



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING May 10, 2005 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:02 p.m. (The Finance Committee met at 11:00 a.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, Helene Schneider, Dan B. Secord, Das Williams, Mayor Blum.

Councilmembers absent: None.

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

### CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING MAY 9 - 13, 2005, AS NATIONAL TOURISM WEEK (120.04)

ACTION: Proclamation presented to Kathy Janega-Dykes, President/CEO of the Santa Barbara Conference & Visitors Bureau and Film Commission.

### CHANGES TO THE AGENDA

#### MOTION:

Councilmembers Schneider/Secord to consider Agenda Item No. 16 prior to Item No. 15.

#### VOTE:

Unanimous voice vote.

## **PUBLIC COMMENT**

SPEAKERS: Breonna Shippy.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **INFORMATION:**

- Councilmember Williams reported on a meeting held to discuss operation and maintenance issues at the Faulding Hotel.
- Councilmember Schneider publicized the remaining forums on homelessness issues being sponsored by Santa Barbara City College.
- Councilmember Horton mentioned that he had presented, in his capacity as Mayor Pro Tempore, a proclamation for remembrance of the Holocaust; he also attended a Partners in Education awards breakfast.
- Councilmember Falcone remarked upon two successful fund raising events, one for the Police Activities League, and the other for the Firefighters' Alliance; she also noted she will be attending a League of California Cities meeting to discuss local government budget issues.
- Councilmember Barnwell commented on a recent joint meeting of three waterfront merchants' groups to discuss the possible formation of an umbrella organization, and he also mentioned he will be attending an energy seminar in Long Beach next week.
- Mayor Blum reported on her recent trip to Santa Barbara's sister city Dingle, Ireland.

## **CONSENT CALENDAR (Item Nos. 2, 3, and 5 - 11)**

The titles of the resolution related to Item No. 2 and the ordinance pertaining to Item No. 6 were read.

### **MOTION:**

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

### **VOTE:**

Unanimous roll call vote.

2. **SUBJECT: GRANT FROM CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS FOR HARBOR BOAT LAUNCH RESTROOM UPGRADES (570.03)**

**RECOMMENDATION:** That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to the State of California Requesting a Grant in the Amount of \$80,926 from the California Department of Boating and Waterways for Americans with Disabilities Act (ADA) Upgrades to the Public Boat Launch Ramp Facility Public Restrooms at Santa Barbara Harbor, Located in Santa Barbara, California.

(Cont'd)

2. (Cont'd)

ACTION: Approved the recommendation; Resolution No. 05-041 (May 10, 2005, Waterfront Director's report; proposed resolution).

3. SUBJECT: CONTRACT FOR CONSTRUCTION OF THE VERHELLE ROAD BRIDGE AT SAN PEDRO CREEK (530.04)

RECOMMENDATION: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Lash Construction, in their low bid amount of \$1,176,962.50, for construction of the Verhelle Road Bridge at San Pedro Creek, Bid No. 3425; and
- B. Authorize the Public Works Director to approve expenditures up to \$94,157 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.

ACTION: Approved the recommendations; Contract No. 21,707 (May 10, 2005, Public Works Director's report).

5. SUBJECT: PROFESSIONAL DESIGN SERVICES CONTRACT FOR THE SANTA BARBARA GOLF CLUB STORMWATER DETENTION PROJECT (570.02)

RECOMMENDATION: That Council approve and authorize the Acting Parks and Recreation Director to execute a professional services agreement with WRC Consulting Services, Inc., in the amount of \$44,950 to prepare a detailed concept design for a stormwater and urban runoff treatment systems at the Santa Barbara Golf Club.

ACTION: Approved the recommendation; Agreement No. 21,709 (May 10, 2005, report from the Acting Parks and Recreation Director).

6. SUBJECT: ADOPTION OF ORDINANCE FOR AMENDMENTS TO SANTA BARBARA MUNICIPAL CODE CHAPTER 5.29, PARATRANSIT SERVICE (510.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 5.29 of the Santa Barbara Municipal Code Regarding Taxis and Paratransit Services.

ACTION: Approved the recommendation; Ordinance No. 5360.

## NOTICES

7. The City Clerk has on Thursday, May 5, 2005, 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.
8. The public hearing scheduled for May 10, 2005, at 6:00 p.m. to hear an appeal of the Planning Commission's approval for 1900 Lasuen Road (El Encanto Hotel and Garden Villas) has been rescheduled for June 14, 2005, at 6:00 p.m.
9. Cancellation of the regular Redevelopment Agency meeting of May 10, 2005, due to lack of business.
10. A special meeting of the City Council will be held on Monday, May 16, 2005, at 12:30 p.m. in the Council Chamber for a public hearing on the Proposed Two-Year Financial Plan for Fiscal Years 2006 and 2007 and the Recommended Operating and Capital Budget for Fiscal Year 2006.
11. Cancellation of a City Council site visit scheduled on Monday, May 16, 2005, at 1:30 p.m. to the property located at 202 Santa Catalina Avenue.

This concluded the Consent Calendar.

## **ITEM REMOVED FROM CONSENT CALENDAR**

Councilmember Secord stated he would not vote on the following item due to a conflict of interest relating to his ownership of property located in proximity to the Cottage Hospital site.

4. **SUBJECT: ADOPTION OF ORDINANCE FOR SANTA BARBARA COTTAGE HOSPITAL SEISMIC COMPLIANCE AND MODERNIZATION (700.09)**

**RECOMMENDATION:** That Council adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Approving the Santa Barbara Cottage Hospital Seismic Compliance and Modernization Project (the "SBCH Project"), Making the Findings Required by the California Environmental Quality Act, Authorizing the Execution of a Development Agreement for the SBCH Project Pursuant to the Authority of Government Code Sections 65864 - 65869.5, Making Certain Charter Section 1508 Determinations for the SBCH Project, Approving a Vesting Parcel Map Pursuant to Section 27.07.100 of the Municipal Code, and Amending the City's Zoning Ordinance, Title 28 of the Santa Barbara Municipal Code, to Enact a New Chapter 28.49, Entitled SP-8 Hospital Zone.

(Cont'd)

4. (Cont'd)

**MOTION:**

Councilmembers Barnwell/Falcone to approve the recommendation;  
Ordinance No. 5359; Agreement No. 21,708.

**VOTE:**

Unanimous roll call vote (Abstentions: Councilmember Secord).

**FINANCE COMMITTEE REPORT**

12. SUBJECT: SPECIAL FINANCE COMMITTEE AGENDA FOR MAY 10, 2005, 11:00 A.M. IN ROOM 15 FOR CONSIDERATION OF THE PROPOSED TWO-YEAR FINANCIAL PLAN FOR FISCAL YEARS 2006 AND 2007 (120.03)

13. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee, in connection with its review of the Proposed Two-Year Financial Plan for Fiscal Years 2006 and 2007, heard Staff presentations on 1) cable franchise fees and funding for public access television, and 2) the proposed budget for the Community Development Department.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

PUBLIC WORKS DEPARTMENT

14. SUBJECT: PURCHASE ORDER FOR CONSTRUCTION OF PUEBLO STREET BRIDGE EMERGENCY REPAIR (530.04)

**RECOMMENDATION:** That Council:

- A. Appropriate \$930,000 from anticipated Federal Highway Administration (FHWA) reimbursement for the January 2005 storms, and allocate these funds to the Fiscal Year 2005 Streets Capital Program;
- B. Find it in the City of Santa Barbara's (City) best interest to waive the formal bid process as authorized by Municipal Code 4.52.080(k), and authorize the City's General Services Manager/Purchasing Agent to issue a time and materials Purchase Order (PO) to Hayward Baker, Incorporated (Hayward Baker), in an amount not to exceed \$600,000, for emergency repairs to the Pueblo Street Bridge;
- C. Authorize the City's General Services Manager to issue Change Orders to Hayward Baker in amounts not to exceed \$60,000 to cover unexpected discoveries or changes that may arise during repairs;
- D. Authorize the General Services Manager to issue a PO to Bengal Engineering, Incorporated (Bengal), in an amount not to exceed \$135,000 for design/construction support services; and

(Cont'd)

14. (Cont'd)

- E. Authorize the General Services Manager to approve expenditures of up to \$15,000 for extra services of Bengal that may result from necessary changes in the scope of work.

DOCUMENTS:

May 10, 2005, Public Works Director's report.

SPEAKERS:

Staff: Assistant Public Works Director/City Engineer Pat Kelly.

MOTION:

Councilmembers Secord/Barnwell to approve the recommendations.

VOTE:

Unanimous voice vote.

COMMUNITY DEVELOPMENT DEPARTMENT

16. SUBJECT: SPHERE OF INFLUENCE PROPOSAL FOR EASTERN GOLETA (680.02)

RECOMMENDATION: That Council hear a presentation from representatives from the Committee for One and West Santa Barbara Committee regarding community support for extension of the City's Sphere of Influence to Eastern Goleta, and direct staff to agendize this item for further action upon receipt of a draft Municipal Service Review from the Local Agency Formation Commission (LAFCO).

DOCUMENTS:

- May 10, 2005, Community Development Director's report.
- City of Santa Barbara Sphere of Influence map, submitted by Staff.
- May 4, 2005, letter from the West Santa Barbara Committee.

SPEAKERS:

- Staff: Community Development Director Paul Casey, City Attorney Stephen Wiley.
- Local Agency Formation Commission (LAFCO): Executive Officer Bob Braitman.
- Members of the Public: Harriett Phillips, Committee for One; Steve Engles, West Santa Barbara Committee; Bob Rauch; Mike Edwards; Ted Sands; Steinunn Danley, West Santa Barbara Committee; William Gilbert, Committee for One; Louie Liuag, West Santa Barbara Committee.

Councilmember Secord left the meeting at 3:40 p.m.

(Cont'd)

16. (Cont'd)

**MOTION:**

Councilmembers Barnwell/Williams to direct Staff to: place this item on a future agenda for further action upon receipt of the draft Municipal Service Review; and include with the future agenda item a draft letter to LAFCO indicating the City's intent to amend its Sphere of Influence.

**VOTE:**

Unanimous voice vote (Absent: Councilmember Secord).

**RECESS**

4:03 p.m. – 4:32 p.m. Councilmembers Secord and Williams were absent when the Council reconvened.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

**PUBLIC WORKS DEPARTMENT (CONT'D)**

15. SUBJECT: CAPITAL IMPROVEMENT PROJECTS' THIRD QUARTER REPORT FOR FISCAL YEAR 2005 (230.01)

RECOMMENDATION: That Council receive, for information only, the Capital Improvement Projects' Third Quarter Report for Fiscal Year 2005.

(Continued from May 3, 2005, Item No. 18)

**DOCUMENTS:**

- May 3, 2005, Public Works Director's report.
- PowerPoint presentation made by Staff.

**SPEAKERS:**

Staff: Assistant Public Works Director/City Engineer Pat Kelly, whose presentation included photographs of various capital projects in progress or completed during the third quarter.

By consensus, the Council received the report.

**RECESS**

4:57 p.m. – 5:00 p.m.

## CLOSED SESSIONS

17. 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 James Robert Begg v. City of Santa Barbara, et al., USDC Case No. CV 03-8992 CAS (PLAx)

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated.

### DOCUMENTS:

May 10, 2005, City Attorney's report.

### TIME:

5:00 p.m. – 5:20 p.m.; Councilmembers Secord and Williams were absent.

No report made.

18. 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 Kap Barth v. City of Santa Barbara, California, WCAB, Case No. GOL 094835.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

### DOCUMENTS:

May 10, 2005, Finance Director's report.

### TIME:

5:20 p.m. – 5:30 p.m.; Councilmembers Secord and Williams were absent.

No report made.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 5:30 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

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MARTY BLUM  
MAYOR

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SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK