



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING February 24, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

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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 1:30 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: 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 WELCOMING AND RECOGNIZING THE NATIONAL ASSOCIATION OF LATINO INDEPENDENT PRODUCERS (120.04)

ACTION: Proclamation presented to Alex Rodriguez, board member of National Association of Latino Independent Producers (NALIP).

### PUBLIC COMMENT

SPEAKERS: Ray Harris, Ken Loch, Richard Robinson and Frank Becchio.

### CONSENT CALENDAR (Item Nos. 2 – 16)

The titles of the resolutions related to Item Nos. 4 and 14 were read.

MOTION:

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

VOTE:

Unanimous roll call vote.

2. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meetings of February 3, and February 10, 2004, and the regular meeting of February 17, 2004 (cancelled due to lack of a quorum).

ACTION: Approved the recommendation.

3. SUBJECT: CANCELLATION OF MARCH 9, COUNCIL MEETING (120.09)

RECOMMENDATION: That Council cancel the Council meeting of March 9, 2004.

ACTION: Approved the recommendation (February 24, 2004, Assistant City Administrator's report).

4. SUBJECT: RECEIPT OF GRANT MONIES FOR ABANDONED WATERCRAFT ABATEMENT (570.03)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a Grant Contract with the California Department of Boating and Waterways for Abandoned Watercraft Abatement in City Waters East of Stearns Wharf;
- B. Authorize the City Administrator to execute an agreement with the State Department of Boating and Waterways to receive \$47,700 in grant funds for the removal of abandoned watercraft east of Stearns Wharf; and
- C. Increase Fiscal Year 2004 estimated revenue in the amount of \$47,700 and appropriate the funds to the Waterfront Department's Fiscal Year 2004 Capital Budget.

ACTION: Approved the recommendations; Resolution No. 04-008; Contract No. 21,277 (February 24, 2004, Waterfront Director's report; proposed resolution).

5. SUBJECT: PURCHASE ORDERS FOR BUILDING PLAN CHECK SERVICES (640.04)

RECOMMENDATION: That Council:

- A. Authorize the General Services Manager to increase Purchase Orders #367030 and #367029 to D&J Engineering and EsGil Corporation by \$25,000 each, for continued plan check services; and
- B. Increase estimated Fiscal Year 2004 Building and Safety revenues by \$25,000 and appropriate the funds to the Community Development Department's budget to fund mandated plan check services.

SPEAKERS:

Staff: Chief Building Official George Estrella, City Administrator James Armstrong.

ACTION: Approved the recommendations (February 24, 2004, Community Development Director's report).

6. SUBJECT: MAP AND AGREEMENTS FOR 1267 VERONICA SPRINGS ROAD (640.08)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to record Parcel Map No. 20,672 by Kennedy Subdivision, LLC, a California Limited Liability Company, for a four-lot subdivision located at 1267 Veronica Springs Road, APN 047-010-004, finding the map in conformance with the General Plan and applicable specific plans of the City;
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property; and
- C. Approve and authorize the City Administrator to execute and record an Agreement for Land Development Improvements.

ACTION: Approved the recommendations; Agreement Nos. 21,278 and 21,279 (February 24, 2004, Public Works Director's report).

7. SUBJECT: CONTRACT FOR DESIGN OF PAVEMENT MAINTENANCE FOR ZONE F (530.04)

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a contract with Flowers and Associates, Inc. (Flowers), for professional services for the design of the slurry seal and asphalt concrete overlay for Maintenance Zone F, Bid No. 3379, in an amount not to exceed \$61,531; and

(Cont'd)

7. (Cont'd)

- B. Authorize the Public Works Director to approve any extra services from Flowers that may result from changes in the original scope of work for the above project in an amount not to exceed \$6,200.

**SPEAKERS:**

Staff: Principal Civil Engineer John Ewasiuk, City Administrator James Armstrong, City Engineer Pat Kelly.

**ACTION:** Approved the recommendations; Contract No. 21,280 (February 24, 2004, Public Works Director's report).

8. **SUBJECT: LEASE AGREEMENT WITH SECC CORPORATION (330.04)**

**RECOMMENDATION:** That Council approve and authorize the Airport Director to execute a month-to-month Lease Agreement with SECC Corporation, a California Corporation, for 5,005 square feet of land at 113 Frederic Lopez Road, at the Santa Barbara Airport, commencing February 1, 2004, for a total monthly rental of \$551.

**ACTION:** Approved the recommendation; Agreement No. 21,281 (February 24, 2004, Airport Director's report).

9. **SUBJECT: LEASE AGREEMENT WITH D&B COMMUNICATIONS, LLC (330.04)**

**RECOMMENDATION:** That Council approve and authorize the Airport Director to execute a month-to-month Lease Agreement with D&B Communications, LLC, a California Limited Liability Corporation, for 800 square feet of Building 224, 6100-B Francis Botello Road, at the Santa Barbara Airport, commencing February 1, 2004, for a total monthly rental of \$976, exclusive of utilities.

**ACTION:** Approved the recommendation; Agreement No. 21,282 (February 24, 2004, Airport Director's report).

10. **SUBJECT: LEASE AGREEMENT WITH UNITED SEAL COATING & SLURRYSEAL, INC. (330.04)**

**RECOMMENDATION:** That Council approve and authorize the Airport Director to execute a month-to-month Lease Agreement with United Seal Coating & Slurryseal, Inc., a California Corporation, for 10,800 square feet of land at 6105 Francis Botello Road, at the Santa Barbara Airport, commencing February 1, 2004, for a total monthly rental of \$1,188, exclusive of utilities.

**ACTION:** Approved the recommendation; Agreement No. 21,283 (February 24, 2004, Airport Director's report).

11. SUBJECT: LEASE AGREEMENT WITH SANTA BARBARA PROMOTIONS, INC. (330.04)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a month-to-month Lease Agreement with Santa Barbara Promotions, Inc., a California Corporation, for 320 square feet of space in Building 247 at 400 David Love Place, at the Santa Barbara Airport, commencing February 1, 2004, for a total monthly rental of \$208, exclusive of utilities.

ACTION: Approved the recommendation; Agreement No. 21,284 (February 24, 2004, Airport Director's report).

12. SUBJECT: AGREEMENT FOR AUTOMATED TELLER MACHINE (ATM) ADJACENT TO VISITOR CENTER (330.01)

RECOMMENDATION: That Council authorize the Parks and Recreation Director to execute an operating agreement with Santa Barbara Bank and Trust for the installation and operation of an Automated Teller Machine (ATM) adjacent to the Chamber of Commerce Visitor Center at the corner of Garden Street and Cabrillo Boulevard, with an initial five-year term from March 1, 2004, and ending February 28, 2009, and two five-year options.

ACTION: Approved the recommendation; Agreement No. 21,285 (February 24, 2004, Parks and Recreation Director's report).

13. SUBJECT: LEASE AGREEMENTS FOR FRANKLIN NEIGHBORHOOD CENTER, WESTSIDE COMMUNITY CENTER, AND YOUTH SPORTS CENTER (330.04)

RECOMMENDATION: That Council approve and authorize the Parks and Recreation Director to execute the following lease agreements with non-profit agencies at the following locations:

Franklin Neighborhood Center:

County of Santa Barbara Public Health Department  
Santa Barbara City College Continuing Education  
The Brotherhood of Santa Barbara

Westside Community Center:

UCP/Work Inc.

Youth Sports Center:

Primo Boxing Club/Say Yes to Youth

ACTION: Approved the recommendation; Agreement Nos. 21,286 – 21,290 (February 24, 2004, Parks and Recreation Director's report).

14. SUBJECT: POSITION AND SALARY CONTROL RESOLUTION AMENDMENT FOR THE FINANCE 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. 03-049, the Position and Salary Control Resolution for Fiscal Year 2004, Affecting the Finance Department Effective February 24, 2004.

ACTION: Approved the recommendation; Resolution No. 04-009 (February 24, 2004, Finance Director's report; proposed resolution).

#### NOTICES

15. The City Clerk has on Thursday, February 19, 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.
16. The City Council will conduct a site visit on Monday, March 1, 2004, at 1:30 p.m. to the property located at 3408 Madrona Drive, which is the subject of an appeal hearing set for March 2, 2004, at 2:00 p.m.

This concluded the Consent Calendar.

#### **FINANCE COMMITTEE REPORT**

17. SUBJECT: FINANCE COMMITTEE AGENDA, FEBRUARY 24, 2004, 1:30 P.M., IN ROOM 15 FOR CONSIDERATION OF THE JANUARY 31, 2004 INVESTMENT REPORT AND DECEMBER 31, 2003 FISCAL AGENT REPORT (SEE ITEM NO. 19) (120.03)

18. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord stated that the Committee heard a Staff report on the January 31, 2004, Investment Report and the December 31, 2003, Fiscal Agent Report. The Committee forwarded these reports to Council for its acceptance (Agenda Item No. 19).

19. SUBJECT: JANUARY 31, 2004, INVESTMENT REPORT AND DECEMBER 31, 2003, FISCAL AGENT REPORT (260.02)

RECOMMENDATION: That Council:

- A. Accept the January 31, 2004, Investment Report; and  
B. Accept the December 31, 2003, Fiscal Agent Report.

(Cont'd)

19. (Cont'd)

**DOCUMENTS:**

February 24, 2004, Finance Director's report.

**SPEAKERS:**

Staff: Treasury Manager Cynthia Odell.

**MOTION:**

Councilmembers Secord/Horton to accept the reports.

**VOTE:**

Unanimous voice vote.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

**INFORMATION:**

- Councilmember Horton reported on the progress of efforts of the Housing Trust Fund of Santa Barbara County.
- Councilmember Schneider mentioned a recent meeting of the Lower Westside Center Advisory Committee to discuss issues and priorities for the neighborhood's improvement.
- Councilmember Secord reported on the discussion by the Santa Barbara County Association of Governments of the project to construct operational improvements to Highway 101.
- Councilmember Williams remarked that the Eastside Study Group had recently talked about beautification projects for the eastside area.
- Councilmember Falcone commented that the Solid Waste Task Force will be presenting its long-range workplan to the member jurisdictions.
- Councilmember Barnwell mentioned a recent meeting of various arts groups regarding a possible transformation of City Hall's Room 15 into an art gallery.

**REQUESTS FROM THE PUBLIC**

20. SUBJECT: MEDICINAL CANNABIS (520.04)

**RECOMMENDATION:** That Council hear a request from Dr. David Bearman regarding Senate Bill (SB) 420 and guidelines for personal medicinal use of cannabis.

**DOCUMENTS:**

- November 26, 2003, letter from David Bearman, M.D.
- February 24, 2004, City Administrator's report.

(Cont'd)

20. (Cont'd)

**SPEAKERS:**

- Members of the Public: David Bearman, M.D., Bruce Rittenhouse, Matt McLaughlin, Frank Becchio.
- Staff: Assistant to the City Administrator Marcelo Lopez, City Attorney Stephen Wiley, Police Captain Edward Szeyller.

**MOTION:**

Councilmember Schneider/Mayor Blum to send a letter to the County before March 9, 2004, supporting the implementation of an identification card program as well as other SB 420 provisions, and offering its assistance in this effort.

**VOTE:**

Unanimous voice vote.

**MOTION:**

Councilmember Williams to direct Staff to present recommendations within 31 days for the establishment of allowable limits as to the amount of medicinal cannabis possessed, in accordance with guidelines set by SB 420.

The motion died for lack of a second.

**RECESS**

4:12 p.m. – 4:25 p.m.

**MAYOR AND COUNCIL REPORTS**

21. SUBJECT: ENDORSEMENT OF PROPOSITIONS 56, 57 AND 58 (160.02)

**RECOMMENDATION:** That Council endorse the following statewide ballot measures that are before the voters on March 2, 2004:

- Proposition 56 - The Budget Accountability Act;
- Proposition 57 - The Economic Recovery Bond Act; and
- Proposition 58 - The California Balanced Budget Act.

**DOCUMENTS:**

February 24, 2004, report from the Committee on Legislation.

**SPEAKERS:**

Staff: Special Projects Manager Don Olson.

(Cont'd)

21. (Cont'd)

**MOTION:**

Councilmembers Falcone/Williams to endorse Proposition 56, the Budget Accountability Act.

**VOTE:**

Majority voice vote (Noes: Councilmember Secord).

**MOTION:**

Councilmembers Falcone/Horton to endorse Proposition 57, the Economic Recovery Bond Act.

**VOTE:**

Majority voice vote (Noes: Councilmember Secord, Mayor Blum).

**MOTION:**

Councilmembers Falcone/Horton to endorse Proposition 58, the California Balanced Budget Act.

**VOTE:**

Unanimous voice vote.

**PUBLIC HEARINGS**

22. SUBJECT: FINAL HOUSING ELEMENT ADOPTION (650.06)

**RECOMMENDATION:** That Council:

- A. Adopt the Final Negative Declaration, making the findings contained in the Council Agenda Report;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to the General Plan Incorporating the 2003 Housing Element Into the City's General Plan; and
- C. Authorize the Mayor to sign a letter submitting the adopted Final Housing Element to the State for final certification.

**DOCUMENTS:**

- February 24, 2004, Community Development Director's report.
- Proposed Resolution.
- Final Housing Element document.

The title of the resolution was read.

**PUBLIC HEARING OPENED:**

4:44 p.m.

**SPEAKERS:**

- Staff: Project Planner Liz Limón, Community Development Director Paul Casey, City Administrator James Armstrong.

(Cont'd)

22. (Cont'd)

**SPEAKERS (Cont'd):**

- Members of the Public: Joan Livingston, Westside Study Group; Sherrie Fisher, Santa Barbara Metropolitan Transit District; Nancy Hancock, South Coast Livable Communities; Steve Johnson; Catherine McCammon, League of Women Voters; Hazel Blankenship, Santa Barbara Housing Council; Rob Pearson, Housing Authority of the City of Santa Barbara.

**PUBLIC HEARING CLOSED:**

5:23 p.m.

**MOTION:**

Councilmembers Falcone/Williams to approve the recommendations, directing Staff to revise the language of Housing Element Policy 6.4.3 to "Work cooperatively with MTD to foster both local and regional transportation solutions," as requested by the Metropolitan Transit District, and to give high priority to the implementation of Policy 5.1.6; Resolution No. 04-010.

**VOTE:**

Unanimous roll call vote.

**RECESS**

5:30 p.m. – 5:35 p.m.

**CLOSED SESSIONS**

23. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATOR (330.03)

**RECOMMENDATION:** That Council hold a closed session to consider instructions to City staff and the City Attorney regarding real property located at the Airport and bounded by Hollister Avenue, Lopez Road, Botello Road and Love Place, owned by the City of Santa Barbara (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608]). Instructions to negotiator will direct staff to negotiate possible amendments to the terms of a 50-year ground lease option (pursuant to the authority of section 54956.8 of the Government Code) approved pursuant to a Disposition and Development Agreement approved by the City Council as City Agreement No. 19,872 on April 4, 2000. The allowed uses and rent terms are under negotiation. Negotiations will be conducted by City staff with Andrew Bermant and Barton E. Clemens representing the Bermant Development Company. City negotiators are: Karen Ramsdell, Airport Director; Robert Peirson, Finance Director; and Stephen P. Wiley, City Attorney.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

23. (Cont'd)

**DOCUMENTS:**

- February 24, 2004, City Attorney's report.
- February 18, 2004, letter from Westar Associates.
- February 23, 2004, letter from The Towbes Group, Inc.

**TIME:**

5:35 p.m. – 6:25 p.m.

No report made.

**RECESS**

6:25 p.m. – 6:33 p.m. The City Council reconvened in the Council Chamber.

Mayor Blum presiding.

Councilmembers present: Barnwell, Falcone, Horton, Schneider, Secord, Williams, Mayor Blum.

Councilmembers absent: None.

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

**PUBLIC COMMENT**

No one wished to speak.

**PUBLIC HEARINGS**

24. SUBJECT: APPEAL OF PLANNING COMMISSION APPROVAL FOR HOMELESS SHELTER PROPERTY LOCATED AT 816 CACIQUE STREET/110 S. QUARANTINA STREET (640.07)

**RECOMMENDATION:** That Council deny the appeal of Barbara and Rolland Fitzgerald, and uphold the Planning Commission's decision to approve amendments to a Parking Modification, a Conditional Use Permit, and a Coastal Development Permit to increase the year-round bed capacity from 30 to 100 at the Casa Esperanza Homeless Center.

**DOCUMENTS:**

- February 24, 2004, Community Development Director's report.
- December 19, 2004, letter of appeal.
- February 23, 2004, letter from Tri-County Produce Co.
- Undated letter from the Villa Por la Mar Owners' Association, received February 23, 2004.
- Affidavit of Publication.

(Cont'd)

24. (Cont'd)

PUBLIC HEARING OPENED:

6:34 p.m.

SPEAKERS:

- Staff: Assistant Planner Trish Allen, Community Development Programs Supervisor Mark Taylor, Deputy Police Chief Richard Glaus.
- Appellant: Barbara Fitzgerald, Bob Ludwick.
- Applicant: Dave Tabor; Hal Onserud, Casa Esperanza Homeless Center Executive Director; Rob Pearson, Casa Esperanza Homeless Center Board of Directors President.
- Members of the Public: Sara Miller McCune, Leslie Ridley-Tree.

RECESS: 8:19 p.m. – 8:34 p.m.

SPEAKERS (Cont'd):

- Members of the Public: Steve Cushman, Santa Barbara Region Chamber of Commerce; Jem Robinson; Babatunde Fodayemi; Nancy Hancock, South Coast Livable Communities; Teresa Torres; Tim Werner, East Beach Coalition; Jeff Bray; Griff Bloodhart; Julianna Reichard, The Habit; John Dixon, Tri-County Produce; Rick Feldman, Milpas Association; Evangelina Diaz; Dr. Gary Linker, New Beginnings Counseling Center; Cath Webb; Frank Becchio; Randy Poltl, Scolari's; Cathy Rice; Bruce Rittenhouse; Lynn Hendred; Mark Asman; Susan Clark; Elinor Langer, Casa Esperanza Board of Directors; Kathleen Baushke, Transition House; Pat Sarvis; Peter Marin, Committee for Social Justice; Bob Hansen; Demetria Giabiertti; Sue Adams; James Stretchberry.
- Staff: City Attorney Stephen Wiley, Community Development Director Paul Casey, City Administrator James Armstrong.

PUBLIC HEARING CLOSED:

9:52 p.m.

MOTION:

Councilmember Williams/Mayor Blum to deny the appeal; approve the increase in the shelter's year-round bed capacity for nine months only; direct that the Homeless Center, in conjunction with City staff and an expanded neighborhood advisory committee, develop and implement a comprehensive plan to address the neighborhood problems identified during the public hearing; and direct that the Center's application be returned to the Planning Commission in November 2004 for a review of progress made in resolving the issues.

VOTE:

Majority voice vote (Noes: Councilmember Secord).

**CLOSED SESSIONS**

23. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATOR (330.03)

**ANNOUNCEMENT:**

City Attorney Stephen Wiley reported that the Council met in closed session for Item No. 23; no reportable action was taken during the closed session.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 10:45 p.m. to Monday, March 1, 2004, at 1:30 p.m. for a site visit to 3408 Madrona Drive.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

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

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