



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING September 21, 2010 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 is ordinarily scheduled to meet 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, Michael Self, Bendy White, Das Williams, 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: David Daniel Diaz, Kate Smith.

### CONSENT CALENDAR (Item Nos. 1 - 8)

The title of the ordinance related to Item No. 2 was read.

Motion:

Councilmembers Williams/Francisco 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 meetings of August 31 (cancelled), and September 7, 2010 (cancelled).

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance For A 25-Year Lease With Brophy & Sons, Inc., Doing Business As Brophy Brothers' Restaurant And Clam Bar (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 25-Year Lease with Brophy & Sons, Inc., Effective October 21, 2010.

Action: Approved the recommendation; Ordinance No. 5529; Agreement No. 23,538.

3. Subject: Professional Actuarial Services Agreement, GASB 45 - Accounting For Retiree Medical Benefits (430.06)

Recommendation: That Council authorize the Finance Director to negotiate and execute a professional services agreement with Aon Consulting for an actuarial valuation of the City's post-retirement benefits, including retiree medical insurance and sick leave conversion programs in an amount not-to-exceed \$31,000.

Action: Approved the recommendation; Agreement No. 23,539 (September 21, 2010, report from the Finance Director).

4. Subject: Approval Of Benefit Plans Effective January 1, 2011 (430.06)

Recommendation: That Council:

- A. Approve renewal of the Aetna and Kaiser Permanente medical plans; Delta Dental Plans; Vision Service Plan; Employee Assistance Program (EAP); Flexible Spending Accounts; Hartford Life and Disability Insurance Plans, and Allstate Voluntary Disability Plans for the term of January 1, 2011, to December 31, 2011; and
- B. Authorize the Assistant City Administrator to execute any necessary agreements.

Action: Approved the recommendations; Agreement No. 23,196.1 (September 21, 2010, report from the Assistant City Administrator/Administrative Services Director).

5. Subject: California Office Of Traffic Safety Grant (520.04)

Recommendation: That Council:

- A. Accept \$139,000 from the State of California, Office of Traffic Safety, and authorize the Chief of Police to execute the Grant Agreement; and
- B. Appropriate the grant allocation of \$139,000 to the Miscellaneous Grants Fund for Fiscal Year 2010-2011 for the Sobriety Checkpoint Program.

Action: Approved the recommendations; Agreement No. 23,540 (September 21, 2010, report from the Chief of Police).

6. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board of Review Preliminary Approval For 903 W. Mission Street

Recommendation: That Council:

- A. Set the date of October 19, 2010, at 2:00 p.m. for hearing the appeal filed by Pam Brandon of the Architectural Board of Review Preliminary Approval of an application for property owned by Kenneth and Heidi Harbaugh 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 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage on a 5,000 square foot lot. The proposal includes the demolition of an existing 317 square foot non-conforming garage, and a 25 square foot covered porch to existing main residence, and a 32 square foot addition to the main residence; and
- B. Set the date of October 18, 2010, at 1:30 p.m. for a site visit to the property located at 903 W. Mission Street.

Action: Approved the recommendations (September 2, 2010, letter of appeal).

## NOTICES

7. The City Clerk has on Thursday, September 16, 2010, 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.
8. Cancellation of the regular Redevelopment Agency meeting of September 21, 2010, due to lack of business.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Das Williams reported that the Committee heard a report on the City's various insurance programs.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### PUBLIC WORKS DEPARTMENT

9. Subject: Introduction Of Ordinance Establishing Prima Facie Speed Limits (530.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code, by Revising Section 10.60.015 Establishing Prima Facie Speed Limits on Certain Portions of Alston Road, Carrillo Street, Loma Alta Drive, and Gutierrez Street.

Documents:

- September 21, 2010, report from the Public Works Director.
- September 21, 2010, proposed Ordinance.
- September 21, 2010, PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

Speakers:

Staff: Supervising Transportation Engineer Drusilla van Hengel, Traffic Engineer Peter Doctors, City Attorney Stephen Wiley, City Administrator James Armstrong.

Motion:

Councilmembers House/White to introduce the ordinance with the exception of the speed limit changes to Alston Road.

Amendment Motion:

Councilmembers House/White to introduce the ordinance with the exception of the speed limit changes to Alston Road and direct staff to restudy Alston Road, with community outreach, and determine if findings can be made to justify the proposed speed limit changes to that road.

Vote on Amendment Motion:

Unanimous voice vote.

10. Subject: Sewer Lateral Incentive Program Modifications (540.13)

Recommendation: That Council approve revising the Sewer Lateral Incentive Program by waiving City permit fees for City-mandated sewer lateral improvements and direct staff to revise Resolution No. 06-095 and the related Administrative Guidelines.

(Cont'd)

10. (Cont'd)

Documents:

- September 21, 2010, report from the Public Works Director.
- September 21, 2010, PowerPoint presentation prepared and made by Staff.
- September 17, 2010, letter from Santa Barbara Association of Realtors.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork, City Attorney Stephen Wiley.
- Members of the Public: Hillary Hauser, Heal the Ocean; Kira Redmond, Santa Barbara ChannelKeeper.

Motion:

Councilmembers Francisco/Hotchkiss to approve Alternative 1 as stated in the Council Agenda Report.

Substitute Motion:

Councilmembers Williams/White to reduce the permit fees for voluntary and mandatory sewer lateral improvements by 70%, up to a maximum annual City cost of 150,000.

The substitute motion was withdrawn.

Vote on Original Motion:

Majority voice vote (Noes: Councilmember House).

11. Subject: Agreement To Remove Cogeneration System At El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a termination agreement with Alliance Monterey, LLC (Alliance), in a form acceptable to the City Attorney, to remove fuel cell co-generation equipment from the El Estero Wastewater Treatment Plant (El Estero) and to terminate the existing Power Purchase Agreement (PPA); and
- B. Receive an update on the status of the existing fuel cell co-generation system at El Estero and plans to replace the system with an engine co-generation system.

Documents:

- September 21, 2010, report from the Public Works Director.
- September 21, 2010, PowerPoint presentation prepared and made by Staff.

(Cont'd)

11. (Cont'd)

Speakers:

Staff: Facilities and Energy Manager Jim Dewey.

Motion:

Councilmembers Williams/House to approve the recommendations.

Vote:

Unanimous voice vote.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

Mayor Schneider reported on her attendance at the League of California Cities Annual Conference.

## **RECESS**

Mayor Schneider recessed the meeting at 4:05 p.m. in order for the Council to reconvene in closed session for Item Nos. 12 - 14, and she stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

12. 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 Tanis Nelson vs. City of Santa Barbara, SBSC Case No. 1339487.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

September 21, 2010, report from the City Attorney.

Time:

4:10 p.m. - 4:20 p.m.

No report made.

14. Subject: Conference With Real Property Negotiators Regarding 319 West Haley Street (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible sale of the City-owned property, commonly known as 319 West Haley Street, pursuant to the authority of Government Code Section 54956.8. Instructions to negotiators will direct staff regarding the price and terms of a possible sale of the City-owned parcel. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. City Negotiators: Browning Allen, Transportation Manager; Don Irelan, Senior Real Property Agent; and Stephen P. Wiley, City Attorney, on behalf of the City of Santa Barbara. Negotiating Parties: Pathpoint, Inc. Under Negotiation: Price and terms of payment of a possible sale.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

September 21, 2010, report from the Public Works Director.

Time:

4:20 p.m. - 4:43 p.m.

No report made.

13. 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 Police Officers Association, Police Managers Association, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

September 21, 2010, report from the Assistant City Administrator/  
Administrative Services Director.

Time:

4:45 p.m. - 5:12 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 5:12 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK