



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING July 11, 2006 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 Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### 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 Susan Tschech.

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring July 2006 As Parks And Recreation Month (120.04)

Action: Proclamation presented to Barbara Galloway, member of the Santa Barbara Arts and Crafts Show, and Brooke Sawyer, tennis permit holder.

2. 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 July 31, 2006.

(Cont'd)

2. (Cont'd)

Documents:

July 11, 2006, report from the Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Award Recipient Sarah Clayton.

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

25-Year Pin

Edward Szeyller, Police

Mark Purcell, Police

Richard Yee, Police

Sarah Clayton, Parks and Recreation

20-Year Pin

Christopher Woodcock, Fire

Sammy Maiorca, Police

Gilberto Marquez, Public Works

Vincent Pimentel, Public Works

15-Year Pin

Bridget Moore, Police

Eliseo Campos, Public Works

10-Year Pin

Scott Nelson, Administrative Services

Karen Putnam, Administrative Services

David Gustafson, Community Development

James Fuller, Police

Kent McBride, Police

Wai Chan, Airport

5-Year Pin

Cary Stevens, City Attorney

Robin Neubert, Fire

Jeffry Zampese, Fire

Lisa Arroyo, Public Works

Timothy Lawton, Airport

Lyn Story, Airport

Lawrence Self, Waterfront

**PUBLIC COMMENT**

Speakers: William Connell, Hap Freund, Lazarus, Ken Loch, Brian Olson, and Michael Self.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### Information:

- Councilmember Williams remarked upon the following events: 1) the Youth Council's hosting of students from Santa Barbara's sister city Puerto Vallarta; 2) the upcoming excursion to Universal Studios being sponsored by the City's Teen Programs Division; and 3) a recent panel discussion and film regarding global warming.
- Councilmember Schneider commented on her participation in United Way's "Fun in the Sun" program.
- Councilmember Falcone remarked upon the activities held to celebrate the July 4th holiday and a joint meeting of the Park and Recreation Commission and the Creeks Advisory Committee to review the revised Veronica Meadows development project.
- Councilmember House reported the status of the Council subcommittee reviewing the advisory group recruitment process.
- Councilmember Barnwell mentioned the following items: 1) the local Blood Bank's current need for donations; 2) an event to be held in September by the Arts Alive! organization to recognize the search for peace; 3) the Pershing Park baseball diamond project; and 4) his appreciation to the organizers of the July 4th parade.

## **CONSENT CALENDAR (Item Nos. 3 – 16 and 20)**

The titles of the resolutions and ordinance pertaining to Consent Calendar items were read.

### Motion:

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

### Vote:

Unanimous roll call vote.

### 3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 20, 2006.

Action: Approved the recommendation.

4. Subject: Contract For Construction Of Milpas Street Beautification Project And Acceptance Of A Street Easement At 826 North Milpas Street (530.04)

Recommendation: That Council:

- A. Reprogram up to \$425,000 from currently appropriated Streets Capital projects to the Milpas Street Beautification Project;
- B. Authorize the Public Works Director to execute a contract with Granite Construction Company (Granite) in their low bid amount of \$1,022,538 for construction of the Milpas Street Beautification Project, Bid No. 3411;
- C. Authorize the Public Works Director to approve expenditures up to \$92,023 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;
- D. Authorize the General Services Manager to issue a Purchase Order to Martyn Field Services, Incorporated (Martyn), in the amount of \$2,500 for material testing services, and authorize the General Services Manager to approve expenditures of up to \$250 for extra services of Martyn that may result from necessary changes in the scope of work;
- E. Authorize the Public Works Director to execute an Easement Purchase Agreement with Verna I. Coyne and Judith E. Finch, Trustees of Coyne Descendant's Trust U/T/A March 18, 1991, and Trustees of Coyne Survivor's Trust U/T/A March 18, 1991, for the purchase of a public street easement along the real property commonly known as 826 North Milpas Street (Assessor's Parcel No. 031-051-024), in the amount of \$6,250; and
- F. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Public Street Easement Located at 826 North Milpas Street, Santa Barbara County Assessor's Parcel No. 031-051-024.

Speakers:

Member of the Public: Bob Ludwick, The Milpas Association.

Action: Approved the recommendations; Contract No. 22,142 (recommendation B); Agreement No. 22,143 (recommendation E); Resolution No. 06-061 (July 11, 2006, report from the Public Works Director; proposed resolution).

5. Subject: Adoption Of Ordinance Pertaining To Animals On Airport Property (560.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance Of The Council Of The City Of Santa Barbara Amending The Municipal Code By Amending Section 18.08.170 Pertaining To Animals On Airport Property.

Action: Approved the recommendation; Ordinance No. 5390.

6. Subject: Fiscal Year 2006 Interim Financial Statements For The Eleven Months Ended May 31, 2006 (250.02)

Recommendation: That Council accept the Fiscal Year 2006 Interim Financial Statements for the Eleven Months Ended May 31, 2006.

Action: Approved the recommendation (July 11, 2006, Finance Director's report).

7. Subject: Lease Agreement With Brophy And Sons, Incorporated (330.04)

Recommendation: That Council approve a five-year lease agreement with Brophy and Sons, Incorporated, doing business as The Store at Brophys, for the retail clothing store operating at 119-C Harbor Way, at a monthly rent of \$1,485 or 10% of gross sales, whichever is greater.

Action: Approved the recommendation; Agreement No. 22,144 (July 11, 2006, Waterfront Director's report).

8. Subject: License Agreement With Sea Urchin Harvesters Association (330.08)

Recommendation: That Council approve a three-year license agreement with Sea Urchin Harvesters Association, California, for the berthing of commercial fishing boats at a monthly rent of \$1,138.17 per month on the north side of Cabrillo Landing in the Santa Barbara Harbor.

Action: Approved the recommendation; Agreement No. 22,145 (July 11, 2006, Waterfront Director's report).

9. Subject: Community Promotion Contract With Old Spanish Days (180.02)

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with Old Spanish Days in an amount of \$60,000 covering the period from July 1, 2006, to May 31, 2007.

Action: Approved the recommendation; Contract No. 22,146 (July 11, 2006, Finance Director's report).

10. Subject: Contract For Construction Of Sewer Main Improvement Project (540.13)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Insituform Technologies, Inc. (Insituform), in their low bid amount of \$1,739,827, with an alternate bid amount of \$140,875, for a total of \$1,880,702, for construction of the Sewer Main Improvement Project, Bid No. 3428;

(Cont'd)

10. (Cont'd)

- B. Authorize the Public Works Director to approve expenditures up to \$188,100 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 (Martyn), in the amount of \$5,225 for material testing services, and authorize the Public Works Director to approve expenditures up to \$525 for extra services of Martyn that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 22,147 (July 11, 2006, report from the Public Works Director).

11. Subject: Notice Of Completion For The Santa Barbara Airport Security Upgrade Project (560.04)

Recommendation: That Council accept the work completed by Taft Electric Company (Taft), Contract No. 21,606, for the Santa Barbara Airport Security Upgrade Project, Bid No. 3378, in the final contract amount of \$1,785,614, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (July 11, 2006, report from the Public Works Director).

12. Subject: Notice Of Completion For Punta Gorda-Voluntario Street Improvements Project (530.04)

Recommendation: That Council accept the work completed by Lash Construction, Incorporated (Lash), Bid No. 3449, Contract No. 21,896, for the Punta Gorda-Voluntario Street Improvements Project, in the final contract amount of \$388,679.78, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (July 11, 2006, report from the Public Works Director).

13. Subject: Notice Of Completion For Construction Of The Taxiway M Project (560.04)

Recommendation: That Council accept the work completed by Granite Construction Company (Granite), Contract No. 21,785, for the Taxiway M Project, Bid No. 3447, located at 601 Firestone Road at the Santa Barbara Airport, in the final contract amount of \$4,335,142, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (July 11, 2006, report from the Public Works Director).

14. Subject: Parcel Map For A Condominium Conversion At 902 N. Nopal Street And 805 E. Canon Perdido Street (640.08)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Parcel Map No. 20,726 by SMALL COW, LLC, for a Tentative Map approved by Planning Commission Resolution No. 003-06 on January 19, 2006, located at 902 N. Nopal Street and 805 E. Canon Perdido Street, Assessor's Parcel No. 029-312-005 (see List of Owners), finding the Map in conformance with the General Plan and applicable specific plans of the City; and
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property.

Action: Approved the recommendations; Agreement Nos. 22,148 and 22,149 (July 11, 2006, report from the Public Works Director).

15. Subject: Lease Agreements For Franklin Neighborhood Center, Westside Community Center, And Louise Lowry Davis Recreation Center (330.04)

Recommendation: That Council approve and authorize the Parks and Recreation Director to execute the following lease agreements for space at the following locations: Franklin Neighborhood Center Brotherhood of Santa Barbara Cornelia Moore Dental Foundation Clinic Endowment for Youth University of California Santa Barbara (UCSB)/Project Excel Westside Community Center Independent Living Resource Center Santa Barbara Special Olympics Work Inc./UCP Community Action Commission Louise Lowry Davis Recreation Center United Cerebral Palsy Association of Los Angeles, Ventura, and Santa Barbara Counties

Action: Approved the recommendation; Agreement Nos. 22,150 - 22,158 (July 11, 2006, report from the Parks and Recreation Director).

16. Subject: Annual Miscellaneous Employer-Paid Member Contributions Adjustment (430.08)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Paying and Reporting the Value of Employer-Paid Member Contributions (EPMC) for Regular Miscellaneous Employees, Effective June 24, 2006; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Employer-Paid Member Contributions (EPMC) For Hourly Employees, Effective June 24, 2006

Action: Approved the recommendations; Resolution Nos. 06-062 and 06-063 (July 11, 2006, Assistant City Administrator's report; proposed resolutions).

Agenda Item Nos. 17 – 19 appear in the Redevelopment Agency minutes.

## NOTICES

20. The City Clerk has on Thursday, July 6, 2006, 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.

Councilmember Williams left the meeting at 2:46 p.m.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger Horton reported that the Committee reviewed both the City's and the Redevelopment Agency's Fiscal Year 2006 Interim Financial Statements for the Eleven Months Ended May 31, 2006, approved by the Council and Redevelopment Agency as part of this agenda's Consent Calendar (Item Nos. 6 and 18, respectively). The Committee also considered and approved for forwarding to Council a pilot rebate program for private sewer lateral inspections and repairs.

Councilmember Williams returned to the meeting at 2:49 p.m.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### ADMINISTRATIVE SERVICES DEPARTMENT

21. Subject: Lowest Law Enforcement Priority Policy Ordinance (110.03)

Recommendation: That Council:

- A. Receive the Certificate from the County Clerk-Recorder-Assessor and Registrar of Voters dated June 26, 2006, indicating that the subject initiative petition does have sufficient valid signatures; and
- B. Refer the subject initiative petition to City staff to prepare a report on the effect of the initiative as provided in Elections Code Section 9212 (a) (1) and (8) to be presented at the City Council meeting of July 25, 2006.

Documents:

July 11, 2006, report from the Administrative Services Director.

Speakers:

Staff: City Clerk Services Manager Cynthia Rodriguez.

Motion:

Councilmembers Horton/Schneider to approve the recommendations.

Vote:

Unanimous voice vote.

### AIRPORT DEPARTMENT

22. Subject: Lease Agreement with BDC Gateway Associates, LLC, and BDC Gateway Retail, LLC (330.04)

Recommendation: That Council:

- A. Find that the project proposed by Citrix Systems, Inc., at 6100 Hollister Avenue will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by creating new permanent employment opportunities and enhancing the City's revenue base, and grant the project a Final Economic Development Designation for 80,000 square feet of floor area;
- B. Approve and authorize the Airport Director, subject to City Attorney approval, to execute an Agreement and Escrow Instructions between the City and BDC Gateway Associates, LLC, a California Limited Liability Company, and BDC Gateway Retail, LLC, a California Limited Liability Company, setting forth the agreements concerning the two leases for the development of 160,000 square feet of commercial/industrial space and approximately 20,000 square feet of service retail on approximately 14.7 acres of land at 6100 Hollister Avenue, at the Santa Barbara Airport;

(Cont'd)

22. (Cont'd)

- C. Approve and authorize the Airport Director, subject to City Attorney approval, to execute a fifty (50) year Lease Agreement with BDC Gateway Associates, LLC, a California Limited Liability Company, for construction and management of 160,000 square feet of commercial/industrial space at 6100 Hollister Avenue, at the Santa Barbara Airport, for a monthly base rental of \$29,861.08, effective upon recordation of the Memorandum of Lease;
- D. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Fifty-Year Ground Lease Dated August 17, 2006, Between the City Of Santa Barbara and BDC Gateway Associates, LLC, a California Limited Liability Company, for Construction and Management of 160,000 Square Feet of Commercial/Industrial Space at 6100 Hollister Avenue, at the Santa Barbara Airport;
- E. Approve and authorize the Airport Director, subject to City Attorney approval, to execute a fifty (50) year Lease Agreement with BDC Gateway Retail, LLC, a California Limited Liability Company, for the construction and management of 20,000 square feet of service retail space at 6100 Hollister Avenue, at the Santa Barbara Airport, for a monthly base rental of \$6,388.92, effective upon recordation of the Memorandum of Lease;
- F. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Fifty-Year Ground Lease Dated August 17, 2006, Between the City of Santa Barbara and BDC Gateway Retail, LLC, a California Limited Liability Company, for Construction and Management of 20,000 Square Feet of Service Retail Space, at 6100 Hollister Avenue, at the Santa Barbara Airport;
- G. Approve and authorize the Airport Director, subject to City Attorney approval, to execute a Non-Disturbance, Attornment and Amendment Agreement with Wells Fargo Bank Northwest, National Association, a National Banking Association, the City of Santa Barbara, BDC Gateway Associates, LLC., Citrix Systems, Inc., a Delaware Corporation, and BA Leasing BSC, LLC, a Delaware Limited Liability Company, effective upon recordation of a Memorandum of Lease and providing mortgagee protections to BA Leasing for the financing of the project improvements; and
- H. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Non-Disturbance, Attornment and Amendment Agreement with Wells Fargo Bank Northwest, National Association, a National Banking Association, the City of Santa Barbara, BDC Gateway Associated, LLC., Citrix Systems, Inc., a Delaware Corporation, and BA Leasing BSC, LLC, a Delaware Limited Liability Company, Effective Upon Recordation of the Memorandum of Lease and Providing Mortgagee Protections to BA Leasing for the Financing of the Project Improvements.

(Cont'd)

22. (Cont'd)

Documents:

- July 11, 2006, Airport Director's report.
- Proposed Ordinances.
- PowerPoint presentation prepared and made by Staff.

The titles of the ordinances were read.

Speakers:

- Staff: Airport Director Karen Ramsdell, Assistant Airport Director Hazel Johns.
- Bermant Development Company: Andrew Bermant.

Motion:

Councilmembers House/Falcone to approve the recommendations.

Vote:

Unanimous voice vote.

Councilmembers Horton and House stated they would not participate in the following item due to conflicts of interest related to the location of their residences within the proposed assessment district, and they left the meeting at 3:18 p.m.

FIRE DEPARTMENT

23. Subject: Wildland Fire Suppression Assessment District Formation (290.00)

Recommendation: That Council:

- A. Hear a presentation from the City Clerk on the tabulation results of the Wildland Fire Suppression Assessment District balloting; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Order Expansion of Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving Engineer's Report; Confirming Diagram and Assessment; and Ordering Levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2006-07.

Documents:

- July 11, 2006, report from the Deputy Fire Chief.
- Proposed Resolution.

(Cont'd)

23. (Cont'd)

The title of the resolution was read.

Speakers:

- Staff: Fire Chief Ron Prince, City Clerk Services Manager Cynthia Rodriguez.
- SCI Consulting Group (Consultant to the City): Vice President John Bliss.
- Members of the Public: Brigitte Forssell and Paul Cashman, The Riviera Association.

Motion:

Councilmembers Schneider/Barnwell to approve recommendation B; Resolution No. 06-064.

Vote:

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

Councilmembers Horton and House returned to the meeting at 3:34 p.m.

#### **REQUESTS FROM THE PUBLIC**

24. Subject: Metropolitan Transit District Request For Letter Supporting Legislative Action To Change The Size And Composition Of The MTD Board Of Directors (150.05)

Recommendation: That Council consider a request from Sherrie Fisher, General Manager, Santa Barbara Metropolitan Transit District (MTD), for a letter in support of legislative action to change the size and composition of the MTD Board of Directors to include appointees from the Cities of Goleta and Carpinteria.

Documents:

July 11, 2006, report from the Administrative Services Director.

Speakers:

- Staff: Administrative Services Director Marcelo Lopez.
- Metropolitan Transit District: General Manager Sherrie Fisher.

Motion:

Councilmembers Williams/Schneider to approve the request.

Vote:

Unanimous voice vote.

## MAYOR AND COUNCIL REPORTS

25. Subject: City Advisory Group Appointments (140.05)

Recommendation: That Council make appointments to the City Advisory Groups.

Documents:

July 11, 2006, report from the Administrative Services Director.

Speakers:

Staff: City Clerk Services Manager Cynthia Rodriguez, Deputy City Clerk Brenda Alcazar, City Administrator James Armstrong.

Airport Commission:

Nominees:

Wendy Coggins, Kirk Martin, Bruce Miller.

Vote:

- For Coggins: Councilmembers Barnwell, Schneider, Williams.
- For Martin: Councilmembers Falcone, Horton, House, Schneider, Mayor Blum.
- For Miller: Councilmembers Barnwell, Falcone, Horton, House, Mayor Blum.

Appointments:

Kirk Martin and Bruce Miller were appointed for terms expiring December 31, 2006.

Architectural Board of Review:

Nominee for Professional Qualifications category:

Jim Blakely.

Vote:

Councilmembers Falcone, Horton, House, Schneider, Williams, Mayor Blum.

Appointment:

Jim Blakely was appointed to the Professional Qualifications category for a term expiring December 31, 2006.

(Cont'd)

25. (Cont'd)

Community Development & Human Services Committee:

Nominees for Business Community/Economic Development category:  
Laura Knight, Jennifer Rose.

Vote:

- For Knight: Councilmembers Barnwell, Falcone, House, Williams, Mayor Blum.
- For Rose: Councilmembers Horton, Schneider.

Nominees for Housing Interests category:  
Catherine Woodford, Gary Woods.

Vote:

- For Woodford: Councilmembers Barnwell, Falcone, Horton, House, Schneider, Williams, Mayor Blum.
- For Woods: None.

Appointments:

Laura Knight was appointed to the Business Community/Economic Development category for a term expiring December 31, 2009, and Catherine Woodford was appointed to the Housing Interests category for a term expiring December 31, 2009.

Community Events & Festivals Committee:

Nominees for Alternate position:  
Debbie Neer, Roger Perry.

Vote:

- For Neer: Councilmembers Horton, House, Schneider, Williams, Mayor Blum.
- For Perry: Councilmembers Barnwell, Falcone.

Appointment:

Debbie Neer was appointed to the Alternate position for a term expiring December 31, 2006; however, see the motion and vote which follow.

(Cont'd)

25. (Cont'd)

Community Events & Festivals Committee (Cont'd):

Motion:

Councilmembers Barnwell/Schneider to, pending confirmation from the Santa Barbara Conference and Visitors Bureau (CVB), change Debbie Neer's category of appointment to the CVB representative and appoint Roger Perry to the Alternate position.

Vote:

Unanimous voice vote.

Motion:

Councilmembers Horton/Falcone to appoint Mark Sherman to the Retail Organization category.

Vote:

Unanimous voice vote.

Appointment:

Mark Sherman was appointed to the Retail Organization category for a term expiring December 31, 2007.

Creeks Advisory Committee:

Motion:

Councilmembers Williams/Falcone to appoint Lee Moldaver to the Environmental/Land Use Expertise category.

Vote:

Unanimous voice vote.

Appointment:

Lee Moldaver was appointed to the Environmental/Land Use Expertise category for a term expiring December 31, 2007.

Downtown Parking Committee:

Motion:

Councilmembers Horton/Schneider to appoint Tom Williams.

Vote:

Unanimous voice vote.

Appointment:

Tom Williams was appointed for a term expiring December 31, 2007.

(Cont'd)

25. (Cont'd)

Fire & Police Pension Commission:

Motion:

Councilmembers Barnwell/Schneider to appoint Kenneth Partch.

Vote:

Unanimous voice vote.

Appointment:

Kenneth Partch was appointed for a term expiring December 31, 2008.

Housing Authority Commission:

Nominees for Tenant category:

Paul Downes, Mary Johnston-De León.

Vote:

- For Downes: Councilmember Williams.
- For Johnston-De León: Councilmembers Barnwell, Falcone, Horton, House, Schneider, Mayor Blum.

Nominees for Public at Large category:

Janet McGinnis, Cheryl Rogers.

Vote:

- For McGinnis: Councilmember Schneider.
- For Rogers: Councilmembers Barnwell, Falcone, Horton, House, Williams, Mayor Blum.

Appointment:

Mary Johnston-De León was re-appointed to the Tenant category for a term expiring June 30, 2008, and Cheryl Rogers was appointed as a representative of the Public at Large for a term expiring June 30, 2010.

Living Wage Advisory Committee:

Motion:

Councilmembers Horton/House to appoint Larry Lee to the Qualified Elector category.

Vote:

Unanimous voice vote.

(Cont'd)

25. (Cont'd)

Living Wage Advisory Committee (Cont'd):

Nominees for Non-Profit Entity category:  
Richard Block, Anna Kokotovic.

Vote:

- For Block: Councilmembers Barnwell, Falcone, Mayor Blum.
- For Kokotovic: Councilmembers Horton, House, Schneider, Williams.

Motion:

Councilmembers House/Falcone to appoint Stephen Cushman as a representative of the Chamber of Commerce.

Vote:

Unanimous voice vote.

By consensus, the Council moved and appointed Applicant Allen Williams to the category of Owner/Manager of a Service Contractor Subject to the Ordinance. The Council also appointed Hillary Blackerby and Richard Flacks to the Living Wage Advocacy Organization category.

Appointments:

Larry Lee was appointed to the Qualified Elector category for a term expiring June 30, 2010; Anna Kokotovic was appointed to the Non-Profit Entity category for a term expiring June 30, 2008; Stephen Cushman was appointed as a representative of the Chamber of Commerce for a term expiring June 30, 2008; Allen Williams was appointed to the category of Owner/Manager of a Service Contractor Subject to the Ordinance for a term expiring June 30, 2007; and Hillary Blackerby and Richard Flacks were appointed to the Living Wage Advocacy Organization category for terms expiring June 30, 2009.

Lower Westside Center Advisory Committee:

By consensus, the Council appointed Elena Cruz and Enedina Gil as representatives of the Lower Westside Neighborhood for terms expiring December 31, 2007, and Andrea Padilla as a representative of the Public at Large for a term expiring December 31, 2009.

(Cont'd)

25. (Cont'd)

Rental Housing Mediation Task Force:

Motion:

Councilmembers Horton/Falcone to appoint Mary O’Gorman to the Tenant category.

Vote:

Unanimous voice vote.

Appointment:

Mary O’Gorman was appointed to the Tenant category for a term expiring December 31, 2007.

Transportation and Circulation Committee:

By consensus, the Council appointed Steven Maas.

Appointment:

Steven Maas was appointed for a term expiring December 31, 2006.

**RECESS**

4:00 p.m. - 4:14 p.m.

**PUBLIC HEARINGS**

26. Subject: Appeal Of Architectural Board Of Review Decision To Approve Retaining Wall And Landscaping - 559 Ricardo Avenue (640.07)

Recommendation: That Council deny the appeal of Michael L. Sandford, Attorney representing Gary Semerdjian, and uphold the Architectural Board of Review’s decision to grant Final Approval of the application of Grant and Monica Laviale for as-built retaining wall and landscaping improvements, making the Neighborhood Preservation Ordinance findings in the Council Agenda Report.

Documents:

- July 11, 2006, Community Development Director’s report.
- July 3, 2006, letter from Appellant.
- Affidavit of Publication.

(Cont'd)

26. (Cont'd)

Speakers:

- Staff: Senior Planner Jaime Limón.
- Architectural Board of Review: Member Randy Mudge.
- Appellant: Attorney Michael Sandford.
- Applicant: Landscape Architect Sam Maphis.

Motion:

Councilmembers House/Horton to approve the recommendation, directing the Applicant to plant the hedge material a minimum distance of 2 feet vertically from the property line.

Vote:

Unanimous voice vote.

## RECESS

The Mayor recessed the meeting at 4:52 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 27 - 30. City Attorney Stephen Wiley stated there would be no reportable action taken during the closed sessions.

## CLOSED SESSIONS

27. Subject: Conference With Legal Counsel - Litigation (160.03)

Recommendation: That Council hold a closed session to consider litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The litigation is Erica Michelle Herman v. John Kevin McCarthy, etc., et al., Santa Barbara Superior Court Case No. 1167835.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

July 11, 2006, City Attorney's report.

Time:

5:00 p.m. - 5:24 p.m.

No settlement approved.

28. 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 Homes on Wheels, et al., v. City of Santa Barbara, et al., Santa Barbara Superior Court Case No. 1112384.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

July 11, 2006, City Attorney's report.

Time:

5:24 p.m. – 5:48 p.m.

No settlement approved.

29. 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, 10 minutes; anytime

Report: None anticipated

Documents:

July 11, 2006, City Attorney's report.

Time:

5:48 p.m. – 6:04 p.m.

No settlement approved.

30. Subject: Conference With Labor Negotiator (Police) (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to the City's labor negotiators, Bruce Barsook, Liebert Cassidy Whitmore, and Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers' Association.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

(Cont'd)

30. (Cont'd)

Documents:

July 11, 2006, report from the Assistant City Administrator.

Time:

6:04 p.m. - 7:40 p.m.

No report made.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 7:40 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

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

ATTEST: \_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK