Services)	11,000	23,703
Unitarian Society (Fiscal Umbrella) (Freedom Warming Centers)	6,000	23,704
Channel Islands YMCA (Transitional-Youth Housing)	16,000	23,705
Casa Serena (Scholarship Program)	8,000	23,706
Community Action Commission (So. Coast Taskforce on Gangs)	15,000	23,707
Food From The Heart	3,500	23,708
<u>2nd Priority</u>		
Family Service Agency (Big Brothers/Big Sisters)	\$ 7,500	23,709
S.B. Co. DA - Victim Witness Assistance (S.A.R.T.)	7,500	23,710
Friendship Center (Adult Day Services)	20,000	23,711
CALM (Bilingual Child Abuse Treatment)	19,000	23,712
Transition House (Homelessness Prevention)	7,500	23,713
City At Peace	7,500	23,714
Planned Parenthood (Peer Advocates/Education)	7,500	23,715
S.B. Police Activities League (PAL Jr. High After School Program)	16,000	23,716
Family Service Agency (2-1-1/HelpLine)	19,000	23,717
Long Term Care Ombudsman (Ombudsman Services)	21,000	23,718
Family Service Agency (Caregiver Mental Health)	2,000	23,719
Storyteller Children's Center	22,000	23,720
Rental Housing Mediation Task Force City CD	22,000	
Family Service Agency (Family Resource Centers)	9,000	23,721
United Boys & Girls Club (Westside) (Teen Programs)	13,500	23,722
Future Leaders of America (Equality in Education)	8,000	23,723
Mental Health Association in S.B. (Fellowship Club)	9,000	23,724
Independent Living Resource Ctr. (Independent Living Services)	18,000	23,725
AHA! Academy of Healing Arts	9,500	23,726
Boys & Girls Club of SB (Power Hr Homework Club)	7,000	23,727
S.B. Arts Alliance City of SB - P & R	7,000	
Jewish Federation of Greater S.B. (Portraits of Survival)	5,000	23,728
CADA (CORE)	5,000	23,729
Job Apprenticeship City of SB - P & R (Job Apprenticeship Program)	9,000	
People's Self Help Housing (Gang Prevention through Ed.)	4,000	23,730
Alzheimer's Association (Family Services Program SB)	4,000	23,731
Visiting Nurse & Hospice Care (Homemaker Program)	3,600	23,732
Primo Boxing Club (Say Yes to Kids)	<u>5,500</u>	23,733
SUBTOTAL	\$ 863,006	

(Cont'd)

17. (Cont'd)

<u>CAPITAL</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
SB Neighborhood Clinics (Westside Clinic Flooring)	\$ 34,833	23,734
CADA (Project Recovery Capital)	5,375	23,735
City of S.B. – NITF (Access Ramps)	50,000	
Girls Inc. of Santa Barbara (Kitchen remodel)	55,000	23,736
City of S.B. – NITF (Sidewalk Infill)	155,086	
Casa Esperanza Homeless Center (Bathroom and Floor Replacement)	90,000	23,737
Women's Economic Ventures (Microenterprise Development)	25,000	23,738
Jewish Federation (Community Ctr. Rehab)	110,000	23,739
City of S.B. – NITF (Ortega Park Security Lighting)	60,000	
City of S.B. – NITF (Westside Ctr. Cameras)	47,000	
City of S.B. – NITF (Bus Shelters)	75,000	
City of S.B. – NITF (Euclid Street Improvements)	<u>35,000</u>	
SUBTOTAL	\$ 742,294	
 <u>ADMINISTRATION</u>		
City of SB - Comm. Development (RHMTF)	\$ 89,632	
City of SB - Comm. Development (CDBG Admin.)	165,595	
City of SB - Comm. Development (Fair Housing)	<u>7,773</u>	
SUBTOTAL	\$ 263,000	
GRAND TOTAL	\$1,868,300	

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:34 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST: _____

<p>_____ HELENE SCHNEIDER MAYOR</p>	<p>_____ BRENDA ALCAZAR, CMC DEPUTY CITY CLERK</p>
---	--