



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING June 22, 2004 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 2:00 p.m. (The Finance and Ordinance Committees, which are 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, 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 Brenda Alcazar.

### CHANGES TO THE AGENDA

City Administrator James L. Armstrong recommended that the following item be continued to July 27, 2004, at 2:00 p.m.

19. SUBJECT: APPEAL OF ARCHITECTURAL BOARD OF REVIEW APPROVAL FOR 221 SAN CLEMENTE (640.07)

RECOMMENDATION: That Council grant the appeal and deny the project at 221 San Clemente Drive, due to lack of support for the necessary Neighborhood Preservation Ordinance findings relative to enhancing the appearance of the neighborhood and the appropriateness of size, bulk, and scale for the site and neighborhood.

(Cont'd)

19. (Cont'd)

**DOCUMENTS:**

- June 22, 2004, Community Development Director's report.
- April 22, 2004, letter of appeal from Mr. and Mrs. Jason Dodd.
- Affidavit of Publication.
- May 23, 2004, letter from Mike Bono with several letters attached that were previously sent to the Architectural Board of Review and the Planning Commission.
- May 25, 2004, letter from Mr. and Mrs. Donald Johnson.
- June 9, 2004, postcard from Harriet R. Koury.
- June 15, 2004, letter from Hans and Ginny Miller.
- June 17, 2004, letter from Roger Prescott Moore.
- June 19, 2004, letters from Susan and Richard Frei, and William L. Hazard.
- June 20, 2004, letters from David Major and F. Donald Farnsworth.

**MOTION:**

Councilmembers Secord/Williams to continue the public hearing to July 27, 2004, at 2:00 p.m.

**VOTE:**

Unanimous voice vote.

**PUBLIC COMMENT**

**SPEAKERS:** Robert Ingalls, Justin Mezey, Ken Loch, Patricia Carter, and Betsy Cramer.

**CONSENT CALENDAR** (Item Nos. 1 – 13)

The titles of the resolution and ordinances related to Item Nos. 8 and 9 were read.

**MOTION:**

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

**VOTE:**

Unanimous roll call vote.

**CITY COUNCIL**

1. **SUBJECT: MINUTES**

**RECOMMENDATION:** That Council waive the reading and approve the minutes of the special meetings of May 28, 2004, and June 1, 2004, and the regular meeting of June 8, 2004.

**ACTION:** Approved the recommendation.

2. SUBJECT: GRANT AWARD AND CONTRACT FOR DNA STUDY IN SANTA BARBARA CREEKS (540.14)

RECOMMENDATION: That Council:

- A. Accept and authorize the Parks and Recreation Director to sign a grant agreement with the Robert and Patricia Switzer Foundation;
- B. Increase Fiscal Year 2004 estimated revenues and appropriate \$40,000 to the Fiscal Year 2004 Creeks Restoration and Water Quality Improvement Operating Fund; and
- C. Approve and authorize the Parks and Recreation Director to execute a professional services agreement with the Regents of the University of California, Santa Barbara (UCSB) campus in the amount of \$338,938 to undertake a DNA-Based Source Tracking Study in Arroyo Burro and Mission Creeks.

SPEAKER:

Member of the Public: Hilary Hauser.

ACTION: Approved the recommendations; Agreement Nos. 21,428 and 21,429 (June 22, 2004, Acting Parks and Recreation Director's report).

3. SUBJECT: CONTRACT FOR STUDIES IN CITY CREEKS AND ESTUARIES (540.14)

RECOMMENDATION: That Council approve and authorize the Parks and Recreation Director to execute a professional services contract with ECORP Consulting Inc. in the amount of \$79,970 to conduct annual Benthic Macroinvertebrate (BMI) studies in City creeks and focused tidewater goby and BMI studies in the Arroyo Burro and Mission Creek Estuaries.

ACTION: Approved the recommendation; Contract No. 21,430 (June 22, 2004, Acting Parks and Recreation Director's report).

4. SUBJECT: CONTRACT WITH SANTA BARBARA SYMPHONY, INC. (230.02)

RECOMMENDATION: That Council authorize the Finance Director to execute a community promotion contract with Santa Barbara Symphony, Inc., in an amount of \$10,000 for June 15, 2004, through August 31, 2004, for this year's 4th of July concert.

ACTION: Approved the recommendation; Contract No. 21,431 (June, 22, 2004, Finance Director's report).

5. SUBJECT: CONTRACT WITH OLD SPANISH DAYS (180.02)

RECOMMENDATION: That Council authorize the Finance Director to execute the Fiscal Year 2004 community promotion contract with Old Spanish Days in an amount of \$42,000 for June 1, 2004, through May 31, 2005.

ACTION: Approved the recommendation; Contract No. 21,432 (June 22, 2004, Finance Director's report).

6. SUBJECT: MARINA 4-B CAPITAL PROJECT FUNDING (570.03)

RECOMMENDATION: That Council authorize reallocation of \$207,000 in Waterfront Department capital project funding from the existing Electrical Utility Metering for Slips project to the proposed Marina 4-B Lease Area Reconfiguration project.

ACTION: Approved the recommendation (June 22, 2004, Waterfront Director's report).

7. SUBJECT: AGREEMENT WITH CALTRANS FOR STATE ROUTE 225 UTILITY ADJUSTMENTS (150.02)

RECOMMENDATION: That Council:

- A. Approve and authorize the Public Works Director to execute a Utility Agreement with Caltrans to adjust City-owned water and sewer facilities on State Route 225 in Caltrans' roadway rehabilitation construction contract, and deposit \$59,400 to cover the estimated full cost of the City's obligation for adjustment of its utilities; and
- B. Authorize the Public Works Director to approve an additional \$10,000 for services under the Utility Agreement upon the determination of the final costs related to the construction contract.

ACTION: Approved the recommendations; Agreement No. 21,433 (June 22, 2004, Public Works Director's report).

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

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the Local Coastal Program to Create an Ocean-Oriented Commercial Zone in the Interior Portion of the Hotel and Related Commerce Area; and

(Cont'd)

8. (Cont'd)

- B. 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 recommendations; Resolution No. 04-041; Ordinance No. 5322 (proposed resolution; proposed ordinance).

9. SUBJECT: ADOPTION OF ORDINANCE FOR DOUGLAS FAMILY PRESERVE MANAGEMENT PLAN AND DESIGNATION OF OFF-LEASH DOG AREAS (570.05)

RECOMMENDATION: That Council 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.

ACTION: Approved the recommendation; Ordinance No. 5323.

NOTICES

10. The City Clerk has on Thursday, June 17, 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.
11. 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.
12. A City Council site visit is scheduled on Monday, June 28, 2004, at 1:30 p.m. to take a tour of the public restrooms located on State Street.
13. Received a letter of resignation from Planning Commissioner Peter J. Ehlen; this vacancy will be part of the next City Advisory Group recruitment. (650.03)

This concluded the Consent Calendar.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **INFORMATION:**

- Councilmember Horton reported on his attendance at a Santa Barbara County Association of Governments meeting where a report on the preliminary findings of the Jobs/Housing Steering Committee was presented.
- Councilmember Schneider mentioned that the Arts Advisory Committee met to review plans of an artist from Italy who will be sculpting marble for a non-profit fundraising project at Elings Park.
- Councilmember Williams reported on his and Councilmember Barnwell's attendance at a ceremony for Flag Day.

## **REDEVELOPMENT AGENCY REPORTS**

14. SUBJECT: REDEVELOPMENT AGENCY ANNUAL BUDGET AND PARKING OPERATIONS AGREEMENT FOR FISCAL YEAR 2005 (550.05)

### **RECOMMENDATION:**

- A. That the Redevelopment Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving the Budget for Fiscal Year 2005;
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Parking Operations Agreement for Parking Structure No. 2, Parking Structure No. 10, Parking Lot No. 11, Parking Lot No. 12, the Railroad Station Parking Lots, and the Two Transportation Management Program Employee Parking Lots, Between the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara for the Fiscal Year 2005; and
- C. That the Redevelopment Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving A Parking Operations Agreement for Parking Structure No. 2, Parking Structure No. 10, Parking Lot No. 11, Parking Lot No. 12, the Railroad Station Parking Lots, and the Two Transportation Management Program Employee Parking Lots, Between the Redevelopment Agency of the City of Santa Barbara and the City of Santa Barbara for Fiscal Year 2005.

### **DOCUMENTS:**

- June 22, 2004, report from the Community Development Director/Deputy Director.
- Proposed Redevelopment Agency Resolutions.
- Proposed City Council Resolution.

The titles of the resolutions were read.

(Cont'd)

14. (Cont'd)

**SPEAKERS:**

Staff: Redevelopment Supervisor Brian Bosse.

**MOTION:**

Council/Agency members Horton/Secord to approve the recommendations; Redevelopment Agency Resolution No. 986; City Council Resolution No. 04-042; City Council Agreement No. 21,434; Redevelopment Agency Resolution No. 987; Redevelopment Agency Agreement No. 431.

**VOTE:**

Unanimous roll call vote.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

FINANCE DEPARTMENT

15. SUBJECT: ADOPTION OF FISCAL YEAR 2005 OPERATING AND CAPITAL BUDGET (230.05)

RECOMMENDATION: That Council adopt, by reading of title only:

- A. A Resolution of the Council of the City of Santa Barbara Adopting the Budget for the Fiscal Year 2005 by Appropriating Moneys for the Use and Support of Said City from the Funds and to the Purposes Herein Specified;
- B. A Resolution of the Council of the City of Santa Barbara Adopting the Budgets for the Airport and Waterfront Funds for the Fiscal Year 2005 by Appropriating Moneys for the Use and Support of Said Departments from the Funds and to the Purposes Herein Specified;
- C. A Resolution of the Council of the City of Santa Barbara Authorizing the Continuation of Capital and Special Project Appropriations to Fiscal Year 2005;
- D. A Resolution of the Council of the City of Santa Barbara Establishing the City's Appropriation Limitation for Fiscal Year 2005;
- E. A Resolution of the Council of the City of Santa Barbara Authorizing Classified and Unclassified Positions in the City's Service Effective July 1, 2004, and Providing a Schedule of Salaries for the Same in Accordance with the Operating Budget for the 2005 Fiscal Year;
- F. A Resolution of the Council of the City of Santa Barbara Establishing Certain City Fees and Rescinding Resolution Nos. 88-026, 92-083, 93-113, 96-078, 97-014, 03-050, 03-051, 03-052, 03-053, 03-054, 03-055, 03-057, 03-058, 03-059, 03-060, 03-061, 03-062, and 03-106; and
- G. A Resolution of the Council of the City of Santa Barbara Establishing Certain City Fees at the Airport and Waterfront, and Rescinding Resolution Nos. 02-077, 03-064 and 04-025.

(Cont'd)

15. (Cont'd)

DOCUMENTS:

- June 22, 2004, Finance Director's report.
- Proposed Resolutions.
- Affidavit of Publication.
- May 10, 2004, letters from Michael W. Larbig, Ingrid Scherbarth, and Jane Haley.
- May 11, 2004, letters from Dora Hanson, Eli Luria, and Earl W. Stanfield.
- May 11, 2004, e-mail communication from Leslie Wilson.
- May 12, 2004, letters from Kurt R. Anker, Phillip Suding, Maxine F. Vaillancourt, Douglas Furse, Jill Kent, and Peter Camenzind.
- May 13, 2004, letter from Howard and Rose Marie Breese.
- May 13, 2004, postcard from James Wagner.
- May 14, 2004, letters from Norman E. Sorg, Evelina Lopez, Albert Anolick, Robert Allbright, Hattie Bermudes, and Raymond Cano.
- May 15, 2004, letters from Dolores Cheek, and Dennis and Julie Anderson.
- May 17, 2004, letter from Jennifer Scott.
- May 18, 2004, letters from Robert J. Perko, Bruce C. Stockin, and Edna L. Brown.
- May 19, 2004, letter from Jason Provance.
- May 20, 2004, letters from Glen and Eugenia Cook, Sylvio Cunha, Jolene Griffith, and Engin Kara.
- May 21, 2004, letters from Raffaella DiVitto, and Lisa S. Prohaska.
- May 24, 2004, letters from Cresencia Gonzalez, and members of the Senior Services Program.
- May 25, 2004, letters from Erika and Alvin Plack, and Thomas Woodring.
- May 26, 2004, letter from Forrest B. Wilde.
- May 27, 2004, letters from George Thorpe, Michael McBirney, and Cathy Garcia.
- May 28, 2004, letter from Pam Elliott.
- May 31, 2004, letter from Robert Addison.
- June 3, 2004, letter from Gary Maxwell.
- June 5, 2004, letter from Robert Aparicio.
- June 7, 2004, letter from Christopher Johnston.
- June 9, 2004, returned envelopes from Emmet J. and Sally Hawkes.
- June 10, 2004, letter from Grover C. Barnes.
- June 11, 2004, letter from Susan Ferguson.
- June 15, 2004, letter from Ardith G. Liercke.
- June 18, 2004, letter from Robert Maxim.
- June 21, 2004, letter from Ken and Lynette Naour.
- June 21, 2004, letter that was not signed.
- June 22, 2004, letter from Richard H. Warren.

The titles of the resolutions were read.

(Cont'd)

15. (Cont'd)

**SPEAKERS:**

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

**MOTION:**

Councilmembers Secord/Barnwell to approve the recommendations; Resolution Nos. 04-043 - 04-049.

**VOTE:**

Unanimous roll call vote.

**PUBLIC WORKS DEPARTMENT**

16. SUBJECT: CONTRACT FOR ORTEGA TREATMENT PLANT PILOT TEST PROGRAM (540.10)

**RECOMMENDATION:** That Council:

- A. Authorize the Public Works Director to execute a contract with Carollo Engineers (Carollo) for \$533,215 to provide services for the Ortega Groundwater Treatment Plant Project, Phase II Pilot Scale Test Program; and
- B. Authorize the Public Works Director to approve expenditures to Carollo up to \$53,000 to cover any cost increases that may result from contract change orders for extra work.

**DOCUMENTS:**

June 22, 2004, Public Works Director's report.

**SPEAKERS:**

Staff: Acting Water Resources Manager Steve Mack, City Administrator James L. Armstrong.

**MOTION:**

Councilmembers Secord/Williams to approve the recommendations; Contract No. 21,435.

**VOTE:**

Unanimous voice vote.

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

17. SUBJECT: GRANADA GARAGE PARKING STRUCTURE STATUS (550.05)

**RECOMMENDATION:** That Council receive an update for the design of the Granada Garage parking structure.

(Cont'd)

17. (Cont'd)

**DOCUMENTS:**

June 22, 2004, Public Works Director's report.

**SPEAKERS:**

Staff: Principal Civil Engineer John Schoof, City Administrator James L. Armstrong.

**DISCUSSION:**

Staff provided an overview of the history of the project and discussed the design status, pre-qualifications for contractors to participate in the competitive bid process, and estimated costs. Staff also presented the schedule for the project and stated that the project will begin 6 weeks earlier than originally estimated.

**MAYOR AND COUNCIL REPORTS**

18. SUBJECT: CITY ADVISORY GROUP APPOINTMENTS (140.05)

**RECOMMENDATION:** That Council make appointments to the City Advisory Groups.

**DOCUMENTS:**

June 22, 2004, Assistant City Administrator's report.

**SPEAKERS:**

Staff: Senior Deputy City Clerk Roxanne Fiorillo.

Councilmember Horton left the meeting at 3:33 p.m.

**ARTS ADVISORY COMMITTEE:**

**NOMINEES:**

Darian Bleacher, Marilyn Hochhauser.

**VOTE:**

- For Bleacher: Councilmembers Falcone, Williams, Mayor Blum.
- For Hochhauser: Councilmembers Barnwell, Schneider, Secord.  
(Absent: Councilmember Horton)
- For Bleacher: Councilmember Schneider.

(Cont'd)

18. (Cont'd)

ARTS ADVISORY COMMITTEE (CONT'D):

APPOINTMENT:

Darian Bleecher was appointed for a term expiring December 31, 2007.

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

By consensus, the Council agreed to accept more applications and wait to make an appointment until the next annual recruitment process.

COMMUNITY EVENTS & FESTIVALS COMMITTEE:

NOMINEES:

Barbara Burger, David Damiano, Steven Engles.

VOTE:

- For Engles: Councilmember Secord.
- For Morey: Councilmembers Barnwell, Falcone, Schneider, Williams, Mayor Blum.  
(Absent: Councilmember Horton)

APPOINTMENT:

Tom Morey was reappointed to the Marketing Industry category for a term expiring December 31, 2005.

MOTION:

Councilmembers Secord/Falcone to appoint Nadine Turner to the Retail Organization category.

VOTE:

Unanimous voice vote (Absent: Councilmember Horton).

APPOINTMENT:

Nadine Turner was appointed to the Retail Organization category for a term expiring December 31, 2005.

Councilmember Horton returned to the meeting at 3:37 p.m.

NOMINEES:

Barbara Burger, David Damiano, Steven Engles.

(Cont'd)

18. (Cont'd)

COMMUNITY EVENTS & FESTIVALS COMMITTEE (CONT'D):

VOTE:

- For Damiano: Councilmembers Schneider, Williams.
- For Engles: Councilmembers Barnwell, Falcone, Horton, Secord.

By consensus, the Council appointed Steven Engles to the Public at Large category.

APPOINTMENT:

Steven Engles was appointed to the Public at Large category for a term expiring December 31, 2004.

NOMINEES:

Barbara Burger, David Damiano.

VOTE:

- For Burger: Councilmember Horton.
- For Damiano: Councilmembers Barnwell, Falcone, Schneider, Secord, Williams.

By consensus, the Council appointed David Damiano to the Alternate category.

APPOINTMENT:

David Damiano was appointed to the Alternate category for a term expiring December 31, 2004.

CREEKS ADVISORY COMMITTEE:

MOTION:

Councilmembers Secord/Schneider to appoint Myfanwy DeVoe.

VOTE:

Unanimous voice vote.

APPOINTMENT:

Myfanwy DeVoe was appointed to the Environmental/Land Use Expertise category for a term expiring December 31, 2004.

(Cont'd)

18. (Cont'd)

FRANKLIN CENTER ADVISORY COMMITTEE:

MOTION:

Councilmembers Secord/Falcone to appoint Theresa Pena and Eriberto Torres.

VOTE:

Unanimous voice vote.

APPOINTMENTS:

Theresa Pena was appointed to the Census Tract category for a term expiring December 31, 2005; Eriberto Torres was appointed to the Census Tract category for a term expiring December 31, 2004.

HOUSING AUTHORITY COMMISSION:

NOMINEES:

Geoff Green, Robert D. Niehaus.

VOTE:

- For Niehaus: Councilmembers Falcone, Horton, Secord, Mayor Blum.

By consensus, the Council appointed Robert D. Niehaus.

APPOINTMENT:

Robert D. Niehaus was appointed to the Public at Large category for a term expiring July 12, 2005.

LIBRARY BOARD:

MOTION:

Councilmembers Secord/Williams to appoint Dorothy Tucker Brilliant and Mary Garton.

VOTE:

Unanimous voice vote.

APPOINTMENTS:

Dorothy Tucker Brilliant was reappointed for a term expiring December 31, 2007; Mary Garton was appointed for a term expiring December 31, 2007.

(Cont'd)

18. (Cont'd)

RENTAL HOUSING MEDIATION TASK FORCE:

MOTION:

Councilmembers Falcone/Secord to appoint Barbara Smith-Sherrill and Alexander Szymanski.

VOTE:

Unanimous voice vote.

APPOINTMENTS:

Barbara Smith-Sherrill was appointed to the Homeowner category for a term expiring December 31, 2007; Alexander Szymanski was appointed to the Landlord category for a term expiring December 31, 2006.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 3:50 p.m., to Monday, June 28, 2004, at 1:30 p.m. to various locations on State Street. (See Item No. 12).

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

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

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR  
DEPUTY CITY CLERK