



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING June 14, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 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, City Clerk Services Manager Cynthia M. Rodriguez.

### CEREMONIAL ITEMS

1. Subject: Letter Of Recognition Santa Barbara Airport Completion Of The Airline Terminal Project June 2011 (120.08)

Action: Letter of Recognition presented to Airport Director Karen Ramsdell.

### CHANGES TO THE AGENDA

Motion:

Councilmembers Francisco/Hotchkiss to reconsider the Legislative Platform (Item No. 21 from June 7, 2011, City Council meeting) as it relates to the Brown Act, and direct staff to place this item on a future agenda for discussion.

Vote:

Majority voice vote.

## **PUBLIC COMMENT**

Speakers: Robert Burke, Ruth Wilson, Kate Smith, Phil Walker.

## **CONSENT CALENDAR (Item Nos. 2 – 13)**

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

Motion:

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

Vote:

Unanimous roll call vote.

### **2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of April 12, and May 17, 2011, and the special meeting of May 23, 2011.

Action: Approved the recommendation.

### **3. Subject: Increase Appropriations In The Streets Capital Fund For The Property Located At 319 West Haley Street (150.03)**

Recommendation: That Council:

- A. Approve an increase in appropriations in the Streets Fund in the amount of \$420,000 to buy out Santa Barbara County Association of Governments' (SBCAG) interest in the real property located at 319 West Haley Street (Haley Street Property), of which \$170,000 will be funded from unappropriated Streets Fund reserves, \$250,000 will come from a transfer of appropriated funds in the Measure D Fund, and the balance of \$50,000 will come from an allocation of existing appropriations in the Streets Fund for the Carrillo/Anacapa Intersection Improvement Project, for a total of \$470,000 for the buyout;
- B. Approve the transfer of appropriations in the amount of \$250,000 from the Carrillo/Anacapa Intersection Improvement Project in the Measure D Fund to the Streets Fund to cover a portion of the cost to buy out SBCAG's interest in the Haley Street Property;
- C. Approve an increase in appropriations and estimated revenues in the Fiscal Year 2012 recommended budget by \$36,968 in the Streets Fund, in recognition of lease income to be generated and received from the property at 319 West Haley Street, half of which was previously recognized as revenue in the General Fund;
- D. Reduce appropriated reserves and estimated revenues in the General Fund in Fiscal Year 2012 by \$18,485 related to the shift of lease revenues from the General Fund to the Streets Fund; and

(Cont'd)

3. (Cont'd)

E. Terminate City Agreement No. 15,909 with SBCAG, dated March 5, 1991.

Action: Approved the recommendations (June 14, 2011, report from the Public Works Director).

4. Subject: Records Destruction For Community Development 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 Community Development Department in the Housing and Redevelopment Division.

Action: Approved the recommendation; Resolution No. 11-037 (June 14, 2011, report from the Assistant City Administrator/Community Development Director; proposed resolution).

5. Subject: Youth Watershed Education Program Contract With Art From Scrap (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute a 12-month professional services contract with Art From Scrap in the amount of \$56,299.25 funded from Measure B revenues for the provision of youth and community watershed education programs in Fiscal Year 2012.

Action: Approved the recommendation; Contract No. 23,796 (June 14, 2011, report from the Parks and Recreation Director).

6. Subject: Acceptance Of Easement For Public Trail Uses At 1401 Jesusita Lane (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Trail Easement for Public Trail Uses on a Portion of the Real Property Commonly Known as 1401 Jesusita Lane, Santa Barbara County Assessor's Parcel Number 055-240-022.

Action: Approved the recommendation; Resolution No. 11-038 (June 14, 2011, report from the Parks and Recreation Director; proposed resolution).

7. Subject: Proposition 40 Grant Funds For The Los Baños Pool Automated Chemical Feed System Upgrade Project (570.07)

Recommendation: That Council increase estimated revenues and appropriations in the Parks and Recreation Fiscal Year 2011 operating budget in the amount of \$5,546.25 for a California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) Per Capita grant.

Action: Approved the recommendation (June 14, 2011, report from the Parks and Recreation Director).

8. Subject: Cachuma Conservation Release Board Budget Ratification (540.03)

Recommendation: That Council ratify the Fiscal Year 2012 Cachuma Conservation Release Board (CCRB) budget in the amount of \$461,140, with an estimated City of Santa Barbara share of \$177,917.

Action: Approved the recommendation (June 14, 2011, report from the Public Works Director).

9. Subject: Issuance Of Purchase Order To Approve Engel & Gray For Biosolids Composting (540.13)

Recommendation: That Council find it in the City's best interest to waive the formal bid process as provided by Municipal Code Section 4.52.070 (k) and authorize the General Services Manager to issue a purchase order to Engel & Gray, Inc. (E&G) to provide the City with an in-county site for biosolids composting services for the purchase of a limited amount of finished compost at a cost of \$46.63 per ton for Fiscal Year 2012 and the following four fiscal years in accordance with approved budgets.

Action: Approved the recommendation (June 14, 2011, report from the Public Works Director).

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

Recommendation: That Council introduce and subsequently 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 (June 14, 2011, report from the Assistant City Administrator/Administrative Services Director; proposed ordinance).

11. Subject: General Municipal Election Of November 8, 2011 (110.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling for the Holding of a Vote-By-Mail General Municipal Election to be Held in the City on Tuesday, November 8, 2011, for the Election of Certain Officers as Required by the Provisions of the Charter;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Conduct of a Vote-By-Mail Election for the November 8, 2011, General Municipal Election;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Provisionally Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to be Held on November 8, 2011, with the Statewide Special Election to be Held on the Date Pursuant to Section 10403 of the Elections Code, in the event the Governor calls a Statewide Special Election allowing the City to proceed with a consolidated election; and
- D. Cancel the November 8, 2011, City Council meeting due to the holding of the general municipal election.

Action: Approved the recommendations; Resolution Nos. 11-039 - 11-041 (June 14, 2011, report from the Assistant City Administrator/Administrative Services Director; proposed resolutions).

## NOTICES

- 12. The City Clerk has on Thursday, June 9, 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.
- 13. Received a letter of resignation from Rental Housing Mediation Task Force Member Barbara Smith-Sherrill; the vacancy will be part of the next City Advisory Group recruitment. (580.03)

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to discuss a proposed loan increase for the Housing Authority's Bradley Studios Project and the Ensemble Theatre grant request for Redevelopment Agency funds, both of which the Committee recommended for approval by the Council in the near future.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### PUBLIC WORKS DEPARTMENT

14. Subject: Public Hearing Regarding Proposed City Utility Rate Increases (230.05)

Recommendation: That Council:

- A. Hold a Public Hearing, as required by State law, regarding proposed utility rate increases for water, wastewater, and solid waste collection services for Fiscal Year 2012; and
- B. Provide direction to staff regarding any changes to the proposed Fiscal Year 2012 utility rates.

Documents:

- June 14, 2011, report from the Public Works Director and Finance Director.
- Affidavits of Publication.
- PowerPoint presentations prepared and made by Staff.

Public Comment Opened:

2:24 p.m.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork, Environmental Services Manager Matthew Fore, Water Resources Supervisor Bill Ferguson, City Administrator James Armstrong.
- Water Commission: Chair Dr. Barry Keller.
- Members of the Public: Phil Walker; Steve Little, Westwood Hills Avocado Alliance; Janice Evans.

Public Comment Closed:

3:15 p.m.

Motion:

Councilmembers White/House to approve the rate changes as outlined in the agenda report, with the exception that the agriculture rate will remain at the current level for one year.

Vote:

Majority voice vote (Noes: Councilmember Self).

15. Subject: Adoption Of Long-Term Water Supply Plan And Urban Water Management Plan (540.08)

Recommendation: That Council:

- A. Hold a Public Hearing regarding adoption of the City's updated Long-Term Water Supply Plan (LTWSP) and the 2010 update of the City's Urban Water Management Plan (UWMP);

(Cont'd)

15. (Cont'd)

- B. Adopt the City's updated LTWSP as the policy basis for management of the City's water supply for the period through approximately 2030; and
- C. Adopt and authorize the Public Works Director to transmit the City's updated UWMP to the California Department of Water Resources, such adoption to include modifications as may be approved by the Public Works Director to ensure compliance with State UWMP requirements, provided that any such modifications are not inconsistent with the updated LTWSP.

Documents:

- June 14, 2011, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened:

3:27 p.m.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork.
- Water Commission: Chair Dr. Barry Keller.

Public Comment Closed:

3:39 p.m.

Motion:

Councilmembers House/White to approve recommendations B and C.

Vote:

Unanimous voice vote.

Councilmember White reported that on June 7, 2011, he inadvertently voted on the below item in which he has a conflict of interest due to his client's involvement in digital display production; consequently, the item is being resubmitted to the Council.

## **MAYOR AND COUNCIL REPORTS**

16. Subject: Ordinance Revising The City's Sign Ordinance Concerning The Regulation Of Signs On Gas Pumps (640.02)

Recommendation: That Council:

- A. Reconsider its adoption of revisions to the City's Sign Ordinance as adopted on June 7, 2011, at the request of Councilmember Bendy White; and
- B. Re-adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020 and 22.70.030 of the Santa Barbara Municipal Code Relating to Sign Regulations.

(Cont'd)

16. (Cont'd)

Documents:

Proposed Ordinance.

The title of the ordinance was read.

Motion:

Councilmembers White/House to approve recommendation A.

Vote:

Unanimous voice vote.

Motion:

Councilmembers Hotchkiss/Francisco to re-adopt the ordinance;  
Ordinance No. 5552.

Vote:

Unanimous roll call vote (Abstentions: Councilmember White).

Agenda Item Nos. 17 - 19 were considered simultaneously.

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

17. Subject: Introduction Of Ordinance For 2011-2013 Treatment And Patrol (TAP) Memorandum Of Understanding (440.02)

Recommendation: That Council Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units, for the period of January 1, 2011 through December 31 2013, by introduction and subsequent adoption of, 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).

Documents:

- June 14, 2011, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Employee Relations Manager Kristy Schmidt.



18. Subject: Introduction Of Ordinance For Extension To Supervisors Memorandum Of Understanding (440.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending 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.

Documents:

- June 14, 2011, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Employee Relations Manager Kristy Schmidt.

19. Subject: Introduction Of Ordinance For Management Salary Plans (440.03)

Recommendation: That Council introduce and subsequently 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.

Documents:

- June 14, 2011, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Employee Relations Manager Kristy Schmidt.

Motion:

Councilmembers Hotchkiss/Self to approve the recommendations for Item Nos. 17 - 19.

Vote:

Unanimous voice vote.

## **MAYOR AND COUNCIL REPORTS (CONT'D)**

20. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council hold interviews of applicants to various City Advisory Groups.

(Estimated Time: 4:00 p.m.; Continued from June 7, 2011, Item No. 24)

### **Speakers:**

The following applicants were interviewed:

Downtown Parking Committee:

William E. Pinner III

David Beardon

Krista Fritzen

Housing Authority Commission:

Dale Fathe-Aazam

Rental Housing Mediation Task Force:

Parvaneh Givi

Leesa Beck

Single Family Design Board:

Roderick Britton

The Council will make appointments to the advisory groups on June 28, 2011.

## **RECESS**

4:18 p.m. - 4:29 p.m. Councilmember Self was absent when the Council reconvened, having stated previously that she would abstain from voting on the following item due to a conflict of interest pertaining to a family relationship with a principal working on the subject project.

## **PUBLIC HEARINGS**

21. Subject: Appeal Of Planning Commission Approval Of 900 Calle De Los Amigos Valle Verde Retirement Facility (640.07)

Recommendation: That Council deny the appeal of the Law Office of Marc Chytilo, representing Hidden Oaks Homeowners Association, and the appeal of Weinberg, Rodger & Rosenfeld, representing the Service Employees International Union-United Healthcare Workers West ("UHW") and Friends of Valle Verde ("FVV"); certify the Environmental Impact Report; uphold the Planning Commission approval of the Lot Line Adjustment, the Conditional Use Permit Amendment and the Modifications; and direct Staff to return with an appropriate Resolution of Decision and Findings.

(Cont'd)

21. (Cont'd)

Documents:

- June 14, 2011, report from the Assistant City Administrator/Community Development Director.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- PowerPoint presentation prepared and made by Attorney Marc Chytilo, representing the Appellant.
- June 14, 2011, letter, photographs and master plan history, and proposed revised conditions from Attorney Marc Chytilo, representing the Appellant.
- October 18, 2010, letter from Maeda Palius.
- June 8, 2011, letter from Helen Barron Liebel.
- June 9, 2011, email communications and letters from Shirlie Yates, Charlotte S. Tyler, M.D., Alice M. Scott, Elaine J. Iddings, Judy Richards, Louise Carey, Patricia Dow, Fred and Patricia Heidner II, M.D., Arthur C. Christman, Jr., Susan Mellor, Edwina Mindheim.
- June 10, 2011, email communications and letters from Norman J. Boyan; Eleanor L. Childers; Laurie A. Yttri; Adriana M. Mendoza, AARP California; Suzie Swenson, Valle Verde Retirement Facility; Mary Nafius, Valle Verde Retirement Facility; Terry Bentley, Valle Verde Retirement Facility; Jim Craddock, Valle Verde Retirement Facility; Marianne Wohler, Valle Verde Retirement Facility; Jeffrey Krutzsch, Valle Verde Retirement Facility; Judy Richards; Bob Miller, Valle Verde Retirement Council; Vicky MacGregor, Casa Dorinda; Rosemary Bertka; James and Phyllis Axtell.
- June 12, 2011, email communication and letter from R.G. Logan, M.D.; Beth Pitton-August, League of Women Voters.
- June 13, 2011, letter from Janet Davis.
- June 14, 2011, letter from Alexandra Steadman.
- June 14, 2011, News-Press article submitted by President Steve Little, Westwood Hills Avocado Alliance.

Public Comment Opened:

4:30 p.m.

Speakers:

- Staff: Senior Planner II Danny Kato, Supervising Transportation Planner Steven Foley, Associate Planner Peter Lawson.
- Consultants to the City: Transportation Consultant Rob Olson, Wildlife Biologist Mark De La Garza.
- Planning Commission: Commissioners John Jostes, Deborah Schwartz, Michael Jordan.
- Appellant: Attorney Marc Chytilo.
- Applicant: Valle Verde Retirement Facility Executive Director Ron Schaefer, Agent Cameron Carey, Attorney Steve Amerikaner, Architect Justin Van Mullen, Archaeologist David Stone, Biologist Larry Hunt.

## **RECESS**

Mayor Schneider recessed the appeal hearing (Agenda Item No. 21) at 6:20 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 22, and she stated that no reportable action is anticipated.

## **CLOSED SESSION**

22. 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:

June 14, 2011, report from the Assistant City Administrator/Administrative Services Director.

Time:

6:22 p.m. - 6:31 p.m. Councilmember Self was absent.

No report made.

## **RECESS**

6:32 p.m. - 6:54 p.m.

## **PUBLIC HEARINGS (CONT'D)**

21. Subject: Appeal Of Planning Commission Approval Of 900 Calle De Los Amigos Valle Verde Retirement Facility (Continued)

Speakers (Cont'd):

- Members of the Public: Judy Orias; Terry Bentley, Valle Verde Retirement Facility; Jeffrey Kruttsch, Valle Verde Retirement Facility; Sherry Hall, Friends of Valle Verde/SEIU - United Healthcare Workers West; Charlie Johnson, Valle Verde Retirement Home Advisory Board Member; John Caulfield; Jim Firth; Elaine Iddings; Judy Richards, Valle Verde Retirement Facility; Louise Carey, Valle Verde Retirement Facility; Henry Jones, Valle Verde Retirement Facility; Donald O'Dowd, Valle Verde Retirement Facility; Janet O'Dowd, Valle Verde Retirement Facility; Gerson Kumin; Neil Reuben; David Daniel Diaz; Frank Arredondo, Chumash.

(Cont'd)

21. (Cont'd)

Recess: 7:41 p.m. - 7:46 p.m.

Speakers (Cont'd):

- Members of the Public (Cont'd): Eddie Harris, Santa Barbara Urban Creeks Council; Ruth Georgi; Charlie Schneider, Vistas Lifelong Learning; Rhonda Spiegel, California Central Coast Alzheimer's Association; Heike Kilian, Hidden Oaks Homeowners' Association; Jay Blatter; Jim Dow, Valle Verde Retirement Facility; Norman J. Boyan, Valle Verde Retirement Facility; Robert J. Buegler, Valle Verde Retirement Facility; Virginia Robinson, Valle Verde Retirement Facility; Jermaine Chastain, Hidden Oaks Homeowners' Association; Suzie Swenson, Valle Verde Retirement Facility; George E. Scott, Valle Verde Retirement Facility; Jenny Firth, Valle Verde Retirement Facility; Stevie Peters, Hidden Oaks Homeowners' Association; Simon Fox, Adventures in Caring Foundation; Alexa Steadman.

Public Comment Closed:

9:15 p.m.

Motion:

Councilmembers House/Hotchkiss to approve the recommendation, with the exception that the Modification for the Unit 6 setback is denied, and direct Staff to return with an appropriate Resolution of Decision and Findings to include:

1. The following sections of the Proposed Revised Conditions document submitted by Marc Chytilo, dated June 14, 2011:
  - Condition B. 12 regarding On-Site Residential, Visitor & Employee Parking;
  - Condition B. 14 regarding Areas Available for Parking and TDM, including the following amendment to the sixth sentence: "...by more than twenty-five (25) non-residents during the peak employee parking hours of 1:00 p.m. to 3:00 p.m., Monday through Friday, or by more than fifty (50) non-residents during non-peak employee parking hours.";
  - Condition B.15 regarding Parking Condition Effectiveness Review, to include the establishment of a regular, ongoing relationship with neighborhood residents;
  - Condition B. 16 regarding Sponsored Events;
  - Condition II. A.7 regarding Order of Development;
  - Condition D. 2. e. regarding Sensitive Species Survey Monitoring;

(Cont'd)

21. (Cont'd)

- Condition B. 2 regarding Conservation Easement - Oak Woodlands, including the following amendment to the third sentence: "...acceptable to the City and the Owner, which organization shall become a co-grantee along with the City, with rights to enforce the conservation easement along with those of the City."; and
2. The following additional conditions:
- If the City's Traffic Engineer determines that the intersection of Calle de los Amigos and Modoc Road meets traffic warrants, demonstrating the need for a traffic signal, the owner shall pay to the City a proportionate share of the installation cost for the traffic signal;
  - The archaeologist's monitoring contract shall also include the Rutherford Meadow area.

Vote:

Unanimous voice vote (Abstention: Councilmember Self).

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 10:42 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

	ATTEST:	
HELENE SCHNEIDER MAYOR		CYNTHIA M. RODRIGUEZ, CMC CITY CLERK SERVICES MANAGER