



## CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING**  
**April 22, 2008**  
**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 2:02 p.m. (The Finance Committee met at 12:00 p.m. The Ordinance Committee met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

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

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring April 21 - May 21, 2008, As KCOY Spring Food Drive Month (120.04)

Action: Proclamation presented to Lori Pipen, Promotions Manager, KCOY, and Erik Talkin, Executive Director, Foodbank of Santa Barbara County.

### CHANGES TO THE AGENDA

City Administrator James Armstrong announced that the following item was removed from the Agenda and will be rescheduled to a later date:

14. Subject: Economic Impact Of The Chumash Casino Resort On The County Of Santa Barbara (150.04)

Recommendation: That Council receive a presentation on the economic impact of the Chumash Casino Resort on the County of Santa Barbara per a request from Mayor Blum and Councilmembers Schneider and Williams.

## **PUBLIC COMMENT**

Speakers: Michael Self, Santa Barbara Safe Streets; David Wass; Leoncio Martins; Bob Hansen; Andrew Hankin, Humanist Society of Santa Barbara; Nancy Tunnell; Ruth Wilson; Bret Alan Hughes; Mr. Pennington; David Pintard.

## **CONSENT CALENDAR (Item Nos. 2 – 6 and 10 - 13)**

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

### **Motion:**

Council/Agency Members Falcone/Schneider to approve Consent Calendar Item Nos. 2 - 6 and 10 - 13 as recommended, including a revision to the resolution related to Item No. 3.

### **Vote:**

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of April 7, 2008, and the regular meeting of April 8, 2008.

Action: Approved the recommendation.

3. Subject: Administrative Citation Program Update And Unpaid Fines Certification (640.09)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Amounts of Liens/Special Assessments Sought to be Collected from Property Owners for Unpaid Administrative Fines.

### **Speakers:**

- Members of the Public: Robert Senn, 150 Cedar Lane.
- Staff: City Attorney Stephen Wiley, City Administrator James Armstrong.

Action: Adopted the resolution with the following revisions to the exhibit: 1) exclude the address of 150 Cedar Lane; and 2) exclude any fines paid as of today; Resolution No. 08-029 (April 22, 2008, report from the Acting Public Works Director; proposed resolution).

4. Subject: Lease Agreement With Stearns Wharf Vintners/Coastal Winery (330.04)

Recommendation: That Council approve a one-year lease with a one-year option with Coastal Winery, Inc., doing business as Stearns Wharf Vintners, at an average rent of \$3,423 per month or ten percent of gross sales, whichever is greater, for a 890 square-foot retail and food service space at 217-G Stearns Wharf.

Action: Approved the recommendation; Agreement No. 22,795 (April 22, 2008, report from the Waterfront Director).

5. Subject: Approval Of New City Property Lease For Existing Radio Tower Facility (330.04)

Recommendation: That Council 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 Between the City of Santa Barbara and Rincon Broadcasting, LLC, with the Option for Two Additional Five-Year Terms for the Operation of a Commercial Radio Broadcasting Tower and Related Equipment at the Yanonali Street City Service Facility, and Authorizing the Public Works Director to Execute Same.

Action: Approved the recommendation (April 22, 2008, report from the Acting Public Works Director; proposed ordinance).

6. Subject: Professional Services Contract With Science Applications International Corporation For Biological And Archaeological Services (570.05)

Recommendation: That Council authorize the Parks and Recreation Director to execute a professional services agreement with Science Applications International Corporation (SAIC) in the amount of \$41,335 to provide biological and archaeological services.

Action: Approved the recommendation; Agreement No. 22,796 (April 22, 2008, report from the Parks and Recreation Director).

Item No. 9 appears in the Redevelopment Agency minutes.

10. Subject: Contract For Construction For The Fire Station No. 1 Seismic Renovation Project (700.08)

Recommendation:

- A. That the Redevelopment Agency (RDA) Board increase appropriations in the RDA's 2003 Bond Funds by \$1,075,614 for the Fire Station No. 1 Seismic Renovation Project (Project), funded from unappropriated interest earnings accrued from that Fund;
- B. That the RDA Board authorize the total expenditure of \$6,635,614 for the Project;
- C. That Council waive a minor bid irregularity, reject the bid protests, and award and authorize the Public Works Director to execute a contract with McGillivray Construction, Incorporated (McGillivray), in their low bid amount of \$4,070,559, including additive bid alternates, for construction of the Project, Bid No. 3445, and approve expenditures up to \$407,000 to cover any cost increases that may result from contract change orders for extra work and discrepancies in the plans and specifications;
- D. That Council authorize the Public Works Director to execute a contract with Kruger Bensen Ziemer Architects, Incorporated (KBZ), in the amount of \$200,800 for construction support and Leadership in Energy and Environmental Design (LEED) administrative services, and authorize the Public Works Director to approve expenditures of up to \$20,080 for extra services of KBZ that may result from necessary changes in the scope of work;
- E. That Council authorize the Public Works Director to execute a contract with AG Mechanical, Incorporated (AG Mechanical), in the amount of \$72,800 to provide Enhanced LEED Commissioning, and authorize the Public Works Director to approve expenditures of up to \$7,280 for extra services of AG Mechanical that may result from necessary changes in the scope of work;
- F. That Council authorize the General Services Manager to issue a Purchase Order to Pacific Materials Laboratory, Incorporated (Pacific Materials), in the amount of \$33,100 to provide materials testing and special inspection services, and to approve expenditures of up to \$3,310 for extra services of Pacific Materials that may result from necessary changes in the scope of work; and
- G. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Redevelopment Agency Funding of Capital Improvements to Fire Station No. 1.

(Cont'd)

## 10. (Cont'd)

## Speakers:

- Members of the Public: Keith Abrahamson, Viola Constructors; Stephen McGillivray, McGillivray Construction, Incorporated.
- Staff: Acting Principal Civil Engineer Joshua Haggmark, City Attorney Stephen Wiley, Assistant Public Works Director/City Engineer Pat Kelly.

Action: Approved the recommendations; City Council Contract Nos. 22,798 - 22,800; City Council Resolution No. 08-030 (April 22, 2008, joint report from the Acting Public Works Director and the Acting Community Development Director/Acting Deputy Director; proposed City Council resolution).

NOTICES

11. The City Clerk has on Thursday, April 17, 2008, 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.
12. The Recommended Fiscal Year 2009 Operating and Capital Budget was filed with the City Clerk's Office on Tuesday, April 15, 2008.
13. A City Council site visit is scheduled for Monday, April 28, 2008, at 1:30 p.m. to the property located at 601 East Micheltorena Street, which is the subject of an appeal hearing set for April 29, 2008, at 2:00 p.m.

This concluded the Consent Calendar.

**ITEMS REMOVED FROM CONSENT CALENDAR**

Councilmember Schneider stated that she would abstain from voting on Item Nos. 7 and 8 due to a conflict of interest related to her ownership of property proximate to the project.

## Motion:

Councilmembers Falcone/Horton to approve Item Nos. 7 and 8.

## Vote:

Unanimous voice vote (Abstention: Councilmember Schneider).

7. Subject: Contract For Construction For The Bohnett Park Expansion Project (570.05)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Cinary Construction Company, Incorporated (Cinary), waiving minor irregularities, in their low bid amount of \$306,082.80, including the additive alternate, for construction of the Bohnett Park Expansion Project (Project), Bid No. 3507, and to approve expenditures up to \$37,000 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;
- B. Authorize the General Services Manager to issue a Purchase Order to Van Atta Associates, Incorporated (Van Atta), in the amount of \$5,000 for construction support services, and to approve expenditures of up to \$500 for extra services of Van Atta that may result from necessary changes in the scope of work; and
- C. Authorize the General Services Manager to issue a Purchase Order to Pacific Materials Laboratory, Incorporated (Pacific Materials), in the amount of \$2,000 for material testing services and to approve expenditures of up to \$200 for extra services of Pacific Materials that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 22,797 (April 22, 2008, report from the Acting Public Works Director).

8. Subject: Parks And Recreation Community Foundation Funds And Proposition 40 Grant Funds For The Bohnett Park Expansion Project (570.05)

Recommendation: That Council:

- A. Increase revenues and appropriations in the amount of \$8,060 for a gift from the Bohnett Family held by the Parks and Recreation Community (PARC) Foundation; and
- B. Increase revenues and appropriations in the amount of \$61,159 for a California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) Per Capita grant.

Action: Approved the recommendations (April 22, 2008, report from the Parks and Recreation Director).

## REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to discuss a predevelopment loan to Transition House for affordable units at 421 East Cota and recommended that this item be forwarded to the Council. The Committee also met to review the Recommended Budget for Fiscal Year 2009.

## REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to review proposed ordinance amendments and a proposed resolution pertaining to the assignment of slip permits for twenty-foot slips through a lottery and recommended that they be forwarded to the Council.

## REDEVELOPMENT AGENCY REPORTS

15. Subject: Carrillo Recreation Center Seismic Renovation And Rehabilitation (570.07)

### Recommendation:

- A. That Council and the Redevelopment Agency (RDA) Board receive an update on the Carrillo Recreation Center Seismic Renovation and Rehabilitation Project (Project);
- B. That the RDA Board increase appropriations in the RDA 2001A Bond Fund by \$1 million for the Project, funded from previously unappropriated bond fund interest earnings;
- C. Approve the allocation of \$2.2 million from the Agency's Capital Project Contingency Account to the Carrillo Recreation Center Project;
- D. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Redevelopment Agency Funding of Capital Improvements to the Carrillo Recreation Center; and
- E. That Council authorize the Public Works Director to negotiate and execute a contract with Kruger Benson Ziemer Architects, Inc. (KBZ), in an amount not to exceed \$496,526 for the final design of the Project, and for up to \$49,652 for extra services that may result from necessary changes in the scope of work.

### Documents:

- April 22, 2008, joint report from the Acting Public Works Director and the Acting Community Development Director/Acting Deputy Director.
- Proposed City Council Resolution.

The title of the resolution was read.

### Speakers:

Staff: Acting Wastewater Systems Manager John Schoof, Acting Housing and Redevelopment Manager Brian Bosse, Acting Community Development Director/Acting Deputy Director David Gustafson, Parks and Recreation Director Nancy Rapp.

(Cont'd)

## 15. (Cont'd)

## Motion:

Council/Agency Members Horton/Falcone to approve the recommendations; City Council Resolution No. 08-031; City Council Contract No. 22,801.

## Vote:

Unanimous roll call vote.

Item No. 16 appears in the Redevelopment Agency minutes.

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## Information:

- Councilmember Horton reported on his attendance at the Santa Barbara County Association of Governments meeting, and his attendance, along with Councilmember Francisco, at the Founding Day celebration for El Presidio de Santa Barbara State Historic Park.
- Councilmember House spoke about 1) his attendance at the Earth Day celebration; 2) his attendance, along with Councilmembers Schneider and Williams, at the Strategy Planning Committee on Youth Violence meeting; 3) a tour of City Hall that he held for third graders from César Chávez Charter School; and 4) his attendance, along with Councilmember Schneider, at the Junior League meeting.
- Councilmember Williams reported on his attendance at the following meetings/events: 1) the Plan Santa Barbara meeting; 2) the Coalition Against Gun Violence luncheon; 3) the Earth Day celebration; 4) Maureen Gaffney's memorial service; and 5) a meeting with Darren Kettle, Executive Director of the Ventura County Transportation Commission.
- Councilmember Schneider mentioned that today is the City of Santa Barbara's 226th birthday. She also spoke about the following meetings/events: 1) the Earth Day celebration; 2) a meeting hosted by Harding School regarding a program on restorative justice; 3) the Plan Santa Barbara meeting; and 4) the Strategy Planning Committee on Youth Violence meeting.
- Councilmember Falcone commented on the Strategy Planning Committee on Youth Violence meeting. She also spoke about the following: 1) a press conference regarding proposed budget cuts to mental health services by the County of Santa Barbara Board of Supervisors; 2) the League of California Cities Board of Directors meeting in Sacramento last week; and 3) the Zona Seca Board meeting.
- Mayor Blum mentioned that she wrote letters to California U.S. Senators regarding Energy Block Grants.

**RECESS**

Mayor Blum recessed the meeting at 4:15 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 17 and stated that no reportable action is anticipated.

**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 Service Employees International Union Local 620; Anthony Glover v. City of Santa Barbara, City of Santa Barbara Civil Service Commission, et al. USDC Case No. CV 07-3792 RGK (CWx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

April 22, 2008, report from the City Attorney.

Time:

4:20 p.m. - 4:45 p.m.

No settlement approved.

**RECESS**

4:45 p.m. - 6:02 p.m.

Mayor Blum presiding.

Councilmembers present: Francisco, Horton, House, Schneider, Williams, Mayor Blum.

Councilmembers absent: Falcone.

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

**PUBLIC COMMENT**

No one wished to speak.

## MAYOR AND COUNCIL REPORTS

18. Subject: Request From Councilmembers Falcone, Schneider And Williams For Interim Ordinance On Building Regulations (640.09)

Recommendation: That Council discuss a proposal to adopt an interim ordinance that would amend building regulations as they pertain to current height and setback requirements in commercial zones that allow residential uses until the end of the General Plan Update.

### Documents:

- April 14, 2008, memorandum from Councilmembers Falcone, Schneider and Williams.
- Proposed Interim Building Regulation Ordinance.
- April 22, 2008, written statement from the League of Women Voters of Santa Barbara, Inc.

Councilmember Falcone entered the meeting at 6:04 p.m.

### Speakers:

- Members of the Public: Brian Barnwell; Sheila Lodge; Ron Biscaro, Santa Barbara Cottage Hospital; Detlev Peikert, Santa Barbara For All; Patricia Hiles; Suzanne Elledge, Suzanne Elledge Planning & Permitting Services/Santa Barbara For All; Lisa Plowman, Santa Barbara For All; Scott Hopkins; Catherine McCammon; Connie Hannah, League of Women Voters of Santa Barbara, Inc.; Toby Bradley, Santa Barbara Association of Realtors; Judy Orias, Allied Neighbor; Joe Rution; Jim Westby; Jay Higgins, American Planning Association; Mickey Flacks, Santa Barbara For All; Tom Bollay, Coast Village Business Association; Olivia Uribe, Santa Barbara County Action Network; Belen Seara, PUEBLO; Zoila Aguilar, PUEBLO; Bill Marks; Nancy Brock; Thomas Morrison; Keith Rivera; April Palencia; Jennifer Downing; Brian Cearnal; John Campanella, Bermant Development Company; Jim Kahan, Friends of Outer State Street/Save Santa Barbara Network; Lanny Ebenstein; Michael Holliday; Clay Aurell; Paul Poirier.
- Planning Commission: Commissioner Bruce Bartlett.
- Historic Landmarks Commission: Commissioner Alex Pujo.
- Architectural Board of Review and Single Family Design Board: Member Gary Mosel.
- Staff: City Planner Bettie Weiss.

(Cont'd)

## 18. (Cont'd)

## Motion:

Councilmembers Falcone/Williams to instruct the Ordinance Committee to draft an interim ordinance to address the issue of reduced building height limits including the issues of setbacks, open space, affordable and inclusionary requirements, size and mix of units, bonus and variable density availability; and return to Council within "X" days and include possible sunset upon adoption of General Plan Update recommendations and implementing ordinances.

## Substitute Motion:

Councilmembers Falcone/Williams: After summary presentation is made to the Council regarding the Plan Santa Barbara process, instruct the Ordinance Committee to prepare a draft interim ordinance to address the issue of reduced building height limits and including provisions for setbacks, open space, affordable and inclusionary requirements, and size and mix of units; and the possible sunset of the ordinance upon adoption of General Plan Update recommendations and implementing ordinances.

Councilmember Williams stated that the intent is to hear back from the Plan Santa Barbara workshop process before the Ordinance Committee considers the draft interim ordinance.

## Vote on Substitute Motion:

Majority roll call vote (Noes: Councilmembers Francisco, Horton, Mayor Blum).

## ADJOURNMENT

Mayor Blum adjourned the meeting at 9:38 p.m. to Monday, April 28, 2008, at 1:30 p.m. to the property located at 601 East Micheltorena Street.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

  
MARTY BLUM  
MAYOR

ATTEST:   
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK