



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING December 13, 2005 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:02 p.m. (The Ordinance Committee met at 12:30 p.m., and the Finance Committee met at 1:00 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

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

Councilmembers absent: Brian B. Barnwell.

Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

### PUBLIC COMMENT

Speakers: Bob Ludwick and Kathy Janega-Dykes.

Councilmember Barnwell entered the meeting at 2:14 p.m.

### COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Horton mentioned his attendance at a meeting of the Community Environmental Council to discuss energy reduction demand efficiency.
- Councilmember Schneider reported on the following recent meetings/events: 1) a meeting of the Arts Advisory Committee to consider re-instating the State of the Art Gallery; 2) the status of the design of the Lower Mission Creek project; and 3) the groundbreaking for the rehabilitation of the Transition House shelter.

(Cont'd)

Information (Cont'd):

- Councilmember Williams discussed the proceedings of recent meetings of the Beach Erosion Authority for Control, Operations and Nourishment (BEACON) and the Enhanced Transit Subcommittee; he also commented on the Milpas Street Christmas Parade.
- Councilmember Falcone remarked upon the annual Parade of Lights event held at the waterfront, and also reported on issues and projects considered by the Water Commission at its most recent meeting.
- Councilmember Barnwell mentioned the upcoming International Film Festival and thanked Bob Ludwick for his coordination of the Milpas Street Christmas Parade.

**CONSENT CALENDAR** (Item Nos. 1 – 16)

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

Motion:

Councilmembers Secord/Schneider to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

**1. Subject: 4th Of July Fireworks Agreement (230.02)**

Recommendation: That Council authorize the Parks and Recreation Director to execute an Agreement with Boom Boom Productions in the amount of \$40,000 for the 4th of July 2006 community fireworks display.

Action: Approved the recommendation; Agreement No. 21,910 (December 13, 2005, report from the Parks and Recreation Director).

**2. Subject: Certification of the Election Results of the Official Canvass for the General Municipal Election of November 8, 2005 (110.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Election Results of the Official Canvass for the General Municipal Election Held in the City on November 8, 2005.

Action: Approved the recommendation; Resolution No. 05-095 (December 13, 2005, Assistant City Administrator's report; proposed resolution).

**3. Subject: Approval Of Final Map And Execution Of Agreements For Ontare Hills Lane Subdivision At 1156 Ontare Road (640.08)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,705 by Wyncac IV, LLC, A California Limited Liability Company, for a nine-lot subdivision located at 1156 Ontare Road, Assessor's Parcel Number 055-160-028, and find the Final Map in conformance with the General Plan for the City of Santa Barbara (City);
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property;
- C. Approve and authorize the City Administrator to execute and record an Agreement for Land Development Improvements; and
- D. Acknowledge and authorize the City Clerk to record two Irrevocable Offers to Dedicate a Public Trail Access Easement to the City, per the Final Map.

Action: Approved the recommendations; Agreement Nos. 21,911 and 21,912 (December 13, 2005, Public Works Director's report).

**4. Subject: Approval Of Parcel Map And Execution Of Agreements For 500 North La Cumbre Road (640.08)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Parcel Map No. 20,721 by Robert D. Hart and Deborah D. Hart, husband and wife, and find the Parcel 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. 21,913 (December 13, 2005, Public Works Director's report).

**5. Subject: Approval Of Final Map And Execution Of Agreements For 1701 - 1704 La Vista Del Oceano Drive, And 1706 And 1708 La Vista Del Oceano Lane (640.08)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,707 by Vintage At The Mesa, Inc., a California Corporation, and find the Final Map in conformance with the General Plan for the City of Santa Barbara (City);

(Cont'd)

**5. (Cont'd)**

- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property;
- C. Approve and authorize the City Administrator to execute and record an Agreement for Land Development Improvements; and
- D. Acknowledge and authorize the City Clerk to record an Irrevocable Offer of Public Trail Easement for the portion of trail not a part of the Final Map, offered by adjacent property owner Leona Awanda Johnson Family Trust, to the City of Santa Barbara.

Action: Approved the recommendations; Agreement Nos. 21,914 and 21,915 (December 13, 2005, Public Works Director's report).

**6. Subject: Contract For The San Marcos Lift Station Abandonment Project (540.13)**

Recommendation: That Council:

- A. Pursuant to Section 519 of the City Charter, find that the materials, supplies, and services for installing a gravity wastewater main as part of the San Marcos Lift Station Abandonment Project can be purchased at a lower price in the open market and that the City may dispense with Public Bidding;
- B. Authorize the General Services Manager to issue a purchase order to Lash Construction, Inc. (Lash) in the amount of \$293,500 for the materials and installation of the gravity wastewater main, and authorize the General Services Manager to approve change order expenditures up to \$29,350 to cover work outside the original scope of work, for a total amount not to exceed \$322,850; and
- C. Authorize the General Services Manager to issue a purchase order to Carollo Engineers (Carollo) in the amount of \$9,113 for construction support services, and authorize the General Services Manager to approve expenditures up to \$900 for extra services of Carollo that may result from necessary changes in the scope of work, for a total amount not to exceed \$10,013.

Action: Approved the recommendations (December 13, 2005, Public Works Director's report).

**7. Subject: Contract For Design Of Airfield Safety Project - Tecolotito And Carneros Creeks Realignment (560.04)**

Recommendation: That Council authorize the Public Works Director to execute a contract with URS Corporation (URS) in the amount of \$52,680 for design for the Airfield Safety Project services, and authorize expenditures of up to \$5,260 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 21,916 (December 13, 2005, Public Works Director's report).

**8. Subject: Adoption Of Ordinance For Establishment Of A Staff Hearing Officer And Discretionary Review Process Amendments (650.01)**

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Titles 22, 27 and 28 of the Santa Barbara Municipal Code in Order to Establish a Staff Hearing Officer Position to Act on Certain Discretionary Review Projects and Other Miscellaneous Zoning Amendments; and
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Deleting Section 28.45.009 of the Santa Barbara Municipal Code in its Entirety and Adopting a New Chapter 28.44 of Title 28 of the Santa Barbara Municipal Code Amending the Provisions of the City's Coastal Overlay Zone.

Action: Approved the recommendations; Ordinance Nos. 5380 and 5381.

**9. Subject: Adoption Of Ordinance For Structural Building Code Amendments To The Municipal Code (640.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Section 22.04.020 Regarding Amendments to the California Building Code (2001 Edition).

Action: Approved the recommendation; Ordinance No. 5382.

**10. Subject: Adoption Of Ordinance For Lease Agreement With The Chandlery (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 with One Five-Year Option, with The Chandlery On The Breakwater, Incorporated, Commencing on February 1, 2006, For 483 Square Feet of Office Space Located at 125 Harbor Way, Suites 3, 4 and 5, at a Base Rent of \$1,304 Per Month, Subject To Annual Cost of Living Increases.

(Cont'd)

**10. (Cont'd)**

Action: Approved the recommendation; Ordinance No. 5383; Agreement No. 21,917.

**11. Subject: Approval Of Final Map And Execution Of Agreements And Setback Variance Request For 2109 Cliff Drive (640.08)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,718 by Cliff Drive, a California Limited Liability Company, and find the Final Map in conformance with the General Plan for the City of Santa Barbara (City);
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Setback Variance Request at 2109 Cliff Drive, Making the Findings Specified in Santa Barbara Municipal Code Section 28.84.013; and
- D. Approve and authorize the City Administrator to execute and record a Setback Variance Agreement for 2109 Cliff Drive.

Action: Approved the recommendations; Resolution No. 05-096; Agreement Nos. 21,918 and 21,919 (December 13, 2005, Public Works Director's report; proposed resolution).

**12. Subject: Contract Renewal For Executive Coordinator Of Looking Good Santa Barbara Program (530.01)**

Recommendation: That Council authorize the Public Works Director to negotiate and execute a three-year contract with Lorraine Cruz Carpenter in an amount not to exceed \$240,000 (\$80,000 per year) to provide executive coordination services for the Looking Good Santa Barbara program, as well as an additional \$5,000 per year, for a total of \$ 15,000, to cover any cost increases that may result from contract change orders for extra work.

Action: Approved the recommendation; Contract No. 21,920 (December 13, 2005, Public Works Director's report).

**NOTICES**

- 13. The City Clerk has on Thursday, December 8, 2005, 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. Received a letter of resignation from Transportation and Circulation Committee member Barry Siegel; the vacancy will be part of the next City Advisory Group recruitment. (670.03)
15. Cancellation of the regular Redevelopment Agency meeting of December 13, 2005, due to lack of business.
16. The public hearing scheduled for December 13, 2005, at 2:00 p.m. to hear an appeal of the Planning Commission's denial for 415 Alan Road/23 Wade Court has been cancelled due to withdrawal of the appeal.

This concluded the Consent Calendar.

### **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Iya Falcone reported that the Committee received a status report on nightlife issues in the downtown area, including the City's dance permit process. The Committee directed Staff to initiate amendments to Santa Barbara Municipal Code Chapter 5.20 (Dances, Dance Halls and Café Entertainment); Staff will return to the Committee in late April or early May 2006 following meetings with local organizations and the public.

### **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dan Secord reported that the Committee met to discuss the draft Living Wage Ordinance, particularly its fiscal impacts. The Committee will continue its consideration of this issue at a special meeting to be held December 20, 2005, at 12:00 p.m. in the Council Chamber.

### **MAYOR AND COUNCIL REPORTS**

#### **19. Subject: City Advisory Group Appointments (140.05)**

Recommendation: That Council make appointments to the City Advisory Groups.

Documents:

December 13, 2005, Assistant City Administrator's report.

Speakers:

- Staff: City Clerk Services Manager Cynthia Rodriguez, City Administrator James Armstrong.
- Members of the Public: Harley Augustino and George Solinas, PUEBLO.

(Cont'd)

**19. (Cont'd)**

**AIRPORT COMMISSION:**

**Motion:**

Councilmembers Secord/Horton to appoint Dolores Johnson and reappoint Karen Kahn.

**Vote:**

Unanimous voice vote.

**Appointments:**

Dolores Johnson was appointed and Karen Kahn was reappointed for terms expiring December 31, 2009.

**ARCHITECTURAL BOARD OF REVIEW:**

**Motion:**

Councilmembers Schneider/Horton to appoint Gary Mosel, Laurie Romano and Dawn Sherry.

**Vote:**

Unanimous voice vote.

**Appointments:**

Gary Mosel was appointed to represent the public at large, and Laurie Romano was appointed to the Landscape Architect category for terms expiring December 31, 2009; Dawn Sherry was appointed to the Professional Qualifications category for a term expiring December 31, 2008.

**ARTS ADVISORY COMMITTEE:**

**Nominees:**

Phyllis de Picciotto, Suzanne Fairly Green, Nils Hammerbeck, Tom Morey and Gail Pine.

**Vote:**

- For de Picciotto: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Williams, Mayor Blum.
- For Green: Councilmembers Barnwell, Falcone, Horton, Secord.
- For Hammerbeck: Councilmembers Schneider, Williams, Mayor Blum.
- For Morey: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Williams, Mayor Blum.
- For Pine: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Williams, Mayor Blum.

(Cont'd)

**19. (Cont'd)**

**ARTS ADVISORY COMMITTEE (CONT'D):**

Appointments:

Phyllis de Picciotto was reappointed, and Suzanne Fairly Green, Tom Morey, and Gail Pine were appointed for terms expiring December 31, 2009.

**CIVIL SERVICE COMMISSION:**

Nominees:

Monte Fligsten, Gabriel Garcia, Kathryn McKee and William Simms.

Vote:

- For Fligsten: None.
- For Garcia: Councilmembers Barnwell, Falcone, Horton, Schneider, Mayor Blum.
- For McKee: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Williams, Mayor Blum.
- For Simms: Councilmembers Secord, Williams.

Appointments:

Gabriel Garcia was appointed for a term expiring December 31, 2008, and Kathryn McKee was appointed for a term expiring December 31, 2009.

**COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE:**

Motion:

Councilmembers Falcone/Schneider to appoint Lorraine Cruz-Carpenter, Dorothy Littlejohn and Louise Stone, and reappoint Ella Surman.

Vote:

Unanimous voice vote.

Appointments:

Lorraine Cruz-Carpenter was appointed to represent the Downtown Neighborhood for a term expiring December 31, 2008; Dorothy Littlejohn was appointed to represent the Eastside Neighborhood, and Louise Stone was appointed to represent the Senior Community for terms expiring December 31, 2007; and Ella Surman was reappointed to represent the African American Community for a term expiring December 31, 2009.

(Cont'd)

**19. (Cont'd)**

**COMMUNITY EVENTS AND FESTIVALS COMMITTEE:**

**Motion:**

Councilmembers Williams/Secord to appoint Katrina Carl and Jason McCarthy.

**Vote:**

Unanimous voice vote.

**Appointments:**

Katrina Carl was appointed to represent the Marketing Industry, and Jason McCarthy was appointed to represent the Lodging Industry for terms expiring December 31, 2007.

**CREEKS ADVISORY COMMITTEE:**

**Nominees for Environmental/Land Use Expertise category:**

Eddie Harris, Daniel Waldman and George Weber.

**Vote:**

- For Harris: Councilmember Williams, Mayor Blum.
- For Waldman: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord.
- For Weber: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Williams, Mayor Blum.

**Motion:**

Councilmembers Barnwell/Schneider to reappoint Daniel Hochman to the Hotel/Lodging Industry category.

**Vote:**

Unanimous voice vote.

**Motion:**

Councilmembers Williams/Falcone to appoint Bruce Klobucher to the Ocean User category.

**Vote:**

Unanimous voice vote.

**Appointments:**

Daniel Waldman and George Weber were appointed to the Environmental/Land Use Expertise category, Daniel Hochman was reappointed to the Hotel/Lodging Industry category, and Bruce Klobucher was appointed to the Ocean User category, all for terms expiring December 31, 2007.

(Cont'd)

**19. (Cont'd)**

**DOWNTOWN PARKING COMMITTEE:**

Nominees for the City Resident category:  
Harley Augustino and Randy Rowse.

**Vote:**

- For Augustino: Councilmember Williams.
- For Rowse: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Mayor Blum.

**Motion:**

Councilmembers Schneider/Barnwell to appoint James Hammock (County resident).

**Vote:**

Unanimous voice vote.

**Appointments:**

James Hammock was appointed and Randy Rowse was reappointed for terms expiring December 31, 2009.

**FIRE AND POLICE COMMISSION:**

**Nominees:**

Janice Canby, Robert Handy and Patrick Lennon.

**Vote:**

- For Canby: Councilmembers Schneider, Secord, Williams, Mayor Blum.
- For Handy: Councilmembers Barnwell, Falcone, Horton, Secord, Williams.
- For Lennon: Councilmembers Barnwell, Falcone, Horton, Schneider, Mayor Blum.

**Appointments:**

Robert Handy was appointed for a term expiring December 31, 2007, and Patrick Lennon was appointed for a term expiring December 31, 2009.

**FIRE AND POLICE PENSION COMMISSION:**

**Motion:**

Councilmembers Barnwell/Schneider to appoint Richard Glaus.

**Vote:**

Unanimous voice vote.

(Cont'd)

**19. (Cont'd)**

**FIRE AND POLICE PENSION COMMISSION (CONT'D):**

Appointment:

Richard Glaus was appointed for a term expiring December 31, 2009.

**FRANKLIN CENTER ADVISORY COMMITTEE:**

Motion:

Councilmembers Barnwell/Falcone to appoint Gloria Desales and Araceli Villalpando.

Vote:

Unanimous voice vote.

Appointments:

Gloria Desales was appointed as a representative of Census Tract 8.01, and Araceli Villalpando was appointed as a representative of the public at large for terms expiring December 31, 2009.

**LOWER WESTSIDE CENTER ADVISORY COMMITTEE:**

Motion:

Councilmembers Horton/Schneider to appoint Mike Cuevas.

Vote:

Unanimous voice vote.

Appointment:

Mike Cuevas was appointed as a representative of the public at large for a term expiring December 31, 2009.

**WESTSIDE CENTER ADVISORY COMMITTEE:**

Motion:

Councilmembers Horton/Schneider to appoint Eliza Panizzon, Eriberto Torres, and Josephine Torres.

Vote:

Unanimous voice vote.

Appointments:

Eliza Panizzon and Eriberto Torres were appointed as representatives of the public at large for terms expiring December 31, 2009, and Josephine Torres was appointed as a representative of Census Tract 10 for a term expiring December 31, 2007.

(Cont'd)

**19. (Cont'd)**

**HARBOR COMMISSION:**

Nominees:

Jeff Escola and Ken Owen.

Vote:

- For Escola: Councilmember Secord.
- For Owen: Councilmembers Barnwell, Falcone, Horton, Schneider, Williams, Mayor Blum.

Appointment:

Ken Owen was reappointed for a term expiring December 31, 2009.

**HISTORIC LANDMARKS COMMISSION:**

Motion:

Councilmembers Barnwell/Williams to appoint Louise Boucher and reappoint Vadim Hsu.

Vote:

Unanimous voice vote.

Appointments:

Louise Boucher was appointed and Vadim Hsu was reappointed, as representatives of the public at large, for terms expiring December 31, 2009.

**HOUSING AUTHORITY COMMISSION:**

Motion:

Councilmembers Schneider/Falcone to reappoint Richard Nelson.

Vote:

Unanimous voice vote.

Appointment:

Richard Nelson was reappointed to the Senior Tenant category for a term expiring February 15, 2008.

**LIBRARY BOARD:**

Motion:

Councilmembers Horton/Barnwell to reappoint Jack Stoltz.

Vote:

Unanimous voice vote.

(Cont'd)

**19. (Cont'd)**

**LIBRARY BOARD (CONT'D):**

Appointment:

Jack Stoltz was reappointed for a term expiring December 31, 2009.

**PARK COMMISSION AND RECREATION COMMISSION:**

Nominees:

Ada Conner, Michael Jordan, and Daraka Larimore.

Vote:

- For Conner: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Williams.
- For Jordan: Councilmembers Barnwell, Falcone, Secord, Mayor Blum.
- For Larimore: Councilmembers Horton, Schneider, Williams, Mayor Blum.

Runoff Vote:

- For Jordan: Councilmembers Barnwell, Falcone, Secord.
- For Larimore: Councilmembers Horton, Schneider, Williams, Mayor Blum.

Appointments:

Ada Conner was reappointed for a term expiring December 31, 2009, and Daraka Larimore was appointed for a term expiring December 31, 2007.

**PLANNING COMMISSION:**

Motion:

Councilmembers Secord/Falcone to reappoint Harwood White.

Vote:

Unanimous voice vote.

Motion:

Councilmembers Secord/Barnwell to appoint Addison Thompson.

Vote:

Majority voice vote (Noes: Councilmembers Schneider, Williams, Mayor Blum).

(Cont'd)

**19. (Cont'd)**

PLANNING COMMISSION (CONT'D):

Appointments:

Addison Thompson was appointed and Harwood White was reappointed for terms expiring December 31, 2009.

Councilmember Secord left the meeting at 2:54 p.m.

RENTAL HOUSING MEDIATION TASK FORCE:

Motion:

Councilmembers Schneider/Barnwell to appoint Esther Aguilera and reappoint Daniel Herlinger and Marshall Sherrill.

Vote:

Unanimous voice vote (Absent: Councilmember Secord).

Appointments:

Esther Aguilera was appointed to the Tenant category, Daniel Herlinger was reappointed to the Homeowner category, and Marshall Sherrill was reappointed to the Landlord category, all for terms expiring December 31, 2009.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

FINANCE DEPARTMENT

**17. Subject: American Baptist Homes of the West (Valle Verde) Debt Issuance (280.01)**

Recommendation: That Council:

- A. Hold a Public Hearing at the request of the California Statewide Communities Development Authority (CSCDA) on the issuance of debt by CSCDA on behalf of American Baptist Homes of the West for projects including improvements at Valle Verde in Santa Barbara; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving a Tax-Exempt Bond Financing to be Issued by the California Statewide Communities Development Authority to Benefit American Baptist Homes of the West and Certain Affiliates.

Documents:

- December 13, 2005, Finance Director's report.
- Proposed Resolution.

(Cont'd)

**17. (Cont'd)**

The title of the resolution was read.

Public Comment opened:  
2:56 p.m.

Speakers:  
Staff: Finance Director Robert Peirson.

Public Comment closed:  
3:01 p.m.

Motion:  
Councilmembers Horton/Barnwell to approve recommendation B;  
Resolution No. 05-097.

Vote:  
Unanimous roll call vote (Absent: Councilmember Secord).

**PUBLIC WORKS DEPARTMENT**

**18. Subject: Downtown Parking Rate Adjustment (550.01)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adjusting Downtown Parking Fees and Amending Resolution No. 05-060 (Establishing Certain City Fees for Fiscal Year 2006).

Documents:

- December 13, 2005, Public Works Director's report.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Public Comment Opened:  
3:02 p.m.

Speakers:  
- Staff: Public Works Director Anthony Nisich, Transportation Manager Browning Allen.  
- Downtown Parking Committee: Chair Marshall Rose, Members Bill Medel, Randy Rowse.

(Cont'd)

**18. (Cont'd)**

Speakers (Cont'd):

- Members of the Public: Tom Williams, Eric Kelley, George Solinas, Harley Augustino.

Public Comment Closed:

3:41 p.m.

Motion:

Councilmembers Horton/Falcone to approve the recommendation;  
Resolution No. 05-098.

Vote:

Unanimous roll call vote (Absent: Councilmember Secord).

**RECESS**

3:42 p.m. – 3:58 p.m. Councilmember Secord was absent when the Council reconvened.

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

AIRPORT DEPARTMENT

**20. Subject: Airline Terminal Project Criteria Document (560.04)**

Recommendation: That Council approve the Airline Terminal Project Criteria Document (PCD), incorporating the comments and recommendations received from the Airline Terminal Design Subcommittee, Airport Commission, Architectural Board of Review, Historic Landmarks Commission and Planning Commission.

Documents:

- December 13, 2005, Airport Director's report.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Airport Director Karen Ramsdell.
- URS Corporation (Consultant to the City): Nabil Jammal.
- Airport Commission: Commissioner Bill Gilbert.

Motion:

Councilmembers Horton/Schneider to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Secord).

CITY ADMINISTRATOR

**21. Subject: Cancellation Of Certain Council Meetings In 2006 (120.09)**

Recommendation: That Council find that there will not be a quorum of Council on the following dates: January 3, January 17, February 21, May 30, July 4, August 29, September 5, November 28, December 26, 2006, and January 2, 2007.

Documents:

December 13, 2005, Assistant City Administrator's report.

Speakers:

Staff: City Administrator James Armstrong.

Motion:

Councilmembers Horton/Barnwell to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Secord).

PUBLIC WORKS DEPARTMENT (CONT'D)

**22. Subject: Yanonali Street Undergrounding Project (530.07)**

Recommendation: That Council:

- A. Authorize the Public Works Director to execute an Agreement for Relocation and Replacement of Overhead Transmission and Distribution Facilities with Underground Electrical Facilities, for relocation of Southern California Edison facilities in the 500 block of East Yanonali Street, in the net amount of \$420,402;
- B. Find it is in the best interest of the City to waive formal bid procedure as provided by Municipal Code Section 4.52.080(k), and authorize the General Services Manager to issue purchase orders in an additional aggregate amount of up to \$72,000 for relocation of telephone lines, installation of City communication conduits, change orders for this work, and other work required to complete the balance of the project; and
- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Joint Use Agreement with Southern California Edison Company Pertaining to the Use of Certain Portions of the 500 Block of East Yanonali Street and East Mason Street, and Granting an Easement Southerly of and Adjacent to the 500 Block of East Yanonali Street.

(Cont'd)

**22. (Cont'd)**

Documents:

- December 13, 2005, Public Works Director's report.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

Speakers:

Staff: Public Works Director Anthony Nisich, Water Resources Supervisor Bill Ferguson, City Attorney Stephen Wiley, Community Development Director Paul Casey.

Motion:

Councilmembers Barnwell/Schneider to direct the Planning Commission to reconsider the condition of approval for the desalination plant's permanent permit that resulted in this project, for possible amendment consistent with the Coastal Act; and further direct that the Commission limit its discussion to potential sites for the undergrounding of utilities other than Yanonali and Mason Streets.

Vote:

Majority voice vote (Noes: Councilmember Horton; Absent: Councilmember Secord).

**RECESS**

5:22 p.m. – 5:25 p.m.

**CLOSED SESSIONS**

**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. The pending litigation is Ruben Lino v. City of Santa Barbara, et al., SBSC Case Number 1159182.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

December 13, 2005, City Attorney's report.

Time:

5:25 p.m. – 6:00 p.m. Councilmember Secord was absent.

**23A. Subject: Public Employee Appointment (440.05)**

Recommendation: That Council hold a Closed Session, Pursuant to Section 54957 of the Government Code to Consider a Public Employee Appointment.

Title: Fire Chief.

Scheduling: Duration, 20 minutes; anytime

Report: Anticipated

Documents:

December 13, 2005, City Administrator's report.

Time:

6:00 p.m. – 6:08 p.m. Councilmember Secord was absent.

**RECESS**

6:08 p.m. – 6:13 p.m.

Mayor Blum presiding.

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

Councilmembers absent: Secord.

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

Announcement:

City Attorney Stephen Wiley reported that the Council met in closed session for Item No. 23, and no reportable action was taken. City Administrator Armstrong reported that the Council met in closed session for Item No. 23A and approved his appointment of Ron Prince as the City's new Fire Chief, effective January 30, 2006.

**PUBLIC COMMENT**

No one wished to speak.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

WATERFRONT DEPARTMENT

**24. Subject: Sea Otter Policy (630.10)**

Recommendation: That Council review and consider a draft letter to be sent to the U.S. Fish and Wildlife Service as part of the 90-day comment period on the Draft Supplemental Environmental Impact Statement on the Translocation of the Southern Sea Otter.

(Cont'd)

## 24. (Cont'd)

### Documents:

- December 13, 2005, Waterfront Director's report.
- December 13, 2005, letter from Lad Handelman.

### Speakers:

- Staff: Waterfront Director John Bridley, City Attorney Stephen Wiley, Community Development Director Paul Casey, City Administrator James Armstrong.
- Members of the Public: Mike McCorkle; Shiva Polefka and Linda Krop, Environmental Defense Center; Ada Babine, Sierra Club; Scott Westlotorn; Philip Beguhl; Maurie McGuire; Roberta Cordero; Lad Handelman.
- United States Fish & Wildlife Service: Greg Sanders.

### Motion:

Councilmembers Schneider/Horton to approve the draft letter with revisions to: 1) add a sentence at the end of the 2<sup>nd</sup> paragraph stating that the City supports efforts of the Fish & Wildlife Service to change zonal management practices and end translocation, 2) add a paragraph describing the ecological benefits afforded by the presence of otters in coastal waters, 3) change the phrase "hope USFW will" in the last sentence of the 3<sup>rd</sup> paragraph to read "strongly encourage the USFWS to", and 4) add a final sentence as follows: "The City also encourages Congress to remedy the inconsistency that will occur with the abolition of the translocation policy"; and direct Staff to send a copy of the letter to Congresswoman Lois Capps.

### Vote:

Unanimous voice vote (Absent: Councilmember Secord).

### Motion:

Councilmembers Williams/Falcone to direct Staff to return to Council with a resolution that rescinds Resolution No. 99-091 (which articulated Council's former policy regarding this issue).

### Vote:

Unanimous voice vote (Absent: Councilmember Secord).

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 7:41 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

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MARTY BLUM  
MAYOR

\_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK