



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING June 21, 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: Edmond Finucane; Holly Tatomer; Phil Walker; Geoffery Bard; K8 Longstory; Claudia Bratton, Summer Solstice.

### CONSENT CALENDAR (Item Nos. 1 - 12, 15, and 16)

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

Motion:

Council/Agency members House/White 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 May 31, 2011 (cancelled).

Action: Approved the recommendation.

2. Subject: Airport Ordinance Update And Security Program Resolution (560.01)

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 Title 18 of the Santa Barbara Municipal Code Pertaining to Operations at the Santa Barbara Airport; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting Rules and Regulations Pertaining to Restricted Areas in the Santa Barbara Airport.

Action: Approved the recommendations; Resolution No. 11-042 (June 21, 2011, report from the Airport Director; proposed ordinance and resolution).

3. Subject: Statement Of Investment Policy And Delegation Of Investment Authority For Fiscal Year 2012 (260.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Investment Policy for the City and Rescinding Resolution No. 10-054; and
- B. Authorize the City Administrator/City Clerk/City Treasurer to invest or reinvest funds, or to sell or exchange securities so purchased for the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara for Fiscal Year 2012.

Action: Approved the recommendations; Resolution No. 11-043 (June 21, 2011, report from the Finance Director; proposed resolution).

4. Subject: Adoption Of Ordinance For Rule Of The List Dispatch And Parking Enforcement Vacancies (450.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 3.16.200 of Santa Barbara Municipal Code Title 3 Pertaining to Certification of Eligibles from an Employment List for Certain Non-Sworn Police Department Vacancies.

Action: Approved the recommendation; Ordinance No. 5553.

5. Subject: Adoption Of Ordinance For 2011-2013 Treatment And Patrol (TAP) 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 Adopting the 2011-2013 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units).

Action: Approved the recommendation; Ordinance No. 5554; Agreement No. 23,797.

6. Subject: Adoption Of Ordinance For Extension To 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) to Include a Supplemental Agreement.

Action: Approved the recommendation; Ordinance No. 5555; Agreement No. 23,016.1.

7. Subject: Adoption Of Ordinance For Management Salary Plans (440.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Setting Forth and Approving a Salary Plan for Unrepresented Managers and Professional Attorneys for the period of June 14, 2011, through June 30, 2012; and a Salary Plan for Sworn Fire Managers and Unrepresented Sworn Police Managers for the period of June 14, 2011, through June 30, 2012.

Action: Approved the recommendation; Ordinance No. 5556.

8. Subject: Contract For Construction Of The Mission Creek Fish Passage Project, Phase One (540.14)

Recommendation: That Council:

- A. Award a contract with V. Lopez Jr. and Sons (V. Lopez) in their low bid amount of \$1,066,246.95 for construction of the Mission Creek Fish Passage Project, Phase One (Project), Bid No. 3619;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$159,937 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

(Cont'd)

8. (Cont'd)

- C. Authorize the Public Works Director to execute a contract with HDR Engineering, Inc. (HDR), in the amount of \$41,440 for construction support services, and approve expenditures of up to \$4,144 for extra services of HDR that may result from necessary changes in the scope of work.

Speakers:

Members of the Public: Phil Walker.

Action: Approved the recommendations; Contract Nos. 23,798 and 23,799 (June 21, 2011, report from the Public Works and Parks and Recreation Directors).

9. Subject: Contract For Construction Of The El Estero Wastewater Treatment Plant Belt Press Booster Pumps (540.13)

Recommendation: That Council:

- A. Award a contract to Spiess Construction (Spiess) in their low bid amount of \$65,650 for construction of the Belt Press Booster Pump Installation (Project) at the El Estero Wastewater Treatment Plant (EEWTP), Bid No. 3632; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$6,565 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; Contract No. 23,800 (June 21, 2011, report from the Public Works Director).

10. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 903 W. Mission Street (640.07)

Recommendation: That Council set the date of August 23, 2011, at 2:00 p.m. for hearing the appeal filed by Pam Brandon of the Final Approval of the Architectural Board of Review (ABR) of an application for property owned by Heidi Ferguson and located at 903 W. Mission Street, Assessor's Parcel No. 043-113-009, R-2 Two-Family Residence Zone, General Plan Designation: Residential, 12 Units per Acre. The project proposes the construction of a new 442 square-foot second-story accessory dwelling unit above a new 623 square-foot garage on a 5,000 square foot lot. The project includes the demolition of an existing 317 square-foot nonconforming garage, a 25 square-foot covered porch, and a 32 square-foot addition to the main residence. The project received Preliminary Approval from the ABR on August 23, 2010, and on appeal by the City Council on October 19, 2010. Two zoning modifications were approved by the Staff Hearing Officer on July 28, 2010, for open yard area and a front-yard setback encroachment.

(Cont'd)

10. (Cont'd)

Speakers:

Members of the Public: Pam Brandon, Appellant.

Action: Approved the recommendation (May 25, 2011, letter of appeal).

11. Subject: Sole Source Purchase Orders For The Lower West Downtown Lighting Project, Phase 1 (530.04)

Recommendation:

- A. That Council and the Redevelopment Agency (Agency) Board approve and authorize the General Services Manager to issue a Sole Source Purchase Order to Ameron Pole Products for \$160,802.60 for the purchase of City-standard streetlight poles, and a Sole Source Purchase Order to Prudential Lighting Products for \$127,569 for fixtures, each for the Lower West Downtown Lighting Project, Phase 1; and
- B. 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 Lower West Downtown Lighting Project, Phase 1.

Action: Approved the recommendations; City Council Resolution No. 11-044 (June 21, 2011, report from the Public Works Director and the Assistant City Administrator/Community Development Director/Deputy Director; proposed resolution).

12. Subject: Contract For Construction Of A New Parking Lot On Helena Avenue (550.01)

Recommendation:

- A. That the Redevelopment Agency Board authorize the expenditure of \$320,738 for the Helena Avenue Parking Lot Project (Project);
- B. That Council award and authorize the Public Works Director and the Redevelopment Agency Deputy Director to execute a contract with Lash Construction in the low bid amount of \$236,557 for construction of the Project, Bid No. 3584; and
- C. That Council authorize the Public Works Director and the Redevelopment Agency Deputy Director to execute a contract with Lash Construction and approve expenditures up to \$35,484 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; City Council Contract No. 23,801 (June 21, 2011, report from the Public Works Director and the Assistant City Administrator/Community Development Director/Deputy Director).

Agenda Item Nos. 13 and 14 appear in the Redevelopment Agency minutes.

## NOTICES

15. The City Clerk has on Thursday, June 16, 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 originally scheduled for Monday, June 27, 2011, at 1:30 p.m. to the property located at 507 Brosian Way, has been rescheduled for Monday, July 25, 2011, at 1:30 p.m.

This concluded the Consent Calendar.

## **FINANCE COMMITTEE REPORT**

Finance Committee Chair Dale Francisco reported that the Committee met to consider Staff recommendations related to contracts for independent audit and banking services; the Committee approved the recommendations, which will be forwarded to the full Council. The Committee also reviewed a proposed Statement of Investment Policy and Delegation of Investment Authority for Fiscal Year 2012, which was approved by the Council as part of this agenda's Consent Calendar (Item No. 3).

**Agenda Item Nos. 17 and 18 were considered simultaneously.**

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### FINANCE DEPARTMENT

17. Subject: Adoption Of The Two-Year Financial Plan For Fiscal Years 2012 And 2013 And The Operating And Capital Budget For Fiscal Year 2012 (230.05)

Recommendation: That Council adopt, by reading of title only:

- A. A Resolution of the Council of the City of Santa Barbara Adopting the Two-Year Financial Plan for Fiscal Years 2012 and 2013;
- B. A Resolution of the Council of the City of Santa Barbara Adopting the Budget for Fiscal Year 2012 by Appropriating Moneys for the Use and Support of Said City from the Funds and to the Purposes Herein Specified;
- C. A Resolution of the Council of the City of Santa Barbara Establishing the City's Appropriation Limitation for Fiscal Year 2012;
- D. A Resolution of the Council of the City of Santa Barbara Establishing Certain City Fees, and Rescinding Resolution Nos. 10-044, 10-093, 10-097, and 10-100;

(Cont'd)

17. (Cont'd)

- E. A Resolution of the Council of the City of Santa Barbara Authorizing Classified and Unclassified Positions in the City's Service Effective July 1, 2011, and Providing a Schedule of Classifications and Salaries for the Same in Accordance with the Operating Budget for the 2012 Fiscal Year;
- F. A Resolution of the Council of the City of Santa Barbara Authorizing the Continuation of Capital and Special Project Appropriations to Fiscal Year 2012;
- G. A Resolution of the Council of the City of Santa Barbara for Paying and Reporting the Value of Employer-Paid Member Contributions (EPMC) for Regular Miscellaneous Employees Effective June 18, 2011;
- H. A Resolution of the Council of the City of Santa Barbara for Employer-Paid Member Contributions for Hourly Employees Effective June 18, 2011; and
- I. A Resolution of the Council of the City of Santa Barbara Declaring a Mandatory Unpaid Furlough for City Employees During Fiscal Year 2012.

Documents:

- June 21, 2011, report from the Finance Director.
- Proposed Resolutions.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Speakers:

- Staff: Finance Director Robert Samario, City Administrator James Armstrong.
- Members of the Public: Ed Galsterer and Laura McIver, Santa Barbara Conference and Visitors Bureau and Film Commission.

## REDEVELOPMENT AGENCY REPORTS

18. Subject: Redevelopment Agency Operating Budget For Fiscal Year 2012 And Associated Documents (230.05)

Recommendation:

- A. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Budget of the Redevelopment Agency of the City of Santa Barbara for Fiscal Year 2012; and
- B. That the Redevelopment Agency Board authorize the Executive Director and that the Council authorize the City Administrator to enter into a Cooperation Agreement and Promissory Note regarding the Police Department's Restorative Policing Pilot Program in a form acceptable to the Agency Counsel and the City Attorney.

(Cont'd)

18. (Cont'd)

Documents:

- June 21, 2011, report from the Assistant City Administrator/Community Development Director/Deputy Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Speakers:

Staff: Finance Director/Fiscal Officer Robert Samario, City Administrator/Executive Director James Armstrong.

Motion:

Councilmembers House/Hotchkiss to approve the Waterfront Harbor Slip, Mooring, and User Fees, pages 127-141 of the attachment to the resolution referred to in recommendation 17.D.

Vote:

Unanimous roll call vote (Abstentions: Councilmembers Rowse, White).

Motion:

Councilmembers Rowse/Francisco to approve the Wastewater, Solid Waste, Water, and Water/Wastewater Buy-In Fees, pages 103-126 of the attachment to the resolution referred to in recommendation 17.D.

Vote:

Majority roll call vote (Noes: Councilmember Self).

Motion:

Council/Agency members House/Rowse to approve the recommendations for Item Nos. 17 and 18, excluding those portions of the schedule attached to the resolution referred to in recommendation 17.D already voted on; City Council Resolution Nos. 11-045 - 11-054; City Council Agreement No. 23,802.

Vote:

Unanimous roll call vote.



## REDEVELOPMENT AGENCY REPORTS (CONT'D)

19. Subject: Adoption Of Resolutions To Approve The Project Cooperation Agreements And Promissory Notes Between The Redevelopment Agency And The City For The Completion Of All Redevelopment Agency Projects And Amending The Redevelopment Agency's Capital Program (620.03)

### Recommendation:

- A. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving the Project Cooperation Agreements and Promissory Notes as Listed in Attachment A Hereto and Authorizing the Executive Director to Execute Said Agreements on Behalf of the Redevelopment Agency;
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Project Cooperation Agreements and Promissory Notes as Listed in Attachment A Hereto and Authorizing the City Administrator to Execute Said Agreements on Behalf of the City Council; and
- C. That the Agency Board approve the Capital Program for Fiscal Years 2012 - 2015.

### Documents:

- June 21, 2011, report from the Assistant City Administrator/Community Development Director/Deputy Director.
- Amended Attachment 4 to the Council/Redevelopment Agency agenda report.
- Proposed Resolutions.

The titles of the resolutions were read.

### Speakers:

Staff: Assistant City Administrator/Community Development Director/  
Deputy Director Paul Casey.

### Motion:

Council/Agency members Francisco/House to approve funding in the amount of \$2,000,000 for the Library Plaza project.

### Vote:

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

(Cont'd)

19. (Cont'd)

Motion:

Council/Agency members Francisco/Self to approve recommendation A, adopting Redevelopment Agency Resolution No. 1027; approve recommendation B, adopting City Council Resolution No. 11-055; and approve the remainder of the Agency's Capital Program for Fiscal Years 2012-2015 (recommendation C), excluding the Library Plaza project funding, which was voted on previously.

Vote:

Unanimous roll call vote.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

PUBLIC WORKS DEPARTMENT

20. Subject: Introduction Of Ordinance And Award Of Contracts For The Cater Water Treatment Plant Advanced Treatment Project (540.10)

Recommendation: That Council:

- A. Waive minor bid irregularities, reject the bid protests of Auburn Constructors and Doty Brothers Equipment Company, and award a contract to Cushman Contracting Corporation (CCC) in their low bid amount of \$13,980,000 for construction of the Cater Water Treatment Plant Advanced Treatment Project (Ozone Project), Bid No. 3564;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$1,398,000 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;
- C. Authorize the Public Works Director to execute a contract with Carollo Engineering (Carollo) in the amount of \$651,000 for design support services during construction, and approve expenditures of up to \$65,100 for extra services of Carollo that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Mimiaga Engineering Group (MEG) in the amount of \$1,646,466 for construction management services, and approve expenditures of up to \$164,647 for extra services of MEG that may result from necessary changes in the scope of work;
- E. Authorize the Public Works Director to execute a contract with Systems Integrated (SI) in the amount of \$634,718.27 for Supervisory Control and Data Acquisition (SCADA) integration services, and approve expenditures of up to \$63,471.83 for extra services of SI that may result from necessary changes in the scope of work; and

(Cont'd)

20. (Cont'd)

- F. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Cater Water Filtration Plant Improvements Contribution Agreement with Montecito Water District to Repayment of Debt Service For the Cater Water Treatment Plant Advance Treatment Project Dated February 3, 2011, and Authorizing the City Administrator to Execute the Agreement in a Form Acceptable to the City Attorney.

Documents:

- June 21, 2011, report from the Public Works Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.
- Reading File, prepared and submitted by the City Attorney's Office.
- May 2, 2011, letter from Grokenberger & Smith on behalf of Cushman Contracting Corporation.
- June 20, 2011, letter from Doty Bros. Construction Co.

The title of the ordinance was read.

Speakers:

- Staff: Water System Manager Cathy Taylor, Principal Engineer Joshua Haggmark.
- Members of the Public: James Smith and Lee Cushman, representing Cushman Contracting Corporation.

Motion:

Councilmembers White/Rowse to approve the recommendations; Contract Nos. 23,803 - 23,806.

Vote:

Unanimous voice vote.

21. Subject: Annual Energy Report (630.06)

Recommendation: That Council receive a status report on the City's energy conservation and efficiency efforts.

Documents:

- June 21, 2011, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Facilities and Energy Manager James Dewey, City Administrator James Armstrong.

By consensus, the Council received the report.

## **MAYOR AND COUNCIL REPORTS**

22. Subject: Request From Councilmember Francisco To Reconsider Adoption Of The 2011 Legislative Platform (160.02)

Recommendation: That Council reconsider adoption of the 2011 Legislative Platform that guides the City's support or opposition to state and federal legislation.

Documents:

Documents previously submitted on June 7, 2011.

Speakers:

Members of the Public: Ethan, K8 Longstory, Kellam de Forest.

Motion:

Councilmembers Francisco/Hotchkiss to reconsider action taken on June 7, 2011, amending the adopted 2011 Legislative Platform to include proposed changes to language related to CITY ADMINISTRATION/OPEN MEETING LAW (THE BROWN ACT), and return the language for this section to status quo ante.

Vote:

Unanimous voice vote.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Rowse reported on the recent meeting of the Downtown Parking Committee.
- Councilmember Hotchkiss remarked upon the success of the gala held at the Airport to celebrate the reconstruction of the terminal building.
- Mayor Schneider mentioned the positive comments she had received from the public about the new Airport Terminal; she also reported on the discussion held by the Santa Barbara County Association of Governments at its last meeting regarding the public noticing of the addition to the Highway 101 Improvements Project.

## **RECESS**

Mayor Schneider recessed the meeting at 4:31 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 23, and she stated there would be no reportable action taken during the closed session.

**CLOSED SESSIONS**

23. 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 General unit.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

June 21, 2011, report from the Assistant City Administrator/Administrative Services Director.

Time:

4:38 p.m. - 5:05 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 5:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

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