



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING May 4, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:00 p.m., and the Ordinance Committee 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: City Administrator/Clerk James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

### CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING MAY 2 – 16, 2004, AS NATIONAL PRESERVATION WEEK AND SANTA BARBARA PRESERVATION DAYS (120.04)

ACTION: Proclamation presented to Robert Maxim, Chair of the Pearl Chase Society's Preservation Days Committee.

2. SUBJECT: PROCLAMATION DECLARING MAY 2004 AS ELDER AND DEPENDENT ADULT ABUSE PREVENTION MONTH (120.04)

ACTION: Proclamation presented to Judith Wing, Member of the Elder Abuse Prevention Council.

3. SUBJECT: PROCLAMATION DECLARING MAY 2004 AS PUBLIC ACCESS AWARENESS MONTH (120.04)

ACTION: Proclamation presented to Santa Barbara Channels Executive Director Hap Freund.

4. SUBJECT: EMPLOYEE RECOGNITION - SERVICE AWARD PINS (410.01)

RECOMMENDATION: That Council authorize James L. Armstrong, City Administrator, to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through May 31, 2004.

DOCUMENTS:

May 4, 2004, Assistant City Administrator's report.

SPEAKERS:

Staff: Award Recipient Gregory Kennedy, City Administrator James Armstrong.

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

25-Year Pin

Gregory Kennedy, Police

20-Year Pin

Caroline Ortega, Finance

Roger Rodefeld, Public Works

Jose Arias, Public Works

Robert Zimmer, Waterfront

5-Year Pin

Deirdre Randolph, Community Development

Perry Cabugos, Public Works

Deane Carr, Parks and Recreation

Hipolito Aispuro, Parks and Recreation

**PUBLIC COMMENT**

SPEAKERS: Ken Loch, Lanny Ebenstein, Kate Smith and Bob Hansen.

**CONSENT CALENDAR** (Item Nos. 5 – 18)

The title of the ordinance related to Item No. 9 was read.

MOTION:

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

VOTE:

Unanimous roll call vote.

5. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of April 20, 2004.

ACTION: Approved the recommendation.

6. SUBJECT: NOTICE OF COMPLETION FOR STREET OVERLAY, RECONSTRUCTION, AND WATER MAIN REPLACEMENT PROJECT (530.04)

RECOMMENDATION: That Council accept the work completed by Lash Construction, Incorporated (Lash), Contract No. 21,046, for the Street Overlay, Reconstruction, and Water Main Replacement Project, Phase III, Bid No. 3363, in the final contract amount of \$469,689.98, including approved changes, and approve filing of a Notice of Completion.

ACTION: Approved the recommendation (May 4, 2004, Public Works Director's report).

7. SUBJECT: CONTRACT FOR SANTA BARBARA HIGH SCHOOL WATER WELL PROJECT (540.10)

RECOMMENDATION: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Beylik Drilling, Inc., in their low bid amount of \$374,000.00 for construction of the Santa Barbara High School Water Well Construction Project, Phase 1, Bid No. 3381; and
- B. Authorize the Public Works Director to approve expenditures up to \$93,500.00 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

ACTION: Approved the recommendations; Contract No. 21,397 (May 4, 2004, Public Works Director's report).

8. SUBJECT: STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT (520.04)

RECOMMENDATION: That Council:

- A. Accept an additional \$29,999.00 from the State of California Office of Traffic Safety for the California Seat Belt Compliance Campaign to be implemented by the Police Department, and authorize the Chief of Police to execute the grant agreement; and
- B. Appropriate the additional grant allocation of \$29,999.00 to the Miscellaneous Grant Fund.

(Cont'd)

8. (Cont'd)

ACTION: Approved the recommendations; Agreement No. 21,398 (May 4, 2004, report from the Chief of Police).

9. SUBJECT: ADOPTION OF ORDINANCE FOR RECYCLED WATER USER AGREEMENT (540.13)

RECOMMENDATION: That Council 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 Marborg Industries for Delivery of the City's Recycled Water to Marborg Industries Irrigation System Located at 119 North Quarantina Street, Santa Barbara County APN 017-030-006 and 017-030-007.

ACTION: Approved the recommendation; Ordinance No. 5317; Agreement No. 21,399.

#### NOTICES

10. The City Clerk has on Thursday, April 29, 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.
11. A special meeting of the City Council is scheduled on Monday, May 3, 2004, at 1:30 p.m. for a site visit to an unimproved portion of Voluntario Street between Canon Perdido Street and De La Guerra Street, which is the subject of a public hearing set for May 4, 2004, at 2:00 p.m. regarding a proposed abandonment.
12. Cancellation of the regular Redevelopment Agency meeting of May 4, 2004, at 2:00 p.m. due to lack of business.
13. A special Redevelopment Agency meeting will be held on Thursday, May 6, 2004, at 9:30 a.m., at the Library in the Faulkner Gallery, 40 East Anapamu Street, for a work session on the Redevelopment Agency Affordable Housing Funds.
14. A City Council site visit is scheduled on Monday, May 10, 2004, at 1:30 p.m. to the property located at 29 W. Calle Laureles, which is the subject of an appeal hearing set for May 11, 2004, at 6:00 p.m.
15. Received a memorandum advising of the vacancy created on the Creeks Advisory Committee with the departure of Member Wayne Ferren; the vacancy will be part of the next City Advisory Group recruitment. (540.03)

16. Received a letter of resignation from Building and Fire Code Board of Appeals Member Donald G. Sharpe; the vacancy will be part of the next City Advisory Group recruitment. (640.03)
17. City Advisory Group Recruitment Schedule:
  - A. The City Clerk's Office will accept applications through Monday, May 24, 2004, at 5:00 p.m. to fill vacancies on various City Advisory Groups;
  - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, June 8, 2004, at 6:00 p.m., and Tuesday, June 15, 2004, at 4:00 p.m. (Estimated Time); and
  - C. The City Council will make the appointment to fill the vacancies on various City Advisory Groups on Tuesday, June 22, 2004.
18. The Mayor Pro Tempore recently sent the following advocacy letter expressing the City's position, consistent with the Council-adopted Legislative Platform, on pending state or federal legislation: (160.02)
  - April 15, 2004: Assembly Member Ken Maddox; AB 1916 - Opposition to Occupancy Taxes: Exemption and Delinquencies

This concluded the Consent Calendar.

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

### **FINANCE COMMITTEE**

19. SUBJECT: SPECIAL FINANCE COMMITTEE AGENDA, MAY 4, 2004, 12:00 P.M. IN ROOM 15 FOR CONSIDERATION OF THE FISCAL YEAR 2005 RECOMMENDED BUDGET FOR COMMUNITY DEVELOPMENT AND PUBLIC WORKS DEPARTMENTS (120.03)
20. SUBJECT: REPORT FROM THE FINANCE COMMITTEE  

Finance Committee Chair Dan Secord reported that the Committee heard presentations from Community Development and Public Works staff covering their proposed department budgets for Fiscal Year 2005.
21. SUBJECT: SPECIAL ORDINANCE COMMITTEE AGENDA, MAY 4, 2004, 12:30 P.M. IN THE COUNCIL CHAMBER FOR CONSIDERATION OF PROPOSED MUNICIPAL CODE AMENDMENTS PERTAINING TO BURGLARY AND ROBBERY ALARM SYSTEMS (120.03)

22. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Helene Schneider reported that the Committee considered proposed Municipal Code amendments pertaining to burglary and robbery alarm systems. The Committee acted to forward the proposal to Council for conceptual review.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

INFORMATION:

- Mayor Blum mentioned her attendance at an Optimist Club luncheon honoring the Santa Barbara Police Department.
- Councilmember Williams reported on recent meetings of the Santa Barbara Region Chamber of Commerce and the Park and Recreation Commission.
- Councilmember Horton commented on the commemoration of the Conference & Visitors Bureau's 50<sup>th</sup> anniversary with a Tourism Time Capsule and also mentioned a recent Navy League shipboard reception.
- Councilmember Schneider reported on her attendance, along with Councilmember Williams, at an academy for new Councilmembers sponsored by the League of California Cities.
- Councilmember Barnwell remarked upon his efforts to effect renewed collaboration between the City and the Santa Barbara School District.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

PARKS AND RECREATION DEPARTMENT

23. SUBJECT: PROPOSED ALLOCATION OF PROPOSITION 40 FUNDING FOR CAPITAL IMPROVEMENT PROJECTS (570.07)

RECOMMENDATION: That Council:

- A. Approve allocation of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) funds, in both the Per Capita Grant Program and the Roberti-Z'berg-Harris Urban Open Space and Recreation Program, to fund Parks and Recreation capital improvement projects;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Applicant to Apply for Grant Funds for the Per Capita Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Applicant to Apply for Grant Funds for the Roberti-Z'berg-Harris Block Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

(Cont'd)

23. (Cont'd)

DOCUMENTS:

- May 4, 2004, Parks and Recreation Director's report.
- Proposed Resolutions.

The titles of the resolutions were read.

SPEAKERS:

Staff: Parks and Recreation Business Manager Nancy Woods, Acting Parks and Recreation Director Nancy Rapp.

MOTION:

Councilmembers Secord/Falcone to approve the recommendations; Resolution Nos. 04-026 and 04-027.

VOTE:

Unanimous roll call vote.

FIRE DEPARTMENT

25. SUBJECT: WILDLAND FIRE PLAN (520.03)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Wildland Fire Plan, Adopting Certain Findings Regarding an Environmental Impact Report, and Approving a Statement of Overriding Considerations Under the California Environmental Quality Act;
- B. Direct staff to proceed with implementation of the Wildland Fire Plan; and
- C. Direct staff to explore funding opportunities for implementation of the Policies and Actions outlined in the Wildland Fire Plan.

DOCUMENTS:

- May 4, 2004, report from the Fire Chief.
- City of Santa Barbara Wildland Fire Plan, dated January 21, 2004.
- Final Program Environmental Impact Report for the Wildland Fire Plan, dated February 2004.
- Proposed Resolution.
- May 3, 2004, letter from The Riviera Association.

The title of the resolution was read.

(Cont'd)

25. (Cont'd)

**SPEAKERS:**

- Staff: Fire Chief Warner McGrew.
- Members of the Public: Brigitte Forssell, Riviera Association; Jenny Cushnie, Mission Canyon Association.

**MOTION:**

Councilmembers Barnwell/Secord to approve the recommendations, adopt Resolution No. 04-028, and direct Staff to deliver a copy of the Final Environmental Impact Report for the Wildland Fire Plan to the Santa Barbara Historical Museum.

**VOTE:**

Unanimous roll call vote.

**MAYOR AND COUNCIL REPORTS**

24. SUBJECT: ARCHITECTURAL BOARD OF REVIEW LANDSCAPE ARCHITECT INTERVIEWS AND APPOINTMENT (640.03)

RECOMMENDATION: That Council conduct interviews of applicants for the unscheduled vacancy, and make the appointment to fill the Architectural Board of Review Landscape Architect position whose term will end on December 31, 2004.

(Estimated Time: 3:00 p.m.)

**DOCUMENTS:**

May 4, 2004, Assistant City Administrator's report.

**SPEAKERS:**

Applicant: Randall Mudge.

**MOTION:**

Councilmembers Schneider/Barnwell to appoint Randall Mudge to the Landscape Architect position on the Architectural Board of Review for a term expiring December 31, 2004.

**VOTE:**

Unanimous voice vote.

**RECESS**

3:32 p.m. – 3:46 p.m.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

### **COMMUNITY DEVELOPMENT DEPARTMENT**

25. SUBJECT: REZONE REQUEST FOR 535 EAST MONTECITO STREET  
(640.09)

RECOMMENDATION: That Council initiate a Zoning Ordinance Amendment (i.e., Specific Plan and/or Affordable Housing Overlay Zone) to allow an affordable housing project for the property located at 535 East Montecito Street.

#### DOCUMENTS:

- May 4, 2004, Community Development Director's report.
- May 4, 2004, letter from Jay Jaeger.
- May 4, 2004, letter from Citizens Planning Association of Santa Barbara County, Inc.

#### SPEAKERS:

- Staff: Associate Planner Trish Allen, Community Development Director Paul Casey, City Planner Bettie Hennon, Housing Programs Supervisor Steven Faulstich.
- Housing Authority of the City of Santa Barbara: Executive Director Robert Pearson.
- Members of the Public: Kevin Fewell; Naomi Kovacs, Citizens Planning Association; David Fortson, Santa Barbara County Action Network; Architect Detlev Peikert.

#### MOTION:

Councilmembers Schneider/Williams to approve the recommendation.

#### VOTE:

Unanimous voice vote.

### **PUBLIC HEARINGS**

27. SUBJECT: PROPOSED ABANDONMENT OF UNIMPROVED PORTION OF VOLUNTARIO STREET (530.04)

#### RECOMMENDATION: That Council:

- A. Hold a public hearing regarding the proposed vacation and abandonment of an unimproved portion of Voluntario Street between Canon Perdido Street and De La Guerra Street; and

(Cont'd)

27. (Cont'd)

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, California, Ordering the Vacation and Abandonment of a Certain Unimproved Portion of Voluntario Street Between Canon Perdido Street and De La Guerra Street Within the City Limits of Said City, Reserving Certain Easements Against APNs 031-053-022, 031-053-023, and 031-060-001, and Providing for the Recordation of this Resolution.

DOCUMENTS:

- May 4, 2004, Public Works Director's report.
- Proposed Resolution.
- Document entitled "Voluntario Street Abandonment," submitted by Greg Tice during the public hearing.
- Affidavits of Publication and Posting.

The title of the resolution was read.

PUBLIC HEARING OPENED:

5:09 p.m.

SPEAKERS:

- Staff: Real Property Agent Dave Evans, who recommended that the proposed resolution be revised to condition the abandonment upon the installation of minimal public trail improvements by the adjacent property owners.
- Member of the Public: Greg Tice.

PUBLIC HEARING CLOSED:

5:19 p.m.

MOTION:

Councilmembers Secord/Horton to approve the recommendations;  
Resolution No. 04-029, as revised.

VOTE:

Unanimous roll call vote.

**RECESS**

5:20 p.m. – 5:25 p.m.

## **CLOSED SESSIONS**

28. SUBJECT: CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (160.03)

RECOMMENDATION: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is James Robert Begg v. City of Santa Barbara, et al., SBSC Case No. 1112953.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

### **DOCUMENTS:**

May 4, 2004, City Attorney's report.

### **TIME:**

5:25 p.m. – 6:00 p.m.

No report made.

## **RECESS**

6:00 p.m. – 6:22 p.m.

Mayor Pro Tempore Falcone presiding.

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

Councilmembers absent: Horton, Mayor Blum.

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

### **ANNOUNCEMENT:**

City Attorney Stephen Wiley reported that the Council met in closed session for Item No. 28; no reportable action was taken during the closed session.

## **PUBLIC COMMENT**

SPEAKERS: Jennifer Stroh and Callie Bowdish.

**PUBLIC HEARINGS**

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

RECOMMENDATION: That Council:

- A. Continue the public hearing from April 27, 2004, on the Fiscal Year 2005 recommended budget;
- B. Hear a report from staff, which will provide an overview of the Special and Enterprise Funds' proposed budgets; and
- C. Continue the public hearing to the Tuesday, May 11, 2004, Council meeting's afternoon session.

DOCUMENTS:

- May 4, 2004, Finance Director's report.
- PowerPoint presentation made by Staff.

PUBLIC HEARING OPENED (Continued from April 27, 2004):  
6:28 p.m.

SPEAKERS:

Staff: Administrative Analyst Jill Taura, Finance Director Robert Peirson, City Administrator James Armstrong.

By consensus, the Council continued the public hearing to May 11, 2004.

**ADJOURNMENT**

Mayor Pro Tempore Falcone adjourned the meeting at 7:09 p.m. to Monday, May 10, 2004, at 1:30 p.m. for a site visit to 29 W. Calle Laureles.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

\_\_\_\_\_ ATTEST: \_\_\_\_\_  
MARTY BLUM SUSAN TSCHECH  
MAYOR DEPUTY CITY CLERK

\_\_\_\_\_  
IYA G. FALCONE  
MAYOR PRO TEMPORE