



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING August 20, 2002 COUNCIL CHAMBER, DE LA GUERRA PLAZA

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:00 p.m. (The Ordinance Committee met at 1:00 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 Blum.

### ROLL CALL

Councilmembers present: Iya G. Falcone, Babatunde Fodayemi, Roger L. Horton, Dan B. Secord, Mayor Blum.

Councilmembers absent: H. P. Fairly, Gregg A. Hart.

Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Daniel J. Wallace, Deputy City Clerk Susan Tschech.

### CEREMONIAL ITEMS

#### Proclamations

1. PROCLAMATION DECLARING THE WEEK OF AUGUST 19 - 25, 2002, AS ITALIAN HERITAGE WEEK (120.04)

ACTION: Proclamation presented to Booster Club President Roland Masuri and Unico President Vince Falcone.

Presentations

2. SUBJECT: EMPLOYEE RECOGNITION - SERVICE AWARD PINS (410.01)

RECOMMENDATION: That Council authorize James L. Armstrong, City Administrator, to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through August 31, 2002.

DOCUMENTS:

August 20, 2002, Assistant City Administrator's report.

SPEAKERS:

Staff: City Administrator James Armstrong.

By consensus, the Council approved the recommendation. The following employees were recognized:

30-Year Pin

Victor Acosta, Public Works

20-Year Pin

Michele DeCant, Community Development

Daniel McCarter, Fire

Robert Brandenburg, Waterfront

15-Year Pin

Andrea Bifano, Community Development

James Buster, Community Development

Hildy Hoffmann, Mayor and Council

Kathryn Henebry, Police

James Ward, Public Works

10-Year Pin

Steve Espinosa, Fire

5-Year Pin

Ann McDonald, Public Works

Randy Ward, Public Works

3. SUBJECT: SIGN COMMITTEE AWARDS (640.03)

RECOMMENDATION: That Council award the Sign Committee 2002 Sign Awards by presenting certificates to this year's recipients.

DOCUMENTS:

August 20, 2002, Community Development Director's report.

(Cont'd)

3. (Cont'd)

SPEAKERS:

- Staff: Senior Planner Jaime Limón.
- Sign Committee: Member Louise Boucher.

By consensus, the Council approved the recommendation. Mayor Blum presented awards to representatives of the recognized businesses, as follows:

El Pueblo Viejo District Sign Award  
Auntie Anne's Pretzels, 305 Paseo Nuevo  
Graphic Quality and Creativity Sign Award  
Flying A Studio, 34 W. Mission Street  
Model Sign Program Award  
La Arcada, 1114 State Street  
Corporate Representation Award  
Ralph's Fresh Fare, 100 W. Carrillo Street

4. SUBJECT: SEPTEMBER 11, 2002, SANTA BARBARA SINGS CONCERT AT THE ARLINGTON THEATRE (120.08)

RECOMMENDATION: That Council:

- A. Hear a presentation from Dick Hibbard, representing Santa Barbara Sings, regarding a concert at the Arlington Theater on September 11, 2002; and
- B. Authorize the Mayor to sign and present a letter of recognition on September 11, 2002, recognizing the work and contributions of area emergency response organizations.

DOCUMENTS:

- August 14, 2002, letter from Santa Barbara Sings.
- August 20, 2002, City Administrator's report.

SPEAKERS:

Santa Barbara Sings: Coordinator Mikki Andina.

MOTION:

Councilmembers Horton/Secord to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Councilmembers Fairly, Hart).

**PUBLIC COMMENT**

SPEAKERS: Scott Wenz, Jason Herrera, Marcia Eichelberger, Kim Olson, Debbie Hoessini, Terry Boisot, Jim Ross, Richard Sochel, Shella DuMong, Missy Runnels, Linda Kendall, Julie Kahn, and Harriet Levine.

**CONSENT CALENDAR** (Item Nos. 5 - 27)

The titles of all resolutions related to Consent Calendar items were read.

**MOTION:**

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

**VOTE:**

Unanimous voice vote (Absent: Councilmembers Fairly, Hart).

5. **SUBJECT: MINUTES**

**RECOMMENDATION:** That Council waive the reading and approve the minutes of the adjourned regular meeting of July 22, 2002, the regular meeting of July 23, 2002, the adjourned regular meeting of July 29, 2002, and the regular meeting of July 30, 2002.

**ACTION:** Approved the recommendation.

6. **SUBJECT: ADVISORY GROUP RESIGNATION (570.05)**

**RECOMMENDATION:** That Council accept the resignation of Paul Bradford from the Douglas Family Preserve Advisory Committee.

**ACTION:** Approved the recommendation (July 31, 2002, letter of resignation).

7. **SUBJECT: CONDUCT OF CITY COUNCIL MEETINGS (120.02)**

**RECOMMENDATION:** That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Concerning the Conduct of City Council Meetings Commencing August 20, 2002, and Rescinding Resolution No. 02-053.

**SPEAKERS:**

Staff: City Clerk Services Manager Mabi Covarrubias Plisky.

**ACTION:** Approved the recommendation; Resolution No. 02-099, as revised (August 20, 2002, City Administrator's report).

8. **SUBJECT: COMPUTER TRAINING COORDINATOR 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. 02-076, the Position and Salary Control Resolution for Fiscal Year 2002-2003, Affecting the Administrative Services Department Effective August 24, 2002.

**ACTION:** Approved the recommendation; Resolution No. 02-100 (August 20, 2002, Assistant City Administrator's report).

9. SUBJECT: ACCEPTANCE OF AN EASEMENT FOR PUBLIC SEWER MAIN ON REAL PROPERTY LOCATED AT 207 RAMETTO ROAD (330.03)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Public Sewer Main Easement Located at 207 Rametto Road (APN 015-211-016).

ACTION: Approved the recommendation; Resolution No. 02-101 (August 20, 2002, Public Works Director's report).

10. SUBJECT: PROFESSIONAL SERVICES CONTRACT WITH URS CORPORATION FOR THE FIRESTONE ROAD DRAINAGE PROJECT– FAA AIP 3-06-0235-29 (560.04)

RECOMMENDATION: That Council authorize the Public Works Director to execute a contract with URS at a total fee not to exceed \$131,110, for design services associated with the Firestone Road Drainage Project, and authorize the Public Works Director to approve extra services of URS that may result from necessary changes in the scope of work, at a total amount not to exceed \$13,110.

ACTION: Approved the recommendation; Contract No. 20,749 (August 20, 2002, Public Works Director's report).

11. SUBJECT: AGREEMENT WITH THE COMMUNITY ENVIRONMENTAL COUNCIL FOR COMMUNITY GARDENS MANAGEMENT SERVICES (630.01)

RECOMMENDATION: That Council approve and authorize the Parks and Recreation Director to execute an agreement in the amount of \$7,112 with the Community Environmental Council for management of City Community Gardens from July 1, 2002, to June 30, 2003.

ACTION: Approved the recommendation; Agreement No. 20,750 (August 20, 2002, Parks and Recreation Director's report).

12. SUBJECT: AGREEMENT WITH ALPHA RESOURCE CENTER FOR COOPERATIVE WORK PROJECT (570.05)

RECOMMENDATION: That Council approve and authorize the Parks and Recreation Director to execute an agreement in the amount of \$9,000 with the Alpha Resource Center (ARC) for a cooperative work project for park maintenance, from July 1, 2002, to June 30, 2003.

ACTION: Approved the recommendation; Agreement No. 20,751 (August 20, 2002, Parks and Recreation Director's report).

13. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR PROFESSIONAL SERVICES WITH PENFIELD & SMITH FOR STREET REHABILITATION OPTIONS STUDY AND DESIGN (530.04)

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a professional services contract with Penfield & Smith in the amount of \$88,802, for engineering design services for street rehabilitation; and
- B. Authorize the Public Works Director to approve expenditures of up to \$8,880, for extra services of Penfield & Smith that may result from necessary changes in the scope of work.

ACTION: Approved the recommendations; Contract No. 20,752 (August 20, 2002, Public Works Director's report).

14. SUBJECT: NOTICE OF COMPLETION - STATE STREET SIDEWALK IMPROVEMENT PROJECT, PHASE III, CONTRACT NO. 20,487 (530.04)

RECOMMENDATION: That Council accept the work completed by Lash Construction, Incorporated (Lash), under Contract No. 20,487, including approved changes, for the State Street Sidewalk Improvement Project, Phase III, 600 and 700 blocks, Bid No. 3325, in the final contract amount of \$1,558,318.29, and that a Notice of Completion be filed for the project.

ACTION: Approved the recommendation (August 20, 2002, Public Works Director's report).

15. SUBJECT: NOTICE OF COMPLETION – STORM WATER INTERCEPTOR ON HALEY STREET AT MISSION CREEK, CONTRACT NO. 20,520 (540.14)

RECOMMENDATION: That Council accept the work completed by Lash Construction, Incorporated, Contract No. 20,520, for the Storm Water Interceptor on Haley Street at Mission Creek Project, Bid No. 3316, located at the 100 Block of West Haley Street, between De La Vina Street and Chapala Street, in the final contract amount of \$148,337.50, including approved changes, and approve filing of a Notice of Completion.

ACTION: Approved the recommendation (August 20, 2002, Public Works Director's report).

16. SUBJECT: 3791 STATE STREET - APPROVAL OF FINAL MAP AND EXECUTION OF AGREEMENTS (640.08)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,647 by BDC-METRO, LLC, a California Limited Liability Company, for a one-lot subdivision located at 3791 State Street, APN 051-040-028, finding the map in conformance with the General Plan and applicable specific plans of the City;
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property;
- C. Approve and authorize the City Administrator to execute and record an Agreement for Land Development Improvements;
- D. Approve and authorize the City Administrator to execute and record an Agreement Assigning Water Extraction Rights; and
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Water Extraction Rights for the City and Accepting Interest in Real Property Located at 3791 State Street, APN 051-040-028.

ACTION: Approved the recommendations; Agreement Nos. 20,753 - 20,755; Resolution No. 02-102 (August 20, 2002, Public Works Director's report).

17. SUBJECT: LEASE AGREEMENT WITH DON STEVENS, DBA INDIAN ORCHARD TRUCKING, AT THE AIRPORT (330.04)

RECOMMENDATION: That Council approve and authorize the City Administrator to execute a month-to-month Lease Agreement with Don Stevens, a Sole Proprietor, dba Indian Orchard Trucking, for 20,984 square feet of land at 451 Frederic Lopez Road, at the Santa Barbara Airport, commencing June 1, 2002, for a total monthly rental of \$2,308, exclusive of utilities.

ACTION: Approved the recommendation; Agreement No. 20,756 (August 20, 2002, Airport Director's report).

18. SUBJECT: CONSENT TO SUBLEASE AGREEMENT BETWEEN SIGNATURE FLIGHT SUPPORT-CA, INC., AND RED BARON AVIATION, LLC, AT THE AIRPORT (330.04)

RECOMMENDATION: That Council authorize the City Administrator to execute a Consent to Sublease Agreement between Signature Flight Support – California, Inc., and Red Baron Aviation, LLC, commencing June 1, 2002, and ending May 31, 2004, for a portion of Signature's leasehold at 1601 Cecil Cook Place, at the Santa Barbara Municipal Airport.

(Cont'd)

18. (Cont'd)

ACTION: Approved the recommendation; Agreement No. 20,757 (August 20, 2002, Airport Director's report).

19. SUBJECT: ONE-YEAR LEASE AGREEMENT WITH HARBOR TACKLE, L.L.C. (330.04)

RECOMMENDATION: That Council approve a one-year lease agreement with Harbor Tackle, L.L.C., for the bait and tackle shop operating at 117-A Harbor Way in the Santa Barbara Harbor.

SPEAKERS:

Staff: Waterfront Director John Bridley.

ACTION: Approved the recommendation; Agreement No. 20,758 (August 20, 2002, Waterfront Director's report).

20. SUBJECT: AGREEMENT WITH THE COMMUNITY ENVIRONMENTAL COUNCIL FOR INSTALLATION OF A BILGE PUMP-OUT/OIL-WATER SEPARATOR SYSTEM IN THE HARBOR (630.12)

RECOMMENDATION: That Council approve and authorize the City Administrator to execute an agreement with the Community Environmental Council for the installation of a bilge pump-out/oil-water separator system on the City Pier and Fuel Dock in the Santa Barbara Harbor.

ACTION: Approved the recommendation; Agreement No. 20,759 (August 20, 2002, Waterfront Director's report).

21. SUBJECT: INCREASE IN CHANGE ORDER FUNDING FOR THE HARBOR LAUNCH RAMP REPLACEMENT PROJECT AND MARINE PUMP-OUT STATION, CONTRACT NO. 20,519 (570.03)

RECOMMENDATION: That Council:

- A. Appropriate \$100,000 from the Harbor Preservation Fund to the FY 03 Waterfront Capital Fund Budget; and
- B. Authorize an increase in the Public Works Director's authority to approve expenditures for extra work from \$35,500 to \$135,500, for the Harbor Launch Ramp Replacement Project and Marine Pump-Out Station, Contract No. 20,519.

ACTION: Approved the recommendations (August 20, 2002, Public Works Director's report).

22. SUBJECT: LEGISLATIVE REPORT (160.02)

RECOMMENDATION: That Council:

- A. SUPPORT SB 1647 (Perata), which would enact the California Economic Stimulus and Public Infrastructure Security and Investment Bond Act of 2002, allowing voters to authorize the issuance of bonds in the amount of \$1,045,000,000 for the purpose of financing a program for economic stimulus and infrastructure investment;
- B. SUPPORT AB 669 (Hertzberg), which would authorize every local public agency to establish a non-emergency telephone system, designate the digits "3-1-1" as the primary non-emergency telephone number within the system, and increase the surcharge on intrastate telephone communication service to pay for the system;
- C. SUPPORT AB 1917 (Matthews), which would enact the California Peace Officers' Homeland Security Act of 2002 allowing off-duty and retired police officers to carry concealed weapons in venues open to the public, and allowing off-duty officers with specific authorization to carry a concealed weapon on public transportation;
- D. SUPPORT AB 2211 (Horton), which would allow the representative of a community affected by the commission of a misdemeanor to submit a Community Impact Statement that a court would consider prior to imposing judgment and sentence;
- E. OPPOSE SB 1828 (Burton), which would require a finding under the California Environmental Quality Act (CEQA) that a project may have a significant effect on the environment if the proposed project may adversely affect a Native American sacred site; and
- F. Authorize the Mayor to send letters to and, as needed, contact legislators, the League of California Cities, and other appropriate parties to convey the City's position.

ACTION: Approved the recommendations (August 20, 2002, City Administrator's report).

NOTICES

- 23. The City Clerk has on Thursday, August 15, 2002, 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.
- 24. Ordinance Committee meeting, August 20, 2002, at 1:00 p.m. in the Council Chamber for consideration of Recreational and Oversize Vehicle Parking in Waterfront Lots. (120.03)
- 25. Cancellation of the regular City Council meeting of September 3, 2002, due to the lack of a quorum.

26. Cancellation of the regular Redevelopment Agency meeting of September 3, 2002, at 2:00 p.m.
27. The City Council will conduct a site visit on Monday, August 26, 2002, at 1:30 p.m. to the property located at 2438 - 2520 Modoc Road, which is the subject of an appeal hearing set for August 27, 2002, at 2:00 p.m.

This concluded the Consent Calendar.

## **REPORT FROM ORDINANCE COMMITTEE**

### **28. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee member Iya Falcone reported that the Committee had reviewed a draft ordinance and resolutions to regulate the parking of recreational and oversize vehicles in waterfront lots. The Committee acted to forward these documents to the full Council for consideration at a future meeting.

## **RECESS**

2:42 p.m. - 2:44 p.m., during which time the first portion of the Redevelopment Agency meeting, Item No. 29, was completed.

## **ADMINISTRATIVE AND ATTORNEY REPORTS**

### **PUBLIC WORKS DEPARTMENT**

### **31. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR THE CATER WATER TREATMENT PLANT IMPROVEMENTS PROJECT, BID NO. 3313 (540.10)**

RECOMMENDATION: That Council:

- A. Reject the apparent low bid of Merco Construction Engineers, Incorporated (Merco), for the Cater Water Treatment Plant Improvements Project, Bid No. 3313, as non-responsive due to its failure to meet the requirements of the project specifications;
- B. Award and authorize the Public Works Director to execute a contract with Cushman Contracting Corporation (Cushman) in their low responsive bid amount of \$12,730,400 for the combination of Schedule A plus Item 3 of Schedule B, for construction of the Cater Water Treatment Plant Improvements Project, Bid No. 3313;
- C. Authorize the Public Works Director to approve expenditures up to \$1,273,040 to cover any cost increases that may result from contract change orders for extra work;

(Cont'd)

31. (Cont'd)

- D. Approve and authorize the Finance Director to execute an Escrow Agreement for security deposits in lieu of retention, and authorize the City Finance Director to administer and take all action required to obtain proper performance under such agreement, as provided in the specifications for the Cater Water Treatment Plant Improvements Project, Bid No. 3313; and
- E. Increase the estimated State loan proceeds for the project by \$8,715,963 and appropriate the funds to the Fiscal Year 2003 Cater Improvement Projects.

DOCUMENTS:

August 20, 2002, Public Works Director's report.

SPEAKERS:

- Staff: Principal Civil Engineer John Schoof.
- Member of the Public: James Smith, attorney representing Cushman Contracting.

MOTION:

Councilmembers Secord/Falcone to approve the recommendations; Contract No. 20,760.

VOTE:

Unanimous voice vote (Absent: Councilmembers Fairly, Hart).

32. SUBJECT: ONTARE ROAD - 90-DAY FOLLOW-UP REPORT (530.05)

RECOMMENDATION: That Council:

- A. Receive a staff report on the changed traffic conditions on Ontare Road and Grove Lane since the removal of the speed cushions, and recommend measures to address these conditions;
- B. Refer staff to the Ordinance Committee for review of the proposed speed limit reduction to 25 miles per hour on Ontare Road from Sunset Drive to State Street; and
- C. Authorize the installation of two radar speed limit signs on Ontare Road.

DOCUMENTS:

August 20, 2002, Public Works Director's report.

SPEAKERS:

- Staff: Supervising Transportation Engineer Derek Rapp, Transportation Operations and Parking Manager George Gerth.
- Members of the Public: Len Jarrott, Milton Hammer, Trey Pinner.

(Cont'd)

32. (Cont'd)

**MOTION:**

Councilmembers Falcone/Folayemi to approve the recommendations.

**VOTE:**

Unanimous voice vote (Absent: Councilmembers Fairly, Hart).

**WATERFRONT DEPARTMENT**

33. **SUBJECT: AMENDMENT TO WATERFRONT FEE RESOLUTION (570.03)**

**RECOMMENDATION:** That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Mooring, Slip and User Fees in the Santa Barbara Harbor Including Stearns Wharf, and Repealing Resolution No. 01-125.

**DOCUMENTS:**

- August 20, 2002, Waterfront Director's report.
- Proposed Resolution.

The title of the resolution was read.

**SPEAKERS:**

Staff: Waterfront Director John Bridley, City Attorney Daniel Wallace.

**MOTION:**

Councilmembers Horton/Folayemi to approve the recommendation;  
Resolution No. 02-103.

**VOTE:**

Unanimous roll call vote (Absent: Councilmembers Fairly, Hart).

**RECESS**

3:34 p.m. - 3:48 p.m.

**CHANGES TO THE AGENDA**

**Item Removed from Agenda**

Upon the recommendation of City Administrator James Armstrong, the following item was removed from the agenda:

34. SUBJECT: REQUEST FROM NUCLEAR AGE PEACE FOUNDATION (800.06)

RECOMMENDATION: That Council hear a presentation from Nancy Broyles regarding the following:

- A. Preserve Santa Barbara as a nuclear free City;
- B. Keep nuclear waste from being transported through our City on U.S. Highway 101; and
- C. Post signs on U.S. Highway 101 saying "Entering a Nuclear Free Zone" and "Leaving a Nuclear Free Zone" at the appropriate places.

#### **MAYOR AND COUNCIL MATTERS**

35. SUBJECT: MAYORS FOR PEACE (800.06)

RECOMMENDATION FROM MAYOR BLUM: That the City Council hear and provide direction on the invitation to join the "Mayors for Peace" effort.

DOCUMENTS:

- June 14, 2002, letter from Mayors for Peace.
- August 20, 2002, report from Mayor Blum.

MOTION:

Councilmembers Folleyemi/Falcone to join the "Mayors for Peace."

VOTE:

Unanimous voice vote (Absent: Councilmembers Fairly, Hart).

#### **ORDINANCES FOR INTRODUCTION**

37. SUBJECT: RECYCLED WATER USER AGREEMENT WITH MARBORG INDUSTRIES (540.13)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the User Agreement Between the City of Santa Barbara and Marborg Industries, for Delivery of the City's Recycled Water to Marborg Industries' Irrigation System Located at 23 North Quarantina Street and 623 Quinientos Street, Santa Barbara County Assessor's APN 017-030-012.

DOCUMENTS:

- August 20, 2002, Public Works Director's report.
- Proposed Ordinance.

The title of the ordinance was read.

(Cont'd)

37. (Cont'd)

**SPEAKERS:**

Staff: Transportation Operations and Parking Manager George Gerth,  
City Administrator James Armstrong.

**MOTION:**

Councilmembers Secord/Horton to approve the recommendation.

**VOTE:**

Unanimous voice vote (Absent: Councilmembers Fairly, Hart).

**MAYOR AND COUNCIL MATTERS (Cont'd)**

36. SUBJECT: PLANNING COMMISSION INTERVIEWS (140.05)

**RECOMMENDATION:** That Council hold interviews of applicants to the Planning Commission.

(Estimated Time: 4:00 p.m.)

**DOCUMENTS:**

August 20, 2002, Assistant City Administrator's report.

**SPEAKERS:**

The following applicants were interviewed:

Jeff Chaffin  
Jonathan Maguire  
June Pujo  
Krishan Singh  
Addison S. Thompson  
Robert L. Adams  
Peter Todd Lewis

City Clerk Services Manager Mabi Covarrubias Plisky stated that Council's appointment of a new Planning Commissioner is scheduled for August 27, 2002.

City Administrator James Armstrong left the meeting at 4:33 p.m.; Assistant City Administrator Joan Kent took his place during Council's consideration of the following item.

## **PUBLIC HEARINGS**

38. SUBJECT: APPEAL OF ARCHITECTURAL BOARD OF REVIEW PRELIMINARY APPROVAL OF THE APPLICATION OF HUGH TWIBELL, ARCHITECT FOR JOAN PETERSILIA, FOR A SECOND FLOOR ADDITION TO AN EXISTING TWO-STORY DUPLEX AT 3731 AMALFI WAY, APN 049-320-012, R-2 TWO RESIDENTIAL UNIT RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE. (640.07)

RECOMMENDATION: That Council deny the appeal and uphold the Architectural Board of Review preliminary approval of an addition located at 3731 Amalfi Way, making the findings in the Council Agenda Report.

### **DOCUMENTS:**

- August 20, 2002, Community Development Director's report.
- Letter of appeal received July 18, 2002, and amendment thereto dated July 31, 2002.
- Photographs of Amalfi Way and neighboring streets, submitted by the Appellant.
- Article entitled "There's no place to park" from August 19, 2002, Santa Barbara News-Press, submitted by the Appellant.
- July 18, 2002, letter from the Applicant.
- Vicinity map showing floor area ratios of existing residences, submitted by the Applicant.
- July 20, 2002, letter from Sarah Thomas.
- July 21, 2002, letter from Patty Rosewater.
- Copies of a July 28, 2002, letter supporting the project, signed by area residents.
- August 12, 2002, letter from Katy Higgins and Rahul Puar.
- August 19, 2002, letter from Steve Benchek.
- August 20, 2002, letters from Evangeline Benchek; Joan Cartwright; Roger Cartwright.
- Undated letter from Rick and Brittany Enthoven.

### **PUBLIC HEARING OPENED:**

4:34 p.m.

### **SPEAKERS:**

- Staff: Senior Planner Jaime Limón.
- Architectural Board of Review: Chair Jeffrey Gorrell.
- Appellant: Audrey Minturn.
- Applicant: Architect Hugh Twibell, Joan Petersilia.

(Cont'd)

38. (Cont'd)

HEARING CLOSED:

5:03 p.m.

MOTION:

Councilmembers Fodayemi/Horton to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Councilmembers Fairly, Hart).

## **RECESS**

5:04 p.m. - 5:08 p.m.

## **JOINT REDEVELOPMENT AGENCY/CITY COUNCIL SESSION**

The City Council and Redevelopment Agency convened in joint closed session at 5:08 p.m.

30. SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (160.03)

RECOMMENDATION: That the City Council and the Redevelopment Agency Board hold a closed session to consider anticipated litigation pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed. There is significant exposure to litigation: one potential case.

Scheduling: Duration, 10 minutes; anytime

DOCUMENTS:

August 20, 2002, City Attorney/Agency Counsel's report.

TIME:

5:08 p.m. - 5:18 p.m. Council/Agency members Fairly and Hart were absent.

The City Council and Redevelopment Agency joint session was recessed at 5:18 p.m. The Council meeting remained in session.

## CLOSED SESSIONS

39. SUBJECT: CONFERENCE WITH LEGAL COUNSEL - PENDING AND ANTICIPATED LITIGATION (160.03)

RECOMMENDATION: That Council hold a closed session to consider pending and anticipated litigation pursuant to subsections (a)(b)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Margaret Hause, et al. v. City of Santa Barbara*, SBSC No. 1035230, and there is significant exposure to litigation: one potential case.

Scheduling: Duration, 10 minutes; anytime

### DOCUMENTS:

August 20, 2002, City Attorney's report.

### TIME:

5:18 p.m. - 6:18 p.m. Councilmembers Fairly and Hart were absent.

40. SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING 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 *Lillian West v. City of Santa Barbara*, SBSC Case No. 1094144.

Scheduling: Duration, 10 minutes; anytime

### DOCUMENTS:

August 20, 2002, City Attorney's report.

### TIME:

6:18 p.m. - 6:28 p.m. Councilmembers Fairly and Hart were absent.

## RECESS

6:28 p.m. - 6:29 p.m. The City Council and Redevelopment Agency reconvened in the Council Chamber; Council/Agency members Fairly, Hart and Horton were absent.

### ANNOUNCEMENT:

City Attorney/Agency Counsel Daniel Wallace reported that the Council and Redevelopment Agency met in joint closed session for Agenda Item No. 30, and the Council met in closed session for Agenda Item Nos. 39 and 40. No reportable action was taken during these sessions.

The City Council and Redevelopment Agency joint session concluded at 6:30 p.m.

