



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 26, 2003 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:00 p.m. (The Finance Committee met at 1:00 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 Blum.

ROLL CALL

Councilmembers present: H. P. Fairly, Iya G. Falcone, Babatunde Fodayemi, Gregg A. Hart, Roger L. Horton, Dan B. Secord, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Daniel J. Wallace, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING SEPTEMBER 2003 AS NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH (120.04)

ACTION: Proclamation presented to Sonya Baker, Program Manager, and Jean Volmar, Events Coordinator, of the Community Recovery Network.

CHANGES TO THE AGENDA

Item Added Ex Agenda

By consensus, the Council added the following ceremonial item as Ex Agenda:

25. SUBJECT: PROCLAMATION CONGRATULATING THE SANTA BARBARA FORESTERS BASEBALL CLUB FOR ITS NATIONAL CHAMPIONSHIP WIN (120.04)

ACTION: Proclamation presented to Eric Pintard.

PUBLIC COMMENT

SPEAKERS: Joan T. Esposito, Ken Loch and Jennifer Gann.

CONSENT CALENDAR (Item Nos. 2 – 15)

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

MOTION:

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

VOTE:

Unanimous voice vote.

2. SUBJECT: INTRODUCTION OF ORDINANCE FOR SHORELINE BEACH CAFE LEASE AMENDMENT (330.04)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to execute a Lease Amendment with Kevin Boss, Randall Rowse, and Beachrok, Inc., A California Corporation, d.b.a. Shoreline Beach Cafe, adjusting the seasonal allocation of base rent payments; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Amendment Number Three to Lease Agreement No. 17,387 with Kevin Boss, Randall Rowse, and Beachrok, Inc., d.b.a. Shoreline Beach Cafe, Adjusting the Seasonal Allocation of Base Rent Payments.

ACTION: Approved the recommendations (August 26, 2003, Waterfront Director's report).

3. SUBJECT: ADOPTION OF ORDINANCE FOR SANTA BARBARA MARITIME MUSEUM LEASE OPTION (330.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Existing Monthly Lease Rent of \$9,023, Subject to Annual Increases Based on the Los Angeles - Riverside - Orange Consumer Price Index, for the First Five-Year Lease Option Period for Lease Agreement No. 19,075, for the Santa Barbara Maritime Museum Located at 113 Harbor Way in the Santa Barbara Harbor. (Introduced on August 19, 2003)

ACTION: Approved the recommendation; Ordinance No. 5287.

4. SUBJECT: AGREEMENT FOR OPERATION OF THE SOBERING STATION (520.04)

RECOMMENDATION: That Council approve and authorize the Chief of Police to negotiate and execute a Service Agreement with Thresholds to Recovery, Inc., to operate the Sobering Station for one (1) fiscal year beginning July 1, 2003, and ending June 30, 2004, for annual fees not to exceed \$153,000.

ACTION: Approved the recommendation; Agreement No. 21,104 (August 26, 2003, report from the Chief of Police).

5. SUBJECT: PURCHASE ORDER FOR JANITORIAL SERVICES AT THE WATERFRONT (570.03)

RECOMMENDATION: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.080 (k), and authorize the General Services Manager to issue a purchase order to Work, Incorporated, for janitorial services at the Waterfront for Fiscal Year 2004 in an amount not to exceed \$198,647.

ACTION: Approved the recommendation (August 26, 2003, Waterfront Director's report).

6. SUBJECT: AGREEMENT AND RIGHT OF ENTRY FOR SANTA BARBARA HIGH SCHOOL WELL PROJECT (540.10)

RECOMMENDATION: That Council:

- A. Approve and authorize the Public Works Director to execute an Easement Purchase Agreement and Right of Entry with the Santa Barbara High School District in the amount of \$92,214, for acquisition of easements and rights of entry related to the construction of a City water well at Santa Barbara High School; and

(Cont'd)

6. (Cont'd)

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Well Site Easements Located at 700 East Anapamu Street (APN 029-240-008).

ACTION: Approved the recommendations; Agreement No. 21,105; Resolution No. 03-085 (August 26, 2003, Public Works Director's report).

7. SUBJECT: AGREEMENT FOR DELIVERY OF RECYCLED WATER (540.13)

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 User Agreement Between the City of Santa Barbara and NMC Parking, LLC, for Delivery of the City's Recycled Water to the NMC Parking Irrigation System Located at 2 North Calle Cesar Chavez, Santa Barbara County Assessor's APN 017-030-014.

ACTION: Approved the recommendation (August 26, 2003, Public Works Director's report).

8. SUBJECT: CONTRACT FOR DESIGN OF AIRPORT RUNWAY 7-25 PAVEMENT MAINTENANCE (560.04)

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a contract with Mead & Hunt, Inc. (Mead), in an amount not to exceed \$38,017, for services associated with the Runway 7-25 seal coat project; and
- B. Authorize the Public Works Director to approve expenditures of up to \$3,800 for extra services of Mead that may result from necessary changes in the scope of work.

ACTION: Approved the recommendations; Contract No. 21,106 (August 26, 2003, Public Works Director's report).

9. SUBJECT: INTRODUCTION OF ORDINANCE FOR ENCROACHMENT PERMIT WITH LAGUNA COTTAGES FOR SENIORS (330.10)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Certain Encroachment Permit with Laguna Cottages for Seniors, a California Corporation, the Owner of the Real Property Located at 818 Garden Street (APN 031-021-015), to Allow Portions of a Structure Footing, Drainage Pipe, and Roof Overhang to Encroach into a Portion of Garden Street.

ACTION: Approved the recommendation (August 26, 2003, Public Works Director's report).

10. SUBJECT: AIRPORT LEASE AGREEMENT WITH SANTA BARBARA AIRPORT TRANSPORTATION, INC. (330.04)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a month-to-month lease agreement with Santa Barbara Airport Transportation, Inc., a California corporation, dba Airtrans SBA, for 340 square feet of Building 311 at 1407-A Norman Firestone Road, at the Santa Barbara Airport, commencing July 1, 2003, for a total monthly rental of \$306, exclusive of utilities.

ACTION: Approved the recommendation; Agreement No. 21,107 (August 26, 2003, Airport Director's report).

11. SUBJECT: LEASE AGREEMENTS WITH NON-PROFIT ORGANIZATIONS AT FRANKLIN AND WESTSIDE COMMUNITY CENTERS, AND YOUTH SPORTS CENTER (330.04)

RECOMMENDATION: That Council approve and authorize the Parks and Recreation Director to execute lease agreements with non-profit agencies at the below-listed centers:

Franklin Neighborhood Center

Endowment for Youth

Women's Economic Ventures

Westside Community Center

Community Action Commission/Senior Services

Independent Living Resource Center

Santa Barbara City College/Early Childhood Education Program

Santa Barbara Special Olympics

United Cerebral Palsy Association/Work Inc.

Youth Sports Center

Primo Boxing Club

ACTION: Approved the recommendation; Agreement Nos. 21,108 - 21,115 (August 26, 2003, Parks and Recreation Director's report).

12. SUBJECT: AIRPORT LEASE AGREEMENT WITH POSITION SYSTEMS, INC. (330.04)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a month-to-month lease agreement with Position Systems, Inc., a California corporation, for 800 square feet of Building 224, 6100-B Francis Botello Road, at the Santa Barbara Airport, commencing August 1, 2003, for a total monthly rental of \$976, exclusive of utilities.

(Cont'd)

12. (Cont'd)

ACTION: Approved the recommendation; Agreement No. 21,116 (August 26, 2003, Airport Director's report).

13. SUBJECT: AGREEMENTS FOR AFTER-SCHOOL PROGRAMS (570.06)

RECOMMENDATION: That Council:

- A. Authorize the Parks and Recreation Director to execute agreements with the Santa Barbara School Districts for the Fiscal Year 2004 Recreation After-School Program (RAP) and the After-School Opportunities For Kids (A-OK!) Program; and
- B. Appropriate \$323,976 in expenditures and \$323,976 in revenues to the Parks and Recreation Department Miscellaneous Grant Funds for after-school programs.

ACTION: Approved the recommendations; Agreement Nos. 21,117 and 21,118 (August 26, 2003, Parks and Recreation Director's report).

NOTICES

- 14. The City Clerk has on Thursday, August 21, 2003, at 3:00 p.m. 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.
- 15. Cancellation of the regular City Council and Redevelopment Agency meetings of September 2, 2003, and September 9, 2003, at 2:00 p.m. due to the lack of a quorum.

This concluded the Consent Calendar.

FINANCE COMMITTEE REPORT

16. SUBJECT: FINANCE COMMITTEE AGENDA, AUGUST 26, 2003, 1:00 P.M., IN ROOM 15 (120.03)

- A. Budget and Finances of Santa Barbara Conference and Visitors Bureau (CVB); and
- B. July 31, 2003, Investment Report and June 30, 2003, Fiscal Agent Report (See Council Agenda Item No. 18).

17. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Gregg Hart reported that the Committee heard an informative presentation from the Santa Barbara Conference and Visitors Bureau on the Bureau's budget and finances. The Committee also reviewed and forwarded to the Council for its acceptance the July 31, 2003, Investment Report and the June 30, 2003, Fiscal Agent Report (Agenda Item No. 18).

18. SUBJECT: JULY 31, 2003, INVESTMENT REPORT AND JUNE 30, 2003, FISCAL AGENT REPORT (260.02)

RECOMMENDATION: That Council:

- A. Accept the July 31, 2003, Investment Report; and
- B. Accept the June 30, 2003, Fiscal Agent Report.

DOCUMENTS:

August 26, 2003, Finance Director's report.

SPEAKERS:

Staff: Treasury Manager Cynthia Odell.

MOTION:

Councilmembers Secord/Fairly to approve the recommendations.

VOTE:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

INFORMATION: Councilmember Horton reported on his involvement in the recruitment of a new Assistant School Superintendent.

ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

19. SUBJECT: JOBS-HOUSING BALANCE INCENTIVE GRANT (660.01)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Authorizing the City Administrator or His Designee to Execute a Grant Agreement and Related Documents in a Form Acceptable to the City Attorney in Order to Secure a Jobs-Housing Balance Incentive Grant from the State of California.

DOCUMENTS:

- August 26, 2003, Community Development Director's report.
- Proposed Resolution.

The title of the resolution was read.

SPEAKERS:

Staff: Principal Planner John Ledbetter.

(Cont'd)

19. (Cont'd)

MOTION:

Councilmembers Secord/Horton to approve the recommendation;
Resolution No. 03-086; Agreement No. 21,119.

VOTE:

Unanimous roll call vote.

20. **SUBJECT: REQUEST FROM COUNTY OF SANTA BARBARA REGARDING HOUSING ADVISORY COMMITTEE (650.09)**

RECOMMENDATION: That Council receive a presentation from County of Santa Barbara Staff regarding formulation of a County Housing Advisory Committee and consider designation of a City Member Representative.

DOCUMENTS:

August 26, 2003, Community Development Director's report.

SPEAKERS:

- Staff: Housing Programs Supervisor Steven Faulstich.
- Santa Barbara County Department of Housing and Community Development: Will Reed, Jim Claybaugh.

MOTION:

Councilmembers Secord/Fairly to designate Councilmember Horton as the committee's City representative and Councilmember Falcone as an alternate.

VOTE:

Unanimous voice vote.

WATERFRONT DEPARTMENT

21. **SUBJECT: LICENSE AGREEMENT WITH SANTA BARBARA WATER TAXI (330.08)**

RECOMMENDATION: That Council consider and approve an eighteen-month license agreement for a water taxi service dedicated to providing direct transportation between Stearns Wharf and the Accommodation Dock in the Harbor, including a deferral of the \$50 monthly fee to support the water taxi service during the initial six-month start-up period.

DOCUMENTS:

August 26, 2003, Waterfront Director's report.

(Cont'd)

21. (Cont'd)

SPEAKERS:

- Staff: Waterfront Business Manager Scott Riedman, Assistant City Attorney Michelle Montez, Waterfront Director John Bridley.
- Members of the Public: Fred Hershman; Kati Hedden; Kerri Hedden; Jerry Winingar; Jean Schuyler, Santa Barbara Maritime Museum; Don Hedden; Sally Ward; Charles Lara; Warren Hedden; Donnie Hedden, Jr.; Jacque McCoy.

MOTION:

Councilmembers Fodayemi/Hart to approve the recommendation; Agreement No. 21,120.

VOTE:

Unanimous voice vote.

RECESS

3:40 p.m. - 3:50 p.m.

MAYOR AND COUNCIL REPORTS

22. SUBJECT: PROPOSED RESOLUTION CONCERNING THE USA PATRIOT ACT (800.01)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Regarding the Protection of Civil Rights and Liberties and Expressing Concerns Regarding the USA Patriot Act (Public Law 107-56).

DOCUMENTS:

- August 26, 2003, City Administrator's report.
- Proposed Resolution.
- List of telephone calls received by the Mayor & Council Office supporting the proposed resolution.

The title of the resolution was read.

SPEAKERS:

- Members of the Public: Susan Epstein, Santa Barbara Bill of Rights Defense Committee; Mark Hamilton; Jane Prettyman; Nancy Tunnell; Anthony Lopez; Sheila Cassidy Federman, Veterans for Peace; Ray Sargent; Ralph Daniel; Carol Donovan.
- Staff: City Attorney Daniel Wallace.

(Cont'd)

22. (Cont'd)

MOTION:

Councilmembers Fodayemi/Horton to approve the recommendation;
Resolution No. 03-087.

VOTE:

Majority roll call vote (Ayes: Councilmembers Falcone, Fodayemi, Horton,
Mayor Blum; Noes: Councilmembers Fairly, Hart, Secord).

PUBLIC HEARINGS

23. SUBJECT: CONTINUANCE OF APPEAL OF ARCHITECTURAL BOARD OF
REVIEW APPROVAL FOR 3501 SEA LEDGE LANE (640.07)

RECOMMENDATION: That Council continue the public hearing to November
25, 2003, at 2:00 p.m., per Appellant's letter received August 14, 2003.

DOCUMENTS:

August 14, 2003, letter from Appellant.

MOTION:

Councilmembers Secord/Fairly to approve the recommendation.

VOTE:

Unanimous voice vote.

24. SUBJECT: RECOMMENDED MODIFICATIONS TO SOLID WASTE PROGRAM
(630.01)

RECOMMENDATION: That Council:

- A. Hold a public hearing for the proposed adjustments to the Monthly Solid Waste Collection Rates schedule, including a CPI adjustment and a cost adjustment for recycling and Looking Good Santa Barbara programs, and receive a report from staff on the Solid Waste Program and recycling diversion efforts;
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara to Approve and Authorize the City Administrator to Execute Amendment No. 1 to Agreement Nos. 20,432 and 20,433 for Solid Waste Collection and Disposal With BFI Waste Systems of North America, Inc., and MarBorg Industries; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara (City) Adjusting Rates for Collection and Disposal of Refuse by the City's Contracted Haulers.

(Cont'd)

24. (Cont'd)

DOCUMENTS:

- August 26, 2003, Public Works Director's report.
- Proposed Ordinance and Resolution.
- Affidavit of Publication.

The titles of the ordinance and resolution were read.

PUBLIC HEARING OPENED:

4:39 p.m.

SPEAKERS:

Staff: Solid Waste Specialist Stephen MacIntosh, Principal Civil Engineer
Homer Smith, City Administrator James Armstrong.

PUBLIC HEARING CLOSED:

5:04 p.m.

MOTION:

Councilmembers Secord/Fairly to approve the recommendations;
Resolution No. 03-088.

VOTE:

Unanimous roll call vote.

ADJOURNMENT

Mayor Blum adjourned the meeting at 5:05 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

MARTY BLUM
MAYOR

ATTEST:

SUSAN TSCHECH
DEPUTY CITY CLERK