



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING March 16, 2004 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 2:03 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance 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: Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Helene Schneider, Dan B. Secord, Das Williams, Mayor Blum.

Councilmembers absent: None.

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

### CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION HONORING THE SANTA BARBARA HISPANIC CHAMBER OF COMMERCE (120.04)

ACTION: Proclamation presented to Alex Rodriguez, Hispanic Chamber of Commerce President.

2. SUBJECT: PROCLAMATION HONORING THE 40TH ANNIVERSARY OF THE COMMUNITY ACTION COMMISSION (120.04)

ACTION: Proclamation presented to Community Action Commission Executive Director Rita Madden.

City Attorney Stephen Wiley introduced Sarah Knecht, who has recently started work for the City as an Assistant City Attorney.

## **PUBLIC COMMENT**

SPEAKERS: Lee Moldaver and Ken Loch.

## **CONSENT CALENDAR** (Item Nos. 3 – 10, 12 and 13)

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

### **MOTION:**

Council/Agency members Secord/Horton to approve the Consent Calendar as recommended.

### **VOTE:**

Unanimous roll call vote.

### **3. SUBJECT: MINUTES**

**RECOMMENDATION:** That Council waive the reading and approve the minutes of the regular meeting of February 24, the special meeting of February 26, the adjourned regular meeting March 1, and the regular meeting of March 2, 2004.

**ACTION:** Approved the recommendation.

### **4. SUBJECT: RECORDS DESTRUCTION FOR ADMINISTRATIVE SERVICES DEPARTMENT (160.06)**

**RECOMMENDATION:** That the 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 Administrative Services Department in the City Clerk's Office.

**ACTION:** Approved the recommendation; Resolution No. 04-012 (March 16, 2004, Assistant City Administrator's report; proposed resolution).

### **5. SUBJECT: RECORDS DESTRUCTION FOR POLICE DEPARTMENT (160.06)**

**RECOMMENDATION:** That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Destruction of Certain Records Held by the Police Department.

**ACTION:** Approved the recommendation; Resolution No. 04-013 (March 16, 2004, report from the Chief of Police; proposed resolution).

6. SUBJECT: COMMUNITY PROMOTION CONTRACT WITH SPIRIT OF '76 (230.02)

RECOMMENDATION: That City Council approve and authorize the Finance Director to execute a Community Promotion contract with Spirit of '76 in an amount of \$12,500 to commence on March 15, 2004, and terminate on August 30, 2004, according to the terms of the contract.

SPEAKERS:

Staff: Finance Director Robert Peirson.

ACTION: Approved the recommendation; Contract No. 21,299 (March 16, 2004, Finance Director's report).

7. SUBJECT: INTERIM FINANCIAL STATEMENTS FOR THE SEVEN MONTHS ENDED JANUARY 31, 2004 (250.02)

RECOMMENDATION: That Council accept the fiscal year 2004 Interim Financial Statements for the Seven Months Ended January 31, 2004.

ACTION: Approved the recommendation (March 16, 2004, Assistant Finance Director's report).

8. SUBJECT: GOLETA SLOUGH TIDAL RESTORATION EXPERIMENT BIRD SURVEYS (650.04)

RECOMMENDATION: That Council:

- A. Authorize the Airport Director to execute a contract in an amount not to exceed \$9,700 with URS Corporation to provide pre-construction bird surveys for the Goleta Slough Tidal Restoration and Birdstrike Experiment; and
- B. Authorize the Airport Director to approve expenditures of up to \$1,000 for extra services of URS Corporation that may result from necessary changes in the scope of work.

SPEAKERS:

Staff: Airport Director Karen Ramsdell.

ACTION: Approved the recommendations; Contract No. 21,300 (March 16, 2004, Airport Director's report).

9. SUBJECT: SET A DATE FOR PUBLIC HEARING REGARDING APPEAL OF PLANNING COMMISSION DENIAL FOR 13 W. HALEY STREET

RECOMMENDATION: That Council:

- A. Set the date of April 13, 2004, at 2:00 p.m. for hearing the appeal of Jeff Shelton, Agent for Neil and Sue Ablitt, of the Planning Commission denial of an application for property located at 13 W. Haley Street, APN 037-211-004, C-M Light Manufacturing Zone, General Plan Designation: General Commerce. The project involves the construction of a 653 square-foot four-story residence with attached one-car garage and roof deck on a 400 square-foot vacant lot situated on a private alley. The discretionary applications required are modifications to allow the entire residence and attached garage to be constructed on the property lines instead of observing the ten foot interior yard setbacks, to allow the open yard space to be provided on the roof deck instead of the ground floor, and to allow one parking space instead of the required two parking spaces; and
- B. Set the date of April 12, 2004, at 1:30 p.m. for a site visit to the property located at 13 W. Haley Street.

ACTION: Approved the recommendations (February 20, 2004, letter of appeal).

10. SUBJECT: SET A DATE FOR PUBLIC HEARING REGARDING APPEAL OF PLANNING COMMISSION APPROVAL FOR 29 W. CALLE LAURELES

RECOMMENDATION: That Council:

- A. Set the date of April 20, 2004, at 2:00 p.m. for hearing the appeal of the Friends of West Calle Crespis of the Planning Commission approval of an application for property owned by DesignArc and located at 29 W. Calle Laureles, APN 051-122-004, C-2/SD-2 Commercial and Upper State Street Overlay Zones; General Plan Designation: General Commerce. The proposed project would subdivide the 17,400 square-foot lot with an existing office building to remain, to accommodate a new ground level parking structure with five residential condominium units above, requiring discretionary approval of applications for Modifications and a Tentative Subdivision Map; and
- B. Set the date of April 19, 2004, at 1:30 p.m. for a site visit to the property located at 29 W. Calle Laureles.

ACTION: Approved the recommendations (February 20, 2004, letter of appeal).

Agenda Item No. 11 appears in the Redevelopment Agency minutes.

12. SUBJECT: RECORDS DESTRUCTION FOR COMMUNITY DEVELOPMENT DEPARTMENT (160.06)

RECOMMENDATION:

- A. That the Redevelopment Agency Board authorize and direct the Deputy Director, or his designated representative, to destroy the documents listed on Exhibit A without retaining a copy; and
- B. That the 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 for the Redevelopment Agency.

ACTION: Approved the recommendations; City Council Resolution No. 04-014 (March 16, 2004, report from the Community Development Director/Deputy Director; proposed resolution).

NOTICES

13. The City Clerk has on Thursday, March 11, 2004, at 3:00 p.m. 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.

**FINANCE COMMITTEE REPORT**

14. SUBJECT: FINANCE COMMITTEE AGENDA, MARCH 16, 2004, 1:00 P.M., IN ROOM 15 TO CONSIDER THE ISSUANCE OF DEBT TO FUND \$16 MILLION IN WASTEWATER FUND PROJECTS (120.03)
15. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee heard a Staff report on a proposed debt issuance to fund \$16 million in projects for the El Estero Wastewater Treatment Plant. The Committee requested additional information and will continue its discussion of the matter next week.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

INFORMATION:

- Mayor Blum mentioned a visit by the Mayor of Dingle, Ireland, and commented upon a conference she had attended in Washington, D.C.
- Councilmember Williams reported on a meeting of the Creeks Advisory Committee regarding a creeks monitoring program.

(Cont'd)

INFORMATION (Cont'd):

- Councilmember Horton remarked that the final report of the Jobs/Housing Steering Committee is scheduled to be released in June 2004.
- Councilmember Falcone reported on her attendance at a meeting with the Army National Guard regarding the project to acquire the National Guard Armory.
- Councilmember Schneider mentioned that the Housing Authority's Casa Las Fuentes project had received another award.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

AIRPORT DEPARTMENT

16. SUBJECT: EXTENSION OF DEVELOPMENT PLAN APPROVAL FOR AIRPORT SPECIFIC PLAN REAL PROPERTY AT 6100 HOLLISTER AVENUE (560.09)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 28.87.350 of the Santa Barbara Municipal Code to Provide Time Limits on Development Plan Approvals Made in Connection with Santa Barbara Municipal Code Chapter 29.30, the Airport Industrial Area Specific Plan Zone (Specific Plan No. 6).

DOCUMENTS:

- March 16, 2004, report from the Airport and Community Development Directors.
- Proposed Ordinance.

The title of the ordinance was read.

SPEAKERS:

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

MOTION:

Councilmembers Secord/Barnwell to approve the recommendation.

VOTE:

Unanimous voice vote.

PARKS AND RECREATION DEPARTMENT

17. SUBJECT: ORDINANCE CHANGE REGARDING PARAGLIDER/HANG GLIDER LANDING AREA RELOCATION (570.05)

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 15.16.220 of the Municipal Code Pertaining to the Use of Hang Gliders and Paragliders Within the City of Santa Barbara; and
- B. Direct staff to return to Council with a one-year review of this activity at the new location.

DOCUMENTS:

- March 16, 2004, Parks and Recreation Director's report.
- Proposed Ordinance.

The title of the ordinance was read.

SPEAKERS:

Staff: Assistant Parks and Recreation Director Jeff Cope.

MOTION:

Councilmembers Secord/Falcone to approve the recommendations, revising recommendation B to allow Staff to report to Council in memorandum form if problems do not arise with the landing area relocation.

VOTE:

Unanimous voice vote.

18. SUBJECT: UTILIZATION OF GRANT FUNDS FOR DOUGLAS FAMILY PRESERVE RESOURCE PROTECTION PROJECTS (570.05)

RECOMMENDATION: That Council approve spending California Coastal Conservancy (Conservancy) grant funds for resource protection projects prior to the adoption of the Douglas Family Preserve (DFP) Management Plan.

DOCUMENTS:

March 16, 2004, Parks and Recreation Director's report.

SPEAKERS:

Staff: Assistant Parks and Recreation Director Jeff Cope.

(Cont'd)

18. (Cont'd)

**MOTION:**

Councilmembers Secord/Falcone to approve the recommendation.

**VOTE:**

Unanimous voice vote.

**PUBLIC HEARINGS**

19. SUBJECT: INCLUSIONARY HOUSING ORDINANCE (660.01)

**RECOMMENDATION:** That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 28 of the Santa Barbara Municipal Code by Adding a New Chapter to the Zoning Ordinance, Chapter 28.43, in Order to Enact an Inclusionary Housing Requirement for New Larger Residential Projects Within the City of Santa Barbara.

**DOCUMENTS:**

- March 16, 2004, Community Development Director's report.
- Proposed Ordinance.
- March 16, 2004, letter from Michael Towbes.
- Affidavit of Publication.

The title of the ordinance was read.

**PUBLIC HEARING OPENED:**

3:09 p.m.

**SPEAKERS:**

- Staff: Project Planner Beatriz Ramirez, who in concluding her Staff report noted that two revisions to the ordinance text are necessary: on page 11 in paragraph D, the number 2,000 should read 1,700, and on page 12 in paragraph A(3), the phrase "in the Council's determination" should read "in the Planning Commission's or City Council's determination;" Housing Programs Supervisor Steven Faulstich.
- Member of the Public: Jerry Bunin, Home Builders Association.

**RECESS:** 3:42 p.m. – 3:54 p.m.

**SPEAKERS (Cont'd):**

- Staff: Principal Planner John Ledbetter, City Attorney Stephen Wiley.
- Members of the Public: Catherine McCammon, League of Women Voters; Steve Johnson; David Fortson, Santa Barbara County Action Network; Naomi Kovacs, Citizens Planning Association; Nancy Hancock, South Coast Livable Communities.

(Cont'd)

19. (Cont'd)

PUBLIC HEARING CLOSED:

4:59 p.m.

MOTION:

Councilmembers Williams/Schneider to approve the recommendation with the revisions to pages 11 and 12 of the ordinance, and add a graduated in-lieu fee structure for projects consisting of 5 – 9 units that is 10% less than that outlined in the Alternative 3 discussed in the Council Agenda Report.

VOTE:

Failed to carry by voice vote (Ayes: Councilmembers Schneider, Williams; Noes: Councilmembers Barnwell, Falcone, Horton, Secord, Mayor Blum).

MOTION:

Councilmembers Secord/Barnwell to approve the recommendation with the revisions to pages 11 and 12 of the ordinance.

VOTE:

Unanimous voice vote.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (Cont'd)**

### **PUBLIC WORKS DEPARTMENT**

20. SUBJECT: RESOLUTION OF INTENT REGARDING MARBORG INDUSTRIES' CONTRACT EXTENSION REQUEST (510.04)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Hold a Public Hearing on April 20, 2004, in Order to Consider an Amendment to the Existing Municipal Solid Waste Collection and Disposal Contract With MarBorg Industries, Inc., a California Corporation, to Extend the Term of the Existing Franchise, and Making Certain Other Amendments Relating Thereto.

DOCUMENTS:

- March 16, 2004, Public Works Director's report.
- Proposed Resolution.

The title of the resolution was read.

(Cont'd)

20. (Cont'd)

**SPEAKERS:**

- Staff: Public Works Director Anthony Nisich.
- MarBorg Industries: Brian Borgatello, Mario Borgatello, Derek Carlson.

**MOTION:**

Councilmembers Falcone/Barnwell to approve the recommendation;  
Resolution No. 04-015.

**VOTE:**

Unanimous roll call vote.

**MAYOR AND COUNCIL REPORTS**

22. SUBJECT: FIX IT TICKETS FOR RECREATIONAL VEHICLES  
(COUNCILMEMBER WILLIAMS) (660.04)

**RECOMMENDATION:** That Council hear a presentation from Councilmember Das Williams regarding Recreational Vehicle Fix It Tickets and determine what action Council wishes to take.

**DOCUMENTS:**

- March 16, 2004, Assistant City Administrator's report.
- March 15, 2004, letter from New Beginnings Counseling Center.

**DISCUSSION:**

Councilmember Williams described his request that Council amend the City's resolution establishing a schedule of parking violation penalties to allow clearance of 1) the first citation issued for the parking of a recreational vehicle on the street at night or 2) the 6<sup>th</sup> outstanding ticket of this nature (which triggers the Police Department's ability to tow the vehicle), upon proof of the owner's compliance with the program permitting the temporary overnight use of recreational vehicles.

**SPEAKERS:**

Members of the Public: Peter Marin, Committee for Social Justice; Cath Webb; Juanita León, New Beginnings Counseling Center.

**MOTION:**

Councilmembers Williams/Horton to continue Council discussion and possible action on this matter to March 23, 2004.

**VOTE:**

Unanimous voice vote.

## **RECESS**

5:39 p.m. – 5:44 p.m.

## **CLOSED SESSIONS**

23. 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 Butler vs. City of Santa Barbara, et al., Case No. CV 02-6693 MMM (AJWx), United States District Court.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

### DOCUMENTS:

March 16, 2004, City Attorney's report.

### TIME:

5:44 p.m. – 6:04 p.m.

No settlement approved.

## **RECESS**

6:04 p.m. – 6:06 p.m.

Mayor Blum presiding.

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

Councilmembers absent: None.

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

## **PUBLIC COMMENT**

SPEAKERS: Bob Hansen and Bruce Rittenhouse.

## **CLOSED SESSIONS**

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

### ANNOUNCEMENT:

City Attorney Stephen Wiley reported that the Council met in closed session for Item No. 23; no reportable action was taken during the closed session.

## REQUESTS FROM THE PUBLIC

### 21. SUBJECT: PUBLIC ALLEY SAFETY (530.04)

RECOMMENDATION: That Council hear a presentation from Helen Gordon regarding public alley safety.

#### DOCUMENTS:

- January 20, 2004, letter from Helen Gordon.
- Petition for Alleyway Safety and photographs, submitted by Helen Gordon.
- March 16, 2004, City Administrator's report.

#### SPEAKERS:

Members of the Public: Helen Gordon.

By consensus, the Council took no action on the request.

## PUBLIC HEARINGS

### 24. SUBJECT: PLAZA DE LA GUERRA GENERAL PLAN AMENDMENT (650.06)

RECOMMENDATION: That Council:

- A. Hold a public hearing;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to the General Plan Incorporating Amendment 1-02 Plaza de la Guerra into the Land Use Element of the General Plan; and
- C. Direct Staff to return with project scope and funding options, for consideration by the Council as part of the overall Redevelopment Agency Capital Improvement Program budget.

#### DOCUMENTS:

- March 16, 2004, Community Development Director's report.
- Proposed Resolution.
- March 12, 2004, letter from the Santa Barbara Downtown Organization.
- March 15, 2004, letters from James Rickard; Lost Horizon Bookstore.
- March 16, 2004, letter from G. Hebert.
- Petition opposing the proposed General Plan Amendment, submitted by James Main.
- Affidavit of Publication.

The title of the resolution was read.

(Cont'd)

24. (Cont'd)

PUBLIC HEARING OPENED:

6:46 p.m.

SPEAKERS:

- Consultant to the Redevelopment Agency: Pat Saley.
- Staff: Special Projects Manager Don Olson.
- Planning Commission: Commissioner Bill Mahan, Vice Chair Jonathan Maguire, Commissioner Harwood White.
- Members of the Public: Sheila Snow; Mario Martinez, Ruby's Cafe; Dennis Rickard; Barbara Lowenthal; Jim Marino; John Pitman, Santa Barbara Conservancy; Marshall Rose, Downtown Organization.

RECESS: 7:50 p.m. – 8:05 p.m.

SPEAKERS (Cont'd):

- Members of the Public: Scott Wenz, Cars Are Basic; Pedro Nava and Alex Rodriguez, Santa Barbara Hispanic Chamber of Commerce; Bruce Rittenhouse; Randall Fox, Orena Adobe Trust; Michael Aberle; James Main, James Main Fine Art; Alex Pujo; Joe Cole, Santa Barbara News-Press.

PUBLIC HEARING CLOSED:

8:34 p.m.

MOTION:

Councilmembers Secord/Horton to refer the proposed General Plan Amendment to a Council subcommittee composed of Councilmembers Horton, Williams and Mayor Blum for revision and return to Council at a later date.

VOTE:

Unanimous voice vote.

As a result of the above action, the proposed resolution was not adopted, and no action was taken on recommendation C.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 8:56 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

\_\_\_\_\_  
MARTY BLUM  
MAYOR

\_\_\_\_\_  
SUSAN TSCHECH  
DEPUTY CITY CLERK