



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING December 6, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the City Council and Redevelopment Agency to order at 2:02 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, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: Randy Rowse.

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

CEREMONIAL ITEMS

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through December 31, 2011.

Documents:

December 6, 2011, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Award Recipients James Scott and Philip Walker.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation, and the following employees were recognized:

5-Year Pin

Melissa Serrano, Administrative Specialist, Community Development Department
Thomas Oretsky, Environmental Services Specialist I, Finance Department
Carolina Camacho, Administrative Specialist, Public Works Department
Amanda Flesse, Project Engineer II, Public Works Department
Sarah Grant, Associate Transportation Planner, Public Works Department
Chris Olvera, Water Distribution Operator II, Public Works Department

10-Year Pin

Michael Mudgett, Firefighter, Fire Department
Cynthia Collinge, Administrative Supervisor, Public Works Department

15-Year Pin

Dorine Villalpando, Accounting Technician, Finance Department

20-Year Pin

Jason Bryan, Senior Recreation Supervisor, Parks and Recreation Department

30-Year Pin

James Scott, Wastewater Collection Systems Operator, Public Works Department
Philip Walker, Wastewater Treatment Plant Operator III, Public Works Department

CHANGES TO THE AGENDA

City Administrator James Armstrong suggested a change in the order of Agenda Items to be presented, as follows: Item Nos. 19, 21, and 20. By consensus, the Council approved the change.

PUBLIC COMMENT

Speakers: Kenneth Loch; Caitlin Carlson, COAST (Coalition for Sustainable Transportation); Steve Price.

RECESS

2:18 p.m. - 2:21 p.m.

PUBLIC COMMENT (CONT'D)

Speakers (Cont'd): Shirley Force; Rasta Mom; Kate Smith; Peter Lance; Judith Evered; John Hunter; Lee Moldaver; Bryan Rosen; Patricia Rosen.

ITEM REMOVED FROM CONSENT CALENDAR

5. Subject: Adoption Of An Ordinance Amending Municipal Code Title 28 For Veronica Meadows Specific Plan (680.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Municipal Code Title 28 by Amending Chapter 28.50 the "Veronica Meadows Specific Plan."

The title of the ordinance was read.

Speakers:

Staff: City Attorney Stephen Wiley.

Motion:

Councilmembers House/Francisco to adopt the ordinance.

Vote:

Failed to carry by roll call vote (supermajority of five affirmative votes required) (Ayes: Councilmembers Francisco, Hotchkiss, House, Self; Noes: Councilmember White and Mayor Schneider; Absent: Councilmember Rowse).

Motion:

Councilmembers House/Francisco to continue this item to a future meeting when all seven Councilmembers will be present.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee heard a report on the Fiscal Year 2012 Capital Improvement Program Funding for the Andree Clark Bird Refuge Vegetation Maintenance and Restoration Project, and the Shoreline Park Safety Improvement Project. The Committee did not make a recommendation and requested that Staff present the report to the full Council (Council Agenda Item No. 14).

ITEM REMOVED FROM CONSENT CALENDAR

14. Subject: Fiscal Year 2012 Capital Improvement Program Funding For The Andree Clark Bird Refuge Vegetation Maintenance And Restoration Project And The Shoreline Park Safety Improvement Project (570.05)

Recommendation: That Council:

- A. Allocate \$236,900 from the Park Restroom Renovation Capital Improvement Program (CIP) Project to the Andrée Clark Bird Refuge Vegetation Maintenance and Restoration Project in the Capital Outlay Fund; and

(Cont'd)

14. (Cont'd)

- B. Transfer \$146,452 from the General Fund to the Capital Outlay Fund, funded from an increase in estimated revenues, and appropriate \$49,452 to the Andrée Clark Bird Refuge Vegetation Maintenance and Restoration Project and \$97,000 to the Shoreline Park Safety Improvement Project.

Documents:

- December 6, 2011, report from the Parks and Recreation Director.
- December 6, 2011, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant Parks and Recreation Director Jill Zachary, City Administrator James Armstrong.

Motion:

Councilmembers House/Francisco to approve the recommendations but direct Staff to meet with the Creeks Committee and Finance Committee, and then return to the Council for consideration of restoring funding from the General Fund for the Bird Refuge Project with Measure B funds.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

CONSENT CALENDAR (Item Nos. 2 - 4, 6 - 13, 15, 17 and 18)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Rowse).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of October 10, 2011, the special meeting of October 17, 2011, the regular meetings of October 18, 2011, and October 25, 2011, the adjourned regular meeting of October 31, 2011, the regular meetings of November 1, 2011, and November 8, 2011 (cancelled), and the special meeting of November 14, 2011.

Action: Approved the recommendation.

3. Subject: Fiscal Year 2012 Interim Financial Statements For The Four Months Ended October 31, 2011 (250.02)

Recommendation: That Council accept the Fiscal Year 2012 Interim Financial Statements for the Four Months Ended October 31, 2011.

Action: Approved the recommendation (December 6, 2011, report from the Finance Director).

4. Subject: Adoption Of Ordinance Amending Municipal Code Title 14, Chapter 20 - Metering Requirements (540.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Repealing Section 14.20.160 Pertaining to Separate Water Meters.

Action: Approved the recommendation; Ordinance No. 5576 (December 6, 2011, email communication from Tony Fischer).

6. Subject: Approval Of An Amendment To The Metropolitan Transit District Agreement (150.05)

Recommendation: That Council:

- A. Approve an amendment to the Agreement with the Metropolitan Transit District (MTD), in the amount of \$205,000 for transit assistance for the Coastal Express Limited commuter bus; and
- B. Increase appropriations and estimated revenues in the Streets Fund by \$205,000 to fund a pass-through payment to the MTD from mitigation funds paid to the City by Caltrans.

Speakers:

Staff: Principal Transportation Planner Rob Dayton.

Action: Approved the recommendations; Agreement No. 23,794.1 (December 6, 2011, report from the Public Works Director).

7. Subject: Introduction Of An Ordinance And Resolutions For The Annexation Of 455 And 457 North Hope Avenue (680.04)

Recommendation: That Council:

- A. Consider the Planning Commission's recommendation to initiate the annexation of properties located at 455 and 457 North Hope Avenue;
- B. Make the environmental findings contained in the Council Agenda Report;

(Cont'd)

7. (Cont'd)

- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning Upon Annexation of Assessor's Parcel Numbers 057-191-011 and 057-191-014 Located at 455 North Hope Avenue and Assessor's Parcel Number 057-170-012 Located at 457 North Hope Avenue in the Hope Neighborhood;
- D. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, Santa Barbara Sheriff's Office (CSA 32) and Goleta Water District for Certain Real Property Presently Located at 455 North Hope Avenue (Assessor's Parcel Numbers 057-191-011 and 057-191-014) and Located at 457 North Hope Avenue (Assessor's Parcel Number 057-170-012); and
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Numbers 057-191-011 and 057-191-014 Located at 455 North Hope Avenue and Assessor's Parcel Number 057-170-012 Located at 457 North Hope Avenue, Which will be Annexed to the City of Santa Barbara.

Action: Approved the recommendations; Resolution Nos. 11-072 and 11-073 (December 6, 2011, report from the Assistant City Administrator/Community Development Director; proposed ordinance; proposed resolutions).

8. Subject: Introduction Of Ordinance For A Lease Agreement With Sushi Go Go (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Kyung and Sarah Wang, Doing Business as Sushi Go Go, for the Restaurant Located at 119-B Harbor Way, Effective January 13, 2012.

Action: Approved the recommendation (December 6, 2011, report from the Waterfront Director; proposed ordinance).

9. Subject: Lease Agreement With Stearns Wharf, Inc., Doing Business As Old Wharf Trading Company (330.04)

Recommendation: That Council approve a five-year lease agreement with Stearns Wharf, Inc., doing business as Old Wharf Trading Company, at an average base rent of \$12,463 per month or 10% of gross sales, whichever is greater, for a 2,369 square foot retail space located at 217-A, B and D Stearns Wharf.

Action: Approved the recommendation; Agreement No. 23,958 (December 6, 2011, report from the Waterfront Director).

10. Subject: Contract For Final Design For The Punta Gorda Street Bridge (530.04)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan and Associates in the amount of \$120,000 for final design services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$12,000 for extra services that may result from necessary changes in the scope of work;
- B. Reprogram \$25,000 of existing appropriations in the Measure D Fund for drainage improvements to this Project; and
- C. Reprogram \$75,000 of existing surplus appropriations in the Measure D Fund for the Haley/De la Vina Street Bridge Project to this Project.

Action: Approved the recommendations; Contract No. 23,959 (December 6, 2011, report from the Public Works Director).

11. Subject: Contract For Construction For The Westside Community Development Block Grant Sidewalk Infill And Access Ramp Project (530.04)

Recommendation: That Council:

- A. Award a contract with Mendez Concrete, Inc., waiving minor irregularities, in their low bid amount of \$190,280.50 for construction of the Westside Community Development Block Grant Sidewalk Infill and Access Ramp Project, Bid No. 3642; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$30,000 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.

Action: Approved the recommendations; Contract No. 23,960 (December 6, 2011, report from the Public Works Director).

12. Subject: Contract For Construction For The Launch Ramp Boating Trails Project (570.03)

Recommendation: That Council:

- A. Award a contract with Shaw Contracting, Inc., in their low bid amount of \$375,625 for construction of the Launch Ramp Boating Trails Project, Bid No. 3633;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$38,000 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 Moffatt & Nichol Engineers, Inc., in the amount of \$12,000 for construction support services, and approve expenditures of up to \$1,200 for extra services of Moffatt & Nichol Engineers, Inc., that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a contract with Fugro Consultants, Inc., in the amount of \$3,830 for construction testing services, and approve expenditures of up to \$383 for extra services of Fugro Consultants, Inc., that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,961 - 23,963 (December 6, 2011, joint report from the Waterfront Director and the Public Works Director).

13. Subject: Purchase Order For Installation And Monitoring Of Inclinometers In The Conejo Slide Area (640.04)

Recommendation: That Council find it to be in the City's best interest to waive the formal bidding process in accordance with Section 4.52.020 (K) of the Santa Barbara Municipal Code and issue a Purchase Order in the amount of \$63,500 to Cotton, Shires and Associates for the installation and monitoring of inclinometers in the Conejo Slide Area, and authorize the Public Works Director to approve expenditures of up to \$6,350 for extra services of Cotton, Shires and Associates that may result from necessary changes in the scope of work.

Action: Approved the recommendation (December 6, 2011, report from the Public Works Director).

15. Subject: Santa Barbara Beautiful Funds For The Urban Forest Program (570.05)

Recommendation: That Council accept a contribution from Santa Barbara Beautiful in the amount of \$30,000 and increase estimated revenues and appropriations in the Parks and Recreation Miscellaneous Grants Fund for the Upper State Street and Oleander Tree Replacement Projects.

Action: Approved the recommendation (December 6, 2011, report from the

Parks and Recreation Director).
Item No. 16 appears in the Redevelopment Agency minutes.

NOTICES

17. The City Clerk has on Thursday, December 1, 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.
18. Receipt from the Housing Authority of the City of Santa Barbara of its 2011 Annual Report (660.03)

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

19. Subject: Rental Housing Mediation Task Force Update (580.03)

Recommendation: That Council:

- A. Receive a status report on the Rental Housing Mediation Task Force Program; and
- B. Increase estimated revenues and appropriations by \$37,450 in the Community Development Department's Rental Housing Mediation Task Force Program in recognition of funding secured from the City of Goleta in the amount of \$17,000, a Homeless Prevention and Rapid Re-Housing Program (HPRP) grant in the amount of \$15,250 and donations in the amount of \$5,200.

Documents:

- December 6, 2011, report from the Assistant City Administrator/Community Development Director.
- December 6, 2011, PowerPoint presentation prepared and made by Staff and the Rental Housing Mediation Task Force.
- December 6, 2011, letter from Beth Pitton-August, Co-President of the League of Women Voters of Santa Barbara.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, Administrative Services Manager Susan Gray, City Administrator James Armstrong.
- Rental Housing Mediation Task Force: Vice Chair Leesa Beck.
- Members of the Public: Robert Burke; R. Thomas Griffith; Beth Pitton-August, League of Women Voters of Santa Barbara; Lou Traga, Independent Living Resource Center; Mark Alvarado, Deputy Director of PUEBLO; Martin Osborn; Ben Bush; Emily Allen, Rental Housing Round Table; Hilary Kleger, Co-Chair, Rental Housing Round Table; Geoff Green, Executive Director of Fund for Santa Barbara; Michael Petretta.

19. (Cont'd)

Motion:

Councilmembers House/White to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

RECESS

4:23 p.m. - 4:36 p.m.

PUBLIC HEARINGS

21. Subject: Proposed Designation Of Three Landmarks: Granada Tower State Street Façade At 1214 State Street, Moreton Bay Fig Tree At 320 W. Pueblo Street, And 105 Ontare Hills Lane (640.06)

Recommendation: That Council:

- A. Hold a public hearing;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Granada Tower Building State Street Façade, its Two-Foot Wraparound, and its Roof Form at 1214 State Street (Assessor's Parcel Numbers 039-183-050, 039-183-051, 039-183-052) a City Landmark;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Moreton Bay Fig Tree (*Ficus macrophylla*) at 320 W. Pueblo Street (Assessor's Parcel Number 025-100-001) a City Landmark; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Frederick H. Booth House and Garage at 105 Ontare Hills Lane (Assessor's Parcel Number 055-160-060) a City Landmark.

City Attorney Stephen Wiley reported that due to a conflict of interest related to his ownership of property near one of the subject properties, he would be leaving the meeting. Mr. Wiley left the meeting at 4:36 p.m. and Assistant City Attorney Scott Vincent took his place.

Documents:

- December 6, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolutions.
- Affidavit of Publication.
- December 6, 2011, PowerPoint presentation prepared and made by Staff.
- December 5, 2011, letter from Theodore H. Smyth, Jr.
- December 6, 2011, written comments from Kellam deForest.

21. (Cont'd)

Speakers:

- Staff: Senior Planner Jaime Limon, Associate Planner/Urban Historian Jake Jacobus, Assistant City Attorney Scott Vincent, City Planner Bettie Weiss.
- Post/Hazeltine Associates: Timothy Hazeltine and Dr. Pamela Post.
- Historic Landmarks Commission: Commissioners Fermina Murray, William La Voie.
- Members of the Public: Theodore "Tad" Smyth; John Woodward; Louise Boucher.

Motion:

Councilmembers House/White to approve Recommendation B, as revised, and Recommendation C.

Vote:

Unanimous roll call vote (Absent: Councilmember Rowse).

Motion:

Councilmembers House/White to approve Recommendation D.

Substitute Motion:

Councilmembers Hotchkiss/Self to refer to the Historic Landmarks Commission for consideration of designating the Frederick H. Booth House and Garage as a Structure of Merit.

The Substitute Motion was withdrawn.

Vote:

Majority roll call vote (Noes: Councilmembers Hotchkiss, White; Absent: Councilmember Rowse).

CEREMONIAL ITEMS (CONT'D)

Mayor Schneider presented Associate Planner/Urban Historian Jake Jacobus with a Letter of Recognition for his years of service with the City.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

City Attorney Stephen Wiley returned to the meeting and Assistant City Attorney Scott Vincent left the meeting at 5:53 p.m.

POLICE DEPARTMENT

20. Subject: Police Department Update (520.04)

Recommendation: That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

Documents:

December 6, 2011, report from the Chief of Police.

Speakers:

- Staff: Police Chief Camerino Sanchez, City Attorney Stephen Wiley, City Administrator James Armstrong.
- Members of the Public: Steve Price; Kate Smith; Peter Lance.

Discussion:

Mayor Schneider stated that the Police Department will be making regular reports to the Council at its request.

Police Chief Sanchez provided an update on the Department's workforce, including the hiring of five of the six authorized Community Service Officers, all three Restorative Outreach Specialists, and 140 of 141 authorized Police Officers. He also provided updates on cold cases and the Gang injunction, and stated that crime is down by 13% from last year and property theft is up slightly. Lastly, Chief Sanchez said that PAL (Police Activities League) has been very successful with 1,600 youth participating, and he spoke about the various programs provided by PAL.

City Attorney Stephen Wiley provided an overview of the Police complaint process.

Staff responded to the Councilmembers' questions.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Mayor Schneider acknowledged the Downtown Organization for its exceptional work in coordinating the Holiday Parade.

RECESS

Mayor Schneider recessed the meeting at 6:44 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 22 and 23, and she stated that no reportable action is anticipated.

CLOSED SESSIONS

22. 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:

Luke Brost as Trustee for the Luke Brost Living Trust, et al., v. City of Santa Barbara, Santa Barbara Superior Court Case No. 1342979.

Ruben Barajas and Pamela Barajas as trustees for the Ruben and Pamela Barajas Living Trust, v. City of Santa Barbara, Santa Barbara Superior Court Case No.1383054.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

December 6, 2011, report from the City Attorney.

Time:

6:45 p.m. - 7:10 p.m. (Councilmembers Rowse and Self were absent).

No report made.

23. Subject: Conference With Real Property Negotiators - Acquisition Of Easements (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 in order to provide direction to the City Public Works Director regarding the possible City acquisition of certain non-exclusive subsurface easements concerning the real properties known as 523 and 515 Conejo Road.

Property: 523 Conejo Road, APN 019-062-008
515 Conejo Road, APN 019-062-009

City Negotiator: City Public Works Director and the City Attorney's office.

Negotiating Party: Dennis Guinaugh (523 Conejo Road) and Ron and Elizabeth Faoro (515 Conejo Road). Under Negotiation: Price, terms of subsurface easement acquisitions.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

23. (Cont'd)

Documents:

December 6, 2011, report from the Public Works Director.

Time:

7:10 p.m. - 7:23 p.m. (Councilmembers Rowse and Self were absent).

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:23 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK