

08/21/2001
11:54 am

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CITY OF SANTA BARBARA
CITY COUNCIL MINUTES

REGULAR MEETING
April 10, 2001
COUNCIL CHAMBER, DE LA GUERRA PLAZA

CALL TO ORDER:

Mayor Harriet Miller called the meeting to order at 2:01 p.m.
The Finance and Ordinance Committees, which are ordinarily
scheduled to meet at 1:00 p.m., did not meet on this date.

PLEDGE OF ALLEGIANCE:

Mayor Harriet Miller.

ROLL CALL:

Councilmembers present: Marty Blum, H. P. Fairly, Gilbert
Garcia, Gregg A. Hart, Tom Roberts, Dan B. Secord, Mayor Miller.

Councilmembers absent: None.

Staff present: City Administrator/Clerk Sandra Tripp-Jones, City
Attorney Daniel J. Wallace, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS:

Proclamations

1. Issuance by the Mayor of a proclamation declaring the month
of April 2001, as Fair Housing Month.

Proclamation presented to Karena Jew, Community
Development and Human Services Committee member, and
Andrea Bifano, Rental Housing Mediation Task Force
representative.

CHANGES TO THE AGENDA:

Items Removed from Agenda

At the request of City Administrator Sandra Tripp-Jones, the following items were removed from the Agenda:

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2. Issuance by the Mayor of a proclamation declaring the month of May 2001, as Veterans Appreciation Month.

120.04

17. Re: FIRST AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENT, PUBLIC TRANSPORTATION AND ADMINISTRATIVE AND OTHER SERVICES BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA AND THE CITY OF SANTA BARBARA FOR FISCAL YEAR 2000-2001 Recommendation that Council approve the First Amendment to Agreement for Public Improvement, Public Transportation and Administrative and Other Services Between the Redevelopment Agency of the City of Santa Barbara and the City of Santa Barbara for Fiscal Year 2000-2001, and authorize the City Administrator to execute that amendment, which: a) authorizes a short-term loan from City reserves to the Redevelopment Agency in the amount of \$2,875,000 for the acquisition of the Borgatello Properties City Loan), and b) authorizes a loan from the Agency to the City in the amount of \$500,000 for the initial capital costs and expenses of the Enhanced Project for the State Street Sidewalk Improvement Project Agency Loan).

To be considered with Redevelopment Agency Agenda Item No. 3)

620.01

PUBLIC COMMENT:

3. Frank Becchio, Bruce Rittenhouse, Brent Baldwin, Bob Hansen, and Tom Becker spoke.

180.03

CONSENT CALENDAR Item Nos. 4 16):

MOTION:

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

VOTE:

Unanimous voice vote.

4. Re: ADVISORY GROUP RESIGNATION Recommendation that Council accept the resignation of William J. McCormack from

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the Rental Housing Mediation Task Force.

Concurred with the recommendation.
580.03
RHMTF Membership

5. Re: LEASE AGREEMENT WITH SOLANA ESTATE, INC., AT THE AIRPORT Recommendation that Council approve and authorize the City Administrator to execute a month-to-month Lease Agreement with Solana Estate, Inc., a California Corporation, for 3,710 square feet of Building 268, 301-B John Donaldson Place, at the Santa Barbara Municipal Airport, effective February 1, 2001, for a monthly rental of \$2,968, exclusive of utilities.

Concurred with the recommendation; Agreement No. 20,220 April 6, 2001, City Administrator's report).
330.04
Airport

6. Re: COMMUNITY PROMOTION CONTRACT WITH SPARKLE Recommendation that the City Council approve and authorize the City Administrator to execute the Community Promotion contract with the SPARKLE in the amount of Fifty Thousand Dollars (\$50,000) for April 15, 2001, through July 31, 2001.

Concurred with the recommendation; Contract No. 20,221 April 6, 2001, City Administrator's report).
230.02
Contracts, Funding Actions

7. Re: AWARD OF CONTRACT SLURRY SEAL 1999-2000 AREA A), BID NO. 3279 Recommendation that Council:
A. Authorize the City Administrator to execute and award a contract with Valley Slurry Seal Company, in their low

bid amount of \$938,968, for construction of the Slurry Seal 1999-2000, Bid No. 3279;

- B. Authorize the Public Works Director to approve expenditures up to \$46,950, to cover any cost increases that may result from contract change orders for extra work; and
- C. Authorize the General Services Manager to issue a Purchase Order with Flowers and Associates,

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Incorporated, in an amount not to exceed \$162,355 for construction management, inspection, and materials testing services.

Concurred with the recommendations; Contract No. 20,222 April 6, 2001, City Administrator's report).

530.04

Street Const., Maint. & Repair

8. Re: APPROVE THE PURCHASE OF A PACIFIC TEK POWER VAC FOR THE CREEKS RESTORATION AND WATER QUALITY IMPROVEMENT PROGRAM
Recommendation that Council:

- A. Find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.080(k), and authorize the purchase of a Pacific Tek Power Vac for the Creeks Restoration and Water Quality Improvement Program according to terms obtained for the purchase of the same equipment by the City of Hayward, California; and
- B. Approve the allocation of \$20,000 from the Appropriated Reserve in the Creeks Restoration and Water Quality Improvement Program Fund to cover the increased costs for the purchase of a Pacific Tek Power Vac for the Creeks Restoration and Water Quality Improvement Program.

SPEAKERS:

Staff: Transportation Operations Parking Manager
George Gerth.

Concurred with the recommendations April 6, 2001, City Administrator's report).

540.14

9. Re: LEGISLATIVE ANALYSIS AND RECOMMENDATIONS
Recommendation that Council take the following action

regarding legislative matters:

- A. OPPOSE SB 910 Dunn) which would, among other requirements, require a court that finds a local government's housing element not in substantial compliance with the state law governing housing elements to levy a penalty not to exceed \$1,000 per unit of the total projected housing need for the jurisdiction and award the plaintiff attorney's fees and costs;
- B. OPPOSE AB 663 Vargas) which would extend the provisions of

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presumptive injury” to lifeguards employed by a public agency and would define the term presumptive injury” to include cancer, leukemia, hernia, heart trouble, pneumonia, tuberculosis, hepatitis, or meningitis that develops or manifests itself during the period of the lifeguard’s employment; and

- C. Authorize the Mayor to send letters to and, as needed, contact the appropriate legislators, the League of California Cities and other appropriate parties to convey the City’s position.

Concurred with the recommendations April 6, 2001, City Administrator's report).

160.02
State

Set a date for public hearing:

10. Re: SETTING DATE FOR PUBLIC HEARING AND SITE VISIT

Recommendation that Council:

- A. Set the date of April 24, 2001, at 2:00 p.m., for a public hearing to receive comments on the Las Barrancas-Circle Drive Fuel Reduction Project and Proposed Final Mitigated Negative Declaration; and
- B. Set the date of Monday, April 23, 2001, at 1:30 p.m. for a site visit to Las Barrancas-Circle Drive.

Concurred with the recommendations April 6, 2001, City Administrator's report).

520.03
Prevention Programs

Notices to be filed:

11. that the City Clerk has on Friday, April 6, 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. of Redevelopment Agency meeting, April 10, 2001, at 2:00 p.m. in the Council Chamber.

620.03

Agendas

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13. of joint City Council/Redevelopment Agency meeting, April 10, 2001, at 2:00 p.m. to consider Item No. 17 on the Council Agenda and Item No. 3 on the Redevelopment Agency Agenda.

620.03
Agendas

14. of submittal by the City Administrator, to the City Council on Friday, April 6, 2001, of the Proposed Two-Year Financial Plan for Fiscal Years 2002 and 2003 and the Recommended Fiscal Year 2002 Operating and Capital Budget.

230.05
01-03 Financial Plan
01-02 Budget

15. of a presentation of the Economic Community Project's and the University of California Santa Barbara's regional urban model, to be made at the City of Carpinteria City Hall, 5775 Carpinteria Avenue, Carpinteria, in the Council Chamber, with Councils of Santa Barbara and Carpinteria on Wednesday, April 11, 2001, at 7:30 p.m.

SPEAKERS:

Staff: City Attorney Daniel Wallace.
650.09

- 15A. that the City Council will conduct a site visit on Monday, April 16, 2001, at 1:30 p.m. to the property located at 214 East Yanonali Street, which is the subject of an appeal hearing set for April 17, 2001, at 6:00 p.m.

640.07
PC-214 E. Yanonali Street

16. of Application No. 00-07-040 before the Public Utilities

Commission filed by Southern California Gas Company, to discontinue new installations of earthquake-activated automatic gas shut-off valves on SoCalGas' facilities, and to request a rate increase to recover costs for inspecting earthquake valves already installed on its system.

150.02

PUC

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This completed the Consent Calendar.

RECESS:

2:20 p.m. 2:21 p.m., during which time the Redevelopment Agency meeting was held.

ADMINISTRATIVE REPORTS:

Public Works Department

18. Re: UPDATED STATUS REPORT ON CURRENT ELECTRICAL ENERGY ISSUES FROM STAFF Recommendation that Council receive an Updated Status Report from staff on current Electrical Energy issues.

DOCUMENTS:

April 6, 2001, City Administrator's report.

SPEAKERS:

Staff: Public Works Administrative Officer Bill McTomney, City Administrator Sandra Tripp-Jones, Finance Director Robert Peirson, Water Supply Planner Bill Ferguson.

By consensus, the Council concurred with the recommendation.

380.01
SCE, General
X
530.01
Admin., Pol. & Proc.

Waterfront Department

19. Re: MEMORANDUM OF UNDERSTANDING WITH SANTA BARBARA CITY

COLLEGE FOR IDENTIFICATION AND REMOVAL OF ABANDONED
WATERCRAFT EAST OF STEARNS WHARF Recommendation that
Council:

- A. Authorize the City Administrator to execute a Memorandum of Understanding between the City and Santa Barbara City College, and to implement its provisions for the identification and removal of abandoned watercraft and other hazards to navigation east of Stearns Wharf; and

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- B. Authorize the City Administrator to approve expenditures to Santa Barbara City College up to \$13,982, as compensation for work performed by Santa Barbara City College under provisions of the Memorandum of Understanding and recoverable via a grant from the California Department of Boating and Waterways' Abandoned Watercraft Abatement Fund.

DOCUMENTS:

April 6, 2001, City Administrator's report.

SPEAKERS:

Staff: Harbor Operations Manager Mick Kronman,
Waterfront Director John Bridley.
Santa Barbara City College: Don Barthelmess.

MOTION:

Councilmembers Secord/Roberts to concur with the recommendations; Agreement No. 20,223.

VOTE:

Unanimous voice vote.

570.03

Admin., Pol. & Proc.

REQUESTS FROM THE PUBLIC:

20. Re: FUNDING REQUEST FROM CHAMBER OF COMMERCE FOR 3RD ANNUAL FIRST NIGHT CELEBRATION Request from the Santa Barbara Region Chamber of Commerce for sponsorship of the 3rd annual First Night" celebration.

Staff recommendation that Council hear a request from the Chamber of Commerce for a \$30,000 cash contribution in support of the 3rd annual First Night celebration.

DOCUMENTS:

March 20, 2001, letter from the Santa Barbara Region Chamber of Commerce.

April 6, 2001, City Administrator's report.

SPEAKERS:

Chamber of Commerce: Executive Director Steve Cushman.

Cox Communications: David Edelman.

MOTION:

Councilmembers Hart/Secord to grant the request.

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SUBSTITUTE MOTION:

Councilmembers Hart/Secord to refer the request to the Finance Committee for its consideration and recommendation to Council.

VOTE ON SUBSTITUTE MOTION:

Unanimous voice vote.

520.04
Special Events
X
180.01
Leagues of Cities;
Chamber of Commerce

21. Re: REQUEST OF DAVID TABOR TO INITIATE ANNEXATION OF PROPERTY LOCATED AT 500 N. LA CUMBRE ROAD Request from David Tabor & Associates for consideration by the City Council of a potential annexation project at 500 N. La Cumbre Road, APN 57-170-09.

Staff recommendation that Council:

- A. Consider the request of David Tabor, agent for Robert D. and Deborah D. Hart, property owners, to initiate annexation of the property located at 500 N. La Cumbre Road; and
- B. Grant the request for initiation on the basis that it is consistent with the General Plan Land Use Element and City Council Resolution 96-118.

DOCUMENTS:

March 7, 2001, letter from David Tabor.
April 6, 2001, City Administrator's report.
April 8, 2001, letter from residents of the neighborhood in which the subject property is located.
April 10, 2001, letter from Barbara and Gary Maxwell.

SPEAKERS:

Staff: Project Planner Laurie Owens, City Administrator Sandra Tripp-Jones, Assistant Community Development Director Paul Casey.

Members of the Public: David Tabor, Gary Maxwell,
Barbara Maxwell, Nancy Pierson, Robert Hart.

MOTION:

Councilmembers Secord/Garcia to deny the request.

VOTE:

Majority voice vote Noes: Councilmember Roberts).

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No action was taken on recommendation B.
680.01

MAYOR AND COUNCIL MATTERS:

22. Re: CITY ADVISORY GROUP APPOINTMENT Recommendation that
Council:

- A. Receive the letter from Greg Boller dated March 23, 2001, stating he will be unable to accept the appointment to the Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee Community at large category; and
- B. Make an appointment to the Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee Community at large category.

DOCUMENTS:

April 6, 2001, City Administrator's report.

By consensus, the Council concurred with recommendation A.

NOMINEES:

Sheri Benninghoven; David M. Bernal.

VOTE:

For Benninghoven: Councilmembers Blum, Fairly, Garcia,
Hart, Roberts, Mayor Miller.
For Bernal: Councilmember Secord.

MOTION:

Councilmembers Secord/Hart to appoint Sheri
Benninghoven.

VOTE:

Unanimous voice vote.

APPOINTMENT:

Sheri Benninghoven was appointed to the Creeks
Restoration and Water Quality Improvement Program

Citizen Advisory Committee Community at large category
for a term expiring December 31, 2002.

540.03

Creeks Restoration & Water Quality
Improvement Prog. Citizen Adv. Comm.
Membership

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RECESS:

3:40 p.m. 3:50 p.m.

PUBLIC HEARINGS:

24. Re: APPEAL OF THE PLANNING COMMISSION DENIAL OF THE PROPOSED PARKING STRUCTURE AT 1221 ANACAPA STREET CITY LOT 6) Recommendation that Council receive a report regarding options to reduce the height and/or incorporate housing into the proposed parking structure at 1221 Anacapa Street City Lot 6).

Continued from March 27, 2001, Item No. 27, at which time the public hearing was held and closed)

DOCUMENTS:

Previous documents submitted March 27, 2001.

April 6, 2001, City Administrator's report, which includes a matrix detailing six possible options for the project to construct a parking structure at 1221 Anacapa Street.

March 30, 2001, letter from Hugh E. Petersen.

April 3, 2001, letter from Bill Mahan, Planning Commission.

April 4, 2001, e-mail communication from Eric Kelley.

April 6, 2001, letter from Kate Schwab, Borders Books/Music/Café.

April 9, 2001, letters from Grant House, Planning Commission; Donald G. Sharpe, Historic Landmarks Commission.

April 9, 2001, e-mail communication from Randy Rowse.

April 10, 2001, letters from Michael Towbes; Gertrud Straede.

April 10, 2001, e-mail communication from Elizabeth R. Cramer.

Undated letter from Intuit Design.

SPEAKERS:

Staff: City Administrator Sandra Tripp-Jones, Public Works Director David Johnson, Housing and Redevelopment Manager David Gustafson, Community Development Director David Davis.
Planning Commission: Chair Grant House.

MOTION TO UNTABLE:

Councilmembers Blum/Roberts to take from the table the

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following substitute motion made on March 27, 2001:
Councilmembers Roberts/Blum to grant the appeal
and approve the project.

VOTE:

Majority voice vote Noes: Councilmembers Garcia,
Secord).

VOTE ON UNTABLED MOTION:

Failed to carry by voice vote Ayes: Councilmembers
Blum, Roberts, Mayor Miller; Noes: Councilmembers
Fairly, Garcia, Hart, Secord).

The failure of the untabled substitute motion brought to the
floor the following motion, also made on March 27, 2001:
Councilmembers Secord/Hart to approve the project and
to design the parking structure one more level below
ground.

This motion was withdrawn.

MOTION:

Councilmembers Garcia/Hart to delay a decision on the
parking structure project for 45 days, and direct Staff
to study Option 6 for the proposed parking structure.

VOTE:

Failed to carry by voice vote Ayes: Councilmembers
Garcia, Hart, Secord; Noes: Councilmembers Blum,
Fairly, Roberts, Mayor Miller).

MOTION:

Councilmembers Hart/Secord to approve Option 3 for the
proposed parking structure.

VOTE:

Failed to carry by voice vote Ayes: Councilmembers
Garcia, Hart, Secord; Noes: Councilmembers Blum,
Fairly, Roberts, Mayor Miller).

MOTION:

Councilmembers Secord/Hart to approve Option 2 for the
proposed parking structure current project with the

substitution of housing for offices at the north paseo), and direct Staff to return to Council within 30 days with an addendum to the Negative Declaration for final approval of the project.

VOTE:

Majority voice vote Noes: Councilmembers Blum, Roberts, Mayor Miller).

640.07

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PC-Parking Lot 6

Councilmember Roberts stated he would not vote on the following item due to a conflict of interest and left the meeting at 5:07 p.m.

23. Re: MEASURE D FIVE-YEAR LOCAL PROGRAM OF PROJECTS FOR FISCAL YEARS 2002-2006 Recommendation that Council:
- A. Hold a Public Hearing regarding the Measure D Five-Year Local Program of Projects; and
 - B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure D Five-Year Local Program of Projects for Fiscal Years 2002–2006.

DOCUMENTS:

April 6, 2001, City Administrator's report.
Proposed Resolution.

PUBLIC HEARING OPENED:

5:08 p.m.

SPEAKERS:

Staff: City Engineer Pat Kelly.

PUBLIC HEARING CLOSED:

5:10 p.m.

MOTION:

Councilmembers Secord/Garcia to concur with the recommendations; Resolution No. 01-027.

VOTE:

Unanimous roll call vote Absent: Councilmember Roberts).

150.04
Public Wks. Measure D)

CHANGES TO THE AGENDA:

Item Continued to Future Meeting

The Council agreed to continue the following item to a future date:

25. Re: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

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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 The Stearns Wharf Co., etc., et al., v. Southern California Edison, etc., et al., SBSC No. 01002806.

Scheduling: Duration, 10 minutes; anytime

160.03

Closed Sessions

RECESS:

5:11 p.m. 5:35 p.m.

CLOSED SESSIONS:

26. Re: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Recommendation from the City Administrator that Council hold a closed session to consider instructions to Deputy City Administrator Peter K. Wilson, Waterfront Director John Bridley, and the City Attorney regarding negotiations with Global West Network, Inc., concerning a possible construction right-of-entry and license agreement to allow Global West's use of the City's Leadbetter Beach and Harbor Parking Lots to install a subsurface fiber optic telecommunication conduit. Global West Network is to be represented by Douglas E. Fell, Esq., and the negotiation instructions are being given pursuant to the authority of section 54956.8 of the Government Code. Under negotiation: Appropriate compensation and terms for the proposed use of City parking lots and related rights-of-way.

Scheduling: Duration, 15 minutes; anytime

DOCUMENTS:

April 6, 2001, City Administrator's report.

TIME:

5:35 p.m. 6:05 p.m.; all Councilmembers were present.

ANNOUNCEMENT:

Following a brief recess, City Attorney Daniel Wallace announced that no reportable action was taken during the closed session.

330.03
General

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RECESS:

6:05 p.m. 6:07 p.m.

The City Council reconvened in the Council Chamber. City Attorney Daniel Wallace reported on the Closed Session, Item No. 26.

ADJOURNMENT:

Mayor Miller adjourned the meeting at 6:08 p.m., to Monday, April 16, 2001, at 1:30 p.m. for a site visit to 214 East Yanonali Street.

SANTA BARBARA CITY COUNCIL MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

HARRIET MILLER
MAYOR

SUSAN TSCHECH
DEPUTY CITY CLERK