



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING July 26, 2005 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, 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 Brenda Alcazar.

### PUBLIC COMMENT

Speakers: Chip Wullbrandt, Kelly Magne, Paloma Rios, Alda Escarcega, Mike Panos, Ken Loch, Scott Wenz, and Frank Becchio.

### COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Horton spoke about the press conference announcing the Film Festival's Economic Impact on the City of Santa Barbara and reported on his attendance at the Franklin Center Advisory Committee meeting.
- Councilmember Schneider reported on the Westside Study Group walkabout.
- Councilmember Williams spoke about the following: 1) an update on the snowy plover; 2) the recent Police Department barbecue; 3) the anniversary of the formation of PUEBLO; and 4) the Sycamore Creek cleanup event this coming Saturday.

(Cont'd)

Information (Cont'd):

- Councilmember Barnwell reported on a meeting with the Greater Santa Barbara Lodging Association.
- Councilmember Falcone spoke about the Builder of the Year Awards ceremony.
- Mayor Blum mentioned the following: 1) today is the anniversary of the Americans with Disabilities Act; and 2) that she met with residents of the Bungalow Haven District.

**ITEM REMOVED FROM CONSENT CALENDAR**

**4. Subject: Response To 2004-2005 Grand Jury Report Pertaining To The Police Department, "The Child Not Yet Left Behind" (150.04)**

Recommendation: That Council authorize the Mayor to send a letter to the Presiding Judge of the Superior Court in response to the finding and recommendation pertaining to the Police Department in the Grand Jury Report entitled, "The Child Not Yet Left Behind."

Documents:

- July 26, 2005, report from the Chief of Police.
- May 16, 2001, letter from Deborah A. Flores, Superintendent, Santa Barbara School Districts, submitted by Joan Esposito.
- September 11, 2003, photocopy of The South Coast Beacon "Advocate Steps Up Truancy Battle" article, submitted by Joan Esposito.

Speakers:

- Staff: City Attorney Stephen P. Wiley.
- Members of the Public: Joan T. Esposito, Karolyn Renard.

Motion:

Councilmembers Williams/Falcone to direct staff to revise the letter to:

- 1) Include advice to change Recommendation 5b to read: "The Probation Department, local Police Departments, the County Education Office, and the Santa Barbara School District should work together to provide effective anti-truancy monitoring and enforcement measures with rehabilitative measures to be implemented at the earliest possible time"; and
- 2) Include an additional recommendation urging the District Attorney's Office to provide professional screening for English language proficiency, mental health and learning disabilities on the children that have been identified as part of the program.

Vote:

Unanimous voice vote.

**CONSENT CALENDAR** (Item Nos. 1 – 3, 5, 6 and 9)

The title of the ordinance related to Item No. 2 was read.

Motion:

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

Vote:

Unanimous voice vote.

**1. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of July 12, 2005.

Action: Approved the recommendation.

**2. Subject: Introduction Of Ordinance For Lease Amendment With The California Department Of General Services, Department Of Justice (330.04)**

Recommendation: That Council:

- A. Approve and authorize the Airport Director to execute an amendment to Lease Agreement No. 18,359, as amended, for 6,000 square feet of Building 226 and 1,600 square feet of adjacent land at 6190 Francis Botello Road, extending the term to May 31, 2006, and increasing the rental to \$8,765.06 per month, including utilities; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Amendment Dated April 1, 2005, Extending the Term of Lease Agreement No. 18,359, as Amended, Between the City of Santa Barbara and the State of California, Department of General Services, at the Santa Barbara Airport.

Action: Approved the recommendations (July 26, 2005, Airport Director's report; proposed ordinance).

**3. Subject: Agreement For Franceschi Park Resident Caretaker (570.05)**

Recommendation: That Council authorize the Acting Parks and Recreation Director to execute a Caretaker Rental Agreement for the Franceschi Park Cottage with Jeffery Miller from August 1, 2005, through July 31, 2008.

Action: Approved the recommendation; Agreement No. 21,767 (July 26, 2005, Acting Parks and Recreation Director's report).

**5. Subject: Response To 2004-2005 Grand Jury Report On The Police Department, "A Sobering Thought - The Santa Barbara Community Sobering Center - An Alternative To Jail" (150.04)**

Recommendation: That Council authorize the Mayor to send a letter to the Presiding Judge of the Superior Court in response to the finding and recommendation included in the 2004-2005 Grand Jury Report entitled, "A SOBERING THOUGHT - The Santa Barbara Community Sobering Center - An Alternative to Jail."

Action: Approved the recommendation (July 26, 2005, report from the Chief of Police).

**6. Subject: Contract For Construction Of The Santa Barbara Airport Tidal Restoration Demonstration Project In Goleta Slough (560.04)**

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with R. Burke Corporation, in their low bid amount of \$740,050, for construction of the Santa Barbara Airport (Airport) Tidal Restoration Demonstration Project in Goleta Slough (Slough) Project, Bid No. 3383A;
- B. Authorize the Public Works Director to approve expenditures up to \$74,005 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;
- C. Authorize the Public Works Director to execute a contract with URS, Incorporated (URS), in the amount of \$83,658 for construction support services, and authorize the Public Works Director to approve expenditures of up to \$8,366 for extra services of URS that may result from necessary changes in the scope of work; and
- D. Increase appropriations in the Airport Fund's Fiscal Year 2006 budget in the amount of \$906,079 from unappropriated reserves to fund this project.

Action: Approved the recommendations; Contract Nos. 21,768 and 21,769 (July 26, 2005, Public Works Director's report).

Item Nos. 7 and 8 appear in the Redevelopment Agency minutes.

**NOTICES**

- 9. The City Clerk has on Thursday, July 21, 2005, 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.

This concluded the Consent Calendar.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Iya G. Falone reported that the Committee held the second meeting pertaining to the Living Wage Ordinance and that the next meeting will be held on Saturday, July 30, at 10:00 a.m.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dan Secord reported that the Committee met to receive the Second Quarter 2005 Investment Management Review, which will be presented to the Council as Item No. 10. They also met to discuss proposed changes to the purchasing code; this item will be presented to the Council in two weeks.

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

### FINANCE DEPARTMENT

#### **10. Subject: Investment Management Review (260.02)**

Recommendation: That Council receive and accept the Second Quarter 2005 Investment Management Review from PFM Asset Management, LLC (PFM).

Documents:

July 26, 2005, report from the Finance Director.

Councilmember Williams left the meeting at 3:14 p.m.

Speakers:

- Staff: Treasury Manager Cynthia Odell.
- PFM Asset Management, LLC: Senior Management Consultant Nsesa Kazadi.

Motion:

Councilmembers Barnwell/Schneider to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

#### **11. Subject: Public Employees' Retirement System (PERS) Miscellaneous Plan - 2.7% At 55 Election Authorization (430.08)**

Recommendation: That Council adopt, by reading of title only, A Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the City Council, City of Santa Barbara.

(Cont'd)

**11. (Cont'd)**

Documents:

- July 26, 2005, report from the Finance Director.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

Staff: Finance Director Robert Peirson.

Councilmember Falcone left the meeting at 3:22 p.m.

Motion:

Councilmembers Schneider/Horton to approve the recommendation;  
Resolution No. 05-070.

Vote:

Majority roll call vote (Noes: Councilmember Secord; Absent:  
Councilmembers Falcone, Williams).

Councilmember Falcone entered the meeting at 3:26 p.m.

CITY ADMINISTRATOR

**12. Subject: Introduction Of Amendment To Ordinance Allowing Temporary Overnight Use of Recreational Vehicles Upon Certain Parking Lots (660.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.87 of the Santa Barbara Municipal Code With Respect to the Use of Recreational Vehicles as Temporary Overnight Accommodations Upon Certain Designated City Parking Lots, and Church and Nonprofit Parking Lots.

Documents:

- July 26, 2005, report from the City Administrator.
- Proposed Ordinance.
- "RV Safe Parking Project Program Overview" submitted by Gary Linker.

The title of the ordinance was read.

Councilmember Williams entered the meeting at 3:34 p.m.

Speakers:

- Staff: Assistant to City Administrator/Organization Development Nina Johnson, Transportation Manager Browning Allen.
- New Beginnings: Executive Director Gary Linker.

(Cont'd)

**12. (Cont'd)**

Motion:

Councilmembers Horton/Barnwell to approve the recommendation.

Vote:

Unanimous voice vote.

**RECESS**

3:48 p.m. – 4:01 p.m. Councilmember Falcone was absent when the Council reconvened.

**PUBLIC WORKS DEPARTMENT**

**13. Subject: Guidelines For The Use Of City Sidewalks For Commercial Sales By Licensed Businesses (520.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving Sidewalk Sale Guidelines as Authorized by Santa Barbara Municipal Code Chapter 9.48, Pursuant to Executed Revocable License Agreement With the City of Santa Barbara, and Making the Findings Required Therein.

Documents:

- July 26, 2005, report from the Public Works Director.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

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

Councilmember Falcone entered the meeting at 4:05 p.m.

Motion:

Councilmembers Horton/Falcone to approve the recommendation; Resolution No. 05-071.

Vote:

Unanimous roll call vote.

## REDEVELOPMENT AGENCY REPORTS

### 14. **Subject: Professional Design Services Contract For East Cabrillo Boulevard Sidewalk Replacement (530.04)**

Recommendation: That Council authorize the Public Works Director to execute a professional services contract with Penfield and Smith Engineers, Inc. (P&S), in the amount of \$66,620 for engineering design services for the East Cabrillo Boulevard Sidewalk Replacement Project, funded from the 2003A Redevelopment Agency Tax Allocation Funds, and authorize the Public Works Director to approve expenditures of up to \$6,662 for extra services of P&S that may result from necessary changes in the scope of work.

Documents:

July 26, 2005, report from the Community Development Director/Deputy Director and the Public Works Director.

Speakers:

Staff: Redevelopment Specialist Marck Aguilar, Community Development Director/Deputy Director Paul Casey.

Motion:

Council/Agency members Horton/Barnwell to approve the recommendation; City Council Contract No. 21,770.

Vote:

Unanimous voice vote.

### 15. **Subject: Introduction of Ordinance For Transfer Of City-Owned Property At Garden/Ortega Streets To The Redevelopment Agency (640.08)**

Recommendation:

- A. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Consenting to the Conveyance of Real Property Owned by the City of Santa Barbara Located at 627 Garden Street (APN 031-152-028) in the City of Santa Barbara, and Authorizing the Execution of a Grant Deed by the City Administrator;
- B. That Council and the Agency Board approve the terms of the proposed Cooperation Agreement between the City and Agency as described herein, and authorize the Mayor and the Executive Director of the Agency to execute a Cooperation Agreement in a form approved by the City Attorney and Agency Counsel; and

(Cont'd)

**15. (Cont'd)**

- C. That the Redevelopment Agency Board, subject to the execution of the Cooperation Agreement, accept the real property described in the Grant Deed from the City of Santa Barbara (APN 031-152-028), and authorize the Executive Director to execute a Certificate of Acceptance for attachment to the Grant Deed authorizing its recordation in the Official Records of Santa Barbara County.

Documents:

- July 26, 2005, report from the Community Development Director/Deputy Director.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Housing Programs Supervisor Steven Faulstich.

Motion:

Council/Agency members Williams/Horton to approve the recommendations.

Vote:

Unanimous voice vote.

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

COMMUNITY DEVELOPMENT DEPARTMENT

**16. Subject: Presentation On Santa Barbara Trust For Historic Preservation General Plan (640.06)**

Recommendation: That Council hear a presentation from representatives of the Santa Barbara Trust for Historic Preservation on the status of El Presidio de Santa Barbara State Historic Park General Plan and related projects in the vicinity of Santa Barbara and Canon Perdido Streets.

Documents:

- July 26, 2005, report from the Community Development Director.
- PowerPoint presentation prepared and made by the Santa Barbara Trust for Historic Preservation.

Speakers:

- Staff: City Planner Bettie Weiss.
- Santa Barbara Trust for Historic Preservation: James Scheinfeld, President.

Recess: 4:34 p.m. – 4:40 p.m.

**16. (Cont'd)**

Speakers (Cont'd):

- Santa Barbara Trust for Historic Preservation: Jarrell Jackman, Executive Director.
- Members of the Public: Rich Rojas, California State Parks District Superintendent.

By consensus, the Council heard a presentation by the Santa Barbara Trust for Historic Preservation on the history of the Trust. They also provided a status report on the multi-phased El Presidio de Santa Barbara State Historic Park General Plan.

**RECESS**

5:16 p.m. – 5:18 p.m.

**CLOSED SESSIONS**

**17. 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. Pending litigation considered is: Lisa Hammerly v. City of Santa Barbara, WCAB Case No. GOL 096220.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

July 26, 2005, report from the Finance Director.

Time:

5:18 p.m. – 5:25 p.m.

No report made.

**RECESS**

5:25 p.m. – 5:26 p.m.

**18. Subject: Public Employee Appointment (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957, to make a public employee appointment of Parks and Recreation Director.

Scheduling: Duration, 15 minutes; anytime

Report: Anticipated

Documents:

July 26, 2005, report from the City Administrator.

Time:

5:26 p.m. – 5:35 p.m.

**RECESS**

5:35 p.m. – 5:36 p.m.

Announcement:

City Administrator James L. Armstrong reported that the Council met in closed session for Item No. 18 and that the Council approved his appointment of Nancy Rapp as the Parks and Recreation Director. City Attorney Stephen P. Wiley reported that the vote by the Council to appoint Nancy Rapp was unanimous.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 5:37 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

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

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BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK