



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING January 9, 2007 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Ordinance Committee met at 12:00 p.m. The Finance Committee met at 1:00 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

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

### CEREMONIAL ITEMS

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through January 31, 2007.

Documents:

January 9, 2007, report from the Administrative Services Director.

Speakers:

Staff: City Administrator James L. Armstrong.

(Cont'd)

1. (Cont'd)

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

25 Year Pin

Minnie Ballard, Office Specialist I, Community Development  
Joseph Poire, Fire Inspector III, Fire  
David Straede, Network Administrator, Police

20 Year Pin

Margarita Sanchez, Accounting Assistant, Finance  
Lee Waldron, Fire Captain, Fire  
Stephen Palacio, Senior Grounds Maintenance Worker, Parks and Recreation  
Damian Gadal, Accounting Coordinator, Waterfront

10 Year Pin

Kevin Corbett, Firefighter, Fire  
Darin Biamonte, Police Officer, Police  
Warren Holtke, Police Officer, Police  
Gary Siegel, Police Officer, Police  
Andre Feller, Police Officer, Police  
Gregory Hons, Police Officer, Police

5 Year Pin

Iya Falcone, Councilmember, Mayor and City Council  
Roger Horton, Councilmember, Mayor and City Council  
Robert Castro, Police Officer, Police  
Craig Rullman, Police Officer, Police  
Browning Allen, Transportation Manager, Public Works

**CHANGES TO THE AGENDA**

Item Removed From Agenda

City Administrator James L. Armstrong announced that the following item was removed from the Agenda due to withdrawal of the appeal.

26. Subject: Appeal Of Planning Commission Approval Of 40 Pine Drive (640.07)

Recommendation: That Council deny the appeal of Martha Hogan and uphold the Planning Commission's decision to approve the Street Frontage Modifications, Public Street Waiver and Tentative Subdivision Map for the proposed project located at 40 Pine Drive, subject to the revised conditions of approval.

## **PUBLIC COMMENT**

Speaker: Michael Self, Santa Barbara Safe Streets.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Horton commented on his attendance at the following: 1) the opening press conference for the 2007 Santa Barbara Film Festival; 2) a meeting regarding the Santa Barbara High School Mentor Program; and 3) a board meeting of First 5 of Santa Barbara County.
- Councilmember Falcone mentioned the swearing in of the Santa Barbara County Board of Supervisors, a League of California Cities meeting being held in Sacramento that she will be attending, and a League of California Cities Channel Counties Division dinner in San Luis Obispo.
- Councilmember House remarked upon the following: 1) his request directed to Caltrans to modify interchangeable signs that will be installed on Highway 101 near the Las Positas exit; 2) that in the past eleven years, 2006 had the lowest number of noise complaints at the Santa Barbara Airport; and 3) Community Development Block Grant applications were due on January 4, 2007.
- Councilmember Barnwell spoke about the deaths of Major General Charles Ott and Washington Elementary School Principal Beatrice Cordiero.
- Councilmember Schneider announced that there were 65 applications for the Community Development Block Grant.
- Councilmember Williams reported on the following: 1) a meeting of the Transfer of Development Rights working group; 2) the opening press conference for the Santa Barbara Film Festival; 3) his attendance at a midnight mass at the Santa Barbara Mission; 4) his intent on attending a meeting of the California League of Cities Transportation Committee; and 5) Docent training for guardians of shorebirds.
- Mayor Blum commented on the swearing in of the first female District Attorney and the funeral of Robert Puddicombe.

## **CONSENT CALENDAR (Item Nos. 2 - 22)**

The titles of the resolutions and ordinances related to Item Nos. 6 – 10 of the Consent Calendar were read.

Motion:

Councilmembers Horton/Schneider 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 special meeting of December 11, the regular meeting of December 12, the special meetings of December 18, and the regular meetings of December 19, and December 26, 2006 (cancelled due to lack of a quorum).

Action: Approved the recommendation.

3. Subject: Purchase Of One Custom Spartan Fire Engine (340.08)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code 4.52.080(k), and authorize the General Services Manager to issue a purchase order to Hi-Tech Emergency Vehicle Service, Inc., in the amount of \$417,882.52 for the assembly and delivery of one custom Spartan Fire Engine meeting the same specifications as the vehicle assembled and delivered to the Rocklin Fire Department, California.

Action: Approved the recommendation (January 9, 2007, report from the Fire Chief).

4. Subject: Acceptance Of Grant From The United States Department Of Homeland Security Assistance To Firefighters Grant Program (520.02)

Recommendation: That Council:

- A. Accept a grant for \$140,328 from the United States Department of Homeland Security Fiscal Year 2006 Assistance to Firefighters Grant Program; and
- B. Increase appropriations and estimated revenue in the Fiscal Year 2007 Fire Department Operating Budget in the amount of \$140,328.

Action: Approved the recommendations (January 9, 2007, report from the Fire Chief).

5. Subject: Fiscal Year 2007 Interim Financial Statements For The Five Months Ended November 30, 2006 (250.02)

Recommendation: That Council accept the Fiscal Year 2007 Interim Financial Statements for the Five Months Ended November 30, 2006.

Action: Approved the recommendation (January 9, 2007, report from the Finance Director).

6. Subject: Adoption Of Ordinance Approving A Lease Agreement With Stearns Wharf, Inc., Doing Business As Old Wharf Trading Company (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Stearns Wharf, Inc., Doing Business As Old Wharf Trading Company, Commencing on February 1, 2007, at an Average Rent of \$6,716 Per Month, \$4.86 Per Square Foot, or 10% of Gross Sales, Whichever is Greater, for a 1,383 Square-Foot Retail Space Located at 217-A Stearns Wharf.

Action: Approved the recommendation; Ordinance No. 5404; Agreement No. 22,281.

7. Subject: Adoption Of Ordinance Approving A Lease Agreement With Topside (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Stearns Wharf, Inc., Doing Business As Topside, Commencing on February 1, 2007, at an Average Rent of \$4,963 Per Month, \$5.03 Per Square Foot, or 10% of Gross Sales, Whichever is Greater, for a 986 Square-Foot Retail Space Located at 217-D Stearns Wharf.

Action: Approved the recommendation; Ordinance No. 5405; Agreement No. 22,282.

8. Subject: Adoption Of Ordinance Approving A Lease Agreement With Nature's Own Gallery (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Nature's Own Gallery, Inc., Commencing on February 1, 2007, at an Average Rent of \$1,906 Per Month, \$4.41 Per Square Foot, or 10% of Gross Sales, Whichever is Greater, for a 423 Square-Foot Retail Space Located at 217-C Stearns Wharf.

Action: Approved the recommendation; Ordinance No. 5406; Agreement No. 22,283.

9. Subject: Adoption Of Ordinance Approving A Lease Agreement With Deep Blue Sea (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Jon Marshall and Jim Marshall, Doing Business As Deep Blue Sea, Commencing on February 1, 2007, at an Average Rent of \$1,929 Per Month, \$4.92 Per Square Foot, or 10% Of Gross Sales, Whichever is Greater, for a 392 Square-Foot Retail Space Located at 219-C Stearns Wharf.

Action: Approved the recommendation; Ordinance No. 5407; Agreement No. 22,284.

10. Subject: Adoption Of Ordinance Approving A Lease Agreement With Mother Stearns Candy (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Neil and Judi Bruskin, Doing Business As Mother Stearns Candy Company, Commencing on February 1, 2007, at an Average Rent of \$1,976 Per Month, \$5.04 Per Square Foot, or 10% of Gross Sales, Whichever is Greater, for a 392 Square-Foot Retail Space Located at 219-B Stearns Wharf.

Action: Approved the recommendation; Ordinance No. 5408; Agreement No. 22,285.

11. Subject: Contract For Construction Of The Water Main Replacement Project, Fiscal Year 2006-2007 (540.06)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Tierra Contracting, Inc. (Tierra), waiving a minor bid irregularity, in their low bid amount of \$1,471,516 for construction of the Water Main Replacement Project, Fiscal Year 2006-2007, Bid No. 3452;
- B. Authorize the Public Works Director to approve expenditures up to \$148,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the General Services Manager to issue a Purchase Order to Martyn Field Services, Incorporated (Martyn), in the amount of \$5,010 for material testing services, and approve expenditures up to \$500 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 22,286 (January 9, 2007, report from the Public Works Director).

12. Subject: Contract For Construction Of The Montecito Street Lighting Project, Milpas Street To Soledad Street (530.04)

Recommendation: That Council:

- A. Wave minor bid irregularities, award and authorize the Public Works Director to execute a contract with Traffic Signal Maintenance, Incorporated (TSM), in their low bid amount of \$80,355 for construction of the Montecito Street Lighting Project, Milpas Street to Soledad Street, and authorize the Public Works Director to approve expenditures up to \$12,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual measured quantities for payment; and
- B. Authorize the General Services Manager to issue a Purchase Order to Santa Barbara Electrical Design, Incorporated, in the amount of \$6,000 for design services during construction, and \$600 for extra services of Santa Barbara Electrical Design, Incorporated, that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 22,287 (January 9, 2007, report from the Public Works Director).

13. Subject: Contract For A Study Of Pollutant Sources In Lower Mission Creek With The U.S. Department Of The Interior, U.S. Geological Survey (530.03)

Recommendation: That Council authorize the Public Works Director to execute a contract with the U.S. Department of the Interior, U.S. Geological Survey (USGS), in an amount not to exceed \$59,000, for the third and final year of a study to evaluate sources of microbial contamination in Mission Creek and the nearby surf zone.

Action: Approved the recommendation; Contract No. 22,288 (January 9, 2007, report from the Public Works Director).

14. Subject: One-Stop Rebate Program Agreement With California Urban Water Conservation Council (540.05)

Recommendation: That Council approve and authorize the Water Resources Manager to execute the attached contract with California Urban Water Conservation Council to participate in the Statewide One-Stop Rebate Program, and authorize the Water Resources Manager to execute any amendment not to exceed a total up-front contract cost of \$45,000.

Action: Approved the recommendation; Contract No. 22,289 (January 9, 2007, report from the Public Works Director).

Item Nos. 15 and 16 appear in the Redevelopment Agency minutes.

## NOTICES

17. The City Clerk has on Thursday, January 4, 2007, 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.
18. City Advisory Group Recruitment:
  - A. That the City Clerk's Office will accept applications for vacancies on the Architectural Board of Review, Harbor Commission, and Oversight Committee (Measure P) through Friday, February 2, 2007, at 5:00 p.m.; and
  - B. That the City Council will conduct interviews of applicants for vacancies on the Architectural Board of Review, Harbor Commission, and Oversight Committee on Tuesday, February 27, 2007, at 2:00 p.m.
19. Received a letter of resignation from Architectural Board of Review Member Bruce Bartlett; the vacancy will be part of the current City Advisory Group recruitment.
20. Received a letter of resignation from Historic Landmarks Committee Member Vadim Hsu; the vacancy will be part of the next City Advisory Group recruitment.
21. Received a memorandum advising of the vacancy created on the Franklin Center Advisory Committee with the departure of Member Araceli Villalpando; the vacancy will be part of the next City Advisory Group recruitment.
22. Cancellation of the regular City Council and Redevelopment Agency meeting of January 16, 2007, due to lack of a quorum.

This concluded the Consent Calendar.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Iya G. Falcone reported that the Committee met to discuss the Municipal Election Reform, that the Council will participate in a Municipal Election Reform Work Session on Monday, January 29, 2007 at 1:30 p.m., and that the Ordinance Committee will discuss this item again on February 6; the Committee also met to review the Fire Service Promotional Continuous Examinations and reported that this item will be forwarded to Council on a future agenda.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger L. Horton reported that the Committee met to hear a presentation from Public Works Department to add three new positions to the Construction Management staff and to review the Fiscal Year 2007 Interim Financial Statements For The Five Months Ended November 30, 2006, the latter of which was approved by the Council as part of the Consent Calendar (Item No. 5).

Item No. 23 appears in the Redevelopment Agency minutes.

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

### CITY ADMINISTRATOR

24. Subject: Ordinance For Introduction For New Police Memorandum Of Understanding (440.02)

Recommendation: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Santa Barbara Police Officers' Association for the period of July 1, 2006, through December 31, 2009, 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 Santa Barbara Police Officers' Association;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 06-055, the Position and Salary Control Resolution for Fiscal Year 2007, Affecting the Salaries of Police Sworn, Non-Sworn, and Police Managers;
- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5356, the Management Salary Plan, for Fiscal Years 2005 through 2008; and
- D. Increase appropriations from General Fund unappropriated reserves by \$692,904 in the Fiscal Year 2007 Police Department budget for increased salary and benefit costs.

Documents:

- January 9, 2007, report from the Community Development Director.
- Proposed Ordinances.
- Proposed Resolution.

The titles of the ordinances and resolution were read.

Speakers:

- Staff: Employee Relations Manager Kristy Schmidt.
- Santa Barbara Police Officer's Association: President Mike McGrew.

Motion:

Councilmembers Barnwell/Horton to approve the recommendations; Resolution No. 07-001.

Vote:

Unanimous roll call vote.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

### **POLICE DEPARTMENT**

25. Subject: New Police Records Management System (160.06)

Recommendation: That Council:

- A. Authorize the Chief of Police to negotiate and execute a contract with Versaterm Software Systems for the acquisition and implementation of an integrated records management and computer aided dispatch software system;
- B. Appropriate \$284,992 from the General Fund unappropriated reserves to the Fiscal Year 2007 Police Department budget to fund a portion of the system's Fiscal Year 2007 capital costs; and
- C. Authorize the General Services Manager to increase the professional services purchase order to Deltawrx by \$17,500 to a not-to-exceed amount of \$32,500 to conclude their contract design and negotiations with Versaterm.

Documents:

January 9, 2007, report from the Chief of Police.

Speakers:

Staff: Police Captain Ed Szeyller.

Motion:

Councilmembers Horton/Falcone to approve the recommendations;  
Contract No. 22,290.

Vote:

Unanimous voice vote.

### **RECESS**

Mayor Blum recessed the meeting at 2:58 p.m. in order for the Council to reconvene in Closed Session for Item Nos. 27 and 28 and stated that no reportable action is anticipated.

### **CLOSED SESSIONS**

27. 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 Ruben Lino v. City of Santa Barbara, et al., SBSC Case Number 1159182.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

27. (Cont'd)

Documents:

January 9, 2007, report from the City Attorney.

Time:

3:00 p.m. - 3:45 p.m.

No report made.

28. Subject: Conference With Real Property Negotiator (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of section 54956.8 of the Government Code to consider instructions to City staff and the City Attorney regarding potential lease negotiations with the Sares-Regis Group for real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederic Lopez Road, Francis Botello Road and David Love Place, owned by the City of Santa Barbara (Parcel 22 of the Airport Specific Plan Map, City Parcel Map No. 20,608). City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Community Development Director; Sarah Knecht, Assistant City Attorney.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

January 9, 2007, report from the Airport Director.

Time:

5:10 p.m. - 5:55 p.m.

No report made.

## **RECESS**

5:56 p.m. - 5:59 p.m.

Mayor Blum presiding.

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

Councilmembers absent: None.

Staff present: Assistant City Administrator Joan M. Kent, City Attorney Wiley, Deputy City Clerk Cole.

## **PUBLIC COMMENT**

No one wished to speak.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

**PARKS AND RECREATION DEPARTMENT**

29. Subject: Oak Park Alcohol Rules (570.05)

Recommendation: That Council designate Oak Park as a park where consumption of alcohol is prohibited except by permit, and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Permitting the Consumption of Alcohol in Certain City-Owned Public Areas and Repealing Resolution No. 99-120.

Documents:

- January 9, 2007, report from the Parks and Recreation Director.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Police Sergeant Dave Whitham.
- Members of the Public: Diane Krohn; Dan Sullivan; Amrita Sullivan; Jessani Johnson, The Oaks Parent Child Workshop; Marilyn Statucki, The Oaks Parent Child Workshop; Lynette King; Elaine Caldwell; Lance Wilhoite; Tim King; Molly Pearson, The Oaks Parent Child Workshop; Randy Langel, Greek Festival.

Motion:

Councilmembers House/Falcone to approve the recommendation; Resolution No. 07-002.

Vote:

Unanimous voice vote.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 6:58 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

\_\_\_\_\_ ATTEST: \_\_\_\_\_  
MARTY BLUM LORI COLE  
MAYOR DEPUTY CITY CLERK