



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 15, 2005 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 2:00 p.m. (The Finance Committee met at 12:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 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, Das Williams, Mayor Blum.

Councilmembers absent: Dan B. Secord.

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

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring November 15, 2005, As Santa Barbara's America Recycles Day (120.04)**

Action: Proclamation presented to City of Santa Barbara Environmental Services Supervisor Stephen MacIntosh.

2. **Subject: Letter Of Recognition Honoring The Santa Barbara Association For UNESCO Light Up The World Initiative (120.04)**

Action: Letter of Recognition presented to Bill Allaway, Chairman of the Executive Committee, Santa Barbara Association for UNESCO.

PUBLIC COMMENT

Speaker: Wayne Scoles.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Horton mentioned his attendance at the Anti-Defamation League Awards Dinner and at a Broadband Task Force Information Panel sponsored by County Supervisor Rose.
- Councilmember Schneider congratulated the winners of the election, welcomed Grant House to the Council and said that Councilmember Secord will be missed. She also mentioned the following items: 1) her attendance at a meeting moderated by Ventura City Manager Rick Cole to discuss sustainability and the planning of cities around people and not cars; 2) an orientation meeting for non-profits interested in applying for Community Development and Block Grant funds; and 3) the death of Darlene Jones, former Assistant to the Executive Director of the Housing Authority.
- Councilmember Williams spoke about the following items: 1) his attendance at the last Enhanced Transit Committee meeting; 2) his attendance at the Emergency Response Legislative Hearing conducted by Assembly Member Pedro Nava; and 3) the proposal for a WalMart in Ventura that is in application status and the movie premiere of "The High Cost of Low Prices."
- Councilmember Falcone spoke about her attendance at the following events: 1) the Anti-Defamation League Awards Dinner; 2) the Boys and Girls Club Annual Dinner; 3) the News-Press Lifetime Achievement Awards Dinner; and 4) the Military Ball.
- Councilmember Barnwell reported that the Ordinance Committee will be discussing leaking sewer laterals and other possible leaks into the sewer system in January.
- Mayor Blum said she went to Noah's Anchorage and presented them with a proclamation for Runaway Awareness and Prevention Month.

CONSENT CALENDAR (Item Nos. 3 – 8, 10, and 11)

The titles of the ordinances related to Item Nos. 4 and 7 were read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Secord).

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of November 1, 2005.

Action: Approved the recommendation.

4. Subject: Adoption Of Ordinance For Amendments To Municipal Code Title 17 Pertaining To Harbor Operations (570.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 17.08.040, Amending Section 17.20.005, and Amending Section 17.20.150 of the Santa Barbara Municipal Code Pertaining to Harbor Operations.

Action: Approved the recommendation; Ordinance No. 5377.

5. Subject: Approval Of Final Map And Execution Of Agreements For 29 West Calle Laureles (640.08)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,690 by Crespis 5, LLC, for a one-lot subdivision located at 29 West Calle Laureles, Assessor's Parcel Number 051-122-004, and find the Final Map in conformance with the General Plan for the City of Santa Barbara (City);
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property; and
- C. Approve and authorize the City Administrator to execute and record an Agreement for Land Development Improvements.

Action: Approved the recommendations; Agreement Nos. 21,882 and 21,883 (November 15, 2005, Public Works Director's report).

6. Subject: Contract For Construction Of The East Reservoir And Tunnel Reservoir Improvement Project (540.09)

Recommendation: That Council:

- A. Reject the apparent low bid from Techno Coatings (Techno) of \$795,392 for the East Reservoir and Tunnel Reservoir Improvement Project, Bid No. 3373, as non-responsive due to their failure to submit a complete bid;

(Cont'd)

6. (Cont'd)

- B. Award and authorize the Public Works Director to execute a contract with Spiess Construction Company, Inc. (Spiess), in their low bid amount of \$795,670 for construction of the East Reservoir and Tunnel Reservoir Improvement Project, Bid No. 3373, and waive a minor bid irregularity associated with the bid from Spiess;
- C. Authorize the Public Works Director to approve expenditures up to \$79,567 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- D. Authorize the Public Works Director to execute a contract with Harper & Associates Engineering, Inc. (HAE), in the amount of \$63,820 for construction management and support services, and approve expenditures of up to \$6,400 for extra services of HAE that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 21,884 and 21,885 (November 15, 2005, Public Works Director's report).

7. **Subject: Adoption Of Ordinance Amending Municipal Code Section 28.87.300 For Cabrillo Plaza Specific Plan (700.06)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 28.87.300 of Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code to Amend the Definition of Approved Projects for Purposes of Implementing Measure E.

Action: Approved the recommendation; Ordinance No. 5378.

8. **Subject: Set A Date For Public Hearing Regarding Appeals of Planning Commission Approval for 210 Meigs Road (640.07)**

Recommendation: That Council:

- A. Set the date of January 24, 2005, at 6:00 p.m. for hearing the appeals filed by the Washington School Foundation and the Santa Barbara School Districts of the Planning Commission approval of an application for property owned by Michael Stevens and located at 210 Meigs Road, Assessor's Parcel No. 045-110-011, E-3 Single-Family Residence and SD-3 Coastal Overlay Zones, General Plan Designation: Major Public & Institutional. The project proposes a one-lot subdivision and the construction of 10 two- and three-bedroom condominium units. The discretionary applications required are a Zoning Map Amendment, a General Plan Map Amendment, a Local Coastal Plan Amendment, a Modification, a Coastal Development Permit, and a Tentative Subdivision Map; and

(Cont'd)

8. (Cont'd)

- B. Set the date of January 23, 2005, at 1:30 p.m. for a site visit to the property located at 210 Meigs Road.

Action: Approved the recommendations (October 25, 2005, letter of appeal).

Item No. 9 appears in the Redevelopment Agency minutes.

NOTICES

- 10. The City Clerk has on Thursday, November 10, 2005, 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.
- 11. A City Council site visit is scheduled for Monday, November 14, 2005, at 1:30 p.m. to the property located at 1905 Cliff Drive, which is the subject of an appeal hearing set for Tuesday, November 15, 2005, at 2:00 p.m.

This concluded the Consent Calendar.

Councilmember Williams left the meeting at 2:25 p.m.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Member Roger Horton reported that the Committee met to discuss an increase in the downtown parking rates; the recommendation was approved and will be forwarded to the Council. The Committee also received reports on the City's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005, and the Redevelopment Agency's Annual Report for the Fiscal Year Ended June 30, 2005; both reports will be presented to the Council as Agenda Item Nos. 12 and 13, respectively.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

- 12. Subject: Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2005 (250.02)**

Recommendation: That Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005; and
- B. Accept the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005.

(Cont'd)

12. (Cont'd)

Documents:

- November 15, 2005, report from the Finance Director.
- City of Santa Barbara, California, Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2005.

Speakers:

Staff: Accounting Manager Rudolf Livingston.

Motion:

Councilmembers Horton/Barnwell to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmembers Secord, Williams).

REDEVELOPMENT AGENCY REPORTS

13. Subject: Redevelopment Agency 2005 Annual Report (620.01)

Recommendation: That the Council and Redevelopment Agency Board:

- Receive, accept, and approve the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005, consisting of the Auditor's Opinion and Financial Statements and the Auditor's Compliance Report; and
- Review and approve the Annual Report for the Fiscal Year Ended June 30, 2005, and direct staff to submit copies of the Annual Report to the California State Controller's Office.

Documents:

- November 15, 2005, report from the Community Development Director/Deputy Director.
- Redevelopment Agency of the City of Santa Barbara State Controller's Office Annual Report for the Fiscal Year Ended June 30, 2005.
- City of Santa Barbara, California, Redevelopment Agency Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005.
- Redevelopment Agency of the City of Santa Barbara Department of Housing and Community Development Annual Report for the Fiscal Year Ended June 30, 2005.
- PowerPoint presentation prepared and made by staff.

Council/Agency member Williams returned to the meeting at 2:33 p.m.

Speakers:

Staff: Housing and Redevelopment Manager/Assistant Community Development Director David Gustafson, Assistant Finance Director Robert Samario, Redevelopment Supervisor Brian Bosse.

(Cont'd)

13. (Cont'd)

Motion:

Council/Agency members Horton/Schneider to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Council/Agency member Secord).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT

14. Subject: Santa Barbara 2030: Outreach Committee Appointments (650.05)

Recommendation: That the City Council appoint two members of Council, two members of the Planning Commission and seven members of the community to the Santa Barbara 2030 (formerly General Plan 2030) Outreach Committee.

Documents:

November 15, 2005, report from the Community Development Director.

Speakers:

Staff: Community Development Director Paul Casey.

Community Members:

Nominees:

Josephine Black, David Damiano, David D. Davis, Joe Guzzardi, Peter Walker Hunt, David Jacoby, Naomi Kovacs, Kathryn Ann Schwab, Dan Secord, Courtney Seeples, Tye Warren Simpson, Paul R. Zink.

Vote:

- For Black: Councilmembers Falcone, Horton, Schneider, Mayor Blum.
- For Damiano: Councilmembers Barnwell, Williams, Mayor Blum.
- For Davis: Councilmembers Barnwell, Falcone, Horton, Schneider, Williams, Mayor Blum.
- For Guzzardi: Councilmembers Barnwell, Schneider, Williams.
- For Hunt: Councilmembers Falcone, Horton.
- For Jacoby: Councilmembers Falcone, Horton, Schneider, Williams.
- For Kovacs: Councilmembers Barnwell, Falcone, Horton, Schneider, Williams, Mayor Blum.

(Cont'd)

14. (Cont'd)

Community Members (Cont'd):

Vote (Cont'd):

- For Schwab: Councilmembers Barnwell, Falcone, Horton, Schneider, Mayor Blum.
- For Secord: Councilmembers Barnwell, Falcone, Horton, Schneider, Williams.
- For Seeples: Councilmembers Barnwell, Williams.
- For Simpson: Mayor Blum.
- For Zink: Mayor Blum.

Runoff Vote:

- For Damiano: Councilmember Horton, Mayor Blum.
- For Guzzardi: Councilmembers Barnwell, Falcone, Schneider, Williams.

Appointments:

Josephine Black, David D. Davis, Joe Guzzardi, David Jacoby, Naomi Kovacs, Kathryn Ann Schwab and Dan Secord were appointed as Community Members.

Motion:

Councilmembers Schneider/Falcone to appoint an ex-officio member of the Youth Council to the Santa Barbara 2030 Outreach Committee.

Vote:

Unanimous voice vote (Absent: Councilmember Secord).

Motion:

Councilmembers Barnwell/Schneider to appoint Councilmembers Falcone, Horton, and Mayor Blum, and Planning Commissioners George Myers and John Jostes to the Santa Barbara 2030 Outreach Committee.

Vote:

Unanimous voice vote (Absent: Councilmember Secord).

RECESS

3:14 p.m. – 3:27 p.m. Councilmember Horton was absent when the Council reconvened.

PUBLIC HEARINGS

15. Subject: Appeal Of Planning Commission Approval For 1905 Cliff Drive (640.07)

Recommendation: That Council deny the appeal of the La Mesa Neighborhood Association and uphold the Planning Commission's decision to approve the distance between buildings, setback, parking and open yard area modifications, Coastal Development Permit, and Development Plan for the mixed-use development proposed at the corner of Cliff Drive and Meigs Road.

Documents:

- November 15, 2005, report from the Community Development Director.
- Affidavit of Publication.
- November 9, 2005, letter from E. J. Panosian.
- November 15, 2005, letter from Scott Wenz.

Public Comment Opened:

3:28 p.m.

Councilmember Horton entered the meeting at 3:31 p.m.

Speakers:

- Staff: Assistant Planner Kathleen Kennedy, Supervising Transportation Planner Rob Dayton, Senior Planner Jan Hubbell, City Attorney Stephen Wiley.
- Planning Commission: Commissioner Bill Mahan.
- Appellant: Susan Trescher, La Mesa Neighborhood Association.
- Applicant: Vadim Hsu.
- Members of the Public: Tom Williams, La Mesa Neighborhood Association; Becky Cohn, Sierra Property Management; Joe Danely; Inez Gilkeson.

Public Comment Closed:

5:26 p.m.

(Cont'd)

15. (Cont'd)

Motion:

Councilmembers Williams/Horton to grant the appeal and approve the project with the following conditions: 1) redesign the sidewalk widening at the transition to preserve at least one on-street parking space; 2) add one on-site parking space for residents; 3) require the on-site employers to provide the option to buy bus passes for those employees who request one; and 4) that the Council strongly urges the applicant to add a carport and storage space to the residential parking spaces.

Amendment Motion:

Councilmembers Williams/Horton to grant the appeal and approve the project with the following conditions: 1) redesign the sidewalk widening at the transition to preserve at least one on-street parking space; 2) add one on-site parking space for residents; 3) require the on-site employers to provide the option to buy bus passes for those employees who request one; 4) that the Council strongly urges the applicant to add a carport and storage space to the residential parking spaces; 5) the applicant will develop a signage program to be submitted to and approved by the Public Works Director, and such program shall designate the parking spaces to be used exclusively for the commercial/retail space, exclusively for the residential units, and those spaces to be shared by the commercial tenants and employees and residential tenants, and the hours which such sharing shall occur, and that the signage shall be posted on the property; and 6) direct staff to develop a condition to limit the time period that the remediation unit may affect parking spaces on-site.

Vote on Amendment Motion:

Majority voice vote (Noes: Councilmember Falcone; Absent: Councilmember Secord).

CHANGES TO THE AGENDA

At the suggestion of Risk Manager Bradford Landreth, the Council deferred the following items to November 22, 2005:

16. Subject: Conference With Legal Counsel - Anticipated 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: Richard Latini v. City of Santa Barbara, WCAB, case number GOL Unassigned.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

17. 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: Travis Henry v. City of Santa Barbara, WCAB, case numbers OXN 0131246; OXN 0131247; OXN 0136310.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

18. Subject: Conference With Legal Counsel - Anticipated 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: James French v. City of Santa Barbara, WCAB, case number VNO 0492464.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

RECESS

5:36 p.m. – 6:02 p.m.

Mayor Blum presiding.

Councilmembers present: Barnwell, Falcone (6:07 p.m.), Horton (6:04 p.m.), Schneider, Williams, Mayor Blum.

Councilmembers absent: Secord.

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

PUBLIC COMMENT

No one wished to speak.

MAYOR AND COUNCIL REPORTS

19. Subject: City Advisory Group Interviews (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups at 6:00 p.m.; and
- B. Continue interviews of applicants to November 22, 2005, at an estimated time of 4:00 p.m.

(Cont'd)

19. (Cont'd)

Documents:

- November 15, 2005, report from the Assistant City Administrator.
- November 7, 2005, letter from James W. Hammock.
- November 14, 2005, letter from Ken Owen.

Speakers:

The following applicants were interviewed:

Airport Commission:

Karen Kahn
Dolores Johnson

Architectural Board of Review:

Gary Mosel

Arts Advisory Committee:

Suzanne Fairly Green
Nils Hammerbeck

Civil Service Commission:

Kathryn McKee
Monte Fligsten
Melissa Lolley
Gabriel Garcia

Community Development and Human Services Committee:

Louise Stone
Andrew Bermond

Creeks Advisory Committee:

Daniel Waldman
Daniel Hochman

Downtown Parking Committee:

Randy Rowse

Fire and Police Commission:

Robert Handy

Harbor Commission:

Jeff Escola
Ken Owen

Historic Landmarks Commission:

Jeanne Martin
Vadim Hsu
Susan Keller

Library Board:

Jack Stoltz

Park Commission and Recreation Commission:

Michael Jordan
Daraka Larimore

(Cont'd)

19. (Cont'd)

Speakers (Continued):

Planning Commission:

Daraka Larimore

James Taylor

Harwood White, Jr.

Rental Housing Mediation Task Force:

Daniel Herlinger

By consensus, the Council continued the interviews to November 22, 2005, at an estimated time of 4:00 p.m.

20. Subject: Request From Councilmembers Williams And Schneider To Update Policies Pertaining To Sea Otters (630.10)

Recommendation: That Council consider a request from Councilmembers Williams and Schneider to discuss an update to City policy on Sea Otters and approve a letter to the Department of the Interior.

Documents:

- October 12, 2005, memorandum from Councilmembers Schneider and Williams.
- November 15, 2005, report from the Waterfront Director.
- November 15, 2005, e-mail communication from the Waterfront Director.
- January 8, 1980, letter from M. Scot Stewart.
- November 3, 1981, letter from Mayor David Shiffman.
- May 2, 1983, letter from Stanley Radom.
- March 4, 1985, Resolution No. 85-86 of the Board of Supervisors of the County of Santa Barbara.
- January 21, 1993, letter from Stanley Radom.
- August 3, 1999, City Council Resolution No. 99-091.
- November 18, 1999, University of California at Santa Barbara article titled "Oil and Gas Seepage From Ocean Floor Reduced by Oil Production".
- May 11, 2003, photocopy of Santa Barbara News-Press article titled "Oil Slicks Kept Otters Off South Coast".
- January 31, 2005, UCSB article titled "Oiled Birds Prompt Study by UCSB Experts of Oil Seeps in Santa Barbara Channel".
- August 19, 2005, document titled "Testimony of Steven L. Rebuck".
- November 11, 2005, e-mail communication from Gail Osherenko.
- November 14, 2005, letter from Michael Vincent McGinnis, Ph.D.
- November 15, 2005, written comments submitted by Jim Curland.
- The History of Oil and Gas Seeps in the Santa Barbara Channel, prepared by the Western States Petroleum Association.
- Document titled "Hydrocarbons in the Marine Environment: Relationships Between Natural Hydrocarbon Seepage and Oil Production".

(Cont'd)

20. (Cont'd)

Speakers:

- Staff: Waterfront Director John Bridley.
- United States Fish & Wildlife Service: Greg Sanders.
- Members of the Public: Michael Vincent McGinnis; Theodore Ehlert; Bob Hay; Jim Curland, Defenders of Wildlife; Dr. Robert Warner; Ken Bortolazzo; Jim Marshall; Scott Westlotorn.

Recess: 8:25 p.m. – 8:41 p.m.

Speakers (Cont'd)

- Members of the Public (Cont'd): Andrew Rasmussen; Jerome Betts; Philip Beguhl; Bob Ferris; Alan Sanders, Sierra Club; Linda Krop; Victor Frankel, Environmental Affairs Board; Charles Kunrel; Steve Rebuck; Laddie Handelman; Maurie McGuire.

Motion:

Councilmembers Schneider/Williams to direct staff to send a letter before January 5, 2006, from the Council that will include the following: 1) we agree with the Draft 2005 SEIS alternative 3C; 2) we believe the translocation policy does not work; 3) the Council's serious concern about the consequences of unintended incidental takings of sea otters by our fisheries and the need to build in some protection for the fisheries, and referred the issue regarding unintended incidental takings of sea otters, including matters of the appropriate gear and other ways to protect the fisheries, to staff and the Harbor Commission, to be returned to the Council at a later date with an updated resolution.

Vote:

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

Motion:

Councilmembers Horton/Barnwell to refer this matter to staff with the instructions that we believe that translocation has failed, and direct staff to work with the United States Fish and Wildlife Service to draft a letter that we can support.

Vote:

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

(Cont'd)

20. (Cont'd)

Motion:

Councilmembers Falcone/Barnwell to direct staff to return to the Council before the January 5, 2006, response date with a draft letter that would include the following: 1) translocation does not work; and 2) the Council's serious concern about the consequences of unintended incidental takings of sea otters by our fisheries and the need to build in some protection for the fisheries, and refer the issue regarding unintended incidental takings of sea otters, including matters of the appropriate gear and other ways to protect the fisheries, to staff and the Harbor Commission, to be returned to the Council at a later date with an updated resolution.

Vote:

Unanimous voice vote (Absent: Councilmember Secord).

ADJOURNMENT

Mayor Blum adjourned the meeting at 10:30 p.m. in memory of Darlene Jones, Assistant to the Executive Director of the Housing Authority.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

ATTEST: _____

MARTY BLUM
MAYOR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK