



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING January 13, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 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: 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.

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator James Armstrong stated that the following item was being removed from the Agenda due to withdrawal of the appeal:

18. SUBJECT: APPEAL OF ARCHITECTURAL BOARD OF REVIEW DENIAL FOR 1820 ANACAPA STREET (640.07)

RECOMMENDATION: That Council:

- A. Deny the appeal of Christopher Farley, agent for Joseph and Victoria Conley, and uphold the Architectural Board of Review's decision to deny the proposed solar electric system; and
- B. Grant approval for those portions of the proposed solar electric system which are not visible from Anacapa Street.

(Continued from November 11, 2003)

PUBLIC COMMENT

SPEAKERS: Steve Cushman and Ken Loch.

CONSENT CALENDAR (Item Nos. 1 – 9)

MOTION:

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

VOTE:

Unanimous voice vote.

1. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of December 16, the special meeting of December 18, and the regular meetings of December 23 and December 30, 2003 (cancelled due to lack of quorum).

ACTION: Approved the recommendation.

2. SUBJECT: NOVEMBER 2003 INVESTMENT REPORT (260.02)

RECOMMENDATION: That Council accept the November 30, 2003, Investment Report.

ACTION: Approved the recommendation (January 13, 2004, Finance Director's report).

3. SUBJECT: PROPOSED SERVICE TO COUNTRY REIMBURSEMENT ACT (160.02)

RECOMMENDATION: That Council endorse the Service to Country Reimbursement Act (S. 1845) proposed by Senator Barbara Boxer and authorize the Mayor to send advocacy letters to Senator Boxer and other federal officials in support of the City's position.

ACTION: Approved the recommendation (January 13, 2004, City Administrator's report).

4. SUBJECT: ACTING CITY ADMINISTRATOR (170.01)

RECOMMENDATION: That the Council approve the following persons to serve as Acting City Administrator during any temporary absence or disability of the City Administrator:

Joan Kent, Assistant City Administrator
John Bridley, Waterfront Director
Warner McGrew, Fire Chief
Carol Keator, Library Director
Tony Nisich, Public Works Director
Richard Johns, Parks and Recreation Director
Robert Peirson, Finance Director
Paul Casey, Community Development Director

ACTION: Approved the recommendation (January 13, 2004, City Administrator's report).

NOTICES

5. Received a letter of resignation from Housing Authority Commissioner Helene Schneider; the unscheduled vacancy will be part of the next City Advisory Group Recruitment. (660.03)
6. The City Clerk has on Thursday, January 8, 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.
7. Cancellation of the regular Redevelopment Agency meeting of January 13, 2004, at 2:00 p.m. due to lack of business.
8. Cancellation of the regular City Council and Redevelopment Agency meeting of January 20, 2004, at 2:00 p.m. due to lack of quorum.
9. The Mayor recently sent the following advocacy letters expressing the City's position, consistent with the Council adopted Legislative Platform, on pending state or federal legislation (160.02):
 - December 2, 2003: Congresswoman Lois Capps; letter of thanks for support for the President's Army Corp of Engineers budget for Fiscal Year 2004, which includes a total of \$1.9 million for vital operations and maintenance dredging for the Santa Barbara Harbor for Fiscal Year 2004.
 - December 23, 2003: Senator Feinstein; letter of thanks for support for the President's Army Corp of Engineers budget for Fiscal Year 2004, which includes a total of \$1.9 million for vital operations and maintenance dredging for the Santa Barbara Harbor for Fiscal Year 2004.

This concluded the Consent Calendar.

ORDINANCE COMMITTEE REPORT

10. SUBJECT: ORDINANCE COMMITTEE AGENDA, JANUARY 13, 2004, 1:00 P.M., IN COUNCIL CHAMBER FOR CONSIDERATION OF TEMPORARY OVERNIGHT USE OF RECREATIONAL VEHICLES (120.03)
11. SUBJECT: REPORT FROM ORDINANCE COMMITTEE

Ordinance Committee Chair Helene Schneider reported that the Committee had considered and approved a Staff recommendation to remove the sunset provision of Municipal Code Subsection 28.87.180(B) pertaining to the temporary overnight use of recreational vehicles. This recommendation will be forwarded to Council at its meeting of January 27, 2004, for introduction and subsequent adoption.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

INFORMATION:

- Councilmember Secord reported on the work being done by the Goleta Beach Working Group.
- Councilmember Horton mentioned the first meeting of 2004 of the Sister City International Program.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

12. SUBJECT: LOAN TO HABITAT FOR HUMANITY FOR AFFORDABLE HOUSING PROJECT AT 3965 VIA LUCERO (660.04)

RECOMMENDATION: That Council approve a \$240,000 loan of HOME Program funds to Habitat for Humanity of Southern Santa Barbara County for acquisition of the property located at 3965 Via Lucero and development of three affordable housing units, and authorize the City Administrator to execute a loan agreement and related documents in a form approved by the City Attorney.

DOCUMENTS:

January 13, 2004, Community Development Director's report.

SPEAKERS:

- Staff: Project Planner Simon Kiefer, Housing Programs Supervisor Steven Faulstich, City Attorney Stephen Wiley, Assistant Community Development Director/Redevelopment Manager David Gustafson.
- Habitat for Humanity: Executive Director Joyce McCullough, Site Acquisition Director Bill Graves.

(Cont'd)

12. (Cont'd)

MOTION:

Councilmembers Horton/Falcone to approve the recommendation;
Agreement No. 21,259.

VOTE:

Unanimous voice vote.

13. SUBJECT: CONTRACT FOR UPDATE OF NEIGHBORHOOD
PRESERVATION ORDINANCE (640.02)

RECOMMENDATION: That Council:

- A. Review the proposed Neighborhood Preservation Ordinance (NPO) Update Work Program and make necessary adjustments;
- B. Authorize the City Administrator to approve a contract for services of RRM Design Group to prepare a Neighborhood Visual Survey and Workshop and the graphics for the Single Family Residential Design Guidelines at a total cost for services not to exceed \$34,970; and
- C. Review the proposed NPO Update Steering Subcommittee membership categories and appoint Council representatives.

DOCUMENTS:

- January 13, 2004, Community Development Director's report.
- January 13, 2004, letter from Joe and Valerie Cantrell.

SPEAKERS:

- Staff: Community Development Director Paul Casey, Project Planner Heather Baker.
- Members of the Public: Sylvia Glass, Grove Lane Neighborhood Association; Lee Moldaver, Allied Neighborhoods Association; Catherine McCammon, League of Women Voters; Naomi Kovacs, Citizens Planning Association; Kathiann Brown; Dianne Channing, Riviera Association; Joe Cantrell.

MOTION:

Councilmembers Williams/Horton to: approve Recommendation A, directing Staff to notice the workshop and Steering Subcommittee meetings online; approve Contract No. 21,260 (Recommendation B); and direct that the NPO Update Steering Subcommittee membership be increased to nine members, including two neighborhood representatives to be appointed by the Allied Neighborhoods Association, and designate Councilmembers Barnwell and Schneider to serve on the subcommittee (Recommendation C).

VOTE:

Unanimous voice vote.

RECESS

4:01 p.m. – 4:17 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (Cont'd)

PARKS AND RECREATION DEPARTMENT

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

RECOMMENDATION: That Council receive the Fiscal Year 2003 Annual Report from the Parks and Recreation Community (PARC) Foundation.

DOCUMENTS:

January 13, 2004, Parks and Recreation Director's report.

SPEAKERS:

Parks and Recreation Community (PARC) Foundation: President James Petrovich.

MOTION:

Councilmembers Secord/Horton to receive the report.

VOTE:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

15. SUBJECT: AGREEMENTS FOR 985 ALAMEDA PADRE SERRA (540.13)

RECOMMENDATION: That Council:

- A. Approve and authorize the Public Works Director to execute a Sewer Easement Deed and Agreement with Mark William Benedict and Shannon Renee Benedict, providing for the replacement of an old sewer main at 985 Alameda Padre Serra; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Public Sewer Easement Located at 985 Alameda Padre Serra.

DOCUMENTS:

- January 13, 2004, Public Works Director's report.
- Proposed Resolution.

The title of the resolution was read.

(Cont'd)

15. (Cont'd)

SPEAKERS:

Staff: Principal Civil Engineer John Ewasiuk, City Attorney Stephen Wiley, City Administrator James Armstrong.

MOTION:

Councilmembers Secord/Horton to approve the recommendations; Resolution No. 04-005; Agreement No. 21,261.

VOTE:

Unanimous roll call vote.

16. **SUBJECT: CONTRACT FOR SHORELINE PARK EXPANSION PROJECT (530.04)**

RECOMMENDATION: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Lash Construction, Inc. (Lash), in the amount of \$783,303, for construction of the Shoreline Park Expansion Project, Bid No. 3371;
- B. Authorize the Public Works Director to approve expenditures up to \$78,300 to cover any cost increases that may result from contract change orders for extra work, and the differences between estimated bid quantities and actual measured quantities for payment; and
- C. Increase the Fiscal Year 2004 Street Capital Fund revenues by \$343,295, and appropriate the same to the Fiscal Year 2004 Street Capital Fund to reflect additional Federal Transportation Enhancement Act (TEA) revenues approved for the project.

DOCUMENTS:

- January 13, 2004, Public Works Director's report.
- January 13, 2004, e-mail communication from Jonathan Maguire.

SPEAKERS:

Staff: Transportation Operations and Parking Manager Browning Allen.

MOTION:

Councilmembers Horton/Falcone to approve the recommendations; Contract No. 21,262.

VOTE:

Majority voice vote (Noes: Councilmember Secord).

17. **SUBJECT: ANNUAL WATER SUPPLY MANAGEMENT REPORT (540.08)**

RECOMMENDATION: That Council:

- A. Receive a staff presentation on the annual Water Supply Management Report and take public comments on the report, if any; and

(Cont'd)

17. (Cont'd)

- B. Approve and adopt the City of Santa Barbara Water Supply Management Report for the 2002-2003 Water Year, making a finding that groundwater resources are in long-term balance under the City's program for conjunctive management of groundwater.

DOCUMENTS:

- January 13, 2004, Public Works Director's report.
- PowerPoint presentation made by Staff.
- "Comments on the Draft EIR for the Cachuma Water Rights Hearing," prepared by the Pacific Institute for the Environmental Defense Center.

SPEAKERS:

- Staff: Acting Water Resources Manager Steve Mack.
- Member of the Public: Brian Trautwein, Environmental Defense Center.

MOTION:

Councilmembers Secord/Barnwell to approve the recommendations.

VOTE:

Unanimous voice vote.

RECESS

The Mayor recessed the meeting at 5:19 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 19 and 20. City Attorney Stephen Wiley stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

19. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATOR (330.04)

RECOMMENDATION: That Council hold a closed session to consider instructions to City staff and the City Attorney regarding real property located at the Airport and bounded by Hollister Avenue, Lopez Road, Botello Road and Love Place, owned by the City of Santa Barbara (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608]). Instructions to negotiator will direct staff to negotiate possible amendments to the terms of a 50-year ground lease option (pursuant to the authority of section 54956.8 of the Government Code) approved pursuant to a Disposition and Development Agreement approved by the City Council as City Agreement No. 19,872 on April 4, 2000. The allowed uses and rent terms are under negotiation. Negotiations will be conducted by City staff with Andrew Bermant and Barton E. Clemens representing the Bermant Development Company. City negotiators are: Karen Ramsdell, Airport Director; Robert Peirson, Finance Director; and Stephen P. Wiley, City Attorney.

Scheduling: Duration, 15 minutes; anytime

(Cont'd)

19. (Cont'd)

DOCUMENTS:

January 13, 2004, City Attorney's report.

TIME:

5:22 p.m. – 6:45 p.m.

No reportable action taken.

20. SUBJECT: CONFERENCE WITH LEGAL COUNSEL-POTENTIAL LITIGATION (160.03)

RECOMMENDATION: That Council hold a closed session to consider potential litigation pursuant to subsection (c) of section 54956.9 of the Government Code and take appropriate action as needed. Initiation of litigation: one potential case.

Scheduling: Duration, 15 minutes; anytime

DOCUMENTS:

January 13, 2004, City Attorney's report.

TIME:

6:45 p.m. – 6:50 p.m.

No reportable action taken.

ADJOURNMENT

Mayor Blum adjourned the meeting at 6:50 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

MARTY BLUM
MAYOR

SUSAN TSCHECH
DEPUTY CITY CLERK