



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING January 11, 2005 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Ordinance and Finance Committees, which are ordinarily scheduled to meet at 12:30 p.m. and 1:00 p.m. respectively, did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

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

Councilmembers absent: None.

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

### CHANGES TO THE AGENDA

#### Item Added Ex Agenda

City Administrator James Armstrong recommended that Item No. 16 be added as ex agenda pursuant to the item's recommendation A, as follows:

#### 16. SUBJECT: LOCAL EMERGENCY DUE TO FLOOD CONDITIONS (520.02)

RECOMMENDATION: That Council:

- A. Find that this matter is appropriate for consideration as an ex-agenda item under subsection (b) of Section 54954.2 of the Ralph M. Brown Act in that an emergency situation exists (as defined by Government Code Section 54956.5), and that it also is appropriate for consideration because the need to add this matter to the agenda came to the attention of the City Administrator after the posting of the regular meeting agenda, and the need to add this matter to the agenda arose only after the regular meeting agenda had already been publicly posted.

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## **CHANGES TO THE AGENDA (CONT'D)**

### **MOTION:**

Councilmembers Secord/Falcone to add Item No. 16 as ex agenda.

### **VOTE:**

Unanimous voice vote.

## **PUBLIC COMMENT**

**SPEAKERS:** Scott Wenz and Nancy Tunnell.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **INFORMATION:**

- Councilmember Schneider reported on a meeting of the Housing Authority Commission at which proposed changes to the funding of the federal Housing and Urban Development Section 8 program were discussed.
- Councilmember Williams commented on a project of the Beach Erosion Authority for Control, Operations and Nourishment to construct an artificial reef to prevent beach erosion.

## **BUSINESS CONSIDERED EX AGENDA**

16. SUBJECT: LOCAL EMERGENCY DUE TO FLOOD CONDITIONS (520.02)

### **RECOMMENDATION:** That Council:

- B. Find that conditions of flooding exist in the City of Santa Barbara; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring a Local Emergency Caused By Heavy Rain, Storm Conditions, and Flooding.

### **DOCUMENTS:**

- January 11, 2005, City Administrator's report.
- Proposed Resolution.

The title of the resolution was read.

### **SPEAKERS:**

Staff: City Administrator James Armstrong, Acting Fire Chief Mitch Vaughn, Waterfront Director John Bridley, Public Works Director Anthony Nisich.

### **MOTION:**

Councilmembers Secord/Williams to approve the recommendations; Resolution No. 05-001.

### **VOTE:**

Unanimous roll call vote.

**CONSENT CALENDAR** (Item Nos. 1 – 7)

The titles of the ordinance related to Item No. 1 and the resolution related to Item No. 2 were read.

**MOTION:**

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

**VOTE:**

Unanimous roll call vote.

1. **SUBJECT: INTRODUCTION OF ORDINANCE FOR LEASE AMENDMENT WITH LA PATERA INVESTORS, LIMITED PARTNERSHIP (330.04)**

**RECOMMENDATION:** That Council:

- A. Approve and authorize the Airport Director to execute a Lease Amendment Agreement with La Patera Investors, L.P., a California Limited Partnership, amending Article XXIII, Subletting and Assignment, and adding Article XXXIX, Governing Law to Lease Agreement No. 19,067, as amended, to allow encumbrance of the leasehold by an approved Mortgagee at 80 South La Patera Lane; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Second Lease Amendment to Lease Agreement No. 19,067, as Amended, Which Amends Article XXIII, Subletting and Assignment, and Adds Article XXXIX, Governing Law.

**ACTION:** Approved the recommendations (January 11, 2005, Airport Director's report; proposed ordinance).

2. **SUBJECT: POSITION AND SALARY CONTROL RESOLUTION AMENDMENT FOR CITY CLERK SERVICES MANAGER (410.06)**

**RECOMMENDATION:** That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 04-047, the Position and Salary Control Resolution for Fiscal Year 2005, Affecting the City Clerk Services Manager in the Administrative Services Department Effective January 8, 2005.

**ACTION:** Approved the recommendation; Resolution No. 05-002 (January 11, 2005, Assistant City Administrator's report; proposed resolution).

3. SUBJECT: NOTICE OF COMPLETION FOR SANTA BARBARA HIGH SCHOOL WATER WELL CONSTRUCTION PROJECT, PHASE I (540.10)

RECOMMENDATION: That Council accept the work completed by Beylik Drilling, Inc., Contract No. 21,397, for the Santa Barbara High School Water Well Construction Project, Phase 1, Bid No. 3381, located at 650 East Anapamu Street, in the final contract amount of \$261,810, including approved changes, and approve filing of a Notice of Completion.

ACTION: Approved the recommendation (January 11, 2005, Public Works Director's report).

4. SUBJECT: SET A DATE FOR PUBLIC HEARING REGARDING PLANNING COMMISSION APPROVAL FOR EL ENCANTO HOTEL

RECOMMENDATION: That Council:

- A. Set the date of February 15, 2005, at 6:00 p.m. for hearing the appeal filed by The Riviera Association of Santa Barbara of the Planning Commission approval of an application for property owned by Orient Express Hotels, Trains & Cruises and located at 1900 Lasuen Road, Assessor's Parcel Number 019-170-022, R-2/4.0/R-H Two-Family Residential/4 Units per Acre/Resort – Residential Hotel Zones, General Plan Designation: Residential, 3 Units per Acre. The project proposes a Master Plan of various improvements for the El Encanto Hotel and Garden Villas. The discretionary applications required are Modifications, Development Plan Approval, a Development Plan, and a Recommendation to the City Council, and the appeal relates to Conditions of Approval pertaining to street and sidewalk improvements; and
- B. Set the date of February 14, 2005, at 1:30 p.m. for a site visit to the property located at 1900 Lasuen Road.

ACTION: Approved the recommendations (December 20, 2004, letter of appeal).

## NOTICES

5. The City Clerk has on Thursday, January 6, 2005, 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.
6. Cancellation of the regular Redevelopment Agency meeting of January 11, 2005, due to lack of business.
7. Cancellation of the regular City Council and regular Redevelopment Agency meeting of January 18, 2005, due to lack of a quorum.

This concluded the Consent Calendar.

Councilmember Horton stated he would abstain from voting on the following item due to a conflict of interest relating to his position as a Board member for an organization receiving Human Services funding from the City.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### COMMUNITY DEVELOPMENT DEPARTMENT

8. SUBJECT: FISCAL YEAR 2006 HUMAN SERVICES FUNDING LEVEL  
(610.03)

RECOMMENDATION: That Council increase the Fiscal Year 2006 funding level of the Human Services Program by \$17,785, for a current level of \$610,633.

DOCUMENTS:

January 11, 2005, Community Development Director's report.

SPEAKERS:

Staff: Finance Director Robert Peirson.

MOTION:

Councilmembers Williams/Secord to approve the recommendation.

VOTE:

Unanimous voice vote (Abstentions: Councilmember Horton).

### FINANCE DEPARTMENT

9. SUBJECT: VEHICLE LICENSE FEE (VLF) GAP LOAN FINANCING PROGRAM  
(210.01)

RECOMMENDATION: That Council affirm its intention to not participate in the Vehicle License Fee (VLF) Gap Loan Financing Program.

DOCUMENTS:

January 11, 2005, Finance Director's report.

SPEAKERS:

Staff: Finance Director Robert Peirson.

Councilmember Secord left the meeting at 3:19 p.m.

MOTION:

Councilmembers Barnwell/Falcone to determine that Council will participate in the Vehicle License Fee Gap Loan Financing Program.

VOTE:

Unanimous voice vote (Absent: Councilmember Secord).

PUBLIC WORKS DEPARTMENT

10. SUBJECT: ANNUAL WATER SUPPLY MANAGEMENT REPORT (540.08)

RECOMMENDATION: That Council:

- A. Receive a staff presentation on the annual Water Supply Management Report and take public comments on the report, if any; and
- B. Approve and adopt the City of Santa Barbara Water Supply Management Report for the 2003-2004 Water Year, making a finding that groundwater resources are in long-term balance under the City's program for conjunctive management of groundwater.

DOCUMENTS:

- January 11, 2005, Public Works Director's report.
- PowerPoint presentation made by Staff.

SPEAKERS:

Staff: Acting Water Resources Manager Steve Mack.

MOTION:

Councilmembers Barnwell/Schneider to approve recommendation B.

VOTE:

Unanimous voice vote (Absent: Councilmember Secord).

**RECESS**

3:53 p.m. – 4:10 p.m. Councilmember Secord was absent when the Council reconvened.

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

PUBLIC WORKS DEPARTMENT (CONT'D)

11. SUBJECT: CONTRACT FOR CONSTRUCTION OF THE SANTA BARBARA AIRPORT SECURITY UPGRADE PROJECT (560.04)

RECOMMENDATION: That Council:

- A. Reject the bid of Cary Alarm Systems DBA Economy Electric (Economy), for the Santa Barbara Airport (Airport) Security Upgrade Project, Bid No. 3378, as non-responsive due to its failure to meet the requirements of the project specifications;
- B. Award and authorize the Public Works Director to execute a contract with Taft Electric Company (Taft), in their low responsive bid amount of \$1,646,000, for construction of the Santa Barbara Airport Security Upgrade Project, Bid No. 3378;

(Cont'd)

11. (Cont'd)

- C. Authorize the Public Works Director to approve expenditures up to \$148,140 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;
- D. Authorize the Public Works Director to execute a contract with Glover/Resnick & Associates, Inc. (GRA), in the amount of \$112,814 for construction support services, and authorize the Public Works Director to approve expenditures of up to \$11,281 for extra services of GRA that may result from necessary changes in the scope of work;
- E. Authorize the General Services Manager to issue a Purchase Order to Applied Earthworks in the amount of \$4,743 for archaeological monitoring services, and authorize the General Services Manager to approve expenditures of up to \$473 for extra services that may result from necessary changes in the scope of work; and
- F. Appropriate Airport reserves in the amount of \$371,970 from Reserves Above Policy Limits to the Airport Capital Fund Budget to cover costs of construction.

**DOCUMENTS:**

January 11, 2005, Public Works Director's report.

**SPEAKERS:**

Staff: Project Engineer Leif Reynolds.

**MOTION:**

Councilmembers Barnwell/Horton to approve the recommendations;  
Contract Nos. 21,606 and 21,607.

**VOTE:**

Unanimous voice vote (Absent: Councilmember Secord).

**REQUEST FROM THE PUBLIC**

12. SUBJECT: REQUEST FROM VERONICA SPRINGS NEIGHBORHOOD ASSOCIATION (650.01)

**RECOMMENDATION:** That Council consider a request from the Veronica Springs Neighborhood Association.

**DOCUMENTS:**

- January 11, 2005, City Administrator's report.
- January 10, 2005, letter from the Hidden Valley Residents' Association.
- January 11, 2005, letter from the Allied Neighborhoods' Association.

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12. (Cont'd)

**SPEAKERS:**

- Members of the Public: Jim Kahan, Allied Neighborhoods' Association; Gordon Forbes, Veronica Springs Homeowners' Association; Ken Balmy, Hidden Valley Residents' Association; Cameron Carey.
- Planning Commission: Commissioner Harwood White, Jr.
- Staff: Community Development Director Paul Casey.

**MOTION:**

Councilmembers Horton/Falcone to direct Staff to place the request on a future Council agenda.

**VOTE:**

Unanimous voice vote (Absent: Councilmember Secord).

**PUBLIC HEARING**

13. SUBJECT: HEARING TO CONFIRM CHARGES FOR FIRE HAZARD ABATEMENT ASSESSMENT (520.03)

**RECOMMENDATION:** That Council:

- A. Hold a hearing to hear and determine any protests regarding the City charges for the removal of weeds and flammable vegetation constituting a fire hazard at 1323 Ontare Road (APN 055-240-007); and
- B. Determine the charges to be \$5,205.36 and order the abatement costs incurred by the City to be assessed against the owner's property at 1323 Ontare Road and collected as ordinary taxes.

**DOCUMENTS:**

January 11, 2005, report from the Acting Fire Chief.

**PUBLIC HEARING OPENED:**

4:48 p.m.

**SPEAKERS:**

Staff: Fire Battalion Chief Janaki Wilkinson, Fire Inspector Jim Austin.

**PUBLIC HEARING CLOSED:**

4:50 p.m.

**MOTION:**

Councilmembers Horton/Barnwell to approve recommendation B.

**VOTE:**

Unanimous voice vote (Absent: Councilmember Secord).

## RECESS

4:51 p.m. – 4:56 p.m.

## CLOSED SESSIONS

14. 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 *Homes on Wheels, et al., v. City of Santa Barbara, et al.*, Santa Barbara Superior Court Case No. 1112384.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

### DOCUMENTS:

January 11, 2005, City Attorney's report.

### TIME:

4:56 p.m. – 5:21 p.m. Councilmember Secord was absent.

Report made by City Attorney; see ANNOUNCEMENT below.

15. SUBJECT: CONFERENCE WITH LABOR NEGOTIATOR (440.05)

RECOMMENDATION: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to the City's labor negotiators, Dan Cassidy, Liebert Cassidy Whitmore, and Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Firefighters' Association, Police Management Association, Police Officers' Association, General Employees' Bargaining Unit, Treatment and Patrol Bargaining Units, and Supervisory Employees' Bargaining Unit.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

### DOCUMENTS:

January 11, 2005, Assistant City Administrator's report.

### TIME:

5:21 p.m. – 6:51 p.m. Councilmember Secord was absent.

No report made.

**RECESS**

6:51 p.m. – 6:53 p.m.

**ANNOUNCEMENT:**

City Attorney Stephen Wiley reported that the Council, by unanimous vote, authorized him to file a notice of appeal in connection with the pending litigation referenced by Agenda Item No. 14.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 6:55 p.m.

SANTA BARBARA CITY COUNCIL

JAMES L. ARMSTRONG  
CITY CLERK

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

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