



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING October 12, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:00 p.m. (The Ordinance Committee, which ordinarily meets at 12:30 p.m., and the Finance Committee, which ordinarily meets 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, Mayor Blum.

Councilmembers absent: Das Williams.

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

CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING OCTOBER 2004, AS EMPLOYMENT DISABILITIES AWARENESS MONTH (120.04)

ACTION: Proclamation presented to Cindy Burton, Executive Director, Work Training Programs, Bob Voorhis, Santa Barbara Bank & Trust, and Mr. and Mrs. Petrini.

2. SUBJECT: PROCLAMATION DECLARING OCTOBER 2004, AS DOMESTIC VIOLENCE AWARENESS MONTH (120.04)

ACTION: Proclamation presented to Rebecca Robertson, Executive Director, Domestic Violence Solutions.

3. SUBJECT: PROCLAMATION DECLARING OCTOBER 15, 2004, AS SANTA BARBARA SOUTH COAST WHITE CANE DAY (120.04)

ACTION: Proclamation presented to Eileen Bornstein, Santa Barbara South Coast Chapter, National Federation of the Blind.

CHANGES TO THE AGENDA

Item Removed from Agenda

At the request of City Administrator James L. Armstrong, the following item was removed from the Agenda:

9. 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.

PUBLIC COMMENT

SPEAKERS: Ken Loch, Kate Smith, Nancy Tunnell.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

INFORMATION:

- Councilmember Schneider mentioned that the Westside Study Group has a new website; she also spoke about the single family guidelines of the Neighborhood Preservation Ordinance.
- Councilmember Horton said that he and City Special Projects Manager Don Olson met with Bill Cirone, Santa Barbara County Superintendent of Schools.
- Mayor Blum spoke about the Festivals held over the weekend.

CONSENT CALENDAR (Item Nos. 4 – 16)

The titles of the resolutions and ordinance related to the Consent Calendar were read.

MOTION:

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

VOTE:

Unanimous roll call vote (Absent: Councilmember Williams).

4. **SUBJECT: MINUTES**

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of September 28, 2004.

ACTION: Approved the recommendation.

5. **SUBJECT: GRANT RENEWAL FOR YOUTH-DRIVEN ALCOHOL PREVENTION PROGRAM (520.04)**

RECOMMENDATION: That Council:

- A. Authorize the Acting Parks and Recreation Director to accept a grant renewal of \$50,000 from County of Santa Barbara Alcohol, Drug, and Mental Health Services, and to sign a purchase order with the County of Santa Barbara administering the grant renewal and continuing the program; and
- B. Increase appropriations and estimated revenues in Fiscal Year 2005 in the Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$50,000.

SPEAKERS:

Staff: Recreation Supervisor Susan Young, Teen Project Coordinator Jeff Hurley.

ACTION: Approved the recommendations (October 12, 2004, report from the Acting Parks and Recreation Director).

6. SUBJECT: PURCHASE ORDER FOR AIRPORT NOISE AND FLIGHT TRACK MONITORING SYSTEM (560.14)

RECOMMENDATION: That Council:

- A. Find it to be in the City's best interest to waive the formal bid process as authorized by the Municipal Code Section 4.52.080 (K) and authorize the General Services Manager to issue a purchase order to Bruel and Kjaer as the single most favorable source for providing maintenance to the City's Airport Noise and Flight Track Monitoring System including both hardware and software maintenance not to exceed \$55,000 per year; and
- B. Authorize the General Services Manager to purchase a Maintenance Contract from Bruel and Kjaer for the next four years.

SPEAKERS:

Staff: Assistant Airport Director Hazel Johns.

ACTION: Approved the recommendations (October 12, 2004, Airport Director's report).

7. SUBJECT: PROPOSED CHANGE TO ADULT TENNIS LEAGUE FEES (570.06)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 04-048 Establishing Certain City Fees for Fiscal Year 2005, Adjusting the Adult Tennis League Fee Effective October 12, 2004.

ACTION: Approved the recommendation; Resolution No. 04-079 (October 12, 2004, report from the Acting Parks and Recreation Director; proposed resolution).

8. SUBJECT: AGREEMENT FOR JUNIOR HIGH AFTER-SCHOOL SPORTS AND ARTS PROGRAM (150.05)

RECOMMENDATION: That Council:

- A. Approve and authorize the Acting Parks and Recreation Director to execute an agreement with the Santa Barbara School Districts (SBSD) for the Fiscal Year 2005 Junior High After-School Sports and Arts Program; and
- B. Appropriate \$67,000 in expenditures and \$67,000 in revenues in the Parks and Recreation Department Miscellaneous Grants Fund for the Junior High After-School Sports and Arts Program.

SPEAKERS:

- Staff: Recreation Programs Manager Sarah Clayton.
- Member of the Public: Ken Loch.

(Cont'd)

8. (Cont'd)

ACTION: Approved the recommendations; Agreement No. 21,519 (October 12, 2004, report from the Acting Parks and Recreation Director).

10. SUBJECT: LABOR NEGOTIATIONS CONTRACT 2004-2005 (440.03)

RECOMMENDATION: That Council approve and authorize the City Administrator to execute an agreement with the law firm of Liebert Cassidy Whitmore to secure services desired for the City's labor negotiations, in an amount not to exceed \$43,000.

ACTION: Approved the recommendation; Agreement No. 21,520 (October 12, 2004, Assistant City Administrator's report).

11. SUBJECT: ADOPTION OF ORDINANCE FOR AMENDMENTS PERTAINING TO BURGLARY AND ROBBERY ALARM SYSTEMS (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 9.100 of Title 9 of the Santa Barbara Municipal Code Pertaining to Burglary and Robbery Alarm Systems; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Alarm Registration Fees and False Alarm Penalties Pursuant to Sections 9.100.080 and 9.100.120 of the Santa Barbara Municipal Code and Rescinding Resolution No. 86-180.

ACTION: Approved the recommendations; Ordinance No. 5329; Resolution No. 04-080 (October 12, 2004, report from the Chief of Police; proposed ordinance; proposed resolution).

12. SUBJECT: SET A DATE FOR PUBLIC HEARING REGARDING APPEAL OF PARK COMMISSION DENIAL FOR 257 SAN NICOLAS AVENUE

RECOMMENDATION: That Council:

- A. Set the date of November 2, 9, 2004, at 2:00 p.m. for hearing the appeal filed by Kevin Cunningham of the Park Commission denial of a request to remove a tree located in the parkway at 257 San Nicolas Avenue; and
- B. Set the date of November 4, 8, 2004, at 1:30 p.m. for a site visit to 257 San Nicolas Avenue.

SPEAKERS:

Staff: City Administrator James L. Armstrong.

ACTION: The date of the public hearing was changed to November 9, and the date of the site visit was changed to November 8.

13. SUBJECT: SET A DATE FOR PUBLIC HEARING REGARDING APPEAL OF PARK COMMISSION DENIAL FOR 2047 CHINO STREET

RECOMMENDATION: That Council:

- A. Set the date of November 9, 2004, at 2:00 p.m. for hearing the appeal filed by Florence Jennings of the Park Commission denial of a request to remove 2 trees located in the parkway at 2047 Chino Street; and
- B. Set the date of November 8, 2004, at 1:30 p.m. for a site visit to 2047 Chino Street.

ACTION: Approved the recommendations.

NOTICES

- 14. The City Clerk has on Thursday, October 7, 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.
- 15. Received a letter of resignation from Transportation and Circulation Committee Member Marshall Burns; the vacancy will be part of the current City Advisory Group recruitment. (670.03)
- 16. Cancellation of the regular Redevelopment Agency meeting of October 12, 2004, due to lack of business.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

17. SUBJECT: UPDATE ON PERFORMANCE MANAGEMENT PROGRAM (230.05)

RECOMMENDATION: That Council receive a status report on the City's performance management program and a summary of department performance highlights from Fiscal Year 2004.

DOCUMENTS:

October 12, 2004, City Administrator's report.

SPEAKERS:

Staff: City Administrator James L. Armstrong, Assistant to the City Administrator for Organizational Development Nina Johnson.

(Cont'd)

17. (Cont'd)

MOTION:

Councilmembers Falcone/Schneider to accept the report.

VOTE:

Unanimous voice vote (Absent: Councilmember Williams).

18. SUBJECT: INTRODUCTION OF ORDINANCES FOR ADOPTION OF MEMORANDA OF UNDERSTANDING (440.02)

RECOMMENDATION: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, AF of L, CIO, CLC, Hourly Employees' Bargaining Unit, for the period of October 5, 2004, through October 31, 2005, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the Memorandum of Understanding Between the City of Santa Barbara and the Service Employees' International Union, Local 620, AF of L, CIO, CLC, Hourly Employees' Bargaining Unit;
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5165, the 2000-2004 Memorandum of Understanding with the Santa Barbara City Employees' Association (General Employee's Bargaining Unit), to Reflect the Agreement Between the City and the General Employees' Bargaining Unit to Prorate Benefits for Part-time Employees Effective September 3, 2004;
- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5166, the 2000-2004 Memorandum of Understanding with the Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units (Treatment and Patrol Bargaining Units), As Previously Amended by Ordinance No. 5187, to Reflect the Agreement Between the City and the Treatment and Patrol Bargaining Units to Prorate Benefits for Part-time Employees Effective September 24, 2004;
- D. 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 Add New Authorized Positions Effective October 16, 2004;
- E. Approve payment of two one-time payments of \$0.25 per hour worked for hourly employees not eligible for bargaining unit membership, but who worked 520 hours or more in fiscal year 2003-2004 or the 2004-2005 fiscal year-to-date, on the same basis and in the same manner as provided in the Memorandum of Understanding for hourly bargaining unit members; and

(Cont'd)

18. (Cont'd)

- F. Appropriate \$78,673 from Unappropriated Reserves to the Fiscal Year 2005 budgets as detailed by fund and department in the "Summary of FY 2005 Appropriations From Reserves - Hourly Employee MOU" to fund wage and benefit costs related to the new Memorandum of Understanding with the Hourly Employees bargaining unit.

DOCUMENTS:

- October 12, 2004, Assistant City Administrator's report.
- Proposed Ordinances.
- Proposed Resolution.

SPEAKERS:

Staff: Employee Relations Manager Kristy E. Schmidt.

MOTION:

Councilmembers Schneider/Barnwell to approve the recommendations; Resolution No. 04-081.

VOTE:

Unanimous roll call vote (Absent: Councilmember Williams).

COMMUNITY DEVELOPMENT DEPARTMENT

19. SUBJECT: ALLOCATION OF FISCAL YEAR 2005 COMMUNITY PROMOTION GRANTS FUNDING (230.02)

RECOMMENDATION: That Council:

- A. Review and approve the grant funding allocation recommendations of the City's Arts Advisory Committee for Fiscal Year 2005; and
- B. Authorize the Community Development Director to execute a contract with the Santa Barbara County Arts Commission in the amount of \$547,770 as approved in the Fiscal Year 2005 budget.

DOCUMENTS:

- October 12, 2004, Community Development Director's report.
- PowerPoint presentation prepared by staff.

SPEAKERS:

- Arts Advisory Committee: Staff Liaison Patrick Davis.
- Community Events & Festivals Committee: Committee Member Steve Engels.

(Cont'd)

19. (Cont'd)

MOTION:

Councilmembers Secord/Schneider to approve the recommendations;
Contract No. 21,521.

VOTE:

Unanimous voice vote (Absent: Councilmember Williams).

RECESS

3:31 p.m. – 3:44 p.m. Councilmember Barnwell was absent when the Council reconvened.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

WATERFRONT DEPARTMENT

20. SUBJECT: STATUS REPORT ON CHANDLERY REMODEL AND EXPANSION PROJECT (570.03)

RECOMMENDATION: That Council receive a presentation and status report from staff on the Chandlery Remodel and Expansion Project at the Harbor.

DOCUMENTS:

October 12, 2004, Waterfront Director's report.

Councilmember Barnwell entered the meeting at 3:45 p.m.

SPEAKERS:

Staff: Waterfront Director John Bridley, Principal Engineer John Schoof.

DISCUSSION:

Staff presented photos of the project, discussed the status of the second phase and answered the Councilmembers questions.

MAYOR AND COUNCIL REPORTS

21. SUBJECT: RESOLUTION IN SUPPORT OF PROPOSITION 1A - PROTECTION OF LOCAL GOVERNMENT REVENUES (160.02)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Supporting a Constitutional Amendment to Protect Local Government Revenues - Proposition 1A.

(Cont'd)

21. (Cont'd)

DOCUMENTS:

- October 12, 2004, City Administrator's report.
- Proposed Resolution.

SPEAKERS:

Staff: City Administrator James L. Armstrong.

MOTION:

Councilmembers Horton/Secord to approve the recommendation;
Resolution No. 04-082.

VOTE:

Unanimous roll call vote (Absent: Councilmember Williams).

Councilmembers Secord and Falcone stated they would not be present for the following item due to a conflict of interest.

RECESS

4:10 p.m. – 4:20 p.m. Councilmembers Secord and Falcone were absent when the Council reconvened.

CLOSED SESSIONS

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

RECOMMENDATION: That Council hold a closed session to discuss and give direction to its negotiators regarding the price and terms of payment for a possible new lease with the Santa Barbara Yacht Club and the price and terms of payment under the existing lease with the Santa Barbara Yacht Club located at 130 Harbor Way (Assessor's Parcel Number 045-250-011). The closed session is authorized under Government Code 54956.8. City negotiators include John Bridley, Waterfront Director, Scott Riedman, Waterfront Business Manager, and the City Attorney. The City negotiators may negotiate with Kent R. Pierce, Staff Commodore, and the legal representative of the Yacht Club, Steve Amerikaner.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

DOCUMENTS:

October 12, 2004, Waterfront Director's report.

TIME:

4:15 p.m. – 4:45 p.m.

RECESS

4:45 p.m. – 4:50 p.m. Councilmember Horton was absent when the Council reconvened.

22. 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 City of Goleta, et al., v. California Coastal Commission, et al., Ventura County Case No. CIV 214036.

Scheduling: Duration, 10 Minutes; anytime
Report: None anticipated

DOCUMENTS:

October 12, 2004, City Attorney's report.

TIME:

4:50 p.m. – 5:05 p.m.

RECESS

5:05 p.m. – 5:10 p.m. Councilmember Horton was absent when the Council reconvened.

24. 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 City of Santa Barbara v. Wilbur Smith & Associates, Ventura County Superior Court Case No. 226424.

Scheduling: Duration, 10 minutes; anytime
Report: None anticipated

DOCUMENTS:

October 12, 2004, City Attorney's report.

TIME:

5:10 p.m. – 5:25 p.m.

RECESS

5:25 p.m. – 6:00 p.m.

Mayor Blum presiding.

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

Councilmembers absent: Horton, Williams.

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

ANNOUNCEMENT:

City Attorney Stephen P. Wiley stated that the Council met in closed session for Item Nos. 22 – 24 and that no reportable action took place.

PUBLIC COMMENT

No one wished to speak.

PUBLIC HEARING

25. SUBJECT: INTRODUCTION OF ORDINANCE FOR DEMOLITION REVIEW AND OTHER HISTORIC PRESERVATION REGULATIONS (640.06)

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code to Provide Express Authority for City Historical Resource Surveys Within Designated Areas of the City, to Provide for the Possible Listing of Identified Potential Historic Resources, to Establish Processes for the Official Designation of Such Resources, and to Provide for Appropriate Historic Landmark Commission Consideration of Substantial Demolition Alterations to Such Resources; and
- B. Consider and subsequently adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting Administrative Regulations for the Identification and Protection of Potentially Significant Historic Structures.

DOCUMENTS:

- October 12, 2004, Community Development Director's report.
- Proposed Ordinance.
- Proposed Resolution.
- PowerPoint presentation prepared by staff.
- October 12, 2004, letter from Rick T. Barron.

(Cont'd)

25. (Cont'd)

PUBLIC HEARING OPENED:

6:01 p.m.

SPEAKERS:

- Staff: Senior Planner Jaime Limón, City Planner Bettie Weiss, City Attorney Stephen P. Wiley, Associate Planner Jake Jacobus.
- Historic Landmarks Commission: Commissioner William La Voie.
- Members of the Public: Monte Fligsten, Cheri Rae McKinney; Rick Barron; Joe Rution; Citizens Planning Association: Naomi Kovacs; Kellam de Forest.

PUBLIC HEARING CLOSED:

7:47 p.m.

MOTION:

Councilmembers Barnwell/Secord to approve the recommendations and to direct staff to remove the word "exemplary" from Chapter 22.22.104, Section A.2.b., and to return to the Council within one year with a progress report and suggested revisions, if any.

VOTE:

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

ADJOURNMENT

Mayor Blum adjourned the meeting at 7:48 p.m.

SANTA BARBARA CITY COUNCIL

JAMES L. ARMSTRONG
CITY CLERK

MARTY BLUM
MAYOR

ATTEST:

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK