



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING November 14, 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 2:00 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which ordinarily meets at 1:00 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Brian B. Barnwell, Grant House (2:02 p.m.), Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone, Roger L. Horton.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring November 14, 2006, As Family Caregivers Day (120.04)

Action: Proclamation presented to Suzanne McNeely, President and Founder of Senior Planning Services.

Councilmembers Falcone and Horton entered the meeting at 2:04 p.m.

### PUBLIC COMMENT

Speakers: Katie Joseff, Bonnie Elliot, David and Bob Hansen.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### Information:

- Councilmember Horton spoke about the Grand Opening of the Sheffield Reservoir, his participation at the Children's Literacy Fair, and his attendance at a presentation by Rick Scott at the Cancer Center of Santa Barbara.
- Councilmember Falcone mentioned the following: 1) her attendance at the Housing Authority Benefit Auction honoring former Mayor Harriet Miller; and 2) the Preserve America designation that was presented to the City.
- Councilmember House reported on his attendance at the following: 1) a meeting at the Faulkner Gallery held by the California Department of Food and Agriculture regarding the Fruit Fly; 2) the Rail~Volution Conference in Chicago; and 3) the Downtown Parking Committee meeting.
- Councilmember Barnwell spoke about his visit, along with Councilmember Falcone and First District Supervisor Salud Carbajal, to the City of Los Angeles. He also commented on the Veterans Art Show in City Hall and said that he attended the various Veterans Day ceremonies held throughout the City.
- Councilmember Williams reported on the following: 1) the Veterans Day Luncheon; 2) the Cachuma Operations and Maintenance Board meetings; 3) a presentation on the restoration of California Condors; 4) that the Youth Council and the Teen Alcohol & Drug Abuse Prevention Coalition (ADAP) will be co-hosting "Tattoos on the Heart – Community as a Response to Youth Issues," a free event featuring Father Gregory J. Boyle tomorrow; and 5) that a Day of Service, sponsored by local churches, will be held this Saturday.
- Councilmember Schneider said a report will be brought to the Council regarding the Rail~Volution Conference. She also mentioned Project Healthy Neighbors at Casa Esperanza.
- Mayor Blum reported on the following: 1) the Fighting Back Committee's request to prepare a party host ordinance; 2) the Native American History Day celebration at the Chumash Casino; 3) the ribbon cutting ceremonies for Open Wide Furniture, LifeBound Center on Micheltorena, and the Yes Store in the Paseo Nuevo Mall.

## **CONSENT CALENDAR (Item Nos. 2 – 6, 8 and 10 – 12)**

The titles of the ordinances and resolutions related to the Consent Calendar were read.

### Motion:

Councilmembers Barnwell/Schneider to approve Item Nos. 2 – 6, 8 and 10 – 12 as recommended.

### Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of October 31, 2006.

Action: Approved the recommendation.

3. Subject: Adoption Of Ordinance For Lease Agreement With Char West (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with John K. Williams, Inc., Doing Business as Char West, Commencing on December 14, 2006, at a Rent of \$3,466 Per Month or 11.4% of Gross Sales, Whichever is Greater, for a 1,069 Square-Foot Restaurant and Office Space Located at 221 Stearns Wharf.

Action: Approved the recommendation; Ordinance No. 5399; Agreement No. 22,248.

4. Subject: Adoption Of Ordinance For Lease Agreement With Great Pacific Ice Cream Company (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with John K. Williams, Inc., Doing Business as Great Pacific Ice Cream Company, Commencing on December 14, 2006, at a Rent of \$3,458 Per Month or 15% of Gross Sales, Whichever is Greater, for a 395 Square-Foot Ice Cream Shop Located at 219-A Stearns Wharf.

Action: Approved the recommendation; Ordinance No. 5400; Agreement No. 22,249.

5. Subject: Revised City Advisory Group Guidelines And Resolutions (140.02)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Revised Guidelines for the City of Santa Barbara Advisory Groups and Rescinding Resolution No. 03-001; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing the Policy of the City Council Relative to Successive Terms of Members of Advisory Groups and Rescinding Resolution No. 95-106.

Action: Approved the recommendations; Resolution Nos. 06-092 and 06-093 (November 14, 2006, report from the Administrative Services Director; proposed resolutions).

6. Subject: Reorganization And Position Changes In The Parks And Recreation Department (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. 06-055, the Position and Salary Control Resolution for Fiscal Year 2007, Affecting the Parks and Recreation Department Effective November 14, 2006.

Action: Approved the recommendation; Resolution No. 06-094 (November 14, 2006, report from the Parks and Recreation Director; proposed resolution).

8. Subject: Contract For Construction For Punta Gorda South Sidewalk And Lighting (530.04)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Lash Construction, Incorporated (Lash), in their low bid amount of \$140,689, for construction of the Punta Gorda South Sidewalk and Lighting Project, Bid No. 3483; and
- B. Authorize the Public Works Director to approve expenditures up to \$14,069 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. 22,251 (November 14, 2006, report from the Public Works Director).

Item No. 9 appears in the Redevelopment Agency minutes.

## NOTICES

10. The City Clerk has on Thursday, November 9, 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. Received a letter of resignation from Downtown Parking Committee member Dale Lauderdale; the vacancy will be part of the next City Advisory Group recruitment.
12. A City Council site visit is scheduled on Monday, November 20, 2006, at 1:30 p.m. to the property located at 601 East Micheltorena Street, which is the subject of an appeal hearing set for November 21, 2006, at 6:00 p.m.

This concluded the Consent Calendar.

## **ITEM REMOVED FROM CONSENT CALENDAR**

Councilmember Horton said he would abstain from voting on the following item due to his participation as a member of the First 5 Santa Barbara County Commission.

7. Subject: Acceptance Of Grant From First 5 Santa Barbara County (520.03)

Recommendation: That Council:

- A. Accept a grant of \$28,200 from First 5 Santa Barbara County for child passenger seat installation training; and
- B. Increase appropriations and estimated revenue in the Fiscal Year 2007 Fire Department Operating Budget in the amount of \$28,200.

Documents:

November 14, 2006, report from the Fire Chief.

Motion:

Councilmembers Barnwell/Schneider to approve the recommendations; Agreement No. 22,250.

Vote:

Unanimous voice vote (Abstention: Councilmember Horton).

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Iya G. Falcone reported that the Committee met to discuss amendments to the municipal code pertaining to recreational vehicle parking restrictions, a night watch person exemption, and parking lots for inclusion in the safe parking program; the Committee referred this item to the Planning Commission for their review.

## **REDEVELOPMENT AGENCY REPORTS**

13. Subject: Contract For Construction Of State Street Sidewalk Improvements Project, Phase IV, 400-500 Blocks, And Phase I Modifications, 1000-1200 Blocks (530.04)

Recommendation:

- A. That Council waive minor bid irregularities and award and authorize the Public Works Director to execute a contract with Lash Construction, Incorporated (Lash), in their low bid amount of \$2,745,125, for construction of the State Street Sidewalk Improvements Project (Project), Phase IV, 400-500 blocks, and Phase I modifications, and authorize the Public Works Director to approve expenditures up to \$275,000 to cover any cost increases that may result from contract change orders for extra work, and differences between estimated bid quantities and actual measured quantities for payment;

(Cont'd)

13. (Cont'd)

- B. That Council authorize the Public Works Director to execute a contract with Penfield & Smith Engineers (P&S) for \$87,000, for engineering design services during construction for the Project's Phase IV (400-500 blocks) and Phase I modifications (1000 - 1200 blocks), and authorize the Public Works Director to approve extra services of up to \$8,700 that may result from necessary changes in the scope of work;
- C. That Council authorize the General Services Manager to issue a Purchase Order to Fugro West, Incorporated (Fugro), in the amount of \$8,775 for material testing, and authorize the General Services Manager to approve expenditures of up to \$900 for extra services of Fugro that may result from necessary changes in the scope of work;
- D. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$68,000 for a promotional campaign to be administered by the Downtown Organization, and authorize the General Services Manager to approve expenditures of up to \$6,800 for extra services that may result from an extended construction duration; and
- E. Increase appropriations in the RDA's 2003A Bond Fund by \$1,914,296 for the Project, funded from \$1,192,074 in unappropriated reserves in the 2003A Bond Fund, and existing appropriations for the same project in the General Capital Improvement Fund (\$500,000), and the 2001 Bond Fund (\$222,222).

Documents:

November 14, 2006, report from the Community Development Director/Deputy Director.

Speakers:

- Staff: Redevelopment Specialist Marck Aguilar, Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson, Principal Engineer John Schoof.
- Downtown Organization: Marshall Rose.

Motion:

Council/Agency members House/Barnwell to approve the recommendations; City Council Contract Nos. 22,252 and 22,253 (Recommendations A and B).

Vote:

Unanimous voice vote.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### COMMUNITY DEVELOPMENT DEPARTMENT

14. Subject: Tenant Displacement Assistance Ordinance (640.09)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 28 of the Santa Barbara Municipal Code to Add Chapter 28.89, The Tenant Displacement Assistance Ordinance, Concerning Relocation Assistance for Residential Tenants Displaced by Land Use Changes.

Documents:

- November 14, 2006, report from the Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- November 14, 2006, letter from Terry A. Bartlett.
- Revised Page 3 of the ordinance for introduction, submitted by City Attorney Stephen Wiley.

The title of the ordinance was read.

Public Comment Opened:

3:24 p.m.

Speakers:

- Staff: Project Planner Beatriz Ramirez, City Planner Bettie Weiss, City Attorney Stephen Wiley, Assistant City Attorney Scott Vincent.
- Members of the Public: Mary O’Gorman, Executive Director Santa Barbara Citizens Action Network; Mickey Flacks; Nancy Rowan, Santa Barbara Clergy & Laity United for Economic Justice; Terry Bartlett, Santa Barbara Rental Property Association.

Public Comment Closed:

3:47 p.m.

Motion:

Councilmembers Williams/Schneider to introduce the ordinance with the following amendments: 1) revise the definition of "Immediate Family" on page 3 as suggested by the City Attorney; and 2) increase monetary assistance on pages 5 and 6 to four (4) times the median advertised rental rate or \$5,000 for eligible residents and five (5) times the median advertised rental rate or \$6,000 for each eligible special needs resident.

Vote:

Unanimous voice vote.

## RECESS

4:28 p.m. - 4:40 p.m. Councilmember Falcone was absent when the Council reconvened.

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

### PUBLIC WORKS DEPARTMENT

15. Subject: Contract For Professional Services For Preparation Of Americans With Disabilities Act Survey And Transition Plan Report (530.01)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a contract with Gilda Puentes-Peters, Architects (GPPA), in the amount of \$215,870, for professional services for the Americans with Disabilities Act (ADA) Survey and Transition Plan Report, and approve expenditures up to \$43,174 for extra services that may result from necessary changes in the scope of work, for a total of \$259,044; and
- B. Appropriate \$166,681 from General Fund Unappropriated Reserve Funds to the Fiscal Year 2007 Public Works Engineering Division budget.

Documents:

November 14, 2006, report from the Public Works Director.

Speakers:

Staff: Public Works Director Anthony Nisich, Assistant Public Works Director/City Engineer Pat Kelly, City Administrator James Armstrong.

Councilmember Falcone entered the meeting at 4:44 p.m.

Motion:

Councilmembers Horton/House to approve the recommendations;  
Contract No. 22,254.

Vote:

Unanimous voice vote.

## **MAYOR AND COUNCIL REPORTS**

### 16. Subject: Municipal Election Reform (110.03)

Recommendation: That the City Council refer the subject of campaign finance reform to the Council Ordinance Committee for the consideration of a possible City "Campaign Finance Disclosure Ordinance" and to determine the advisability of other possible City election reform measures, such as a City "Video Voter" program and the use of an "All Mail-In Ballot" process for City elections.

#### Documents:

November 14, 2006, report from the Municipal Election Reform Subcommittee.

#### Speakers:

- Staff: City Attorney Stephen Wiley.
- Members of the Public: David Wass, Green Party; Patricia Hiles; Carol Marks, Santa Barbara League of Women Voters; Emily Allen, Progressive Democrats of Santa Barbara.

#### Motion:

Councilmembers Horton/Falcone to refer the subject of campaign finance reform, along with the "Video Voter" program and "All Mail-In Ballot" process to the Ordinance Committee.

#### Amendment Motion:

Councilmembers Horton/Falcone to refer the subject of campaign finance reform along with the "Video Voter" program and "All Mail-In Ballot" process to the Ordinance Committee, and when appropriate, refer this to the Finance Committee.

#### Vote:

Unanimous voice vote.

## **RECESS**

5:44 p.m - 6:15 p.m.

Mayor Blum presiding.

Councilmembers Present: Barnwell, Falcone, Horton, House, Schneider, Williams, Mayor Blum.

Councilmembers Absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Alcazar.

## **PUBLIC COMMENT**

No one wished to speak.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Plaza De La Guerra Infrastructure Design Status (570.05)

Recommendation: That Council review and provide direction to staff regarding the initial Plaza de la Guerra infrastructure design concepts.

Documents:

- November 14, 2006, report from the Community Development Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Redevelopment Specialist Marck Aguilar, Parks and Recreation Director Nancy Rapp, Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson, Community Development Director Paul Casey.
- Campbell & Campbell: Doug and Regula Campbell.
- Planning Commission: Commissioner Bill Mahan.
- Historic Landmarks Commission: Commissioner Steve Hausz.
- Plaza de la Guerra Infrastructure Committee: Dr. Michael Cooper.
- Members of the Public: Marshall Rose, Downtown Organization; John Reyes, Attorney representing Orena Adobe; James Main; Randy Rowse; Dennis Rickard; David Pritchett.

Motion:

Councilmembers Barnwell/Williams to direct staff to work with Campbell & Campbell to develop additional design concepts for Plaza de la Guerra per Council's comments and include a plan for implementation.

Vote:

Unanimous voice vote.

## **ADJOURNMENT**

Mayor Blum adjourned the meeting at 8:19 p.m. to Monday, November 20, 2006, at 1:30 p.m. for a site visit to the property located at 601 East Micheltorena.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

ATTEST: \_\_\_\_\_

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MARTY BLUM  
MAYOR

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BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK