



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
October 27, 2009
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 1:00 p.m. The Ordinance Committee, which is ordinarily scheduled to meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone (2:01 p.m.), Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams (2:02 p.m.), Mayor Blum.

Councilmembers absent: None.

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

CHANGES TO AGENDA

City Administrator James Armstrong stated that an emergency item will be added to the agenda to follow the Consent Calendar.

PUBLIC COMMENT

Speakers: Ken Loch; Ruth Wilson; David Daniel Diaz; Debbie Cox Bultan, No on Measure B Coalition; Eva Inbar, COAST; Belen Seara, Executive Director of PUEBLO; Cruzito H. Cruz; Patrick Donahoe, Santa Barbara County Democratic Party; AIE, the Person (Kate Smith).

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember Williams stated he would abstain from voting on the following Agenda Item due to a potential conflict of interest related to the location of his residence and the location of the subject property.

4. Subject: Approval Of Emergency Purchase Order For Alamar Street Bridge Repairs (530.04)

Recommendation: That Council:

- A. Retroactively approve the City's issuance of an emergency Purchase Order to Granite Construction Company in their low bid amount of \$80,382 for the Alamar Street Bridge Repair Project (Project), Bid No. 4947; and
- B. Authorize the Public Works Director to approve expenditures of up to \$45,000 for required extra work to divert water in Mission Creek from the work area and differences between estimated bid quantities and actual quantities measured for payment.

Documents:

October 27, 2009, report from the Public Works Director.

Motion:

Councilmembers Schneider/Horton to approve the recommendations.

Vote:

Unanimous voice vote (Abstention: Councilmember Williams).

CONSENT CALENDAR (Item Nos. 1 - 3 and 5 - 9)

The titles of the resolutions related to Item Nos. 2 and 5 were read.

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of October 1, 2009.

Action: Approved the recommendation.

2. Subject: Amendment To Solid Waste Rates For The Business Sector (630.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 09-043, Establishing Certain City Fees, Including Water and Wastewater Rates, to Establish New Rates for the Collection of Recyclables, Greenwaste, Foodscraps and Trash for Businesses Within the City of Santa Barbara.

Action: Approved the recommendation; Resolution No. 09-086 (October 27, 2009, report from the Interim Finance Director; proposed resolution).

3. Subject: Sole Source Vendor For The MyRide Bus Pass Program (150.05)

Recommendation: That Council:

- A. Authorize the City's General Services Manager to issue a Purchase Order to the Metropolitan Transit District (MTD) in the amount of \$165,000 pursuant to the Sole Source provisions of Santa Barbara Municipal Code Section 4.52.070 (K) in order to fund the cost of rides taken under the City's Bus Pass Programs for Fiscal Year 2010; and
- B. Authorize the City's General Services Manager to issue Purchase Orders and Change Orders to MTD for four consecutive years, for the 90-Day and MyRide Bus Pass Programs (MyRide), in amounts not to exceed the annual appropriated budget for the Programs, as approved by City Council.

Action: Approved the recommendations (October 27, 2009, report from the Public Works Director).

5. Subject: Administrative Citation Program Unpaid Fines Certification (640.09)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Amounts of Liens/Special Assessments Sought to be Collected from Property Owners for Unpaid Administrative Fines.

Action: Approved the recommendation; Resolution No. 09-087 (October 27, 2009, report from the Community Development Director; proposed resolution).

6. **Subject: Appropriation Of American Re-Investment And Recovery Act Of 2009 (ARRA) Funds For Homelessness Prevention And Rapid Re-Housing And Community Development Block Grant Recovery (660.04)**

Recommendation: That Council:

- A. Increase appropriations and estimated revenues by \$1,200,000 in the Miscellaneous Grants Fund for the Homelessness Prevention and Rapid Re-Housing ARRA grant from the State Department of Housing and Community Development to fund the City of Santa Barbara Homelessness Prevention and Rapid Re-Housing Collaborative; and
- B. Increase appropriations and estimated revenues by \$289,274 in the Community Development Block Grant Fund for the Community Development Block Grant ARRA grant from the U.S. Department of Housing and Urban Development to fund three City projects.

Action: Approved the recommendations (October 27, 2009, report from the Community Development Director).

7. **Subject: September 30, 2009, Investment Report And September 30, 2009, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the September 30, 2009, Investment Report; and
- B. Accept the September 30, 2009, Fiscal Agent Report.

Action: Approved the recommendations (October 27, 2009, report from the Interim Finance Director).

NOTICES

8. The City Clerk has on Thursday, October 22, 2009, 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.
9. Cancellation of the regular City Council and Redevelopment Agency meetings of November 3, 2009.

This concluded the Consent Calendar.

BUSINESS CONSIDERED EX AGENDA

15. Subject: Increase In Change Order Authority For The Upper Las Positas Creek Storm Water Improvement Project (540.14)

Recommendation: That Council:

- A. Find that a public emergency, as defined in Government Code section 54956.5, related to the Las Positas Creek Storm Water Project (Project) exists for the reasons stated in this Council Agenda Report and place this item on the Council Meeting Agenda of October 27, 2009, pursuant to the authority of subparagraph (b) of Government Code section 54954.2, a portion of the state Brown Act; and
- B. Approve additional change order expenditure authority for the Upper Las Positas Creek Storm Water Improvement Project Contract No. 23,117, in the amount of \$250,000, for a total change order expenditure authority of \$448,349.

Documents:

- October 27, 2009, report from the Public Works Director.
- October 27, 2009, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: City Administrator James Armstrong, City Attorney Stephen Wiley.

Motion:

Councilmembers Falcone/House to approve recommendation A.

Vote:

Unanimous voice vote.

Speakers (Cont'd):

Staff: Assistant Public Works Director/City Engineer Pat Kelly, Creeks Restoration/Clean Water Manager Cameron Benson.

Motion:

Councilmembers Francisco/Williams to approve recommendation B.

Vote:

Unanimous voice vote.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to discuss the September 30, 2009, Investment Report and Fiscal Agent Report and recommended adjustments to the Fiscal Year 2009 budget. The Committee recommended that both items be forwarded to the Council (Agenda Item No. 7, approved by the Council as part of this agenda's Consent Calendar, and Item No. 12, respectively).

Item No. 10 appears in the Redevelopment Agency minutes.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Human Services And Community Development Block Grant Funding Application Release (230.06)

Recommendation: That Council:

- A. Review and provide input and direction on the current Community Development and Human Services Committee (CDHSC) program funding criteria and priorities for Fiscal Year 2011 Human Services and Community Development Block Grant funding decisions;
- B. Authorize staff to release the Fiscal Year 2011 funding application along with the committee review process and schedule for review of those applications; and
- C. Establish a funding commitment from the Fiscal Year 2011 General Fund in the amount of \$703,256 for the Human Services Program.

Documents:

- October 27, 2009, report from the Community Development Director.
- October 27, 2009, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Community Development Programs Supervisor Sue Gray, City Administrator James Armstrong.

Motion:

Councilmembers Williams/Horton to approve recommendations B and C, and to direct staff to add any City-initiated policy move, such as the Youth Violence Task Force or the 12 recommended strategies to address homelessness issues, to the first priority for funding.

Vote:

Unanimous voice vote.

FINANCE DEPARTMENT

12. Subject: Fiscal Year 2009 General Fund Final Balancing And Adjustments (230.05)

Recommendation: That Council approve the adjustments to the Fiscal Year 2009 budget as shown in the Summary of Proposed Budget Adjustments in connection with the final balancing of Fiscal Year 2009.

(Cont'd)

12. (Cont'd)

Documents:

October 27, 2009, report from the Interim Finance Director.

Speakers:

Staff: Interim Finance Director Robert Samario.

Councilmember Williams left the meeting at 3:48 p.m.

Recess: 3:51 p.m. - 4:01 p.m. Councilmembers Falcone and Francisco were absent when the Council reconvened.

Councilmembers Falcone and Francisco returned to the meeting at 4:02 p.m.

Motion:

Councilmembers Horton/Falcone to approve the recommendation.

Vote:

Unanimous voice vote.

PUBLIC HEARINGS

13. Subject: Appeal Of The Fire And Police Commission's Approval With Conditions Of The Nightclub Dance Permit Renewal For Velvet Jones (520.01)

Recommendation: That Council deny the appeal of Craig Jenkins and uphold the Fire and Police Commission's decision to approve the nightclub dance permit renewal with certain conditions for Velvet Jones at 423 State Street.

Documents:

- October 27, 2009, report from the Police Chief.
- October 27, 2009, PowerPoint presentation prepared and made by Staff.
- October 10, 2008, Petition for Conditional License submitted by Craig Jenkins.

Public Comment Opened:

4:17 p.m.

Speakers:

- Staff: Police Captain Gilbert Torres, Police Sergeant Riley Harwood, Police Technician Holly Perea, City Attorney Stephen Wiley.
- Appellant/Applicant: Craig Jenkins.
- Members of the Public: Bob Stout, Neil Ablitt.

(Cont'd)

13. (Cont'd)

Public Comment Closed:
5:22 p.m.

Motion:

Councilmembers Williams/Falcone to deny the appeal and revise the conditions in the Council Agenda Report as follows: 1) Item No. 5 to be clarified to require security guards on duty whenever dancing is taking place; 2) Item No. 6 to state that security guards must be on duty during 18-and-over shows; and 3) Item No. 10 to state that dancing is prohibited after midnight instead of 11:00 p.m.

Amendment Motion:

Councilmember Williams/Falcone to deny the appeal and revise the conditions in the Council Agenda Report as follows: 1) Item No. 5 to be clarified to require security guards on duty whenever dancing is taking place; 2) Item No. 6 to state that security guards must be on duty during 18-and-over shows; 3) Item No. 10 to state that dancing is prohibited after midnight instead of 11:00 p.m.; and 4) add a new condition relating to the applicant's security plan and description of how the business will operate when persons under 21 are present, as presented to the Council.

Vote on Amendment Motion:
Unanimous voice vote.

RECESS

Mayor Blum recessed the meeting at 5:49 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 14. Councilmember Horton left the meeting at 5:49 p.m.

CLOSED SESSIONS

14. Subject: Fire Chief Appointment (440.05)

Recommendation: That Council hold a closed session, pursuant to Section 54957 of the Government Code to consider a public employee appointment.

Title: Fire Chief

Scheduling: Duration, 20 minutes; anytime

Report: Anticipated

Documents:

October 27, 2009, report from the City Administrator.

Time:

5:50 p.m. - 6:01 p.m. Councilmember Horton was absent.

RECESS

6:01 p.m. - 6:02 p.m. Councilmembers Falcone, Horton and Williams were absent when the Council reconvened.

Announcement:

City Administrator James Armstrong reported that the Council met in closed session for Agenda Item No. 14, and that the Council voted unanimously to appoint Interim Fire Chief Andy DiMizio as Fire Chief. A formal swearing in will take place on November 12.

Councilmember Williams returned to the meeting at 6:03 p.m.

ADJOURNMENT

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

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

Marty Blum
MARTY BLUM
MAYOR

ATTEST: Brenda Alcazar
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK