



## CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING**  
**September 16, 2008**  
**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 2:03 p.m. (The Finance Committee and Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Grant House, Das Williams, Mayor Blum.

Councilmembers absent: Roger L. Horton, Helene Schneider.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring The Week Of September 21-27 2008, As Sea Otter Awareness Week (120.04)

Action: Proclamation presented to Councilmember Das Williams on behalf of the Defenders of Wildlife.

### CHANGES TO THE AGENDA

#### Item Removed From Agenda

City Administrator James Armstrong stated that the following item was being removed from the Agenda and will be heard on September 23, 2008:

19. Subject: Introduction Of Compatibility Review Criteria Ordinance (640.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapters 22.22, 22.68, 27.07, 28.05 and 28.06 of Title 28 of the Santa Barbara Municipal Code Formalizing the Project Compatibility Analysis Process for the Architectural Board of Review and the Historic Landmarks Commission.

Motion:

Councilmembers Falcone/Williams to continue Item No. 19 to September 23, 2008.

Vote:

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

## PUBLIC COMMENT

Speakers: Hans Kistner, First Baptist Church; Bob Hansen; Tony Prytz; Stuart Washington; Fred H. Kuhlmann; Floyd Meyer.

## CONSENT CALENDAR (Item Nos. 2 – 11 and 13 – 15)

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

Motion:

Council/Agency Members Williams/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Council/Agency Members Horton, Schneider).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of August 26 and September 2, 2008 (cancelled due to lack of a quorum).

Action: Approved the recommendation.

3. Subject: Adoption Of Ordinance For Five-Year lease Agreement With Sunset Kidd Yacht Sales (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, with One Five-Year Option, With Dennis Longaberger, Doing Business as Sunset Kidd Yacht Sales, Effective October 2, 2008, for a 326 Square-Foot Office at 125 Harbor Way, Suites 13 and 24, at an Initial Base Rent of \$708 per Month, Subject to Annual Cost of Living Increases.

Action: Approved the recommendation; Ordinance No. 5462; Agreement No. 22,911.

4. Subject: Adoption Of Ordinance For Ten-Year Lease Agreement With National Security Technologies, LLC (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Lease Agreement Between the City of Santa Barbara and National Security Technologies, LLC, for 8,800 Square Feet of Building 226 and 47,692 Square Feet of Adjacent Land at 6190 Francis Botello Road, to Become Effective on October 15, 2008, to Conduct Research, Development, and Light Production in Electronics and Photogrammetry, at the Santa Barbara Airport.

Action: Approved the recommendation; Ordinance No. 5463; Agreement No. 22,912.

5. Subject: Approval Of Benefit Plans Effective January 1, 2009 (430.06)

Recommendation: That Council:

- A. Approve renewal of the Aetna and Kaiser Permanente medical plans; Delta Dental Plans; Vision Service Plan; Employee Assistance Program (EAP); Flexible Spending Accounts; Hartford Life and Disability Insurance Plans; Allstate Voluntary Disability Plans; and Aliquant for benefits administration services; and
- B. Authorize the Administrative Services Director to execute any necessary contracts or amendments to agreements or contracts.

Action: Approved the recommendations; Agreement Nos. 22,913 - 22,915 and 22,573.1 (September 16, 2008, report from the Administrative Services Director).

6. Subject: Contract For Construction For The Pershing Park Multipurpose Path Extension Project (570.05)

Recommendation: That Council award and authorize the Public Works Director to execute a contract with Granite Construction in their low bid amount of \$248,754, for construction of the Pershing Park Multipurpose Path Extension, Bid No. 3479, and authorize the Public Works Director to approve expenditures up to \$24,875 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 recommendation; Contract No. 22,916 (September 16, 2008, report from the Public Works Director).

7. Subject: Statement On Auditing Standards No. 114 - Auditor Communication With Those Charged With Governance (250.02)

Recommendation: That Council designate the Chair of the Finance Committee to serve as the liaison between the City's independent auditors and City Council regarding matters associated with the conduct of the annual audit of the City's financial statements.

Action: Approved the recommendation (September 16, 2008, report from the Finance Director).

8. Subject: Fiscal Year 2008 Supplemental Appropriations For Police And Fire Departments (230.05)

Recommendation: That Council:

- A. Increase Fiscal Year 2008 appropriations and estimated revenues by \$210,000 in the General Fund, Fire Department, to cover overtime costs incurred as a result of mutual aid provided to other fire agencies;
- B. Increase Fiscal Year 2008 appropriations by \$250,000 in the General Fund, Police Department, to cover unbudgeted costs; and
- C. Decrease Fiscal Year 2008 appropriations by \$250,000 in the General Fund, Finance Department, where savings were realized due to staff vacancies, to fund the proposed increased appropriations in the Police Department.

Action: Approved the recommendations (September 16, 2008, report from the Finance Director).

9. Subject: Clean Beaches Initiative Proposition 50 Grant For The Laguna Watershed Study And Water Quality Improvement Feasibility Analysis (570.05)

Recommendation: That Council increase appropriations and estimated revenues by \$220,000 in the Creeks Division Capital Fund for the Laguna Water Quality Improvement Project to reflect a recent grant agreement with the Clean Beaches Initiative Proposition 50 Grant Program of the State Water Resources Control Board (SWRCB).

Action: Approved the recommendation (September 16, 2008, report from the Parks and Recreation Director).

10. Subject: Initiative Petition To Amend The City Charter - Building Height Limitations (110.03)

Recommendation: That Council receive the Certificate of Sufficiency from the City Clerk's Office dated September 10, 2008, indicating that the subject initiative petition does have sufficient valid signatures.

Action: Approved the recommendation (September 16, 2008, report from the Administrative Services Director).

11. Subject: Notice Of Completion For Junipero Pedestrian Bridge And Pathway Lighting Project (530.04)

Recommendation: That Council accept the work completed by Lee Wilson Electric Company, Inc., Contract No. 22,712, for the Junipero Pedestrian Bridge and Pathway Lighting Project (Project), Bid No. 3525, located south of Oak Park, between Calle Real and Modoc Road, in the final contract amount of \$43,542, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (September 16, 2008, report from the Public Works Director).

Item No. 12 appears in the Redevelopment Agency minutes.

13. Subject: Predevelopment Loan To Transition House For New Affordable Units At 421 East Cota Street (660.04)

Recommendation: That the Redevelopment Agency Board and the City Council take the following actions regarding the new low-income rental housing project to be developed at 421 East Cota Street by Transition House:

- A. That the Agency Board approve a \$120,000 loan for predevelopment;
- B. That the Agency Board appropriate \$120,000 from the Redevelopment Agency Housing Setaside Fund unappropriated reserves for the predevelopment loan;
- C. That the Agency Board authorize the Agency's Deputy Director to execute a loan agreement and related documents in a form acceptable to Agency Counsel and to make nonsubstantive changes; and
- D. That Council and the Agency Board adopt, by reading of title only, A Joint Resolution of the Council of the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara Finding that the Use of Redevelopment Agency Housing Setaside Funds as a Loan to Transition House for Developing Affordable Housing Located Outside the Central City Redevelopment Project (CCRP) Area at 421 East Cota Street Will be of Benefit to the CCRP.

Action: Approved the recommendations; Joint City Council Resolution No. 08-094 and Redevelopment Agency Resolution No. 1013; Redevelopment Agency Agreement No. 512 (September 16, 2008, report from the Community Development Director/Deputy Director; proposed joint City Council/Redevelopment Agency resolution).

## NOTICES

14. The City Clerk has on Thursday, September 11, 2008, 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. A City Council site visit originally scheduled for Monday, September 22, 2008, at 1:30 p.m. to the property located at 101 East Victoria Street, has been postponed indefinitely.

This concluded the Consent Calendar.

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

### CITY ADMINISTRATOR

16. Subject: Changes To Disability Access Advisory Committee (640.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Modifying the Existing Staff Advisory Access Committee, and Repealing Resolution No. 01-034.

#### Documents:

- September 16, 2008, report from the Assistant City Administrator.
- Proposed Resolution.
- September 16, 2008, PowerPoint presentation prepared and made by Staff.
- Undated DVDs entitled Safe Travel for Working Teams and Guide Dogs for the Blind, submitted by Adelaide Ortega.

The title of the resolution was read.

#### Speakers:

- Staff: Employee Relations Manager/Americans with Disabilities Act Coordinator Kristine Schmidt, City Administrator James Armstrong.
- Members of the Public: Adelaide Ortega and her seeing eye dog, Caraway; Mary Ellen Bangs; Amy Van Meter, Volunteer Activist, Muscular Dystrophy Society; Victor Suhr; Kathleen Riel; Spencer Conway.

#### Motion:

Councilmembers Williams/Falcone to approve the recommendation.

#### Amendment Motion:

Councilmembers Williams/Falcone to approve the recommendation with a revision to the resolution stating that the members will be appointed by the Council; Resolution No. 08-095.

#### Vote on Amendment Motion:

Unanimous roll call vote (Absent: Councilmembers Horton, Schneider).

City Administrator James Armstrong stated that the current committee members will be grandfathered and that the terms will be staggered.

COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Funding Allocation Of The City Of Santa Barbara Community Promotion Grants And Contract With The Santa Barbara County Arts Commission For Fiscal Year 2009 (230.02)

Recommendation: That Council:

- A. Review and approve the City of Santa Barbara Arts Advisory Committee grant recommendations for Fiscal Year 2009; and
- B. Authorize the Community Development Director to execute a \$530,047 contract with the Santa Barbara County Arts Commission as approved in the Fiscal Year 2009 budget.

Documents:

September 16, 2008, report from the Community Development Director.

Speakers:

Santa Barbara County Arts Commission: Executive Director Ginny Brush.

Motion:

Councilmembers House/Falcone to approve the recommendations;  
Contract No. 22,917.

Vote:

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

**RECESS**

3:24 p.m. - 3:36 p.m. Councilmember Williams was absent when the Council reconvened.

**PUBLIC HEARINGS**

18. Subject: Appeal Of The Fire And Police Commission's Denial Of The Dance Permit For Madison's Grill And Tavern (520.01)

Recommendation: That Council uphold the appeal of Those Guys Inc. represented by stockholders Diane and Derek Harding, for a dance permit for Madison's Grill and Tavern at 525 State Street, and subsequently issue a nightclub dance permit with conditions.

Documents:

- September 16, 2008, report from the Chief of Police.
- September 16, 2008, PowerPoint presentation prepared and made by Staff.
- September 6, 2008, letter and attachments from Applicants/Appellants Diane E. and Derek M. Harding, representing Madison's Sports Grill & Tavern.

(Cont'd)

## 18. (Cont'd)

## Documents (Cont'd):

- September 9, 2008, letter from John. C. Greer, Jr., Attorney at Law, representing Hotel Santa Barbara.

Councilmember Williams returned to the meeting at 3:38 p.m.

## Speakers:

- Staff: Police Captain Robert Lowry.
- Fire and Police Commission: Commissioners Daniel Signor and Leonard Atkins.
- Appellant/Applicant: Derek Harding, Diane Harding.
- Members of the Public: John Greer, Attorney at Law, representing Hotel Santa Barbara; Tamara Erickson, Hotel Santa Barbara; Stuart Washington; Stephen Meade; Kay Morter, General Manager, Holiday Inn Express; Paul Lamberton; Peter Muzinich; Timothy Ocampo; Lance King; Susie Thompson.

## Motion:

Councilmembers House/Williams to approve the recommendation, excluding the condition of approval pertaining to the front doors and adding the following conditions: 1) All skylights must be closed and properly sealed and insulated for sound reduction purposes, which soundproofing will be verified by a City representative; and 2) The use of sub-woofer speakers on the premises is prohibited.

## Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmembers Horton, Schneider).

**RECESS**

Mayor Blum recessed the meeting at 5:31 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 20 and stated that no reportable action is anticipated.

**CLOSED SESSIONS**

20. 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 Ampersand Publishing, LLC, v. City of Santa Barbara, Santa Barbara Transportation and Circulation Committee, et al., SBSC Number 1266463.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Continued from September 9, 2008, Agenda Item No. 24)

Documents:

September 9, 2008, report from the City Attorney.

Time:

5:34 p.m. - 6:04 p.m. Councilmembers Horton and Schneider were absent.

No report made.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 6:04 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

  
MARTY BLUM  
MAYOR

ATTEST:

  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK