



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 22, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 11:00 a.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: Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring May 20-26, 2012, As National Public Works Week (120.04)

Action: Proclamation presented to City of Santa Barbara Public Works Director Christine Andersen.

Councilmember Francisco entered the meeting at 2:05 p.m.

COUNCIL AND STAFF COMMUNICATIONS

Mayor Schneider introduced the new City of Santa Barbara City Clerk Services Manager, Gwen Peirce.

PUBLIC COMMENT

Speakers: TV Santa Barbara Board President Candi Corbani and Executive Director Matt Schuster; David D. Diaz; Laura Goe; Robert Burke.

ITEMS REMOVED FROM CONSENT CALENDAR

Councilmember White stated that he would not vote on the following item due to a conflict of interest related to his spouse's membership on the board for Art From Scrap.

8. Subject: Youth Watershed Education Program Contract With Art From Scrap (540.14)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director, or designee, to execute a 12-month professional services contract with Art From Scrap in the amount of \$57,724.60 in Measure B funds, for the provision of Creeks Program youth and community watershed education programs in Fiscal Year 2013; and
- B. Authorize the Parks and Recreation Director, or designee, to execute annual professional services contracts, in a form acceptable to the City Attorney, with Art From Scrap for Fiscal Years 2014 and 2015, in an amount not to exceed \$60,000 per year.

Documents:

May 22, 2012, report from the Parks and Recreation Director.

Motion:

Councilmembers Rowse/Hotchkiss to approve the recommendations; Contract Nos. 24,131 – 24,133.

Vote:

Unanimous voice vote (Abstention: Councilmember White).

Councilmembers Hotchkiss and White stated they would not vote on the following item due to conflicts of interest related to their ownership of, or residence at, properties located within the subject assessment district.

15. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2013 For The Wildland Fire Suppression Assessment (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Levy Assessments for Fiscal Year 2012-2013; and Establishing a Time of 2:00 P.M. on Tuesday, June 5, 2012, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

(Cont'd)

15. (Cont'd)

Documents:

- May 22, 2012, report from the Fire Chief.
- Proposed Resolution.
- May 2012 Preliminary Engineer's Report by SCI Consulting Group.

The title of the resolution was read.

Motion:

Councilmembers House/Francisco to approve the recommendation;
Resolution No. 12-031.

Vote:

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

Councilmember Rowse stated that he would not vote on the following item due to a conflict of interest related to his ownership of a business located within the subject assessment district.

16. Subject: Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2013 - Intention To Levy (550.10)

Recommendation: That Council:

- A. Approve the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2013; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Parking and Business Improvement Area Assessment Rates for Fiscal Year 2013 at a Public Hearing to be Held on June 19, 2012, at 2:00 p.m.

Documents:

- May 22, 2012, report from the Public Works Director.
- Proposed Resolution.

The title of the resolution was read.

Motion:

Councilmembers White/Francisco to approve the recommendations;
Resolution No. 12-032.

Vote:

Unanimous roll call vote (Abstention: Councilmember Rowse).

CONSENT CALENDAR (Item Nos. 2 – 7, 9 – 14 and 17 – 21)

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

Motion:

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

Vote:

Unanimous roll call vote.

CITY COUNCIL

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of April 23, 2012, the regular meeting of April 24, 2012, the special meeting of April 26, 2012, the regular meeting of May 1, 2012, and the special meeting of May 2, 2012.

Action: Approved the recommendation.

3. Subject: Records Destruction For Administrative Services 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 Administrative Services Department in the City Clerk's Office and Human Resources Division.

Action: Approved the recommendation; Resolution No. 12-028 (May 22, 2012, report from the Assistant City Administrator/Administrative Services Director; proposed resolution).

4. Subject: April 2012 Investment Report (260.02)

Recommendation: That Council accept the April 2012 Investment Report.

Action: Approved the recommendation (May 22, 2012, report from the Finance Director).

5. Subject: Acceptance Of Easements For Waterline Construction In Sycamore Vista And Canon View Roads (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Easements for the Construction, Use and Maintenance of Public Waterlines, and for All Necessary Appurtenances, Including Any Necessary Water Service Connections, and for All Related Purposes on Portions of Certain Real Properties Commonly Known as 557, 570, 575, 585, 595, and 598 Sycamore Vista Road; 151 and 161 Sierra Vista Road; and 62, 85, 125, 150, and 155 Canon View Road.

Action: Approved the recommendation; Resolution No. 12-029; Deed Nos. 61-370 – 61-383 (May 22, 2012, report from the Public Works Director; proposed resolution).

6. Subject: Contract For Construction Of The Sycamore Vista Waterline Project (540.06)

Recommendation: That Council:

- A. Award a contract with Lash Construction, Inc., waiving minor irregularities, in its low bid amount of \$312,266, for construction of the Sycamore Vista Waterline Project, Bid No. 5034;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$46,840 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
- C. Authorize the Public Works Director to execute a contract with Penfield & Smith in the amount of \$128,770 for construction management support services, including materials testing, and approve expenditures up to \$12,877 for extra services of Penfield & Smith that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 24,128 and 24,129 (May 22, 2012, report from the Public Works Director).

7. Subject: Contract For Professional Services Involving Right-Of-Way Acquisition And Relocation Assistance For The Mason Street Bridge Replacement Project (330.03)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Contract with Hamner, Jewell & Associates in the amount of \$71,500, for right-of-way acquisition and relocation assistance services for the Mason Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$7,150 for extra services of Hamner, Jewell & Associates that may result from necessary changes in the scope of work.

7. **(Cont'd)**

Speaker:

Staff: Principal Civil Engineer John Ewasiuk.

Action: Approved the recommendation; Contract No. 24,130 (May 22, 2012, report from the Public Works Director)

9. **Subject: Professional Services Agreement For Safety Element Update (650.06)**

Recommendation: That Council authorize the Assistant City Administrator to execute a Professional Services Agreement with Rodriguez Consulting, Inc., in the amount of \$101,171 (including up to \$9,197 in contingency funds for extra services if deemed necessary) for preparation of the General Plan Safety Element update.

Action: Approved the recommendation; Agreement No. 24,134 (May 22, 2012, report from the Assistant City Administrator/Community Development Director).

10. **Subject: Appropriation Of Federal Asset Forfeiture Funds To The Investigative Division For Radio Purchase (520.04)**

Recommendation: That Council appropriate \$11,000 in Federal Asset Forfeiture Funds in the Police Asset Forfeiture Fund from available reserves for purchase of radios to be installed in surveillance vehicles.

Action: Approved the recommendation (May 22, 2012, report from the Chief of Police).

11. **Subject: Approval Of Airport Sewer System Management Plan (560.01)**

Recommendation: That Council approve the Airport Sewer System Management Plan and authorize the Airport Operations Manager, as the City's authorized representative, to file a Notice of Completion with the State Water Resources Control Board.

Action: Approved the recommendation (May 22, 2012, report from the Airport Director).

12. Subject: Challenge Cost Share Agreement With The United States Department Of Agriculture, Forest Service Los Padres National Forest And Acceptance Of Santa Barbara County Contribution For The Front Country Trails Program (150.01)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into a Five-Year Challenge Cost Share Agreement with the United States Department of Agriculture (USDA), Forest Service Los Padres National Forest for implementation of the Front Country Trails Program;
- B. Accept a contribution from the Santa Barbara County Community Services Department in the amount of \$10,000 for the Front Country Trails Program;
- C. Transfer \$10,000 from the Parks and Recreation Department's Fiscal Year 2012 Operating Budget from existing appropriations available from savings in the Department to the Fiscal Year 2012 Miscellaneous Grants Fund; and
- D. Increase revenues and appropriations by \$30,000 in the Parks and Recreation Department's Fiscal Year 2012 Miscellaneous Grants Fund for the Front Country Trails Program, funded from \$10,000 in contributions each from the Parks and Recreation Department, the Santa Barbara County Community Services Department, and the Forest Service, whose \$10,000 contribution will be paid on a reimbursement basis.

Action: Approved the recommendations; Agreement No. 24,135 (May 22, 2012, report from the Parks and Recreation Director).

13. Subject: Parma Park Trust Funds For The Maintenance Of Parma Park (570.05)

Recommendation: That Council increase appropriations and estimated revenues by \$74,859 in the Parks and Recreation Department Fiscal Year 2012 Miscellaneous Grants Fund for maintenance of Parma Park funded from a donation from the Parma Park Trust.

Action: Approved the recommendation (May 22, 2012, report from the Parks and Recreation Director).

14. Subject: Revised 2011 Housing Element (650.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving a Revised 2011 General Plan Housing Element Incorporating Revisions to the Needs Assessment, Constraints, and Suitable Sites Inventory Chapters as Requested by the California Department of Housing and Community Development.

Speakers:

Staff: Principal Planner John Ledbetter.

(Cont'd)

14. (Cont'd)

Action: Approved the recommendation; Resolution No. 12-030 (May 22, 2012, report from the Assistant City Administrator/Community Development Director; proposed resolution; affidavit of publication).

17. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 336 N. Milpas Street (640.07)

Recommendation: That Council:

- A. Set the date of June 19, 2012, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney representing the Mary Z. Frangos Trust, of the Architectural Board of Review's approval decision involving an application for property owned by Fresh & Easy Neighborhood Market and located at 336 N. Milpas Street, Assessor's Parcel No. 031-371-021, C-2 Commercial Zone, General Plan Designation: General Commerce. The Board approved Review After Final revisions to the project under construction for the as-built relocation of perimeter site walls and an associated reduction in landscaping planting area, as well as a waiver to provide less than the required depth of perimeter planters; and
- B. Set the date of June 18, 2012, at 1:30 p.m. for a site visit to the property located at 336 N. Milpas Street.

Action: Approved the recommendations (April 26, 2012, letter of appeal).

SUCCESSOR AGENCY

18. Subject: Response To Grand Jury Report Regarding "Requiem for Redevelopment" (150.04)

Recommendation: That Council, acting as the Successor Agency to the City of Santa Barbara Redevelopment Agency, review and approve a draft letter in response to the findings and recommendations of the 2011-2012 Santa Barbara County Civil Grand Jury report titled, "Requiem for Redevelopment: The Life and Death of Redevelopment Agencies in Santa Barbara County," and authorize the City Administrator to sign the response letter and forward it to the Presiding Judge.

Action: Approved the recommendation (May 22, 2012, report from the Housing and Redevelopment Manager).

NOTICES

- 19. The City Clerk has on Thursday, May 17, 2012, 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.
- 20. Cancellation of the regular City Council meeting of May 29, 2012.

21. On June 26, 2012, at 2:00 p.m. in the Council Chambers at Santa Barbara City Hall, as part of the regularly scheduled council meeting, City Council shall by its own initiative hear evidence of all interested parties pertaining to the non-summary vacation of a small portion of Ealand Place (near the end of the cul de sac at 17 and 22 Ealand Place), a public street. The vacation proceedings shall be conducted in accordance with the California Streets & Highways Code, Division 9, Part 3, Chapter 3 (General Vacation Procedure).

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee made a recommendation to Council to approve staff-recommended adjustments to fees, revenues and appropriations related to Fiscal Year 2013 budget. The Committee also heard reports on the funding of infrastructure and capital maintenance and on reserve balances and policies. A final report regarding reserves will be presented to the Committee at a future meeting.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

22. Subject: Proposition 29 - State Ballot Initiative That Imposes Additional Tax On Cigarettes For Cancer Research (160.02)

Recommendation: That Council consider taking a position on Proposition 29, which will impose an additional five cent tax on each cigarette distributed (\$1.00 per pack), and an equivalent tax increase on other tobacco products, to fund cancer research and other specified purposes.

Documents:

- May 22, 2012, report from the City Administrator.
- PowerPoint presentation prepared and made by the Coalition Engaged in a Smoke-Free Effort (CEASE).

Speakers:

- Staff: Assistant to the City Administrator Nina Johnson, City Administrator James Armstrong.
- Members of the Public: Jayne Brechwald, Co-Chair of CEASE; Kate Hanna, Lucille Ramirez, and Sharon Bifano, representing the American Cancer Society; Don Goldberg, CEASE.

Motion:

Councilmembers Murillo/House that Council take a position of support for Proposition 29.

Vote:

Majority roll call vote (Noes: Councilmembers Francisco, Hotchkiss, Rowse).

COMMUNITY DEVELOPMENT DEPARTMENT

23. Subject: Loan To Habitat For Humanity For New Affordable Housing Project At 822-824 East Canon Perdido (660.04)

Recommendation: That Council:

- A. Approve a \$515,000 loan of federal HOME funds to Habitat for Humanity for the construction of twelve new residential ownership units affordable to low income persons located at 822-824 East Canon Perdido; and
- B. Authorize the Assistant City Administrator to execute a loan agreement and related documents and make nonsubstantive changes with approval by the City Attorney.

Documents:

- May 22, 2012, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Community Development Programs Supervisor Deirdre Randolph, Project Planner Simon Kiefer.
- Habitat for Humanity of Southern Santa Barbara County: Director of Operations Jon Peterson.

Motion:

Councilmembers White/Rowse to approve the recommendations; Agreement No. 24,136.

Vote:

Unanimous vote vote.

FINANCE DEPARTMENT

24. Subject: Single-Use Bag Ordinance (630.01)

Recommendation: That Council:

- A. Review the draft Single-Use Bag Ordinance as referred to the Council by the Ordinance Committee on April 24, 2012; and
- B. Consider declaring the draft ordinance as a project for the purposes of environmental review and as a possible "model" suggested ordinance to be considered and possibly adopted by other BEACON cities and counties with BEACON staff overseeing the CEQA environmental review process.

Documents:

- May 22, 2012, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

24. (Cont'd)

Speakers:

- Staff: City Attorney Stephen Wiley, Environmental Services Manager Matt Fore, Finance Director Robert Samario.
- Members of the Public: Brian Brennan, Executive Director of Beach Erosion Authority for Clean Oceans and Nourishment (BEACON); Sarah Sheehy, California Grocers Association; Bill Hickman, Surfrider Foundation; Kathi King, Community Environmental Council; Jill Cloutier, South Coast Watershed Resource Center; Kellam de Forest; Molly McDonough; Penny Owens, Santa Barbara Channelkeeper; Scott Bull, Santa Barbara Surfrider; Ally Giaketsis, Isla Vista Surfrider; Maya J. Kasberg; Wilson Sherman; Karly Lazarus.

Motion:

Councilmembers House/Murillo to: 1) approve recommendation B, including the following changes to the draft ordinance:

- Section 9.150.010.D: "...derived from either sources such as petroleum, natural gas or a-biologically-based sources such as corn or other plant sources,..." and
- Section 9.150.020.A: "No store shall provide ~~to~~ any customer with a plastic carryout bag."; and

2) encourage Staff to assist in the administrative enforcement of the ordinance, in particular, the effects on smaller grocers and avoiding the distribution of multi-use bags as a form of single-use bag.

Vote:

Majority voice vote (Noes: Councilmember Hotchkiss)

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at the following events: 1) Santa Barbara Youth Council meeting; 2) the Santa Barbara Cottage Hospital neighborhood meeting; 3) the Mesa Village meeting; and 4) the Harvey Milk event hosted by the Santa Barbara Equality Project.
- Councilmember White reported on the proceedings of the Water Commission's May meeting where the issue of discontinuing the blending of potable water with reclaimed water was discussed.
- Councilmember Hotchkiss reported on his attendance at the meetings of the Santa Barbara Cottage Hospital neighborhood and the Santa Barbara American Institute of Architects.
- Mayor Schneider reported on her attendance at the Santa Barbara County Association of Governments meeting, and at the Contractor's Association event regarding the emPowerSBC program developed by the County for low interest loans to homeowners to make energy-efficient home upgrades.

RECESS

Mayor Schneider recessed the meeting at 4:27 p.m. in order for Council to reconvene in closed session for Agenda Item Nos. 25 and 26; no reportable action is anticipated.

CLOSED SESSIONS

25. 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. Pending litigation considered is a workers' compensation claim: Janet Sackett v. City of Santa Barbara, Case Number ADJ3865678.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

May 22, 2012, report from the Finance Director.

Time:

4:30 p.m. - 4:35 p.m.

No report made.

26. 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 City's General bargaining unit, the Supervisory bargaining unit, the Police Officers Association, and the Police Management Association, and regarding discussions with confidential City employees and unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

Documents:

May 22, 2012, report from the Assistant City Administrator/Administrative Services Director.

Time:

4:35 p.m. - 4:45 p.m.

No report made.

RECESS

4:45 p.m. - 5:57 p.m.

Mayor Pro Tempore Hotchkiss presiding.

Councilmembers present: House, Murillo, Rowse, White, Mayor Pro Tempore Hotchkiss.

Councilmembers absent: Francisco, Mayor Schneider.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Fox.

PUBLIC COMMENT

No one wished to speak.

Councilmember Francisco entered the meeting at 5:59 p.m.

MAYOR AND COUNCIL REPORTS

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

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 5, and June 12, 2012.

Documents:

May 22, 2012, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

The following applicants were interviewed:

Community Development and Human Services Committee:

Jacqueline Duran

Steven B. Faulstich

Community Events and Festivals Committee:

Laura McIver

Housing Authority Commission:

Robert Burke

Library Board:

Jonathan R. Glasoe

Lucille Teresa Boss Ramirez

Christine Roberts

Patricia E. Ruth

Neighborhood Advisory Council:

Joseph A. Rution

Rental Housing Mediation Task Force:

Jacqueline Duran

Silvio DiLoreto

By consensus, the Council continued the interviews to June 5, 2012.

ADJOURNMENT

Mayor Pro Tempore Hotchkiss adjourned the meeting at 6:33 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SARH FOX
DEPUTY CITY CLERK

FRANK HOTCHKISS
MAYOR PRO TEMPORE