



## **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

**REGULAR MEETING  
December 8, 2009  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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### **CALL TO ORDER**

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance Committee, which is ordinarily scheduled to meet at 12:30 p.m., did not meet on this date.)

### **PLEDGE OF ALLEGIANCE**

Mayor Blum.

### **ROLL CALL**

Councilmembers present: Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone, Dale Francisco.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

### **CEREMONIAL ITEMS**

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through December 31, 2009.

Documents:

December 8, 2009, report from the Administrative Services Director.

(Cont'd)

## 1. (Cont'd)

## Speakers:

Staff: City Administrator James Armstrong, award recipients Marck Rauch and Denise Reid.

Action: By consensus, the Council recognized the following employees:

5-Year Pin

James Hernandez, Maintenance Crew Leader, Public Works  
 Mark Wilkening, Administrative Specialist, Public Works  
 Cathleen Daniels, Senior Grounds Maintenance Worker, Parks and Recreation  
 Juan Garcia, Grounds Maintenance Worker II, Parks and Recreation  
 Karl Treiberg, Waterfront Facilities Manager, Waterfront

10-Year Pin

Lesley Torgeson, Network/Applications Analyst, Administrative Services  
 Brian Bosse, Housing and Redevelopment Manager, Community Development  
 David Lopez, Airport Patrol Officer, Airport

25-Year Pin

Pamela Christian, Animal Control Supervisor, Police Department  
 Mark Rauch, Parks Supervisor, Parks and Recreation

30-Year Pin

Denise Reid, Administrative Specialist, Parks and Recreation

## 2. Subject: Proclamation Declaring December 7-14, 2009, As Santa Barbara Festival Ballet Nutcracker Week (120.04)

Action: Proclamation presented to Danielle Ireland, Daniel Salinas and Julie Salinas on behalf of the Santa Barbara Festival Ballet.

**PUBLIC COMMENT**

Speakers: Ruth Wilson; Kenneth Loch; Don Sharpe, Santa Barbara Conservancy; AIE, the Person (Kate Smith).

**CONSENT CALENDAR (Item Nos. 3 – 15, 17 and 18)**

The titles of the ordinance and resolution related to Agenda Item Nos. 4 and 5 were read.

**Motion:**

Council/Agency Members House/Schneider to approve the Consent Calendar as recommended.

**Vote:**

Unanimous roll call vote (Absent: Council/Agency Members Falcone, Francisco).

**CITY COUNCIL****3. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the special meeting of October 24, 2009, the regular meeting of October 27, 2009, the regular meeting of November 3, 2009 (cancelled), and the special meetings of November 9, 2009.

Action: Approved the recommendation.

**4. Subject: Adoption Of Ordinance For Amendment To Vic Trace Reservoir Communications Site Lease (330.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Amendment No. 1 to the Lease Agreement No. 17,461, Between the City of Santa Barbara and Santa Barbara Cellular Systems, Ltd., Located on a Portion of the Vic Trace Reservoir Property (APN 035-033-013), to Allow Lessee the Right to Sublease Upon Written Consent from the City of Santa Barbara, and Authorizing the Public Works Director to Execute Same.

Action: Approved the recommendation; Ordinance No. 5504; Agreement No. 23,243.

5. Subject: Revised Resolution For The 2030 Las Canoas Road Annexation (680.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, and Detachment from County Service Areas No. 12 and 32, for Certain Real Property Presently Located at 2030 Las Canoas Road, Assessor's Parcel Number 021-010-061.

Action: Approved the recommendation; Resolution No. 09-095 (December 8, 2009, report from the Community Development Director; proposed resolution; affidavit of publication).

6. Subject: Increase In Change Order Authority For The Upper Las Positas Creek Restoration And Storm Water Improvement Project (540.14)

Recommendation: That Council:

- A. Approve an increase to the change order authority for Contract No. 23,117 with Shaw Contracting, Inc. (Shaw), for the Upper Las Positas Creek Restoration and Storm Water Improvement Project (Project) in the amount of \$400,000, for a total change order authority of \$848,349, pursuant to Santa Barbara Municipal Code Sections 4.52.080 and 9.116.060 relating to emergency purchases, to cover the cost of emergency work currently underway; and
- B. Approve an increase in change order authority with Fugro West, Inc. (Fugro), Contract No. 23,119, in the amount of \$35,000, for material testing and inspection for the Project, for a total change order authority of \$37,820.

Action: Approved the recommendations; (December 8, 2009, report from the Public Works Director).

7. Subject: School Crossing Guards (150.05)

Recommendation: That Council:

- A. Authorize the Chief of Police to execute a Memorandum of Understanding, subject to approval of the City Attorney, between the City of Santa Barbara and the Santa Barbara School Districts and Hope School District for school crossing guard services through June 3, 2010; and

(Cont'd)

## 7. (Cont'd)

- B. Increase estimated revenues and appropriations by \$129,500 in the General Fund Police Department's Parking Enforcement Program for the costs of the school crossing guards to be reimbursed by the Santa Barbara School District (\$112,000) and Hope School District (\$17,500).

Action: Approved the recommendations; Agreement Nos. 23,244 and 23,245 (December 8, 2009, report from the Chief of Police).

## 8. Subject: Safe Transportation Research And Education Center (SafeTREC) Of The California School Of Public Health, Berkeley (UC Berkeley) (520.04)

Recommendation: That Council:

- A. Accept \$26,205 from the University of California School of Public Health, Berkeley, to the Police Department and authorize the Chief of Police to execute the grant agreement; and
- B. Increase Fiscal Year 2010 Miscellaneous Grants Fund estimated revenue and appropriations in the amount of \$26,205 for the Sobriety Checkpoint Program.

Action: Approved the recommendations; Agreement No. 23,257 (December 8, 2009, report from the Chief of Police).

## 9. Subject: Request For Preliminary Community Priority Designation For The Cancer Center Of Santa Barbara Project At 540 W. Pueblo Street (640.09)

Recommendation: That Council make a preliminary finding that the project proposed for The Cancer Center of Santa Barbara meets the definition of a Community Priority Project, and grant the project a Preliminary Community Priority Designation for 5,845 square feet of nonresidential floor area.

Action: Approved the recommendation (December 8, 2009, report from the Community Development Director; affidavit of publication).

## 10. Subject: Acceptance And Appropriation Of Commute Challenge Prize From Traffic Solutions (150.03)

Recommendation: That Council:

- A. Accept \$700 in prize monies from the Santa Barbara County Association of Governments' (SBCAG) Traffic Solutions for the Commute Challenge Program; and

(Cont'd)

## 10. (Cont'd)

- B. Increase estimated revenues and appropriations by \$700 in the Fiscal Year 2010 Streets Capital Fund to be used for the Work Trip Reduction Incentive Program.

Action: Approved the recommendations (December 8, 2009, report from the Public Works Director).

## 11. Subject: Establish General Aviation Landing Fees (560.01)

Recommendation: That Council:

- A. Approve the establishment of a general aviation landing fee to be assessed on all Federal Aviation Regulation (FAR) Part 135 operations and all transient (non-based aircraft, which shall be defined as all aircraft not listed on the annual Santa Barbara County Unsecured Property Assessment and Taxation System, California Department of Aeronautics Report of Aircraft) aircraft 10,000 pounds of gross landed weight or greater, to assist in recovery of expenses related to the operation and maintenance of the airfield; and
- B. Authorize the Airport Director to negotiate and execute an Agreement to Collect and Remit Landing Fees, subject to approval of the form of the agreement by the City Attorney, with the two fixed base operators, Signature Flight Support and Atlantic Aviation, effective January 1, 2010.

Action: Approved the recommendations; Agreement No. 23,246 (December 8, 2009, report from the Airport Director).

## 12. Subject: Increase To Purchase Order Issued To Martin &amp; Chapman Company For Election-Related Services (110.03)

Recommendation: That Council authorize the Administrative Services Director to increase the expenditure authority for Agreement No. 23,124, issued to Martin & Chapman Company, by \$16,315.14, for a total of \$125,565.14, for election-related services performed during the 2009 Vote-by-Mail General Municipal Election.

Action: Approved the recommendation (December 8, 2009, report from the Administrative Services Director).

13. Subject: Contract For Design Of The El Estero Wastewater Treatment Plant Influent Pump Replacements (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with the firm of Brown and Caldwell Engineers (Brown & Caldwell) in the amount of \$254,119, for design services for El Estero Wastewater Treatment Plant (El Estero) Influent Pump Replacements, and authorize the City General Services Manager to approve expenditures of up to \$25,500 for extra services by Brown and Caldwell that may result from necessary changes in the scope of design work.

Action: Approved the recommendation; Contract No. 23,247 (December 8, 2009, report from the Public Works Director).

14. Subject: Re-Appointment Of Youth Intern Applicant To Park And Recreation Commission (570.08)

Recommendation: That Council request that Mayor Blum re-appoint Diego Torres-Santos to the position of Youth Intern on the Park and Recreation Commission.

Action: Approved the recommendation (December 8, 2009, report from the Parks and Recreation Director).

#### REDEVELOPMENT AGENCY

15. Subject: Redevelopment Agency 2009 Annual Report (620.01)

Recommendation: That Council and the Redevelopment Agency Board:

- A. Approve the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2009, consisting of the Auditor's Opinion and Financial Statements, and the Auditor's Compliance Report; and
- B. Direct staff to submit required copies of the Report to the California State Controller's Office.

Action: Approved the recommendations (December 8, 2009, report from the Community Development Director/Deputy Director).

Item No. 16 appears in the Redevelopment Agency minutes.

17. **Subject: Contract For Design Services For The Fire Station No. 1 Annex Renovation Project (700.08)**

**Recommendation:**

- A. That the Redevelopment Agency Board authorize the expenditure of \$204,000 from the Agency's Fire Department Administration Annex Project account in the 2003A Bond Fund for final design services relating to the renovation of the Fire Station No. 1 Annex building (Project); and
- B. That Council authorize the Public Works Director to execute a contract with Kruger Bensen Ziemer Architects, Inc. (KBZ), in the amount of \$185,500, for final design services for the Project, and approve expenditures of up to \$18,500 for extra services of KBZ that may result from necessary changes in the scope of work.

**Action:** Approved the recommendations; City Council Contract No. 23,248 (December 8, 2009, joint report from the Community Development Director/Deputy Director and the Public Works Director).

NOTICES

18. The City Clerk has on Thursday, December 3, 2009, 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.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger L. Horton reported that the Committee met to review the Redevelopment Agency Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2009, which was just approved by the Council and Redevelopment Agency Board as part of this agenda's Consent Calendar (Item No. 15).

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

CITY ADMINISTRATOR

19. **Subject: Cachuma Operations And Maintenance Board Bond Discussion (540.03)**

**Recommendation:** That Council receive a verbal report on the status of the Cachuma Operations and Maintenance Board (COMB) Bond Issue and Capital Improvement Projects.

(Cont'd)

## 19. (Cont'd)

## Documents:

December 8, 2009, report from the City Administrator.

## Speakers:

- Staff: Water Resources Manager Rebecca Bjork.
- Cachuma Operations and Maintenance Board: General Manager Kate Rees.

## Discussion:

By consensus, the Council received the report. Staff responded to questions from the Councilmembers.

**PUBLIC HEARINGS**

## 20. Subject: Appeal Of Planning Commission Denial Of A Project At 617 Bradbury Avenue (640.07)

Recommendation: That Council uphold the appeal filed by David Lack to reverse the Planning Commission denial of the project, and approve the Modification and Tentative Subdivision Map, subject to the conditions of approval and findings outlined in Staff Hearing Officer Resolution No. 062-09 (MST2007-00559); direct applicant to restudy the architecture, and to submit to the Architectural Board of Review (ABR) a project with an architectural style similar to that of the buildings on the west side of Bradbury Avenue; and direct the ABR to allow a slight increase in the size, bulk and scale of the project, as required to change the architectural style of the building.

## Documents:

- December 8, 2009, report from the Community Development Director.
- December 8, 2009, PowerPoint presentation prepared and made by Staff.
- Affidavit of Publication.
- December 8, 2009, color photocopy of pictures of homes submitted by Planning Commissioner Sheila Lodge.
- December 8, 2009, email communication from Architectural Board of Review Member Keith Rivera.
- December 8, 2009, "Facts Sheet of 617 Bradbury Design," submitted by Clay Aurell.
- November 11, 2009, letter from Larry J. Hansen.
- November 15, 2009, letters from Frank Fuentes and Robin McKenzie.
- November 16, 2009, letters from George McKenzie and Glennon D. Mueller.
- November 18, 2009, letter from Jack Diesel.

(Cont'd)

## 20. (Cont'd)

## Documents (Cont'd):

- November 19, 2009, letter from John J. Shuck.
- November 20, 2009, letters from Christi Vior, Joy and Jerry Monkarsh.
- November 25, 2009, letter from Ross Lorencz.
- November 29, 2009, letter from J. Andrew Caldwell.
- November 30, 2009, letters from Daniel Allen, Karen Donaldson, Mike McCormack, Kenneth Marshall and Jonathan Leech.
- December 1, 2009, letter from Monique Hartley.
- December 2, 2009, email communications from Jed Hirsch and Holly Strom.
- December 2, 2009, letters from Daniel Childs, David Gates, Caroline Vassallo and Sally J. Vito.
- December 3, 2009, email communications from Steven Appleton, Diana Costea, James Mayo Macari, Andrew Matt and Meg West.
- December 3, 2009, letters from Wanda Livernois, N. Olmstead, Wayne Pedrey, Ted Powell and Warren Small.
- December 4, 2009, email communications from Randy Davidson, Michelle McCovey-Good, Anna Rose and Dan Weber.
- December 4, 2009, letters from Janette Delgado and April Palencia.
- December 5, 2009, email communication from Barbara Caudry and Tracy Saunders.
- December 6, 2009, letter from Jim Gazdecki.
- December 7, 2009, email communications from Tony Allen, Gerald DeRose, Mark Lloyd, Tom Ochsner and Syndi Souter.
- December 7, 2009, letters from Calin Costea and Yvan le Brock.
- December 8, 2009, email communication from Detlev Peikert.
- December 8, 2009, letters from Jack Daniels, Greg Griffin, Paul Poirier, and Andrew Roteman.
- Undated petitions in support of the project at 617 Bradbury Avenue.

## Public Comment Opened:

2:44 p.m.

## Speakers:

- Staff: Assistant Planner Suzanne Riegler, City Planner Bettie Weiss, City Attorney Stephen Wiley.
- Appellant/Applicant: Fae Perry; Clay Aurell, AB Design Studios; David Lack.
- Planning Commission: Commissioners Charmaine Jacobs and Sheila Lodge.
- Architectural Board of Review: Members Christopher Gilliland and Paul Zink.

(Cont'd)

## 20. (Cont'd)

## Speakers (Cont'd):

- Members of the Public: Garey Mosel; Whitney Perry; Gordon Brewer; Joe Danely; Cheri Rae McKinney; Chris Thibodeay; Mary Louise Days; Bret Stone; Wayne Perdsey; Kellam de Forest; Karen McFadden; Andrew Roteman; Theony Condos; Timy Buynak; Marcella J. Woolfolk; Caroline Vassallo; John Schuck; Bill Mahan; Jack Kiesel, Kiesel Design; Philip Henius.

## Public Comment Closed:

4:33 p.m.

## Motion:

Councilmembers Schneider/Williams to uphold the appeal, and to return the project to the Architectural Board of Review with direction to: 1) review the design and reduce the project in size, bulk and scale by a minimum of 500 square feet; and 2) examine the potential location for some form of common open space within the residential portion of the project.

Motion withdrawn.

## Motion:

Councilmembers Williams/Schneider to continue this hearing but grant the modification and subdivision.

## Amendment Motion:

Councilmembers Williams/Schneider to continue the hearing to a date uncertain and to direct staff to return the project to the Architectural Board of Review with direction to: 1) reduce the project in size, bulk and scale, consisting of at least 1/6 of the bulk of the rear building; 2) look at whether Victorian or Craftsman elements can be added that are compatible with the neighborhood; and 3) to retain the front yard setback.

## Vote on Amendment Motion:

Unanimous vote (Absent: Councilmembers Falcone, Francisco).

**RECESS**

5:19 p.m. - 5:26 p.m. Councilmember Williams was absent when the Council reconvened.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

**PARKS AND RECREATION DEPARTMENT**

21. Subject: Tree Preservation And Landscape Plan Policy Recommendations (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 Chapters 15.20 and 15.24 and Title 22 of the Santa Barbara Municipal Code Relating to the Preservation of Trees and the Maintenance of Approved Landscape Plans; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Administrative Penalties for Tree Removal, Excessive Pruning and Landscape Plan Maintenance Violations of Chapters 15.20, 15.24, and 22.11 of the Santa Barbara Municipal Code.

Documents:

- December 8, 2009, joint report from the Community Development Director and the Parks and Recreation Director.
- Proposed Ordinance.
- Proposed Resolution.

The titles of the ordinance and resolution were read.

Speakers:

- Staff: Assistant Parks and Recreation Director Jill Zachary, Senior Planner Renee Brooke.
- Historic Landmarks Commission: Commissioner Robert Adams.
- Members of the Public: Wesley Brown, Kellam de Forest, Bill Spiewak, Kathiann Brown.

Motion:

Councilmembers Horton/Schneider to approve the recommendations; Resolution No. 09-096.

Vote:

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

**RECESS**

Mayor Blum recessed the meeting at 5:54 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 22. No reportable action is anticipated.

**CLOSED SESSIONS**

22. 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. Pending litigation considered is: Warner McGrew v. City of Santa Barbara, WCAB, Case Number GOL 0101359.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

December 8, 2009, report from the Finance Director.

Time:

5:56 p.m. - 6:11 p.m. Councilmembers Falcone, Francisco and Williams were absent.

No report made.

**RECESS**

6:11 p.m. - 6:31 p.m.

Mayor Blum presiding.

Councilmembers present: Horton, House, Schneider, Williams, Mayor Blum.

Councilmembers absent: Falcone, Francisco.

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

**PUBLIC COMMENT**

No one wished to speak.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**COMMUNITY DEVELOPMENT DEPARTMENT

23. Subject: Medical Marijuana Dispensary Suspension Ordinance (520.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Temporarily Suspending the Opening or Operation of New Medical Marijuana Dispensaries Otherwise Allowed Under Santa Barbara Municipal Code Chapter 28.80 on an Interim Basis.

(Cont'd)

## 23. (Cont'd)

## Documents:

- December 8, 2009, report from the Community Development Director.
- December 8, 2009, PowerPoint presentation prepared and made by Staff.
- Proposed Ordinance.
- December 4, 2009, letter from California Legislature, 35th District Assembly Member Pedro Nava.

The title of the ordinance was read.

## Speakers:

- Staff: Senior Planner Danny Kato, Community Development Director Paul Casey, City Attorney Stephen Wiley.
- Members of the Public: John Kennedy; Derek Westen, Santa Barbara Patients Group; Geoff Roland; Heather Poet; David Hughes; Wendy Kaysing; John Donahue, Aloha Spirit; Tom Thomas, Fighting Back; Rolf Geyling, Santa Barbara Rescue Mission; JoAnna La Force; John Campanella on behalf of Jeff Bermant and Bermant Development Company; Janet Rowse; Jen Lemberger, Fighting Back; Karen McFadden; Hal Kopeikin; Bonnie Raisin; Tony Vassallo; Sharon Byrne.

## Motion:

Councilmember Schneider/Mayor Blum to introduce and subsequently adopt the proposed ordinance, including Section 3.

## Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, Francisco).

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 8:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:   
\_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK