



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 14, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which is ordinarily scheduled to meet at 1:00 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

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

Councilmembers absent: Brian B. Barnwell, Dan B. Secord.

Staff present: Acting City Administrator Joan M. Kent, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING SEPTEMBER 2004 AS SUICIDE PREVENTION MONTH (120.04)

ACTION: Proclamation presented to Glendon Association Executive Director Jo Linder-Crow.

2. SUBJECT: PROCLAMATION DECLARING OCTOBER 2004 AS RELAY FOR LIFE MONTH, AND OCTOBER 2 - 3, 2004, AS RELAY FOR LIFE DAYS (120.04)

ACTION: Proclamation presented to Amber Price, Santa Barbara Relay for Life Committee Chair.

3. SUBJECT: EMPLOYEE RECOGNITION - SERVICE AWARD PINS (410.01)

RECOMMENDATION: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2004.

DOCUMENTS:

September 14, 2004, Assistant City Administrator's report.

SPEAKERS:

Staff: Acting City Administrator Joan Kent.

By consensus, the Council approved the recommendation. The following employees were recognized:

35-Year Pin

James Molina, Public Works

25-Year Pin

Tim Roberts, Police

Jesse Rose, Police

Mark Mooney, Public Works

20-Year Pin

Owen Thomas, Public Works

15-Year Pin

Daniel Kato, Community Development

Alva Caldwell, Public Works

Timothy Gaasch, Public Works

James Leary, Public Works

5-Year Pin

Jeffery Burns, Fire

Kell Hardin, Fire

Kevin Hokom, Fire

Justin Williams, Fire

Jinsong Qi, Public Works

Jose Delgado, Public Works

Joaquin Ortega, Public Works

Shara Keller, Library

Jeffrey McCluskey, Library

PUBLIC COMMENT

SPEAKERS: Scott Wenz.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

INFORMATION: Councilmember Horton mentioned the groundbreaking ceremony for the Granada Garage construction, held yesterday.

CONSENT CALENDAR (Item Nos. 4 – 20 and 22 – 24)

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

MOTION:

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

VOTE:

Unanimous roll call vote (Absent: Councilmembers Barnwell, Secord).

4. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of August 17, the adjourned regular meeting of August 23 (cancelled due to continuance of appeal), the regular meeting of August 24, and the regular meetings of August 31, and September 7, 2004 (cancelled due to lack of a quorum).

ACTION: Approved the recommendation.

5. SUBJECT: ADOPTION OF ORDINANCE APPROVING LEASE WITH U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION (330.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement Between the City of Santa Barbara and the U.S. Department of Transportation, Federal Aviation Administration, for 3.67 Acres of Land for the Construction and Operation of an Airport Surveillance Radar, Model 11, to Serve the Santa Barbara Airport.

ACTION: Approved the recommendation; Ordinance No. 5324; Agreement No. 21,491.

6. SUBJECT: CONSENT TO ASSIGNMENT OF LEASE FROM COMMUNITY ENVIRONMENTAL COUNCIL TO MARBORG INDUSTRIES, INC. (330.04)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a Consent to Assignment of Lease No. 20,443 from Community Environmental Council (CEC) to Marborg Industries, Inc., a California Corporation, for operation of a recycling center at the Santa Barbara Airport.

ACTION: Approved the recommendation; Agreement No. 21,492 (September 14, 2004, Airport Director's report).

7. SUBJECT: LEASE AGREEMENT WITH QUIQLITE, INC. (330.04)

RECOMMENDATION: That Council approve and authorize the Airport Director to execute a month-to-month Lease Agreement with QuiqLite, Inc., a California Corporation, for 360 square feet of Building 311, 1407-A Norman Firestone Road, at the Santa Barbara Airport, effective September 1, 2004, for a monthly rental of \$423, exclusive of utilities.

ACTION: Approved the recommendation; Agreement No. 21,493 (September 14, 2004, Airport Director's report).

8. SUBJECT: PARCEL MAP AND AGREEMENT FOR 1924 BATH STREET (640.08)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to record Parcel Map No. 20,687 by Sarrat, LLC, a California Limited Liability Company, for a one-lot subdivision located at 1924 Bath Street, Assessor's Parcel No. 025-361-009, finding the map in conformance with the General Plan and applicable specific plans of the City; and
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property.

ACTION: Approved the recommendations; Agreement No. 21,494 (September 14, 2004, Public Works Director's report).

9. SUBJECT: NOTICE OF COMPLETION FOR AIRPORT FIRESTONE ROAD CULVERT REPLACEMENT PROJECT (530.04)

RECOMMENDATION: That Council accept the work completed by Mendez Concrete, Incorporated (Mendez), Contract No. 21,302, Bid No. 3356, for the Santa Barbara Airport Firestone Road Culvert Replacement Project, in the final contract amount of \$408,388.80, including approved changes; and approve the filing of a Notice of Completion.

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9. (Cont'd)

ACTION: Approved the recommendation (September 14, 2004, Public Works Director's report).

10. SUBJECT: NOTICE OF COMPLETION FOR AIRPORT ELECTRICAL VAULT PROJECT (560.04)

RECOMMENDATION: That Council accept the work completed by Taft Electric Company (Taft), Bid No. 3355, Contract No. 21,149, for the Santa Barbara Airport Airfield Electrical Vault Project, in the final contract amount of \$1,854,138, including approved changes, and approve filing of a Notice of Completion.

ACTION: Approved the recommendation (September 14, 2004, Public Works Director's report).

11. SUBJECT: LEASE AGREEMENT WITH METROPOLITAN THEATRES CORPORATION (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 15-Year Lease Agreement Between the City of Santa Barbara and Metropolitan Theatres Corporation With 3 5-Year Renewal Options for the Premises Located at 916, 918, and 920 State Street.

ACTION: Approved the recommendation (September 14, 2004, Public Works Director's report; proposed ordinance).

12. SUBJECT: ALCOHOLIC BEVERAGE CONTROL GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES (520.04)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing Acceptance of Funding Granted by the Department of Alcoholic Beverage Control (ABC) for the Alcoholic Beverage Control Grant Assistance to Local Law Enforcement Agencies Project;
- B. Authorize the City Administrator to execute the grant agreement award; and
- C. Appropriate the City's grant allocation of \$50,000 to the Miscellaneous Grant Fund.

ACTION: Approved the recommendations; Resolution No. 04-073; Agreement No. 21,495 (September 14, 2004, report from the Chief of Police; proposed resolution).

13. SUBJECT: LOCAL LAW ENFORCEMENT BLOCK GRANT (520.04)

RECOMMENDATION: That Council:

- A. Accept the Local Law Enforcement Block Grant (L.L.E.B.G.) award of \$39,545;
- B. Appropriate \$39,545 to the Fiscal Year 2005 L.L.E.B.G. for the purchase of the second phase of a single entry point, data sharing project; and
- C. Approve the transfer of \$4,394 in currently available asset forfeiture funds for the year 2004 L.L.E.B.G. to the Police Special Operation Fund, for the matching funds requirement of \$4,394.

ACTION: Approved the recommendations (September 14, 2004, report from the Chief of Police).

14. SUBJECT: TRAINING AND INVESTIGATIONS OF OXYCONTIN ABUSE (520.04)

RECOMMENDATION: That Council:

- A. Accept Purdue Pharma Technologies, Inc., grant award of \$10,000; and
- B. Appropriate \$10,000 to the Fiscal Year 2005 to the Police Special Operations Account for training in drug diversion and narcotic investigations focusing on abuse of OxyContin.

ACTION: Approved the recommendations (September 14, 2004, report from the Chief of Police).

15. SUBJECT: PURCHASE ORDER FOR WORK, INCORPORATED (320.01)

RECOMMENDATION: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.080 (k), and authorize the General Services Manager to issue a purchase order to Work, Incorporated as the single source and most favorable source for providing janitorial services at the Waterfront Department for Fiscal Year 2005 in an amount not to exceed \$199,000.

ACTION: Approved the recommendation (September 14, 2004, Waterfront Director's report).

16. SUBJECT: UPGRADE TO CITY HALL PUBLIC HALLWAY PROJECT (320.01)

RECOMMENDATION: That Council authorize an increase to appropriations in the City Hall Maintenance Fund by \$95,000 from unappropriated reserves, to fund additional costs of improvements to the public hallway and offices located in the basement of City Hall.

ACTION: Approved the recommendation (September 14, 2004, Finance Director's report).

17. SUBJECT: INTRODUCTION OF ORDINANCE FOR LEASE AGREEMENT WITH UNION MARINE STATION (330.04)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to execute a 5-year lease agreement with Union Marine Station, Inc., for a 218 square-foot office located on the second floor at 125 Harbor Way #12, at a rate of \$414.17 per month; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 5-Year Lease Agreement with Union Marine Station, Inc., for a 218 Square-Foot Office Located on the Second Floor at 125 Harbor Way #12, at a Rate of \$414.17 per Month.

ACTION: Approved the recommendations (September 14, 2004, Waterfront Director's report; proposed ordinance).

18. SUBJECT: INTRODUCTION OF ORDINANCE FOR LEASE AGREEMENT WITH JACQUES BERTRAND, DOING BUSINESS AS HARBOR MAIL CENTER (330.04)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to execute a 5-year lease agreement with Jacques Bertrand for a 140 square-foot mail center office located at 125 Harbor Way #6, at a monthly rent of \$370; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 5-Year Lease Agreement with Jacques Bertrand for a 140 Square-Foot Mail Center Office Located at 125 Harbor Way #6, at a Monthly Rent of \$370.

ACTION: Approved the recommendations (September 14, 2004, Waterfront Director's report; proposed ordinance).

19. SUBJECT: CHANGE ORDER INCREASE FOR FINAL DESIGN SERVICES OF LOUISE LOWRY DAVIS CENTER REMODEL (570.07)

RECOMMENDATION: That Council approve a change order to increase the contract with Robert Grant, Architect, by \$18,603 for services associated with the Louise Lowry Davis Center remodel project.

ACTION: Approved the recommendation (September 14, 2004, Acting Parks and Recreation Director's report).

20. SUBJECT: LEASE AGREEMENT FOR WESTSIDE COMMUNITY CENTER
(330.04)

RECOMMENDATION: That Council approve and authorize the Acting Parks and Recreation Director to execute lease agreements for office space at the Westside Community Center with the Community Action Commission (CAC) and Work, Inc.

ACTION: Approved the recommendations; Agreement Nos. 21,496 and 21,497 (September 14, 2004, Acting Parks and Recreation Director's report).

Agenda Item No. 21 appears in the Redevelopment Agency minutes.

NOTICES

22. The City Clerk has on Thursday, September 9, 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.
23. The Redevelopment Agency will hold a public hearing on October 19, 2004, at 2:00 p.m. regarding the proposed 2005-2009 Implementation Plan for the Central City Redevelopment Project Area.
24. The Mayor (or in her absence, the Mayor Pro Tempore) recently sent the following advocacy letters expressing the City's position, consistent with the Council-adopted Legislative Platform, on pending state or federal legislation (160.02):
- July 28, 2004; Senator McClintock and Assembly Member Jackson; urges support of Assembly Bill 2006, the Reliable Electric Service Act of 2004.
 - July 28, 2004; Senator McClintock and Assembly Member Jackson; urges support for Senate Constitutional Amendment 4 and Senate Bill 1096, which would implement the Local Government Agreement, providing stability and predictability in the funding urgently needed for local services.
 - August 19, 2004; Senator Cedillo; urges support of the Immigrant Responsibility and Security Act (Senate Bill 1160), which would allow immigrants to obtain driver's licenses under certain conditions, including making application for citizenship.
 - August 19, 2004; Senator McClintock; urges opposition to Assembly Bill 2702, which proposes to further limit local government's ability to adopt, implement, and enforce zoning to address the complex issues associated with permitting second units on single family lots.
 - August 23, 2004; Assembly Member Koretz; offers support for Assembly Bill 50, The .50 caliber BMG Rifle Control Act.
 - August 26, 2004; Assembly Member Yee; registers support for Assembly Bill 2466, regarding local sales and use tax on the sale of jet fuel.

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24. (Cont'd)

- August 30, 2004; Governor Schwarzenegger; requests signature on Assembly Bill 2901, which would establish a cell phone recycling system for California.
- September 1, 2004; Governor Schwarzenegger; requests veto of Assembly Bill 2702, which proposes to further limit local government's ability to adopt, implement and enforce zoning to address the complex issues associated with permitting second units on single family lots.

This concluded the Consent Calendar.

ORDINANCE COMMITTEE REPORT

25. SUBJECT: ORDINANCE COMMITTEE AGENDA, SEPTEMBER 14, 2004, 12:30 P.M., IN COUNCIL CHAMBERS FOR CONSIDERATION OF GRAFFITI REMOVAL AND ABATEMENT ORDINANCE (120.03)

26. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Helene Schneider reported that the Committee reviewed and approved a proposed Graffiti Removal and Abatement Ordinance. The ordinance will be submitted to Council at a later date for introduction and subsequent adoption.

REDEVELOPMENT AGENCY REPORTS

27. SUBJECT: PUBLIC HEARING TO CONSIDER LEASE FOR RAILWAY EXPRESS AGENCY BUILDING (330.04)

RECOMMENDATION: That the City Council and Redevelopment Agency Board authorize the Executive Director to enter into a new lease agreement with Open Air, Inc., for the Redevelopment Agency owned Railway Express Agency Building located at the Santa Barbara Railroad Station (Assessor's Parcel No. 033-042-012).

DOCUMENTS:

- September 14, 2004, report from the Community Development Director/Deputy Director.
- Proposed Lease Agreement.
- Affidavit of Publication.

(Cont'd)

27. (Cont'd)

SPEAKERS:

Staff: Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson.

MOTION:

Council/Agency members Horton/Williams to approve the recommendation; Redevelopment Agency Agreement No. 438.

VOTE:

Unanimous voice vote (Absent: Council/Agency members Barnwell, Secord).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

AIRPORT DEPARTMENT

28. SUBJECT: CONTRACT FOR AIRPORT TERMINAL HOLD ROOM EXPANSION (560.04)

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a contract with Phillips Metsch Sweeney Moore Architects (PMSM) in the amount of \$36,450 for design services associated with the Santa Barbara Airport Terminal Hold Room Expansion Project, Gates 8 and 9; and
- B. Authorize the Public Works Director to approve expenditures up to \$3,645 for extra services of PMSM that may result from necessary changes in the scope of work.

DOCUMENTS:

September 14, 2004, Public Works Director's report.

SPEAKERS:

Staff: Airport Director Karen Ramsdell.

MOTION:

Councilmembers Falcone/Schneider to approve the recommendations; Contract No. 21,498.

VOTE:

Unanimous voice vote (Absent: Councilmembers Barnwell, Secord).

Councilmember Barnwell arrived at the meeting at 2:42 p.m.

PUBLIC WORKS DEPARTMENT

29. SUBJECT: STATE ROUTE 225 RELINQUISHMENT PROCESS (150.02)

RECOMMENDATION: That Council:

- A. Receive a staff report on the State Route (SR) 225 Relinquishment Process; and
- B. Provide direction to staff on proceeding with SR 225 relinquishment.

DOCUMENTS:

- August 24, 2004, Public Works Director's report.
- PowerPoint presentation made by Staff.

SPEAKERS:

- Staff: Assistant Public Works Director/City Engineer Pat Kelly.
- Planning Commission: Chair Jonathan Maguire.
- Members of the Public: Susan Trescher, La Mesa Neighborhood Association; Tom Williams; Scott Wenz, Cars Are Basic.

MOTION:

Councilmembers Falcone/Williams to direct Staff to, within 90 days: develop a plan outlining a recommended approach to the acquisition of this highway, including timelines for relinquishment, repair, and rebuild, as well as a vision for capital improvements; present the plan to the Transportation and Circulation Committee; and submit the plan to the City Council for approval.

VOTE:

Unanimous voice vote (Absent: Councilmember Secord).

MAYOR AND COUNCIL REPORTS

30. SUBJECT: SANTA BARBARA COASTAL VECTOR CONTROL DISTRICT INTERVIEW AND APPOINTMENT (140.05)

RECOMMENDATION: That Council:

- A. Interview an applicant for the Santa Barbara Coastal Vector Control District; and
- B. Appoint an applicant to the Santa Barbara Coastal Vector Control District.

DOCUMENTS:

September 14, 2004, Assistant City Administrator's report.

SPEAKERS:

Applicant: Stella Zadeh.

(Cont'd)

30. (Cont'd)

MOTION:

Councilmembers Williams/Horton to appoint Stella Zadeh to the Santa Barbara Coastal Vector Control District for a term expiring December 31, 2006.

VOTE:

Unanimous voice vote (Absent: Councilmember Secord).

31. **SUBJECT: LEAGUE OF CALIFORNIA CITIES ANNUAL MEETING (180.01)**

RECOMMENDATION: That Council:

- A. Designate members of the Council to represent the City as its voting delegate and alternate delegate at the League of California Cities (LCC) General Assembly meeting on September 19, 2004, in Long Beach; and
- B. Endorse the proposed resolution amending the LCC's bylaws, and the proposed resolution encouraging healthier lifestyles for children, adults, and seniors in cities throughout California.

DOCUMENTS:

- September 14, 2004, City Administrator's report.
- June 30, 2004, letter from the League of California Cities.
- August 13, 2004, packet submitted by the League of California Cities, including resolutions proposed for adoption.

MOTION:

Councilmembers Barnwell/Horton to appoint Councilmember Falcone as the voting delegate and Mayor Blum as the alternate voting delegate.

VOTE:

Unanimous voice vote (Absent: Councilmember Secord).

MOTION:

Councilmembers Barnwell/Horton to approve recommendation B.

VOTE:

Unanimous voice vote (Absent: Councilmember Secord).

PUBLIC HEARINGS

32. **SUBJECT: ZONE CHANGE AND GENERAL PLAN AMENDMENT FOR 114 WEST PUEBLO STREET AND 111 WEST JUNIPERO STREET (640.09)**

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City Of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property in the Oak Park Neighborhood; and

(Cont'd)

32. (Cont'd)

- B. At the time of Ordinance adoption, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map for Certain Properties Located in the Oak Park Neighborhood.

DOCUMENTS:

- September 14, 2004, Community Development Director's report.
- Proposed Ordinance and Resolution.
- Affidavit of Publication.

The titles of the ordinance and resolution were read.

PUBLIC HEARING OPENED:

3:47 p.m.

SPEAKERS:

Staff: Associate Planner Jessica Grant.

PUBLIC HEARING CLOSED:

3:50 p.m.

Councilmember Williams stated he would abstain from voting on this matter due to a conflict of interest relating to his residency in proximity to the subject property.

MOTION:

Councilmembers Horton/Schneider to approve the recommendations.

VOTE:

Unanimous voice vote (Abstentions: Councilmember Williams; Absent: Councilmember Secord).

RECESS

3:51 p.m. – 6:00 p.m.

Mayor Blum presiding.

Councilmembers present: Barnwell, Falcone, Horton, Schneider, Williams, Mayor Blum.

Councilmembers absent: Secord.

Staff present: Acting City Administrator Kent, City Attorney Wiley, Deputy City Clerk Tschech.

PUBLIC COMMENT

No one wished to speak.

WORK SESSIONS

33. SUBJECT: CONCEPT REVIEW OF THE WRIGHT PROPERTY (101 GARDEN, 222 SANTA BARBARA, AND 236 EAST YANONALI STREETS) (660.04)

RECOMMENDATION: That Council hold a joint concept review with the Planning Commission to discuss appropriate development on the subject properties.

The Planning Commission meeting was called to order, and the meeting continued in joint session.

Planning Commissioners present: Charmaine Curtis Jacobs, John C. Jostes, William T. Mahan, Harwood A. White, Jr., Chair Jonathan Maguire.
Planning Commissioners absent: Grant House.

DOCUMENTS:

- September 14, 2004, Community Development Director's report.
- September 10, 2004, letter from the Coastal Housing Partnership.

SPEAKERS:

- Staff: Associate Planner Renee Brooke, Housing Programs Supervisor Steven Faulstich, Senior Planner Jan Hubbell, City Attorney Stephen Wiley.
- Applicant: Jonathan Dohm, representing Suzanne Elledge Planning & Permitting Services; Bill Wright; Dave Davis; Architect Detlev Peikert.

RECESS: 7:49 p.m. – 7:57 p.m. Councilmember Barnwell was absent when the meeting was reconvened.

SPEAKERS (Cont'd)

- Members of the Public: Richard Headley; Chris Elsass; Linda Poksay; Bud Laurent, Coastal Housing Partnership; Jessica Kinnahan Foley; Naomi Kovacs, Citizens Planning Association; Beatrice Rosales.

DISCUSSION:

Councilmembers and Planning Commissioners offered their views on six land use issues identified by Staff which are pertinent to the proposed development of the subject properties.

ADJOURNMENT

Mayor Blum adjourned the meeting at 9:10 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

MARTY BLUM
MAYOR

SUSAN TSCHECH
DEPUTY CITY CLERK