



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
December 4, 2001
COUNCIL CHAMBER, DE LA GUERRA PLAZA**

CALL TO ORDER

Mayor Pro Tempore Dan B. Secord called the meeting to order at 2:00 p.m. (The Ordinance Committee met at 1:00 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 Pro Tempore Secord.

ROLL CALL

Councilmembers present: Marty Blum, H. P. Fairly, Gilbert Garcia, Mayor Pro Tempore Secord.

Councilmembers absent: Gregg A. Hart, Tom Roberts, Mayor Harriet Miller.

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

CEREMONIAL ITEMS

Presentations

1. SUBJECT: EMPLOYEE RECOGNITION - SERVICE AWARDS (410.01)

RECOMMENDATION: That Council authorize James L. Armstrong, City Administrator, to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through December 31, 2001.

(Cont'd)

1. (Cont'd)

DOCUMENTS:

November 30, 2001, City Administrator's report.

SPEAKERS:

Staff: City Administrator James Armstrong.

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

20-Year Pin

James Scott, Public Works
Philip Walker, Public Works

10-Year Pin

Jason Bryan, Parks and Recreation

5-Year Pin

Dorine Villalpando, Finance
Manuel Cardoso, Library

Councilmember Hart arrived at the meeting at 2:03 p.m.

PUBLIC COMMENT

SPEAKERS: Peter Howorth and Ken Loch.

CONSENT CALENDAR (Item Nos. 2 - 10)

MOTION:

Councilmembers Fairly/Garcia to approve the Consent Calendar as recommended.

VOTE:

Unanimous voice vote (Absent: Councilmember Roberts, Mayor Miller).

2. SUBJECT: LEASE AGREEMENT WITH D & J TRUCKING, AT THE AIRPORT (330.04)

RECOMMENDATION: That Council approve and authorize the City Administrator to execute a three-year Lease Agreement with D & J Trucking, a California Corporation, for 21,642 square feet of land at 40 David Love Place, at the Santa Barbara Municipal Airport, commencing November 1, 2001, and ending October 31, 2004, for a total monthly rental of \$3,903, exclusive of utilities.

(Cont'd)

2. (Cont'd)

ACTION: Approved the recommendation; Agreement No. 20,464 (November 30, 2001, City Administrator's report).

3. SUBJECT: APPROVE THE COOPERATIVE PURCHASE OF A HAZARDOUS MATERIALS RESPONSE VEHICLE (340.08)

RECOMMENDATION: That Council:

- A. Find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code 4.52.080(k) for the purchase of one (1) Hazardous Materials Response Vehicle in cooperation with the City of Arlington, Texas; and
- B. Authorize the General Services Manager to issue a purchase order to Super Vacuum Mfg., Inc., of Loveland, Colorado, in the amount of \$382,715.00 for the assembly and delivery of one (1) Hazardous Materials Response Vehicle meeting the same specifications as the vehicle assembled for and delivered to the City of Arlington, Texas.

ACTION: Approved the recommendations (November 30, 2001, City Administrator's report).

4. SUBJECT: NOTICE OF COMPLETION - PAVEMENT PREPARATION 2000-2001 (AREA B), CONTRACT NO. 20,324 (530.04)

RECOMMENDATION: That Council accept the work completed by Lash Construction Inc., Contract No. 20,324, for the Pavement Preparation 2000-2001 (Area B) Project, Bid No. 3307, located in Maintenance Zone B, in the final contract amount of \$335,106.13, including approved changes, and approve filing of a Notice of Completion.

ACTION: Approved the recommendation (November 30, 2001, City Administrator's report).

5. SUBJECT: REQUEST FROM DOWNTOWN ORGANIZATION TO USE STORKE PLACITA FOR TUBACHRISTMAS EVENT AND FOR WAIVER OF EVENT FACILITY USE FEES (570.05)

RECOMMENDATION: That Council approve and authorize the Parks and Recreation Director to issue a facility use permit and waive the \$50 facility use fee for the "TubaChristmas" event as requested by the Downtown Organization.

(Cont'd)

5. (Cont'd)

ACTION: Approved the recommendation (November 7, 2001, letter from the Santa Barbara Downtown Organization; November 30, 2001, City Administrator's report).

NOTICES

6. The City Clerk has on Friday, November 30, 2001, at 3:00 p.m. posted this agenda in the Office of the City Clerk and on the City Hall Public Notice Board on the outside balcony of City Hall.
7. Ordinance Committee meeting, December 4, 2001, at 1:00 p.m. in the Council Chamber for consideration of View Dispute Resolution Process. (120.03)
8. Redevelopment Agency meeting, December 4, 2001, at 2:00 p.m. in the Council Chamber. (620.03)
9. Joint City Council/Redevelopment Agency meeting, December 4, 2001, at 2:00 p.m. to consider Item No. 12 on the Council Agenda and Item No. 3 on the Redevelopment Agency Agenda. (620.03)
10. Cancellation of the regular City Council meetings of December 18 and December 25, 2001, and January 1, 2002, due to lack of a quorum. (120.09)

This completed the Consent Calendar.

REPORT FROM ORDINANCE COMMITTEE

11. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Marty Blum reported that the Committee had continued its discussion of the proposed View Dispute Resolution Process. The Committee approved the draft ordinance establishing this process, and the ordinance will be submitted to Council in January for introduction and subsequent adoption.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY SESSION

The City Council and the Redevelopment Agency convened in joint session at 2:07 p.m.

ADMINISTRATIVE REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

12. SUBJECT: REDEVELOPMENT AGENCY ANNUAL REPORT (620.03)

RECOMMENDATION: That Council:

- A. Receive, accept, and approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2001, consisting of:
 - 1. Auditor's Opinion and Financial Statements; and
 - 2. Auditor's Compliance Report; and
- B. Review and approve the Annual Report for the Fiscal Year ended June 30, 2001, and direct staff to submit copies of the Annual Report to the California State Controller's Office.

(To be considered with Redevelopment Agency
Agenda Item No. 3)

CITY COUNCIL DOCUMENTS:

- November 30, 2001, City Administrator's report.
- Annual Report for the Fiscal Year Ended June 30, 2001.
- PowerPoint presentation made by Staff.

REDEVELOPMENT AGENCY DOCUMENTS:

- November 30, 2001, Executive Director's report recommending that the Redevelopment Agency Board:
- A. Receive, accept, and approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2001, consisting of:
 - 1. Auditor's Opinion and Financial Statements; and
 - 2. Auditor's Compliance Report; and
 - B. Convey the Annual Report to the City Council for receipt, acceptance, and approval.

SPEAKERS:

Staff: Housing and Redevelopment Manager David Gustafson, Finance Director/Treasurer Robert Peirson, Acting City Attorney/Acting Agency Counsel Stephen Wiley.

(Cont'd)

12. (Cont'd)

MOTION:

Council/Agency members Blum/Garcia to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Council/Agency member Roberts, Mayor/Chairperson Miller).

The City Council and Redevelopment Agency joint session concluded at 2:44 p.m.

RECESS

2:44 p.m. - 2:45 p.m., during which time the remainder of the Redevelopment Agency agenda was completed.

ADMINISTRATIVE REPORTS (Cont'd)

PUBLIC WORKS DEPARTMENT

13. SUBJECT: PLANNING COMMISSION RECOMMENDATIONS;
ENVIRONMENTAL FINDINGS; AND PROFESSIONAL SERVICES CONTRACT
WITH PENFIELD & SMITH ENGINEERS, INCORPORATED, FOR LOWER
MISSION CREEK FLOOD CONTROL PROJECT (530.03)

RECOMMENDATION: That Council:

- A. Consider the recommendations made by the Planning Commission at its June 28, 2001, meeting;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for the Lower Mission Creek Flood Control Project, with Regard to the Environmental Findings and a Statement of Overriding Considerations; and
- C. Authorize the City Administrator to execute a contract with Penfield & Smith Engineers, Incorporated (P&S) for professional services to assist staff in the management of the Lower Mission Creek Flood Control Project, at a total fee not to exceed \$100,000 including reimbursable expenses.

DOCUMENTS:

- November 30, 2001, City Administrator's report.
- Proposed Resolution.

(Cont'd)

13. (Cont'd)

DOCUMENTS (Cont'd):

- Lower Mission Creek Flood Control Feasibility Study (including a Final Environmental Impact Statement), prepared by the U.S. Army Corps of Engineers and dated September 2000.
- December 3, 2001, letter from the Environmental Defense Center.

SPEAKERS:

- Staff: Project Planner Jan Hubbell, City Engineer Pat Kelly, Acting City Attorney Stephen Wiley, Creeks Restoration/Clean Water Manager Jill Zachary.
- Member of the Public: Steve Velyvis, Environmental Defense Center/Santa Barbara ChannelKeeper.

MOTION:

Councilmembers Hart/Blum to approve the recommendations; Resolution No. 01-137, revised to add a statement accepting the Coastal Commission conditions as mitigation measures for the project; Contract No. 20,465.

VOTE:

Unanimous roll call vote (Absent: Councilmember Roberts, Mayor Miller).

RECESS

3:45 p.m. - 3:54 p.m. Councilmember Blum was absent when the Council reconvened.

ORDINANCES FOR INTRODUCTION

14. SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING THE LOCAL COASTAL PROGRAM FOR THE AVIATION FACILITIES PLAN (650.04)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 29 of the Santa Barbara Municipal Code to Incorporate the Aviation Facilities Plan and Associated Land Use Designation Changes.

(Cont'd)

14. (Cont'd)

DOCUMENTS:

- November 30, 2001, City Administrator's report.
- Proposed Ordinance.

MOTION:

Councilmembers Garcia/Fairly to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Councilmembers Blum and Roberts, Mayor Miller).

15. SUBJECT: AMENDMENT TO 2001-2003 POLICE MOU (440.02)

RECOMMENDATION: That Council ratify an amendment to the Memorandum of Understanding between the City and the Santa Barbara Police Officers Association for the period of July 1, 2001, through June 30, 2003, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers Association.

DOCUMENTS:

- November 30, 2001, City Administrator's report.
- Proposed Ordinance.

MOTION:

Councilmembers Garcia/Fairly to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Councilmembers Blum and Roberts, Mayor Miller).

Councilmember Blum returned to the meeting at 3:57 p.m.

ORDINANCES FOR ADOPTION

16. SUBJECT: AMENDMENT TO THE GOLF CONCESSION AGREEMENT AT THE SANTA BARBARA MUNICIPAL GOLF COURSE (330.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Golf Concession Agreement at the Santa Barbara Municipal Golf Course Minimum Concession Fee Consumer Price Index (CPI) Adjustment and Administrative Manual. (Introduced on November 27, 2001)

DOCUMENTS:

- Previous documents submitted November 27, 2001.
- Proposed Ordinance.

SPEAKERS:

Staff: Parks and Recreation Director Richard Johns, Assistant City Attorney N. Scott Vincent.

MOTION:

Councilmembers Fairly/Blum to approve the recommendation; Ordinance No. 5210; Agreement No. 19,521.1.

VOTE:

Unanimous roll call vote (Absent: Councilmember Roberts, Mayor Miller).

RECESS

4:00 p.m. - 4:02 p.m.

CLOSED SESSIONS

17. SUBJECT: CONFERENCE WITH LEGAL COUNSEL--PENDING LITIGATION (160.03)

RECOMMENDATION: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *City of Santa Barbara v. Jordano's, and related cross-actions*, SBSC Case No. 228693.

Scheduling: Duration, 10 minutes; anytime

(Cont'd)

17. (Cont'd)

DOCUMENTS:

November 30, 2001, City Attorney's report.

TIME:

4:02 p.m. - 4:15 p.m. Mayor Miller and Councilmember Roberts were absent.

RECESS

4:15 p.m. - 4:16 p.m.

ANNOUNCEMENT

The City Council reconvened in the Council Chamber. Acting City Attorney Stephen Wiley reported that in closed session Council voted unanimously to authorize the City Attorney to accept the written offer of Jordano's to settle this case, which resulted from an accident involving employees of the City and Jordano's. Both parties will dismiss their lawsuits against each other; Jordano's will pay \$179,300 to the City and will take an assignment of the City's worker's compensation lien of \$363,278. The City will retain its right to seek reimbursement of its costs in excess of the lien by way of a credit against any settlement or verdict entered in litigation between the City's employee and Jordano's.

ADJOURNMENT

Mayor Pro Tempore Secord adjourned the meeting at 4:18 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

DAN B. SECORD
MAYOR PRO TEMPORE

SUSAN TSCHECH
DEPUTY CITY CLERK