



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 17, 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 and the Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Michael Self.

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

PUBLIC COMMENT

Speakers: Mike Jordan, Geof Bard, Ethel Thomas Resolitzsky, Michael Gray.

CONSENT CALENDAR (Item Nos. 1 - 14)

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

Motion:

Councilmembers White/Hotchkiss to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Self).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of April 21, and May 2, 2011.

Action: Approved the recommendation.

2. Subject: Amendment Of Countywide Siting Element (630.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adding the Proposed Los Flores Ranch Integrated Waste Management Facility to the Countywide Siting Element, a Regional Solid Waste Planning Document, as Prescribed by the California Public Resources Code.

Action: Approved the recommendation; Resolution No. 11-028 (May 17, 2011, report from the Finance Director; proposed resolution; affidavit of publication).

3. Subject: Acceptance Of Street Easements For Sidewalk Improvements (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Street Easements for the Installation and Use of Public Sidewalk Access Ramps and Related Improvements on Portions of the Real Properties Commonly Known as 1131 Coast Village Road, 30 West Calle Laureles, and 628 West Mission Street, Authorizing City Public Works Director to Execute Same, and Consenting to the Recordation by City Clerk of Said Street Easement Deeds in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 11-029; Deed Nos. 61-360 - 61-362 (May 17, 2011, report from the Public Works Director; proposed resolution).

4. Subject: Contract For Construction Of The Zone 6 Pavement Preparation Project (530.04)

Recommendation: That Council:

- A. Award a contract with Granite Construction Company (Granite) in their low bid amount of \$1,390,743 for construction of the Zone 6 Pavement Preparation Project (Project), Bid No. 3624;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$111,260 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; and

(Cont'd)

4. (Cont'd)

- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers) in the amount of \$109,412 for construction support services, and approve expenditures of up to \$10,941 for extra services of Flowers that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,774 and 23,775 (May 17, 2011, report from the Public Works Director).

5. Subject: Contract For Construction Of The Zone 6 Slurry Seal Project (530.04)

Recommendation: That Council:

- A. Award a contract with Pavement Coatings Co. (Pavement Coatings) in their low bid amount of \$1,011,716 for construction of the Zone 6 Slurry Seal Project (Project), Bid No. 3625;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$80,937 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; and
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers) in the amount of \$196,655 for construction support services, and approve expenditures of up to \$19,665 for extra services of Flowers that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,776 and 23,777 (May 17, 2011, report from the Public Works Director).

6. Subject: Community Priority Designation For 602 Anacapa Street (640.09)

Recommendation: That Council find that the Antioch University development project at 602 Anacapa Street meets the definition of a Community Priority Project, and grant the project a Preliminary Community Priority Designation for an allocation of 2,671 square feet of nonresidential floor area.

Action: Approved the recommendation (May 17, 2011, report from the Assistant City Administrator/Community Development Director).

7. Subject: Response To The 2010-2011 Grand Jury Report - Improving Our Emergency Alert System In The 21st Century (150.04)

Recommendation: That Council review and approve a draft letter in response to the findings and recommendations of the 2010-2011 Santa Barbara County Civil Grand Jury report titled, Improving our Emergency Alert System in the 21st Century.

(Cont'd)

7. (Cont'd)

Action: Approved the recommendation (May 17, 2011, report from the Fire Chief).

8. Subject: Appeal Of Penalty For Late Tax Filing By Santa Barbara Inn (270.06)

Recommendation: That the City Council appoint the City Administrator as the appropriate City officer to hear the appeal of the imposition of a penalty for a late transient occupancy tax payment upon the Santa Barbara Inn pursuant to the authority of Santa Barbara Municipal Code Section 1.30.050(B).

Action: Approved the recommendation (May 17, 2011, report from the Finance Director).

9. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 336 N. Milpas Street (640.07)

Recommendation: That Council:

- A. Set the date of June 7, 2011, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney for the Mary Z. Frangos Trust, of the Architectural Board of Review action on the application of property owner Fresh & Easy Neighborhood Market, located at 336 N. Milpas Street, Assessor's Parcel No. 031-371-021, C-2 Commercial Zone, General Plan Designation: General Commerce. The project proposes the merger of three lots, the demolition of three existing nonresidential buildings totaling 12,919 square feet, and the construction of a new one-story, 11,680 square-foot commercial building and parking lot. The project was granted Preliminary Approval on October 9, 2006, and Final Approval on January 25, 2010. The decision under appeal is approval of a Review After Final for changes to the entry tower, ramp, doors, and roof parapet approved on April 4, 2011; and
- B. Set the date of June 6, 2011, at 1:00 p.m. for a site visit to the property located at 336 N. Milpas Street.

Action: Approved the recommendations (April 13, 2011, letter of appeal).

10. Subject: Set A Date For Public Hearing Regarding Planning Commission Approval Of Valle Verde Retirement Community, 900 Calle De Los Amigos (640.07)

Recommendation: That Council:

- A. Set the date of June 14, 2011, at 2:00 p.m. for hearing the appeal filed by Marc Chytilo, Attorney representing Hidden Oaks Homeowners Association, and Weinberg, Roger & Rosenfeld, representing Service Employees International Union-United Healthcare Workers West and Friends of Valle Verde, approval of an application for property located at 900 Calle de los Amigos, APN/Zone Districts: Valle Verde Campus - 049-040-054/E-3; 049-440-016/A-1; 049-040-050/A-1 and E-3; 049-040-053/E-3; Rutherford Parcel - 049-440-015/A-1; General Plan Designation: Residential 5 Units per Acre, 1 Unit per Acre. The proposed project involves the demolition of two independent living residential units and one single-family dwelling, and the construction of 40 new independent living residential units. Four out of eleven studio units would be demolished. Changes to the existing support facilities would include a two-story addition to the Administration building, with a four room bed and breakfast located on the second story. The existing bed and breakfast, which was converted from an independent residential unit, would be demolished. The Assisted Living facility would be remodeled and four beds would be added. The existing maintenance facility would be demolished and rebuilt, and include a hobby area for the residents. Several of the existing parking areas on the project site would be reconfigured for dedicated residential, visitor and employee parking, and would provide a total of 83 new parking spaces. A parking permit program would be implemented to track the residential and employee parking. The project would include the dedication of a 9.8-acre oak woodland area on the western portion of the project site. The discretionary applications required for this project are Modifications, a Conditional Use Permit Amendment, and a Lot Line Adjustment; and
- B. Set the date of June 13, 2011, at 1:30 p.m. for a site visit to the property located at 900 Calle de los Amigos.

Action: Approved the recommendations (April 25, 2011, letters of appeal).

11. Subject: Set A Date For Public Hearing Regarding Appeal Of Parks And Recreation Commission Approval For 507 Brosian Way (570.08)

Recommendation: That Council:

- A. Set the date of June 28, 2011, at 2:00 p.m. for hearing the appeal filed by Cy Lyon of the Parks and Recreation Commission's approval of a request to remove two setback trees on the property located at 507 Brosian Way; and

(Cont'd)

11. (Cont'd)

- B. Set the date of June 27, 2011, at 1:30 p.m. for a site visit to the property located at 507 Brosian Way.

Action: Approved the recommendations (May 3, 2011, letter of appeal).

12. Subject: Set A Date For Public Hearing Regarding Appeals Of Planning Commission And Single Family Design Board Approvals For 1233 Mission Ridge Road (640.07)

Recommendation: That Council:

- A. Set the date of July 19, 2011, at 2:00 p.m. for hearing the appeals filed by Marc Chytilo, Agent for Judy and David Denenholtz, of: 1) the Planning Commission's denial of an appeal of an approval by the Staff Hearing Officer of a Performance Standard Permit; and 2) the Single Family Design Board's Project Design Approval, of an application for property owned by Thomas and Barbara Sanborn and located at 1233 Mission Ridge Road, Assessor's Parcel No. 019-231-007, E-1 One-Family Residence Zone, General Plan Designation: Residential, One Unit per Acre. The project proposes the demolition of an existing residence, accessory building and detached garage (totaling 2,847 square feet) on a 31,584 square-foot lot in the Hillside Design District, and the construction of a new single-family residence and an Additional Dwelling Unit. The proposed main house is a two-story single-family residence with garage, workshop, patio, second-story deck, pool and spa totaling 4,395 square feet. The proposed Accessory Dwelling Unit is a one-story, additional dwelling unit with garage and storage area totaling 1,504 square feet. The discretionary applications required for the project are a Performance Standard Permit and Project Design Approval; and
- B. Set the date of July 18, 2011, at 1:30 p.m. for a site visit to the property located at 1233 Mission Ridge Road.

Action: Approved the recommendations (March 17, and May 5, 2011, letters of appeal).

NOTICES

- 13. The City Clerk has on Thursday, May 12, 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.
- 14. Received a letter of resignation from Historic Landmarks Commissioner Susette Naylor; the vacancy will be part of the next City Advisory Groups recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee discussed, in connection with the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013, policies regarding the levels and uses of City reserve funds. This issue will be placed on a future Council agenda for consideration and direction to the Committee.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Grant House reported that the Committee met to consider an ordinance establishing local energy efficiency standards for new construction and additions to existing buildings. The Committee will work with Staff to hold a work session with interested parties, following which the Committee will discuss the issue further.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

15. Subject: Medical Marijuana Dispensary Ordinance - Amendment For Dispensaries Permitted Under The March 2008 Dispensary Ordinance (520.04)

Recommendation: That the City Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code to Establish Revised Regulations for Those Storefront Medical Marijuana Dispensaries Permitted Under City Ordinance No. 5449 as Adopted on March 25, 2008.

Documents:

- May 17, 2011, report from the City Attorney.
- Proposed Ordinance.
- May 17, 2011, letter from Janet McGinnis.

The title of the ordinance was read.

Speakers:

Staff: City Attorney Stephen Wiley.

Motion:

Councilmembers Rowse/White to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Self).

ADMINISTRATIVE SERVICES DEPARTMENT

16. Subject: Agreements With Martin & Chapman Company And Donna M. Grindey, CMC, For Election Services Related To The November 8, 2011, General Municipal Election (110.03)

Recommendation: That Council:

- A. Authorize the Administrative Services Director to execute a \$141,500 professional services agreement, in a form of agreement acceptable to the City Attorney, with Martin & Chapman Company for election services, and to approve expenditures of up to \$21,225 for extra services that may result from necessary changes in the scope of work; and
- B. Authorize the Administrative Services Director to execute a \$40,000 professional services agreement, in a form of agreement acceptable to the City Attorney, with Donna M. Grindey, CMC, for election services, and to approve expenditures of up to \$6,000 for extra services that may result from necessary changes in the scope of work.

Documents:

May 17, 2011, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

Staff: City Clerk Services Manager Cynthia Rodriguez.

Motion:

Councilmembers Francisco/Rowse to approve the recommendations; Agreement Nos. 23,778 and 23,779.

Vote:

Unanimous voice vote (Absent: Councilmember Self).

PUBLIC WORKS DEPARTMENT

17. Subject: Increase In Construction Change Order Authority For The Santa Barbara Airport Airline Terminal Improvement Project (560.04)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Santa Barbara Airport Airline Terminal Improvement Project (Project), Contract No. 23,006, in the amount of \$1,270,000, to cover changes in work as a result of Transportation Security Administration (TSA) and airline tenants' requests, for a total project change order expenditure authority of \$4,710,000; and

(Cont'd)

17. (Cont'd)

- B. Approve a transfer of \$248,000 from the Airport's Bond Construction Account, representing accumulated interest earnings on invested bond proceeds during construction, to the Airport Capital Fund to provide the balance of appropriations needed to cover the total estimated costs of the Project, including the increased change order.

Documents:

- May 17, 2011, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Airport Director Karen Ramsdell, City Administrator James Armstrong.

Motion:

Councilmembers House/Hotchkiss to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Self).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Francisco reported that the Cachuma Operation and Maintenance Board has interviewed candidates for the position of General Manager and will make a hiring decision within the next two weeks.
- Mayor Schneider mentioned that the Santa Barbara County Air Pollution Control District is also seeking a new director and will conduct interviews and make its hiring decision over the next six weeks.

RECESS

Mayor Schneider recessed the meeting at 2:40 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 18 and 19; no reports are anticipated.

CLOSED SESSIONS

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 Drew Josfan vs. Nylon Project, LLC, etc., et al., USDC Case No. CV 09-7904 AHM (PLAx).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Cont'd)

18. (Cont'd)

Documents:

May 17, 2011, report from the City Attorney.

Time:

2:45 p.m. - 2:53 p.m.

No report made.

19. 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:

May 17, 2011, report from the Assistant City Administrator/Administrative Services Director.

Time:

2:55 p.m. - 3:05 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK