



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 23, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Finance Committee met at 12:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

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 Brenda Alcazar.

CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING NOVEMBER 21 - 27, 2004, AS FIREFIGHTER APPRECIATION WEEK (120.04)

ACTION: Proclamation presented to Kevin Webster on behalf of the Muscular Dystrophy Association, Gary Pitney, Fire Captain and President of the Santa Barbara City Firefighters Association, and Mitch Vaughn, Acting Fire Chief.

2. SUBJECT: PROCLAMATION DECLARING NOVEMBER 2004 AS CALIFORNIA HOME CARE & HOSPICE MONTH (120.04)

ACTION: Proclamation presented to Eileen Bunning, President and CEO, Visiting Nurse and Hospice Care.

PUBLIC COMMENT

SPEAKERS: Marshall Rose.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

INFORMATION:

- Councilmember Horton reported on his attendance at the following events or meetings: 1) the inaugural celebration at Amtrak for the new Pacific Surfliner service from Los Angeles to San Luis Obispo; 2) the Annual Pearl Chase Preservation and Conservation Award ceremony; and 3) a meeting at the CAP Center on the Interfaith Initiative.
- Councilmember Falcone reported on her attendance at the following meetings: 1) the Creeks Advisory Committee where a presentation was made regarding a research project on pollutants in the watershed; and 2) a tribute for Supervisor Naomi Schwartz; she also thanked Congresswoman Lois Capps for keeping our funding for the dredge in the harbor.
- Councilmember Schneider said she attended a ribbon cutting ceremony with the Housing Authority for the opening of Phase 1 of the South Voluntario Street project.
- Councilmember Williams reported on his attendance at the following meetings: 1) the Eastside Study Group; 2) a discussion with the Community Environmental Council on new technology for converting waste into energy; and 3) the Creeks Advisory Committee meeting.
- Councilmember Schneider mentioned that the Planning Commission received an update on the Casa Esperanza Conditional Use Permit and the Milpas Action Task Force process and thanked Marcelo Lopez, Assistant to City Administrator, and Don Olson, City Special Projects Manager, for their work on this project.
- Councilmember Barnwell thanked the Milpas Action Task Force Chair Sue Adams and the Planning Commission for their work on the Casa Esperanza project; he also mentioned that he attended a memorial service for Thomas Dibley, a member of the De la Guerra family.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Schneider stated she would abstain from voting on the following item due to ownership of property located in the vicinity of the subject of the agenda item.

12. SUBJECT: GRANT APPLICATION FOR BOHNETT PARK EXPANSION PROJECT (570.05)

RECOMMENDATION: That Council 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 in the Amount of \$250,000 for the Bohnett Park Expansion Project, Under the 2002 Resources Bond Act, Roberti-Z'berg-Harris Urbanized Area Need-Basis Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

DOCUMENTS:

- November 23, 2004, report from the Acting Parks and Recreation Director.
- Proposed Resolution.

The title of the resolution was read.

MOTION:

Councilmembers Falcone/Secord to approve the recommendation; Resolution No. 04-094.

VOTE:

Unanimous roll call vote (Abstention: Councilmember Schneider).

CONSENT CALENDAR (Item Nos. 3 – 11, 13 – 15, and 18 – 19)

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

MOTION:

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

VOTE:

Unanimous roll call vote.

3. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the adjourned regular meeting of November 8, 2004, and the regular meeting of November 9, 2004.

ACTION: Approved the recommendation.

4. SUBJECT: ADOPTION OF ORDINANCE FOR LEASE AMENDMENT WITH MARBORG INDUSTRIES, INC. (330.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Amendment Agreement Between the City of Santa Barbara and Marborg Industries, Inc., for Operation of a Recycling Center at the Santa Barbara Airport.

ACTION: Approved the recommendation; Ordinance No. 5339, Agreement No. 21,492.1.

5. SUBJECT: AMENDMENTS TO MUNICIPAL CODE TITLES 14 AND 16 (540.13)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 14.44.160 and Section 16.02.040 of the Santa Barbara Municipal Code Pertaining to Maintenance of Private Sewers and Wastewater Discharge Standards.

SPEAKERS:

Staff: Wastewater System Manager Rebecca Bjork.

ACTION: Approved the recommendation (November 23, 2004, report from the Public Works Director; proposed ordinance).

6. SUBJECT: NOTICE OF COMPLETION FOR SIDEWALK INFILL (530.04)

RECOMMENDATION: That Council accept the work completed by Nye and Nelson, Incorporated (Nye & Nelson), Bid No. 3350, Contract No. 21,293, for the Sidewalk Infill Fiscal Year 2003 Project, located at various locations within the City limits, in the final contract amount of \$412,927.28, including approved changes, and approve filing of a Notice of Completion.

SPEAKERS:

Staff: Transportation Manager Browning Allen.

ACTION: Approved the recommendation (November 23, 2004, report from the Public Works Director).

7. SUBJECT: NOTICE OF COMPLETION FOR CARRILLO STREET SIDEWALK IMPROVEMENTS (530.04)

RECOMMENDATION: That Council accept the work completed by Granite Construction Company (Granite), Contract No. 21,360, for the Carrillo Street Sidewalk Improvement Project, Chapala Street to Anacapa Street, Bid No. 3358, located at the 00 Block of East Chapala Street and the 00 Block of West Carrillo Street, in the final contract amount of \$393,794.09, including approved changes, and approve filing of a Notice of Completion.

SPEAKERS:

- Staff: Assistant Public Works Director/City Engineer Pat Kelly.
- Member of the Public: Marshall Rose, Downtown Organization.

ACTION: Approved the recommendation (November 23, 2004, report from the Public Works Director).

8. SUBJECT: AGREEMENT FOR SURFACE WATER GAUGING STATIONS AND GROUNDWATER MONITORING (540.10)

RECOMMENDATION: That Council authorize the Public Works Director to execute a joint funding agreement with the United States Geological Survey (USGS) for water resources investigations related to surface water and groundwater measurements for the period of November 1, 2004, through October 31, 2005, with a City of Santa Barbara (City) cost share of \$72,850.

ACTION: Approved the recommendation; Agreement No. 21,563 (November 23, 2004, report from the Public Works Director).

9. SUBJECT: PURCHASE ORDER FOR THE ARROYO BURRO ESTUARY RESTORATION PROJECT (540.14)

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 General Services Manager to issue a purchase order to Santa Barbara Natives as the most favorable source for providing services to salvage and grow native plants for the Arroyo Burro Estuary Restoration Project in an amount not to exceed \$34,760.50; and
- B. Authorize the General Services Manager to increase the purchase order by 15 percent or \$5,214, if the native plants need to be held beyond November 2005 or additional native plants are needed.

ACTION: Approved the recommendations (November 23, 2004, report from the Acting Parks and Recreation Director).

10. SUBJECT: POSITION AND SALARY CONTROL RESOLUTION AMENDMENT FOR THE PARKS AND RECREATION DEPARTMENT (410.06)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 04-047, the Position and Salary Control Resolution for Fiscal Year 2005, to Convert Two Hourly Positions to Regular Positions, Affecting the Parks and Recreation Department Effective November 27, 2004.

ACTION: Approved the recommendation; Resolution No. 04-093 (November 23, 2004, report from the Acting Parks and Recreation Director).

11. SUBJECT: AGREEMENT FOR MAINTENANCE, SCHEDULING, AND MONITORING OF SCHOOL ATHLETIC FIELDS (150.05)

RECOMMENDATION: That Council:

- A. Approve and authorize the Acting Parks and Recreation Director to enter into an agreement with the Santa Barbara School Districts for maintenance, scheduling, and monitoring of athletic fields at La Colina Junior High School, Santa Barbara Junior High School, La Cumbre Junior High School, and Franklin Elementary School for the period of July 1, 2004, to June 30, 2005;
- B. Authorize the transfer of \$24,391 in budgeted Parks and Recreation Department General Fund expenditure funds to the Parks and Recreation Department Miscellaneous Grants Fund for the Field Scheduling Program budget; and
- C. Appropriate \$51,900 in expenditures and \$51,900 in revenues to the Parks and Recreation Department Miscellaneous Grants fund for the Field Scheduling Program budget.

SPEAKERS:

- Staff: Acting Parks and Recreation Director Nancy Rapp, Assistant Parks and Recreation Director Jeff Cope.
- Santa Barbara School Districts: Dave Hetynk, Director of Facilities and Operations.
- Members of the Public: Greg Chittick, Eric Cardenas.

ACTION: Approved the recommendations; Agreement No. 21,564 (November 23, 2004, report from the Acting Parks and Recreation Director).

13. SUBJECT: SET A DATE FOR PUBLIC HEARING REGARDING HISTORIC LANDMARKS COMMISSION APPROVAL FOR 13 WEST HALEY STREET

RECOMMENDATION: That Council set the date of December 14, 2004, at 2:00 p.m. for hearing the appeal filed by Trevor Martinson, Agent for Holiday Inn Express-Hotel Virginia and Sally Torgeson, of the Historic Landmarks Commission preliminary and final approval of an application for property owned by R. Neil and Sue Ablitt and located at 13 W. Haley Street, APN 037-211-004, C-M Commercial Manufacturing Zone, General Plan Designation: General Commerce. This is a proposal to construct a 653 square-foot, four-story residence with a 243 square-foot attached garage on a 400 square-foot vacant lot, and Modifications are requested for relief from required setbacks and an open yard requirement, and for a reduction in required parking. On April 13, 2004, Council granted the Applicants' appeal, reversing the decision of the Planning Commission to deny the project, and approving the modifications requested to construct the proposed residence.

ACTION: Approved the recommendation.

14. SUBJECT: FISCAL YEAR 2005 INTERIM FINANCIAL STATEMENTS FOR THE FOUR MONTHS ENDED OCTOBER 31, 2004 (250.02)

RECOMMENDATION: That Council accept the Fiscal Year 2005 Interim Financial Statements for the Four Months Ended October 31, 2004.

ACTION: Approved the recommendation (November 23, 2004, report from the Finance Director).

15. SUBJECT: AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH JULIE RUGGIERI FOR PARALEGAL SERVICES (160.01)

RECOMMENDATION: That Council approve and authorize execution of an amendment to the existing professional services agreement between the City of Santa Barbara and Julie Ruggieri, to provide additional authorization, in an amount not to exceed \$50,000.00 for paralegal services in connection with the defense of certain litigation.

ACTION: Approved the recommendation (November 23, 2004, report from the City Attorney).

Item Nos. 16 and 17 appear in the Redevelopment Agency minutes.

NOTICES

18. The City Clerk has on Thursday, November 18, 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.
19. Cancellation of the regular City Council meeting of November 30, 2004, due to lack of a quorum.

This concluded the Consent Calendar.

FINANCE COMMITTEE REPORT

20. SUBJECT: SPECIAL FINANCE COMMITTEE AGENDA, NOVEMBER 23, 2004, 12:00 P.M., IN ROOM 15 (120.03)
 - A. October 31, 2004, Investment Report and September 30, 2004, Fiscal Agent Report (See Agenda Item No. 22);
 - B. Fiscal Year 2005 Interim Financial Statements for the Four Months Ended October 31, 2004 (See Consent Agenda Item No. 14);
 - C. Redevelopment Agency 2004 Annual Report (See Agenda Item No. 24);
 - D. Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2004 (See Agenda Item No. 23); and
 - E. Redevelopment Agency Interim Financial Statements for the Three Months Ending September 30, 2004 (See Agenda Item No. 17).
21. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee met to review the Interim Financial Statements, Consent Calendar Item Nos. 14 and 17, and Item Nos. 22 – 24, to be presented to the Council at this time.

Councilmember Williams left the meeting at 3:03 p.m. Councilmember Falcone left the meeting at 3:04 p.m.

22. SUBJECT: OCTOBER 31, 2004, INVESTMENT REPORT AND SEPTEMBER 30, 2004, FISCAL AGENT REPORT (260.02)

RECOMMENDATION: That Council:

- A. Accept the October 31, 2004, Investment Report; and
- B. Accept the September 30, 2004, Fiscal Agent Report.

DOCUMENTS:

November 23, 2004, Finance Director's report.

(Cont'd)

22. (Cont'd)

SPEAKERS:

Staff: Treasury Manager Cynthia Odell.

MOTION:

Councilmembers Secord/Horton to approve the recommendations.

VOTE:

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

23. **SUBJECT: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2004 (250.02)**

RECOMMENDATION: That Council:

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

DOCUMENTS:

- November 23, 2004, report from the Finance Department.
- City of Santa Barbara Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2004.

Councilmember Falcone entered the meeting at 3:06 p.m.

SPEAKERS:

- Staff: Accounting Manager Rudolf Livingston.
- Brown, Armstrong, Paulden, McCown, Starbuck, & Keeter Accountancy Corporation: Burt Armstrong.

MOTION:

Councilmembers Secord/Barnwell to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Councilmember Williams).

REDEVELOPMENT AGENCY REPORTS

24. SUBJECT: REDEVELOPMENT AGENCY 2004 ANNUAL REPORT (250.02)

RECOMMENDATION: That Council and the Redevelopment Agency Board:

- A. Receive, accept, and approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2004, consisting of:
 - 1. Auditor's Opinion and Financial Statements;
 - 2. Auditor's Compliance Report; and
- B. Review and approve the Annual Report for the Fiscal Year Ended June 30, 2004, and direct staff to submit copies of the Annual Report to the California State Controller's Office.

DOCUMENTS:

- November 23, 2004, report from the Community Development Director/Deputy Director.
- Redevelopment Agency of the City of Santa Barbara, California Department of Housing and Community Development Annual Report for the Fiscal Year Ended June 30, 2004.
- Redevelopment Agency of the City of Santa Barbara, State Controller's Office Annual Report for the Fiscal Year Ended June 30, 2004.
- City of Santa Barbara Redevelopment Agency Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2004.
- PowerPoint presentation prepared by staff.

Councilmember Williams entered the meeting at 3:12 p.m.

SPEAKERS:

Staff: Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson, Finance Director Robert Peirson.

MOTION:

Council/Agency members Secord/Horton to approve the recommendations.

VOTE:

Unanimous voice vote.

RECESS

3:35 p.m. – 3:49 p.m. Councilmember Horton was absent when the Council reconvened.

Item No. 25 appears in the Redevelopment Agency minutes.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

26. SUBJECT: SOUTHERN CALIFORNIA EDISON FRANCHISE AGREEMENT
(380.01)

RECOMMENDATION: That Council:

- A. Receive an update from staff on the status of the Southern California Edison (Edison) Franchise Agreement; and
- B. Authorize Staff to direct Edison to pursue implementation of an increase in the City's Franchise compensation from 1% to 2%, to be funded by a 1% rate surcharge on Edison's customers within the City, as provided for in the Franchise Agreement.

DOCUMENTS:

November 23, 2004, report from the Finance Director.

Councilmember Horton entered the meeting at 4:09 p.m.

SPEAKERS:

- Staff: Finance Director Robert Peirson, Assistant Public Works Director/City Engineer Pat Kelly, City Administrator James L. Armstrong.
- Southern California Edison: Jane Brown, Region Manager, Public Affairs.

MOTION:

Councilmembers Williams/Secord to approve the recommendations and direct staff to devote the entire 1% to undergrounding.

VOTE:

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

MOTION:

Councilmembers Secord/Schneider to approve the recommendations.

VOTE:

Unanimous voice vote (Abstention: Councilmember Williams).

PUBLIC HEARING

27. SUBJECT: GRANADA THEATRE FINAL ECONOMIC DEVELOPMENT DESIGNATION AND ZONING ORDINANCE AMENDMENT (640.09)

RECOMMENDATION: That Council:

- A. Find that the proposed Granada Theatre Restoration Project would draw both locals and visitors to downtown Santa Barbara by providing a year-round, multi-purpose venue for live theatre, musical and dance performances, film series, lectures, conferences, and community events and grant the project a Final Economic Development Designation of 13,360 square feet of floor area; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 28.66.050 of the Santa Barbara Municipal Code Regarding the Calculation of Building Height of Stage Additions in the C-2 Zone.

DOCUMENTS:

- November 23, 2004, report from the Community Development Director.
- Proposed Ordinance
- Affidavit of Publication.

The title of the ordinance was read.

PUBLIC HEARING OPENED:

4:37 p.m.

SPEAKERS:

- Staff: Community Development Director Paul Casey, Associate Planner Jessica Grant.
- Members of the Public: Executive Director Peter Frisch, Santa Barbara Center for Performing Arts; Stephen Metsch, Metsch Sweeney Moore Architects.

PUBLIC HEARING CLOSED:

4:57 p.m.

MOTION:

Councilmembers Secord/Horton to approve the recommendations.

VOTE:

Unanimous roll call vote.

COUNCIL AND STAFF COMMUNICATIONS

Mayor Blum wished everyone a Happy Thanksgiving.

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:59 p.m.

SANTA BARBARA CITY COUNCIL

JAMES L. ARMSTRONG
CITY CLERK

ATTEST:

MARTY BLUM
MAYOR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK