



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
May 19, 2009
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Pro Tempore Dale Francisco called the joint meeting of the Council and the Redevelopment Agency to order at 2:03 p.m. (The Finance Committee met at 12:00 p.m. The Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Francisco.

ROLL CALL

Councilmembers present: Iya G. Falcone, Roger L. Horton, Grant House, Das Williams, Mayor Pro Tempore Francisco.

Councilmembers absent: Helene Schneider, Mayor Marty Blum.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring The Week Of May 16 - 22, 2009, As Safe Boating Week (120.04)

Action: Proclamation presented to City of Santa Barbara Harbor Patrol Supervisor Steve McCullough, Llad Phillips, representing the Santa Barbara Sail & Power Squadron, and Commander William Ravenscroft, representing the Coast Guard Auxiliary.

2. Subject: Proclamation Declaring May 27, 2009, As Day Of The Young Scholar (120.04)

Action: Proclamation presented to Executive Director Colette Hadley, representing the Scholarship Foundation of Santa Barbara.

CHANGES TO THE AGENDA

Items Removed from Agenda

City Administrator James Armstrong stated that the following items were being removed from the Agenda due to lack of a quorum resulting from potential conflicts of interests for Councilmembers Horton, House and Falcone; the items will be placed on a future agenda:

8. Subject: Human Services Contract Assignment For The Youth CineMedia Program (610.05)

Recommendation: That Council authorize the assignment of Zona Seca Human Services Contract No. 22,773 in the remaining amount of \$2,667 for the period of January 1 - June 30, 2009, to Parks and Recreation Community Foundation (PARC) for operation of the Youth CineMedia Program.

13. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2009-2010 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 2009-2010; and Establishing a Time of 2:00 P.M. on Tuesday, June 16, 2009, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

PUBLIC COMMENT

Speakers: Has Kistner, Kenneth Loch, Dan Knapp and Kate Smith.

CONSENT CALENDAR (Item Nos. 3 - 7, 9 - 12, and 15 - 17)

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

Motion:

Council/Agency Members Williams/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Council/Agency Member Schneider, Mayor/Chair Blum).

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 21, 2009, the special meeting of April 23, 2009, the adjourned regular meeting of April 27, 2009, the regular meeting of April 28, 2009, and the special meetings of May 4, 2009.

Action: Approved the recommendation.

4. Subject: April 2009 Investment Report (260.02)

Recommendation: That Council accept the April 2009 Investment Report.

Action: Approved the recommendation (May 19, 2009, report from the Finance Director).

5. Subject: Adoption Of Ordinance Pertaining To 210 And 216 Meigs Road And 290 Lighthouse Road Rezone And General Plan/Local Coastal Plan Map Amendments (640.09)

Recommendation: That Council:

- A. Adopt the Final Mitigated Declaration and Mitigation Monitoring and Reporting Program dated December 12, 2008, making the findings specified in this Council Agenda Report;
- B. 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 Rezoning of Property in the East Mesa Neighborhood; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map and Coastal Plan Map for Certain Parcels Located in the East Mesa Neighborhood.

Action: Approved the recommendations; Ordinance No. 5489; Resolution No. 09-030 (May 19, 2009, report from the Community Development Director; proposed ordinance; proposed resolution).

6. 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 Planning Division.

(Cont'd)

6. (Cont'd)

Speakers:

Staff: Community Development Director Paul Casey.

Action: Approved the recommendation; Resolution No. 09-031 (May 19, 2009, report from the Community Development Director; proposed resolution).

7. Subject: Vacation Of Unused Public Street Easement Fronting 852 Paseo Ferrelo (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting an Order Summarily Vacating a Certain Untraveled Portion of Public Street Easement Fronting 852 Paseo Ferrelo, Assessor's Parcel Number 029-330-024, Within the Limits of Said City, and Providing for the Recordation of this Resolution.

Action: Approved the recommendation; Resolution No. 09-032 (May 19, 2009, report from the Public Works Director; proposed resolution).

9. Subject: Professional Services Agreement With Geosyntec Consultants To Perform An Ordinance And Policy Audit Related To Storm Water Management Regulations (530.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute a professional services agreement with Geosyntec Consultants in the amount of \$40,000 from Measure B funds to conduct an audit of existing ordinances, policies, and design guidelines to identify and describe conflicts with storm water management regulations.

Action: Approved the recommendation; Agreement No. 23,115 (May 19, 2009, report from the Parks and Recreation Director).

10. Subject: Appropriation Of Asset Forfeiture Funds For The Purchase Of Equipment And Donations To The Santa Barbara Police Activities League And The Council On Alcoholism And Drug Abuse (520.04)

Recommendation: That Council appropriate \$59,000 in currently available asset forfeiture funds to the Police Special Operations Account to fund the purchase of equipment and contributions to the Police Activities League and the Council on Alcoholism and Drug Abuse.

Action: Approved the recommendation (May 19, 2009, report from the Chief of Police).

11. Subject: Private Party Sale Of Surplus Lifeguard Tower (570.05)

Recommendation: That Council authorize the Parks and Recreation Director to sell one surplus wood beach lifeguard tower to a private party interested in preserving the tower as an architectural resource.

Action: Approved the recommendation (May 19, 2009, report from the Parks and Recreation Director).

12. Subject: Fiscal Year 2008-2009 Substantial Action Plan Amendment For Use Of 2009 Community Development Block Grant Recovery Act Funds (610.05)

Recommendation: That Council approve the proposed substantial amendment to the City's Fiscal Year 2008-2009 Consolidated Action Plan to include utilizing \$289,274 in American Recovery and Reinvestment Act of 2009 funds.

Speakers:

- Member of the Public: Kate Smith.
- Staff: Community Development Programs Supervisor Sue Gray.

Action: Approved the recommendation (May 19, 2009, report from the Community Development Director).

REDEVELOPMENT AGENCY

Item No. 14 appears in the Redevelopment Agency Minutes.

15. Subject: Increase Appropriation And Change Order Authority For The Fire Station No. 1 Seismic Renovation Project (700.08)

- A. That the Redevelopment Agency (RDA) Board appropriate and authorize the expenditure of \$265,400 from the RDA's Project Contingency Account to fund the construction of a vehicle exhaust system, replacement of overhead doors, and an additional four months of leased office space as part of the Fire Station No. 1 Seismic Renovation Project (Project), for a total Project cost of \$7,240,014; and
- B. That Council approve additional Change Order expenditure authority for the Fire Station No. 1 Seismic Renovation Project, Contract No. 22,798, in the amount of \$125,000 to cover the cost of the vehicle exhaust system construction.

Action: Approved the recommendations (May 19, 2009, joint report from the Community Development Director/Agency Deputy Director, the Public Works Director and the Fire Chief).

NOTICES

16. The City Clerk has on Thursday, May 14, 2009, 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.
17. Cancellation of the regular City Council meeting of May 26, 2009.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to review and discuss the following items: 1) the April 2009 Investment Report; 2) the Fiscal Year 2009 Third Quarter Review; and 3) the Fiscal Year 2010 Recommended Operating and Capital Budget. Item No. 1 was approved as part of this Agenda's Consent Calendar (Agenda Item No. 4); Item No. 2 will be presented to the Council as Agenda Item No. 18; and Item No. 3 will be presented to the Council at a future date.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to discuss proposed amendments to the purchasing code, including a proposed resolution for the establishment of debarment procedures.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTSFINANCE DEPARTMENT

18. Subject: Fiscal Year 2009 Third Quarter Review (250.02)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2009; and
- B. Accept the Fiscal Year 2009 Interim Financial Statements for the Nine Months Ended March 31, 2009.

Documents:

May 19, 2009, report from the Finance Director.

Speakers:

Staff: Accounting Manager Rudolph Livingston, Assistant Finance Director Bob Samario.

(Cont'd)

18. (Cont'd)

Motion:

Councilmembers Falcone/Horton to approve Recommendation B.

Vote:

Unanimous voice vote (Absent: Councilmember Schneider, Mayor Blum).

19. Subject: State Proposal To Borrow Local Government Property Taxes (270.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Finding a Fiscal Hardship will Exist if Additional Local Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California.

Documents:

- May 19, 2009, report from the Finance Director.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

- Staff: Finance Director Robert Peirson.
- League of California Cities: David Mullinax.

Motion:

Councilmembers House/Williams to approve the recommendation;
Resolution No. 09-033.

Vote:

Unanimous roll call vote (Absent: Councilmember Schneider, Mayor Blum).

PUBLIC WORKS DEPARTMENT

20. Subject: Capital Improvement Projects Third Quarter Report For Fiscal Year 2009 (230.01)

Recommendation: That Council receive, for information only, a report on the City's Capital Improvement Projects (CIP) for the Third Quarter of Fiscal Year 2009.

Documents:

- May 19, 2009, report from the Public Works Director.
- May 19, 2009, PowerPoint presentation prepared and made by staff.

(Cont'd)

20. (Cont'd)

Speakers:

Staff: Principal Engineer John Ewasiuk.

Councilmember Williams left the meeting at 3:20 p.m. and returned at 3:30 p.m.

By consensus, the Council received the report.

RECESS

3:37 p.m. - 3:52 p.m. Councilmember Falcone and City Administrator James Armstrong were absent when the Council reconvened. Assistant City Administrator Joan M. Kent was in attendance for the remainder of the meeting.

PUBLIC HEARINGS

21. Subject: Appeal Of The Single Family Design Board Approval Of 3455 Marina Drive (640.07)

Recommendation: That Council deny the appeal of Ronald Green, Kitch Wilson, Michael Moore, and Donald Santee and uphold the Single Family Design Board final approval for the proposed single-family residence and associated development at 3455 Marina Drive.

Documents:

- May 19, 2009, report from the Community Development Director.
- May 19, 2009, PowerPoint presentation prepared and made by staff.
- May 4, 2009, letter from Erin Carroll.

Public Comment Opened:

3:52 p.m.

Councilmember Falcone returned to the meeting at 3:55 p.m.

Speakers:

- Staff: Planning Technician Tony Boughman, City Attorney Stephen Wiley, Senior Planner Jaime Limón.
- Single Family Design Board: Member Erin Carroll.
- Appellant: Michael Moore and Ronald Green.
- Applicant: Michael Silva and Sam Maphis.
- Member of the Public: Susan Zalon.

Motion:

Councilmembers House/Horton to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmember Williams; Absent: Councilmember Schneider, Mayor Blum).

COUNCIL AND STAFF COMMUNICATIONS

Councilmember House mentioned that a recruitment to fill vacancies on various City Advisory Groups is currently in progress and the deadline to submit an application for appointment is Friday, May 22, 2009, at 5:00 p.m.

ADJOURNMENT

Mayor Pro Tempore Francisco adjourned the meeting at 5:20 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

DALE FRANCISCO
MAYOR PRO TEMPORE

ATTEST:



BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK