



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
August 17, 2010  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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**CALL TO ORDER**

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance and Ordinance Committees, which ordinarily meet at 12:30 p.m., did not meet on this date.)

**PLEDGE OF ALLEGIANCE**

Mayor Schneider.

**ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Mayor Schneider.

Councilmembers absent: Bendy White, Das Williams.

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

**PUBLIC COMMENT**

Speakers: Kenneth Loch.

**CONSENT CALENDAR (Item Nos. 1 – 8)**

The title of the resolution related to the Consent Calendar was read.

**Motion:**

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

**Vote:**

Unanimous roll call vote (Absent: Councilmembers White, Williams).

## 1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of July 29, 2010.

Action: Approved the recommendation.

## 2. Subject: Used Oil Payment Program Grant (630.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Submit an Application to the California Department of Resources Recycling and Recovery (CalRecycle) for the Fiscal Year 2010-2011 Used Oil Payment Program Grant (OPP Grant), Formerly Known as the Used Oil Block Grant - Sixteenth Cycle, in the Amount of \$22,000; and
- B. If the grant is funded, accept the OPP Grant - First Cycle, in the amount of \$22,000 for Fiscal Year 2011.

Action: Approved the recommendations; Resolution No. 10-071 (August 17, 2010, report from the Waterfront Director; proposed resolution).

## 3. Subject: Contract For Design Of The Sycamore Vista Lane And Canon View Road Water Main (540.06)

Recommendation: That Council authorize the Public Works Director to execute a professional services contract with Penfield & Smith in the amount of \$64,800 for the design of the Sycamore Vista/Canon View Road Water Main Project, and approve expenditures up to \$9,720 (15%) for extra services of Penfield & Smith that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,507 (August 17, 2010, report from the Public Works Director).

## 4. Subject: Airline Terminal Public Arts Program Agreements With Artists (560.04)

Recommendation: That Council approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, a public arts program agreement with Colleen Kelly and Alfred Ramirez for design, fabrication, and installation of decorative elements for the wrought iron railings associated with the Airline Terminal Project, in an amount not-to-exceed \$48,954.

Documents:

August 17, 2010, report from the Airport Director.

(Cont'd)

## 4. (Cont'd)

## Speakers:

Members of the Public: Kenneth Loch, Colleen Kelly.

Action: Approved the recommendation; Agreement No. 23,508 (August 17, 2010, report from the Airport Director).

## 5. Subject: Service Agreement With Thresholds To Recovery To Operate The Sobering Center (520.04)

Recommendation: That Council approve and authorize the Chief of Police to negotiate and execute a Service Agreement with Thresholds to Recovery, Inc., to operate the Sobering Center in Fiscal Year 2010, beginning July 1, 2010, and ending June 30, 2011, with annual fees not to exceed \$190,788, in a form approved by the City Attorney.

Action: Approved the recommendation; Agreement No. 23,509 (August 17, 2010, report from the Chief of Police).

NOTICES

6. The City Clerk has on Thursday, August 12, 2010, 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.
7. A City Council visit to Neighborhood Improvement Task Force Project sites is scheduled for Monday, August 23, 2010, at 1:30 p.m.
8. Received a letter of resignation from Franklin Center Advisory Committee Member Michael Goldberg; the vacancy will be part of the next recruitment for City advisory groups.

This concluded the Consent Calendar.

Councilmember Williams arrived at 2:05 p.m. City Administrator James Armstrong left the meeting and Assistant City Administrator/Community Development Director Paul Casey was present.

**PUBLIC HEARINGS**

9. Subject: Appeal Of The Planning Commission Denial Of Modification Requests For 401 ½ Old Coast Highway (640.07)

Recommendation: That Council deny the appeal and uphold the decision of the Planning Commission to deny two Modifications to allow the conversion of an office/storage building to residential use within a required setback and the required building separation between residential units.

**Documents:**

- August 17, 2010, report from the Assistant City Administrator/Community Development Director.
- August 17, 2010, PowerPoint presentation prepared and made by staff.
- Affidavit of Publication.
- August 17, 2010, correspondence submitted by Appellant/Applicant William Pritchett.
- August 16, 2010, letter from Eustacchio Guadagnini.

**Public Comment Opened:**

2:07 p.m.

**Speakers:**

- Staff: Associate Planner Roxanne Milazzo, Senior Planner | Renee Brook, Senior Plans Examiner Curtis Harrison.
- Planning Commission: Commissioner Sheila Lodge.
- Architectural Board of Review: Member Keith Rivera.
- Appellant/Applicant: Attorney Tony Fischer, Architect Gil Garcia.
- Members of the Public: Colette McIntosh, Angie Munoz.

**Public Comment Closed:**

2:59 p.m.

**Motion:**

Councilmembers House/Williams to grant the appeal of the owner of the projects, making the following findings:

1. The requested modifications are consistent with the intent and purpose of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot;
2. The proposed residential use increases the setback from adjacent residential use, is less intense than commercial use, and makes a rental unit available for a Section 8 household; and

(Cont'd)

## 9. (Cont'd)

3. The less intense residential use is more compatible than the continuation of a commercial use and allows the recycling of most of the existing structure; and

The upholding of the appeal is conditioned on the recordation of a covenant in the official records of Santa Barbara County providing that the housing units will be occupied by persons utilizing Federal Section 8 housing vouchers for the standard term of the City affordability covenant.

## Vote:

Majority voice vote (Noes: Councilmembers Francisco, Hotchkiss; Absent: Councilmember White).

**RECESS**

3:35 p.m. - 3:47 p.m. City Administrator James Armstrong was present after the recess and Assistant City Administrator/Community Development Director Paul Casey was absent.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**CITY ADMINISTRATOR

## 10. Subject: 2010 Sustainability Achievement Report (630.02)

Recommendation: That Council receive a presentation on the 2010 Sustainability Achievement Report that highlights the City's achievements in environmental programs.

## Documents:

- August 17, 2010, report from the City Administrator.
- 2010 Sustainability Achievement Report.
- August 17, 2010, PowerPoint presentation prepared and made by staff.

## Speaker:

- Staff: Assistant to the City Administrator Nina Johnson, Transportation Manager Browning Allen.
- Members of the Public: Dave Davis, Community Environmental Council.

By consensus, the Council heard the presentation.

PUBLIC WORKS DEPARTMENT

11. Subject: Capital Improvement Projects: Annual Report For Fiscal Year 2010 (230.01)

Recommendation: That Council receive the Capital Improvement Projects (CIP) Annual Report for Fiscal Year 2010.

## Documents:

- August 17, 2010, report from the Public Works Director.
- August 17, 2010, PowerPoint presentation prepared and made by staff.
- August 14, 2010, letter from Paula Westbury.

## Speakers:

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

By consensus, the Council heard the presentation.

Mayor Schneider recessed the meeting at 4:52 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 12 and 13, and stated that no reportable action is anticipated.

**CLOSED SESSIONS**

12. 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 Police Officers Association, Police Managers Association, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## Documents:

August 17, 2010, report from the Assistant City Administrator/Administrative Services Director.

## Time:

4:53 p.m. - 5:20 p.m. Councilmember White was absent.

No report made.

- 13. Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider initiation of litigation pursuant to subsection (c) of section 54956.9 of the Government Code (one potential case).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Continued from August 10, 2010, Agenda Item No. 2)

Documents:

August 10, 2010, report from the Assistant City Administrator/Community Development Director.

Time:

5:20 p.m. - 6:05 p.m. Councilmember White was absent.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:05 p.m. to Monday, August 23, 2010, at 1:30 p.m. at City Hall, 735 Anacapa Street. (See Agenda Item No. 7)

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

HELENE SCHNEIDER  
MAYOR

ATTEST:

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER