



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING May 23, 2006 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Finance Committee met at 12:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Brian B. Barnwell, Roger L. Horton, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone, Grant House, Helene Schneider.

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

### CEREMONIAL ITEMS

**1. Subject: Proclamation Declaring May 24, 2006, As Day Of The Young Scholar (120.04)**

Action: Proclamation presented to Billie Maunz, Executive Director, Scholarship Foundation of Santa Barbara.

**2. Subject: Letter Of Recognition Honoring The Santa Barbara Contractors Association's "Built Green" Program (120.08)**

Action: Letter of Recognition presented to Karin Perissinotto, Board Member of the Santa Barbara Contractors Association, and Joe Campanelli, Board Member of Green Building Alliance.

## **PUBLIC COMMENT**

Speakers: Ralph Fertig, Craig Sheets, Nancy Tunnell, Michael Self, Robert Ingalls and Bob Hansen.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Horton spoke about his attendance at the annual Tourism Luncheon sponsored by the Santa Barbara Conference and Visitors Bureau; he also spoke about La Primavera, the first event of the 2006 Old Spanish Days events.
- Councilmember Williams announced that the Youth Council will be conducting interviews on Thursday, May 25, 2006, at 6:00 p.m. in the Council Chamber at City Hall, to fill four vacancies. He also mentioned that Jim Walker, a nature lover, recently passed away.
- Councilmember Barnwell spoke about Dr. John Gray's memorial service; he also mentioned that he spotted Steelhead Trout in Mission Creek.
- Mayor Blum reminded everyone that this Friday, May 26, 2006, is the deadline for submitting applications for the current City Advisory Group recruitment.

## **CONSENT CALENDAR (Item Nos. 3 – 14, 17 and 18)**

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

Motion:

Councilmembers Horton/Barnwell to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmembers Falcone, House, Schneider).

### **3. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the special meeting of May 8, 2006, and the regular meeting of May 9, 2006.

Action: Approved the recommendation.

**4. Subject: Upper State Street Study - Professional Services Contracts And Funding Appropriation (650.08)**

Recommendation: That Council:

- A. Authorize the Community Development Director to execute a professional services contract with Meyer, Mohaddes Associates in the amount of \$99,855 to prepare a traffic, circulation and parking study and improvement plan for the Upper State Street study area, and authorize the Community Development Director to approve expenditures of up to \$25,676 for extra services by Meyer, Mohaddes Associates should necessary changes to the scope of services arise during the course of the work, for a potential total contract amount of \$125,531;
- B. Authorize the Community Development Director to execute a professional services contract with Moore Iacofano Goltsman, Inc. (MIG), in the amount of \$67,100 to provide planning consultation, community meeting facilitation, and planning/design graphics for the Upper State Street Study and Improvement Plan; and
- C. Appropriate \$192,631 from the General Fund Unappropriated Reserves to the Fiscal Year 2006 Community Development Department budget to fund professional services contracts for the Upper State Street Study and Improvement Plan.

Speakers:

- Staff: Community Development Director Paul Casey.
- Members of the Public: Paul Zink; Naomi Kovacs, Citizens Planning Association.

Action: Approved the recommendations; Contract Nos. 22,058 and 22,059 (May 23, 2006, report from the Community Development Director).

**5. Subject: Acceptance Of Contributions From The Parks And Recreation Community Foundation (570.05)**

Recommendation: That Council:

- A. Accept a contribution from the Parks and Recreation Community (PARC) Foundation in the amount of \$167,000 for Parks and Recreation Department programs; and
- B. Increase estimated expenditures and revenues in the Fiscal Year 2006 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$165,600 and to the General Fund in the amount of \$1,400.

Action: Approved the recommendations (May 23, 2006, report from the Parks and Recreation Director).

**6. Subject: Used Oil Recycling Block Grant Application - Twelfth Cycle (630.01)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Submit an Application to the State of California Integrated Waste Management Board for Fiscal Year 2007, Used Oil Recycling Block Grant - Twelfth Cycle, in the Amount of \$23,039.

Action: Approved the recommendation; Resolution No. 06-039 (May 23, 2006, report from the Public Works Director; proposed resolution).

**7. Subject: Agreement For Program Fee For The County Of Santa Barbara To Continue Providing Select Solid Waste Services To The City Of Santa Barbara (630.01)**

Recommendation: That Council authorize the Public Works Director to execute an agreement between the City of Santa Barbara (City) and the County of Santa Barbara (County) for a Program Fee to pay for the continued provision of community and regional solid waste services.

Action: Approved the recommendation; Agreement No. 22,060 (May 23, 2006, report from the Public Works Director).

**8. Subject: Purchase Order For Mobile Geospatial Data Browser Pilot Project (540.01)**

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process as authorized by Municipal Code Section 4.52.080(k) and authorize the General Services Manager to issue a purchase order for an amount not to exceed \$15,000 to Gatekeeper Systems (Gatekeeper) for installation and maintenance of NaviGate Field software for the Water Resources Mobile Geospatial Data Browser Pilot Project; and
- B. Upon successful completion of the pilot project, authorize the General Services Manager to approve additional expenditures of an amount not to exceed \$35,000 to Gatekeeper for a permanent Navigate Field software license and three consecutive years of software maintenance and support ending December 31, 2009.

Action: Approved the recommendations (May 23, 2006, report from the Public Works Director).

**9. Subject: Notice Of Completion For Renovation Of Santa Barbara Police Department Lobby (320.01)**

Recommendation: That Council accept the work completed by J. W. Bailey Construction Company, Inc., Contract No. 21,716, for the Renovation of the Santa Barbara Police Department Lobby, Bid No. 6090, in the final contract amount of \$491,488.83, including change orders, and approve filing of a Notice of Completion.

Action: Approved the recommendation (May 23, 2006, report from the Public Works Director).

**10. Subject: Parking And Business Improvement Area 2007 Annual Assessment Report - Intention To Levy (550.10)**

Recommendation: That Council:

- A. Approve the Parking and Business Improvement Area (PBIA) 2007 Annual Assessment Report; 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 2007, at a Public Hearing to be Held on June 6, 2006, at 2:00 p.m.

Action: Approved the recommendations; Resolution No. 06-040 (May 23, 2006, report from the Public Works Director; proposed resolution).

**11. Subject: Contract For Area A Slurry Seal (530.04)**

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Roy Allan Slurry Seal, Inc., in their low bid amount of \$1,358,197.50, for construction of the Area A Slurry Seal, Bid No. 3478;
- B. Authorize the Public Works Director to approve expenditures up to \$135,820 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 professional services contract with Flowers and Associates, Inc. (Flowers), in the amount of \$197,946 for construction management services for the Area A Pavement Preparation and Area A Slurry Seal; and
- D. Authorize the Public Works Director to approve expenditures of up to \$19,795 for extra services of Flowers that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 22,061 and 22,062 (May 23, 2006, report from the Public Works Director).

**12. Subject: Agreement With The Santa Barbara Metropolitan Transit District For Transit Services (150.05)**

Recommendation: That Council authorize the Public Works Director to execute a Fiscal Year 2007 Master Agreement with the Santa Barbara Metropolitan Transit District (MTD) for transit services, in an amount not to exceed \$1,980,318.06.

Action: Approved the recommendation; Agreement No. 22,063 (May 23, 2006, report from the Public Works Director).

**13. Subject: Preserve America City Designation (640.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing County Architect Robert Ooley to Submit an Application for Consideration of Preserve America Community Designation for the City of Santa Barbara.

Action: Approved the recommendation; Resolution No. 06-041 (May 23, 2006, report from the Community Development Director; proposed resolution).

**14. Subject: Introduction Of Ordinance For Redevelopment Plan Amendments (620.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Amended Redevelopment Plan for the Central City Redevelopment Project Area by Amending Section 602 and Amending Section 900 Pertaining to Receipt of Tax Increment for the Plan and Certain Time Limits Imposed Under the Plan.

Action: Approved the recommendation (May 23, 2006, report from the Community Development Director; proposed ordinance).

Item Nos. 15 and 16 appear in the Redevelopment Agency minutes.

**NOTICES**

17. The City Clerk has on Thursday, May 18, 2006, 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. Cancellation of the regular City Council meeting of May 30, 2006, due to lack of a quorum.

This concluded the Consent Calendar.

## REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Finance Committee met to review the Fiscal Year 2007 Recommended Budget and will be forwarding its recommendations to the Council. The Committee also met to review the April 2006 Investment Report which will be presented to the Council as Agenda Item No. 22.

## REDEVELOPMENT AGENCY REPORTS

### 19. **Subject: Faulding Hotel Rehabilitation Grant And Sobering Center Grant (660.04)**

#### Recommendation:

- A. That Council approve an additional grant of \$230,000 in Federal Home Investment Partnerships Program (HOME) funds for the rehabilitation of the Faulding Hotel, an affordable housing project located at 15 East Haley Street;
- B. That the Agency Board approve a grant of \$200,000 in Agency funds for the conversion of ground floor space that will allow the Faulding Hotel to provide space for both a Counseling Center for the residents and for the Thresholds for Recovery Sobering Center; and
- C. That Council and the Agency Board authorize the City Administrator/ Executive Director and the Community Development Director/Deputy Director to execute Grant Agreements in a form approved by the City Attorney and Agency Counsel.

#### Documents:

May 23, 2006, report from the Community Development Director/Deputy Director.

#### Speakers:

- Staff: Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson.
- Santa Barbara Community Housing Corporation: Kathryn Byrne, Executive Director.

#### Motion:

Council/Agency Members Barnwell/Williams to approve the recommendations; City Council Agreement No. 22,064; Redevelopment Agency Agreement No. 460.

#### Vote:

Unanimous voice vote (Absent: Council/Agency Members Falcone, House, Schneider).

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### COMMUNITY DEVELOPMENT DEPARTMENT

**20. Subject: Grant For Rehabilitation Of Housing Authority Project At 3030 De La Vina Street (610.04)**

Recommendation: That Council approve a grant of \$185,000 in Federal Home Investment Partnerships Program (HOME) funds for the rehabilitation of the Housing Authority's affordable housing project located at 3030 De La Vina Street and authorize the Community Development Director to execute a grant agreement and related documents in a form acceptable to the City Attorney.

Documents:

May 23, 2006, report from the Community Development Director.

Speakers:

Staff: Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson; Project Planner Simon Kiefer.

Motion:

Councilmembers Barnwell/Horton to approve the recommendation; Agreement No. 22,065.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, House, Schneider).

**21. Subject: Grant For Rehabilitation Of Housing Authority Project At 418 Santa Fe Place (610.04)**

Recommendation: That Council approve a grant of \$400,000 in Federal Home Investment Partnerships Program (HOME) funds for the rehabilitation of the Housing Authority's affordable housing project located at 418 Santa Fe Place, and authorize the Community Development Director to execute a grant agreement and related documents in a form acceptable to the City Attorney.

Documents:

May 23, 2006, report from the Community Development Director.

Speakers:

- Staff: Project Planner Simon Kiefer, Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson.
- Housing Authority of the City of Santa Barbara: Skip Szymanski.

(Cont'd)

**21. (Cont'd)**

Motion:

Councilmembers Barnwell/Williams to approve the recommendation; Agreement No. 22,066.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, House, Schneider).

FINANCE DEPARTMENT

**22. Subject: April 30, 2006, Investment Report And March 31, 2006, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the April 30, 2006, Investment Report; and
- B. Accept the March 31, 2006, Fiscal Agent Report.

Documents:

March 23, 2006, report from the Finance Director.

Speakers:

Staff: Treasury Manager Cynthia Odell.

Motion:

Councilmembers Horton/Williams to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, House, Schneider).

PUBLIC WORKS DEPARTMENT

**23. Subject: Enhanced Transit Subcommittee Recommendation (670.01)**

Recommendation: That Council:

- A. Approve the Enhanced Transit Subcommittee Priorities:
  - Priority 1 - Improvement to the Santa Barbara Metropolitan Transit District (MTD) transit lines 1 and 2 by improving the morning and afternoon peak hour headways to 10 minutes;
  - Priority 2 - Improvement to MTD transit lines 6 and 11 by improving the morning and afternoon peak hour headways to 10 minutes; authorize staff to work with MTD in seeking financial support from the City of Goleta, County of Santa Barbara, and the University of California, Santa Barbara (UCSB), and report back to Council within 18 months on the results; and

(Cont'd)

**23. (Cont'd)**

- A. (Cont'd)
- Priority 3 - Improvement to MTD transit line 3 by improving the all-day headway to 20 minutes;
- B. Provide direction to staff regarding the Finance Committee recommendation for an early start of Priority 3;
- C. Authorize the use of up to \$350,000 in the Downtown Parking MyRide Bus Pass Program budget to provide the operational support for Enhanced Transit Priorities 1 and 2;
- D. Authorize staff to establish a Transit Capital Reserve Fund in the Downtown Parking budget using Fiscal Year 2006 bus pass fund balance for Priority 1 capital; and
- E. Authorize staff to phase out the MyRide Bus Pass Program effective September 2006.

Documents:

- May 23, 2006, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Public Works Director Anthony Nisich, Transportation Manager Browning Allen, City Administrator James L. Armstrong.
- Santa Barbara Metropolitan Transit District: Sherrie Fisher, General Manager.
- Downtown Parking Committee: Member Marshall Rose.
- Enhanced Transit Subcommittee: Chair Bill Medel.
- Member of the Public: Tom Williams.

Motion:

Councilmembers Williams/Horton to approve Recommendations A, B, C and E, and direct staff to refer Recommendation D to the Downtown Parking Committee.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, House, Schneider).

**MAYOR AND COUNCIL REPORTS**

**24. Subject: Municipal Election Reform (110.03)**

Recommendation: That Council receive a verbal report from the Municipal Election Reform Subcommittee related to the Subcommittee's efforts.

Documents:

May 23, 2006, report from the Mayor.

(Cont'd)

**24. (Cont'd)**

Discussion:

Mayor Blum reported that the Subcommittee, comprised of Councilmembers Barnwell, Horton and herself, have met with an expert on municipal election reform and have scheduled a community meeting for tomorrow, May 24, at 6:00 p.m. at the small Chase Palm Park building.

**RECESS**

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

**PUBLIC HEARINGS**

**25. Subject: Appeal Of The Planning Commission Approval For 1464 La Cima Road (640.07)**

Recommendation: That Council deny the appeal of Tony Fischer, agent for John and Kathy Cook, thereby upholding the Planning Commission approval of the application of Syndi Souter, agent for Scott McCosker, for a front yard Modification, making the findings contained in this Council Agenda Report.

Documents:

- May 23, 2006, report from the Community Development Director.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by staff.
- PowerPoint presentation prepared and made by appellant's attorney, Tony Fischer.
- Copy of file drawings for fireplace, submitted by Tony Fischer.
- Undated letter from Bud Bottoms, submitted by Tony Fischer.
- Color copies of various photographs, submitted by Tony Fischer.
- April 6, 2006, transcript of comments between Planning Commission Chair Jostes and City Attorney Wiley related to conduct of hearing, submitted by Tony Fischer.
- April 6, 2006, transcript from tape of Planning Commission meeting, submitted by Tony Fischer.
- PowerPoint presentation prepared and made by applicant's attorney, Steve Amerikaner.
- Activities Summary for 1464 La Cima Road, submitted by John Cook.
- May 18, 2006, letter from Berni Bernstein.
- May 22, 2006, letter from Ernie and Ginger Sandoval.

Public Comment Opened:

4:36 p.m.

(Cont'd)

## 25. (Cont'd)

### Speakers:

- Staff: Senior Planner Daniel Kato, City Attorney Stephen P. Wiley.
- Planning Commission: Chair John Jostes.
- Appellant: Tony Fischer, Attorney; Kathy Cook; John Cook.
- Applicant: Steven Amerikaner, Attorney; Scott McCosker; Jan Hochhauser, Architect.
- Members of the Public: Roberta Tracy, Stephanie Douglas, Dave Gilkeson, Nigel Buxton.

### Public Comment Closed:

5:36 p.m.

### Motion:

Councilmembers Barnwell/Horton to approve the recommendation.

### Vote:

Unanimous voice vote (Abstention: Councilmember Williams; Absent: Councilmembers Falcone, House, and Schneider).

## CHANGES TO THE AGENDA

### Item Removed From Agenda

At the suggestion of City Administrator James L. Armstrong, the following item was removed from the agenda and will be rescheduled for June 6, 2006:

## 28. Subject: Conference With Legal Counsel - Litigation (160.03)

Recommendation: That Council hold a closed session to consider litigation pursuant to subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed. The litigation is Renee Longo v. City of Santa Barbara, et al., Santa Barbara County Superior Court Case No. 1168320.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

## RECESS

The Mayor recessed the meeting at 6:07 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 26 and 27, and stated there would be no reportable action taken during the closed sessions.

## CLOSED SESSIONS

### **26. 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: David Castillo v. City of Santa Barbara, WCAB, case numbers GOL 0080025 and 0080252.

Scheduling: Duration, 10 minutes; anytime  
Report: None anticipated

Documents:

May 23, 2006, report from the Finance Director.

Time:

6:08 p.m. - 6:12 p.m.

No settlement approved.

### **27. 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: N. Alfred Katzenstein v. City of Santa Barbara, WCAB case number OXN 0129396.

Scheduling: Duration, 10 minutes; anytime  
Report: None anticipated

Documents:

May 23, 2006, report from the Finance Director.

Time:

6:12 p.m. - 6:16 p.m.

No settlement approved.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 6:16 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

\_\_\_\_\_  
MARTY BLUM  
MAYOR

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