



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
November 20, 2001
COUNCIL CHAMBER, DE LA GUERRA PLAZA**

CALL TO ORDER

Mayor Pro Tempore Dan B. Secord called the meeting to order at 2:02 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which is ordinarily scheduled to meet at 1:00 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Secord.

ROLL CALL

Councilmembers present: Marty Blum, H. P. Fairly, Gilbert Garcia, Gregg A. Hart, Tom Roberts, Mayor Pro Tempore Secord.
Councilmembers absent: Mayor Harriet Miller.
Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Daniel J. Wallace, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

Presentations

1. SUBJECT: HARBOR MASTER OF THE YEAR AWARD 2001 (570.03)

RECOMMENDATION: That Council receive a report from staff and a presentation by the California Association of Harbor Masters and Port Captains, Inc., presenting its Harbor Master of the Year Award 2001 to Mick Kronman, Harbor Operations Manager.

(Cont'd)

1. (Cont'd)

DOCUMENTS:

November 16, 2001, City Administrator's report.

SPEAKERS:

- Staff: Waterfront Director John Bridley, Award Recipient Mick Kronman.
- California Association of Harbor Masters and Port Captains: Board of Directors Member Jay Elder.

ACTION:

By consensus, the Council received the report and presentation, and congratulated Mr. Kronman on his award.

PUBLIC COMMENT

SPEAKERS: Ken Loch, Nancy Tunnell, and Margaret Connell.

RECESS

2:13 p.m. - 2:47 p.m., during which time the Redevelopment Agency meeting was held.

CONSENT CALENDAR (Item Nos. 2 - 14)

MOTION:

Councilmembers Roberts/Garcia to approve the Consent Calendar as recommended.

VOTE:

Unanimous voice vote (Absent: Mayor Miller).

2. **SUBJECT: MINUTES**

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of November 6, 2001.

ACTION: Approved the recommendation.

3. **SUBJECT: ADVISORY GROUP RESIGNATION (610.03)**

RECOMMENDATION: That Council accept the resignation of Dorothy J. Walker from the Community Development & Human Services Committee.

(Cont'd)

3. (Cont'd)

ACTION: Approved the recommendation (November 2, 2001, letter of resignation).

4. SUBJECT: RESOLUTIONS TO ACCEPT TWO SEPARATE STREET EASEMENTS OFFERED BY KENNETH AND SUSAN TARLOW, PROPERTY OWNERS OF 302 NORTH MILPAS STREET, AND BY MIGUEL AND MARIA LUIS, PROPERTY OWNERS OF 1434 SHORELINE DRIVE (330.03)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Street Easement on the Real Property Located at 302 North Milpas Street (APN 031-371-023); and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Street Easement on the Real Property Located at 1434 Shoreline Drive (APN 045-184-017).

ACTION: Approved the recommendations; Resolution Nos. 01-131 and 01-132 (November 16, 2001, City Administrator's report).

5. SUBJECT: TRAINING SERVICES AGREEMENT WITH SANTA BARBARA CITY COLLEGE (460.01)

RECOMMENDATION: That Council approve and authorize the City Administrator to negotiate and execute a Training Services Agreement with the Santa Barbara City College to provide centralized training for Santa Barbara Police Department officers from July 1, 2001, to June 30, 2004.

ACTION: Approved the recommendation; Agreement No. 20,458 (November 16, 2001, City Administrator's report).

6. SUBJECT: RECEIPT OF STATE DEPARTMENT OF BOATING AND WATERWAYS GRANT MONIES (570.03)

RECOMMENDATION: That Council:

- A. Authorize the City Administrator to execute Amendment No. One to Contract Number 00-214-511 between the City and the California Department of Boating and Waterways, increasing the maximum amount of the Agreement to \$103,600 for removal of hazards to navigation and sea floor debris cleanup east of Stearns Wharf; and

(Cont'd)

6. (Cont'd)

B. Appropriate the \$103,600 of grant funds to the fiscal year 2002 Waterfront Fund operating budget.

ACTION: Approved the recommendations; Agreement No. 20,318.1 (November 16, 2001, City Administrator's report).

7. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR CARRILLO STREET UNDERGROUND STREETLIGHT CIRCUIT BETWEEN ANACAPA AND OLIVE STREETS (530.05)

RECOMMENDATION: That Council:

- A. Authorize the General Services Manager to issue a purchase order to JPL Electric in the low bid amount of \$261,770, to replace the Carrillo Street 6.6 Amp underground streetlight circuit between Anacapa and Olive Streets;
- B. Authorize the Public Works Director to approve expenditures in an amount not to exceed \$26,177 to cover any cost increases that may result from contract change orders for extra work; and
- C. Appropriate \$185,000 from the Streets Capital Fund Reserves, to the 2002 Streets Capital Project Budget.

ACTION: Approved the recommendations (November 16, 2001, City Administrator's report).

8. SUBJECT: AGREEMENT WITH PADRE ASSOCIATES, INC. FOR THE SOIL REMEDIATION OF FIRE STATION NO. 5 (530.01)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to execute an agreement in the amount of \$103,675 with Padre Associates, Inc. for the remediation of contaminated soil from Fire Station No. 5, 2505 Modoc Road; and
- B. Authorize the Public Works Director to approve expenditures in the amount of \$10,367 to cover any unexpected work resulting from this remediation project.

ACTION: Approved the recommendations; Agreement No. 20,459 (November 16, 2001, City Administrator's report).

9. SUBJECT: AWARD OF PURCHASE ORDER TO PW ENVIRONMENTAL FOR THE ASSESSMENT ACTIVITIES AT THE CARRILLO RECREATION CENTER (570.07)

RECOMMENDATION: That Council:

- A. Authorize the City General Services Manager to issue a Purchase Order in an amount not to exceed \$33,613.30 to PW Environmental for the Soil and Groundwater Assessment at the Carrillo Recreation Center, 100 East Carrillo Street, Santa Barbara; and
- B. Authorize the Public Works Director to approve expenditures in the amount of \$3,361.33 to cover any unexpected emergency work in association with this assessment project.

ACTION: Approved the recommendations (November 16, 2001, City Administrator's report).

10. SUBJECT: PARKS AND RECREATION COMMUNITY (PARC) FOUNDATION ANNUAL REPORT (570.05)

RECOMMENDATION: That Council receive the 2000 - 2001 Annual Report from the Parks and Recreation Community (PARC) Foundation.

SPEAKERS:

Parks and Recreation Community (PARC) Foundation:
Secretary/Treasurer Desmond O'Neill.

ACTION: Approved the recommendation (November 16, 2001, City Administrator's report).

NOTICES

11. The City Clerk has on Friday, November 16, 2001, at 3:00 p.m. posted this agenda in the Office of the City Clerk and on the City Hall Public Notice Board on the outside balcony of City Hall.
12. Special Ordinance Committee meeting, November 20, 2001, at 12:30 p.m. in the Council Chamber for consideration of:
- A. Amendment to Municipal Code Section 6.08.020 pertaining to Animals at Large; and
- B. Recreational Vehicle Overnight Parking and Sleeping. (120.03)

13. Redevelopment Agency meeting, November 20, 2001, at 2:00 p.m. in the Council Chamber. (620.03)
14. The City Council will conduct a site visit on Monday, November 26, 2001, at 1:30 p.m. to the property located at 485 Braemar Ranch Lane, which is the subject of an appeal hearing set for November 27, 2001, at 6:00 p.m. (640.07)

This completed the Consent Calendar.

REPORT FROM ORDINANCE COMMITTEE

15. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Marty Blum reported that the Committee had reviewed a proposed Municipal Code amendment pertaining to animals at large; this ordinance will be submitted to Council for introduction and subsequent adoption. The Committee also considered proposed Municipal Code amendments addressing a request to allow recreational vehicles to be parked and occupied overnight. The Committee is forwarding these Code amendments to Council, but is recommending that the full Council discuss the ordinances' enforcement provisions.

ADMINISTRATIVE REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

16. SUBJECT: COMMUNITY PROMOTION GRANTS FUNDING (610.04)

RECOMMENDATION: That Council review and approve the grant funding allocation recommendations of the City's Arts Advisory Committee for the Fiscal Year 2002.

DOCUMENTS:

November 16, 2001, City Administrator's report.

SPEAKERS:

Arts Advisory Committee Staff: Patrick Davis.

MOTION:

Councilmembers Roberts/Garcia to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Mayor Miller).

17. SUBJECT: REVISIONS TO HOUSING REHABILITATION LOAN PROGRAM POLICIES (610.04)

RECOMMENDATION: That Council approve revisions to the Housing Rehabilitation Loan Program (HRLP) policies to increase the grant authority of the City's Loan Committee for funding work to control lead-based paint hazards, from \$25,000 to \$50,000.

DOCUMENTS:

November 16, 2001, City Administrator's report.

SPEAKERS:

Staff: Housing Programs Supervisor Steven Faulstich.

MOTION:

Councilmembers Roberts/Blum to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Mayor Miller).

PUBLIC WORKS DEPARTMENT

18. SUBJECT: SHEFFIELD RESERVOIR WATER QUALITY PROJECT STATUS REPORT (540.09)

RECOMMENDATION: That Council receive a status report from staff regarding the \$14,071,000 Sheffield Reservoir Water (Sheffield) Quality Project.

DOCUMENTS:

- November 16, 2001, City Administrator's report.
- PowerPoint presentation made by Staff

SPEAKERS:

Staff: City Administrator James Armstrong, Water Resources Manager Bob Roebuck.

ACTION:

By consensus, the Council received the report.

19. SUBJECT: CAPITAL PROJECTS FIRST QUARTER UPDATE FOR FISCAL YEAR 2001-2002 (230.01)

RECOMMENDATION: That Council receive, for information only, the Capital Projects First Quarter Update for Fiscal Year 2001-2002.

DOCUMENTS:

November 16, 2001, City Administrator's report.

SPEAKERS:

Staff: City Engineer Pat Kelly, who showed slides of various capital projects in progress or completed during the first quarter.

ACTION:

By consensus, the Council received the report.

ORDINANCES FOR ADOPTION

20. SUBJECT: LEASE AGREEMENT WITH DELI SUSHI GO GO (330.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option, with Deli Sushi Go Go, at an Initial Base Rent of \$496.00 for a Fast Food Restaurant Occupying 198 Square Feet of Space at 119-B Harbor Way, in the Santa Barbara Harbor. (Introduced on November 13, 2001)

DOCUMENTS:

- Previous documents submitted November 13, 2001.
- Proposed Ordinance.

SPEAKERS:

Staff: Waterfront Director John Bridley.

MOTION:

Councilmembers Roberts/Garcia to approve the recommendation; Ordinance No. 5208.

VOTE:

Unanimous roll call vote (Absent: Mayor Miller).

21. SUBJECT: REPEAL OF SATURDAY NIGHT SPECIAL ORDINANCE
(520.04)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Repealing Chapter 9.22 of the Santa Barbara Municipal Code Prohibiting the Sale of Certain Firearms Commonly Known as Saturday Night Specials. (Introduced on November 13, 2001)

DOCUMENTS:

- Previous documents submitted November 13, 2001.
- Proposed Ordinance.

SPEAKERS:

Staff: Assistant City Attorney N. Scott Vincent,
Police Chief Camerino Sanchez, City Attorney Daniel
Wallace.

MOTION:

Councilmembers Roberts/Garcia to approve the
recommendation; Ordinance No. 5209.

VOTE:

Unanimous roll call vote (Absent: Mayor Miller).

RECESS

3:33 p.m. - 3:35 p.m.

CLOSED SESSIONS

22. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(330.03)

RECOMMENDATION FROM THE CITY ADMINISTRATOR: That Council hold a closed session to consider instructions to City staff regarding Lease Agreement negotiations with John R. Scott regarding the leasehold premises located at 210 Stearns Wharf, Harbor Restaurant (APN 33-120-22). Instructions to negotiator will direct staff to negotiate the terms and provisions of a new lease, related to the expansion of the leasehold premises pursuant to the authority of section 54956.8 of the Government Code.

(Cont'd)

22. (Cont'd)

Negotiations will be conducted by City Waterfront Department representative John Bridley, Waterfront Director, with restaurant owners John R. Scott or Dave Perry. Under Negotiations: Possible new lease agreement terms.

Scheduling: Duration, 20 minutes; afternoon preferred

DOCUMENTS:

November 16, 2001, City Administrator's report.

TIME:

3:35 p.m. - 4:20 p.m.; Mayor Miller was absent.

23. SUBJECT: CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (160.03)

RECOMMENDATION FROM THE CITY ATTORNEY: 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 **Margaret Hause and Juanita Ullemeyer v. City of Santa Barbara**, SBSC Case No. 1035230.

Scheduling: Duration, 30 minutes; anytime

DOCUMENTS:

November 16, 2001, City Attorney's report.

TIME:

4:20 p.m. - 5:00 p.m.; Mayor Miller was absent.

24. SUBJECT: CLOSED SESSION - THREAT TO PUBLIC SERVICES OR FACILITIES (520.04)

RECOMMENDATION: That Council hold a Closed Session, pursuant to Government Code Section 54957, regarding Threat to Public Services or Facilities. Consultation with: Police Chief Cam Sanchez.

Scheduling: Duration, 30 minutes; anytime

DOCUMENTS:

November 9, 2001, City Administrator's report.

TIME:

5:00 p.m. - 5:30 p.m.; Mayor Miller was absent.

RECESS

5:30 p.m. - 6:02 p.m.

Mayor Pro Tempore Secord presiding.

Councilmembers present: Blum, Hart, Roberts, Mayor Pro Tempore Secord.

Councilmembers absent: Fairly, Garcia, Mayor Miller.

Staff present: City Administrator/Clerk Armstrong, City Attorney Wallace, Deputy City Clerk Tschech.

ANNOUNCEMENT

The City Council reconvened in the Council Chamber. City Attorney Daniel Wallace reported that the Council met in closed session for Agenda Item Nos. 22, 23 and 24. The Council took no reportable action during the closed sessions.

PUBLIC COMMENT

SPEAKERS: No one wished to speak.

PUBLIC HEARINGS

25. SUBJECT: APPEAL OF ARCHITECTURAL BOARD OF REVIEW
PRELIMINARY APPROVAL OF THE APPLICATION OF THE
FERER-NISSENSON FAMILY LIVING TRUST FOR ALTERATIONS AND
ADDITIONS TO A RESIDENCE AT 2317 ANACAPA STREET, APN 025-
123-008, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN
DESIGNATION: RESIDENTIAL, 3 UNITS PER ACRE (640.07)

RECOMMENDATION: That Council:

- A. Hold a public hearing on the appeal of Mr. and Mrs. Robert Kennedy and neighboring property owners; and
- B. Deny the appeal and uphold the Architectural Board of Review's decision to grant Preliminary Approval of the proposed additions and approve the project pursuant to the Neighborhood Preservation Ordinance (NPO) (SBMC §22.68.040), making the findings in the Council Agenda Report.

Affidavit of Publication - Noticed for 6:00 p.m.
Session

(Cont'd)

25. (Cont'd)

DOCUMENTS:

- November 16, 2001, City Administrator's report.
- October 10, 2001, letter of appeal.
- November 20, 2001, letter from Derek Westen, attorney representing the Appellant.
- November 14, 2001, letter from Steven Amerikaner, attorney representing the Applicant.
- October 15, 2001, letter from Anne and Orval Mead.
- November 19, 2001, letter from Carol Decaris.
- Undated letters from Gwynne Schultz; Pierre Nizet.
- Affidavit of Publication.

PUBLIC HEARING OPENED:

6:05 p.m.

SPEAKERS:

- Staff: City Planner Bettie Hennon.
- Architectural Board of Review: Chair Jeff Gorrell.
- Appellant: Attorney Derek Westen.
- Applicant: Architect David Winitzky, Attorney Steven Amerikaner.
- Members of the Public: Ken Gardner, Don Pettit, Charles Maunz, Orval Mead, Stephen Frank, Joe Howell, Billie Maunz, Mina Goena-Welch, Carol Ostroff, Robert Kennedy.

PUBLIC HEARING CLOSED:

7:34 p.m.

MOTION:

Councilmembers Hart/Roberts to grant the appeal without prejudice.

VOTE:

Majority voice vote (Noes: Mayor Pro Tempore Secord; Absent: Councilmembers Fairly and Garcia, Mayor Miller).

ADJOURNMENT

Mayor Pro Tempore Secord adjourned the meeting at 7:44 p.m., to Monday, November 26, 2001, at 1:30 p.m. for a site visit to 485 Braemar Ranch Lane.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

DAN B. SECORD
MAYOR PRO TEMPORE

SUSAN TSCHECH
DEPUTY CITY CLERK