



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING August 23, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Pro Tempore Bandy White called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Finance and Ordinance Committees, which are ordinarily scheduled to meet at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Pro Tempore White.

### ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Mayor Pro Tempore White.

Councilmembers absent: Dale Francisco, Mayor Helene Schneider.

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

### PUBLIC COMMENT

Speakers: Bill Pintard, representing The Forresters; Wayne Scoles; David Daniel Diaz; Ron Paris; Scott Wenz, Cars Are Basic; Kenneth Loch; Bob Hansen.

### ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Rowse stated he would abstain from voting on the following item due to a conflict of interest related to his ownership of a business located near the subject property.

11. Subject: Community Priority Designation For Antioch University At 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 Final Community Priority Designation for an allocation of 2,671 square feet of nonresidential floor area.

Documents:

August 23, 2011, report from the Assistant City Administrator/Community Development Director.

Motion:

Councilmembers House/Hotchkiss to approve the recommendation.

Vote:

Unanimous voice vote (Abstention: Councilmember Rowse; Absent: Councilmember Francisco, Mayor Schneider).

### **CONSENT CALENDAR (Item Nos. 1 – 10, 12, 15 and 16)**

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco, Mayor Schneider).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 14, 2011, and the special meeting of July 18, 2011.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance Amending Municipal Code Title 17, Chapter 17.36, Pertaining To Harbor Parking (550.08)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17, Chapter 36, of the Santa Barbara Municipal Code Pertaining to Parking in the Harbor Parking Lot.

Action: Approved the recommendation; Ordinance No. 5564.

3. Subject: Adoption Of Ordinance For A Lease Agreement With Santa Barbara Sailing Center (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 Two Five-Year Options with Skip Abed, Doing Business as Santa Barbara Sailing Center, for the Boat Rental and Sailing Instruction Facility at 303 West Cabrillo Boulevard Adjacent to the Harbor Launch Ramp, Effective September 21, 2011.

Action: Approved the recommendation; Ordinance No. 5565; Agreement No. 23,860.

4. Subject: Adoption Of Ordinance For A Lease Agreement With Seacoast of Santa Barbara (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 Seacoast of Santa Barbara, Inc., for a 562 Square-Foot Yacht Brokerage Office at 125 Harbor Way, at an Initial Base Rent of \$1,817 Per Month, Effective September 21, 2011.

Action: Approved the recommendation; Ordinance No. 5566; Agreement No. 23,861.

5. Subject: July 2011 Investment Report (260.02)

Recommendation: That Council accept the July 2011 Investment Report.

Action: Approved the recommendation (August 23, 2011, report from the Finance Director).

6. Subject: Increase In Construction Change Order Authority For The MacKenzie Parking Lot Storm Water Infiltration Project (570.05)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the MacKenzie Parking Lot Storm Water Infiltration Project, City Contract No. 23,837, between Shaw Contracting, Inc., and the City, in the amount of \$181,609, for a total project expenditure authority of \$586,662.

Action: Approved the recommendation (August 23, 2011, report from the Public Works Director).

7. Subject: Contract For Design Of The Cabrillo Pavilion And Bathhouse Facility Assessment (570.05)

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services Agreement with Kruger Bensen Ziemer Architects, Inc., in an amount not to exceed \$199,660 for design and support services for the Cabrillo Pavilion and Bathhouse Facility Assessment, and approve expenditures of up to \$19,966 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 23,862 (August 23, 2011, report from the Public Works Director).

8. Subject: Contract For Construction Of The Ortega Groundwater Treatment Plant Rehabilitation And Improvements Project (540.10)

Recommendation: That Council:

- A. Reject the bid protest of GSE Construction Co., Inc., and award a contract to PCL Construction, Inc., in their low bid amount of \$5,076,296 for construction of the Ortega Groundwater Treatment Plant Rehabilitation and Improvements Project, Bid No. 3519;
- B. Authorize the Public Works Director to execute the contract with PCL Construction, Inc., and approve expenditures up to \$507,630 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 in the amount of \$418,794 for design support services during construction, and approve expenditures of up to \$41,880 for extra services that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Penfield and Smith in the amount of \$630,576 for construction management services, and approve expenditures of up to \$63,058 for extra services that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to execute a contract with Systems Integrated in the amount of \$725,109.98 for Supervisory Control and Data Acquisition (SCADA) integration services, and approve expenditures of up to \$72,511 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,863 - 23,866 (August 23, 2011, report from the Public Works Director).

9. Subject: Contract For Conceptual Design Of The Police Station Replacement Project (320.01)

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services Agreement, in a form of agreement acceptable to the City Attorney, with Leach Mounce Architects in the amount of \$323,796 for conceptual design services for the Police Station Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$32,380 for extra services which may result from necessary changes in the scope of work.

Speakers:

Members of the Public: Kellam de Forest.

Action: Approved the recommendation; Agreement No. 23,867 (August 23, 2011, report from the Public Works Director and the Assistant City Administrator/Community Development Director).

10. Subject: Introduction Of Ordinance Establishing Bay View Circle As A One-Way Street (530.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Revising Section 10.60.030, Establishing Bay View Circle as a Counter-Clockwise One-Way Street.

Action: Approved the recommendation (August 23, 2011, report from the Public Works Director; proposed ordinance).

12. Subject: Set A Date For Public Hearing Regarding Appeal Of Parks And Recreation Commission Denial For 740 Flora Vista Drive (570.08)

Recommendation: That Council:

- A. Set the date of October 11, 2011, at 2:00 p.m. for hearing the appeal filed by Jeremiah and Julie Weiss of the Parks and Recreation Commission denial of an application for removal of a second setback tree on the property located at 740 Flora Vista Drive; and
- B. Set the date of October 10, 2011, at 1:30 p.m. for a site visit to the property located at 740 Flora Vista Drive.

Action: Approved the recommendations (August 4, 2011, letter of appeal).

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

## NOTICES

15. The City Clerk has on Thursday, August 18, 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. Cancellation of the regular City Council meeting of August 30, 2011, and of the regular City Council and Redevelopment Agency meetings of September 6, 2011.

This concludes the Consent Calendar.

Councilmember Francisco entered the meeting at 2:25 p.m.

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

### FINANCE DEPARTMENT

17. Subject: Recycling Revenue Sharing Agreement Between The City Of Santa Barbara And County Of Santa Barbara (630.01)

Recommendation: That Council approve an agreement between the City and County of Santa Barbara for the processing of greenwaste and the processing and sharing of revenues and costs associated with commingled recyclables delivered to County facilities.

#### Documents:

- August 23, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

#### Speakers:

- Staff: Finance Director Robert Samario, City Attorney Stephen Wiley, Environmental Services Manager Matthew Fore, City Administrator James Armstrong.
- Republic Services: General Manager Stephen MacIntosh.
- County of Santa Barbara: Mark Schleich, Resource Recovery & Waste Management Deputy Director.

#### Motion:

Councilmembers Rowse/Francisco to approve the recommendation but direct Staff to return on an annual basis for Council's review of the issue; Agreement No. 23,868.

#### Vote:

Majority voice vote (Noes: Councilmembers Hotchkiss, Self; Absent: Mayor Schneider).

## RECESS

4:21 p.m. - 4:33 p.m.

## PUBLIC HEARINGS

20. Subject: Appeal Of The Architectural Board Of Review Final Approval Of 903 W. Mission Street (640.07)

Recommendation: That Council deny the appeal of Pamela Brandon and uphold the Architectural Board of Review Final Approval of the proposed accessory dwelling unit and new garage.

### Documents:

- August 23, 2011, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Documentation submitted by the Appellant regarding the Architectural Board of Review's process, a potential conflict of interest violation, and the Upper Westside Neighborhood Watch group.
- August 18, 2011, letter from Susan Basham, Attorney representing the Applicant.
- October 18, 2010, letter from Don and Holly Haws.
- May 16, 2011, letter from Wayne and Karen Dorfman.
- August 8, 2011, letter from the Neighborhood Defense League of California.
- August 9, 2011, letter from the Citizens Planning Association.
- August 16, 2011, letter from Armando Rivera.
- August 17, 2011, letter from the Allied Neighborhoods Association.
- August 19, 2011, e-mail communication from Nydia De Nova, Sue Young.
- Petitions opposing the project.
- Postcard supporting the project, received from 11 residents.
- Copies of street file information for homes located in the 800 and 900 blocks of West Mission Street, submitted by Sue Young.

### Public Comment Opened:

4:34 p.m.

### Speakers:

- Staff: Assistant Planner Kelly Brodison, City Attorney Stephen Wiley.
- Appellant: Pam Brandon.
- Architectural Board of Review: Member Keith Rivera, Chair Christopher Manson-Hing.
- Applicant: Attorney Susan Basham, Architect Clay Aurell.

(Cont'd)

20. (Cont'd)

Speakers (Cont'd):

- Members of the Public: Trixie Lettieri; Jack Ferguson; Sue Young; T.J. Ferguson; Mary Louise Days; Laurel Perez; Kevin Dumain; Keala Anderson; Jill Dumain; Kellam de Forest; Don Haws; Wanda Livernois; Jim Westby, Neighborhood Defense League of California; Rick Hanney.

Public Comment Closed:

6:15 p.m.

Motion:

Councilmembers Hotchkiss/House to approve the recommendation, denying the appeal and upholding the Architectural Board of Review's approval of the project.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Self; Absent: Mayor Schneider).

## **CHANGES TO THE AGENDA**

### Items Continued to Future Date

City Administrator Armstrong advised that the following items would be rescheduled for a future date:

18. Subject: City Fleet Operations Program (330.05)

Recommendation: That Council receive a presentation on the City's Fleet Operations Program.

19. Subject: Capital Improvement Projects: Annual Report For Fiscal Year 2011 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects for the Fourth Quarter of Fiscal Year 2011.

**ADJOURNMENT**

Mayor Pro Tempore White adjourned the meeting at 6:52 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

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SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK