



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING April 6, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:45 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 DECLARING APRIL 2004 AS FAIR HOUSING MONTH (120.04)

ACTION: Proclamation presented to City Fair Housing Enforcement Officer Sue Gray, Community Development and Human Services Committee member Karena Jew, and Legal Aid Foundation attorney Alex Lambrous.

2. SUBJECT: PROCLAMATION DECLARING APRIL 2004 AS SEXUAL ASSAULT AWARENESS MONTH (120.04)

ACTION: Proclamation presented to Santa Barbara Rape Crisis Center Executive Director Elsa Granados.

## COUNCIL AND STAFF COMMUNICATIONS

Mayor Blum mentioned that she had recently presented a proclamation for Autism Awareness Month.

### CEREMONIAL ITEMS (CONT'D)

3. SUBJECT: "CITIES RANKED AND FILED" - AWARD OF EXCELLENCE TO BE PRESENTED BY CONFERENCE & VISITORS BUREAU

#### DISCUSSION:

This award for Santa Barbara's ranking as North America's 4<sup>th</sup> most livable city was presented by Tim Bridwell and Donna Mulgrew, representing the Santa Barbara Conference & Visitors Bureau and Film Commission, along with Steve Cushman, representing the Santa Barbara Region Chamber of Commerce. Mayor Blum accepted the award on behalf of the City.

4. 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 April 30, 2004.

#### DOCUMENTS:

April 6, 2004, Assistant City Administrator's report.

#### SPEAKERS:

Staff: Award recipients Marianne Ruiz and David Gonzales, City Administrator James Armstrong.

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

35-Year Pin  
Marianne Ruiz, Community Development  
25-Year Pin  
David Gonzales, Police  
20-Year Pin  
Alex Altavilla, Police  
Kevin Harris, Parks and Recreation  
10-Year Pin  
Marge Fauver, Library

(Cont'd)

4. (Cont'd)

5-Year Pin

Melinda Jackson, City Administrator's Office  
Roxanne Fiorillo, Administrative Services  
Aimee Salazar, Police  
Kathleen Goo, Public Works  
Kimberly Thaler-Strange, Public Works  
Jill Zachary, Parks and Recreation

**CHANGES TO THE AGENDA**

Item Removed from Agenda

Upon the recommendation of City Administrator James Armstrong, the following item was removed from the Agenda:

16. SUBJECT: APPROPRIATION OF BICYCLE TRANSPORTATION ACCOUNT FUNDS FOR SHORELINE PARK EXPANSION PROJECT (530.04)

RECOMMENDATION: That Council:

- A. Accept the Bicycle Transportation Account (BTA) Grant in the amount of \$229,000; and
- B. Increase the estimated 2003-2004 Streets Capital Fund revenues by \$229,000 and appropriate this amount to the 2003-2004 Streets Capital Operating budget.

**PUBLIC COMMENT**

SPEAKERS: Richard Robinson, Bob Hansen, Charlie Disparte, Bruce Rittenhouse, Frank Becchio and Lee Moldaver.

**CONSENT CALENDAR** (Item Nos. 5 – 12)

The title of the resolution related to Item No. 7 was read.

MOTION:

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

VOTE:

Unanimous roll call vote.

5. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of March 23, 2004.

ACTION: Approved the recommendation.

6. SUBJECT: INCREASED EXPENDITURES FOR SANTA BARBARA AIRPORT ELECTRICAL VAULT PROJECT (560.04)

RECOMMENDATION: That Council approve additional expenditure authority on the Airfield Electrical Vault Project, Contract No. 21,249, in the amount of \$45,153, for a total additional expenditure authority of \$161,535.

ACTION: Approved the recommendation (April 6, 2004, Public Works Director's report).

7. SUBJECT: SALARY INCREASES FOR GENERAL, CONFIDENTIAL, TREATMENT & PATROL, AND SUPERVISORY EMPLOYEES IN ACCORDANCE WITH APPROVED MEMORANDUMS OF UNDERSTANDING (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 2003-2004, Affecting the General, Confidential, Treatment & Patrol, and Supervisors' Salaries Effective April 17, 2004, in Accordance with the Approved Memorandums of Understanding.

SPEAKERS:

Staff: City Administrator James Armstrong.

ACTION: Approved the recommendation; Resolution No. 04-018 (April 6, 2004, Assistant City Administrator's report; proposed resolution).

8. SUBJECT: LEASE AGREEMENT WITH MLC AUTOMOTIVE, INC. (330.04)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a month-to-month lease agreement with MLC Automotive, Inc., a California Corporation, doing business as Mel Clayton Ford, for 24,450 square feet of land at 20 Jack Peres Place, at the Santa Barbara Airport, commencing March 20, 2004, for a total monthly rental of \$2,690, exclusive of utilities.

(Cont'd)

8. (Cont'd)

**SPEAKERS:**

Staff: City Administrator James Armstrong.

**ACTION:** Approved the recommendation; Agreement No. 21,365 (April 6, 2004, Airport Director's report).

9. **SUBJECT:** FISCAL YEAR 2004 INTERIM FINANCIAL STATEMENTS FOR THE EIGHT MONTHS ENDED FEBRUARY 29, 2004 (250.02)

**RECOMMENDATION:** That Council accept the Fiscal Year 2004 Interim Financial Statements for the Eight Months Ended February 29, 2004.

**ACTION:** Approved the recommendation (April 6, 2004, Finance Director's report).

**NOTICES**

10. The City Clerk has on Thursday, April 1, 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.
11. Cancellation of the regular Redevelopment Agency meeting of April 6, 2004, at 2:00 p.m. due to lack of business.
12. The City Council will conduct a site visit on Monday, April 12, 2004, at 1:30 p.m. to the property located at 13 W. Haley Street, which is the subject of an appeal hearing set for April 13, 2004, at 2:00 p.m.

This concluded the Consent Calendar.

**FINANCE COMMITTEE REPORT**

13. **SUBJECT:** SPECIAL FINANCE COMMITTEE AGENDA, APRIL 6, 2004, 12:45 P.M. IN ROOM 15 (120.03)
  - A. Fiscal Year 2005 Recommended Budget - Public Review Schedule; and
  - B. Growth Management/General Plan Update Cost Recovery Proposal.

14. **SUBJECT:** REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee considered and approved the proposed schedule for the Committee's and City Council's review of the Fiscal Year 2005 Recommended Budget. The Committee also heard a presentation regarding an impending comprehensive update to the City's General Plan and provided direction to Staff as to recovery of the cost of this work effort.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **INFORMATION:**

- Councilmember Falcone reported that discussions with the National Guard regarding the City's acquisition of the Armory property are going well.
- Councilmember Horton commented that the forthcoming restoration of the Granada Theatre into a performing arts center will be a project of which the City will be proud.

## **COUNCIL AND STAFF COMMUNICATIONS (CONT'D)**

INFORMATION: Mayor Blum noted the inauguration of American Airlines' non-stop flight from Santa Barbara to Dallas.

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

### PUBLIC WORKS DEPARTMENT

15. SUBJECT: AGREEMENT WITH SANTA BARBARA METROPOLITAN TRANSIT DISTRICT FOR DOWNTOWN - WATERFRONT - WHARF WOODY ELECTRIC SHUTTLE SERVICE (670.08)

RECOMMENDATION: That Council authorize the Public Works Director to execute an agreement with the Santa Barbara Metropolitan Transit District (MTD) for:

- A. Downtown - Waterfront Electric Shuttle service, in the amount of \$799,412, for the period of September 1, 2003, to June 30, 2004;
- B. Wharf Woody Electric Shuttle service, in the amount of \$39,144, for the period of September 1, 2003, to June 30, 2004;
- C. Downtown - Waterfront Electric Shuttle service, in the amount of \$984,341, for the period of July 1, 2004, to June 30, 2005; and
- D. Wharf Woody Electric Shuttle service, in the amount of \$47,808, for the period of July 1, 2004, to June 30, 2005.

### **DOCUMENTS:**

April 6, 2004, Public Works Director's report.

### **SPEAKERS:**

- Staff: Public Works Director Anthony Nisich.
- Metropolitan Transit District: Board Member Dave Davis, Executive Director Sherrie Fisher.

(Cont'd)

15. (Cont'd)

**MOTION:**

Councilmembers Barnwell/Secord to approve the recommendation;  
Agreement No. 21,366.

**VOTE:**

Unanimous voice vote.

**PUBLIC HEARINGS**

17. SUBJECT: MEASURE D FIVE-YEAR LOCAL PROGRAM OF PROJECTS  
(150.04)

**RECOMMENDATION:** That Council:

- A. Hold a Public Hearing regarding the Measure D Five-Year Local Program of Projects; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure D Five-Year Local Program of Projects for Fiscal Years 2005 - 2009.

**DOCUMENTS:**

- April 6, 2004, Public Works Director's report.
- Proposed Resolution.

The title of the resolution was read.

**PUBLIC HEARING OPENED:**

3:21 p.m.

**SPEAKERS:**

Staff: Principal Civil Engineer John Ewasiuk, Public Works Director  
Anthony Nisich.

**PUBLIC HEARING CLOSED:**

3:36 p.m.

**MOTION:**

Councilmembers Barnwell/Secord to approve the recommendations;  
Resolution No. 04-019.

**VOTE:**

Unanimous roll call vote.

**RECESS**

3:37 p.m. – 3:51 p.m. Councilmember Secord was absent when the Council reconvened.

## **PUBLIC HEARINGS (CONT'D)**

18. SUBJECT: APPEAL OF PLANNING COMMISSION AND ARCHITECTURAL BOARD OF REVIEW APPROVALS FOR 3349 CLIFF DRIVE (640.07)

RECOMMENDATION: That Council deny the appeals of Kathleen Weinheimer, on behalf of Mr. And Mrs. Noel MacDonald, and uphold the Planning Commission's decision to approve the application of David Winitzky, agent for James and Kari Ann Gerlach, for a Modification to allow excess garage floor area and a Coastal Development Permit, and the Architectural Board of Review's decision to approve a residential addition and improvements in the Hillside Design District, making the findings in the Council Agenda Report.

### **DOCUMENTS:**

- April 6, 2004, Community Development Director's report.
- January 30, 2004, and February 18, 2004, letters of appeal.
- April 2, 2004, letter from Appellant, limiting the appeal issues to bluff stability and the proposed fence along the eastern property line.
- April 2, 2004, letter from Appellant's attorney Derek Westen.
- April 6, 2004, letter from Applicant's attorney Anthony Fischer.
- January 29, 2004, letter from Brian Brodersen.
- Petition from the Braemar Ranch Homeowners Association.
- Affidavit of Publication.

### **PUBLIC HEARING OPENED:**

3:52 p.m.

### **SPEAKERS:**

- Staff: Associate Planner Trish Allen, Senior Planner Jan Hubbell, City Attorney Stephen Wiley, City Planner Bettie Hennon.
- Appellant: Noel MacDonald, Attorney Derek Weston.
- Applicant: Architect David Winitzky, Attorney Anthony Fischer, James Gerlach.

### **PUBLIC HEARING CLOSED:**

5:21 p.m.

### **MOTION:**

Councilmembers Horton/Barnwell to continue action on the appeal pending the possible resolution of the neighbors' dispute.

### **VOTE:**

Unanimous voice vote (Absent: Councilmember Secord).

## **CHANGES TO THE AGENDA**

### Item Removed from Agenda

Upon the recommendation of City Attorney Stephen Wiley, the following item was removed from the Agenda:

21. 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 Janeways v. City of Santa Barbara, et al., SBSC Case Number 01111681.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## **RECESS**

5:30 p.m. – 5:35 p.m. The Council reconvened in closed session for Agenda Item Nos. 19 and 20; all Councilmembers were present. City Attorney Stephen Wiley stated there would be no reportable action taken during the closed sessions.

## **CLOSED SESSIONS**

19. SUBJECT: CONFERENCE WITH LABOR NEGOTIATOR (440.05)

RECOMMENDATION: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to the City's labor negotiators, Joan Kent, Assistant City Administrator, and Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Santa Barbara Police Management Association.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

### DOCUMENTS:

April 6, 2004, Assistant City Administrator's report.

### TIME:

5:35 p.m. – 6:50 p.m.

No reportable action taken.

20. SUBJECT: CONFERENCE WITH LABOR NEGOTIATOR (440.05)

RECOMMENDATION: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiators Linda Jensen, Liebert Cassidy Whitmore, and Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Service Employees International Union, Local 620, Temporary Employee Bargaining Unit.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

DOCUMENTS:

April 6, 2004, Assistant City Administrator's report.

TIME:

6:50 p.m. – 8:00 p.m.

No reportable action taken.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 8:00 p.m. to Monday, April 12, 2004, at 1:30 p.m. for a site visit to 13 W. Haley Street.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

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MARTY BLUM  
MAYOR

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SUSAN TSCHECH  
DEPUTY CITY CLERK