



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING September 26, 2006 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: Assistant City Administrator Joan M. Kent, City Attorney Stephen P. Wiley, Deputy City Clerk Lori Cole.

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring September 24-30, 2006 As Sea Otter Awareness Week (120.04)

Action: Proclamation presented to Environmental Defense Center Executive Director Cameron Benson.

### PUBLIC COMMENT

Speakers: Kenneth Loch, Mark Bradley, and Alex Pujo.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### Information:

- Councilmember Horton commented on his attendance at: 1) a meeting of Constructing Connections, a First 5 Commission program, in Santa Maria; and 2) a meeting about the Santa Barbara United Nations Educational, Scientific and Cultural Organization project.
- Councilmember Falcone reported on the following: 1) her introduction to a new affordable housing group; 2) her attendance at a Greater Santa Barbara Lodging Association lunch; 3) her attendance at a Solid Waste Multi-Jurisdictional Task Force meeting in Solvang; and 4) her involvement in a conference call with the League of California Cities, which discussed Proposition 90.
- Councilmember House spoke about the following: 1) his attendance at the Airline Terminal Improvement project meeting; and 2) his attendance, along with Councilmember Horton, and Mayor Blum, at the Santa Barbara Beautiful Awards.
- Councilmember Williams remarked upon: 1) his attendance at a joint meeting of the Conference and Visitor's Bureau, Film Commission, and the Greater Santa Barbara Lodging Association; 2) his attendance at the meeting of the Cachuma Operation and Management Board and the Cachuma Conservation Release Board; and 3) his attendance, along with Mayor Blum, at a rally for Proposition 87.
- Councilmember Schneider mentioned the Architectural Board of Review's decision regarding the Los Portales project.
- Mayor Blum commented on the following: 1) her attendance at the Community Environmental Council's Green Awards; 2) International Peace Day; and 3) the Dyslexia Center's 15th anniversary.

## **CONSENT CALENDAR (Item Nos. 2 – 14)**

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

### Motion:

Councilmembers Barnwell/Falcone to approve the Consent Calendar 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 September 12, 2006.

Action: Approved the recommendation.

3. Subject: Adoption Of Ordinance To Require Inspection Of Private Sewer Laterals (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Adding Chapter 14.46 (Building Sewer Inspections) and Repealing Sections 14.40.005, 14.40.050 and 14.44.170 of Title 14, and Amending Section 28.87.220 of Chapter 28.87 of the Santa Barbara Municipal Code Pertaining to a Sewer Inspection Program, Other Sewer Requirements and with Respect to Zoning Information Reports.

Action: Approved the recommendation; Ordinance No. 5396.

4. Subject: August 2006 Investment Report (260.02)

Recommendation: That Council accept the August 2006 Investment Report.

Action: Approved the recommendation (September 26, 2006, report from the Finance Director).

5. Subject: Tobacco Prevention Program (800.07)

Recommendation: That Council:

- A. Accept a grant from the Santa Barbara County Health Department in the amount of \$3,250; and
- B. Increase estimated revenue in the amount of \$3,250 and appropriate the funds to the Fiscal Year 2007 Miscellaneous Grant Fund.

Action: Approved the recommendations (September 26, 2006, report from the Chief of Police).

6. Subject: National Incident Management System (520.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the National Incident Management System (NIMS) per Homeland Security Presidential Directive (HSPD)-5.

Action: Approved the recommendation; Resolution No. 06-081 (September 26, 2006, report from the Fire Chief; proposed resolution).

7. Subject: Contract For Professional Engineering Services For The Los Baños Del Mar Pool Repair (570.07)

Recommendation: That Council:

- A. Authorize the General Services Manager to execute a professional services purchase order contract with Rowley International, Incorporated (Rowley), in the amount of \$10,250 for construction support services for Phase 1, the concrete repairs in the equipment room at the Los Baños Del Mar Pool; and
- B. Authorize the General Services Manager to execute a professional services purchase order contract with Rowley in the amount of \$27,980 for aquatic engineering design services for Phase 2, the repair of the pool wall gutter at the Los Baños Del Mar Pool.

Action: Approved the recommendations (September 26, 2006, report from the Public Works Director).

8. Subject: Purchase Orders For Professional Services For The Underground Utility Assessment District On Ferrelo Road (530.07)

Recommendation: That Council:

- A. Receive and file this report as a "Certificate of Sufficiency" that more than 60% of property owners have signed a petition for the proposed Underground Utility Assessment District (UUAD) on a portion of Ferrelo Road;
- B. Authorize the General Services Manager to issue Purchase Orders to Penfield & Smith (P&S) for Assessment Engineer Services in the amount of \$16,000 and for a Survey Map of the proposed Assessment District in the amount of \$5,500, respectively;
- C. Authorize the General Services Manager to issue a Purchase Order to Southern California Edison (SCE) for Design Engineering in the amount of \$12,000;
- D. Authorize the General Services Manager to issue a Purchase Order to Verizon Communications (Verizon) for Design Engineering in the amount of \$2,000;
- E. Authorize the General Services Manager to issue a Purchase Order to Cox Communications (Cox) for Design Engineering in the amount of \$500;
- F. Authorize the General Services Manager to issue a Purchase Order to Facilities Management Specialists (FMS) for Project Coordination for this and other City UUAD projects in the amount of \$90,000; and
- G. Authorize the General Services Manager to issue a Purchase Order to Steve Friesen Utility Consultant (SFUC) for Project Development for this and other City UUAD projects in the amount of \$9,500.

Action: Approved the recommendations (September 26, 2006, report from the Public Works Director).

9. Subject: Amended Covenant With Sharon And David Landecker To Modify The Kentia Palm Area At 2101 Mountain Avenue (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record an Amended Covenant Prohibiting Development and Improvements between the City of Santa Barbara and Sharon and David Landecker with respect to the Real Property located at 2101 Mountain Avenue, Assessor's Parcel No. 043-280-030, formerly called the Kentia Palm Preserve.

Action: Approved the recommendation; Agreement No. 22,213 (September 26, 2006, report from the Public Works Director).

10. Subject: Approval Of Final Map And Execution Of Agreements For 826 Bath Street (640.08)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,730 by CFJ Partners, LLC, a California Limited Liability Company, for a subdivision located at 826 Bath Street, Assessor's Parcel No. 037-041-022, and find the Final Map in conformance with the General Plan for the City of Santa Barbara (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. 22,214 (September 26, 2006, report from the Public Works Director).

11. Subject: Approval Of Final Map And Execution Of Agreements For 222 And 224 West Yanonali Street (640.08)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,734 by Del Mar Development of Santa Barbara, LLC, a California Limited Liability Company, for a subdivision located at 222 and 224 West Yanonali Street, Assessor's Parcel Nos. 033-033-019 and 033-033-020, and find the Final Map in conformance with the General Plan for the City of Santa Barbara (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. 22,215 (September 26, 2006, report from the Public Works Director).

12. Subject: Supervisory and Management Market Adjustments

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing Implementation of Salary Increases to Certain Supervisory and Management Classifications Over a Period of Three Fiscal Years; and
- B. 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 Finance and Police Departments.

Action: Approved the recommendations; Resolution Nos. 06-082 and 06-083 (September 26, 2006, report from the City Administrator).

NOTICES

- 13. The City Clerk has on Thursday, September 21, 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.
- 14. The public hearing scheduled for September 26, 2006, at 2:00 p.m. to hear an appeal of the Planning Commission's approval for 517 Chapala Street has been cancelled due to withdrawal of the appeal.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Horton reported that the Finance Committee met to review the August 2006 Investment Report, which was approved by the Council as part of this Agenda's Consent Calendar (Item No. 4).

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

ADMINISTRATIVE SERVICES DEPARTMENT

15. Subject: Approval Of Benefit Plans Effective January 1, 2007 (430.06)

Recommendation: That Council:

- A. Approve renewal of the Aetna and Kaiser medical plans;
- B. Approve the offering of an Aetna High Deductible Health Plan (HDHP) plan with an associated Health Savings Account (HSA) as an additional medical plan offering for optional HSA salary reduction deferrals for use in reimbursement of out-of-pocket medical expenses and/or savings for future retiree medical expenses;

(Cont'd)

15. (Cont'd)

- C. Approve renewal of the dental, vision, Employee Assistance Program (EAP), Flexible Spending Accounts, disability and life insurance plans;
- D. Approve the proposed modification to the Health Care and Dependent Care Flexible Spending Accounts to include a grace period of 2 and ½ months after each plan year to incur and redeem eligible expenses, effective for plan year 2006 for the grace period beginning January 1, 2007;
- E. Approve the restated Cafeteria Plan Documents to include provisions for the Health Savings Account as an additional optional benefit, the Flexible Spending Account grace period, and other administrative changes and clarifications; and
- F. Authorize the Administrative Services Director to execute any necessary benefit services contracts.

Documents:

September 26, 2006, report from the Administrative Services Director.

Speakers:

Staff: Administrative Services Director Marcelo Lopez, Benefits Analyst Clare Turner.

Motion:

Councilmembers Schneider/Horton to approve the recommendations; Agreement Nos. 22,216 – 22,219.

Vote:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

16. Subject: Grant For Sustainable Landscape Television Series And Update On City's Water Conservation Program (540.05)

Recommendation: That Council:

- A. Receive a grant from the U.S. Bureau of Reclamation in the amount of \$23,500 for developing and implementing the Sustainable Landscaping Television Series and Website Update;
- B. Increase the estimated 2006-2007 Water Fund Revenues by \$23,500 and appropriate the same to the 2006-2007 Water Fund Operating Budget; and
- C. Receive an update on the City's Water Conservation Program.

Documents:

- September 26, 2006, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.

(Cont'd)

16. (Cont'd)

Speakers:

Staff: Public Works Director Tony Nisich, Water Conservation Coordinator Alison Jordan, Water Resources Supervisor Bill Ferguson.

Motion:

Councilmembers Horton/Schneider to approve the recommendations.

Vote:

Unanimous voice vote.

17. Subject: Report on Flexwork Program (450.01)

Recommendation: That Council receive a status report on the Flexwork Program.

(Continued from September 19, 2006)

Documents:

September 19, 2006, report from the Public Works Director.

Speakers:

Staff: Public Works Director Tony Nisich, Mobility Coordinator Dru van Hengel.

By consensus, the Council received the report.

### WATERFRONT DEPARTMENT

18. Subject: Clean Marina Certification (570.03)

Recommendation: That Council receive a staff report on the Clean Marinas California program and certification of Santa Barbara Harbor as a "Clean Marina."

Documents:

- September 26, 2006, report from the Waterfront Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Harbor Operations Manager Mick Kronman, Waterfront Facilities Manager Karl Treiberg.

By consensus, the Council received the report.

## RECESS

Mayor Blum recessed the meeting at 4:16 p.m. in order for the Council to reconvene in closed session for Item Nos. 19 - 23, and stated there would be no reportable action taken during the closed sessions.

## CLOSED SESSIONS

### 22. 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. Pending litigation considered is: Daniel Secord v. City of Santa Barbara, WCAB, case number GOL Unassigned.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Continued from September 19, 2006)

Documents:

September 26, 2006, report from the Finance Director.

Time:

4:20 p.m. - 4:35 p.m.

No settlement approved.

### 23. 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. Pending litigation considered is: Alfred N. Katzenstein v. City of Santa Barbara, WCAB, case number OXN 0129396.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Continued from September 19, 2006)

Documents:

September 26, 2006, report from the Finance Director.

Time:

4:35 p.m. - 4:40 p.m.

No settlement approved.

21. 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 Homes on Wheels, et al., v. City of Santa Barbara, et al., Santa Barbara Superior Court Case No. 1112384.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Continued from September 19, 2006)

Documents:

September 26, 2006, report from the City Attorney.

Time:

4:40 p.m. - 4:50 p.m.

No settlement approved.

19. 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 Danielle Haarh v. City of Santa Barbara, et al., Santa Barbara Superior Court Case No. 1221241.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

September 26, 2006, report from the City Attorney.

Time:

4:50 p.m. - 5:00 p.m.

No settlement approved.

20. 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., Santa Barbara Superior Court Case Number 01111681.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

September 26, 2006, report from the City Attorney.

Time:

5:00 p.m. - 5:10 p.m.

No settlement approved.

## ADJOURNMENT

Mayor Blum adjourned the meeting at 5:10 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

\_\_\_\_\_  
MARTY BLUM  
MAYOR

ATTEST:

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LORI COLE  
DEPUTY CITY CLERK