



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
November 13, 2001
COUNCIL CHAMBER, DE LA GUERRA PLAZA**

CALL TO ORDER

Mayor Harriet Miller called the meeting to order at 2:00 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance Committee, which is ordinarily scheduled to meet at 1:00 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Harriet Miller.

ROLL CALL

Councilmembers present: H. P. Fairly, Gregg A. Hart, Tom Roberts, Dan B. Secord, Mayor Miller.
Councilmembers absent: Marty Blum, Gilbert Garcia.
Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Daniel J. Wallace, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

SPEAKERS: Scott Wenz and Ken Loch.

CONSENT CALENDAR (Item Nos. 1 - 13)

MOTION:

Councilmembers Roberts/Hart to approve the Consent Calendar as recommended.

VOTE:

Unanimous voice vote (Absent: Councilmembers Blum, Garcia).

1. SUBJECT: DATES FOR CITY ADVISORY GROUP APPLICATIONS, INTERVIEWS, AND APPOINTMENTS (140.05)

RECOMMENDATION: That Council:

- A. Set Friday, January 18, 2002, at 5:00 p.m. as the deadline for receipt of applications in the City Clerk's Office for various City Advisory Group positions, including the positions whose terms expire December 31, 2001, the unscheduled vacancies resulting from resignations accepted by Council through January 8, 2002, and one position on the Housing Authority Commission whose term expires February 15, 2002;
- B. Set Tuesday, February 5, and February 12, 2002, for interviews of applicants for various City Advisory Group positions; and
- C. Set Tuesday, February 26, 2002, for appointments to various City Advisory Group positions by Council.

ACTION: Approved the recommendations (November 9, 2001, City Administrator's report).

2. SUBJECT: APPROVAL AND EXECUTION OF AN AGREEMENT WITH JAMES B. PAGE AND ACCEPTANCE OF WATER EXTRACTION RIGHTS AT 1651 SYCAMORE CANYON ROAD (330.03)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute and Record an Agreement Assigning Water Extraction Rights to the City and Accepting Interest in Real Property Located at 1651 Sycamore Canyon Road, APN 019-290-001.

ACTION: Approved the recommendation; Resolution No. 01-126; Agreement No. 20,445 (November 9, 2001, City Administrator's report).

3. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR SAFE ROUTES TO SCHOOL SIDEWALK INFILL FY 2000-01, BID NO. 3318 (530.04)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to execute a contract with Granite Construction Company in their low bid amount of \$364,258, for construction of the Safe Routes To School Sidewalk Infill FY 2001-02, Bid No. 3318;

(Cont'd)

3. (Cont'd)

- B. Authorize the Public Works Director to approve expenditures up to \$43,711, 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;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Approve and Authorize the City Administrator to Execute Program Supplement No. 002-M, and to Administer the Local Agency-State Agreement for Federal Aid Project No. 05-5007; and
- D. Increase the Fiscal Year 2001-2002 Streets Capital Fund estimated revenue by \$410,400, and appropriate same to the Streets Capital Fund to reflect anticipated Caltrans Safe Routes To School revenues for the project.

ACTION: Approved the recommendations; Contract No. 20,446; Resolution No. 01-127; Agreement No. 20,447 (November 9, 2001, City Administrator's report; November 13, 2001, e-mail communication from Jonathan Maguire).

4. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR THE CATER SEDIMENTATION BASIN TRANSFER PUMP PROJECT, BID NO. 3320 (540.10)

RECOMMENDATION: That Council:

- A. Award and authorize the City Administrator to execute a contract with Cushman Contracting Corporation (Cushman) in their low bid amount of \$94,000 for construction of the Cater Sedimentation Basin Transfer Pump Project, Bid No. 3320;
- B. Authorize the Public Works Director to approve expenditures up to \$9,400 to cover any cost increases that may result from contract change orders for extra work;
- C. Authorize the City Administrator to execute a contract with Flowers and Associates (Flowers) for engineering support services during construction, at a total fee not to exceed \$4,928; and
- D. Authorize the Public Works Director to approve extra services of Flowers that may result from necessary changes in the scope of work, at a total amount not to exceed \$493.

ACTION: Approved the recommendations; Contract Nos. 20,448 and 20,449 (November 9, 2001, City Administrator's report).

5. SUBJECT: PROFESSIONAL SERVICES CONTRACT WITH CAROLLO ENGINEERS FOR THE SHEFFIELD WATER QUALITY PROJECT NEW WATER MAIN DESIGN (540.09)

RECOMMENDATION: That Council:

- A. Authorize the City Administrator to execute a contract with Carollo Engineers, Inc. (Carollo), for professional services for the Sheffield Water Quality Project New Water Main Design, at a total fee not to exceed \$78,739; and
- B. Authorize the Public Works Director to approve extra services of the Contractor that may result from necessary changes in the scope of work at a total amount not to exceed \$7,900.

ACTION: Approved the recommendations; Contract No. 20,450 (November 9, 2001, City Administrator's report).

6. SUBJECT: INCREASE IN PROFESSIONAL SERVICE FEES FOR WILBUR SMITH ASSOCIATES CONTRACT 19,964, PRELIMINARY DESIGN WORK, LOT 6 (550.05)

RECOMMENDATION: That Council increase by \$7,639.63 the amount of extra services in the Wilbur Smith Associates Contract Number 19,964 for preliminary design services on Lot 6, bringing the current amount of \$21,300 to \$28,939.63.

ACTION: Approved the recommendation (November 9, 2001, City Administrator's report).

7. SUBJECT: ACCEPTANCE OF THE USED OIL RECYCLING BLOCK GRANT - SEVENTH CYCLE - AND AWARD OF PURCHASE ORDER FOR FISCAL YEAR 2001-2002 (630.01)

RECOMMENDATION: That Council:

- A. Accept a Used Oil Recycling Block Grant - Seventh Cycle - in the amount of \$29,327.00 for Fiscal Year 2001-2002;
- B. Authorize the City General Services Manager to issue a Purchase Order in the amount not to exceed \$27,858.02 to the Community Environmental Council for the development of four promotional activities;

(Cont'd)

7. (Cont'd)

- C. Authorize the Public Works Director to approve expenditures in the amount of \$1,468.92 to cover any unexpected expenses associated with this program; and
- D. Increase the 2001-2002 General Fund Capital Program estimated revenues by \$29,237 and appropriate same to the 2001-2002 General Fund Capital Fund Operating Budget.

ACTION: Approved the recommendations; Agreement No. 20,451 (November 9, 2001, City Administrator's report).

8. SUBJECT: AMICUS CURIAE REQUEST (160.05)

RECOMMENDATION FROM THE CITY ATTORNEY: That Council authorize the City to participate as "friend of the court" (*amicus curiae*) with respect to **Alford v. Superior Court**.

ACTION: Approved the recommendation (November 9, 2001, City Attorney's report).

NOTICES

- 9. The City Clerk has on Friday, November 9, 2001, 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.
- 10. Finance Committee meeting, November 13, 2001, at 1:00 p.m. in Room 15 for consideration of:
 - A. Interim Financial Statements; and
 - B. Allocation of the City's FY 2002 Community Promotion Grants Funding. (120.03)
- 11. Redevelopment Agency meeting, November 13, 2001, at 2:00 p.m. in the Council Chamber. (620.03)
- 12. Joint City Council/Redevelopment Agency meeting, November 13, 2001, at 2:00 p.m. to consider Item No. 16 on the Council Agenda and Item No. 4 on the Redevelopment Agency Agenda. (620.03)
- 13. The City Council will conduct a site visit on Monday, November 19, 2001, at 1:30 p.m. to the property located at 2317 Anacapa Street, which is the subject of an appeal hearing set for November 20, 2001, at 6:00 p.m. (640.07)

This completed the Consent Calendar.

RECESS

2:05 p.m. - 2:43 p.m., during which time the first portion of the Redevelopment Agency meeting was held.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY SESSION

The City Council and Redevelopment Agency convened in joint session at 2:43 p.m.

ADMINISTRATIVE REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

16. SUBJECT: 335 W. CARRILLO/922 CASTILLO - REQUEST BY THE HOUSING AUTHORITY FOR SUBORDINATION (660.04)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara to subordinate the City's Affordability and Land-Use Control Covenant for 335 West Carrillo Street/922 Castillo Street to a Santa Barbara Bank and Trust Loan in the Amount of \$3,000,000.

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

CITY COUNCIL DOCUMENTS:

- November 9, 2001, City Administrator's report.
- Proposed Resolution.

REDEVELOPMENT AGENCY DOCUMENTS:

- November 9, 2001, Executive Director's report recommending that the Redevelopment Agency Board adopt by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Amending a Grant Agreement with the Housing Authority of the City of Santa Barbara for 335 West Carrillo Street/922 Castillo Street by Increasing the Amount by \$300,000 from \$390,000 to \$690,000 and Subordinating the Agency's Loan and Grant Agreements to a Santa Barbara Bank and Trust Loan in the Amount of \$3,000,000.
- Proposed Resolution.

(Cont'd)

16. (Cont'd)

SPEAKERS:

- Staff: Project Planner Simon Kiefer.
- City of Santa Barbara Housing Authority: Executive Director Robert Pearson.

MOTION:

Council/Agency members Hart/Secord to approve the recommendation; City Council Resolution No. 01-128; Redevelopment Agency Resolution No. 958.

VOTE:

Unanimous roll call vote (Absent: Council/Agency members Blum, Garcia).

The City Council and Redevelopment Agency joint session concluded at 2:52 p.m. The Redevelopment Agency meeting was adjourned at 2:52 p.m.

REPORT FROM FINANCE COMMITTEE

14. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Tom Roberts reported that the Finance Committee reviewed the Arts Advisory Committee's recommendations for allocation of the Fiscal Year 2002 Community Promotion Grants Funding and unanimously support their recommendations, which will be brought to Council at a later date. He also reported that the Finance Committee reviewed the Interim Financial Statements for the period ending September 30, 2001, which will be presented to Council today (Item No. 15).

ADMINISTRATIVE REPORTS (Cont'd)

FINANCE DEPARTMENT

15. SUBJECT: FISCAL YEAR 2002 INTERIM FINANCIAL STATEMENTS FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2001 (250.02)

RECOMMENDATION: That Council accept the Fiscal Year 2002 Interim Financial Statements for the three months ended September 30, 2001.

DOCUMENTS:

November 9, 2001, City Administrator's report.

(Cont'd)

15. (Cont'd)

SPEAKERS:

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

MOTION:

Councilmembers Roberts/Secord to approve the
recommendation.

VOTE:

Unanimous voice vote (Absent: Councilmembers Blum,
Garcia).

PUBLIC WORKS DEPARTMENT

17. SUBJECT: ADOPTION OF RESOLUTION FOR REFUSE SERVICE RATE
ADJUSTMENT, BFI WASTE SYSTEMS OF NORTH AMERICA (510.04)

RECOMMENDATION: That Council adopt, by reading of title
only, A Resolution of the Council of the City of Santa
Barbara Rescinding Resolution No. 01-002 and Adjusting
Maximum Rates for Pick Up and Disposal of Refuse by the
City's Franchisee Under Ordinance No. 3563.

DOCUMENTS:

- November 9, 2001, City Administrator's report.
- Proposed Resolution.

SPEAKERS:

- Staff: Principal Civil Engineer Homer Smith.
- BFI Waste Systems of North America: General Manager
Darrell Reno.

MOTION:

Councilmembers Secord/Roberts to approve the
recommendation; Resolution No. 01-129.

VOTE:

Unanimous roll call vote (Absent: Councilmembers Blum,
Garcia).

RECESS

3:30 p.m. - 3:38 p.m.

PARKS AND RECREATION DEPARTMENT

24. SUBJECT: REQUESTS FROM OUTSIDE ORGANIZATIONS FOR MEASURE B FUNDS (540.14)

RECOMMENDATION: That Council:

- A. Hear a Staff presentation on the requests from outside organizations;
- B. Consider the recommendations from: 1) the Creeks Restoration and Water Quality Improvement Program Citizens Advisory Committee (Advisory Committee) and 2) Staff;
- C. Authorize the City Administrator to negotiate and execute agreements based on City Council approval; and
- D. Direct Staff to work with the Advisory Committee to develop a formal request for proposal (RFP) process for future educational programs.

DOCUMENTS:

- November 9, 2001, City Administrator's report.
- November 6, 2001, interoffice memorandum from Parks and Recreation Director Richard Johns.
- November 13, 2001, letter from Randy Weiss, Director, Center for Policy Redesign.

SPEAKERS:

- Staff: Creeks Restoration/Clean Water Manager Jill Zachary, Assistant Finance Director Robert Samario, City Administrator James L. Armstrong.
- Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee: Daniel Hochman, Sharyn Main; Tom Phillips; David Pritchett; John Jostes.
- Community Environmental Council: Karen Feeney, Program Director; Bud Laurent, Chief Executive Officer.
- Members of the Public: Darlene Chirman, Santa Barbara Audubon; Joe Carrillo, Santa Barbara Sea; Lee Moldaver; Tom Patton, Greater Santa Barbara Lodging Association; Michael Marzolla, UC Coop Extension; Stephanie Langsdorf, Growing Solutions.

(Cont'd)

24. (Cont'd)

MOTION:

Mayor Miller/Councilmember Hart to approve the Advisory Committee's recommendations for the Community Environmental Council, with the staff recommended portion from Measure B funds and the difference from the General Fund Carry Over for Creek Restoration.

VOTE:

Unanimous voice vote (Absent: Councilmembers Blum, Garcia).

MOTION:

Councilmembers Hart/Roberts to approve the Advisory Committee's recommendations for Growing Solutions and UC Coop Extension (Agua Pura) from Measure B funds; the Council further directed that Agua Pura provide a detailed report following the granting of the funds; Agreement Nos. 20,454 - 20,456.

VOTE:

Majority voice vote (Ayes: Councilmembers Hart, Roberts, Mayor Miller; Noes: Councilmembers Fairly, Secord; Absent: Councilmembers Blum, Garcia).

RECESS

5:13 p.m. - 5:20 p.m.

Councilmember Hart was absent when the Council reconvened in the Council Chamber.

Mayor Miller announced that Item No. 22, below, would not be held until a later date:

CLOSED SESSION

22. SUBJECT: CLOSED SESSION - THREAT TO PUBLIC SERVICES OR FACILITIES (520.04)

RECOMMENDATION: That Council hold a Closed Session, pursuant to Government Code Section 54957, regarding Threat to Public Services or Facilities. Consultation with: Police Chief Cam Sanchez.

Scheduling: Duration, 30 minutes; anytime

ADMINISTRATIVE REPORTS (Cont'd)

PUBLIC WORKS DEPARTMENT

19. SUBJECT: INTRODUCTION OF DRAFT NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM (530.05)

RECOMMENDATION: That Council:

- A. Receive a report from staff on the development of the Draft Neighborhood Traffic Management Program (NTMP);
- B. Receive a presentation from Rauch Communications Consultants on the community outreach material for the Draft NTMP;
- C. Adopt the Draft NTMP and direct staff to return with a final version of the NTMP at the conclusion of the pilot project; and
- D. Authorize staff to implement a pilot project in the St. Francis Hospital area prior to adoption of the final NTMP.

DOCUMENTS:

- November 9, 2001, City Administrator's report.
- Power Point Presentation presented by Bob Rauch.
- The Neighborhood Traffic Management Program brochure submitted by Bob Rauch.
- November 11, 2001, e-mail communication from Don McDermott.
- November 13, 2001, e-mail communication from Jonathan Maguire.

SPEAKERS:

- Staff: Public Works Director Anthony Nisich, Mobility Coordinator Drusilla van Hengel, Supervising Transportation Planner Rob Dayton.
- Rauch Communications: Bob Rauch.

MOTION:

Councilmember Roberts/Mayor Miller to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Councilmembers Blum, Garcia, Hart).

18. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR WEST BEACH DREDGING 2001-2002, BID NO. 3324 (570.03)

RECOMMENDATION: That Council:

- A. Award and authorize the City Administrator to execute a contract with Nova Group, Inc. in their low bid amount of \$510,750 for West Beach Dredging 2001-2002, Bid No. 3324;
- B. Authorize the Public Works Director to approve expenditures up to \$30,645 to Nova Group, Inc., 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. Appropriate \$150,000 from Harbor Preservation Capital Reserves to cover the costs of work.

DOCUMENTS:

November 9, 2001, City Administrator's report.

SPEAKERS:

Staff: Waterfront Director John Bridley, Waterfront Facilities Manager David Myerson.

MOTION:

Councilmembers Fairly/Secord to approve the recommendations; Contract No. 20,452.

VOTE:

Unanimous voice vote (Absent: Councilmembers Blum, Garcia, Hart).

ORDINANCES FOR INTRODUCTION

20. SUBJECT: LEASE AGREEMENT WITH DELI SUSHI GO GO (330.04)

RECOMMENDATION: That Council:

- A. Find Deli Sushi a tenant in good standing for the purposes of renewing the lease agreement;
- B. Approve and authorize the City Administrator to execute a five-year lease agreement with one five-year option, with Deli Sushi Go Go, at an initial base rent of \$496.00, \$2.50 per square foot, for a fast food restaurant occupying 198 square feet of space at 119-B Harbor Way, in the Santa Barbara Harbor; and

(Cont'd)

20. (Cont'd)

C. Introduce and subsequently 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 Deli Sushi Go Go, at an Initial Base Rent of \$496.00 for a Fast Food Restaurant Occupying 198 Square Feet of Space at 119-B Harbor Way, in the Santa Barbara Harbor.

DOCUMENTS:

- November 9, 2001, City Administrator's report.
- Proposed Ordinance.

MOTION:

Councilmembers Roberts/Secord to approve the recommendations; Agreement No. 20,453.

VOTE:

Unanimous voice vote (Absent: Councilmembers Blum, Garcia, Hart).

21. SUBJECT: REPEAL OF SATURDAY NIGHT SPECIAL ORDINANCE
(520.04)

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Repealing Chapter 9.22 of the Santa Barbara Municipal Code Prohibiting the Sale of Certain Firearms Commonly Known as Saturday Night Specials; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Repealing Resolution No. 99-135 That Established Fees for Appeals of the Classification of a Firearm as a Saturday Night Special.

DOCUMENTS:

- November 9, 2001, City Administrator's report.
- Proposed Ordinance.
- Proposed Resolution.

MOTION:

Councilmembers Roberts/Secord to approve the recommendations; Resolution No. 01-130.

VOTE:

Unanimous roll call vote (Absent: Councilmembers Blum, Garcia, Hart).

PUBLIC HEARING

23. SUBJECT: APPEAL OF THE PLANNING COMMISSION APPROVAL OF THE APPLICATION OF ROBERT AND JENNIFER CONROW FOR A FOUR-LOT SUBDIVISION AND ASSOCIATED SITE IMPROVEMENTS AT 121 W. MOUNTAIN DRIVE, APN 021-061-019, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE. (640.07)
Continued from October 23, 2001.
Letter from Appellant, Mountain Drive Community Association, withdrawing its appeal.

DOCUMENTS:

- November 7, 2001, letter from J. Abraham Powell, President, Mountain Drive Community Association.
- October 2, 2001, notes submitted by J. Abraham Powell.
- October 2, 2001, notes submitted by Henry Childs.
- October 15, 2001, letter from Rick Buscemi.
- October 17, 2001, letter from J. Abraham Powell.

DISCUSSION:

No action required due to withdrawal of the appeal.

ADJOURNMENT

Mayor Miller adjourned the meeting at 6:00 p.m., to Monday, November 19, 2001, at 1:30 p.m. for a site visit to 2317 Anacapa Street. (See Item No. 13)

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

HARRIET MILLER
MAYOR

BRENDA ALCAZAR
DEPUTY CITY CLERK