



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 16, 2006 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Helene Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Schneider.

ROLL CALL

Councilmembers present: Barnwell, Falcone, Horton, House, Schneider, and Williams.
Councilmembers absent: Mayor Blum.
Staff present: City Administrator Armstrong, City Attorney Wiley, and Deputy City Clerk Tschech.

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring May 15-19, 2006, As Girls' Rights Week (120.04)**

Proclamation presented to Girls Inc. Executive Director Monica Spears.

2. **Subject: Proclamation Declaring May 20-26, 2006, As National Safe Boating Week (120.04)**

Proclamation presented to Steven McCullough, City of Santa Barbara Harbor Patrol Supervisor; Bill Ravenscroft, United States Coast Guard Auxiliary Captain; and Don Crowder, United States Sail & Power Squadron Commodore.

PUBLIC COMMENT

Speakers: Nancy Tunnell and Joni Helly.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Horton reported on his attendance at a retreat of the Housing Trust Fund of Santa Barbara County.
- Councilmember Williams mentioned the following items: 1) his presentation of a resolution on Endangered Species Day to the Child's Estate Zoo; 2) his participation in teaching an elementary school class about recycling; and 3) upcoming vacancies on the Youth Council.
- Councilmember Barnwell commented on the following recent meetings: 1) an open house sponsored by the City to present and hear public comments regarding the proposed update to the Neighborhood Preservation Ordinance; 2) a presentation by Santa Barbara City College President John Romo; and 3) the Harbor Merchants Association meeting.
- Councilmember House remarked upon a radio program about the current housing situation on the South Coast.
- Councilmember Falcone mentioned her attendance at the recent meeting of the Yacht Club, at which she spoke about the project to make improvements to the West Beach area.
- Mayor Pro Tempore Schneider reported on her attendance at the United States InterAgency Council on Homelessness Jurisdictional Leaders' Conference held in Denver, Colorado, and announced an upcoming television program regarding our County's housing issue.

CONSENT CALENDAR (Item Nos. 3 – 7 and 10 – 12)

Motion:

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

Vote:

Unanimous voice vote (Absent: Mayor Blum).

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special and adjourned regular meetings of April 24, 2006, and the regular meetings of April 25, 2006, and May 2, 2006.

Action: Approved the recommendation.

4. Subject: State of California Office Of Traffic Safety Grant (520.04)

Recommendation: That Council:

- A. Accept \$24,960 from the State of California Office of Traffic Safety for the California Seat Belt Compliance Campaign and authorize the Chief of Police to execute the grant agreement; and
- B. Appropriate a grant allocation of \$24,960 to the Miscellaneous Grant Fund.

Action: Approved the recommendation; Agreement No. 22,044 (May 16, 2006, report from the Chief of Police).

5. Subject: Amicus Curiae Request - Capri Versus L.A. Fitness International, LLC (160.05)

Recommendation: That the City Council authorize the City Attorney to participate as a "friend of the court" (amicus curiae) before the California Supreme Court on behalf of the defendants, L.A. Fitness International, LLC, with respect to the lawsuit entitled Capri v. L.A. Fitness International, LLC.

Action: Approved the recommendation (May 16, 2006, City Attorney's report).

6. Subject: Increase Scope Of Services For Design Of Teen Center (570.07)

Recommendation: That Council:

- A. Authorize the General Services Manager to increase Purchase Order Number 371828 with Studio Engineers for the Teen Center project, by an amount not to exceed \$6,005, to cover increased costs associated with code compliance and design, plan, and specification changes, for a total Purchase Order amount of \$26,905; and
- B. Authorize the General Services Manager to increase Purchase Order Number 371828 with Studio Engineers for the Teen Center project, by an amount not to exceed \$600, to cover the cost of unforeseen discoveries, code compliance, and changes to the plans, specifications, and design for this project.

Action: Approved the recommendations (May 16, 2006, Parks and Recreation Director's report).

7. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board of Review Decision For 559 Ricardo Avenue

Recommendation: That Council:

- A. Set the date of July 11, 2006, at 2:00 p.m. for hearing the appeal filed by Michael L. Sandford, Attorney representing Gary Semerdjian, of the Architectural Board of Review approval of an application for property owned by Grant and Karena Laviale, and located at 559 Ricardo Avenue, Assessor's Parcel No. 035-122-009, E-1, One-Family Residence Zone, General Plan Designation: Residential- 3 Units per acre. The project proposes landscaping and replacement of an existing wood retaining wall with an "as-built" Allan block retaining wall in the Hillside Design District; and
- B. Set the date of July 10, 2006, at 1:30 p.m. for a site visit to the property located at 559 Ricardo Avenue.

Action: Approved the recommendations (April 20, 2006, letter of appeal).

Agenda Item Nos. 8 and 9 appear in the Redevelopment Agency minutes.

NOTICES

- 10. The City Clerk has on Thursday, May 11, 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.
- 11. A special meeting of the City Council will be held on Friday, May 19, 2006, at 9:00 a.m. in the Council Chamber for a public hearing on the Recommended Operating and Capital Budget for Fiscal Year 2007 and a closed session regarding police negotiations.
- 12. A City Council site visit is scheduled for Monday, May 22, 2006, at 1:30 p.m. to the property located at 1464 La Cima Road, which is the subject of a public hearing set for May 23, 2006, at 2:00 p.m.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PARKS AND RECREATION DEPARTMENT

13. Subject: First 5 Commission Of Santa Barbara County 2004-2005 Annual Report And 2006-2011 Strategic Plan (150.04)

Recommendation: That Council hear a presentation on the First 5 Commission of Santa Barbara County 2004-2005 Annual Report and 2006-2011 Strategic Plan.

(Cont'd)

13. (Cont'd)

Documents:

- May 16, 2006, Parks and Recreation Director's report.
- PowerPoint presentation prepared and made by staff of the First 5 Santa Barbara County Children & Families Commission.
- 2004-2005 Annual Report and 2006-2011 Strategic Plan of the First 5 Commission.

Speakers:

First 5 Santa Barbara County Children & Families Commission: Executive Director Pat Wheatley.

Discussion:

Ms. Wheatley's presentation described the Commission's Strategic Plan for 2006 through 2011, results achieved for Fiscal Year 2004-2005, and key accomplishments of the Commission's initiatives. Councilmembers' questions were answered.

FINANCE DEPARTMENT

14. Subject: Fiscal Year 2006 Third Quarter Review (250.02)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2006; and
- B. Accept the Fiscal Year 2006 Interim Financial Statements for the Nine Months Ended March 31, 2006.

(Continued from May 9, 2006)

Documents:

May 9, 2006, Finance Director's report.

Speakers:

Staff: Treasury Manager Cynthia Odell, Accounting Manager Rudolf Livingston, City Administrator James Armstrong.

Motion:

Councilmembers Horton/Falcone to approve Recommendation B.

Vote:

Unanimous voice vote (Absent: Mayor Blum).

PUBLIC WORKS DEPARTMENT

15. Subject: Contract For Construction Of The Arroyo Burro Estuary Restoration Project (540.14)

Recommendation: That Council:

- A. Increase revenues and appropriations by \$120,280 in the Creeks Division's Fiscal Year ~~2007~~2006 Capital Program for an Economic Development Initiative Grant from the Department of Housing and Urban Development;
- B. Appropriate \$301,309 from the Creeks Division's Unappropriated Reserves to the Creeks Division Fiscal Year ~~2007~~2006 Capital Program;
- C. Award and authorize the Public Works Director to execute a contract with Peter Lapidus Construction, Inc. (Lapidus), in their low bid amount of \$577,904, for construction of the Arroyo Burro Estuary Restoration Project - Civil Contract, Bid No. 3399B, and authorize the Public Works Director to approve expenditures up to \$57,000 to cover any cost increases that may result from change orders for extra work;
- D. Award and authorize the Public Works Director to execute a contract with Plowboy Landscapes, Inc. (Plowboy), in the amount of \$333,248, for construction of the Arroyo Burro Estuary Restoration Project - Landscaping Contract, Bid No. 3439A, and authorize the Public Works Director to approve expenditures up to \$33,000 to cover any cost increases that may result from change orders for extra work;
- E. Award and authorize the General Services Manager to execute a purchase order contract with Plowboy in an amount not to exceed \$88,800, for up to 24 months of site maintenance services; and
- F. Authorize the Public Works Director to execute a contract with URS Corporation, Inc. (URS), in an amount not to exceed \$82,355, for engineering design services during construction and environmental monitoring services.

Documents:

- May 16, 2006, report from the Public Works and Parks and Recreation Directors.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Creeks Restoration/Clean Water Manager Jill Zachary, who advised Council of needed corrections to Recommendations A and B, as shown above; Associate Planner George Johnson, Jr.
- Creeks Advisory Committee: Michael Jordan.
- Member of the Public: Lee Moldaver.

(Cont'd)

15. (Cont'd)

Motion:

Councilmembers Falcone/House to approve the recommendations as revised; Contract Nos. 22,045 - 22,047.

Vote:

Unanimous voice vote (Absent: Mayor Blum).

RECESS

3:46 p.m. – 4:02 p.m. Councilmembers Falcone and Williams were absent when the Council reconvened.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

16. Subject: Solid Waste Strategic Plan Annual Progress Report (630.01)

Recommendation: That Council receive the 2006 Solid Waste Annual Progress Report detailing the implementation status of the City of Santa Barbara's Solid Waste Strategic Plan (Plan).

Documents:

- May 16, 2006, Public Works Director's report.
- PowerPoint presentation prepared and made by Staff.

Councilmember Williams entered the meeting at 4:11 p.m.

Speakers:

- Staff: Public Works Director Anthony Nisich, Water Resources Manager Steve Mack, Environmental Services Supervisor Stephen MacIntosh, City Administrator James Armstrong.
- Allied Waste Services: Thor Schmidt.

By consensus, the Council received the report.

17. Subject: Capital Improvement Projects Third Quarter Report (230.01)

Recommendation: That Council receive, for information only, the Capital Improvement Projects Third Quarter Report for Fiscal Year 2006.

Documents:

- May 16, 2006, Public Works Director's report.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

17. (Cont'd)

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.

Councilmember Williams left the meeting at 5:07 p.m. and returned at 5:16 p.m.

By consensus, the Council received the report.

RECESS

The Mayor recessed the meeting at 5:20 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 18; City Attorney Stephen Wiley said there would be no reportable action taken during the closed session.

CLOSED SESSIONS

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 Janeways v. City of Santa Barbara, et al., SBSC Case Number 01111681.
Scheduling: Duration, 15 minutes; anytime
Report: None anticipated

Documents:

May 16, 2006, City Attorney's report.

Time:

5:23 p.m. - 5:35 p.m.; Councilmember Falcone was absent.

No settlement approved.

ADJOURNMENT

Mayor Pro Tempore Schneider adjourned the meeting at 5:35 p.m., to Monday, May 22, 2006, at 1:30 p.m. for a site visit to 1464 La Cima Road.

SANTA BARBARA CITY COUNCIL
CITY CLERK SERVICES MANAGER

CYNTHIA M. RODRIGUEZ, CMC

HELENE SCHNEIDER
MAYOR PRO TEMPORE

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK