



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING April 15, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:05 p.m. (The Finance Committee met at 12:00 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: Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Lori Cole.

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 30 - April 5, 2008, As Boys And Girls Club Week (120.04)

Action: Proclamation presented to Carlos Guerrero, Program Director, Westside Boys and Girls Club, and Lindsey Leonard, Event Director, Westside Boys and Girls Club.

2. Subject: Letter Of Recognition For The 70th Anniversary Of The Boys And Girls Club Of Santa Barbara (120.08)

Action: Letter of Recognition presented to Carlos Guerrero, Program Director, Westside Boys and Girls Club, and Lindsey Leonard, Event Director, Westside Boys and Girls Club.

Councilmember Falcone entered the meeting at 2:10 p.m.

## **PUBLIC COMMENT**

Speakers: David Wass; Bret Hughes; Mr. Pennington; Leoncio Martins; David Daniel Diaz; Hans Kistner; Michael Self, Santa Barbara Safe Streets; Nancy Tunnell; Bob Hansen.

## **CONSENT CALENDAR (Item Nos. 3 - 11)**

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

### **Motion:**

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

### **Vote:**

Unanimous roll call vote.

### **3. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 1, 2008.

Action: Approved the recommendation.

### **4. Subject: Adoption Of Amendments And Additions To Adopted Building Codes Ordinance (640.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code Concerning Local Amendments to the California Building Code and California Plumbing Code, and Revising References to the Uniform Building Code in the Code to Refer to the California Building Code.

Action: Approved the recommendation; Ordinance No. 5451.

### **5. Subject: Tactical Patrol Force Program Donation (520.04)**

Recommendation: That Council:

- A. Accept a \$900 grant to the Police Department Tactical Patrol Force Program from the Rotary Club of Santa Barbara North Charitable Foundation; and
- B. Appropriate the funds to the Police Special Operations Account for the Tactical Patrol Force Program.

Action: Approved the recommendations (April 15, 2008, report from the Chief of Police).

6. Subject: Appropriation Of Asset Forfeiture Funds For The Purchase Of Ballistic Helmets With Attached Face Shields And To The Santa Barbara Police Activities League (520.04)

Recommendation: That Council:

- A Appropriate \$46,548 in currently available asset forfeiture funds to the Police Special Operations Account to fund the purchase of new ballistic helmets with attached face shields; and
- B Appropriate \$20,000 in currently available asset forfeiture funds to the Santa Barbara Police Activities League, a California non-profit, to fund after school programs on the campuses of local junior high schools.

Action: Approved the recommendations (April 15, 2008, report from the Chief of Police).

7. Subject: Increase Change Order Authority To Use FAA Grant And Passenger Facility Charges Funds For The Santa Barbara Airport South Apron Rehabilitation Project (560.04)

Recommendation: That Council approve additional change order expenditure authority for the Santa Barbara Airport South Apron Rehabilitation Project (Project), Contract No. 22,522, in the amount of \$250,000, for a total project expenditure authority of \$1,917,214.

Action: Approved the recommendation (April 15, 2008, report from the Acting Public Works Director).

8. Subject: Authorization For The Allocation Of Transportation Development Act Funds (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments (SBCAG) for Allocation of Transportation Development Act (TDA) Funds for Fiscal Year 2009.

Action: Approved the recommendation; Resolution No. 08-025 (April 15, 2008, report from the Acting Public Works Director; proposed resolution).

9. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 1298 Coast Village Road

Recommendation: That Council:

- A. Set the date of July 15, 2008, at 2:00 p.m. for hearing the appeals filed by 1) Save Coast Village Road, 2) John and Sandy Wallace, 3) Delfina Mott and 4) Friends of Outer State Street of the Planning Commission approval of an application for property owned by Olive Oil and Gas LP and located at 1298 Coast Village Road, Assessor's Parcel Number 009-230-043, Limited Commercial (C-1) and Two-Family (R-2) Zones, General Plan Designation: General Commercial. The project proposes demolition of an existing gas station with two repair bays and construction of a new mixed use building comprised of eight residential condominiums and approximately 5,000 square feet of ground floor commercial space; and
- B. Set the date of July 14, 2008, at 1:30 p.m. for a site visit to the property located at 1298 Coast Village Road.

Action: Approved the recommendations (March 27, March 28 and March 31, 2008, letters of appeal).

## NOTICES

10. The City Clerk has on Thursday, April 10, 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.
11. City Advisory Groups Recruitment:
  - A. The City Clerk's Office will accept applications through Monday, May 19, 2008, at 5:30 p.m. to fill vacancies on various City Advisory Groups, one scheduled vacancy on the Single Family Design Board with a term expiration date of June 30, 2008, two scheduled vacancies on the Housing Authority Commission with term expiration dates of June 30, and September 14, 2008, and unscheduled vacancies resulting from resignations accepted by the Council through Monday, May 5, 2008;
  - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, June 3, at 4:00 p.m. (Estimated Time), Tuesday, June 10, at 4:00 p.m. (Estimated Time), and Tuesday, June 17, 2008, at 6:00 p.m.;
  - C. The City Council Subcommittee will conduct interviews of applicants for vacancies on the Franklin Center, Lower Westside Center, and Westside Center Advisory Committees on Thursday, June 12, 2008, at 7:00 p.m. at the Westside Community Center, 423 West Victoria Street; and
  - D. The City Council will make appointments to fill vacancies on various City Advisory Groups on Tuesday, July 1, 2008.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger Horton reported that the Committee met to discuss the following: 1) an acquisition loan to the City's Housing Authority for 512-518 Bath Street; 2) the Carrillo Recreation Center seismic renovation and rehabilitation project; and 3) the recommended budget for Fiscal Year 2009. All of these items will be forwarded to the full Council on a future agenda.

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

### CITY ADMINISTRATOR

12. Subject: Green Cities California Resolution (630.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Join with the Cities of Berkeley, Los Angeles, Pasadena, Sacramento, San Diego, San Francisco, San Jose, Santa Monica and the County of Marin to Create Green Cities California, to Cooperatively and Collectively Take Action to Accelerate Local, Regional, National and International Efforts to Achieve Sustainability.

Documents:

- April 15, 2008, report from the City Administrator.
- Proposed Resolution.
- April 15, 2008, letter submitted by Dave Davis, Executive Director, Community Environmental Council.

The title of the resolution was read.

Speakers:

Staff: Assistant to the City Administrator Nina Johnson; City Administrator James Armstrong.

Motion:

Councilmembers Schneider/House to approve the recommendation; Resolution No. 08-026.

Vote:

Unanimous roll call vote.

## FINANCE DEPARTMENT

13. Subject: Proposed Creation Of An Environmental Services Manager Position (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. 07-053, the Position and Salary Control Resolution for Fiscal Year 2008, Affecting the Water Resources Division of the Public Works Department Effective April 15, 2008, to create the position of City Environmental Services Manager.

Documents:

- April 15, 2008, report from the Finance Director.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

Staff: Assistant Finance Director Bob Samario, City Administrator James Armstrong.

Motion:

Councilmember Falcone/Mayor Blum to approve the recommendation; Resolution No. 08-027.

Vote:

Majority roll call vote (Noes: Councilmember Williams).

## PUBLIC WORKS DEPARTMENT

14. Subject: Measure D Two-Year Local Program Of Projects For Fiscal Years 2009 And 2010 (150.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure D Two-Year Local Program of Projects for Fiscal Years 2009 and 2010.

Documents:

- April 15, 2008, report from the Acting Public Works Director.
- Proposed Resolution.

The title of the resolution was read.

Councilmembers Falcone and Williams left the meeting at 3:44 p.m.

(Cont'd)

14. (Cont'd)

Speakers:

- Staff: Acting Public Works Director Paul Casey, Principal Engineer John Ewasiuk, Transportation Manager Browning Allen.
- Metropolitan Transit District: General Manager Sherrie Fisher.

Councilmember Falcone returned at 3:53 p.m. Councilmember Williams returned at 3:56 p.m.

Motion:

Councilmembers Falcone/House to approve the recommendation;  
Resolution No. 08-028.

Vote:

Unanimous roll call vote.

15. Subject: Cachuma Conservation Release Board Draft Budget (540.03)

Recommendation: That Council review the draft Fiscal Year 2009 budget for the Cachuma Conservation Release Board.

Documents:

April 15, 2008, report from the Acting Public Works Director.

Speakers:

- Staff: Acting Water Resources Manager Rebecca Bjork, Water Resources Supervisor Bill Ferguson.
- Cachuma Conservation Release Board: General Manager Kate Rees.

By consensus, the Council approved the recommendation.

**RECESS**

Mayor Blum recessed the meeting at 4:31 p.m. in order for the Council to reconvene in closed sessions for Agenda Item Nos. 16 and 17.

## CLOSED SESSIONS

16. Subject: Conference With Real Property Negotiators - Acquisition Of Properties, Haley/De La Vina Bridge Replacement Project (330.03)

Recommendation: That Council hold a closed session to consider instructions to City Public Works staff and the City Attorney regarding real property negotiations concerning the following: 1) The property commonly known as 434 and 436 De La Vina Street, Santa Barbara County Assessor's Parcel Number 037-203-001; 2) The property commonly known as 430 De La Vina Street, Santa Barbara County Assessor's Parcel Number 037-203-021; and 3) The property occupied by a portion of the Mission Creek floodway fronting the 500 block of De La Vina Street, shown together with Santa Barbara County Assessor's Parcel Number 037-161 032. City Negotiators: Paul Casey, Acting Public Works Director, Don Irelan, Senior Real Property Agent, and Stephen P. Wiley, City Attorney, on behalf of the City of Santa Barbara pursuant to the authority of Government Code Section 54956.8. Negotiating Parties: Michael R. Smith and Joshua B. Kane (434 and 436 De La Vina), David G. Flint (430 De La Vina Street) and Arthur O. Norton or assigns (Mission Creek floodway, 500 Block De La Vina Street).

Under Negotiation: Price and terms of property acquisitions

Scheduling: Duration, 30 minutes; anytime

Documents:

April 15, 2008, report from the Acting Public Works Director.

Time:

4:33 p.m. - 5:02 p.m.

No report made.

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 Janeways v. City of Santa Barbara, et al., SBSC Case Number 01111681.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

April 15, 2008, report from the City Attorney.

Time:

5:02 p.m. - 5:35 p.m.



## **RECESS**

5:35 p.m. - 6:05 p.m.

Mayor Blum presiding.

Councilmembers present: Falcone, Francisco, Horton, House, Schneider, Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Cole.

## **PUBLIC COMMENT**

Speakers: Dave Davis, Community Environmental Council.

Announcement:

City Attorney Stephen Wiley reported that during the closed sessions the City Council authorized a settlement in the Janeways Case (Agenda Item No. 17) in the amount of 2 million dollars and authorized the City Attorney to execute a settlement agreement to that effect, which will be signed by all parties and released as public information.

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

### FINANCE DEPARTMENT

18. Subject: Recommended Operating And Capital Budget For Fiscal Year 2009 (230.05)

Recommendation: That Council:

- A. Hear a report from staff in connection with the filing of the recommended budget;
- B. Receive the Recommended Operating and Capital Budget for Fiscal Year 2009; and
- C. Approve the Proposed Council Budget Review and Public Hearings Schedule.

Documents:

April 15, 2008, report from the Finance Director.

Speakers:

Staff: City Administrator James Armstrong, Finance Director Robert Peirson.

By consensus, the Council received the report and approved the recommendations.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 7:13 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

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

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LORI COLE  
DEPUTY CITY CLERK