



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING February 28, 2006 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee met at 1:00 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

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

Councilmembers absent: None.

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

PUBLIC COMMENT

Speakers: Scott Wenz and Michael Self.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Horton reported on his attendance at the Santa Barbara County Economic Development Advisory Committee meeting.
- Councilmember Falcone reported on her attendance at the following meetings: 1) the Santa Barbara 2030 Outreach Committee; 2) the Creeks Advisory Committee; 3) the Joint City/County Affordable Housing Task Group; and 4) the Multi-jurisdictional Solid Waste Task Force.
- Councilmember House reported on his attendance at the following meetings: 1) the Airport Noise Abatement Committee; and 2) the Transportation and Circulation Committee.

(Cont'd)

Information (Cont'd):

- Councilmember Schneider reported on her attendance at the MTD Board meeting and mentioned that she presented a letter of recognition, on behalf of the Mayor, to the Nuclear Age Peace Foundation.
- Councilmember Williams spoke about his attendance at the Cachuma Operation & Maintenance Board meeting and an informational meeting regarding "No Child Left Behind."
- Councilmember Barnwell mentioned the following items: 1) he met with a group of people to discuss the Trout issue; 2) his attendance at the Transportation and Circulation Committee meeting; and 3) his attendance at the Multi-jurisdictional Solid Waste Task Force Meeting.
- Mayor Blum mentioned that she welcomed several groups into town, including people from the Steelhead Conference and professional bicycle riders with the Amgen Tour.

CONSENT CALENDAR (Item Nos. 1 – 9 and 13 – 15A)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of February 6, 2006, and the regular meetings of February 7, 2006, and February 14, 2006.

Action: Approved the recommendation.

2. Subject: Records Destruction For Fire 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 Fire Department in the Administration Division.

Action: Approved the recommendation; Resolution No. 06-009 (February 28, 2006, report from the Fire Chief; proposed resolution).

3. Subject: Avigation And Noise Easement Imposing Conditions On Real Property For 757 South Kellogg Avenue, Goleta (560.14)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to execute and record a grant deed of avigation and noise easement, and agreement imposing conditions on real property, by and between W. Stan Cislo and Anna T. Cislo and the City of Santa Barbara; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Avigation and Noise Easement Imposing Conditions on Real Property Known as Assessor's Parcel Number 071-170-041.

Action: Approved the recommendations; Resolution No. 06-010; Agreement No. 21,941 (February 28, 2006, report from the Airport Director; proposed resolution).

4. Subject: Amendment To Agreement With WRC Consulting Services, Inc., For The Las Positas Storm Water Management Project (570.02)

Recommendation: That Council:

- A. Approve and authorize the Parks and Recreation Director to execute an amendment to Professional Services Contract No. 21,709 in an amount not to exceed \$32,922 for WRC Consulting Services, Inc. (WRC), to provide preliminary designs and technical studies for the Las Positas Storm Water Management Project; and
- B. Authorize the Parks and Recreation Director to increase the contract for these services by 10 percent, or \$3,292, if additional services are needed to meet the project objectives.

Action: Approved the recommendations; Contract No. 21,709.1 (February 28, 2006, report from the Parks and Recreation Director).

5. Subject: Grant Appropriations For The Arroyo Burro Estuary And Mesa Creek Restoration Project (150.04)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into a grant agreement with the County of Santa Barbara to receive a \$87,930 grant from the County Coastal Resources Enhancement Fund (CREF);
- B. Increase appropriations and estimated revenues by \$87,930 in the Creeks Restoration and Water Quality Improvement Division (Creeks Division) Capital Fund for the CREF grant award;

(Cont'd)

5. (Cont'd)

- C. Increase appropriations and estimated revenues by \$390,000 in the Creeks Division Capital Fund for the grant award from the California Wildlife Conservation Board; and
- D. Increase appropriations and estimated revenues by \$200,000 in the Creeks Division Capital Fund for the Habitat Conservation Fund grant award from the California Department of Parks and Recreation.

Action: Approved the recommendations; Agreement No. 21,942 (February 28, 2006, report from the Parks and Recreation Director).

6. Subject: Records Destruction For Community Development 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 Community Development Department in the Building & Safety Division.

Action: Approved the recommendation; Resolution No. 06-011 (February 28, 2006, report from the Community Development Director; proposed resolution).

7. Subject: Agreement For Professional Claims Adjusting Services With Carl Warren & Company (350.01)

Recommendation: That City Council approve and authorize the Finance Director to negotiate and execute an agreement with Carl Warren & Company for professional claims adjusting services not to exceed \$25,000 annually over a three-year agreement beginning January 1, 2006, through December 31, 2008.

Action: Approved the recommendation; Agreement No. 21,943 (February 28, 2006, report from the Finance Director).

8. Subject: Fiscal Year 2006 Interim Financial Statements For The Seven Months Ended January 31, 2006 (250.02)

Recommendation: That Council accept the Fiscal Year 2006 Interim Financial Statements for the Seven Months Ended January 31, 2006.

Action: Approved the recommendation (February 28, 2006, report from the Finance Director).

9. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Denial For 3820 State Street (640.07)

Recommendation: That Council:

- A. Set the date of April 4, 2006, at 2:00 p.m. for hearing the appeal filed by Select Personnel Services of the Architectural Board of Review denial of an appeal of the Sign Committee decision denying a signage proposal for property owned by Peaceful View Properties and located at 3820 State Street, Assessor's Parcel Number 057-240-052, R-O/SD-2 Restricted Office/Special District Zones, General Plan Designation: Offices and Residential; and
- B. Set the date of April 3, 2006, at 1:30 p.m. for a site visit to the property located at 3820 State Street.

Action: Approved the recommendations (February 1, 2006, letter of appeal).

Item Nos. 10 – 12 appear in the Redevelopment Agency minutes.

NOTICES

- 13. The City Clerk has on Thursday, February 23, 2006, 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.
- 14. Cancellation of the public hearing scheduled for February 28, 2006, at 2:00 p.m. for 617 Garden Street due to withdrawal of the appeal. (640.07)
- 15. A City Council site visit is scheduled for Monday, March 6, 2006, at 1:30 p.m. to the property located at 3501 Sea Ledge Lane, which is the subject of a public hearing set for March 7, 2006, at 2:00 p.m.
- 15A. A City Council site visit is scheduled for Monday, March 6, 2006, at 1:30 p.m. to the property located in the 900 – 1100 blocks of Las Positas Road (Veronica Meadows Project), which is the subject of a public hearing set for Wednesday, March 8, 2006, at 9:00 a.m.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Iya G. Falcone reported that the Committee met to discuss proposed amendments to Santa Barbara Municipal Code Chapter 9.140 pertaining to the solicitation of employment, business or contributions from streets (labor line); the Committee unanimously approved the amendments and will be forwarding the ordinance to the Council for introduction in the near future.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee reviewed the Redevelopment Agency's Fiscal Year 2006 Interim Financial Statements for the Six Months Ended December 31, 2005 (Agenda Item No. 11), and both the City's and Redevelopment Agency's Fiscal Year 2006 Interim Financial Statements for the Seven Months Ended January 31, 2006 (Agenda Item Nos. 8 and 12, respectively). These statements were approved by the Council and Redevelopment Agency Board as part of this Agenda's Consent Calendar. The Committee also reviewed the January 31, 2006, Investment Report and the December 31, 2005, Fiscal Agent report, which will be presented to the Council as Agenda Item No. 21.

REDEVELOPMENT AGENCY REPORTS

16. Subject: Reject Sole Bid - State Street Sidewalks Phase IV (290.00)

Recommendation: That Council and the Redevelopment Agency Board:

- A. Reject the sole bid for the construction of the State Street Sidewalk Improvements Project Phase IV, 400-500 Blocks, and Phase I Modifications, Bid No. 3461; and
- B. Direct staff to re-advertise the project for construction in early 2007.

Documents:

February 28, 2006, report from the Public Works Director and the Community Development Director/Deputy Director.

Speakers:

- Staff: Redevelopment Supervisor Brian Bosse, Principal Engineer John Schoof.
- Members of the Public: Larry Kelsey, Tom Williams.

Motion:

Council/Agency members Horton/Barnwell to approve the recommendations.

Vote:

Unanimous voice vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

POLICE DEPARTMENT

17. Subject: Canine Program Donation (520.04)

Recommendation: That Council accept the donation of a trained dog for the Police Department Canine Program from Mrs. Jill Padilla.

Documents:

February 28, 2006, report from the Police Chief.

Speakers:

- Staff: Police Chief Camerino Sanchez, Police Sergeant Kim Fryslie.
- Members of the Public: Jill Padilla.

Motion:

Councilmembers Horton/Schneider to thank Mrs. Jill Padilla and to accept the donation.

Vote:

Unanimous voice vote.

CITY ADMINISTRATOR

18. Subject: City Of Santa Barbara 2006 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the proposed City of Santa Barbara 2006 Legislative Platform; and
- B. Authorize the Mayor, on behalf of the City of Santa Barbara, to contact state and federal representatives and send letters to advocate positions consistent with the goals of the City's Legislative Platform.

Documents:

February 28, 2006, report from the City Administrator.

Speakers:

- Staff: Assistant to the City Administrator Marcelo A. López, Acting Water Resources Manager Steve Mack, Community Development Director Paul Casey.
- League of California Cities: Dave Mullinex.

Motion:

Councilmembers Horton/Falcone to approve the recommendations with the following revision to page 4, under Public Works: Support legislation that would provide funding to ~~explore the feasibility of establishing~~ establish commuter rail service within the region.

Vote:

Unanimous voice vote.

ADMINISTRATIVE SERVICES DEPARTMENT

19. Subject: City Advisory Group Appointment Process (140.02)

Recommendation: That Council appoint a subcommittee consisting of three Councilmembers to provide input to staff on the City's advisory group appointment process.

Documents:

February 28, 2006, report from the Assistant City Administrator.

Speakers:

Staff: City Clerk Services Manager Cynthia M. Rodriguez, City Attorney Stephen Wiley.

Motion:

Councilmembers House/Horton to approve the recommendation and appoint Councilmembers Barnwell, House and Schneider to the ad-hoc subcommittee.

Vote:

Unanimous voice vote.

COMMUNITY DEVELOPMENT DEPARTMENT

20. Subject: Housing Rehabilitation Grant To Transition House For The Rehabilitation Of Casa Marianna (610.04)

Recommendation: That Council:

- A. Approve a \$160,000 grant of Community Development Block Grant (CDBG) funds as part of the Housing Rehabilitation Loan Program (HRLP) to finance rehabilitation of the 13 affordable housing units known as Casa Marianna that are owned and operated by Transition House; and
- B. Authorize the City Administrator to execute a grant agreement and related documents, subject to City Attorney approval as to form, with Transition House in the amount of \$160,000.

Documents:

February 28, 2006, report from the Community Development Director.

Speakers:

- Staff: Housing Programs Supervisor Steven Faulstich.
- Transition House: Program Director Debbie Michael.

Motion:

Councilmembers Williams/Horton to approve the recommendations; Agreement No. 21,944.

Vote:

Unanimous voice vote.

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

FINANCE DEPARTMENT

21. Subject: January 31, 2006, Investment Report And December 31, 2005, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the January 31, 2006, Investment Report; and
- B. Accept the December 31, 2005, Fiscal Agent Report.

Documents:

February 28, 2006, report from the Finance Director.

Speakers:

Staff: Treasury Manager Cynthia Odell.

Motion:

Councilmembers Horton/Schneider to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember House).

RECESS

3:22 p.m. – 3:35 p.m. Councilmembers Horton and Williams were absent when the Council reconvened.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PARKS AND RECREATION DEPARTMENT

22. Subject: Creeks Division Capital Program Update (230.01)

Recommendation: That Council receive a presentation on the Creeks Restoration and Water Quality Division Capital Program.

Documents:

- February 28, 2006, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by staff.

Councilmember Williams entered the meeting at 3:41 p.m.

Speakers:

- Staff: Creeks Restoration/Clean Water Manager Jill Zachary.
- Creeks Advisory Committee: Member Michael Jordan.

By consensus, the Council received the presentation.

PUBLIC WORKS DEPARTMENT

23. Subject: Capital Improvement Projects Second Quarter Report (230.01)

Recommendation: That Council receive, for information only, the Capital Improvement Projects Second Quarter Report for Fiscal Year 2006.

Documents:

- February 28, 2006, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Assistant Public Works Director/City Engineer Pat Kelly.

By consensus, the Council received the presentation.

RECESS

4:46 p.m. – 6:00 p.m. The City Council reconvened in the Council Chamber.

Mayor Blum presiding.

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

Councilmembers Absent: None.

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

PUBLIC COMMENT

Speakers: Jane Frederick.

PUBLIC HEARINGS

24. Subject: Appeal Of Planning Commission Decision For 3885 And 3887 State Street (640.07)

Recommendation: That Council deny the appeal of James Kahan, filed on behalf of Allied Neighborhoods Association, Citizens Planning Association, League of Women Voters and Coalition for Sensible Planning and uphold the Planning Commission's decision to approve the front yard setback, lot area and parking Modifications and Tentative Subdivision Map for the mixed-use development proposed at 3885-3887 State Street.

(Cont'd)

24. (Cont'd)

Documents:

- February 28, 2006, report from the Community Development Director.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by staff.
- PowerPoint presentation prepared and made by Citizens Planning Association.
- PowerPoint presentation prepared and made by B3 Architects.
- February 10, 2006, letter from Kathleen Russell-Hardin.
- February 11, 2006, letters from Florence Hardin and Jake Patterson.
- February 13, 2006, letters from Dianna Opiat, Wayne Walker, Gary M. Peterson and Mary Helm.
- February 15, 2006, letters from Arturo Vega, and Matthew and Sylvia Perlee.
- February 16, 2006, letter from Richard Meyn.
- February 17, 2006, letters from Christopher C. Hartman, Maggie Wall, Velma Jauregui, and Diane Trudeau-Wieser.
- February 18, 2006, letter from Tom and Mary Ann Rademacher.
- February 20, 2006, letters from Ray Gusman, Rebecca Hardin, Gil Barry, George Writer, Kelly Brown, David G. Kronen, Joanne L. Sizemore, and Rudy Cabello, Hector Orosco and Jaime Rodriguez.
- February 21, 2006, letters from Catherine McCammon, Joel Butera, Kristin Martinez and Justin Ross.
- February 22, 2006, letters from Peter Brown, Naomi Kovacs, Kirk Jongeward, Cog MacNeil, Dorothy Moore, Lorin Krauskopf, Robert B. Klammer, Kevin McTague, John and Claire Engel, Alan Wellman, and Steve Grimm.
- February 23, 2006, comments via telephone message from Mariatta Williams.
- February 23, 2006, letter from Eric Gliessman.
- February 24, 2006, e-mail communication from Naomi Kovacs.
- February 24, 2006, letter from Ed Gamble.
- February 26, 2006, e-mail communication from Charlotte Palacios.
- February 27, 2006, e-mail communications from Charlene Huston and James Kahan.
- February 27, 2006, letters from Earls S. Ensberg and Peter N. Brown.
- February 28, 2006, compact disc submitted by Jim Kahan.
- February 28, 2006, e-mail communications from Sibeau Sibelle, Heather Bryden, Anne-Marie Dunaway, Liz Heitmann, and James Kahan.
- February 28, 2006, facsimile communication from John Rosenfeld.
- February 28, 2006, letters from Michael Towbes, and Scott Wenz.
- February 28, 2006, written comments from Connie Hannah, Catherine McCammon, Dianne Arguellas, Ben Pettit and James Kahan.

(Cont'd)

24. (Cont'd)

Documents (Cont'd):

- Undated letters from David Hardin, Sharon Sumrall, Robert A. Reid and Leandra Shalhoob.

Public Comment Opened:

6:01 p.m.

Speakers:

- Staff: City Planner Bettie Weiss, Assistant Planner Kathleen Kennedy, Senior Planner Jan Hubbell.
- Planning Commission: Commissioners Bill Mahan, Harwood White.
- Appellant: Paul Hernadi; Executive Director Naomi Kovacs, Citizens Planning Association; Cathie McCammon and Connie Hannah, League of Women Voters; James Kahan, Allied Neighborhoods Association; President Gary Earl, Coalition for Sensible Planning; Gil Barry.
- Applicant: Barry Berkus, Scott Shell, Peter Brown, John Rosenfeld, Doug Singletary.

Recess: 7:34 p.m. – 7:43 p.m. Councilmember Falcone was absent when the Council reconvened.

Councilmember Falcone entered the meeting at 7:45 p.m.

Speakers (Cont'd):

- Members of the Public: Dianne Channing; Sheila Lodge; Steve Cushman and Earl Armstrong, Santa Barbara Chamber of Commerce; Trish Reynoso; John Lengsfelder; David Landecker; Mary O’Gorman, Santa Barbara County Action Network; Jane Frederick; Patricia Hiles; Jean Holmes; Judith Parker; Kathy Gebhardt; Bud Laurent, Coastal Housing Coalition; Mary Heepner; Beverly King; Michael S. Brown; Mickey Flacks, Santa Barbara County Action Network; John Arguelles; Arie Van Der Bom; Laura Allbritton; April Wethe; Rebecca Hardin; Joe Guzzardi; President Scott Wenz, Cars Are Basic; Janet Wolf; Peter Malinowski; Jay Higgins; Doris Hammond; Phillip Hammond; Paul Zink; Michael Self; Gail Rink; John Allen; Eric Alen; Dane Goodman; Liz Heitmann; Dr. Larry Bickford; Sylvia Glass; Joe Andrulaitis.

Public Comment Closed:

9:02 p.m.

Recess: 9:02 p.m. – 9:12 p.m.

(Cont'd)

24. (Cont'd)

Speakers (Cont'd):

- Staff: City Attorney Wiley, Community Development Director Paul Casey.

Motion:

Councilmembers Williams/Barnwell to: 1) grant the appeal and deny the project without prejudice; and 2) direct staff to return to the Council in 6 weeks with options for a comprehensive look at traffic and other issues in the uptown area.

Amendment Motion:

Councilmembers Williams/Barnwell to: 1) grant the appeal and deny the project without prejudice, stating that the Council does not find that there is sufficient evidence to make the findings necessary to grant the modifications required for the project, or those findings required for the subdivision approval with respect to the zoning ordinance and sound community planning; and 2) direct staff to return to the Council in 6 weeks with options for a comprehensive look at traffic and other issues in the uptown area.

Vote:

Majority voice vote (Noes: Councilmember Horton).

ADJOURNMENT

Mayor Blum adjourned the meeting at 10:43 p.m., to Monday, March 6, 2006, at 1:30 p.m. to the property located at 3501 Sea Ledge Lane, and the 900-1100 blocks of Las Positas Road.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK