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CITY OF SANTA BARBARA
CITY COUNCIL MINUTES

REGULAR MEETING
May 15, 2001
COUNCIL CHAMBER, DE LA GUERRA PLAZA

CALL TO ORDER

Mayor Pro Tempore Dan B. Secord called the meeting to order at 2:01 p.m. The Finance Committee met at 12:30 p.m. The Ordinance Committee, which is ordinarily scheduled to meet at 1:00 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Secord.

ROLL CALL

Councilmembers present: Marty Blum, H. P. Fairly, Gilbert Garcia, Gregg A. Hart, Tom Roberts, Mayor Pro Tempore Secord.
Councilmembers absent: Mayor Harriet Miller.
Staff present: Acting City Administrator Peter K. Wilson, City Attorney Daniel J. Wallace, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

Proclamations

2. Issuance by the Mayor of a proclamation declaring the week of May 19 25, 2001, as Safe Boating Week. 120.04)

Proclamation presented to Irvin Stoudt, Santa Barbara Power Squadron, and Lieutenant Yuri Graves, Coast Guard.

1. Issuance by the Mayor of a proclamation declaring the week of May 14-18, 2001, as Girls' Rights Week. (120.04)

Proclamation read.

Presentations

3. SUBJECT: CALIFORNIA BOATING SAFETY OFFICER AWARD (570.03)

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Admin., Policies & Procedures

RECOMMENDATION: That Council receive a presentation from staff and the California Boating Safety Officers' Association (CBSOA), including CBSOA's presentation of its Officer of the Year award to Harbor Patrol Officer Brian Quittner.

DOCUMENTS:

May 11, 2001, City Administrator's report.

SPEAKERS:

Staff: Harbor Operations Manager Mick Kronman, Harbor Patrol Officer Brian Quittner.
California Boating Safety Officers' Association: Vice President Jeff Gunn.
Member of the Public: Wendell Buquor.

Mayor Pro Tempore Secord extended the Council's appreciation to Officer Quittner for his services.

4. SUBJECT: 2001 TRANNY" AWARD 670.07): Highway 101/Milpas Interchange

RECOMMENDATION: That Council receive a presentation from the Public Works Director of a 2001 Special Project TRANNY" award, issued by the California Transportation Foundation, for the Route 101/Milpas Street Roundabout project.

SPEAKERS:

Staff: Public Works Director David Johnson, who presented the award to Council and mentioned two other awards the City has recently received for this project.

PUBLIC COMMENT

SPEAKERS: Bruce Rittenhouse, Ken Loch, Bob Hansen, Patrick Davis, David Asbell, and Teri Ball.

RECESS

2:27 p.m. 2:49 p.m., during which time the first portion of the
Redevelopment Agency meeting was held.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY SESSION

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The City Council and the Redevelopment Agency convened in joint session at 2:49 p.m.

ADMINISTRATIVE REPORTS

PUBLIC WORKS DEPARTMENT

25. SUBJECT: PUBLIC RESTROOMS AT 916 STATE STREET APPROVAL OF EXTRA SERVICES 530.01) Public Restrooms

RECOMMENDATION: That Council increase the authority of the General Services Manager to approve extra services of Howard and Van Sande Structural Consultants, Incorporated, that may result from necessary changes in the scope of work, from a not-to-exceed total of \$3,500 to a not-to-exceed total of \$15,750, for the Public Restroom at 916 State Street.

To be considered with Redevelopment Agency Agenda Item No. 6)

CITY COUNCIL DOCUMENTS:

May 11, 2001, City Administrator's report.

REDEVELOPMENT AGENCY DOCUMENTS:

May 11, 2001, Executive Director's report recommending that the Redevelopment Agency Board authorize an increase in extra services of Howard and Van Sande Structural Consultants, Incorporated, that may result from necessary changes in the scope of work, from a not-to-exceed total of \$3,500 to \$15,750 for the Public Restroom Project at 916 State Street.

SPEAKERS:

Staff: Redevelopment Specialist Louis Lazarine.

MOTION:

Council/Agency members Roberts/Blum to approve the recommendations.

VOTE:

Unanimous voice vote Absent: Mayor/Chairperson
Miller).

The City Council and Redevelopment Agency joint session concluded at 2:58 p.m. The Redevelopment Agency meeting was adjourned at 2:58 p.m. The Council meeting remained in session.

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Mayor Pro Tempore Secord stated he would not vote on the following item due to a conflict of interest and left the meeting at 2:59 p.m. Ordinance Committee Chair Marty Blum presided.

ITEM REMOVED FROM CONSENT CALENDAR

7. SUBJECT: A RESOLUTION REGARDING VESSEL MEASUREMENT AND SIZE REGULATIONS AND RESTRICTIONS IN SANTA BARBARA HARBOR
570.03) Admin., Policies & Procedures

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Revising Regulations Pertaining to Vessel Measurement and Size Restrictions in Santa Barbara Harbor, and Repealing Resolution No. 00-020.

DOCUMENTS:

May 11, 2001, City Administrator's report.
Proposed Resolution.

MOTION:

Councilmembers Roberts/Hart to approve the recommendation; Resolution No. 01-041.

VOTE:

Unanimous roll call vote Absent: Mayor Pro Tempore Secord, Mayor Miller).

Mayor Pro Tempore Secord returned to the meeting at 3:00 p.m.

CONSENT CALENDAR Item Nos. 5, 6 and 8 23)

MOTION:

Councilmembers Roberts/Blum to approve the Consent Calendar as recommended.

VOTE:

Unanimous voice vote Absent: Mayor Miller).

5. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of May 1, 2001.

ACTION: Approved the recommendation.

6. SUBJECT: APPEAL OF ABR DECISION, 801 E. MONTECITO STREET

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640.07) ABR

RECOMMENDATION: That Council:

- A. Continue the public hearing on the appeal of the Architectural Board of Review's decision regarding the project at 801 E. Montecito Street, originally scheduled for May 15, 2001, at 6:00 p.m., to June 26, 2001, at 6:00 p.m.; and
- B. Continue the site visit to the property located at 801 E. Montecito Street, originally scheduled for May 14, 2001, to June 25, 2001, at 1:30 p.m.

ACTION: Approved the recommendations May 11, 2001, City Administrator's report).

8. SUBJECT: PARKING ENFORCEMENT OFFICER POSITIONS 410.06)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 00-054, the Position and Salary Control Resolution for Fiscal Year 2001-2002, Affecting the Police Department Effective July 1, 2001.

ACTION: Approved the recommendation; Resolution No. 01-042 May 11, 2001, City Administrator's report).

9. SUBJECT: STATE STREET OUTDOOR SCULPTURE GALLERY LICENSE AGREEMENT TO SANTA BARBARA COUNTY ARTS COMMISSION FOR DISPLAY OF ART AT CERTAIN LOCATIONS ON STATE STREET 610.04)
Arts Programs

RECOMMENDATION: That Council:

- A. Waive the \$990.00 fee required under Resolution No. 99-058 for a request from the Santa Barbara County Arts Commission for a License Agreement to allow placement and display of private art pieces at certain locations along State Street; and
- B. Adopt, by reading of title only, A Resolution of the

Council of the City of Santa Barbara Approving a License Agreement to the Santa Barbara County Arts Commission for Installation, Maintenance, and Removal of Art at Certain Locations Along State Street and Authorizing the City Administrator to Execute the Same.

SPEAKERS:

Member of the Public: Ken Loch.

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ACTION: Approved the recommendations; Resolution No. 01-043; Agreement No. 20,268 May 11, 2001, City Administrator's report).

10. SUBJECT: ACCEPTANCE OF CONTRIBUTIONS FROM THE PARKS AND RECREATION COMMUNITY FOUNDATION PARC) IN THE AMOUNT OF \$70,504 570.06) Admin., Policies & Procedures

RECOMMENDATION: That Council:

- A. Accept contributions from the Parks and Recreation Community Foundation PARC) in the amount of \$70,504 for Department programs;
- B. Increase appropriations in the Fiscal Year 2000-2001 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$45,750; and estimated revenues in the amount of \$45,750; and
- C. Increase appropriations in the Fiscal Year 2000-2001 Parks and Recreation Department General Fund in the amount of \$1,800; and estimated revenues in the amount of \$24,754.

ACTION: Approved the recommendations May 11, 2001, City Administrator's report).

11. SUBJECT: CRIMINAL JUSTICE EARLY IDENTIFICATION SPECIALIST 520.04) Alcohol and Drugs; Fighting Back

RECOMMENDATION: That Council appropriate \$40,540 from the Police Department's Special Operations Reserve Account to the Special Operations Appropriation Account to cover funding for the third year of the current three-year agreement with the Council on Alcoholism and Drug Abuse to fund the Criminal Justice Early Identification Specialist position.

SPEAKERS:

Staff: Deputy Chief of Police Richard Glaus.

ACTION: Approved the recommendation May 11, 2001, City Administrator's report).

12. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR AIRPORT SPECIFIC PLAN ROAD & STORM DRAIN PROJECT NORTH OF HOLLISTER AVENUE, BID NO. 3297 560.04)

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RECOMMENDATION: That Council:

- A. Award and authorize the City Administrator to execute a contract with Granite Construction Granite) in their low bid amount of \$2,965,524 for construction of the Specific Plan Road & Storm Drain Project, Bid No. 3297;
- B. Authorize the Public Works Director to approve expenditures up to \$237,242 with Granite to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual measured quantities for payment;
- C. Award and authorize the City Administrator to execute a contract with Flowers & Associates Flowers) in the amount of \$238,006 for construction engineering services;
- D. Authorize the Public Works Director to approve expenditures up to \$19,994 with Flowers, to cover cost increases that may result from extra services required for the project;
- E. Award and authorize the City Administrator to execute a contract with Applied Earthworks in the amount of \$61,401, for archaeological monitoring and reporting work associated with the project;
- F. Authorize the Public Works Director to approve expenditures up to \$6,140 with Applied Earthworks, to cover cost increases that may result from extra services required for the project;
- G. Award and authorize the City Administrator to execute a contract with Fugro West, Inc. Fugro) in the amount of \$39,600 for geotechnical engineering services associated with the project;
- H. Authorize the Public Works Director to approve expenditures up to \$3,960 with Fugro, to cover cost increases that may result from extra services required for the project;
- I. Authorize the General Services Manager to award one or more purchase order contracts in an amount not to

exceed \$70,000 total), to complete required electrical engineering services and construction of new lighting and irrigation controller electrical meter installation and work associated with Coastal Development Permit conditions of this project; and

- J. Appropriate \$589,867 from reserves in excess of policy limits to the Fiscal Year 2000/2001 Airport Capital Budget to cover the balance between the previously

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budgeted amount \$3,052,000) towards the project and
the actual costs of construction \$3,641,867).

ACTION: Approved the recommendations; Contract Nos. 20,269
20,272 May 11, 2001, City Administrator's report).

13. SUBJECT: PROFESSIONAL SERVICES CONTRACT WITH PENFIELD AND
SMITH ENGINEERS, INC., FOR THE INTERIM SUBDIVISION DESIGN
AND IMPROVEMENT STANDARDS UPDATE 640.08) Administration

RECOMMENDATION: That Council authorize the City
Administrator to execute a contract with Penfield and Smith
Engineers, Inc. P&S) to prepare an electronic final version
of the Interim Subdivision Design Improvement Standards, to
reflect current design and construction guidelines,
including the application process for Public Works
Department related projects, for a fee not to exceed
\$54,700.

ACTION: Approved the recommendation; Contract No. 20,273
May 11, 2001, City Administrator's report).

14. SUBJECT: LEGISLATIVE ANALYSIS AND RECOMMENDATIONS 160.02)
State

RECOMMENDATION: That Council take the following action
regarding legislative matters:

- A. OPPOSE SB 1128 Kuehl) which would provide that the
determination of who is an employee, eligible to receive
unemployment compensation benefits if he or she becomes
unemployed, will be governed by the principles of S.G. Borello &
Sons v. Department of Industrial Relations; and
- B. Authorize the Mayor to send letters to and, as needed,
contact the appropriate legislators, the League of California
Cities and other appropriate parties to convey the City's
position.

ACTION: Approved the recommendations May 11, 2001, City Administrator's report).

15. SUBJECT: DECLARATION OF ONE 1) 1981 CHEVROLET FIRE PUMPER TRUCK, VEHICLE NO. 0971, AS SURPLUS, AND DONATION OF SAID FIRE PUMPER TO ALLAN HANCOCK JOINT COMMUNITY COLLEGE DISTRICT 520.03) Admin., Policies & Procedures

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RECOMMENDATION: That Council authorize the donation of one
1) surplus 1981 Chevrolet Fire Pumper Truck, Vehicle
No. 0971, to Allan Hancock Joint Community College District
Fire Training Program.

ACTION: Approved the recommendation May 11, 2001, City
Administrator's report).

16. SUBJECT: LEGAL SERVICES AGREEMENT WITH BOORNAZIAN, JENSEN &
GARTHE 160.03) Litigation Services

RECOMMENDATION: That Council authorize an increase of
\$25,000 to the legal services agreement with Boornazian,
Jensen & Garthe from \$20,000 to \$45,000 and appropriation of
funds from the wastewater fund.

ACTION: Approved the recommendation May 11, 2001, City
Attorney's report).

17. SUBJECT: AMICUS CURIAE REQUEST AMELCO ELECTRIC V. CITY OF
THOUSAND OAKS 160.05)

RECOMMENDATION: That Council authorize the City to
participate as friend of the court" amicus curiae) with
respect to Amelco Electric v. City of Thousand Oaks.

ACTION: Approved the recommendation May 11, 2001, City
Attorney's report).

NOTICES

18. The City Clerk has on Friday, May 11, 2001, at 3:00 p.m.
posted this agenda in the Office of the City Clerk and on
the City Hall Public Notice Board on the outside balcony of
City Hall.

19. Special Finance Committee meeting, May 15, 2001, at

12:30 p.m. in Room 15 for consideration of the Fiscal Year
2002 Proposed Budget. 120.03) Finance Committee

20. Redevelopment Agency meeting, May 15, 2001, at 2:00 p.m. in
the Council Chamber. 620.03) Agendas

21. Joint City Council/Redevelopment Agency meeting, May 15,
2001, at 2:00 p.m. to consider Item No. 25 on the Council

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Agenda and Item No. 6 on the Redevelopment Agency Agenda.
620.03) Agendas

22. Cancellation of the 6:00 p.m. evening session of the May 15, 2001, Council meeting, due to the continuance of the public hearing scheduled for that time see Agenda Item No. 6).
23. Cancellation of the regular City Council meeting of May 29, 2001, due to lack of a quorum. 120.09)

This completed the Consent Calendar.

REPORT FROM FINANCE COMMITTEE

24. Report from the Finance Committee.

Finance Committee Chair Tom Roberts reported that the Committee heard requests for funding from outside organizations in connection with the City's Fiscal Year 2002 Proposed Budget. The Committee's recommendations will be submitted to the full Council in early June.

Councilmember Roberts left the meeting at 3:10 p.m.

ADMINISTRATIVE REPORTS

26. SUBJECT: CAPITAL PROJECTS THIRD QUARTER UPDATE FOR FISCAL YEAR 2000-2001 230.01)

RECOMMENDATION: That Council receive, for information only, the Capital Projects Third Quarter Update for Fiscal Year 2000-2001.

DOCUMENTS:

May 11, 2001, City Administrator's report.

SPEAKERS:

Staff: City Engineer Pat Kelly, who showed slides of

various capital projects in progress or completed during the third quarter; Acting City Administrator Peter Wilson.

By consensus, the Council received the report.

REQUEST FROM THE PUBLIC

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27. SUBJECT: REQUEST FROM SUMMER SOLSTICE CELEBRATION TO HOLD
THE 2001 SUMMER SOLSTICE CELEBRATION ON JUNE 23, 2001
180.02) Summer Solstice

RECOMMENDATION: That Council approve the requests of Summer
Solstice to hold the 2001 Summer Solstice event on Saturday,
June 23, 2001, as more specifically set forth in Items 1-13
in their letter to the City Administrator dated March 14,
2001, the addendum dated March 29, 2001, and the second
addendum letter dated May 2, 2001, subject to the conditions
set forth in the Council Agenda Report.

DOCUMENTS:

Letters from Summer Solstice Celebration, dated
March 14, March 29, and May 2, 2001.
May 11, 2001, City Administrator's report.

SPEAKERS:

Staff: Transportation Operations Parking Manager
George Gerth.
Summer Solstice Celebration: Executive Director
Claudia Bratton.

MOTION:

Councilmembers Garcia/Hart to approve the
recommendation.

VOTE:

Unanimous voice vote Absent: Councilmember Roberts,
Mayor Miller).

RECESS:

3:22 p.m. 3:33 p.m.

PUBLIC HEARING

28. SUBJECT: PROPOSED FISCAL YEAR 2002 AND 2003 FINANCIAL PLAN
230.05)

RECOMMENDATION: That Council:

- A. Continue the public hearing on the Fiscal Year 2002 Recommended Budget from Tuesday, May 8, 2001;
- B. Hear a presentation from staff on the use of technology in the City and new systems proposed in connection with the proposed two-year financial plan; and
- C. Continue the public hearing to Tuesday, May 22, at 6:00 p.m.

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DOCUMENTS:

May 11, 2001, City Administrator's report.
PowerPoint presentation made by Staff.
May 12, 2001, e-mail communications from Bob Bonomo;
Denis Kennedy and William McLain; Dorsey B. Smith.
May 13, 2001, e-mail communication from Anne-Marie
Castleberg.

PUBLIC HEARING OPENED Continued from May 8, 2001):
3:34 p.m.

SPEAKERS:

Members of the Public: Robert Gonzalez, Santa Barbara
School Districts; LaNell Lucius, Santa Barbara Treble
Clef Women's Chorus.
Staff: Information Systems Manager Terry Moore, Acting
City Administrator Peter Wilson, Assistant Community
Development Director Paul Casey, Police Information
Technology Manager Christine Nail, City Attorney Daniel
Wallace.

By consensus, the Council approved recommendation C, and the
public hearing was thereby continued to May 22, 2001, at
6:00 p.m.

RECESS

4:47 p.m. 4:50 p.m.

CLOSED SESSION

29. SUBJECT: CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED
LITIGATION 160.03): Closed Sessions

RECOMMENDATION FROM THE CITY ADMINISTRATOR: That Council
hold a closed session to consider anticipated litigation
pursuant to subsection c) of section 54956.9 of the

Government Code and take appropriate action as needed.

Initiation of litigation: one potential case.

Scheduling: Duration, 10 minutes; anytime

DOCUMENTS:

May 11, 2001, City Administrator's report.

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4:50 p.m. 5:00 p.m. Councilmember Roberts and Mayor
Miller were absent.

RECESS

5:00 p.m. 5:01 p.m.

ANNOUNCEMENT:

The City Council reconvened in the Council Chamber.
City Attorney Daniel Wallace announced that in closed
session, Council voted unanimously to authorize
initiation of litigation against Cox Communications
with regard to its franchise obligations.

ADJOURNMENT

Mayor Pro Tempore Secord adjourned the meeting at 5:03 p.m.

SANTA BARBARA CITY COUNCIL MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

DAN B. SECORD
MAYOR PRO TEMPORE

SUSAN TSCHECH
DEPUTY CITY CLERK