



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING June 28, 2005 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 2:01 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: Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Helene Schneider, Dan B. Secord, Mayor Blum.

Councilmembers absent: Das Williams.

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

### CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring July 2005 As Parks And Recreation Month (120.04)**

Action: Proclamation presented to City Parks and Recreation Department representatives Terry Brown, Aja Valiante, and Anne Schley.

### CHANGES TO THE AGENDA

#### Item Removed from Agenda

Upon the recommendation of City Administrator James Armstrong, the following item was removed from the Agenda:

**24. 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, 10 minutes; anytime

Report: None anticipated

**PUBLIC COMMENT**

Speakers: Nancy Tunnell.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Horton mentioned his attendance, along with Mayor Blum and Councilmember Schneider, at a joint meeting of the three community center advisory committees.
- Councilmember Schneider reported on: 1) a Staff training on the concept of "green" building design; 2) the recent meeting of the League of California Cities' Environmental Quality Policy Committee; and 3) the status of Snowy Plover breeding.
- Councilmember Barnwell commented on events held by 1) Old Spanish Days to promote the "Spirit of Fiesta" for the current year, and 2) the Trust for Historic Preservation to demonstrate historic daily living practices at the Presidio.
- Mayor Blum remarked upon the 15<sup>th</sup> anniversary of the Painted Cave fire and the 80<sup>th</sup> anniversary of the 1925 earthquake, and she reminded citizens of the importance of disaster preparedness.

**CONSENT CALENDAR (Item Nos. 2 – 11 and 14 - 17)**

The titles of the ordinances and resolution related to Item Nos. 4 and 14 were read.

Motion:

Council/Agency members Horton/Schneider to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Council/Agency member Williams).

**2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting June 13, 2005 (cancelled due to withdrawal of appeal), and the regular meeting of June 14, 2005.

Action: Approved the recommendation.

**3. Subject: Service Agreement With Thresholds To Recovery, Inc., To Operate Sobering Center (520.04)**

Recommendation: That Council approve and authorize the Chief of Police to negotiate and execute a Service Agreement with Thresholds to Recovery, Inc., to operate the Sobering Station for one (1) fiscal year beginning July 1, 2005, and ending June 30, 2006, for annual fees not to exceed \$179,800.

Speakers:

Staff: Chief of Police Camarino Sanchez.

Action: Approved the recommendation; Agreement No. 21,737 (June 28, 2005, report from the Chief of Police).

**4. Subject: Adoption Of Ordinance For Adoption Of 2004 California Electrical 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 Chapter 22.04, Adopting by Reference the California Electrical Code (2004 Edition) and Adopting Revisions to Said Code.

Action: Approved the recommendation; Ordinance No. 5365.

**5. Subject: Approval Of Map And Agreements For 517 West Figueroa Street (640.08)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Parcel Map No. 20,700 by Union Pacific Railroad Company, a Corporation, for a two-lot subdivision located at 517 West Figueroa Street, APN 039-010-010, and find the Parcel Map in conformance with the General Plan and applicable specific plans 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 with Union Pacific Railroad Company, a Corporation; and

(Cont'd)

**5. (Cont'd)**

- C. Approve and authorize the City Administrator to execute and record an Agreement for Land Development Improvements with Steven A. Johnson, Developer.

Action: Approved the recommendations; Agreement Nos. 21,738 and 21,739 (June 28, 2005, Public Works Director's report).

**6. Subject: Ratification Of Budget For The Association Of Water Agencies (540.03)**

Recommendation: That Council ratify and authorize the Public Works Director to execute the Fiscal Year 2006 budget for the Association of Water Agencies of Santa Barbara County (AWASBC) in the amount of \$17,500.

Action: Approved the recommendation (June 28, 2005, Public Works Director's report).

**7. Subject: Fiscal Year 2005 Interim Financial Statements For The Eleven Months Ended May 31, 2005 (250.02)**

Recommendation: That Council accept the Fiscal Year 2005 Interim Financial Statements for the Eleven Months Ended May 31, 2005.

Action: Approved the recommendation (June 28, 2005, Finance Director's report).

**8. Subject: Approval Of Map And Agreements For 401 And 415 Chapala Street And 120 West Gutierrez Street (640.08)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,659 by Chapala One, LLC, for a Tentative Map approved by the Planning Commission on September 11, 2003, Resolution No. 055-03, located at 401 Chapala Street, APN 037-203-009, 415 Chapala Street, APN 037-203-023, and 120 West Gutierrez Street, APN 037-203-010, finding the Map in conformance with the General Plan and applicable specific plans of the City;
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property; and
- C. Approve and authorize the City Administrator to execute and record an Agreement for Land Development Improvements.

(Cont'd)

**8. (Cont'd)**

Action: Approved the recommendations; Agreement Nos. 21,740 and 21,741 (June 28, 2005, Public Works Director's report).

**9. Subject: Increase In Change Order Expenditure Authority For Santa Barbara Airport Security Upgrade Project (560.04)**

Recommendation: That Council approve additional change order expenditure authority for the Security Upgrade Project, Contract No. 21,606, in the amount of \$115,220, for a total change order expenditure authority of \$230,440.

Action: Approved the recommendation (June 28, 2005, Public Works Director's report).

**10. Subject: Rejection Of Bids For Santa Barbara Airport Tidal Restoration Project (560.04)**

Recommendation: That Council reject all bids for the construction of the Santa Barbara Airport (Airport) Tidal Restoration Demonstration Project in Goleta Slough Project, Bid No. 3383.

Action: Approved the recommendation (June 28, 2005, Public Works Director's report).

**11. Subject: Renewal Of Wharf Woody Agreement (670.08)**

Recommendation: That Council authorize the Waterfront Director to negotiate and execute an agreement with the Santa Barbara Metropolitan Transit District (MTD) for the Wharf Woody Shuttle service, in an amount not to exceed \$26,981.83.

Speakers:

- Staff: Transportation Manager Browning Allen.
- Santa Barbara Metropolitan Transit District: Executive Director Sherrie Fisher.

Action: Approved the recommendation; Agreement No. 21,742 (June 28, 2005, report from the Public Works and Waterfront Directors).

Agenda Item Nos. 12 and 13 appear in the Redevelopment Agency minutes.

**14. Subject: Adoption Of Ordinance And Resolution Amending The City-Redevelopment Agency Multi-Year Agreement (620.01)**

Recommendation:

- A. That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Agreement for Public Improvement, Public Transportation, and Administrative and Other Services Between the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara, and Repealing Ordinance No. 5301; and
- B. That the Agency Board adopt, by reading of title only, A Resolution of the Board of the Redevelopment Agency of the City of Santa Barbara Amending the Agreement for Public Improvement, Public Transportation, and Administrative and Other Services Between the Redevelopment Agency of the City of Santa Barbara and the City of Santa Barbara.

Action: Approved the recommendations; City Council Ordinance No. 5366 and Agreement No. 21,743; Redevelopment Agency Resolution No. 995 and Agreement No. 451 (June 28, 2005, Deputy Director's report; proposed ordinance and resolution).

**NOTICES**

- 15. The City Clerk has on Thursday, June 23, 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.
- 16. The public hearing originally scheduled for June 28, 2005, at 2:00 p.m. to hear an appeal of the Historic Landmarks Commission's approval for 29 State Street, has been rescheduled for July 19, 2005, at 2:00 p.m.
- 17. Cancellation of the regular City Council and regular Redevelopment Agency meeting of July 5, 2005, due to lack of a quorum.

This concluded the Consent Calendar.

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Iya Falcone reported that the Committee reviewed a request to amend the zoning ordinance allowing for the temporary overnight use of recreational vehicles. The Committee requested one revision to the draft amended ordinance, which will be submitted (along with a companion resolution) to the Council for its consideration.

## REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee reviewed and approved the following items: 1) Fiscal Year 2005 City Interim Financial Statements for the Eleven Months Ended May 31, 2005—see Agenda Item No. 7 for the Council's approval of these statements; 2) Fiscal Year 2005 Redevelopment Agency Interim Financial Statements for the Eleven Months Ended May 31, 2005 (see Redevelopment Agency minutes for the Agency's approval of these statements); 3) May 2005 Investment Report—this report was forwarded to the Council (Agenda Item No. 21); and 4) Subordinations for New Financing for Transition House—the Committee approved Staff recommendations for the subordination of two loans; these recommendations will be submitted to the Council and Agency for review in two weeks.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### ADMINISTRATIVE SERVICES DEPARTMENT

#### **18. Subject: General Municipal Election Of November 8, 2005 (110.03)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling and Giving Notice of the Holding of a General Municipal Election to Be Held in the City on Tuesday, November 8, 2005, for the Election of Certain Officers of the City as Required by the Provisions of the Charter;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to Be Held on November 8, 2005, with the Statewide Special Election to Be Held on That Date Pursuant to Section 10403 of the Elections Code; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at the General Municipal Election to be Held on Tuesday, November 8, 2005.

Documents:

- June 28, 2005, Assistant City Administrator's report.
- Proposed Resolutions.

The titles of the resolutions were read.

Speakers:

Staff: City Clerk Services Manager Cynthia Rodriguez.

(Cont'd)

**18. (Cont'd)**

Motion:

Councilmembers Secord/Falcone to approve the recommendations;  
Resolution Nos. 05-063 – 05-065.

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

FINANCE DEPARTMENT

**19. Subject: Supplemental Appropriation For Approved Labor Agreements (440.02)**

Recommendation: That Council appropriate \$1,068,164 from various City funds and to departments as specified in the Attachment, for costs associated with the approved labor agreements for the General, Treatment and Patrol, Supervisor, and Hourly Employee bargaining units, and confidential and management employees.

Documents:

June 28, 2005, Finance Director's report.

Speakers:

Staff: Assistant Finance Director Robert Samario.

Motion:

Councilmembers Horton/Schneider to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

**20. Subject: Statement Of Investment Policy And Delegation Of Investment Authority For Fiscal Year 2006 (260.01)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the Investment Policy for the City and Rescinding Resolution 04-055; and
- B. Authorize the City Administrator/City Clerk/City Treasurer to invest or reinvest funds, or to sell or exchange securities so purchased for the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara for Fiscal Year 2006.

(Cont'd)

**20. (Cont'd)**

Documents:

- June 28, 2005, Finance Director's report.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

Staff: Treasury Manager Cynthia Odell.

Motion:

Councilmembers Horton/Secord to approve the recommendations;  
Resolution No. 05-066.

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

**21. Subject: May 2005 Investment Report (260.02)**

Recommendation: That Council accept the May 2005 Investment Report.

Documents:

June 28, 2005, Finance Director's report.

Speakers:

Staff: Treasury Manager Cynthia Odell.

Motion:

Councilmembers Horton/Secord to accept the Report.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

PUBLIC WORKS DEPARTMENT

**22. Subject: Contract For Construction Of The Ortega Park Improvements Project (570.05)**

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Lash Construction, Incorporated (Lash), in their low bid amount of \$512,508 for construction of the Ortega Park Improvements Project, Bid No. 3431;

(Cont'd)

**22. (Cont'd)**

- B. Authorize the Public Works Director to approve expenditures up to \$51,251 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;
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers), in the amount of \$14,568, for construction support services and testing; and authorize the Public Works Director to approve expenditures of up to \$1,456 for extra services of Flowers that may result from necessary changes in the scope of work; and
- D. Increase appropriations and estimated revenues by \$270,200 in the General Fund Capital Improvement Fund based on a Proposition 12 Per Capita Grant Program application; and increase appropriations and estimated revenues by \$100,000 in the General Fund Capital Improvement Fund for a Proposition 40 Competitive Grant application.

Documents:

- June 28, 2005, Public Works Director's report.
- PowerPoint presentation prepared by Staff.

Speakers:

Staff: Assistant Public Works Director/City Engineer Pat Kelly, Landscape Architect Billy Goodnick, Transportation Manager Browning Allen.

Motion:

Councilmembers Barnwell/Secord to approve the recommendations; Contract Nos. 21,744 and 21,745.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

**MAYOR AND COUNCIL REPORTS**

**23. Subject: City Advisory Group Appointments (140.05)**

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

Documents:

June 28, 2005, Assistant City Administrator's report.

Speakers:

Staff: City Clerk Services Manager Cynthia Rodriguez.

(Cont'd)

**23. (Cont'd)**

**AIRPORT COMMISSION:**

Motion:

Councilmembers Secord/Schneider to appoint John Clark.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Appointment:

John Clark was appointed for a term expiring December 31, 2008.

**CENTRAL COAST COMMISSION FOR SENIOR CITIZENS:**

Motion:

Councilmembers Secord/Horton to appoint Dan Milstein.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Appointment:

Dan Milstein was appointed for a term expiring June 30, 2007.

**CIVIL SERVICE COMMISSION:**

Motion:

Councilmembers Secord/Horton to appoint Donna Lewis.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Appointment:

Donna Lewis was appointed for a term expiring December 31, 2007.

**COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE:**

Motion:

Councilmembers Horton/Secord to appoint Dr. Daniel Seymour to the Business Community/Economic Development category.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

(Cont'd)

**23. (Cont'd)**

Motion:

Councilmembers Schneider/Horton to appoint Cathy Cash to the Downtown Neighborhood category.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Motion:

Councilmembers Schneider/Falcone to reappoint Catherine Woodford as the Housing Authority Commission representative.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Appointments:

Dr. Daniel Seymour was appointed to the Business Community/ Economic Development category for a term expiring December 31, 2005, Cathy Cash was appointed to the Downtown Neighborhood category for a term expiring December 31, 2008, and Catherine Woodford was reappointed as the Housing Authority representative for a term expiring December 31, 2008.

**COMMUNITY EVENTS AND FESTIVALS COMMITTEE:**

Motion:

Councilmembers Schneider/Horton to appoint Elaine Mah to the Minority Community category.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Appointment:

Elaine Mah was appointed to the Minority Community category for a term expiring December 31, 2006.

**FRANKLIN CENTER ADVISORY COMMITTEE:**

Motion:

Councilmembers Horton/Schneider to appoint Ana Soto as a representative of the Franklin Center neighborhood (Census Tract 8.01) and Consuelo Delgado as a Public at Large representative.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

(Cont'd)

**23. (Cont'd)**

**FRANKLIN CENTER ADVISORY COMMITTEE (CONT'D):**

Appointments:

Ana Soto was appointed as a representative of Census Tract 8.01 for a term expiring December 31, 2008, and Consuelo Delgado was appointed as a representative of the Public at Large for a term expiring December 31, 2006.

**HOUSING AUTHORITY COMMISSION:**

Motion:

Councilmembers Schneider/Falcone to appoint Mary Johnston-de León as a Tenant representative.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Nominees For Public At Large Representatives:

Barbara Allen, Robert Niehaus and David P. Wass.

Vote:

- For Allen: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Mayor Blum.
- For Niehaus: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Mayor Blum.
- For Wass: None.

Appointments:

Mary Johnston-De León was appointed as a Tenant Representative for a term expiring June 30, 2006, and Barbara Allen was appointed and Robert Niehaus was reappointed as Public at Large representatives for terms expiring July 12, 2009.

**LIBRARY BOARD:**

Motion:

Councilmembers Falcone/Secord to appoint Eric Friedman.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Appointment:

Eric Friedman was appointed for a term expiring December 31, 2006.

(Cont'd)

**23. (Cont'd)**

**RENTAL HOUSING MEDIATION TASK FORCE:**

**Nominees For Homeowner Category:**

Ann Fryslie, Daniel Herlinger, Jack Hewett, Bill Hurst, Wayne Kosaka.

**Vote:**

- For Fryslie: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Mayor Blum.
- For Herlinger: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Mayor Blum.
- For Hewett: Councilmembers Barnwell, Falcone, Horton, Schneider, Secord, Mayor Blum.
- For Hurst: Councilmembers Falcone, Horton, Schneider, Secord, Mayor Blum.
- For Kosaka: Councilmember Barnwell.

**Motion:**

Councilmembers Secord/Falcone to appoint Silvio Di Loreto to the Landlord category.

**Vote:**

Unanimous voice vote (Absent: Councilmember Williams).

**Appointments:**

Ann Fryslie and Bill Hurst were appointed to the Homeowner category for terms expiring December 31, 2008, Silvio Di Loreto was appointed to the Landlord category for a term expiring December 31, 2007, Jack Hewett was appointed to the Homeowner category for a term expiring December 31, 2006, and Daniel Herlinger was appointed to the Homeowner category for a term expiring December 31, 2005.

**SIGN COMMITTEE:**

**Motion:**

Councilmembers Falcone/Secord to reappoint Dawn Ziemer as a Public at Large representative.

**Vote:**

Unanimous voice vote (Absent: Councilmember Williams).

**Appointment:**

Dawn Ziemer was reappointed as a Public at Large representative for a term expiring December 31, 2006.

(Cont'd)

**23. (Cont'd)**

**TRANSPORTATION AND CIRCULATION COMMITTEE:**

Motion:

Councilmembers Horton/Barnwell to appoint Mark Bradley and David Tabor.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Appointments:

Mark Bradley and David Tabor were appointed for terms expiring December 31, 2008.

**WESTSIDE CENTER ADVISORY COMMITTEE:**

Motion:

Councilmembers Schneider/Horton to reappoint Raquel Vela Mendoza as a representative of the Westside neighborhood (Census Tract 10) and appoint Gloria Franco as a representative of the Public at Large.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Appointments:

Raquel Vela Mendoza was reappointed as a representative of Census Tract 10 for a term expiring December 31, 2008, and Gloria Franco was appointed as a Public at Large representative for a term expiring December 31, 2008.

**RECESS**

3:14 p.m. – 3:30 p.m.

**CLOSED SESSIONS**

**25. 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 City of Santa Barbara v. Wilbur Smith & Associates, Ventura County Superior Court Case No. 226424.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Cont'd)

**25. (Cont'd)**

Documents:

June 28, 2005, City Attorney's report.

Time:

3:30 p.m. – 4:15 p.m.

No settlement approved.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 4:15 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

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

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