



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING September 21, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

---

---

### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance and Ordinance Committees met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Helene Schneider, Dan B. Secord, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: Acting City Administrator Joan M. Kent, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

### CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING SEPTEMBER 19 - 25, 2004, AS REHABILITATION WEEK (120.04)

ACTION: Proclamation presented to Melinda Stavely, M.S., President and CEO, Rehabilitation Institute at Santa Barbara.

### CHANGES TO THE AGENDA

#### Item Removed from Agenda

Acting City Administrator Joan M. Kent stated that the following item was deferred to September 28, 2004:

23. SUBJECT: INTERIM FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2004 (250.02)

RECOMMENDATION: That Council:

- A. Receive a report from staff on the Interim Financial Statements for the Fiscal Year ended June 30, 2004; and
- B. Accept the Interim Financial Statements for the Fiscal Year ended June 30, 2004.

## **PUBLIC COMMENT**

SPEAKERS: Nancy Tunnell and Ken Loch.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

INFORMATION:

- Councilmember Horton spoke about the League of California Cities meeting in Long Beach.
- Councilmember Williams mentioned that he met with members of the Youth Council and staff for an update on the Teen Center; he also mentioned that the Santa Barbara Conference & Visitors Bureau and Film Commission will sponsor the premier of a movie titled Sideways.
- Councilmember Schneider spoke about her attendance at the Lower Westside Center Advisory Committee meeting and their report on the Salsa Festival.
- Councilmember Barnwell reported that the Milpas Action Task Force produced a report on the Casa Esperanza Homeless Shelter which will be presented to the Planning Commission.
- Mayor Blum spoke about Easy Lift's 25<sup>th</sup> Anniversary.

## **ITEM REMOVED FROM CONSENT CALENDAR**

13. SUBJECT: BID REJECTION FOR THE EL ESTERO WASTEWATER TREATMENT PLANT EQUIPMENT UPGRADES PROJECT (540.13)

RECOMMENDATION: That Council:

- A. Reject both bids for the El Estero Wastewater Treatment Plant (Plant) Equipment Upgrades Project, Bid No. 3347; and
- B. Direct staff to re-bid the project.

DOCUMENTS:

- September 21, 2004, Finance Director's report.
- El Estero Bidding Sheet, submitted by Toni McQueen and Dennis Kuttler.

(Cont'd)

13. (Cont'd)

**SPEAKERS:**

- Staff: Public Works Director Anthony Nisich, City Attorney Stephen P. Wiley, Principal Engineer Homer Smith.
- Members of the Public: James C. Cushman, Inc.: James H. Smith, Jim Cushman; Lash Construction, Inc.: Toni McQueen, Dennis Kuttler.

**MOTION:**

Councilmembers Secord/Horton to award the bid to James C. Cushman, Inc.

**VOTE:**

Failed to carry by voice vote (Ayes: Councilmembers Horton, Secord; Noes: Councilmembers Barnwell, Falcone, Schneider, Williams, Mayor Blum).

**MOTION:**

Councilmembers Falcone/Williams to approve the recommendations.

**VOTE:**

Majority voice vote (Ayes: Councilmembers Barnwell, Falcone, Schneider, Williams, Mayor Blum; Noes: Councilmembers Horton, Secord).

**CONSENT CALENDAR** (Item Nos. 2 – 12, and 14 - 18)

The titles of the resolution and ordinances related to the Consent Calendar were read.

**MOTION:**

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

**VOTE:**

Unanimous roll call vote.

2. **SUBJECT: ADOPTION OF ORDINANCE FOR LEASE AGREEMENT WITH JACQUES BERTRAND, DOING BUSINESS AS HARBOR MAIL CENTER (330.04)**

**RECOMMENDATION:** That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with Jacques Bertrand for a 140 Square-Foot Mail Center Office Located at 125 Harbor Way # 6, at a Monthly Rent of \$370.

**ACTION:** Approved the recommendation; Ordinance No. 5325; Agreement No. 21,499 (Proposed Ordinance).

3. SUBJECT: ADOPTION OF ORDINANCE FOR LEASE AGREEMENT WITH UNION MARINE STATION (330.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with Union Marine Station, Inc., for a 218 Square-Foot Office Located on the Second Floor at 125 Harbor Way #12, at a Rate of \$414.17 per Month.

ACTION: Approved the recommendation; Ordinance No. 5326; Agreement No. 21,500 (Proposed Ordinance).

4. SUBJECT: ADOPTION OF ORDINANCE FOR LEASE AGREEMENT WITH METROPOLITAN THEATRES CORPORATION (330.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 15-Year Lease Agreement Between the City of Santa Barbara and Metropolitan Theatres Corporation With Three Five-Year Renewal Options, for the Premises Located at 916, 918 and 920 State Street.

ACTION: Approved the recommendation; Ordinance No. 5327; Agreement No. 21,501 (Proposed Ordinance).

5. SUBJECT: RECORDS DESTRUCTION FOR COMMUNITY DEVELOPMENT DEPARTMENT (160.06)

RECOMMENDATION: That the 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.

SPEAKER:

Staff: Acting City Administrator Joan M. Kent.

ACTION: Approved the recommendation; Resolution No. 04-074 (September 21, 2004, Community Development Director's report; Proposed Resolution).

6. SUBJECT: NAMES FOR PRIVATE ACCESS WAYS ON ST. VINCENT'S GARDENS FAMILY HOUSING PROJECT SITE (660.04)

RECOMMENDATION: That Council approve the request of Mercy Housing and St. Vincent's Institution to name the private access ways on the St. Vincent's housing project site.

ACTION: Approved the recommendation (September 21, 2004, Community Development Director's report).

7. SUBJECT: PURCHASE ORDER FOR WASTEWATER EXHIBIT AT THE TY WARNER SEA CENTER (540.13)

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 City's General Services Manager to issue a Purchase Order to the Santa Barbara Museum of Natural History (Museum) in an amount not to exceed \$58,306.71 for the construction of a display of the wastewater treatment process; and
- B. Authorize the General Services Manager to approve change orders to the Purchase Order in an amount not to exceed \$2,000.

ACTION: Approved the recommendations (September 21, 2004, Public Director's report).

8. SUBJECT: LEASE AMENDMENT WITH SERVEXCEL, INC. (330.04)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a Lease Amendment Agreement with Servexcel, Inc., a California Corporation, dba Santa Barbara Window Cleaning, at Building 311, 1407-A&B Norman Firestone Road, at the Santa Barbara Airport, amending the "Premises", "Rental", and "Utilities" provisions of Agreement No. 21,295, effective September 1, 2004.

ACTION: Approved the recommendation; Agreement No. 21,295.1 (September 21, 2004, Airport Director's report).

9. SUBJECT: LEASE AGREEMENT WITH M/E, INC. (330.04)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a month-to-month Lease Agreement with M/E, Inc., a California Corporation, doing business as Santa Barbara News & Gift, for 273 square feet of Building 120, 114 William Moffett Place, at the Santa Barbara Airport, effective September 1, 2004, for a monthly rental of \$175, exclusive of utilities.

ACTION: Approved the recommendation; Agreement No. 21,502 (September 21, 2004, Airport Director's report).

10. SUBJECT: CONSENT TO ASSIGNMENT OF SERVICE CONTRACT FROM LEIGH FISHER ASSOCIATES TO JACOBS CONSULTANCY, INC. (560.01)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a Consent to Assignment of Contract No. 21,297 from Leigh Fisher Associates to Jacobs Consultancy, Inc., for Phase 2 airport financial feasibility services.

ACTION: Approved the recommendation; Contract No. 21,503 (September 21, 2004, Airport Director's report).

11. SUBJECT: CONTRACT WITH PADRE ASSOCIATES, INC., TO PERFORM SOLID WASTE ASSESSMENT AT ELINGS PARK LANDFILL (630.01)

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to negotiate and execute a contract with Padre Associates, Inc. (Padre), in the amount of \$79,670, for groundwater monitoring wells construction services, historical site review, groundwater and surface water monitoring program services, and report preparation services; and
- B. Authorize the Public Works Director to approve extra services for Padre that may result from necessary changes in the scope of work, at a total amount not to exceed \$3,985.

ACTION: Approved the recommendations; Contract No. 21,504 (September 21, 2004, Public Works Director's report).

12. SUBJECT: COMMUNITY PROMOTION CONTRACT WITH SUMMER SOLSTICE CELEBRATION, INC. (180.02)

RECOMMENDATION: That Council authorize the Finance Director to execute a Community Promotion contract with Summer Solstice Celebration, Inc., in an amount of \$45,914 to support year-round salary and product production expenses. The term of this agreement shall commence on October 1, 2004, and terminate on September 30, 2005.

SPEAKER:

Member of the Public: Executive Director Claudia Bratton, Summer Solstice, Inc.

ACTION: Approved the recommendation; Agreement No. 21,505 (September 21, 2004, Finance Director's report).

## NOTICES

14. The City Clerk has on Thursday, September 16, 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.
15. Receipt of Notice from the Housing Authority of the City of Santa Barbara that it will be updating its Conflict of Interest Code pursuant to Government Code Section 87306.
16. Pursuant to Government Code Section 87306, the City of Santa Barbara will be updating its Conflict of Interest Code no later than December 21, 2004.
17. Cancellation of the regular Redevelopment Agency meeting of September 21, 2004, due to lack of business.
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)
  - September 8, 2004; Senator Feinstein; requests support for Fiscal Year 2005 Energy and Water Development Appropriations: Lower Mission Creek Funding.
  - September 8, 2004; Senator Feinstein and Senator Boxer; request for support of Explosive Detection System (EDS) Installation Funding for Airport Security.

This concluded the Consent Calendar.

## **ORDINANCE COMMITTEE AND FINANCE COMMITTEE REPORTS**

### ORDINANCE COMMITTEE

19. SUBJECT: ORDINANCE COMMITTEE AGENDA, SEPTEMBER 21, 2004, 12:30 P.M. IN THE COUNCIL CHAMBER FOR CONSIDERATION OF AUTHORIZATION TO THE AIRPORT COMMISSION TO APPROVE LEASES (120.03)
20. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Helene Schneider reported that the Committee met to consider proposed amendments to the Municipal Code to authorize the Airport Commission to approve short-term leases; the Committee will forward the ordinance to the City Council in the near future.

## FINANCE COMMITTEE

21. SUBJECT: SPECIAL FINANCE COMMITTEE AGENDA, SEPTEMBER 21, 2004, 12:30 P.M., IN ROOM 15 (120.03)
- A. Interim Financial Statements for the Fiscal Year Ended June 30, 2004 (See Item No. 23); and
  - B. Program Fee for County to Continue Providing Community and Regional Solid Waste Services to the City.
22. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee met to consider a program fee for the County to continue providing community and regional solid waste services to the City; this item will be presented to the Council on October 5, 2004. Agenda Item 21 B was deferred to September 28, 2004.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### CITY ADMINISTRATOR

24. SUBJECT: COMMUNITY ENVIRONMENTAL COUNCIL - SOLAR ROOFS PARTNERSHIP (630.01)

RECOMMENDATION: That Council:

- A. Approve the City's participation with the Community Environmental Council's Million Solar Roofs Partnership Project;
- B. Direct the City Administrator to designate staff from the Public Works and Community Development Departments to represent the City in the Project; and
- C. Direct staff to explore the potential for new policy initiatives and solar application projects that might be feasible for implementation as interim measures.

DOCUMENTS:

- September 21, 2004, City Administrator's report.
- September 21, 2004, letter from Dr. Fritz G. Will.
- Photo of solar installation at UPS in Palm Springs with letter from Federal Aviation Administration Specialist Ronald Guyadeen, submitted by Christopher Farley.

(Cont'd)

24. (Cont'd)

**SPEAKERS:**

- Staff: City Special Projects Manager Don Olson, Community Development Director Paul Casey, Facilities Manager Mike Grimes.
- Members of the Public: Brian Farhi, Fronius USA; Christopher Farley, The Solar Energy Company, Inc.; Joddi Leipner, Santa Barbara County Planning and Development; Lawrence Thompson; Joe Campanelli, Santa Barbara Contractors Association; Ryan Park, REC Solar; Dr. Fritz G. Will.

**MOTION:**

Councilmembers Williams/Schneider to approve the recommendations and direct staff to: 1) prepare solar design guidelines by a date to be determined; 2) revise the planning review process to add a question related to whether a solar roof has been considered; and 3) return, in concept, to the Council in 120 days with a minimum 30 kilowatt demonstrated project.

**VOTE:**

Unanimous voice vote.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 4:19 p.m.

SANTA BARBARA CITY COUNCIL

JAMES L. ARMSTRONG  
CITY CLERK

ATTEST:

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

\_\_\_\_\_  
BRENDA ALCAZAR  
DEPUTY CITY CLERK