



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 6, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Cathy Murillo called the meeting to order at 2:01 p.m. (The Finance Committee and Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Cathy Murillo.

ROLL CALL

Councilmembers present: Dale Francisco, Gregg Hart, Frank Hotchkiss, Randy Rowse, Bendy White, Mayor Pro Tempore Murillo.

Councilmembers absent: Mayor Helene Schneider.

Staff present: City Administrator James L. Armstrong, City Attorney Ariel Pierre Calonne, Deputy City Clerk Sarah Fox.

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 May 31, 2014.

Documents:

May 6, 2014, report from the Acting Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong.

(Cont'd)

1. (Cont'd)

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

5 Years

Rebecca Klarich, Public Safety Dispatcher, Police Department

10 Years

Doug Smith, Senior Accountant, Finance Department

Jose Torres, Water Distribution Equipment Operator I, Public Works Department

15 Years

Deirdre Randolph, Community Development Programs Supervisor II, Community Development Department

Deane Carr, Water Treatment Plant Operator II, Public Works Department

Perry Cabugos, Senior Water Treatment Plant Technician, Public Works Department

Hipolito Aispuro, Grounds Maintenance Worker II, Parks & Recreation Department

30 Years

Caroline Ortega, Buyer, Finance Department

2. **Subject: Proclamation Declaring May 5-9, 2014, As Girls Incorporated Week (120.04)**

Action: Proclamation presented to Monica Spear and Shane Meserve, representatives of Girls Inc. of Greater Santa Barbara.

PUBLIC COMMENT

Speakers: Eva Figueroa, Clint Orr, Audrey Addison Williams.

Councilmember Francisco left the meeting at 2:07 p.m. and returned at 2:11 p.m.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmembers Hotchkiss and White and City Attorney Calonne stated that because they reside/own property in the area of the subject assessment district, they would not participate in the discussion of the follow item and would abstain from voting on it.

(Cont'd)

9. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2015 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 Continue 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 Continue Assessments for Fiscal Year 2015; and Establishing a Time of 2:00 P.M. on Tuesday, May 20, 2014, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

Documents:

- May 6, 2014, report from the Fire Chief.
- Proposed resolution.

The title of the resolution was read.

Motion:

Councilmembers Rowse/Hart to approve the recommendation; Resolution No. 14-022.

Vote:

Unanimous roll call vote (Absentions: Councilmembers Hotchkiss, White; Absent: Mayor Schneider).

CONSENT CALENDAR (Item Nos. 3 – 8, 10 and 11)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Mayor Schneider).

3. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of April 22, 2014.

Action: Approved the recommendation.

4. 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. 14-020 (May 6, 2014, report from the Acting Administrative Services Director; proposed resolution).

5. 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 Administration, Housing and Human Services, and Building and Safety Divisions.

Action: Approved the recommendation; Resolution No. 14-021 (May 6, 2014, report from the Acting Community Development Director; proposed resolution).

6. Subject: Capital Improvement Projects: Third Quarter Report For Fiscal Year 2014 (230.01)

Recommendation: That Council accept a report on the City's Capital Improvement Projects for the Third Quarter of Fiscal Year 2014.

Action: Approved the recommendation (May 6, 2014, report from the Public Works Director).

7. Subject: Agreement With Ensemble Theatre Company For Parking Lot 5 Design Services (550.05)

Recommendation: That Council authorize the City Administrator to execute an Agreement for reimbursement in the amount of \$29,882.92 for Parking Lot 5 Exit Design Services to the Ensemble Theatre Company.

Action: Approved the recommendation; Agreement No. 24,831 (May 6, 2014, report from the Public Works Director).

8. Subject: Contract For Design For Recycled Water Distribution System Modeling (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Contract with Carollo Engineers in the amount of \$42,535 for Design Services for Recycled Water Distribution System Modeling, and authorize the Public Works Director to approve expenditures of up to \$4,253 for extra services of Carollo Engineers that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,832 (May 6, 2014, report from the Public Works Director).

10. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 510 N. Salsipuedes Street (640.07)

Recommendation: That Council set the date of May 20, 2014, at 2:00 p.m. for hearing the appeal filed by Trevor J. Martinson of the Architectural Board of Review Final Review Approval of an application for property owned by People's Self-Help Housing and located at 510 North Salsipuedes Street, Assessor's Parcel No. 031-222-018, C-M (Commercial Manufacturing) Zone, General Plan Designation: Commercial Industrial/Medium High Residential. The project proposes the construction of a 66,196 square-foot, three-story, 40-unit affordable apartment project with attached garage and community center. Three existing lots will be merged to create one 41,099 square-foot property. An appeal of the Architectural Board of Review Project Design Approval was denied by Council on November 26, 2013.

Speakers:

- Member of the Public: Appellant Trevor J. Martinson.
- Staff: City Administrator Armstrong, City Attorney Calonne.

Discussion:

In response to Mr. Martinson's request that this appeal hearing be delayed until June, City Administrator Armstrong stated that the developer for the project is under significant time constraints related to the project's funding should it be approved on appeal. City Attorney Calonne also noted that during his public comment on this issue at the April 29, 2014, Council meeting, Mr. Martinson stated that he didn't have enough time to prepare for a May 20 hearing date, rather than that he has a scheduling conflict with that date.

Action:

Approved the recommendation (April 24, 2014, letter of appeal).

NOTICES

11. The City Clerk has on Thursday, May 1, 2014, 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.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco stated that the Committee heard a report from staff about proposed fee changes by General Fund departments for Fiscal Year 2015. The Committee also discussed and made a recommendation to Council to approve a loan adjustment for affordable housing located at 625-627 Coronel Place.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Randy Rowse reported that the Committee met to discuss the Average Unit-Size Density Program review parameters for the Planning Commission and that the Committee will refer the staff recommendation to the City Council.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

12. **Subject: Contract For Preliminary Design Services For Recommissioning The Charles E. Meyer Desalination Facility (540.10)**

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services Contract, subject to approval as to form by the City Attorney, with Carollo Engineers, Inc., in the amount of \$746,025 for preliminary design services for recommissioning the Charles E. Meyer Desalination Facility, and authorize the Public Works Director to approve expenditures of up to \$74,603 for extra services of Carollo Engineers, Inc., that may result from necessary changes in the scope of work;
- B. Authorize the City Administrator to negotiate and execute a City Professional Services contract, subject to approval as to form with the City Attorney, with McCabe and Company, Inc., in an amount not to exceed \$90,000 for support services related to the City's existing Coastal Development Permit for the Desalination Plant; and
- C. Authorize the City Attorney to negotiate and execute a City Professional Services contract with Hanson Bridgett LLP, in an amount not to exceed \$25,000 for legal support services related to contracting for services to design, build, and operate the Desalination Plant, and other contractual requirements as needed.

(Cont'd)

12. (Cont'd)

Documents:

- May 6, 2014, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.
- May 5, 2014, letter from the California Coastal Protection Network.

Speakers:

- Staff: Acting Water Resources Manager Joshua Haggmark, Public Works Director Rebecca Bjork.
- Members of the Public: Susan Jordan, California Coastal Protection Network; Conner Everts, Southern California Watershed Alliance.

Motion:

Councilmembers White/Hart to approve recommendations A and C; Contract Nos. 24,833 and 24,835.

Vote:

Unanimous voice vote (Absent: Mayor Schneider).

Motion:

Councilmembers White/Hart to approve recommendation B; Contract No. 24,834.

Vote:

Majority voice vote (Noes: Mayor Pro Tempore Murillo; Absent: Mayor Schneider).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Pro Tempore Murillo reported that she was the emcee at the Chocolate Divine event, a fundraiser for the Santa Barbara Rape Crisis Center.
- Councilmember Hotchkiss reported on the Milpas Community Association's donation of an electric golf cart to Casa Esperanza for outreach efforts and security purposes.
- Councilmember Hart reported on the La Cumbre Junior High School Foundation fundraiser to remodel the theater on the Westside to improve its accessibility for the community.

RECESS

Mayor Pro Tempore Murillo recessed the meeting at 3:07 p.m. in order for the Council to reconvene in closed session for Item Nos. 13 - 16. City Attorney Calonne stated that depending on Council's action regarding Item No. 14, a report may be made.

CLOSED SESSIONS

14. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Donald Sipple, and New Cingular Wireless PSC LLC, et al., v. The City of Alameda, California, et al.*, LASC Case No. BC432270.

Scheduling: Duration, 10 minutes; anytime

Report: Anticipated

Documents:

May 6, 2014, report from the City Attorney.

Time:

3:10 p.m. - 3:18 p.m. Mayor Schneider was absent.

Recess: 3:18 p.m. – 3:19 p.m.

Announcement:

City Attorney Calonne reported the following:

Motion:

Councilmembers Francisco/White to authorize the City Attorney to petition the California Supreme Court for review of the case.

Vote:

Unanimous voice vote (Absent: Mayor Schneider).

Recess: 3:19 p.m. – 3:20 p.m.

16. Subject: Conference With City Attorney - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider anticipated litigation pursuant to Government Code section 54956.9(d)(2) & (e)(2) and take appropriate action as needed. The anticipated litigation is based upon significant exposure to litigation arising out of the County of Santa Barbara's claims to parking citation insurance proceeds.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

May 6, 2014, report from the City Attorney.

Time:

3:20 p.m. - 3:27 p.m. Mayor Schneider was absent.

No report made.

15. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Jeannetta Ann Purdue Rizkalla and Tarek Ramzi Rizkalla, v. City of Santa Barbara, et al.*, SBSC Case No. 1383789.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

May 6, 2014, report from the City Attorney.

Time:

3:28 p.m. - 3:30 p.m. Mayor Schneider was absent.

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 Kristine Schmidt, Acting Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Units and Firefighters Association.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

May 6, 2014, report from the Acting Administrative Services Director.

Time:

3:30 p.m. - 3:37 p.m. Mayor Schneider was absent.

No report made.

ADJOURNMENT

Mayor Pro Tempore Murillo adjourned the meeting at 3:37 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

CATHY MURILLO
MAYOR PRO TEMPORE

ATTEST: _____
SARAH FOX
DEPUTY CITY CLERK