



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 19, 2002 COUNCIL CHAMBER, DE LA GUERRA PLAZA

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:02 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance Committee, which is ordinarily scheduled to meet at 1:00 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: H. P. Fairly, Iya G. Falcone, Babatunde Fodayemi, Gregg A. Hart, Roger L. Horton, Dan B. Secord, Mayor Blum.

Councilmembers absent: None.

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

CEREMONIAL ITEMS

Proclamations

1. SUBJECT: PROCLAMATION DECLARING THE WEEK OF NOVEMBER 17 - 23, 2002, AS FIREFIGHTER APPRECIATION WEEK (120.04)

ACTION: Proclamation presented to Karen Lindstrom, District Director for the Muscular Dystrophy Association, and City Fire Captain Gary Pitney.

2. SUBJECT: PROCLAMATION DECLARING THE WEEK OF NOVEMBER 24 - 30, 2002, AS SANTA BARBARA FAMILY WEEK (120.04)

ACTION: Proclamation presented to Family Service Agency Executive Director William E.G. Batty.

Letters of Recognition

3. SUBJECT: RECOGNITION OF CLIFF LAMBERT FOR RECEIVING SANTA BARBARA NEWS-PRESS' LIFETIME ACHIEVEMENT AWARD (120.08)

RECOMMENDATION: That Council recognize Cliff Lambert for receiving the Santa Barbara News-Press' Lifetime Achievement Award.

DOCUMENTS:

November 19, 2002, Parks and Recreation Director's report.

SPEAKERS:

Staff: Parks and Recreation Director Richard Johns, Recreation Supervisor Cliff Lambert.

By consensus, the Council recognized Mr. Lambert for his many contributions to the community, particularly those in support of youth.

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator James Armstrong advised that the following closed session was being removed from the agenda, as the case involved had been settled:

19. 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 *Lexy I. Zaragoza, et al., v. Alan Brian Cooper, et al.*, SBSC Case No. 1093300.

Scheduling: Duration, 10 minutes; anytime

PUBLIC COMMENT

SPEAKERS: Ken Loch, Scott Wenz, and Peter Marin.

CONSENT CALENDAR (Item Nos. 4 - 9)

The title of the ordinance related to Item No. 5 was read.

MOTION:

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

VOTE:

Unanimous voice vote.

4. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of November 5, 2002.

ACTION: Approved the recommendation.

5. SUBJECT: AGREEMENT FOR MANAGEMENT OF PUBLIC AND EDUCATIONAL ACCESS TELEVISION (510.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Execution of a Grant Agreement for an Initial Annual Amount of \$308,592 with the South Coast Community Media Access Center for Management of the Public and Educational Access Television Channels. (Introduced on November 12, 2002)

ACTION: Approved the recommendation; Ordinance No. 5261; Agreement No. 20,824.

6. SUBJECT: NOTICE OF COMPLETION - MESA LANE STAIRWAY RAILINGS REMODEL, CONTRACT NO. 20,708 (570.05)

RECOMMENDATION: That Council accept the work completed by Cushman Contracting Corporation (Cushman), Contract No. 20,708, for the Mesa Lane Stairway Railings Remodel, Bid No. 3333, located in the public right-of-way from the intersection of Mesa Lane and Edgewater Way to the beach, in the final contract amount of \$66,529, including approved changes, and approve filing of a Notice of Completion.

SPEAKERS:

Staff: Principal Civil Engineer John Schoof.

ACTION: Approved the recommendation (November 19, 2002, Public Works Director's report).

7. SUBJECT: APPROPRIATE FEDERAL GRANT TO AIRPORT BUDGET (560.04)

RECOMMENDATION: That Council:

- A. Transfer \$226,274 from the Passenger Facility Charge (PFC) Fund and \$360,775 from the Airport Operating Fund, each from unappropriated reserves, to the Airport Federal Aviation Administration Grant Fund; and
- B. Increase appropriations and estimated revenues by \$5,870,496, of which \$5,283,447 will be funded from FAA Airport Improvement Program Grant No. AIP-03-06-0235-30.

ACTION: Approved the recommendations (November 19, 2002, Airport Director's report).

NOTICES

8. The City Clerk has on Thursday, November 14, 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.
9. 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 REPORT

10. SUBJECT: FINANCE COMMITTEE AGENDA, NOVEMBER 19, 2002, 1:00 P.M., IN ROOM 15 FOR CONSIDERATION OF ARTS COMMISSION GRANT ALLOCATION (120.03)
11. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee discussed the allocation method used by the Arts Advisory Committee for distributing the City's Community Promotion grants funding. Finance Committee member Roger Horton stated that the City's new performance measurement program will be useful in evaluating this process.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

INFORMATION:

- Councilmember Horton expressed his appreciation as a Finance Committee member for Staff's preparation of information regarding the Council's goal-setting process; he also reported on his attendance at a Civil Service Commission meeting, at which the method for advertising open City positions was discussed.
- Councilmember Hart reported on the status of the Coastal Commission's consideration of the City's Airport Facilities Plan.

RECESS

2:31 p.m. - 3:00 p.m., during which time the Redevelopment Agency meeting, Item Nos. 12 and 13, was held.

ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

14. SUBJECT: ORDINANCES AND RESOLUTIONS REGULATING VEHICLE DWELLING AND OVERNIGHT PARKING (660.04)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara to Amend Chapter 17.36 to Provide for Parking of Oversize Vehicles in Waterfront Parking Lots (introduced on November 12, 2002);
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Closing Waterfront Parking Lots Between 2:00 a.m. and 6:00 a.m. Daily Except by Permit Issued by the Waterfront Director;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Parking Rates and Validation Systems for the Waterfront Parking Division Defined Herein, and Repealing Resolution No. 01-077;
- D. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Repealing Section 10.44.180 and Amending Section 10.44.200 of Chapter 10.44 of Title 10 of the Santa Barbara Municipal Code Regulating the Parking of Large Vehicles (introduced on November 12, 2002); and
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Schedule of Parking Violation Penalties and Related Fees, and Rescinding Resolution 02-098.

(Cont'd)

14. (Cont'd)

DOCUMENTS:

- November 19, 2002, City Administrator's report.
- Written comments submitted by Andrea Roselinsky.

The titles of the ordinances and resolutions were read.

SPEAKERS:

Staff: Special Projects Manager Don Olson.

MOTION:

Councilmembers Secord/Hart to approve the recommendations;
Ordinance Nos. 5262 and 5263; Resolution Nos. 02-136 - 02-138.

VOTE:

Majority roll call vote (Ayes: Councilmembers Fairly, Hart, Horton, Secord, Mayor Blum; Noes: Councilmember Fodayemi; Abstentions: Councilmember Falcone).

Councilmember Falcone left the meeting at 3:18 p.m.

PUBLIC WORKS DEPARTMENT

15. SUBJECT: CONTRACT FOR A RAIN DEPENDENT INFLOW AND INFILTRATION STUDY OF THE CITY'S WASTEWATER COLLECTION SYSTEM (540.11)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to extend Contract No. 20475 with ADS Environmental Services Inc. (ADS) for professional services for an additional Rain Dependent Inflow and Infiltration (I&I) Study of the City's Wastewater Collection System at an amount not to exceed \$293,500;
- B. Authorize the Public Works Director to approve extra services of the Contractor that may result from necessary changes in the scope of work at a total amount not to exceed \$29,350; and
- C. Appropriate \$227,000 from the Wastewater Fund Unappropriated Reserves to the Fiscal Year 2003 Wastewater Fund Capital Budget for the I&I project.

DOCUMENTS:

November 19, 2002, Public Works Director's report.

(Cont'd)

15. (Cont'd)

SPEAKERS:

Staff: Water Resources Manager Bob Roebuck, Wastewater Collection System Superintendent Manuel Romero.

MOTION:

Councilmembers Secord/Horton to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Councilmember Falcone).

Councilmember Falcone returned to the meeting at 3:28 p.m. City Administrator James Armstrong left the meeting at 3:28 p.m.; Deputy City Administrator Peter Wilson took his place during Council's consideration of the following item.

PUBLIC HEARINGS

17. SUBJECT: APPEAL OF THE PARK COMMISSION DENIAL OF REQUEST TO REMOVE A FRONT-YARD SETBACK TREE AT 1015 ROBLE LANE (570.05)

RECOMMENDATION: That Council:

- A. Hold a Public Hearing; and
- B. Deny the appeal of Mr. Charles Chubak of the Park Commission denial of the removal request for a Ficus tree in the front-yard setback at 1015 Roble Lane.

DOCUMENTS:

- November 19, 2002, Parks and Recreation Director's report.
- October 4, 2002, letter of appeal.
- Packet of information submitted November 15, 2002, by Appellant.
- November 18, 2002, letter from Dianne Channing.

PUBLIC HEARING OPENED:

3:29 p.m.

SPEAKERS:

- Staff: Assistant Parks and Recreation Director Jeff Cope.
- Appellant: Charles Chubak.
- Members of the Public: Dr. James Block; Henning Jensen; Robert Regier; Len Lamensdorf; Dianne Channing, Riviera Association; Jon Emanuel.

PUBLIC HEARING CLOSED:

3:53 p.m.

(Cont'd)

17. (Cont'd)

MOTION:

Councilmembers Secord/Falcone to grant the appeal, making the findings cited in subsections (c) and (d) of Municipal Code Section 15.24.070, and condition the removal upon replacement with another tree of a species approved by the City Arborist.

VOTE:

Unanimous voice vote.

RECESS

3:57 p.m. - 4:02 p.m.

MAYOR AND COUNCIL MATTERS

16. SUBJECT: CITY ADVISORY GROUP INTERVIEWS (140.05)

RECOMMENDATION: That Council:

- A. Hold interviews of applicants to various City Advisory Groups at an estimated time of 4:00 p.m.; and
- B. Continue interviews of applicants to 6:00 p.m.
(Estimated time: 4:00 p.m.)

DOCUMENTS:

November 19, 2002, Assistant City Administrator's report.

SPEAKERS:

- Staff: City Clerk Services Manager Mabi Covarrubias Plisky.
- The following applicants were interviewed:
 - Architectural Board of Review:
 - Jim Hawkins
 - Amy Taylor
 - James LeCron
 - Community Development and Human Services Committee:
 - Thomas Regalado
 - Community Events and Festivals Committee:
 - Luis Moreno
 - Creeks Restoration & Water Quality Improvement Program Citizen Advisory Committee:
 - Wayne R. Ferren, Jr.
 - David A. Pritchett
 - Douglas Family Preserve Advisory Committee:
 - Wendy Hawksworth

(Cont'd)

16. (Cont'd)

SPEAKERS (Cont'd)

Fire and Police Commission:

Joe Rodriguez

Harbor Commission:

David Craig Smith

Frank Kelly

Linda J. Scheetz

Katherine H. Ford

Historic Landmarks Commission:

William Howard Wittausch

Philip Suding

Lower Westside Center Advisory Committee:

Jorge Rodriguez

Park Commission and Recreation Commission:

Ada Conner

Bernard Krakower

Rental Housing Mediation Task Force:

Lynn Goebel

Michael L. Smith

Sign Committee:

Dawn Sophia Ziemer

Transportation & Circulation Committee:

Barry Siegel

Isabelle Greene

Keith Coffman-Grey

Michael R. Cooper

Dorothy D. McIntosh

By consensus, the interviews were continued to 6:00 p.m.

RECESS

4:57 p.m. - 4:59 p.m.

CLOSED SESSIONS

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

RECOMMENDATION: That Council hold a closed session to consider anticipated litigation pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed. There is significant exposure to litigation: two potential cases.

Scheduling: Duration, 20 minutes; anytime

(Cont'd)

18. (Cont'd)

DOCUMENTS:

November 19, 2002, City Attorney's report.

TIME:

4:59 p.m. - 6:02 p.m.

RECESS

6:02 p.m. - 6:04 p.m. The City Council reconvened in the Council Chamber.

PUBLIC COMMENT

SPEAKERS: No one wished to speak.

MAYOR AND COUNCIL MATTERS (Cont'd)

20. **SUBJECT: CITY ADVISORY GROUP INTERVIEWS**
(See Item No. 16)

SPEAKERS:

The following applicants were interviewed:

Airport Commission:

Cathey A. Wilkins

Community Development and Human Services Committee:

Lucinda "Cindy" Young

Douglas Family Preserve Advisory Committee:

Lisa Plowman

Keith Schofield

Miriam Metzger

Kevin Young

Historic Landmarks Commission:

Jordan Christoff

Lower Westside Center Advisory Committee:

Elizabeth Sandoval

Park Commission and Recreation Commission:

Paul Lamberton

Sister Cities Board:

Takako Wakita

Transportation & Circulation Committee:

Steven E. Maas

Jeff Chaffin

Westside Center Advisory Committee:

Judy Hawkins

CLOSED SESSIONS

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

ANNOUNCEMENT:

City Attorney Daniel Wallace reported that the Council met in closed session to consider one of the two potential cases referenced in Agenda Item No. 18; no reportable action was taken during the closed session.

ADJOURNMENT

Mayor Blum adjourned the meeting at 6:32 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

MARTY BLUM
MAYOR

ATTEST: _____
SUSAN TSCHECH
DEPUTY CITY CLERK