



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING November 26, 2002 COUNCIL CHAMBER, DE LA GUERRA PLAZA

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:00 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee met at 1:00 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: H. P. Fairly, Iya G. Falcone, Gregg A. Hart, Dan B. Secord, Mayor Blum.

Councilmembers absent: Babatunde Fodayemi, Roger L. Horton.

Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Daniel J. Wallace, Deputy City Clerk Brenda Alcazar.

### PUBLIC COMMENT

#### SPEAKERS:

- Staff: City Attorney Daniel Wallace.
- Members of the Public: Ken Loch, Wesley Brown, Kathiann Brown, Dan Condon, and Des O'Neil.

### CONSENT CALENDAR

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

#### MOTION:

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

#### VOTE:

Unanimous voice vote (Absent: Councilmembers Fodayemi, Horton).

1. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of November 12, 2002.

ACTION: Approved the recommendation.

2. SUBJECT: CITY ADVISORY GROUP RESIGNATION (570.03)

RECOMMENDATION: That Council accept the resignation of John Arguelles from the Harbor Commission.

ACTION: Approved the recommendation (November 16, 2002, letter of resignation).

3. SUBJECT: FISCAL YEAR 2003 INTERIM FINANCIAL STATEMENTS FOR THE FOUR MONTHS ENDED OCTOBER 31, 2002 (250.02)

RECOMMENDATION: That Council accept the fiscal year 2003 Interim Financial Statements for the Four Months Ended October 31, 2002.

ACTION: Approved the recommendation (November 26, 2002, Finance Director's report).

4. SUBJECT: RECLASSIFICATION OF INFORMATION SYSTEMS POSITIONS IN THE ADMINISTRATIVE SERVICES DEPARTMENT (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. 02-076, the Position and Salary Control Resolution for Fiscal Year 2002-03, Affecting the Information Systems Division of the Administrative Services Department Effective November 30, 2002.

ACTION: Approved the recommendation; Resolution No. 02-139 (November 26, 2002, Assistant City Administrator's report).

5. SUBJECT: AGREEMENT FOR MOSQUITO ABATEMENT AT THE AIRPORT (560.04)

RECOMMENDATION: That Council:

- A. Authorize transfer of \$125,000 from the Airport Appropriated Reserve to the Airport AOA Maintenance Program to fund mosquito abatement efforts designed to minimize potential human exposure to mosquitoes which may become carriers of the West Nile Virus in the Goleta Slough Reserve; and

(Cont'd)

5. (Cont'd)

- B. Authorize the Airport Director to negotiate and execute an agreement, in a form acceptable to the City Attorney, with the Santa Barbara Coastal Vector Control District to perform mosquito abatement activities at the Airport.

ACTION: Approved the recommendations; Agreement No. 20,826 (November 26, 2002, Airport Director's report).

6. SUBJECT: PROPOSITION 12 PER CAPITA GRANT FUNDS FOR THE RESTORATION OF OLD MISSION CREEK AT BOHNETT PARK (570.05)

RECOMMENDATION: That Council increase appropriations and estimated revenues by \$175,000 in the Creeks Restoration and Water Quality Improvement Program Capital Fund based on an accepted Proposition 12 Per Capita Grant Program Application by the California Department of Parks and Recreation.

ACTION: Approved the recommendation (November 26, 2002, Parks and Recreation Director's report).

7. SUBJECT: PROPOSITION 12 RIPARIAN AND RIVERINE GRANT FUNDS FOR THE RESTORATION OF OLD MISSION CREEK AT BOHNETT PARK (570.05)

RECOMMENDATION: That Council increase appropriations and estimated revenues by \$200,000 in the Creeks Restoration and Water Quality Improvement Program Capital Fund based on a Riparian and Riverine Program grant award from the California Department of Parks and Recreation.

ACTION: Approved the recommendation (November 26, 2002, Parks and Recreation Director's report).

8. SUBJECT: COUNTY OF SANTA BARBARA ALCOHOL, DRUG, AND MENTAL HEALTH SERVICES' GRANT FOR A YOUTH-DRIVEN ALCOHOL PREVENTION PROGRAM (520.04)

RECOMMENDATION: That Council:

- A. Authorize the Parks and Recreation Director to accept a grant 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 and implementing the program; and
- B. Increase appropriations and estimated revenues in Fiscal Year 2002-2003 in the Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$50,000.

ACTION: Approved the recommendations; Agreement No. 20,827 (November 26, 2002, Parks and Recreation Director's report).

9. SUBJECT: APPROVAL OF CONTRACT FOR PROGRAM COORDINATOR FOR LOOKING GOOD SANTA BARBARA PROGRAM (530.01)

RECOMMENDATION: That Council approve and authorize the City Administrator to execute a Contract with Lorraine Cruz Carpenter in an amount not to exceed \$66,912.10 per fiscal year to serve as Program Coordinator for the Looking Good Santa Barbara Program (LGSB) for a three-year period commencing December 10, 2002.

SPEAKERS:

Staff: Principal Civil Engineer Homer Smith, Solid Waste Specialist Stephen MacIntosh.

ACTION: Approved the recommendation; Contract No. 20,828 (November 26, 2002, Public Works Director's report).

10. SUBJECT: USED OIL RECYCLING BLOCK GRANT AND AWARD OF PURCHASE ORDER FOR FISCAL YEAR 2002-2003 (630.01)

RECOMMENDATION: That Council:

- A. Accept a Used Oil Recycling Block Grant – Eight Cycle – in the amount of \$42,847.00 for Fiscal Year 2002-2003;
- B. Authorize the City General Services Manager to issue a Purchase Order in the amount not to exceed \$30,914.95 to the Community Environmental Council for the development of educational and promotional activities, and authorize the Public Works Director to approve expenditures in the amount of \$3,091.49 to cover any unexpected expenses associated with this program; and
- C. Increase the 2002-2003 General Fund Capital Program estimated revenues by \$42,847.00, and appropriate same to the 2002-2003 General Fund Capital Program.

ACTION: Approved the recommendations (November 26, 2002, Public Works Director's report).

11. SUBJECT: ENVIRONMENTAL PROGRAMS BUDGET FOR FISCAL YEAR 2002/2003 (530.01)

RECOMMENDATION: That Council increase the estimated 2002/2003 General Fund Capital Revenues by \$160,000 from the State Reimbursement Fund and appropriate this amount to the Underground Tank Abatement Program in the 2002/2003 General Fund Capital Program.

ACTION: Approved the recommendation (November 26, 2002, Public Works Director's report).

12. SUBJECT: RECEIPT OF STATE DEPARTMENT OF BOATING AND WATERWAYS GRANT FUNDS (570.03)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a Grant Contract in an Amount Not to Exceed \$3,500 with the California Department of Boating and Waterways for Miscellaneous Law Enforcement Equipment; and
- B. Approve and authorize the City Administrator to execute an agreement with the California Department of Boating and Waterways accepting a \$3,500 grant for image-stabilizing binoculars for Harbor Patrol.

ACTION: Approved the recommendations; Resolution No. 02-140; Agreement No. 20,829 (November 26, 2002, Waterfront Director's report).

NOTICES

- 13. The City Clerk has on Thursday, November 21, 2002, at 3:00 p.m. posted this agenda in the Office of the City Clerk and on the City Hall Public Notice Board on the outside balcony of City Hall.
- 14. Cancellation of the regular City Council and Redevelopment Agency meetings of December 3, 2002, at 2:00 p.m. due to the lack of a quorum.

This concluded the Consent Calendar.

**FINANCE COMMITTEE AND ORDINANCE COMMITTEE REPORTS**

FINANCE COMMITTEE

- 15. SUBJECT: SPECIAL FINANCE COMMITTEE AGENDA, NOVEMBER 26, 2002, 12:30 P.M., IN ROOM 15 (120.03)
  - A. October 2002 Investment Report and September 2002 Fiscal Agent Report (see Item No. 17); and
  - B. Preliminary Budget Strategies – Fiscal Years 2004 and 2005.
- 16. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

ACTION: Finance Committee Chair Dan Secord reported that the Committee met to review the October 2002 Investment Report and the September 2002 Fiscal Agent Report which will be presented to the Council (Item No. 17). He also stated that the Committee heard a presentation regarding preliminary budget strategies to provide forecasting abilities and there will be presentations made regarding the City's situation in the near future.

17. SUBJECT: OCTOBER 31, 2002, INVESTMENT REPORT AND SEPTEMBER 30, 2002, FISCAL AGENT REPORT (260.02)

RECOMMENDATION: That Council:

- A. Accept the October 31, 2002, Investment Report; and
- B. Accept the September 30, 2002, Fiscal Agent Report.

DOCUMENTS:

November 26, 2002, Finance Director's report.

SPEAKERS:

Staff: Treasury Manager Cynthia Odell.

MOTION:

Councilmembers Secord/Fairly to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Councilmembers Folayemi, Horton).

#### ORDINANCE COMMITTEE

18. SUBJECT: ORDINANCE COMMITTEE AGENDA, NOVEMBER 26, 2002, 1:00 P.M., IN COUNCIL CHAMBER FOR CONSIDERATION OF ORDINANCE CHANGE ALLOWING THE LANDING OF PARAGLIDERS AND HANG GLIDERS AT EAST BEACH (120.03)

19. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

ACTION: Ordinance Committee Chair Gregg Hart reported that the Committee met to consider an amendment to an ordinance pertaining to the use of gliders, hang gliders and paragliders and unanimously voted to forward the ordinance to the Council with a positive recommendation.

#### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

INFORMATION: Councilmember Falcone reported that she and Councilmember Secord represented the City and the Channel Counties Division of the League of California Cities at a meeting in San Diego and she was appointed to the Housing Opportunity Task Force to develop policies and draft legislation regarding housing opportunities.

#### **RECESS**

2:34 p.m. – 2:41 p.m., during which time the Redevelopment Agency meeting, Item Nos. 20 and 21, was completed.

## ADMINISTRATIVE AND ATTORNEY REPORTS

### PUBLIC WORKS DEPARTMENT

22. SUBJECT: CAPITAL IMPROVEMENT PROJECTS FIRST QUARTER UPDATE FOR FISCAL YEAR 2002-2003 (230.01)

RECOMMENDATION: That Council receives, for information only, the Capital Improvement Projects First Quarter Update for Fiscal Year 2002-2003.

DOCUMENTS:

November 26, 2002, Public Works Director's report.

SPEAKERS:

Staff: Assistant Public Works Director Pat Kelly.

DISCUSSION:

Staff provided the Council with an update of various capital improvement projects.

23. SUBJECT: REFUSE SERVICE RATE ADJUSTMENT AND INCREASED COLLECTION FREQUENCY FOR COMMERCIAL RECYCLABLES (630.01)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Rescinding Resolution 01-129 and Adjusting Rates for Pick Up and Disposal of Refuse by the City's Franchisee Under Ordinance No. 3563.

DOCUMENTS:

- November 26, 2002, Public Works Director's report.
- Proposed Resolution.

The title of the resolution was read.

SPEAKERS:

- Staff: Principal Civil Engineer Homer Smith, Solid Waste Specialist Stephen MacIntosh.
- Members of the Public: Darrell Reno, General Manager, BFI Waste Systems of North America.

MOTION:

Councilmembers Secord/Falcone to approve the recommendation; Resolution No. 02-141.

VOTE:

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

## PARKS AND RECREATION DEPARTMENT

24. SUBJECT: FUNDING FOR SANTA BARBARA LAWN BOWLS CLUB GREEN REPLACEMENT PROJECT (570.07)

RECOMMENDATION: That Council authorize the transfer of \$30,000 from the Public Works Downtown Parking Program Budget to the Parks and Recreation Department General Fund Operating Budget for partial funding for the Santa Barbara Lawn Bowls Club green replacement project.

DOCUMENTS:

November 26, 2002, Public Works Director's report.

SPEAKERS:

- Staff: Assistant Parks and Recreation Director Jeff Cope.
- Members of the Public: Bill Schultz, President, Santa Barbara Lawn Bowls Club.

MOTION:

Councilmembers Secord/Fairly to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Councilmembers Fodayemi, Horton).

### **REQUEST FROM THE PUBLIC**

25. SUBJECT: CONSTRUCTION HOURS AND GUIDELINES FOR THE USE OF OUTDOOR SURVEILLANCE CAMERAS (640.09)

RECOMMENDATION: That Council:

- A. Receive a request from Sarita Vasquez to change the City's current construction hour regulations and adopt guidelines regarding outdoor surveillance camera use; and
- B. Deny the request.

DOCUMENTS:

- October 22, 2002, e-mail communication from Sarita Vasquez.
- November 26, 2002, Acting Community Development Director's report.
- November 26, 2002, photograph submitted by Sarita Vasquez.

SPEAKERS:

- Staff: Chief Building Official George Estrella, Senior Planner I Daniel Kato, City Administrator James L. Armstrong, Police Chief Camerino Sanchez.
- Members of the Public: Sarita Vasquez; Lee Moldaver, President, Allied Neighborhoods Association.

(Cont'd)

25. (Cont'd)

**ACTION:**

By consensus, the Council directed staff to return to the Council at a future date with:

- A. Recommendations for large construction projects that may impact neighborhoods; and
- B. Options regarding surveillance camera regulations.

**RECESS**

3:54 p.m. – 3:56 p.m.

**CLOSED SESSIONS**

26. 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 Community Development Director.

Scheduling: Duration: 15 minutes; anytime

**DOCUMENTS:**

November 26, 2002, City Administrator's report.

**TIME:**

3:56 p.m. – 4:11 p.m. Councilmembers Fodayemi and Horton were absent.

**RECESS**

4:11 p.m. – 4:15 p.m.

28. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (160.03)

**RECOMMENDATION:** That Council hold a closed session to consider pending litigation pursuant to subsections (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed. There is significant exposure to litigation: one potential case.

Scheduling: Duration, 10 minutes; anytime

**DOCUMENTS:**

November 26, 2002, City Attorney's report.

**TIME:**

4:15 p.m. – 4:25 p.m. Councilmembers Fodayemi and Horton were absent.

**RECESS**

4:25 p.m. – 4:28 p.m. The City Council reconvened in the Council Chamber.

**ANNOUNCEMENT:**

- City Administrator James L. Armstrong reported that the Council met in closed session for Agenda Item No. 26; the Council approved his selection and appointed Paul Casey as the Community Development Director.
- City Attorney Daniel Wallace reported that the Council met in closed session for Agenda Item No. 28; no reportable action was taken during the closed session. He also reported that the Council did not meet on the following item due to a lack of quorum:

27. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATOR (330.03)

RECOMMENDATION: That Council hold a closed session pursuant to California Government Code §54956.8 to consider instructions to negotiators and take appropriate action as needed regarding real property located at 1298 Las Positas Road, Santa Barbara, California, APN 047-010-034. The City’s negotiator(s) is/are Richard C. Johns and N. Scott Vincent. Negotiations will be with Joan Russell Price, Executive Director, and board members of the Elings Park Foundation. Under negotiation are the terms of a lease of real property.

Scheduling: Duration, 20 minutes; anytime

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 4:29 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

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

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BRENDA ALCAZAR  
DEPUTY CITY CLERK