



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 23, 2003 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Dan B. Secord called the joint meeting of the City Council and the Redevelopment Agency to order at 2:00 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance 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: H. P. Fairly, Iya G. Falcone, Babatunde Fodayemi, Gregg A. Hart, Roger L. Horton, Mayor Pro Tempore Secord.

Councilmembers absent: Mayor Marty Blum.

Staff present: City Administrator James L. Armstrong, City Attorney Daniel J. Wallace, Senior Deputy City Clerk Roxanne Fiorillo.

CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING THE WEEK OF SEPTEMBER 21-27, 2003, AS NATIONAL ADULT DAY CARE SERVICES WEEK (120.04)

ACTION: Proclamation presented to Chris Jones, President of the Board for Friendship Adult Day Care Center.

PUBLIC COMMENT

SPEAKERS: Michael Magne.

CONSENT CALENDAR (Item Nos. 2 – 8)

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

MOTION:

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

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

2. **SUBJECT: CHANGES TO PARKING VIOLATION PENALTIES AND RELATED FEES RESOLUTION (550.01)**

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Schedule of Parking Violation Penalties and Related Fees, and Rescinding Resolution 03-056.

ACTION: Approved the recommendation; Resolution No. 03-090. (September 23, 2003, City Administrator's report).

3. **SUBJECT: ACCEPTANCE OF REUSE ASSISTANCE GRANT (630.01)**

RECOMMENDATION: That Council:

- A. Accept a Reuse Assistance Grant from the California Integrated Waste Management Board in the amount of \$46,105.32 for Fiscal Years 2004 and 2005;
- B. Increase Fiscal Year 2004 Solid Waste Fund revenues in the amount of \$46,105.32 and appropriate same to the Fiscal Year 2004 Solid Waste Budget; and
- C. Authorize the General Services Manager to issue a Purchase Order in an amount not to exceed \$33,105.32 to Art From Scrap, a subsidiary of the Community Environmental Council (CEC), for the development of a Reuse Campaign to promote and increase reuse activities in the City of Santa Barbara.

ACTION: Approved the recommendations (September 23, 2003, City Administrator's report).

4. **SUBJECT: COMMUNITY PROMOTION CONTRACT WITH SUMMER SOLSTICE CELEBRATION, INC. (180.02)**

RECOMMENDATION: That Council approve and authorize the Finance Director to execute the Community Promotion contract with Summer Solstice Celebration, Inc., in the amount of \$45,914 to support year-round salary and administrative expenses for October 1, 2003, through September 30, 2004.

(Cont'd)

4. (Cont'd)

SPEAKERS:

Summer Solstice Celebration, Inc.: Executive Director Claudia Bratton.

ACTION: Approved the recommendation; Contract No. 21,136.
(September 23, 2003, City Administrator's report).

5. **SUBJECT: CACHUMA OPERATION AND MAINTENANCE BOARD AWARD OF CONTRACT FOR BRADBURY DAM RADIAL GATES MAINTENANCE AND MODIFICATION PROJECT (540.03)**

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara to Approve, and Authorize the City Administrator to Execute, an Amendment to the Amended and Restated Agreement for the Establishment of a Board of Control to Operate and Maintain the Cachuma Project - Cachuma Operation and Maintenance Board; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Ratifying a Decision of the Cachuma Operation and Maintenance Board to Enter into a Contract Agreement with Whitaker Contractors, Inc.

SPEAKERS:

Staff: Water Supply Manager Steve Mack.

ACTION: Approved the recommendations; Resolution No. 03-091.
(September 23, 2003, City Administrator's report).

6. **SUBJECT: INCREASED SERVICES FOR BREAKWATER CAP REPAIR (570.03)**

RECOMMENDATION: That Council increase the authorization for the Public Works Director to approve payment for changes in the scope of services, from \$6,700 to \$29,200, under Contract No. 20,081, with Penfield & Smith Engineers, Incorporated (P&S), for final design services for the Breakwater Cap Repair Project.

ACTION: Approved the recommendation (September 23, 2003, City Administrator's report).

7. SUBJECT: AIRLINE RATES AND CHARGES FOR FISCAL YEAR 2004
(560.01)

RECOMMENDATION: That Council:

- A. Approve the Fiscal Year 2004 airline rates and charges for airline landing fees of \$1.76 per thousand pounds of gross landed weight, and Airline Terminal annual square footage rental rate of \$58.51, for all commercial air carrier operations at Santa Barbara Airport, effective October 1, 2003, through September 30, 2004; and
- B. Authorize the Airport Director to negotiate and execute the following Airline Operating Permits with:
 - 1. American Eagle Airlines, Inc., a California Corporation, for 1,212 square feet of Airline Terminal space at a monthly rental of \$5,910, a pro-rata share of the Joint Use Bag Claim Area and Holdroom at \$3,264 per month, plus storage space in Building 122 at \$100 per month, at the Santa Barbara Airport, for the one-year term October 1, 2003, to September 30, 2004;
 - 2. Mesa Airlines, Inc., a Nevada Corporation, dba America West Express, for 1,303 square feet of Airline Terminal space at a monthly rental of \$6,353, a pro-rata share of the Joint Use Bag Claim and Holdroom at \$3,794 per month, plus storage space in Building 122 at \$100 per month, at the Santa Barbara Airport, for the one-year term October 1, 2003, to September 30, 2004;
 - 3. Horizon Air, a Washington Corporation, for 118 square feet of Airline Terminal space at a monthly rental of \$575, plus a pro-rata share of the Joint Use Bag Claim and Holdroom at \$2,694 per month, at the Santa Barbara Airport, for the one-year term October 1, 2003, to September 30, 2004;
 - 4. SkyWest Airlines, Inc., a Utah Corporation, dba United Express and the Delta Connection, for 6,162 square feet of Airline Terminal space at a monthly rental of \$30,045, a pro-rata share of the Joint Use Bag Claim and Holdroom at \$10,768 per month, plus storage space in Building 122 at \$100 per month, at the Santa Barbara Airport, for the one-year term October 1, 2003, to September 30, 2004;
 - 5. Air Wisconsin Airlines, Inc., a Delaware Corporation, dba United Express, for a pro-rata share of the Joint Use Bag Claim and Holdroom at \$2,589 per month, at the Santa Barbara Airport, for the one-year term October 1, 2003, to September 30, 2004; and
 - 6. Comair, Inc., an Ohio Corporation, dba the Delta Connection, for a pro-rata share of the Joint Use Bag Claim and Holdroom at \$2,063 per month, at the Santa Barbara Airport, for the one-year term October 1, 2003, to September 30, 2004.

ACTION: Approved the recommendations; Agreement Nos. 21,137 - 21,142. (September 23, 2003, City Administrator's report).

NOTICES

8. The City Clerk has on Thursday, September 18, 2003, 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.

This concluded the Consent Calendar.

FINANCE COMMITTEE REPORT

9. SUBJECT: FINANCE COMMITTEE AGENDA, SEPTEMBER 23, 2003, 1:00 P.M., IN ROOM 15 (120.03)
 - A. Subordinations for Refinancing of Two Housing Authority Projects; and
 - B. August 2003 Investment Report (see Agenda Item No. 11).

10. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Gregg Hart reported that the Committee had considered and approved a request from the Housing Authority for subordinations for refinancing of two Housing Authority projects which will be brought to Council next week.

11. SUBJECT: AUGUST 2003 INVESTMENT REPORT (260.02)

RECOMMENDATION: That Council accept the August 2003 Investment Report.

DOCUMENTS:

September 23, 2003, Finance Director's report.

SPEAKERS:

Staff: Treasury Manager Cynthia Odell.

MOTION:

Councilmembers Horton/Hart to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Mayor Pro Tempore Secord reported on his attendance at a meeting in Fresno with representatives of the League of California Cities.

COUNCIL AND STAFF COMMUNICATIONS

Councilmember Horton reported on a meeting with a citizen regarding biodiesel fuel.

ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

12. SUBJECT: CONTRACT FOR EL ESTERO WASTEWATER TREATMENT PLANT BLOWER (540.13)

RECOMMENDATION: That Council:

- A. Find it in the City's best interests to waive the formal bid procedure as authorized by Municipal Code Section 5.42.080(k) and authorize the Public Works Director to negotiate and execute a contract, subject to the approval of the City Attorney, in an amount not to exceed \$1,036,211 with Quantum Energy Services and Technologies, Inc. (Quantum), a California Public Utilities Commission (CPUC) third party provider, for the installation of a blower;
- B. Authorize the Public Works Director to approve extra services for Quantum that may result from necessary changes in the scope of work at a total amount not to exceed \$124,345;
- C. Authorize the General Services Manager to issue a purchase order in the amount of \$10,852, to Carollo Engineers for third party review of plans and specifications; and
- C. Authorize a reallocation of \$1,183,908 from the Sewer Main Replacement Project to the Wastewater Strategic Plan Program to pay for costs associated with blower installation.

DOCUMENTS:

September 23, 2003, Public Works Director's report.

SPEAKERS:

Staff: Water Resources Supervisor Rebecca Bjork.

MOTION:

Councilmembers Fairly/Hart to approve the recommendations; Contract No. 21,143.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

13. SUBJECT: CONTRACT FOR SHEFFIELD WATER QUALITY PROJECT PERMANENT RESERVOIRS (540.09)

RECOMMENDATION: That Council:

- A. Increase Fiscal Year 2004 estimated Sheffield Capital Fund Revenues by \$5,929,000, and appropriate the same amount to the Sheffield Water Quality Project;
- B. Approve the reprogramming of \$2,000,000 from a Fiscal Year 2004 Water Fund Capital Project to the Sheffield Water Quality Project;

(Cont'd)

13. (Cont'd)

- C. Waive a minor bid irregularity associated with the bid submitted by SSC Construction, Inc. (SSC), and authorize the Public Works Director to execute a contract with SSC in their low bid amount of \$13,739,227 for construction of the Sheffield Water Quality Project Permanent Reservoirs (Sheffield Project), Bid No. 3314, and authorize the Public Works Director to approve expenditures up to \$859,283 to cover any cost increases that may result from contract change orders for extra work;
- D. Authorize the Public Works Director to execute a contract with Penfield & Smith Engineers, Inc. (P&S), for \$1,350,000 to provide construction management during construction, and authorize the Public Works Director to approve expenditures to P&S up to \$65,000 to cover any cost increases that may result from contract change orders for extra work; and
- E. Authorize the Public Works Director to execute a contract with Carollo Engineers (Carollo) for \$422,782 to provide engineering support during construction, and authorize the Public Works Director to approve expenditures to Carollo up to \$35,000 to cover any cost increases that may result from contract change orders for extra work.

DOCUMENTS:

- September 23, 2003, Public Works Director's report.
- PowerPoint presentation made by Public Works Staff.

SPEAKERS:

- Staff: Water Resources Manager Bob L. Roebuck, Principal Civil Engineer John C. Schoof.

MOTION:

Councilmembers Horton/Folayemi to approve the recommendations;
Contract Nos. 21,144 – 21,146.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

COMMUNITY DEVELOPMENT DEPARTMENT

14. SUBJECT: FINAL ECONOMIC DEVELOPMENT DESIGNATION FOR 111 AND 115 EAST VICTORIA STREET (640.09)

RECOMMENDATION: That Council find that the proposed project by Penfield & Smith, located at 111 & 115 East Victoria Street, would enable the company to continue its services that enhance the standard of living for City and South Coast residents and strengthen the local and regional economy, and grant the project a Final Economic Development Designation for 7,905 square feet of floor area.

(Cont'd)

14. (Cont'd)

DOCUMENTS:

- September 23, 2003, Community Development Director's report.
- PowerPoint presentation made by Community Development Staff.

SPEAKERS:

- Staff: Assistant Planner Jessica Grant, Community Development Director Paul Casey, Supervising Transportation Planner Rob Dayton, City Attorney Daniel J. Wallace.
- Penfield and Smith: President Danny G. Wynn.

RECESS

3:37 p.m. – 3:48 p.m.

SPEAKERS: (Cont'd)

- Members of the Public: Robert Chyla, Dan Shiells, Bob Grant.
- Planning Commission: Commissioner Grant House.

MOTION:

Councilmembers Falcone/Horton to approve the recommendation.

VOTE:

Majority voice vote (Ayes: Councilmembers Fairly, Falcone, Hart, Horton; Noes: Councilmember Fodayemi, Mayor Pro Tempore Secord; Absent: Mayor Blum).

15. SUBJECT: FEASIBILITY STUDY OF BUILDING HOUSING OVER CITY PARKING LOTS (660.01)

RECOMMENDATION: That Council receive a study prepared by Economic and Planning Systems to examine the feasibility of developing housing over City-owned surface parking lots and defer further action at this time.

DOCUMENTS:

September 23, 2003, Community Development Director's report.

SPEAKERS:

- Staff: Community Development Director Paul Casey, Project Planner Simon Kiefer.
- Economic Planning Systems: Managing Principal Walter Kieser.

MOTION:

Councilmembers Falcone/Horton to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

PUBLIC HEARING

16. SUBJECT: DRAFT INCLUSIONARY HOUSING PROGRAM (660.01)

RECOMMENDATION: That Council:

- A. Receive a presentation from Planning Staff on the Draft Inclusionary Housing Program for the City of Santa Barbara and take public input; and
- B. Initiate an Inclusionary Housing Ordinance for future Council introduction and subsequent adoption.

DOCUMENTS:

- September 23, 2003, Community Development Director's report.
- September 23, 2003, letter from Michael Towbes.
- September 23, 2003, letter from Mark Lee.

PUBLIC HEARING OPENED:

5:05 p.m.

SPEAKERS:

- Staff: Community Development Director Paul Casey, Housing Programs Supervisor Steven Faulstich, Project Planner Beatriz Ramirez.
- Planning Commission: Commissioners Grant House, Brian Barnwell.
- Members of the Public: Mark Lee, Peak Las Positas Partners; Nancy Hancock, South Coast Livable Communities; Eva Trenchalk, Coastal Housing Partnership; Catherine McCammon, League of Women Voters; Mickey Flacks; John Campanella.

PUBLIC HEARING CLOSED:

5:25 p.m.

MOTION:

Councilmembers Fodayemi/Falcone to approve the recommendations; directed that projects whose applications deemed "complete" to date would not be subject to any new inclusionary ordinance.

VOTE:

Majority voice vote (Ayes: Councilmembers Fairly, Falcone, Fodayemi, Horton, Mayor Pro Tempore Secord; Noes: Councilmember Hart; Absent: Mayor Blum.)

RECESS

5:41 p.m. – 5:42 p.m.

CLOSED SESSIONS

- 17. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (160.032)

RECOMMENDATION: That the City Council and the Redevelopment Agency Board hold a joint closed session to consider pending litigation pursuant to subsections (b)(1) and (c) of section 54956.9 of the Government Code and take appropriate action as needed. There is significant exposure to litigation: one potential case.

Scheduling: Duration, 30 Minutes; anytime

DOCUMENTS:

September 23, 2003, City Attorney's/Agency Counsel's report.

TIME:

5:42 p.m. – 6:03 p.m.

RECESS

6:03 p.m. - 6:04 p.m. The Council and Redevelopment Agency reconvened in the Council Chamber.

ANNOUNCEMENT:

City Attorney/Agency Counsel Daniel J. Wallace reported that the Council met in closed session for Agenda Item No. 17; no reportable action was taken during the closed session.

ADJOURNMENT

Mayor Pro Tempore Secord adjourned the meeting at 6:05 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

DAN. B. SECORD, M.D.
MAYOR PRO TEMPORE

ROXANNE FIORILLO
SENIOR DEPUTY CITY CLERK