



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING April 16, 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 and Ordinance Committees met at 1:00 p.m.)

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.

PUBLIC COMMENT

SPEAKERS: Jim Kahan, Mrs. Griggs, Scott Wenz, Todd Holmgren, and Ken Loch.

RECESS

2:16 p.m. - 2:29 p.m., during which time the Santa Barbara Financing Authority meeting was held, and the first portion of the Redevelopment Agency agenda was completed.

CONSENT CALENDAR (Item Nos. 1 - 12)

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

MOTION:

Councilmembers Secord/Horton 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 April 2, 2002, and the adjourned regular meeting of April 3, 2002.

ACTION: Approved the recommendation.

2. SUBJECT: AMENDMENT TO THE POSITION AND SALARY CONTROL RESOLUTION REGARDING CITY EMPLOYEES CALLED TO ACTIVE MILITARY DUTY (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. 01-064, the Position and Salary Control Resolution for Fiscal Year 2001-2002, Affecting Salary and Benefits During a Military Leave of Absence Related to the September 11, 2001, Terrorist Action, Effective April 1, 2002.

ACTION: Approved the recommendation; Resolution No. 02-044 (April 16, 2002, Assistant City Administrator's report).

3. SUBJECT: SALARY ADJUSTMENTS FOR MOTOR POOL STAFF (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. 01-064, the Position and Salary Control Resolution for Fiscal Year 2001-2002, Affecting the Public Works Department Effective April 20, 2002.

ACTION: Approved the recommendation; Resolution No. 02-045 (April 16, 2002, Assistant City Administrator's report).

4. SUBJECT: MULTI-JURISDICTIONAL SOLID WASTE TASK GROUP MEMBERSHIP EXTENSION (630.01)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Extend Membership on the Multi-Jurisdictional Solid Waste Task Group to Other Cities and Special Districts in Santa Barbara County.

SPEAKERS:

Staff: Principal Civil Engineer Homer Smith.

ACTION: Approved the recommendation; Resolution No. 02-046, as revised (April 16, 2002, Public Works Director's report).

5. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR EL ESTERO DRAIN WETLAND RESTORATION; BID NO. 3334 (540.13)

RECOMMENDATION: That Council:

- A. Award and authorize the Public Works Director to execute a contract with AIS Construction Company, waiving minor irregularities, in their low bid amount of \$185,560, for construction of the El Estero Drain Wetland Restoration, Bid No. 3334;
- B. Authorize the Public Works Director to approve expenditures up to \$18,500, 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 URS Corporation, in the amount of \$15,500, for construction support, biological and archaeological support services, and authorize the General Services Manager to approve expenditures of up to \$3,500 for extra services that may result from necessary changes in the scope of work, and for preparation of a Final Restoration and Maintenance Plan upon completion of construction.

ACTION: Approved the recommendations; Contract No. 20,599 (April 16, 2002, Public Works Director's report).

NOTICES

6. The City Clerk has on Friday, April 12, 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.
7. Finance Committee meeting, April 16, 2002, at 1:00 p.m. in Room 15 for consideration of the Fiscal Year 2003 Recommended Budget. (120.03)
8. Ordinance Committee meeting, April 16, 2002, at 1:00 p.m. in the Council Chamber for consideration of Outdoor Vending Machine Regulations. (120.03)
9. Santa Barbara Finance Authority meeting, April 16, 2002, at 2:00 p.m. in the Council Chamber.
10. Redevelopment Agency meeting, April 16, 2002, at 2:00 p.m. in the Council Chamber. (620.03)
11. Joint City Council/Redevelopment Agency meeting, April 16, 2002, at 2:00 p.m. to consider Item No. 19 on the Council Agenda and Item No. 4 on the Redevelopment Agency Agenda. (620.03)

12. The City Council will conduct a site visit on Monday, April 22, 2002, at 1:30 p.m. to the property located at 727 Bath Street, which is the subject of an appeal hearing set for April 23, 2002, at 6:00 p.m.

This concluded the Consent Calendar.

REPORTS FROM FINANCE AND ORDINANCE COMMITTEES

13. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee heard a Staff presentation on the Fiscal Year 2003 Recommended Budget, which includes proposed adjustments to the adopted two-year financial plan to address a projected deficit.

14. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Gregg Hart reported that the Committee reviewed a draft ordinance and design guidelines to regulate outdoor vending machines. The Committee acted to forward both documents to the Council for its consideration.

ADMINISTRATIVE REPORTS

FIRE DEPARTMENT

15. SUBJECT: APPROVE THE COOPERATIVE PURCHASE OF ONE CUSTOM SPARTAN FIRE ENGINE (330.05)

RECOMMENDATION: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.080(k) and authorize the General Services Manager to issue a purchase order to Hi-Tech Emergency Vehicle Service, Inc., in the amount of \$322,840.55, for the assembly and delivery of one custom Spartan Fire Engine meeting the same specifications as the vehicle assembled and delivered to the City of Chico, CA.

DOCUMENTS:

April 16, 2002, Fire Chief's report.

SPEAKERS:

Staff: Fire Chief Warner McGrew.

MOTION:

Councilmembers Fairly/Secord to approve the recommendation.

VOTE:

Unanimous voice vote.

ORDINANCES FOR INTRODUCTION

16. SUBJECT: ORDINANCE APPROVING THE EXECUTION OF A TERMINATION OF EASEMENT AND LIMITED PARKING ENCROACHMENT PERMIT AT PARKING LOT NO. 5 (330.03)

RECOMMENDATION: That Council introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Public Works Director to Execute and Cause the Recordation of a Termination of Easement and Limited Parking Encroachment Permit with Tynan Group, Affecting City-Owned Parking Lot No. 5 (Santa Barbara County Assessor's APNs 039-181-019 and -020), in Concert with the Redevelopment of the Adjacent Real Property at 26 West Anapamu Street (Santa Barbara County Assessor's APN 039-181-021).

DOCUMENTS:

- April 16, 2002, Public Works Director's report.
- Proposed Ordinance.

The title of the ordinance was read.

SPEAKERS:

Staff: Principal Civil Engineer John Ewasiuk.

MOTION:

Councilmembers Secord/Horton to approve the recommendation.

VOTE:

Unanimous voice vote.

17. SUBJECT: SAFE DRINKING WATER STATE REVOLVING FUND LOAN FOR THE SHEFFIELD RESERVOIR WATER QUALITY PROJECT (540.09)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Safe Drinking Water State Revolving Fund Loan (Sheffield – 2002), and Authorizing Officers to Act on Behalf of the City.

DOCUMENTS:

- April 16, 2002, Public Works Director's report.
- Proposed Ordinance.

The title of the ordinance was read.

SPEAKERS:

Staff: Water Resources Manager Bob Roebuck.

(Cont'd)

17. (Cont'd)

MOTION:

Councilmembers Fairly/Falcone to approve the recommendation.

VOTE:

Unanimous voice vote.

ORDINANCES FOR ADOPTION

18. SUBJECT: DEBT REFUNDING (240.04)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Authorizing the Execution and Delivery by the City of a Certificate Purchase Agreement and an Escrow Agreement in Connection with the Execution and Delivery of City of Santa Barbara Refunding Certificates of Participation (Municipal Improvement Program), Series 2002, Authorizing the Execution and Delivery of Such Certificates Evidencing Principal in an Aggregate Amount of Not to Exceed \$7,000,000, Authorizing the Distribution of an Official Statement in Connection Therewith and Authorizing Related Actions;
- B. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Authorizing the Execution and Delivery by the City of a Certificate Purchase Agreement and an Escrow Agreement in Connection with the Execution and Delivery of City of Santa Barbara Water Revenue Refunding Certificates of Participation, Series 2002, Authorizing the Execution and Delivery of Such Certificates Evidencing Principal in an Aggregate Amount of Not to Exceed \$17,000,000, Authorizing the Distribution of an Official Statement in Connection Therewith and Authorizing Related Actions;
- C. Adopt, by reading of title only, An Ordinance of the City of Santa Barbara Authorizing the Execution and Delivery by the City of a Ground Lease, a Lease Agreement, a Trust Agreement and a Continuing Disclosure Agreement in Connection with the Execution and Delivery of City of Santa Barbara Refunding Certificates of Participation (Municipal Improvement Program), Series 2002, and Authorizing Related Actions (introduced on April 9, 2002);
- D. Adopt, by reading of title only, An Ordinance of the City of Santa Barbara Authorizing the Execution and Delivery by the City of an Installment Purchase Agreement, a Trust Agreement and a Continuing Disclosure Agreement in Connection with the Execution and Delivery of City of Santa Barbara Water Revenue Refunding Certificates of Participation, Series 2002, and Authorizing Related Actions (introduced on April 9, 2002);

(Cont'd)

18. (Cont'd)

- E. Introduce, and subsequently adopt, by reading of title only, An Ordinance of the City of Santa Barbara Authorizing the Execution and Delivery by the City of a Master Agreement for Waterfront Enterprise Obligations, an Installment Purchase Agreement, a Trust Agreement and a Continuing Disclosure Agreement in Connection with the Execution and Delivery of City of Santa Barbara Waterfront Revenue Refunding Certificates of Participation, Series 2002, and Authorizing Related Actions; and
- F. Authorize the use of five million dollars (\$5,000,000) of Water Fund reserves in excess of policy requirements to be contributed to the Water Fund Certificate of Participation refinancing, thus reducing the amount of refinancing certificates to be issued.

DOCUMENTS:

- April 16, 2002, Finance Director's report.
- Proposed Resolutions and Ordinances.
- April 16, 2002, Finance Director's memorandum.
- Revised ordinance for Item No. 18E.

The titles of the resolutions and ordinances were read.

SPEAKERS:

Staff: Finance Director Robert Peirson.

MOTION:

Councilmembers Secord/Horton to take the following actions:

- Approve recommendation A; Resolution No. 02-047; Agreement No. 20,600 (Certificate Purchase Agreement); Agreement No. 20,601 (Escrow Agreement);
- Approve recommendation B; Resolution No. 02-048; Agreement No. 20,602 (Certificate Purchase Agreement); Agreement No. 20,603 (Escrow Agreement);
- Approve recommendation C; Ordinance No. 5228; Agreement Nos. 20,604/FA 1 (Ground Lease); Agreement Nos. 20,605/FA 2 (Lease Agreement); Agreement Nos. 20,606/FA 3 (Trust Agreement); Agreement No. 20,607 (Continuing Disclosure Agreement);
- Approve recommendation D; Ordinance No. 5229; Agreement Nos. 20,608/FA 5 (Installment Purchase Agreement); Agreement Nos. 20,609/FA 6 (Trust Agreement); Agreement No. 20,610 (Continuing Disclosure Agreement);

(Cont'd)

18. (Cont'd)

MOTION (Cont'd)

- Approve recommendation E, introducing the ordinance as revised; Agreement Nos. 20,611/FA 7 (Master Agreement for Waterfront Enterprise Obligations); Agreement Nos. 20,612/FA 8 (Installment Purchase Agreement); Agreement Nos. 20,613/FA 9 (Trust Agreement); Agreement No. 20,614 (Continuing Disclosure Agreement); and
- Approve Recommendation F.

VOTE:

Unanimous roll call vote.

RECESS

2:56 p.m. - 3:05 p.m.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY SESSION

The City Council and Redevelopment Agency convened in joint session at 3:05 p.m.

CLOSED SESSIONS

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

RECOMMENDATION: That Council hold a joint closed session with the Redevelopment Agency Board to consider pending litigation pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as necessary. There is significant exposure to litigation: one potential case.

Scheduling: Duration, 10 minutes; anytime

(To be considered with Redevelopment Agency Agenda Item No. 4)

CITY COUNCIL DOCUMENTS:

April 16, 2002, City Attorney's report.

REDEVELOPMENT AGENCY DOCUMENTS:

April 16, 2002, Agency Counsel's report recommending that the Redevelopment Agency Board 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: one potential case.

(Cont'd)

19. (Cont'd)

TIME:

3:05 p.m. - 3:18 p.m.

RECESS: 3:18 p.m. - 3:19 p.m. The City Council and Redevelopment Agency reconvened in the Council Chamber.

ANNOUNCEMENT:

City Attorney/Agency Counsel Daniel Wallace reported that the Council and Agency met in joint closed session for Agenda Item No. 19; no reportable action was taken during the closed session.

The City Council and Redevelopment Agency joint session concluded at 3:20 p.m.

ADJOURNMENT

Mayor Blum adjourned the meeting at 3:20 p.m., to Monday, April 22, 2002, at 1:30 p.m. for a site visit to 727 Bath Street.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

MARTY BLUM
MAYOR

ATTEST: _____
SUSAN TSCHECH
DEPUTY CITY CLERK