



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 9, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

CEREMONIAL ITEMS

- Subject: Presentation By Santa Barbara/Puerto Vallarta Sister City Committee On Project Awarded Best Ovest Overall Program Award By Sister Cities International.**

Action: Gilbert Garcia introduced the Puerto Vallarta Rotary Mirror Club who were visiting the City as part of the Santa Barbara/Puerto Vallarta Sister City Program. Mayor Schneider recognized the group for their receipt of the best program award at the August 2, 2014 annual Sister Cities International Award Dinner.

2. 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 September 30, 2014.

Documents:

September 9, 2014, report from the Assistant City Administrator.

Speakers:

Staff: City Administrator James Armstrong, Award Recipient Timothy Gaasch.

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

10 YEARS

John Martony, Payroll Supervisor, Finance Department
Elizabeth Scott, Parking Enforcement Officer, Police Department
Frederick Fulmer, Streets Manager, Public Works Department
Cheryle Pearson, Library Assistant I, Library Department

15 YEARS

Jeffrey Burns, Fire Engineer, Fire Department
Kell Hardin, Fire Captain, Fire Department
Kevin Hokom, Fire Captain, Fire Department
Justin Williams, Firefighter, Fire Department
Jose Delgado, Water Distribution Lead Operations Technician, Public Works
Department
Joaquin Ortega, Senior Treatment Plant Technician, Public Works Department
Jose Rodriguez, Custodian, Airport Department

25 YEARS

Daniel Kato, Senior Planner II, Community Development Department
Timothy Gaasch, Supervising Engineer, Public Works Department

30 YEARS

Owen Thomas, Supervising Engineer, Public Works Department

PUBLIC COMMENT

Speakers: Phil Walker; Clint Orr; Thomas Welche, Louis Gutierrez, Mike Woods, SEIU Local 620; Aurelio Bolanegra; Izzat Naccasha; Barbara Wishingrad, Brad Smith, Sweetwater Collaborate; Scott Wenz, Cars Are Basic; Jose Arturo Ortiz de Martinez-Gallegos; Geof Bard, K9 Alliance.

CONSENT CALENDAR (Item Nos. 3 – 29)

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

Motion:

Councilmembers Murillo/Hart or Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

3. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meetings of July 29, 2014, and August 5, 2014, the regular meetings (cancelled) of August 12, 2014, August 19, 2014, August 26, 2014 and September 2, 2014.

Action: Approved the recommendation.

4. Subject: Adoption Of Ordinance For Purchase And Sale Agreement For Sale Of Land Located At 6100 Hollister Avenue (330.03)

Recommendation: Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute the Purchase And Sale Agreement and Related Agreements between the City of Santa Barbara and Direct Relief, a California Nonprofit Public Benefit Corporation at a Base Price of \$25 Per Square Foot of Land Area.

Action: Approved the recommendation; Agreement Nos. 24,973 and 24,974; Ordinance No. 5663.

5. Subject: Adoption Of Ordinance For A Lease Amendment To Lease Agreement No. 23,564, With Conway Vintners, Inc. (330.04)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving Amendment One to Lease Agreement No. 23,564 with Conway Vineyards, Inc., at an Average Initial Base Rent of \$4,302.02 Per Month, Allocated Seasonally, or 10% of Gross Sales, Whichever is Greater, Effective October 9, 2014 and Continuing for the Remainder of the Lease Term of Five Years with Two, Five-Year Extension Options.

Action: Approved the recommendation; Agreement No. 23,564.01; Ordinance No. 5664.

6. Subject: Records Destruction For Fire 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 Fire Department in the Administration Division.

Action: Approved the recommendation; Resolution No. 14-062 (September 9, 2014, report from the Fire Chief; proposed resolution).

7. Subject: July 2014 Investment Report (260.02)

Recommendation: That Council accept the July 2014 Investment Report.

Action: Approved the recommendation; (September 9, 2014, report from the Finance Director).

8. Subject: Approval Of Parcel Map And Execution Of Agreements For 415 Alan Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,807 and standard agreements relating to the approved subdivision at 415 Alan Road, and authorize the City Engineer to record a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the chain of title once the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 24,963 - 24,965 (September 9, 2014, report from the Public Works Director).

9. Subject: Contract For Final Design Of El Estero Wastewater Treatment Plant Secondary Process Improvements Project - Phase 1 (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Brown and Caldwell in the amount of \$581,436 for Final Design Of the El Estero Wastewater Treatment Plant Secondary Process Improvements Project - Phase 1, and authorize the Public Works Director to approve expenditures of up to \$29,072 for extra services of Brown and Caldwell that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 24,966 (September 9, 2014, report from the Public Works Director).

10. Subject: Approval Of Emergency Purchase Orders For Groundwater Wells (540.10)

Recommendation: That Council:

- A. Approve an Emergency Purchase Order with Hose Solutions Incorporated in the amount of \$44,089.40; and
- B. Approve an Emergency Purchase Order with A & A Pump & Well Service in the amount of \$27,462.34.

Action: Approved the recommendations (September 9, 2014, report from the Public Works Director).

11. Subject: Approve Quinn Corporation, Inc., For The Maintenance, Repair, Upgrades, And New Installation Of Caterpillar Generator Systems (540.01)

Recommendation: That Council:

- A. Find it to be in the City's best interest to approve Quinn Corporation, Inc., as the vendor for maintenance, repair, upgrades, and new installation of Caterpillar generators at the City's water resources facilities, without bids, as authorized by Municipal Code Section 4.52.070 (L); and
- B. Authorize the Public Works Director to award purchase order contracts to Quinn, Inc., in accordance with approved budgets for such services and equipment as needed for the next five-year period.

Action: Approved the recommendations (September 9, 2014, report from the Public Works Director).

12. Subject: Approve Severn Trent Services As The Filter Media Vendor For The Ortega Groundwater Treatment Plant (540.10)

Recommendation: That Council:

- A. Find it to be in the City's best interest to waive the formal bidding process as authorized by Municipal Code Section 4.52.070 (L), and approve Severn Trent Services as the filter media vendor for the Ortega Groundwater Treatment Plant; and
- B. Authorize the General Services Manager to award purchase order contracts to Severn Trent Services for iron media in an amount not to exceed \$1,000,000 for Fiscal Year 2015, and within approved budgets for the next four years, ending September 2018.

Action: Approved the recommendations (September 9, 2014, report from the Public Works Director).

13. Subject: Approval Of Energy Efficiency Revolving Fund Award Agreement With Southern California Edison (630.06)

Recommendation: That Council:

- A. Authorize the Public Works Director to enter into an agreement with Southern California Edison for grant funding in the amount \$52,250, to fund the feasibility study of an Energy Efficiency fund;
- B. Authorize the Public Works Director to enter into an agreement with Cadmus Group in the amount of \$51,750 for the Energy Efficiency Fund Feasibility Study; and
- C. Authorize the increase of estimated revenues and appropriations in the Facilities Management Fund in the amount of \$52,250.

Action: Approved the recommendations; Agreement Nos. 24,967 and 24,968 (September 9, 2014, report from the Public Works Department).

14. Subject: Contract For Construction Of The Fiscal Year 2014 Sidewalk Access Ramps Project (530.04)

Recommendation: That Council waive minor bid irregularities, reject the bid protest of Lash Construction, and award a contract with DPM Construction Company, in their low bid amount of \$118,200 for construction of the Fiscal Year 2014 Sidewalk Access Ramp Project, Bid No. 3708; and authorize the Public Works Director to execute the contract and approve expenditures up to \$17,730 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 recommendation; Agreement No. 24,969 (September 9, 2014, report from the Public Works Director).

15. Subject: Introduction Of Ordinance For The Assignment And Grant Of Easements To The County Flood Control District (330.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Assignment of Existing City Easement Interests on Private Properties and the Granting of Easements on City Owned Properties to the County of Santa Barbara Flood Control and Water Conservation District for Flood Control and All Related Purposes, and Authorizing the City Administrator to Execute as Necessary the Assignment and Grant Deeds in a Form Approved by the City Attorney.

Action: Approved the recommendation (September 9, 2014, report from the Public Works Director; proposed Ordinance).

16. Subject: Police Department Explorer Program Funds (520.04)

Recommendation: That Council accept a donation of \$5,000 from the Santa Barbara Police Foundation for the Explorer Program and thereby increase appropriations and estimated revenues by \$5,000 in the Police Department Miscellaneous Grants Fund.

Action: Approved the recommendation (September 9, 2014, report from the Chief of Police).

Speaker:

Member of the Public: Greg Hons, Santa Barbara Police Foundation.

17. Subject: Affordable Housing Policies and Procedures (660.04)

Recommendation: That Council consider and approve recommended changes to the Affordable Housing Policies and Procedures Manual.

Action: Approved the recommendation (September 9, 2014, report from the Community Development Director).

18. Subject: Affordable Housing Fund Appropriation (660.04)

Recommendation: That Council appropriate \$31,568 to the Affordable Housing Operating Fund from the Housing Reserve Fund to preserve a City affordable housing unit.

Action: Approved the recommendation (September 9, 2014, report from the Community Development Director).

19. Subject: State Of California Office Of Traffic Safety - Selective Traffic Enforcement Program Grant (520.04)

Recommendation: That Council:

- A. Accept a grant from the State of California, Office of Traffic Safety in the amount of \$213,000, and authorize the Chief of Police to execute the grant agreement; and
- B. Increase appropriations and estimated revenues by \$213,000 in the Miscellaneous Grants Fund for Fiscal Year 2015 for the Selective Traffic Enforcement Program.

Action: Approved the recommendations; Agreement No. 24,970 (September 9, 2014, report from the Chief of Police).

20. Subject: Bureau Of Justice Assistance, Edward Byrne Memorial Grant - Santa Barbara Regional Narcotic Enforcement Team (520.04)

Recommendation: That Council:

- A. Accept \$27,766 in funding from the County of Santa Barbara for partial funding of an officer position assigned to the Santa Barbara Regional Narcotic Enforcement Team; and
- B. Increase appropriations and estimated revenues by \$27,766 in the Miscellaneous Grants Fund for Fiscal Year 2015.

Action: Approved the recommendations (September 9, 2014, report from the Chief of Police).

21. Subject: Central Library Custom Furniture Purchase (570.04)

Recommendation: That Council:

- A. Approve and authorize the Library Director to execute a sole source award of a purchase order in the amount of \$79,187.60, plus an additional \$6,000 for extra services, to Yamada Enterprises for custom furniture purchase at the Central Library at 40 E. Anapamu St; and
- B. Authorize the increase of Estimated Revenues and Appropriations in Fiscal Year 2015 Library Support Services Program in the General Fund by \$85,187.60 from the Fenton Davison Trust Fund to purchase custom furniture from Yamada Enterprises.

Action: Approved the recommendations (September 9, 2014, report from the Library Director).

22. Subject: Professional Services Contract With Questa Engineering Corporation To Conduct Technical Studies And Develop Conceptual Design Plans For The Arroyo Burro Restoration At Barger Canyon (570.05)

Recommendation: That Council:

- A. Approve and authorize the Parks and Recreation Director to execute a professional services agreement with Questa Engineering Corporation in the amount of \$72,180 to prepare conceptual design plans for the Arroyo Burro Restoration at Barger Canyon and;
- B. Authorize the Parks and Recreation Director to approve expenditures of up to \$7,200 to cover any cost increases that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 24,971 (September 9, 2014, report from the Parks and Recreation Director).

23. Subject: Renewal Of The South Coast Santa Barbara Tourism Business Improvement District (290.00)

Recommendation: Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Renew the Santa Barbara South Coast Tourism Business Improvement District (SBTBID) and Fixing the Time and Place of the Public Hearings Thereon and Giving Notice Thereof.

Action: Approved the recommendation; Resolution No. 14-063 (September 9, 2014, report from the Finance Director; proposed resolution).

24. Subject: Set A Date For Public Hearing Regarding Appeal Of Single Family Design Board Approval For 215 La Jolla Drive

Recommendation: That Council:

- A. Set the date of September 30, 2014, at 2:00 p.m. for hearing the appeal filed by Marc Chytilo, Attorney representing Rhonda Seiter, of the Single Family Design Board approval of an application for property owned by Frank Bucy and located at 215 La Jolla Drive, Assessor's Parcel No. 041-363-004, E-3 One-Family Residence/SD-3 Coastal Overlay Zones, General Plan Designation: Residential, 5 units per Acre. The project proposes a major façade and interior remodel to an existing 1,533 square-foot, one-story residence located on a 6,000 square-foot lot within the non-appealable jurisdiction of the Coastal Zone. The project includes one- and two-story additions, remodel, and the demolition and re-construction of the existing garage; and
- B. Set the date of September 29, 2014, at 1:30 p.m. for a site visit to the property located at 215 La Jolla Drive.

Action: Approved the recommendations.

25. Subject: Set A Date For Public Hearing Regarding Appeal Of Historic Landmarks Commission Conditional Approval For 901 Chapala Street

Recommendation: That Council:

- A. Set the date of October 14, 2014, at 2:00 p.m. for hearing the appeal filed by Juan Jimenez, manager of the Cajun Kitchen Restaurant located at 901 Chapala Street, of the Historic Landmarks Commission decision to deny the application to approve an "as-built" mural located on the restaurant's northerly elevation (parking lot side); and
- B. Set the date of October 13, 2014, at 1:30 p.m. for a site visit to the property located at 901 Chapala Street.

Action: Approved the recommendations.

NOTICES

26. The City Clerk has on Thursday, September 4, 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.
27. Recruitment For City Advisory Groups:
- Recommendation:
- A. The City Clerk's Office will accept applications through Monday, October 13, 2014, at 5:30 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Wednesday, September 22, 2014;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, October 21, 2014, at 4:00 p.m. (Estimated Time), Tuesday, October 28, 2014, at 4:00 p.m. (Estimated Time), and Tuesday, November 11, 2014, at 6:00 p.m.; and
 - C. The City Council will make appointments to fill vacancies on various City Advisory Groups on Tuesday, December 9, 2014.
28. That pursuant to Government Code Section 87306, the City of Santa Barbara will be updating its Conflict of Interest Code no later than December 23, 2014.
29. Received a Notice from the Housing Authority of the City of Santa Barbara that it will be updating its Conflict of Interest Code pursuant to Government Code Section 87306.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

- 30. Subject: Contract For Construction Of The Mason Street Bridge Replacement Project (530.04)**

Recommendation: That Council:

- A. Award a contract with Lash Construction, Inc., in their low bid amount of \$6,658,081 for construction of the Mason Street Bridge Replacement Project, Bid No. 3588; and authorize the Public Works Director to execute the contract and approve expenditures of up to \$622,628 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;

(Cont'd)

30. (Cont'd)

- B. Accept Federal Highway Administration Grant funding in the total amount of \$7,100,000 to cover the cost of construction;
- C. Increase appropriations and estimated revenues by \$200,000 to reflect grant funding approved and received for the design and right-of-way phases of the project that were not previously appropriated;
- D. Increase appropriations and estimated revenues related to the Federal Highway Administration Grant by \$7,100,000 in the Fiscal Year 2015 Streets Capital Fund for the Mason Street Bridge Replacement Project, of which \$6,098,913 will be used for the construction contract with Lash Construction, Inc., and the balance will be used to cover other construction related contracts and costs subject to subsequent Council approval;
- E. Increase appropriations and estimated revenues by \$1,181,795.75 in the Fiscal Year 2015 Streets Capital Fund representing the County's share of the construction contract for the Mason Street Bridge Replacement Project pursuant to an existing cost-sharing agreement between the City and County; and
- F. Receive a presentation regarding the upcoming construction projects in the Lower State Street area, including the area near Mason Street and Cabrillo Boulevard.

Documents:

- September 9, 2014, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant Public Works Director Pat Kelly, Supervising Engineer Adam Hendl, Supervising Transportation Engineer Derek Bailey.

Motion:

Councilmembers Hotchkiss/White to approve the recommendations; Agreement No. 24,972.

Vote: Unanimous voice vote.

31. Subject: State Street Safety Guide Pilot Program (530.10)

Recommendation: That Council approve the Scope of Work and authorize release of the Request for Proposals for a State Street Safety Guide Pilot Program.

Documents:

- September 9, 2014, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Transportation Manager Browning Allen, Parking Superintendent Victor Garza, Police Captain David Whitham.
- Member of the Public: Eric Beecher.

Motion:

Councilmembers White/Hart to continue the item and bring back to Council in no more than 30 days.

Vote:

Unanimous voice vote.

RECESS

4:41p.m. – 4:52 p.m.

AIRPORT DEPARTMENT

32. Subject: Introduction of Ordinance For Airline Terminal Solar Photovoltaic Power Purchase Agreement at 500 Fowler Road (560.09)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Power Purchase Agreement with SunEdison to Develop, Own, Operate and Maintain a Solar Photovoltaic Generating System at the Airport, and Sell All Power Generated to the Airport.

Documents:

- September 9, 2014, report from the Public Works Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Airport Maintenance Superintendent Jeffrey McKee.
- Member of the Public: Sam Youneszadeh, SunEdison.

(Cont'd)

32. (Cont'd)

Motion:

Councilmembers White/Hart to approve the recommendation.

Vote:

Unanimous roll call vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White reported his attendance at the following meetings/events:
1) Santa Barbara County Fire Safe Council meeting where a presentation was given by the Agricultural Commissioner's Office on pest management and prevention; 2) City of Santa Barbara Infrastructure Subcommittee where they are working on a presentation scheduled for this fall; and 3) Water Commission meeting. He acknowledged the City of Santa Barbara for meeting its' conservation goal of cutting water consumption by 20% for the month of August.
- Councilmember Francisco reported on his meeting with the Cachuma Operation and Maintenance Board where they announced the Emergency Pumping Project at Lake Cachuma was successful and ready if needed for the month of October.
- Mayor Schneider reported that she, Councilmember Murillo, City Attorney Ariel Pierre and Assistant City Administrator Paul Casey attended the Annual League of Cities Conference in Los Angeles. She acknowledged and congratulated the League of Cities selection of former Mayor Hal Conklin as the recipient of the 2014 Past President's Lifetime Achievement Award.

RECESS

Mayor Schneider recessed the meeting at 5:15 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 33, 34 and 35. She stated that a report would be made at the end of Item No. 33.

CLOSED SESSIONS

33. Subject: Public Employment/Public Employee Appointment (170.01) 440.05

Recommendation: That Council hold a closed session, per Government Code Section 54957(b)(1), to discuss the appointment for the position of Acting City Administrator and, if appropriate, make a decision regarding that appointment.

Scheduling: Duration, 15 minutes; anytime

Report: Report anticipated.

Documents: September 9, 2014, report from the Mayor.

(Cont'd)

CLOSED SESSIONS

33. (Cont'd)

Time:

5:15 p.m. – 5:20 p.m.

Mayor Schneider reconvened the meeting at 5:20 p.m. to report The Council action from closed session.

Announcement:

City Attorney Calonne stated that the Council has appointed Paul Casey to the position of Acting City Administrator.

34. Subject: Conference with City Attorney - 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 *Tony Denunzio v. City of Santa Barbara, et al.*, USDC Case No. CV-13-06542 GW (MANx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

September 9, 2014, report from the City Attorney.

Time:

5:20 p.m. – 5:30 p.m.

No report made.

35. Subject: Conference With City Attorney - 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 *Brittney Cotledge vs. City of Santa Barbara, et. al.*, USDC Case No. CV 12-08623 MRW.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

CLOSED SESSIONS

35. (Cont'd)

Documents:

September 9, 2014, report from the City Attorney.

Time:

5:30 p.m. – 5:45 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:45 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

DEBORAH L. APPLGATE
DEPUTY CITY CLERK