



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING November 22, 2005 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Ordinance Committee and the Finance Committee both met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

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

Councilmembers absent: Helene Schneider, Das Williams.

Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

### PUBLIC COMMENT

Speakers: Michael Self and Scott Wenz.

Councilmember Williams arrived at the meeting at 2:06 p.m.

### COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Horton commented on the meeting sponsored by the Santa Barbara County Chamber of Commerce regarding regional transportation issues.
- Councilmember Secord reported on the proceedings of the recent meeting of the California Coastal Commission.
- Councilmember Barnwell remarked on capital projects to improve transportation in the Coast Village Road business area.

(Cont'd)

Information (Cont'd):

- Councilmember Williams reported on the League of Women Voters' forum regarding building projects proposed for the Gaviota Coast, and on a hearing that considered conversion technology.
- Mayor Blum commented on the recent ceremony to award graduates of the Family Self-Sufficiency program.

**CONSENT CALENDAR (Item Nos. 1 – 6 and 8 – 10)**

The titles of the resolutions related to Item Nos. 2 and 6 were read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Schneider).

**1. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of November 8, 2005.

Action: Approved the recommendation.

**2. Subject: Proposed Summary Abandonment Of Superseded Waterline Easement Located At 3288 Foothill Road (540.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, California, Adopting an Order Summarily Vacating and Abandoning a Certain Unused Waterline Easement Located at 3288 Foothill Road (Santa Barbara County Assessor's Parcel Numbers 055-172-036 and -037) Within the Limits of Said City, and Providing for the Recordation of this Resolution.

Action: Approved the recommendation; Resolution No. 05-091 (November 22, 2005, Public Works Director's report; proposed resolution).

**3. Subject: Approval Of Parcel Map And Execution Of Agreements For 1237 East Cota Street (640.08)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Parcel Map No. 20,720 by Mitchell E. Morehard and find the Parcel Map in conformance with the General Plan for the City of Santa Barbara (City); and

(Cont'd)

**3. (Cont'd)**

- 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 recommendations; Agreement No. 21,895 (November 22, 2005, Public Works Director's report).

**4. Subject: Tobacco Prevention Program (800.07)**

Recommendation: That Council:

- A. Accept a grant from the Santa Barbara County Health Department in the amount of \$5,000; and
- B. Increase estimated revenue in the amount of \$5,000 and appropriate the funds to the Fiscal Year 2006 Miscellaneous Grant Fund.

Action: Approved the recommendations (November 22, 2005, report from the Chief of Police).

**5. Subject: Contract For Punta Gorda - Voluntario Street Improvements Project (530.04)**

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Lash Construction Company (Lash) for their low bid amount of \$354,759.00 for construction of the Punta Gorda - Voluntario Street Improvements Project, Bid No. 3449; and
- B. Authorize the Public Works Director to approve expenditures up to \$35,475.00 for Lash 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. 21,896 (November 22, 2005, Public Works Director's report).

**6. Subject: Customer Facility Charge - Rental Car Contracts (560.01)**

Recommendation: That City Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Establishment of a Customer Facility Charge to be Imposed by and Collected by All On-Airport Rental Car Companies, to be Used for the Purpose of Financing, Designing and Constructing a Consolidated Rental Car Maintenance and Storage Facility at the Airport.

(Cont'd)

**6. (Cont'd)**

Action: Approved the recommendation; Resolution No. 05-092 (November 22, 2005, Airport Director's report; proposed resolution).

Agenda Item No. 7 appears in the Redevelopment Agency minutes.

**NOTICES**

8. The City Clerk has on Thursday, November 17, 2005, 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.
9. Cancellation of the regular City Council meeting of November 29, 2005, due to lack of a quorum.
10. Received a letter of resignation from Civil Service Commissioner Charles Quintero; the vacancy is part of the current City Advisory Group recruitment. (420.03)

This concluded the Consent Calendar.

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Iya Falcone reported that the Committee reviewed and approved proposed amendments to the Municipal Code pertaining to structural code requirements. The ordinance amendments will be submitted to Council for introduction and subsequent adoption in the near future.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dan Secord reported that the Committee had reviewed 1) October 2005 Investment Report – the Committee accepted this report as well as the September 30, 2005, Fiscal Agent Report, and forwarded both for Council consideration (Agenda Item No. 13); and 2) Redevelopment Agency Interim Financial Statements for the Three Months Ended September 30, 2005 - these statements were approved by Council as part of this Agenda's Consent Calendar. Additionally, the Committee heard a Staff presentation of the Updated General Fund Multi-Year Forecast, which will be presented to the Council early next year as part of a budget item.

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

### CITY ADMINISTRATOR

#### **11. Subject: Introduction Of Ordinance Regarding Hourly Employees (440.02)**

Recommendation: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Hourly Employees' Bargaining Unit, for the Period of October 31, 2005, through October 31, 2008, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting a Memorandum of Understanding Between the City of Santa Barbara and the Service Employees' International Union, Local 620, Hourly Employees' Bargaining Unit; and
- B. Authorize the appropriation of funds from the respective Unappropriated Reserves to the respective Fiscal Year 2006 Budgets, in the funds and amounts listed in the "Appropriations by Fund" document, to account for salary and benefit Increases related to the new agreement.

Documents:

- November 22, 2005, Assistant City Administrator's report.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Employee Relations Manager Kristy Schmidt.

Motion:

Councilmembers Williams/Horton to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Schneider).

### COMMUNITY DEVELOPMENT DEPARTMENT

#### **12. Subject: Green Building Incentive Program (640.04)**

Recommendation: That Council provide direction to staff to implement a green building incentive program.

(Cont'd)

**12. (Cont'd)**

Documents:

- November 22, 2005, Community Development Director's report, including a Draft Incentive Program.
- Built Green Santa Barbara "Remodeler Self-Certification Checklist, submitted by Joe Campanelli.

Speakers:

- Staff: Community Development Director Paul Casey.
- Members of the Public: Joe Campanelli, Santa Barbara Contractors' Association; Dan George, Built Green Santa Barbara.

Motion:

Councilmembers Horton/Barnwell to direct Staff to implement the Draft Incentive Program.

Vote:

Unanimous voice vote (Absent: Councilmember Schneider).

Councilmembers Falcone and Williams left the meeting at 2:47 p.m.

FINANCE DEPARTMENT

**13. Subject: October 31, 2005, Investment Report and September 30, 2005, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the October 31, 2005, Investment Report; and
- B. Accept the September 30, 2005, Fiscal Agent Report.

Documents:

November 22, 2005, Finance Director's report.

Speakers:

Staff: Treasury Manager Cynthia Odell.

Motion:

Councilmembers Secord/Barnwell to accept the reports.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, Schneider, Williams).

Councilmember Falcone returned to the meeting at 2:53 p.m.; Councilmember Williams returned at 3:00 p.m.

PUBLIC WORKS DEPARTMENT

**14. Subject: Appropriation of Traffic Congestion Relief Program Funds (530.05)**

Recommendation: That Council:

- A. Accept Traffic Congestion Relief Program (TCRP) funding in the amount of \$82,000; and
- B. Increase the estimated Fiscal Year 2006 Streets Capital Program Fund revenues by \$82,000, and appropriate this amount to the Fiscal Year 2006 Streets Capital Program.

Documents:

November 22, 2005, Public Works Director's report.

Speakers:

Staff: Transportation Manager Browning Allen, Supervising Transportation Engineer Tully Clifford.

Motion:

Councilmembers Horton/Barnwell to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Schneider).

**15. Subject: Support For Neighborhood Utility Undergrounding Projects (530.07)**

Recommendation: That Council:

- A. Consider a draft policy statement for City assistance in the creation of Underground Utility Assessment Districts and direct staff accordingly; and
- B. Direct staff to prepare an amendment to Municipal Code Section 4.60.100 to increase the minimum percentage of property owners necessary to petition to form an Assessment District, from a minimum of ten percent (10%) to a minimum of sixty percent (60%) of the affected property owners.

Documents:

November 22, 2005, Public Works Director's report, including a Draft Policy Statement.

Speakers:

Staff: Public Works Director Anthony Nisich, Principal Engineer Homer Smith, City Administrator James Armstrong.

Councilmember Secord left the meeting at 3:22 p.m.

(Cont'd)

**15. (Cont'd)**

Motion:

Councilmembers Horton/Williams to approve the draft policy statement (recommendation A) and approve recommendation B.

Vote:

Unanimous voice vote (Absent: Councilmembers Schneider, Secord).

**RECESS**

The Mayor recessed the meeting at 3:36 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 17 – 19. City Attorney Stephen Wiley stated there would be no reportable action taken during the closed sessions. Councilmember Secord was present for the closed sessions.

**CLOSED SESSIONS**

**17. Subject: Conference With Legal Counsel - Anticipated 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. Pending litigation considered is: Richard Latini v. City of Santa Barbara, WCAB, case number GOL Unassigned.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Continued from November 15, 2005)

Documents:

November 15, 2005, Finance Director's report.

Time:

3:39 p.m. – 3:45 p.m.

No settlement approved.

**18. 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. Pending litigation considered is: Travis Henry v. City of Santa Barbara, WCAB, case numbers OXN 0131246; OXN 0131247; OXN 0136310.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Continued from November 15, 2005)

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**18. (Cont'd)**

Documents:

November 15, 2005, Finance Director's report.

Time:

3:45 p.m. – 3:51 p.m.

No settlement approved.

**19. Subject: Conference With Legal Counsel - Anticipated 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. Pending litigation considered is: James French v. City of Santa Barbara, WCAB, case number VNO 0492464.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Continued from November 15, 2005)

Documents:

November 15, 2005, Finance Director's report.

Time:

3:51 p.m. – 3:57 p.m.

No settlement approved.

**RECESS**

3:57 p.m. – 4:00 p.m.

**MAYOR AND COUNCIL REPORTS**

**16. Subject: City Advisory Group Interviews (140.05)**

Recommendation: That Council hold interviews of applicants to various City Advisory Groups at an estimated time of 4:00 p.m.

(Estimated Time: 4:00 p.m.)

Documents:

November 22, 2005, Assistant City Administrator's report.

(Cont'd)

**16. (Cont'd)**

Speakers:

The following applicants were interviewed:

Airport Commission:

Paul Trent

Charles Foley

Architectural Board of Review:

Dawn Sherry

Laurie Romano

Arts Advisory Committee:

Phyllis de Picciotto

Gail Pine

Tom Morey

Civil Service Commission:

William Simms

Community Development and Human Services Committee:

Lorraine Cruz Carpenter

Ella Surman

Dorothy Littlejohn

Community Events and Festivals Committee:

Jason McCarthy

Katrina Carl

Creeks Advisory Committee:

Bruce Klobucher

Eddie Harris

George Weber

Downtown Parking Committee:

Joan Truscott

Harley Augustino

James Hammock

Fire and Police Commission:

Janice Canby

Patrick Lennon, Jr.

Fire and Police Pension Commission:

Richard Glaus

Franklin Center Advisory Committee:

Araceli Villalpando

Gloria Desales

Eriberto Torres

Historic Landmarks Commission:

Louise Boucher

Housing Authority Commission:

Richard Nelson

(Cont'd)

**16. (Cont'd)**

Speakers (Cont'd)

Park Commission and Recreation Commission:

Ada Conner

Planning Commission:

Addison Thompson

Rental Housing Mediation Task Force:

Marshall Sherrill

Esther Aguilera

Appointments to fill these vacancies are scheduled for December 13, 2005.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 5:01 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

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

ATTEST: \_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK