



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 8, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Iya G. Falcone called the joint meeting of the Council and the Santa Barbara Financing Authority to order at 2:00 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 Falcone.

ROLL CALL

Councilmembers present: Brian B. Barnwell, Roger L. Horton, Helene Schneider, Dan B. Secord, Das Williams, Mayor Pro Tempore Falcone.

Councilmembers absent: Mayor Marty Blum.

Staff present: City Administrator/Clerk James L. Armstrong, Acting City Attorney N. Scott Vincent, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. SUBJECT: LETTER OF RECOGNITION FOR THE UNIVERSITY OF CALIFORNIA, SANTA BARBARA ARTS AND LECTURES PROGRAM (120.08)

ACTION: Letter of Recognition presented to Arts and Lectures Program Director Celeste Bilecci.

2. SUBJECT: LETTER OF RECOGNITION FOR CAREY BERKUS (120.08)

ACTION: Letter of Recognition presented to Carey Berkus.

3. SUBJECT: LETTER OF RECOGNITION FOR THE SANTA BARBARA INTERNATIONAL FILM FESTIVAL (120.08)

ACTION: Letter of Recognition presented to Film Festival Director Roger Durling.

4. 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 June 30, 2004.

DOCUMENTS:

June 8, 2004, Assistant City Administrator's report.

SPEAKERS:

Staff: Award Recipient Gary Kerwood, City Administrator James Armstrong.

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

25-Year Pin

Gary Kerwood, Police
Michael Carpenter, Police
Edith Wells, Public Works

15-Year Pin

Della Rosales, Mayor and City Council Office
Margaret Roff, Parks and Recreation

10-Year Pin

Nicholas Cabugos, Public Works
John Ortiz, Public Works
Gary Horwald, Public Works

5-Year Pin

James Austin, Fire
Nikki Studt, Fire
Luisa Bird-Robinson, Library

CHANGES TO THE AGENDA

Fire Chief Warner McGrew reported the status of the Gaviota fire and the City's assistance with the containment of that fire.

PUBLIC COMMENT

SPEAKERS: Nancy Tunnell and Katherine Jankay.

CONSENT CALENDAR (Item Nos. 5 – 13 and 15 – 18)

MOTION:

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

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

5. **SUBJECT: MINUTES**

RECOMMENDATION: That Council waive the reading and approve the minutes of the adjourned regular meeting of May 17, 2004, and the regular meeting of May 18, 2004.

ACTION: Approved the recommendation.

6. **SUBJECT: DONATION OF 1926 AUSTIN STREET GRADER (330.05)**

RECOMMENDATION: That Council authorize the donation of 1 surplus 1926 Austin Standard Leaning Wheel Grader to the Pioneer Day Committee, Pioneer Museum, in Paso Robles, California.

ACTION: Approved the recommendation (June 8, 2004, Public Works Director's report).

7. **SUBJECT: NOTICE OF COMPLETION FOR BOHNETT PARK CREEK RESTORATION PROJECT (570.05)**

RECOMMENDATION: That Council accept the work completed by Elevation General Engineering, Contract No. ~~20,840~~21,015, for the Bohnett Park Creek Restoration Project, Bid No. 3352, located at 1302 San Andres Street, in the final contract amount of \$561,718.74, including approved changes, and approve filing of a Notice of Completion.

SPEAKERS:

Staff: City Administrator James Armstrong, who advised Council of the correction to the recommendation, as shown.

ACTION: Approved the recommendation as revised (June 8, 2004, Public Works Director's report).

8. SUBJECT: CONTRACT FOR DESIGN OF EASTSIDE BRANCH LIBRARY RENOVATIONS (570.04)

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a design contract with Peikert Group Architects, LLP (Peikert) in the amount of \$33,900 for architectural design services for the Eastside Branch Library building renovation design; and
- B. Authorize the Public Works Director to approve expenditures of up to \$4,000 for extra services of Peikert that may result from necessary changes in the scope of work.

ACTION: Approved the recommendations; Contract No. 21,416 (June 8, 2004, Public Works Director's report).

9. SUBJECT: CONTRACT FOR OUT-OF-CITY SEWER SERVICE FOR 528 APPLE GROVE LANE (540.13)

RECOMMENDATION: That Council approve and authorize the Public Works Director to execute an Agreement for Sewer Connection between the City and Michael and Darlene Voss to provide for City sewer service outside the City limits at 528 Apple Grove Lane (Assessor's Parcel No. 051-262-013).

ACTION: Approved the recommendation; Agreement No. 21,417 (June 8, 2004, Public Works Director's report).

10. SUBJECT: MAP AND AGREEMENTS FOR 2424 DE LA VINA STREET (640.08)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to record Parcel Map No. 20,654 by Thomas J. Rizk and Janet L. Rizk; Lief E. Nielson and Judith E. Nielsen; and Douglas H. Weldon and Norma S. Weldon for a 3-residential-unit condominium subdivision on a single lot located at 2424 De La Vina Street, Assessor's Parcel No. 025-062-019, finding the map in conformance with the General Plan and applicable specific plans of the City; and
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property.

ACTION: Approved the recommendation; Agreement No. 21,418 (June 8, 2004, Public Works Director's report).

11. SUBJECT: SUPPLEMENTAL AGREEMENT TO SANTA BARBARA CITY COLLEGE JOINT USE AGREEMENT FOR JOINT USE OF VEHICLES (150.05)

RECOMMENDATION: That Council authorize the Parks and Recreation Director to execute a Supplemental Agreement to Agreement No. 12,427, Joint Use Agreement with Santa Barbara City College (SBCC), for the shared use of vehicles.

ACTION: Approved the recommendation; Agreement No. 21,419 (June 8, 2004, Acting Parks and Recreation Director's report).

12. SUBJECT: FISCAL YEAR 2004 INTERIM FINANCIAL STATEMENTS FOR THE 10 MONTHS ENDED APRIL 30, 2004 (250.02)

RECOMMENDATION: That council accept the Fiscal Year 2004 Interim Financial Statements for the Ten Months Ended April 30, 2004.

ACTION: Approved the recommendation (June 8, 2004, Finance Director's report).

13. SUBJECT: SET A DATE FOR PUBLIC HEARING REGARDING APPEAL OF PLANNING COMMISSION APPROVAL FOR 29 STATE STREET

RECOMMENDATION: That Council:

- A. Set the date of July 20, 2004, at 2:00 p.m. for hearing the appeal filed by Jana Zimmer, representing Santa Barbara Beach Properties and the Urban Creeks Council, of the Planning Commission approval of an application for property owned by Beach Motel Partners and located at 29 State Street, Assessor's Parcel No. 033-102-015, HRC-2/SD-3 Hotel and Related Commerce and Coastal Overlay Zones, General Plan Designation: General Commerce/Buffer Stream Overlay. The project proposes the demolition of an existing 5,830 square-foot commercial building and construction of a 19-room, 28,190 square-foot, 3-story, 39 foot-high hotel structure, along with associated site improvements, and the discretionary applications required are Modifications, a Development Plan, Approval of Transfer of Existing Development Rights, and a Coastal Development Permit; and
- B. Set the date of July 19, 2004, at 1:30 p.m. for a site visit to the property located at 29 State Street.

ACTION: Approved the recommendations (May 24, 2004, letter of appeal).

Agenda Item No. 14 appears in the Financing Authority minutes.

NOTICES

15. The City Clerk has on Thursday, June 3, 2004, 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.
16. Cancellation of the regular Redevelopment Agency meeting of June 8, 2004, due to lack of business.
17. Received a memorandum advising of the resignations of Patricia Fogle and Lupe Luna-Martinez from the Franklin Neighborhood Center Advisory Committee; these vacancies are part of the current City Advisory Group recruitment. (580.03)
18. The Mayor recently sent the following advocacy letters expressing the City's position, consistent with the Council adopted Legislative Platform, on pending state or federal legislation: (160.02)
 - May 19, 2004: Darrell Steinberg, Chair, Assembly Appropriations Committee; AB 2406 - Fire Safety

This concluded the Consent Calendar.

FINANCE COMMITTEE REPORT

19. SUBJECT: SPECIAL FINANCE COMMITTEE AGENDA, JUNE 8, 2004, 12:30 P.M. IN ROOM 15 (120.03)
 - A. Housing Rehabilitation Loan for 709 Bond Avenue;
 - B. Grants for acquisition of property at 106 Juana Maria;
 - C. Housing Rehabilitation Grant to Domestic Violence Solutions for the rehabilitation of their second stage shelter property; and
 - D. Housing Rehabilitation Loan for 1221 E. Gutierrez Street.
20. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee had reviewed Staff recommendations for the approval of loans and grants to rehabilitate or acquire various properties. The Committee approved all the requests, which will be submitted for Council consideration next week.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

INFORMATION:

- Councilmember Schneider reported on her attendance at award presentations to California Arts Scholars and to a youth leader.
- Councilmember Williams reported on a recent meeting of BEACON (Beach Erosion Authority for Control Operations and Nourishment) at which a project to prevent further erosion at a Ventura area beach was approved.
- Councilmember Horton mentioned that the group "Commuter Rail Now" recently made a presentation encouraging the establishment of rail transportation for area commuters.
- Councilmember Barnwell commented on the effect of the Santa Barbara International Film Festival upon the local economy, and remarked that the Planning Commission will consider the extension of the Conditional Use Permit for the Casa Esperanza Homeless Center in the near future.
- Councilmember Secord mentioned that interviews of candidates to fill the position of general manager at the Santa Barbara Metropolitan Transit District will be held soon.

Agenda Item No. 21 appears in the Financing Authority minutes.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

22. SUBJECT: ISSUANCE OF WASTEWATER FUND CERTIFICATES OF PARTICIPATION (240.04)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 14 of the Municipal Code by Enacting a New Chapter, Chapter 14.33, Creating the Wastewater Fund, and to Authorize the Execution and Delivery by the City of a Master Installment Purchase Agreement, an Indenture, and a Continuing Disclosure Agreement in Connection with the Execution, Authentication, and Delivery of Santa Barbara Financing Authority Sewer Revenue Bonds, Series 2004 (Payable Solely from Installment Payments Secured by Net System Revenues of the Wastewater Fund of the City of Santa Barbara), Authorizing the Distribution of an Official Statement in Connection Therewith and Authorizing Related Actions.

DOCUMENTS:

- June 8, 2004, Finance Director's report.
- Proposed Ordinance.
- Proposed Continuing Disclosure Agreement, Notice of Intention to Sell, and Official Notice of Sale.

(Cont'd)

22. (Cont'd)

The title of the ordinance was read.

SPEAKERS:

Staff: Finance Director Robert Peirson, Wastewater System Manager
Rebecca Bjork.

MOTION:

Councilmembers Secord/Horton to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

PUBLIC WORKS DEPARTMENT

23. **SUBJECT: CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES
AT EL ESTERO WASTEWATER TREATMENT PLANT (540.13)**

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a contract with Mimiaga Engineering Group (MEG) in an amount not to exceed \$694,120 for construction management services for the El Estero Wastewater Treatment Plant; and
- B. Authorize the Public Works Director to approve extra services of MEG that may result from necessary changes in the scope of work, in an amount not to exceed \$69,500.

DOCUMENTS:

June 8, 2004, Public Works Director's report.

SPEAKERS:

Staff: Principal Civil Engineer Homer Smith, Wastewater System Manager
Rebecca Bjork.

MOTION:

Councilmembers Secord/Barnwell to approve the recommendations;
Contract No. 21,420.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

24. SUBJECT: NEGOTIATE AGREEMENT FOR SAN MARCOS WASTEWATER LIFT STATION ABANDONMENT (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 Authorizing the Public Works Director to Negotiate and Execute an Agreement with the Goleta Sanitary District (GSD) for the Annexation of Properties Presently Served by the San Marcos Lift Station to the Goleta Sanitary District.

DOCUMENTS:

- June 8, 2004, Public Works Director's report.
- Proposed Ordinance.
- PowerPoint presentation made by Staff.

The title of the ordinance was read.

SPEAKERS:

Staff: Wastewater System Manager Rebecca Bjork, Acting City Attorney N. Scott Vincent, Assistant City Attorney William Carroll.

MOTION:

Councilmembers Secord/Horton to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

25. SUBJECT: RATIFICATION OF CACHUMA CONSERVATION RELEASE BOARD BUDGET (540.03)

RECOMMENDATION: That Council:

- A. Ratify the Fiscal Year 2005 Cachuma Conservation Release Board budget of \$1,478,368; and
- B. Approve payment in the amount of up to \$373,906 as the City's share of needed funds.

DOCUMENTS:

June 8, 2004, Public Works Director's report.

SPEAKERS:

Staff: Acting Water Resources Manager Steve Mack, Acting City Attorney N. Scott Vincent.

MOTION:

Councilmembers Secord/Barnwell to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

Councilmember Horton left the meeting at 3:27 p.m.

26. SUBJECT: REVIEW OF CACHUMA OPERATION AND MAINTENANCE BOARD BUDGET (540.03)

RECOMMENDATION: That Council review the recommended Fiscal Year 2005 Cachuma Operation and Maintenance Board budget.

DOCUMENTS:

June 8, 2004, Public Works Director's report.

SPEAKERS:

Staff: Acting Water Resources Manager Steve Mack.

By consensus, the Council reviewed COMB's Fiscal Year 2005 budget.

PUBLIC HEARING

28. SUBJECT: FISCAL YEAR 2005 RECOMMENDED BUDGET (230.05)

RECOMMENDATION: That Council:

- A. Continue the public hearing from May 25, 2004, on the Fiscal Year 2005 Recommended Budget;
- B. Hear reports from all of the administrative departments' staff (Finance, City Administrator, Administrative Services, City Attorney, and Mayor and Council) covering their respective proposed budgets for Fiscal Year 2005; and
- C. Continue the public hearing to the evening session of today's City Council meeting.

DOCUMENTS:

- June 8, 2004, Finance Director's report.
- PowerPoint presentations made by Staff for the Fiscal Year 2005 budgets of the City Administrator's Office, Mayor & City Council's Office, and the Administrative Services Department.

PUBLIC HEARING OPENED (Continued from May 25, 2004):
3:31 p.m.

Councilmember Horton returned to the meeting at 3:43 p.m.

SPEAKERS:

Staff: Assistant City Administrator Joan Kent, City Administrator James Armstrong, Information Services Manager Terry Moore.

(Cont'd)

28. (Cont'd)

By consensus, the Council continued the public hearing to the evening session; presentations of the Finance and City Attorney department budgets were also continued to that time.

RECESS

3:54 p.m. – 4:08 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PARKS AND RECREATION DEPARTMENT

27. SUBJECT: TEEN CENTER AT 1235 CHAPALA STREET (570.06)
(Estimated Time of 4:00 p.m.)

RECOMMENDATION: That Council:

- A. Hear a proposal from the Santa Barbara Youth Council to convert the 1235 Chapala Street building to a Teen Recreation Facility (Teen Center);
- B. Receive the Park and Recreation Commission recommendation for the conversion of the 1235 Chapala Street building to a Teen Center; and
- C. Provide direction on the future use of the 1235 Chapala Street building, and direct staff to return with final costs and a funding plan for the determined use.

DOCUMENTS:

June 8, 2004, Acting Parks and Recreation Director's report.

SPEAKERS:

- Santa Barbara Youth Council: Autry Liggett, Melinda Radsliff, Fabienne Charbonnet, Cristina Beltran, Djamila Demangeat, Kevin Spracher, Matt Pies, Leah Meller.
- Staff: Assistant Parks and Recreation Director Sarah Clayton, Acting Parks and Recreation Director Nancy Rapp, City Administrator James Armstrong.

Councilmember Horton left the meeting at 4:42 p.m.

SPEAKERS (Cont'd):

- Members of the Public: Harriet Miller; Nicole van Dam, Santa Barbara Symphony; Cindy Olson, Stand for Children; Karena Jew, Pro-Youth Coalition; Nancy Davis, City @ Peace; Michael Marzolla, Pro-Youth Coalition/4-H Youth Development Program.

(Cont'd)

27. (Cont'd)

MOTION:

Councilmembers Barnwell/Secord to conceptually approve the establishment of a teen center in the 1235 Chapala Street building and direct Staff to return to Council with an implementation plan developed in conjunction with the Youth Council.

VOTE:

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

RECESS

5:12 p.m. – 6:04 p.m.

Mayor Pro Tempore Falcone presiding.

Councilmembers present: Barnwell, Schneider, Secord, Williams, Mayor Pro Tempore Falcone.

Councilmembers absent: Councilmember Horton, Mayor Blum.

Staff present: City Administrator/Clerk Armstrong, Acting City Attorney Vincent, Deputy City Clerk Tschech.

PUBLIC COMMENT

No one wished to speak.

MAYOR AND COUNCIL REPORTS

29. SUBJECT: CITY ADVISORY GROUP INTERVIEWS (140.05)

RECOMMENDATION: That Council:

- A. Hold interviews of applicants to various City Advisory Groups at 6:00 p.m.; and
- B. Continue interviews of applicants to June 15, 2004, at an estimated time of 4:00 p.m.

DOCUMENTS:

June 8, 2004, Assistant City Administrator's report.

SPEAKERS:

- Staff: City Clerk Services Manager Mabi Covarrubias Plisky.
- The following applicants were interviewed:
 - Arts Advisory Committee:
Marilyn Hochhauser
 - Community Events and Festivals Committee:
Barbara Burger

(Cont'd)

29. (Cont'd)

SPEAKERS (Cont'd):

Franklin Center Advisory Committee:

Eriberto Torres

Theresa Pena

Library Board:

Dorothy Tucker Brilliant

Rental Housing Mediation Task Force:

Barbara Smith-Sherrill

By consensus, the interviews were continued to June 15, 2004, at 4:00 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

WATERFRONT DEPARTMENT

30. SUBJECT: SENATE BILL 1459 – THE "TRAWL BILL" (160.02)

RECOMMENDATION: That Council authorize Mayor Blum to send a letter to California legislators supporting amendments to Senate Bill (SB) 1459 that would help protect Santa Barbara's commercial fishing fleet and promote the working nature of Santa Barbara Harbor, consistent with state and local policies.

DOCUMENTS:

- June 8, 2004, Waterfront Director's report.
- PowerPoint presentation made by Staff.
- June 4, 2004, letter from Robert Meyer.
- June 8, 2004, letter from United Anglers of Southern California.
- "Notes: On Remote Impacts of Soft Bottom Trawling on Kelp Forests" and "Shifting Gears: Addressing the Collateral Impacts of Fishing Methods in U.S. Waters," submitted by Robert Osborn.

SPEAKERS:

- Staff: Waterfront Director John Bridley, Harbor Operations Manager Mick Kronman.
- Harbor Commission: Commissioner Paul Kuhn.
- Members of the Public: Sonny Castagnola; Mike McCorkle, Southern California Trawlers Association; Manuel Gorgita; April Wakeman (speaking for Tom Raftican); Robert Osborn, United Anglers of Southern California; Gary Burke; Philip Beguhl, Santa Barbara County Fish and Game Commission; Harry Liquornik, Commercial Fishermen of Santa Barbara, Inc.; Greg Helms, The Ocean Conservancy; Fred Happ; Chris Miller; Tom White; Steve Hyslop.

(Cont'd)

30. (Cont'd)

MOTION:

Councilmembers Schneider/Williams to authorize Mayor Blum to send a letter to California legislators supporting an amendment to Senate Bill (SB) 1459 that would allow small trawler boats and related equipment consistent with current Santa Barbara commercial fishing businesses to continue to fish within the California Halibut Trawl Grounds until the California Fish and Game Commission drafts a fishery management plan, at which time the provisions of the management plan will take hold.

VOTE:

Majority voice vote (Noes: Councilmember Barnwell; Absent: Councilmember Horton, Mayor Blum).

RECESS

8:13 p.m. – 8:28 p.m.

PUBLIC HEARING

31. SUBJECT: FISCAL YEAR 2005 RECOMMENDED BUDGET (230.05)

RECOMMENDATION: That Council:

- A. Continue the public hearing from the afternoon session of the City Council meeting on the Fiscal Year 2005 Recommended Budget;
- B. Hear a report from staff covering Finance Committee and staff recommended adjustments;
- C. Close the public hearing on the recommended budget;
- D. Hear a report from staff providing an update on the State budget and its potential impacts to local governments, including the City of Santa Barbara; and,
- E. Provide preliminary direction to staff in connection with the development of the final budget resolutions, scheduled for adoption on Tuesday, June 22, 2004.

DOCUMENTS:

- June 8, 2004, Finance Director's report.
- PowerPoint presentations made by Staff for the Fiscal Year 2005 budgets of the Finance Department, City Attorney's Office, and Community Promotion.

(Cont'd)

31. (Cont'd)

SPEAKERS:

Staff: Assistant Finance Director Robert Samario, Finance Director Robert Peirson, Acting Parks and Recreation Director Nancy Rapp, City Administrator James Armstrong.

PUBLIC HEARING CLOSED:

8:53 p.m.

By consensus, recommendations D and E were continued to June 15, 2004.

ADJOURNMENT

Mayor Pro Tempore Falcone adjourned the meeting at 9:07 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

IYA G. FALCONE
MAYOR PRO TEMPORE

SUSAN TSCHECH
DEPUTY CITY CLERK