



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
December 23, 2008
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Financing Authority to order at 2:04 p.m. (The Finance Committee met at 12:30 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: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Mayor Blum.

Councilmembers absent: Das Williams.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

Speakers: Gert Walter.

CONSENT CALENDAR (Item Nos. 1 – 12, 14 and 15)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

1. Subject: November 2008 Investment Report (260.02)

Recommendation: That Council accept the November 2008 Investment Report.

Action: Approved the recommendation (December 23, 2008, report from the Finance Director).

2. Subject: Adoption Of Ordinance For Seven-Year Lease Agreement With The Santa Barbara Sailing Club (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Seven-Year Lease With The Santa Barbara Sailing Club, Effective January 22, 2009, for an 8,677 Square-Foot Boat Storage Yard at 118 Harbor Way, at an Initial Base Rent of \$1,443 per Month, Subject to Annual Cost of Living Increases.

Action: Approved the recommendation; Ordinance No. 5474; Agreement No. 22,959.

3. Subject: Adoption Of Ordinance Regulating Parking Of Recreational Vehicles (550.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Section 10.44.205 to Chapter 10.44 of Santa Barbara Municipal Code Title 10 Pertaining to Parking of Recreational Vehicles Within the City and Parking Restrictions Necessary to Protect the Public Health and Safety.

Action: Approved the recommendation; Ordinance No. 5475.

4. Subject: Downtown Parking Proposed Changes To Hours Of Operation (550.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 08-060, Establishing Certain City Fees, Including Water and Wastewater Rates, and Rescinding Resolution Nos. 07-052, 07-085, and 08-013, by Adjusting Downtown Parking Hours for Which Fees are in Effect, Effective February 1, 2009.

Action: Approved the recommendation; Resolution No. 08-111 (December 23, 2008, report from the Public Works Director; proposed resolution).

5. Subject: Adjustment To The 90-Day MyRide Bus Pass Fee To Offset Program Cost Increases (150.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 06-105, Amending Resolution No. 06-056, Establishing Certain City Fees, Including Water and Wastewater Rates, Creating a 90-Day Bus Pass Fee Administered by Downtown Parking, by Adjusting the 90-Day Bus Pass Fee Administered by Downtown Parking Effective January 2, 2009.

Action: Approved the recommendation; Resolution No. 08-112 (December 23, 2008, report from the Public Works Director; proposed resolution).

6. Subject: Re-Adoption Of The 2003 Bicycle Master Plan To Remain Eligible For State Bicycle Transportation Account Grants (670.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Re-Adopting the 2003 Bicycle Master Plan.

Action: Approved the recommendation; Resolution No. 08-113 (December 23, 2008, report from the Public Works Director; proposed resolution).

7. Subject: Local Emergency Due To Fire (520.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring the Continuance of a Local Emergency Due to the Tea Fire.

Action: Approved the recommendation; Resolution No. 08-114 (December 23, 2008, report from the Fire Chief; proposed resolution).

8. Subject: Additional Grant For Rehabilitation Of The Housing Authority's SHIFCO Project At 418 Santa Fe Place (660.04)

Recommendation: That Council approve a grant of \$200,000 in Federal Home Investment Partnerships Program (HOME) funds for additional rehabilitation of the Housing Authority of Santa Barbara's affordable housing project located at 418 Santa Fe Place, and authorize the Community Development Director to execute a grant agreement in a form approved by the City Attorney.

Action: Approved the recommendation; Agreement No. 22,066.1 (December 23, 2008, report from the Community Development Director).

9. Subject: Contract For Preliminary Design Of The El Estero Wastewater Treatment Plant Influent Pump Station Rehabilitation (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract with Brown and Caldwell Engineering (Brown and Caldwell) for \$156,760 to conduct professional engineering analysis of and recommend rehabilitation procedures for the influent pump station at El Estero Wastewater Treatment Plant (El Estero), and authorize the Public Works Director to approve expenditures up to \$15,676 to cover any cost increases that might result from change orders for extra work.

Action: Approved the recommendation; Contract No. 22,960 (December 23, 2008, report from the Public Works Director).

10. Subject: Approval Of Map And Execution Of Agreements For 1115 Quinientos Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,766 for a subdivision at 1115 Quinientos Street (finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map), and other standard agreements relating to the approved subdivision.

Action: Approved the recommendation; Agreement Nos. 22,961 and 22,962 (December 23, 2008, report from the Public Works Director).

11. Subject: Sole Source Purchase Of Native Plants From Growing Solutions Restoration Education Institute And Santa Barbara Natives, Inc. (540.14)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the bidding process as provided by Municipal Code Section 4.52.080 (k) and authorize the General Services Manager to issue Purchase Orders to Santa Barbara Natives, Inc., in the amount of \$37,500 and to Growing Solutions Restoration Education Institute in the amount of \$37,500, for a total cost of \$75,000; and
- B. Authorize the General Services Manager to issue Purchase Orders for native plants from Growing Solutions Restoration Education Institute and Santa Barbara Natives, Inc., for four subsequent consecutive fiscal years in amounts approved by City Council in the annual budget process.

Action: Approved the recommendations (December 23, 2008, report from the Parks and Recreation Director).

12. **Subject: Acceptance And Appropriation Of Traffic Solutions' Commute Challenge Prize (670.08)**

Recommendation: That Council increase Public Works' estimated revenues by the Santa Barbara County Association of Governments (SBCAG) Traffic Solutions Commute Challenge prize in the amount of \$1,120, and appropriate this amount to the Fiscal Year 2009 Streets Capital Fund for Alternative Modes Marketing.

Action: Approved the recommendation (December 23, 2008, report from the Public Works Director).

Agenda Item No. 13 appears in the Financing Authority minutes.

NOTICES

14. The City Clerk has on Thursday, December 18, 2008, 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.
15. Cancellation of the regular City Council meeting of December 30, 2008, and of the regular City Council and Redevelopment Agency meetings of January 6, 2009, due to lack of a quorum.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Finance Committee met to review the November 2008 Investment Report, which was approved by the City Council as part of this Agenda's Consent Calendar (Item No. 1), and the Comparative Indicators report, which contained interesting information on how the city compares to other cities in the region.

FINANCING AUTHORITY REPORTS

16. **Subject: Airport Terminal Project Bond Issuance (240.03)**

Recommendation: That Council and Board Members:

- A. Adopt, by reading of title only, A Resolution of the Board of Directors of the Santa Barbara Financing Authority Authorizing the Issuance of Not to Exceed \$65,000,000 of Santa Barbara Financing Authority Lease Revenue Bonds (Airport Project), Series 2009, Approving the Execution and Delivery of Various Related Documents in Connection with the

(Cont'd)

16. (Cont'd)

Offering and Sale of Such Bonds and Other Matters Related Thereto; provided, however, that with respect to the Series 2009A Bonds, the true interest cost shall not exceed 8.0% per annum, and that with respect to the Series 2009B Bonds, the true interest cost shall not exceed 9.0% per annum;

- B. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Approving the Issuance by the Santa Barbara Financing Authority, in One or More Series, of Not to Exceed \$65,000,000 of Santa Barbara Financing Authority Lease Revenue Bonds (Airport Project), Series 2009, Approving the Execution and Delivery of Various Related Documents in Connection with the Offering and Sale of Such Bonds and Other Matters Related Thereto; provided, however, that with respect to the Series 2009A Bonds, the true interest cost shall not exceed 8.0% per annum and that with respect to the Series 2009B Bonds, the true interest cost shall not exceed 9.0% per annum;
- C. Approve and authorize the Airport Director to execute, subject to City Attorney review of the form of the agreement, an Amendment to Contract 22,644 with Jacob Consultancy, for the preparation of the Report of the Airport Consultant, Airport Feasibility Report, on the proposed issuance of debt for the Airline Terminal Improvement Project, increasing the contract by \$99,000 for a total not-to-exceed amount of \$225,000;
- D. Authorize the City Attorney to execute an agreement with Orrick, Herrington & Sutcliff, LLP, for Bond Counsel services in the amount of \$62,500 and Disclosure Counsel services in the amount of \$35,000, together with reimbursed expenses not to exceed \$5,000, for the Airport Revenue Bond Financing payable from bond proceeds at such time as the bonds are issued;
- E. Approve and authorize the Finance Director to execute, subject to City Attorney review of the form of the agreement, an agreement with KNN Public Finance for financial advisory services for the Airport Revenue Bond Financing in an amount not to exceed \$115,000, together with reimbursed expenses not to exceed \$5,000, payable from bond proceeds at such time as the bonds are issued; and
- F. Authorize the Airport Director to execute, in a form acceptable to the City Attorney, an amendment to the Airport Promissory Note dated July 1, 2008, in the amount of \$7,800,000 to extend the maturity date of said promissory note to June 30, 2009.

Documents:

- December 23, 2008, report from the Finance Director.
- Proposed Resolutions.
- Proposed agreements related to the bond financing.
- Affidavit of Publication.

(Cont'd)

16. (Cont'd)

The titles of the resolutions were read.

Speakers:

- Staff: Finance Director Robert Peirson, Principal Engineer Owen Thomas, Airport Director Karen Ramsdell.
- Members of the Public: Bond Counsel Bill Bothwell, Orrick, Herrington & Sutcliff, LLP.

Motion:

Council/Board Members Falcone/Schneider to approve the recommendations; City Council Resolution No. 08-115; Financing Authority Resolution No. FA-006; City Council Agreement Nos. 22,644.1, 22,963 and 22,964.

Vote:

Unanimous roll call vote (Absent: Council/Board Member Williams).

MAYOR AND COUNCIL REPORTS

17. Subject: Appointment Of Mayor Pro Tempore, Ordinance Committee, Finance Committee, And Liaisons To Advisory Boards And Commissions (130.01)

Recommendation: That Council consider the appointment of a Mayor Pro Tempore, Chairs and Members of the Ordinance and Finance Committees, and Liaisons to Advisory Boards and Commissions.

Documents:

December 23, 2008, report from the Assistant City Administrator.

Motion:

Councilmember Schneider/Mayor Blum to appoint Councilmember Francisco as Mayor Pro Tempore.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Motion:

Councilmembers Schneider/Falcone to maintain the current appointments of the Chairs and Members of the Ordinance and Finance Committees, and Liaisons to Advisory Boards and Commissions.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

RECESS

2:57 p.m. - 3:07 p.m.

PUBLIC HEARINGS

18. Subject: Appeal Of Planning Commission Decision For 101 E. Victoria Street (640.07)

Recommendation: That Council:

- A. Deny the appeals filed by Trevor Martinson, agent for Mr. and Mrs. Rolf Kowal, and Virginia Rehling, adopt the Mitigated Negative Declaration, and uphold the Planning Commission approval of the Parking Modification, Tentative Subdivision Map, Development Plan and Preliminary Economic Development Designation for the proposed 50-unit commercial condominium development proposed at 101 E. Victoria Street (MST2006-00758), making the findings and subject to the conditions of approval contained in the Council Agenda Report; and
- B. Approve a Final Economic Development Designation for 2,703 square feet of non-residential floor area for the proposed project.

Documents:

- December 23, 2008, report from the Community Development Director.
- Affidavit of Publication.
- December 23, 2008, PowerPoint presentation prepared and made by staff.
- December 23, 2008, documents labeled Exhibits A - H from Trevor Martinson, Appellant.
- December 16, 2008, letter from Scott A. Schell, representing the Applicant.
- December 18, 2008, letter from Professional Geologist/Certified Hydrogeologist Thomas M. Rejzek, Santa Barbara County Fire Department.
- December 23, 2008, letter from Naomi Kovacs, Executive Director, Citizens Planning Association.
- December 23, 2008, email communication from Kellam de Forest.

Public Comment Opened:

3:10 p.m.

Speakers:

- Staff: Associate Planner Kathleen Kennedy, Supervising Transportation Planner Steven Foley, City Attorney Stephen Wiley.
- Planning Commission: Commissioner Bruce Bartlett.
- Appellant: Trevor Martinson.
- Applicant: Brian Cearnal.

(Cont'd)

18. (Cont'd)

Public Comment Closed:
4:22 p.m.

Motion:

Councilmembers House/Horton to:

- 1) Adopt the final Mitigated Negative Declaration;
- 2) Deny the two appeals, upholding the decision of the Planning Commission;
- 3) Approve the final Economic Development Designation; and
- 4) Approve the project, making the findings and subject to the revised conditions of approval, with an added condition to consider increasing the height of the wall along the northern property line subject to review and approval of the Historic Landmarks Commission.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember Williams).

RECESS

Mayor Blum recessed the meeting at 4:43 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 19. She stated there would be no reportable action taken during the closed session.

CLOSED SESSIONS

19. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the General, Treatment and Patrol, Hourly, and Supervisory bargaining units, and regarding salaries and fringe benefits for unrepresented management and confidential employees.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

Documents:

December 23, 2008, report from the Assistant City Administrator.

Time:

4:44 p.m. - 5:07 p.m. (Absent: Councilmember Williams)

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 5:07 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



MARTY BLUM
MAYOR

ATTEST:



CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER