



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING May 7, 2002 COUNCIL CHAMBER, DE LA GUERRA PLAZA

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### CALL TO ORDER

Mayor Marty Blum called the meeting 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 Blum.

### ROLL CALL

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

Councilmembers absent: Gregg A. Hart.

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

### CEREMONIAL ITEMS

#### Proclamations

1. SUBJECT: PROCLAMATION DECLARING THE MONTH OF MAY 2002, AS VETERANS APPRECIATION MONTH. (120.04)

ACTION: Proclamation presented to Tom Wilkes, Santa Barbara Employment Development Department.

2. SUBJECT: PROCLAMATION DECLARING THE WEEK OF MAY 4 – 12, 2002, AS NATIONAL TOURISM WEEK (120.04)

ACTION: Proclamation presented to "B" Corkery, Executive Director, Santa Barbara Conference & Visitors Bureau.

Presentations

3. 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, 2002.

DOCUMENTS:

May 7, 2002, Assistant City Administrator's report.

SPEAKERS:

Staff: City Administrator James L. Armstrong.

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

30-Year Pin

Steve Felix, Fire Captain, Fire

Tim Small, Fire Engineer, Fire

25-Year Pin

John Martinez, Firefighter, Fire

15-Year Pin

Roxanne Milazzo, Assistant Planner, Community Development

Rosie Calvillo, Senior Office Specialist, Police

10-Year Pin

Michael Carricaburu, Senior Grounds Maintenance Worker, Airport

John Weninger, Police Officer, Police

5-Year Pin

Irene Olson, Library Services Manager, Library

Christina Hunt, Senior Office Specialist, Police

Brian Slagle, Assistant Parking Coordinator, Waterfront

4. SUBJECT: ACCEPTANCE OF \$10,000 SANTA BARBARA REGION CHAMBER OF COMMERCE GIFT IN HONOR OF HARRIET MILLER AND THE 100<sup>TH</sup> ANNIVERSARY OF CITY PARKS (570.08)

RECOMMENDATION: That Council:

- A. Accept a \$10,000 gift from the Santa Barbara Region Chamber of Commerce in honor of Harriet Miller and the 100<sup>th</sup> anniversary of the City parks; and
- B. Increase estimated revenues and appropriations in the Fiscal Year 2001-2002 Miscellaneous Grant Fund for the Parks and Recreation Department in the amount of \$10,000.

(Cont'd)

4. (Cont'd)

DOCUMENTS:

May 7, 2002, Parks and Recreation Director's report.

SPEAKERS:

Santa Barbara Region Chamber of Commerce: Executive Director Steve Cushman.

MOTION:

Councilmembers Secord/Horton to approve the recommendations and thank the Santa Barbara Region Chamber of Commerce for their gift.

VOTE:

Unanimous voice vote (Absent: Councilmember Hart).

**PUBLIC COMMENT**

SPEAKERS: David Asbell, Bob Baum, Ken Loch, and Frank Becchio.

**CONSENT CALENDAR** (Item Nos. 5 – 16)

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

MOTION:

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

VOTE:

Unanimous voice vote (Absent: Councilmember Hart).

5. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the adjourned regular meeting of April 22, the regular meeting of April 23, and the adjourned regular meeting of April 26, 2002.

ACTION: Approved the recommendation.

6. SUBJECT: AMENDMENT TO SETBACK LINES ON DE LA VINA STREET (640.09)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Repealing Sections 28.83.087 and 28.83.097 Pertaining to De La Vina Street Setbacks. (Introduced on April 30, 2002)

ACTION: Approved the recommendation; Ordinance No. 5235 (Previous documents submitted on April 30, 2002).

7. SUBJECT: OUTDOOR VENDING MACHINE REGULATIONS (520.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 22.70 of the Santa Barbara Municipal Code by Adding a New Section, Section 22.70.095, With Respect to the Installation and Use of Vending Machines Visible From City Public Rights-of-Way and Areas Open to Public Access (introduced on April 30, 2002); and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Outdoor Vending Machine Design Guidelines Pertaining to the Design Appearance and Placement of Outdoor Vending Machines.

ACTION: Approved the recommendations; Ordinance No. 5236; Resolution No. 02-054 (May 7, 2002, Community Development Director's report).

8. SUBJECT: PURCHASE OF ELECTRONIC RECORDS MANAGEMENT SYSTEM (530.01)

RECOMMENDATION: That Council authorize the General Services Manager to issue a Purchase Order to Decision Management Company, Inc. (DMC), in an amount not to exceed \$33,655.08, for the acquisition and installation of the Questys document imaging/management software for an electronic records management system, and import of existing indexes and images into the system.

ACTION: Approved the recommendation (May 7, 2002, Public Works Director's report).

9. SUBJECT: AWARD AND EXECUTION OF PURCHASE ORDER CONTRACT FOR SPEED HUMPS PROGRAM FY 2001-2002, BID NO. 3335 (530.05)

RECOMMENDATION: That Council:

- A. Authorize the General Services Manager to issue a purchase order to Lash Construction, Incorporated (Lash), in their low bid amount of \$36,250, for construction of the Speed Humps Program FY 2001-2002, Bid No. 3335; and
- B. Authorize the Public Works Director to approve expenditures up to \$3,600 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 (May 7, 2002, Public Works Director's report).

10. SUBJECT: FINAL COMMUNITY PRIORITY DESIGNATION (640.09)

RECOMMENDATION: That Council find that the proposed project by Santa Barbara Neighborhood Clinics, located at 915 N. Milpas Street, meets a present need directly related to public health, safety, or general welfare and grant the project a Final Community Priority Designation for 2,518 square feet of floor area.

SPEAKERS:

Staff: Community Development Director David Davis.

ACTION: Approved the recommendation (May 7, 2002, Community Development Director's report).

11. SUBJECT: LEGISLATIVE REPORT (160.02)

RECOMMENDATION: That Council take the following action regarding legislative matters:

- A. SUPPORT SB 1523 (Sher) and SB 1619 (Romero), which would establish a state program to recycle cathode ray tubes (CRTs) and CRT devices;
- B. OPPOSE AB 1839 (Campbell), which would authorize a public agency to require that an agreement or contract made with a design professional include a provision to defend, indemnify, or hold harmless, the public agency for the negligence, recklessness, or willful misconduct of the design professional and other persons employed or utilized by the design professional;
- C. OPPOSE SB 2247 (Salinas), which would permit an owner of real property, or his or her agent, to display various signs in the public right-of-way;
- D. SUPPORT SB 1807 (Chesbro), which would expand the conditions under which a peace officer must take temporary custody of a firearm or other deadly weapon at the scene of a domestic violence incident involving a threat to human life or physical assault and change the standard of proof for the initial petition to superior court regarding return of weapons so confiscated; and
- E. Authorize the Mayor to send letters to and, as needed, contact legislators, the League of California Cities, and other appropriate parties to convey the City's position.

ACTION: Approved the recommendations (May 7, 2002, City Administrator's report).

NOTICES

12. The City Clerk has on Friday, May 3, 2002, at 3:00 p.m. posted this agenda in the Office of the City Clerk and on the City Hall Public Notice Board on the outside balcony of City Hall.

13. Special Finance Committee meeting, May 7, 2002, at 12:30 p.m. in Room 15 for consideration of the Recommended Operating and Capital Budget for Fiscal Year 2003. (120.03)
14. Redevelopment Agency meeting, May 7, 2002, at 2:00 p.m. in the Council Chamber. (620.03)
15. Joint City Council/Redevelopment Agency meeting, May 7, 2002, at 2:00 p.m. (620.03)
16. Cancellation of the regular City Council meeting of May 28, 2002, due to lack of a quorum. (120.09)

This concluded the Consent Calendar.

### **REPORT FROM FINANCE COMMITTEE**

17. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee met to consider the Recommended Operating and Capital Budget for Fiscal Year 2003. Finance Director Robert Peirson reported that there is a Public Hearing on the Recommended Budget tonight (Item No. 26) and two additional Public Hearings on May 21, and June 4, 2002.

### **RECESS**

2:25 p.m. – 3:27 p.m., during which time the first portion of the Redevelopment Agency meeting, Item Nos. 18 – 20, was completed.

### **JOINT REDEVELOPMENT AGENCY/CITY COUNCIL SESSION**

The City Council and the Redevelopment Agency convened in joint session at 3:27 p.m. Council/Agency member Falcone left the meeting at 3:27 p.m.

21. SUBJECT: 210 WEST VICTORIA/219 WEST SOLA STREET - PREDEVELOPMENT LOAN TO PEOPLES' SELF-HELP HOUSING CORPORATION FOR CONSTRUCTION OF AFFORDABLE HOUSING (660.04)

**RECOMMENDATION:**

- A. That Council approve a \$21,000 predevelopment loan to Peoples' Self-Help Housing Corporation for the construction of new affordable housing at 219 West Sola Street and authorize the City Administrator to execute a loan agreement and other related documents in a form acceptable to the City Attorney; and

(Cont'd)

21. (Cont'd)

- B. That the Redevelopment Agency Board approve a \$90,000 predevelopment loan to Peoples' Self-Help Housing Corporation for the construction of new affordable housing at 219 West Sola Street and authorize the Executive Director to execute a loan agreement and other related documents in a form acceptable to Agency Counsel.

**DOCUMENTS:**

May 7, 2002, Deputy Director's report.

**SPEAKERS:**

Staff: Project Planner Simon Kiefer.

**MOTION:**

Council/Agency members Horton/Folayemi to approve the recommendations; City Council Agreement No. 20,631; Redevelopment Agency Agreement No. RO-389.

**VOTE:**

Unanimous voice vote (Absent: Council/Agency members Falcone, Hart).

The City Council and Redevelopment Agency joint session concluded at 3:31 p.m. The Council remained in session.

**RECESS**

3:31 p.m. – 3:42 p.m. Councilmember Falcone was present when the Council reconvened.

**ADMINISTRATIVE AND ATTORNEY REPORTS**

ADMINISTRATIVE SERVICES DEPARTMENT

22. SUBJECT: ELECTION COST FOR NOVEMBER 2001 (110.03)

RECOMMENDATION: That Council allocate \$87,225 from the General Fund Appropriated Reserve to the City Clerk's Office budget.

**DOCUMENTS:**

May 7, 2002, Assistant City Administrator's report.

**SPEAKERS:**

Staff: City Clerk Services Manager Mabi Covarrubias Plisky.

**MOTION:**

Councilmembers Secord/Falcone to approve the recommendation.

**VOTE:**

Unanimous voice vote (Absent: Councilmember Hart)

City Attorney Daniel Wallace left the meeting at 3:51 p.m., during which time Assistant City Attorney Stephen Wiley took his place.

COMMUNITY DEVELOPMENT DEPARTMENT

23. SUBJECT: DEVELOPMENT POTENTIAL OF CERTAIN CITY-OWNED PROPERTY (330.01)

RECOMMENDATION: That Council receive a report from staff on the methodology proposed for examining the potential for developing certain property owned by the City.

DOCUMENTS:

May 7, 2002, Community Development Director's report.

SPEAKERS:

Staff: Housing Programs Supervisor Steven Faulstich, Housing and Redevelopment Manager David Gustafson.

ACTION:

The Council received the report.

**ANNOUNCEMENT**

Assistant City Attorney Stephen Wiley announced that Closed Session Item No. 25 would be held during the evening session.

**RECESS**

4:07 p.m. – 4:08 p.m.

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

RECOMMENDATION: That Council hold a closed session to consider anticipated litigation pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed. There is significant exposure to litigation: one potential case.

Scheduling: Duration, 10 minutes; anytime

DOCUMENTS:

May 7, 2002, City Attorney's report.

TIME:

4:08 p.m. – 4:35 p.m.; Councilmember Hart was absent.

## **RECESS**

4:35 p.m. – 6:00 p.m.

Mayor Blum presiding.

Councilmembers present: Fairly, Fodayemi, Horton, Mayor Blum.

Councilmembers absent: Falcone, Hart, Secord.

Staff present: City Administrator/Clerk Armstrong, City Attorney Wallace, Deputy City Clerk Alcazar.

## **RECESS**

6:00 p.m. – 6:02 p.m.

25. SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING 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. In re *Margaret Hause and Juanita Ullemeyer v. City of Santa Barbara*, Case No. 1035230, Santa Barbara Superior Court.

Scheduling: Duration, 15 minutes; anytime

### DOCUMENTS:

May 7, 2002, City Attorney's report.

### TIME:

6:02 p.m. – 6:33 p.m. Councilmember Hart was absent.

## **RECESS**

6:33 p.m. – 6:35 p.m. Councilmembers Falcone and Secord were present when the Council reconvened.

## **ANNOUNCEMENT**

City Attorney Daniel Wallace reported that the Council met in closed session for Item Nos. 24 and 25 and there was nothing to report at this time.

## **PUBLIC COMMENT**

SPEAKERS: No one wished to speak.

## **PUBLIC HEARING**

### **26. SUBJECT: FISCAL YEAR 2003 RECOMMENDED BUDGET (230.05)**

#### **RECOMMENDATION: That Council:**

- A. Continue the public hearing on the Fiscal Year 2003 Recommended Budget;
- B. Hear funding requests from the following organizations:
  - 1. Santa Barbara South Coast Community Indicators Project
  - 2. Gay Santa Barbara
  - 3. Community Energy Alliance
  - 4. John E. Profant Foundation For The Arts
- C. Refer funding requests to the Finance Committee for consideration at the Tuesday, May 21, 2002, Committee meeting;
- D. Hear a presentation from staff on the Fiscal Year 2003 Recommended Budget; and
- E. Continue the public hearing on the Fiscal Year 2003 Recommended Budget to Tuesday, May 21, 2002, at 2:00 p.m.  
Affidavit of Publication – Noticed for 6:00 p.m. Session

#### **DOCUMENTS:**

- May 7, 2002, Finance Director's report.
- Power Point presentation prepared by staff.
- May 7, 2002, Summary of Requests from Outside Organizations prepared by staff.
- May 7, 2002, facsimile from the Santa Barbara County Taxpayers Association.
- Affidavit of Publication.

#### **PUBLIC HEARING OPENED:**

6:37 p.m.

#### **SPEAKERS:**

- Staff: Assistant Finance Director Robert Samario, Police Chief Camerino Sanchez, Deputy Fire Chief Mitch Vaughn, Parks and Recreation Director Richard Johns, Public Works Director Anthony Nisich, Community Development Director David Davis.
- Members of the Public: Claudia Bratton, Summer Solstice; Peter Jeschke, Community Energy Alliance; Charles Rice, Executive Director, Gay Santa Barbara; Marie Profant, Founder, Foundation for the Arts; Eric Sonquist, South Coast Community Indicators Project.

## **RECESS**

7:43 p.m. – 7:52 p.m.

26. (Cont'd)

**SPEAKERS (Cont'd):**

- Staff: Assistant Finance Director Robert Samario, Airport Director Karen Ramsdell, Parks and Recreation Director Richard Johns, Water Resources Manager Bob Roebuck, Principal Civil Engineer Homer Smith.

**MOTION:**

Councilmembers Secord/Falcone to approve the recommendations and to refer the funding requests in Recommendation B and the funding request from Summer Solstice to the Finance Committee.

**VOTE:**

Unanimous voice vote (Absent: Councilmember Hart)

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 8:30 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

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

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR  
DEPUTY CITY CLERK