



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 15, 2004 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 2:02 p.m. (The Finance Committee met at 12:30 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: Brian B. Barnwell, Iya G. Falcone, Helene Schneider, Dan B. Secord, Das Williams, Mayor Blum.

Councilmembers absent: Roger L. Horton.

Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. SUBJECT: GIFT PRESENTATION BY PEARL CHASE SOCIETY

DISCUSSION:

The Pearl Chase Society, represented by Robert Baum and Barbara Chen Lowenthal, presented the Society's gift of a digital camera to Jake Jacobus, City Urban Historian. Mayor Blum expressed the Council's appreciation for the camera, which will assist in the completion of projects requiring photographs of City buildings, open spaces and parks.

PUBLIC COMMENT

SPEAKERS: Ken Loch and Nancy Tunnell.

Councilmember Horton entered the meeting at 2:14 p.m.

CONSENT CALENDAR (Item Nos. 2 – 10 and 12 – 14)

The titles of all resolutions and ordinances related to Consent Calendar items were read.

MOTION:

Councilmembers Barnwell/Falcone 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 regular meeting of May 25, 2004.

ACTION: Approved the recommendation.

3. **SUBJECT: LEASE AGREEMENT WITH CLIPPER WINDPOWER TECHNOLOGY, INC. (330.04)**

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a month-to-month Lease Agreement with Clipper Windpower Technology, Inc., a Delaware Corporation, for 5,274 square feet of Building 247 at 400 David Love Place, at the Santa Barbara Airport, commencing June 1, 2004, for a total monthly rental of \$4,747, exclusive of utilities.

ACTION: Approved the recommendation; Agreement No. 21,423 (June 15, 2004, Airport Director's report).

4. **SUBJECT: TRANSPORTATION DEVELOPMENT ACT FUNDS CLAIM (670.05)**

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments for Allocation of Transportation Development Act Funds for Fiscal Year 2005.

ACTION: Approved the recommendation; Resolution No. 04-036 (June 15, 2004, Public Works Director's report; proposed resolution).

5. SUBJECT: PURCHASE ORDER FOR ELINGS PARK LOWER PLATEAU IMPROVEMENT PLAN SERVICES (570.05)

RECOMMENDATION: That Council authorize the General Services Manager to issue a purchase order for work on the Elings Park Lower Plateau Improvement Plan project, in the amount not to exceed \$30,590, to the consulting firm of Dudek and Associates, Inc., to provide professional services for the Development/Environmental Review section of the Planning Division.

ACTION: Approved the recommendation (June 15, 2004, Community Development Director's report).

6. SUBJECT: SIDEWALK VENDING REQUEST FOR SUMMER SOLSTICE PARADE AND CELEBRATION (180.02)

RECOMMENDATION: That Council approve, pursuant to section 9.48.010(B)(5) of the Santa Barbara Municipal Code, a request from the Summer Solstice Celebration for permission to conduct sidewalk sales in connection with the 2004 Summer Solstice Parade and Celebration, subject to the conditions specified in the Council Agenda Report.

SPEAKERS:

Summer Solstice Celebration: Claudia Bratton.

ACTION: Approved the recommendation (June 15, 2004, Acting Parks and Recreation Director's report).

7. SUBJECT: INTRODUCTION OF ORDINANCE FOR REVISED LOCAL COASTAL PROGRAM AND ZONING ORDINANCE AMENDMENTS FOR THE INTERIOR WATERFRONT (650.04)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Municipal Code Title 28 by Amending Chapters 28.21 and 28.22 to Amend the Provisions of the HRC-1 and HRC-2, Hotel and Related Commerce Zones, and Adding a New Chapter, Chapter 28.71, in Order to Establish the OC, Ocean-Oriented Commercial Zone.

ACTION: Approved the recommendation (June 15, 2004, Community Development Director's report; proposed ordinance).

8. SUBJECT: POSITION AND SALARY CONTROL RESOLUTION AMENDMENT FOR THE PUBLIC WORKS 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. 03-049, the Position and Salary Control Resolution for Fiscal Year 2004, Reclassifying the Environmental Control Inspector to a Water Resources Specialist in the Public Works Department Effective April 3, 2004.

ACTION: Approved the recommendation; Resolution No. 04-037 (June 15, 2004, Assistant City Administrator's report; proposed resolution).

9. SUBJECT: ADOPTION OF ORDINANCE FOR ISSUANCE OF WASTEWATER FUND CERTIFICATES OF PARTICIPATION (240.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 14 of the Municipal Code by Enacting a New Chapter, Chapter 14.33, Creating the Wastewater Fund, and to Authorize the Execution and Delivery by the City of a Master Installment Purchase Agreement, an Indenture, and a Continuing Disclosure Agreement in Connection with the Execution, Authentication, and Delivery of Santa Barbara Financing Authority Sewer Revenue Bonds, Series 2004 (Payable Solely from Installment Payments Secured by Net System Revenues of the Wastewater Fund of the City of Santa Barbara), Authorizing the Distribution of an Official Statement in Connection Therewith, and Authorizing Related Actions.

ACTION: Approved the recommendation; Ordinance No. 5320; Agreement No. 21,424 (Continuing Disclosure Agreement).

10. SUBJECT: ADOPTION OF ORDINANCE FOR NEGOTIATION OF AGREEMENT FOR SAN MARCOS WASTEWATER LIFT STATION ABANDONMENT (540.13)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Public Works Director to Negotiate and Execute an Agreement with the Goleta Sanitary District (GSD) for the Annexation of Properties Presently Served by the San Marcos Lift Station to the Goleta Sanitary District.

ACTION: Approved the recommendation; Ordinance No. 5321; Agreement No. 21,425.

Agenda Item No. 11 appears in the Redevelopment Agency minutes.

NOTICES

12. The City Clerk has on Thursday, June 10, 2004, at 3:00 p.m. 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.
13. A City Council site visit is scheduled on Monday, June 21, 2004, at 1:30 p.m. to the property located at 221 San Clemente, which is the subject of an appeal hearing set for June 22, 2004, at 2:00 p.m.
14. The Mayor recently sent the following advocacy letters expressing the City's position, consistent with the Council-adopted Legislative Platform, on pending state or federal legislation: (160.02)
 - May 27, 2004; Governor Schwarzenegger, Senator McClintock, and Assemblymember Jackson; AB 2662 - Urges support of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
 - June 3, 2004; Simon Salinas, Chair, Assembly Local Government Committee; SB 744 - Opposition to a bill that establishes a procedure within the State Department of Housing and Community Development to hear appeals from affordable housing developers when a council denies a project or places conditions on the project that would make it infeasible.

This concluded the Consent Calendar.

FINANCE COMMITTEE REPORT

15. SUBJECT: SPECIAL FINANCE COMMITTEE AGENDA, JUNE 15, 2004, 12:30 P.M. IN ROOM 15 (120.03)
 - A. Statement of Investment Policy for Fiscal Year 2005; and
 - B. Increased Land Development Fees and Staffing for Improved Processing Time for Applications.
16. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee reviewed and approved for submission to Council the City's Statement of Investment Policy for Fiscal Year 2005. The Committee also heard a Staff report regarding Land Development Team fees in relation to the improvement of application processing time.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

INFORMATION:

- Councilmember Barnwell commented on a recent meeting of the Harbor Merchants Association regarding proposals for a portion of the sidewalk along Cabrillo Boulevard and a parking plan to effectuate cooperation between the City and Santa Barbara City College.
- Councilmember Schneider reported the status of the process to update the Neighborhood Preservation Ordinance.
- Councilmember Secord remarked that a new general manager for the Santa Barbara Metropolitan Transit District will be appointed soon.
- Councilmember Horton reported that the Council Committee on Legislation had approved a recommendation for an addition to the local area's Amtrak train service.
- Councilmember Williams mentioned that the Assembly bill requiring implementation of the Convention on the Elimination of All Forms of Discrimination Against Women has been resurrected for action by the State Legislature.
- Mayor Blum reported that she had recently represented the City at a visit by an ambassador of the Philippines, and had also attended a Mayors' Design Institute.
- Councilmember Falcone commented on a creek cleanup project that exemplified community spirit.

REDEVELOPMENT AGENCY REPORTS

17. SUBJECT: GRANT TO MENTAL HEALTH ASSOCIATION FOR ACQUISITION OF PROPERTY AT 106 JUANA MARIA (660.04)

RECOMMENDATION:

- A. That the Redevelopment Agency Board approve a \$242,000 grant of Redevelopment Agency Housing Setaside Funds to the Mental Health Association in Santa Barbara County for the acquisition of the property located at 106 Juana Maria, and authorize the Executive Director to execute a grant agreement and related documents in a form approved by Agency Counsel;
- B. That Council approve a \$183,000 grant of Home Investment Partnerships Program (HOME) funds to the Mental Health Association in Santa Barbara County for the acquisition of the property located at 106 Juana Maria, and authorize the City Administrator to execute a grant agreement and related documents in a form approved by the City Attorney;

(Cont'd)

17. (Cont'd)

- C. That the Redevelopment Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Finding that the Use of Redevelopment Agency Housing Setaside Funds as a Grant to the Mental Health Association in Santa Barbara County for the Acquisition of Property Outside the Central City Redevelopment Project (CCRP) Area at 106 Juana Maria will be of Benefit to the CCRP; and
- D. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Finding that the Use of Redevelopment Agency Housing Setaside Funds as a Grant to the Mental Health Association in Santa Barbara County for the Acquisition of Property Outside the Central City Redevelopment Project (CCRP) Area at 106 Juana Maria will be of Benefit to the CCRP.

DOCUMENTS:

- June 15, 2004, report from the Community Development Director/Deputy Director.
- Proposed Resolutions.

The titles of the resolutions were read.

SPEAKERS:

- Staff: Housing Programs Supervisor Steven Faulstich.
- Mental Health Association in Santa Barbara County: Executive Director Annmarie Cameron.

MOTION:

Council/Agency members Horton/Secord to approve the recommendations; City Council Agreement No. 21,426; Redevelopment Agency Agreement No. 430; City Council Resolution No. 04-038; Redevelopment Agency Resolution No. 985.

VOTE:

Unanimous roll call vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

18. SUBJECT: HOUSING REHABILITATION LOAN FOR 709 BOND AVENUE (610.04)

RECOMMENDATION: That Council approve a \$250,000 loan of Community Development Block Grant (CDBG) funds through the City's Housing Rehabilitation Loan Program (HRLP) to finance rebuilding of an owner occupied single family residence at 709 Bond Avenue.

18. (Cont'd)

DOCUMENTS:

June 15, 2004, Community Development Director's report.

SPEAKERS:

Staff: Housing Loan Officer Carol Carpenter.

MOTION:

Councilmembers Falcone/Horton to approve the recommendation.

VOTE:

Unanimous voice vote.

19. SUBJECT: HOUSING REHABILITATION LOAN FOR 1221 E. GUTIERREZ STREET (610.04)

RECOMMENDATION: That Council approve a \$295,000 loan of Community Development Block Grant (CDBG) funds through the City's Housing Rehabilitation Loan Program (HRLP) to finance re-building of a single family residence at 1221 E. Gutierrez Street.

DOCUMENTS:

June 15, 2004, Community Development Director's report.

SPEAKERS:

Staff: Housing Loan Officer Carol Carpenter.

MOTION:

Councilmembers Schneider/Barnwell to approve the recommendation.

VOTE:

Unanimous voice vote.

20. SUBJECT: HOUSING REHABILITATION GRANT TO DOMESTIC VIOLENCE SOLUTIONS (610.04)

RECOMMENDATION: That Council approve a \$250,000 grant of Community Development Block Grant (CDBG) funds as part of the Housing Rehabilitation Loan Program (HRLP) to finance rehabilitation of the Domestic Violence Solutions (DVS) second stage shelter, and authorize the City Administrator to sign a grant agreement and related documents as approved by the City Attorney.

DOCUMENTS:

June 15, 2004, Community Development Director's report.

(Cont'd)

20. (Cont'd)

SPEAKERS:

Staff: Housing Programs Supervisor Steven Faulstich.

MOTION:

Councilmembers Williams/Falcone to approve the recommendation;
Agreement No. 21,427.

VOTE:

Unanimous voice vote.

FINANCE DEPARTMENT

21. SUBJECT: PUBLIC EMPLOYEES RETIREMENT SYSTEM 20-YEAR FRESH START (430.08)

RECOMMENDATION: That Council authorize the Finance Director to request a 20-Year Fresh Start for each of the City's three California Public Employees Retirement System (PERS) contribution Groups.

DOCUMENTS:

June 15, 2004, Finance Director's report.

SPEAKERS:

- Staff: Finance Director Robert Peirson, City Administrator James Armstrong.
- Service Employees International Union Local 620: Walter Hamilton.

MOTION:

Councilmembers Williams/Horton to approve the recommendation.

VOTE:

Unanimous voice vote.

22. SUBJECT: FINAL DIRECTIONS - FISCAL YEAR 2005 RECOMMENDED BUDGET (230.05)

RECOMMENDATION: That Council provide staff with final directions in connection with the adoption of the Fiscal Year 2005 budget and related resolutions scheduled for June 22, 2004.

DOCUMENTS:

June 15, 2004, Finance Director's report.

(Cont'd)

22. (Cont'd)

SPEAKERS:

Staff: Assistant Finance Director Robert Samario, Finance Director Robert Peirson, City Administrator James Armstrong.

MOTION:

Councilmembers Barnwell/Schneider to approve an adjustment to the Fiscal Year 2005 Recommended Budget increasing the grant to the International Film Festival from \$27,000 in Fiscal Year 2004 to a total of \$52,000 in Fiscal Year 2005, and approve an additional allocation of \$25,000 to the Fiscal Year 2005 Community Events and Festivals grant process and direct Staff to designate a total of \$52,000 from that process to the Film Festival.

VOTE:

Majority voice vote (Noes: Councilmember Secord).

Councilmember Falcone left the meeting at 4:00 p.m.

MOTION:

Councilmembers Secord/Williams to approve all recommended budget adjustments as detailed on Attachment 2 to the June 15, 2004, Council Agenda Report.

VOTE:

Unanimous voice vote (Absent: Councilmember Falcone).

RECESS

4:02 p.m. – 4:15 p.m. Councilmember Falcone was present when the Council reconvened.

MAYOR AND COUNCIL REPORTS

25. SUBJECT: CITY ADVISORY GROUP INTERVIEWS (140.05)
(Estimated Time: 4:00 p.m.)

RECOMMENDATION: That Council hold interviews of applicants to various City Advisory Groups at an estimated time of 4:00 p.m. (Continued from June 8, 2004)

DOCUMENTS:

- Previous documents submitted June 8, 2004.
- Remarks made by Applicant Robert Niehaus.

(Cont'd)

25. (Cont'd)

SPEAKERS:

- Staff: City Administrator James Armstrong.
- The following applicants were interviewed:
 - Arts Advisory Committee:
 - Mary Garton
 - Darian Bleecher
 - Community Development and Human Services Committee:
 - Snowfox Moonstar Walkingshaw
 - Community Events and Festivals Committee:
 - Tom Morey
 - Steven Engles
 - Nadine Turner
 - David Damiano
 - Creeks Advisory Committee:
 - Steven Engles
 - Myfanwy DeVoe
 - Housing Authority Commission:
 - Myfanwy DeVoe
 - Robert D. Neihaus
 - Geoff Green
 - Library Board:
 - Mary Garton
 - Rental Housing Mediation Task Force:
 - Alexander "Skip" Szymanski

Advisory group appointments are scheduled for June 22, 2004.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PARKS AND RECREATION DEPARTMENT

23. SUBJECT: DOUGLAS FAMILY PRESERVE MANAGEMENT PLAN AND DESIGNATION OF OFF-LEASH DOG AREAS (570.05)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Douglas Family Preserve Management Plan, Designating Certain Off-Leash Dog Areas, Adopting Certain Findings Regarding an Environmental Impact Report, and Approving a Statement of Overriding Considerations under the California Environmental Quality Act;

(Cont'd)

23. (Cont'd)

- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 6.08.020, 6.08.070, 15.16.220, and 15.16.260 of the Municipal Code Regarding Off-Leash Dogs at the Douglas Family Preserve, Elings Park, Hale Park, and Shoreline Beach; the Use of Hang Gliders at the Douglas Family Preserve and East Beach; and the Closing Time of the Douglas Family Preserve; and
- C. Approve the re-allocation of \$70,000 from the Fiscal Year 2004 Parks and Recreation capital improvement budget for the riparian fencing and bridge crossing required by the environmental impact report as mitigation measures for designating Hale Park as an off-leash dog area.

DOCUMENTS:

- June 15, 2004, Acting Parks and Recreation Director's report.
- Proposed Resolution and Ordinance.
- June 14, 2004, letter with attachments, from Kevin Young.
- "Trees to Rocks" Mesa Steps Beach Proposal, submitted by Brad Taggart.

The titles of the resolution and ordinance were read.

SPEAKERS:

- Staff: Assistant Parks and Recreation Director Jeff Cope, City Attorney Stephen Wiley.
- Members of the Public: Laura Hout, Katherine Jankay, Wallie Crosby, Brad Taggart, Keith Lawler, Georg Naumann, Richard Box, Jack Greenbaum, Lisa Greenbaum, Nathaniel Hansen, Sue Higman, Kathleen Modugno.

MOTION:

Councilmembers Secord/Barnwell to approve the recommendations, adopt Resolution No. 04-039, and leave to Staff's discretion matters of a buffer at the stairs and a location for dogs' water.

VOTE:

Unanimous roll call vote.

PUBLIC WORKS DEPARTMENT

24. SUBJECT: EXPANSION OF RESIDENTIAL STREET SWEEPING AND PARKING RESTRICTION (530.04)

RECOMMENDATION: That Council:

- A. Authorize staff to expand the Residential Street Sweeping Program on the Eastside and Westside; and

(Cont'd)

24. (Cont'd)

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Restricting Parking Upon Certain Streets for the Purpose of Street Sweeping.

DOCUMENTS:

- June 15, 2004, Public Works Director's report.
- Proposed Resolution.

The title of the resolution was read.

MOTION:

Councilmembers Secord/Barnwell to approve the recommendations;
Resolution No. 04-040.

VOTE:

Unanimous roll call vote.

CHANGES TO THE AGENDA

Item Removed from Agenda

Upon the recommendation of City Attorney Stephen Wiley, the following item was removed from the agenda:

26. 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 City of Santa Barbara v. Wilbur Smith & Associates, Ventura County Superior Court Case No. 226424.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

RECESS

5:42 p.m. – 6:06 p.m.

Mayor Blum presiding.

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

Councilmembers absent: None.

Staff present: City Administrator/Clerk Armstrong, City Attorney Wiley, Deputy City Clerk Tschech.

PUBLIC COMMENT

No one wished to speak.

REQUESTS FROM THE PUBLIC

Item Nos. 27 and 28 were taken concurrently.

27. SUBJECT: REQUEST FROM PACIFIC PRIDE FOUNDATION THAT COUNCIL ADOPT A RESOLUTION OPPOSING A CONSTITUTIONAL AMENDMENT PROHIBITING LESBIAN AND GAY COUPLES FROM THE RIGHT TO MARRY, AND SUPPORTING ASSEMBLYMAN LENO'S BILL AFFIRMING CIVIL RIGHTS OF LESBIAN AND GAY COUPLES (160.02)

DOCUMENTS:

April 7, 2004, letter from Pacific Pride Foundation.

28. SUBJECT: REQUEST FROM SANTA BARBARA CHAPTER OF AMERICAN CIVIL LIBERTIES UNION AND GAY SANTA BARBARA THAT COUNCIL ADOPT A RESOLUTION OPPOSING A CONSTITUTIONAL AMENDMENT WHICH WOULD "FEDERALIZE" THE LAW OF MARRIAGE (160.02)

DOCUMENTS:

- June 9, 2004, letter from the American Civil Liberties Union, Santa Barbara Chapter.
- Remarks made by Mark Quinn, representing GaySantaBarbara.org.

SPEAKERS:

- Pacific Pride Foundation: Sharon Bettis.
- GaySantaBarbara.org: Mark Quinn.
- Members of the Public: Linda Tuomi, Santa Barbara Women's Political Committee; Patricia Stewart; Dave Bramsen.
- Staff: City Attorney Stephen Wiley, City Administrator James Armstrong.

MOTION:

Councilmembers Horton/Schneider to direct Staff to prepare and submit to Council a resolution opposing the proposed constitutional amendment and authorizing the Mayor to send a letter to federal legislators voicing this opposition.

VOTE:

Unanimous voice vote (Abstentions: Councilmember Secord).

By consensus, Council will not take a position on Assemblyman Leno's bill.

ADJOURNMENT

Mayor Blum adjourned the meeting at 6:43 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

MARTY BLUM
MAYOR

SUSAN TSCHECH
DEPUTY CITY CLERK