



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING April 14, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Pro Tempore Dale Francisco called the joint meeting of the Council and the Redevelopment Agency to order at 2:03 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 Pro Tempore Francisco.

### ROLL CALL

Councilmembers present: Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Pro Tempore Francisco.

Councilmembers absent: Iya G. Falcone, Mayor Marty Blum.

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

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring April 2009 As Autism Awareness Month (120.04)

Action: Proclamation presented to Marcia Eichelberger and Sandy Shove, representing the Santa Barbara Chapter of the Autism Society of America.

2. Subject: Proclamation Declaring April 2009 As Children And Nature Awareness Month (120.04)

Proclamation presented to Terry Brown and Kim Coley, City of Santa Barbara Parks and Recreation Department employees, and to Andrew Lindsey, representing San Roque School.

3. Subject: Proclamation Celebrating The Commissioning Of The U.S.S. Stockdale (120.04)

Action: Proclamation presented to Santa Barbara Navy League representatives Karen Crawford, President, and Doug Crawford, Vice President.

## **PUBLIC COMMENT**

Speakers: Fred Kuhlmann; Kate Smith; Paul Giuliano, Mayor of Moonee Valley, Australia; Hans Kistner; Richard Robinson; George Green, Service Employees International Union Local 620.

## **CONSENT CALENDAR (Item Nos. 4 – 8 and 12)**

The title of the resolution related to Item No. 7 was read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Falcone, Mayor Blum).

4. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of March 24, 2009, and March 31, 2009 (cancelled).

Action: Approved the recommendation.

5. Subject: Fiscal Year 2009 Interim Financial Statements For The Seven Months Ended January 31, 2009 (250.02)

Recommendation: That Council accept the Fiscal Year 2009 Interim Financial Statements for the Seven Months Ended January 31, 2009.

Action: Approved the recommendation (April 14, 2009, report from the Finance Director).

6. Subject: Fiscal Year 2009 Interim Financial Statements For The Eight Months Ended February 28, 2009 (250.02)

Recommendation: That Council accept the Fiscal Year 2009 Interim Financial Statements for the Eight Months Ended February 28, 2009.

Action: Approved the recommendation (April 14, 2009, report from the Finance Director).

7. Subject: Records Destruction For Airport Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Airport Department in the Administration Office.

Action: Approved the recommendation; Resolution No. 09-020 (April 14, 2009, report from the Airport Director; proposed resolution; April 12, 2009, letter from Paula Westbury).

8. Subject: Approval Of Purchase Order For Emergency Sewer Main Repair (540.13)

Recommendation: That Council retroactively approve \$28,727 in a Purchase Order to Tierra Contracting Company (Tierra) for emergency sewer main repair.

Action: Approved the recommendation (April 14, 2009, report from the Public Works Director).

Agenda Item Nos. 9 – 11 appear in the Redevelopment Agency minutes.

#### NOTICES

12. The City Clerk has on Thursday, April 9, 2009, 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.

#### **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger Horton reported that the Committee met to review financial statements for both the City and the Redevelopment Agency for two time periods, the seven months ended January 31, 2009, and the eight months ended February 28, 2009; these statements were approved by the Council/Agency Board as part of this agenda's Consent Calendar (Item Nos. 5, 6, 10, and 11). The Committee also considered Staff recommendations related to the City's financing of the Airport's Joint Use Rental Car Facility; these recommendations will be presented to the full Council as Agenda Item No. 17.

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

### **ADMINISTRATIVE SERVICES DEPARTMENT**

13. Subject: Set A Date For Public Hearing Regarding Appeals Of Architectural Board Of Review Preliminary Approval For 1298 Coast Village Road

Recommendation: That Council set the date of May 5, June 9, or June 23, 2009, at 6:00 p.m. for hearing the appeals filed by 1) Save Coast Village Road and 2) Anthony Fischer, Attorney, representing Protect Our Village, of the Architectural Board of Review Preliminary Approval of an application for property owned by Olive Oil & Gas, LP, and located at 1298 Coast Village Road.

(Continued from April 7, 2009, Item No. 13)

Documents:

April 14, 2009, report from the Administrative Services Director.

Speakers:

- Staff: Deputy City Clerk Susan Tschech, City Administrator James Armstrong, City Attorney Stephen Wiley.
- Members of the Public: Attorney Douglas Fell, representing the Applicant.

Motion:

Councilmember House/ to set the date of May 5, 2009, at 6:00 p.m. for hearing the appeals of this decision by the Architectural Board of Review.

This motion was withdrawn.

Motion:

Councilmembers House/Williams to continue this item to later in the meeting.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone, Mayor Blum).

### **FIRE DEPARTMENT**

14. Subject: Introduction Of Ordinance For Amendments To The 2007 Fire Code (520.03)

Recommendation: That Council introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Subsection E of Section 8.04.020 and Subsections C and D of Section 22.04.020 of the Santa Barbara Municipal Code Concerning Local Requirements for the Installation of Automatic Fire Sprinklers.

(Cont'd)

14. (Cont'd)

Documents:

- April 14, 2009, report from the Fire Chief.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.
- April 12, 2009, letter from Paula Westbury.

The title of the ordinance was read.

Speakers:

Staff: Fire Marshal Joseph Poiré.

Motion:

Councilmembers Schneider/Horton to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone, Mayor Blum).

ADMINISTRATIVE SERVICES DEPARTMENT (CONT'D)

13. Subject: Set A Date For Public Hearing Re 1298 Coast Village Road (Cont'd)

Speakers:

- Members of the Public: Attorney Tony Fischer, representing Protect Our Village.

Motion:

Councilmembers Williams/Schneider to continue this item for one week and direct Staff to attempt to obtain agreement from all parties to schedule this public hearing for a date no later than June 2, 2009.

Vote:

Majority voice vote (Noes: Councilmember Horton, Mayor Pro Tempore Francisco; Absent: Councilmember Falcone, Mayor Blum).

PUBLIC WORKS DEPARTMENT

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

Recommendation: That Council review the draft Fiscal Year 2010 budget for the Cachuma Conservation Release Board (CCRB).

Documents:

April 14, 2009, report from the Public Works Director.

(Cont'd)

15. (Cont'd)

Speakers:

Staff: Water Resources Manager Rebecca Bjork.

By consensus, the Council received the report.

## **RECESS**

3:28 p.m. - 3:43 p.m. Councilmember Williams was absent when the Council reconvened.

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

### FINANCE DEPARTMENT

16. Subject: Composting Contract For Business Foodscrap Recovery Program (630.01)

Recommendation: That Council direct and authorize the Finance Director or his or her designee to negotiate and execute a contract which terminates on or before June 30, 2010, with Engel & Gray, Inc., of Santa Maria, to transport and compost foodscraps collected from businesses through the City's Foodscraps Recovery and Composting Program for not more than \$50 per ton and for a total contract amount not to exceed \$100,000.

Documents:

- April 14, 2009, report from the Assistant Finance Director.
- April 12, 2009, letter from Paula Westbury.

Speakers:

Staff: Environmental Services Supervisor Stephen MacIntosh, Assistant Finance Director Robert Samario, City Attorney Stephen Wiley.

Motion:

Councilmembers Schneider/Horton to approve the recommendation; Contract No. 23,090.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, Williams, Mayor Blum).

17. Subject: Airport Terminal Project - City Financing Of Joint Use Rental Car Facility (560.04)

Recommendation: That Council:

- A Authorize the Airport Director to execute, in a form acceptable to the City Attorney, Amendment Number 2 to the Airport Promissory Note dated July 1, 2008, in the amount of \$7.8 million, to extend the maturity date of said promissory note from June 30, 2009 to July 13, 2009;
- B. Authorize the Airport Director to execute, in a form acceptable to the City Attorney, a \$7.3 million Airport Promissory Note at an interest rate of the higher of ~~6.57.0%~~ or the LAIF rate, but not to exceed 9%, and with a 20-year term, to finance the recently constructed Joint Use Rental Car Facility; and
- C. Authorize the Finance Director to purchase the Airport's 20-year Airport Promissory Note on behalf of the City's investment portfolio.

Documents:

- April 14, 2009, report from the Finance Director.
- April 12, 2009, letter from Paula Westbury.

Speakers:

Staff: Finance Director Robert Peirson, who included in his presentation a request to revise recommendation B as shown above, per the Finance Committee's consideration of this issue earlier today.

Motion:

Councilmembers Horton/House to approve the recommendations as revised.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, Williams, Mayor Blum).

**RECESS**

Mayor Pro Tempore Francisco recessed the meeting at 4:16 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 18, and he stated there would be no reportable action taken during the closed session.

**CLOSED SESSIONS**

18. 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 James Ryden, et al., v. City of Santa Barbara, et al., USDC Case Number: CV 09-1578 SVW (SSx).

Scheduling: Duration, 15 minutes; anytime  
Report: None anticipated

Documents:

April 14, 2008, report from the City Attorney.

Time:

4:20 p.m. - 5:05 p.m. Councilmembers Falcone and Williams and Mayor Blum were absent.

No report made.

**ADJOURNMENT**

Mayor Pro Tempore Francisco adjourned the meeting at 5:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
DALE FRANCISCO  
MAYOR PRO TEMPORE

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