



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING December 5, 2006 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 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, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

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

### 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, 2006.

Documents:

December 5, 2006, report from the Administrative Services Director.

Speakers:

Staff: City Administrator James L. Armstrong.

(Cont'd)

1. (Cont'd)

Action: By consensus, the Council approved the recommendation. The following employees were recognized:

25-Year Pin

James Scott, Senior Wastewater Collection Systems Operator, Public Works  
Philip Walker, Wastewater Treatment Plant Operator II, Public Works

15-Year Pin

Jason Bryan, Recreation Supervisor, Parks and Recreation

10-Year Pin

Dorine Villalpando, Accounting Technician, Finance  
Manuel Cardoso, Library Technician, Library

5-Year Pin

Michael Mudgett, Firefighter, Fire  
Wydrick Hill, Parking Enforcement Officer, Police  
Cynthia Collinge, Administrative/Clerical Supervisor, Public Works  
Robert Feron, Property Management Specialist, Waterfront

2. Subject: Award For El Carrillo Homeless Housing Project From National Association Of Local Housing Finance Agencies (660.04)

Recommendation: That Council accept the 2006 Meritorious Achievement Award from the National Association of Local Housing Finance Agencies for the El Carrillo Homeless Housing Project.

Documents:

December 5, 2006, report from the Community Development Director/Deputy Director.

Action: By consensus, the Council accepted the award presented by Project Planner Simon Kiefer.

## **CHANGES TO THE AGENDA**

City Administrator James L. Armstrong stated that the dates of the public hearing and site visit for 3408 & 3412 State Street (Item No. 13) have been changed to February 27, 2007, and February 26, 2007, respectively.

## **PUBLIC COMMENT**

Speakers: Bob Hansen, David, Bob Ludwick.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### Information:

- Councilmember Horton mentioned his attendance at a presentation regarding Architecture 2030.
- Councilmember Falcone reported on the following: 1) that she will not be attending the Downtown Organization's holiday parade; 2) her trip to Reno as the region's representative of the National League of Cities; 3) her attendance at the Independent's Local Heroes Lunch; 4) the Council's participation in a tour of the Airfield Safety Projects Wetland Restoration Sites; 5) her attendance, along with Councilmember Barnwell, at a Solid Waste Taskforce meeting in Solvang and her appointment as Chair of the Taskforce for next year; and 6) her attendance, along with Councilmember Horton at a Center for Performing Arts meeting.
- Councilmember House commented on the following: 1) the Council's participation in a tour of the Airfield Safety Projects Wetland Restoration Sites; 2) the Downtown Organization's holiday parade; and 3) the demise of the Milpas Street decorations as well as his appreciation of Mr. Ludwick's work on the current decorations.
- Councilmember Schneider remarked upon the following: 1) her attendance at a Arts Advisory Committee adhoc Subcommittee for the Poet Laureate meeting in search of a new Poet Laureate; 2) that Santa Barbara Non-profit Support Center hosted a book reading of Steven Crandell's book, "Silver Tongue - Secrets of Mr. Santa Barbara" about his father, Larry Crandell; and 3) her attendance, on behalf of Mayor Blum, at a celebration in recognition of the National Center for Ecological Analysis and Synthesis' grant refunding.
- Councilmember Williams spoke about the following: 1) the Youth in Government program; 2) the Downtown Organization's holiday parade; 3) his participation in the Arroyo Burro Estuary native plant restoration; and 4) an upcoming meeting of the Youth Council being held in Room 15 on December 11, followed by the Youth Council's holiday dinner.
- Councilmember Barnwell expressed his appreciation for Marshall Rose and the Downtown Organization's holiday parade and spoke about his attendance at a Street Light Design Guidelines Committee meeting.
- Mayor Blum congratulated the UCSB's men's soccer team and commented on her experience in Puerto Vallarta, which she traveled to with the Sister Cities Committee.

### **ITEM REMOVED FROM CONSENT CALENDAR**

7. Subject: Adoption Of Ordinance For Santa Barbara Cottage Hospital Foundation Workforce Housing Project (700.09)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City Of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Adjustment of the C-O/R-2 Zone Line for Assessor's Parcel Nos. 027-270-016, -017, -018, -019 and -030 to Follow the Proposed Property Lines for the R-2 Parcels.

(Cont'd)

7. (Cont'd)

Documents:

- Proposed ordinance.
- Letter from Jim Westby.

The title of the ordinance was read.

Speakers:

- Members of the Public: Jim Westby; Michael Self, Santa Barbara Safe Streets.
- Staff: Community Development Director Paul Casey, City Attorney Stephen P. Wiley.

Councilmember Horton stated he would not vote on this item due to a conflict of interest related to his ownership of property proximate to the subject property.

Motion:

Councilmembers Barnwell/Schneider to approve the recommendation; Ordinance No. 5402.

Vote:

Majority roll call vote (Noes: Councilmember Williams; Abstentions: Councilmember Horton).

**CONSENT CALENDAR (Item Nos. 1 – 6, 8 – 13, and 17 – 19)**

The title of the resolution related to Item No. 12 of the Consent Calendar was read.

Motion:

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

Vote:

Unanimous roll call vote.

**CITY COUNCIL**

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of November 14, 2006.

Action: Approved the recommendation.

4. Subject: Contract For Development And Implementation Of A Preventive Maintenance/Asset Management Program For Wastewater System Capital Equipment (540.13)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a contract with Linjer, Inc. (Linjer), in an amount not to exceed \$206,400, for the development and implementation of a comprehensive Preventive Maintenance/Asset Management Program for the Wastewater System Capital Equipment approach to maximize utilization of the Wastewater Fund's capital assets valued at \$73,700,000; and
- B. Authorize the Public Works Director to approve extra services of Linjer that may result from necessary changes in the scope of work at a total amount not to exceed \$20,000.

Action: Approved the recommendations; Contract No. 22,264 (December 5, 2006, report from the Public Works Director).

5. Subject: Agreement For Operation Of Bicycle Station (670.08)

Recommendation: That Council authorize the Public Works Director to execute an agreement with the Bikestation® Coalition to operate the bicycle station in the Granada Garage for up to five years, at \$25,000 per year, plus an initial Capital Budget expenditure of \$85,234.

Action: Approved the recommendation; Agreement No. 22,265 (December 5, 2006, report from the Public Works Director).

6. Subject: Fiscal Year 2007 Interim Financial Statements For The Four Months Ended October 31, 2006 (250.02)

Recommendation: That Council accept the Fiscal Year 2007 Interim Financial Statements for the Four Months Ended October 31, 2006.

Action: Approved the recommendation (December 5, 2006, report from the Finance Director).

8. Subject: Lease Agreement With The Chandlery On The Breakwater, Incorporated (330.04)

Recommendation: That Council approve a five-year lease with The Chandlery on the Breakwater, Inc., for 734 square feet of second-floor office space at 132-B Harbor Way, at a monthly rent of \$2.50 per square foot for a total of \$1,835, subject to annual CPI increases.

Action: Approved the recommendation; Agreement No. 22,266 (December 5, 2006, report from the Waterfront Director).

9. Subject: Contract For Wetland Restoration Biological Monitoring And Reporting (560.04)

Recommendation: That Council authorize the Airport Director to execute a contract with URS Corporation (URS), in an amount not to exceed \$211,748.30 for services associated with wetland restoration project mitigation maintenance and monitoring, and authorize the Airport Director to approve expenditures up to \$21,175 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 22,267 (December 5, 2006, report from the Airport Director).

10. Subject: Notice Of Completion For The Arroyo Burro Estuary Restoration Project - Civil Contract, Bid. No. 3399B (540.14)

Recommendation: That Council accept the work completed by Peter Lapidus Construction, Incorporated (Lapidus), Contract No. 22,045, for the Arroyo Burro Estuary Restoration Project - Civil Contract, Bid No. 3399B, in the final contract amount of \$620,433.81, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (December 5, 2006, report from the Public Works Director).

11. Subject: Approval Of Map And Execution Of Agreement For 15 East Islay Street (640.08)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to record Final Map No. 20,735 by Lloyd George Tupper as Trustee of the "Lloyd G. Tupper Trust" dated August 11, 1998, as to an undivided 50% interest; and Craig A. Chu and Christina Lee as Trustees of the "Craig A. Chu and Christina Lee 1993 Revocable Living Trust" dated May 22, 1993 and Gayson Jay Sun Yau Chee as Trustee of the "Chee Family Trust" dated December 19, 1998, as tenants in common to an undivided 50% interest; all as tenants in common, and find the Final Map in conformance with the General Plan for the City of Santa Barbara (City); and
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property.

Action: Approved the recommendations; Agreement No. 22,268 (December 5, 2006, report from the Public Works Director).

12. Subject: Guidelines For The Use Of City Sidewalks For Commercial Sales By Licensed Businesses (520.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving Sidewalk Sales Guidelines as Authorized by Santa Barbara Municipal Code (SBMC) Chapter 9.48.

Action: Approved the recommendation; Resolution No. 06-096 (December 5, 2006, report from the Public Works Director, proposed resolution).

13. Subject: Set A Date For Public Hearing Regarding Planning Commission Approval For 3408 & 3412 State Street

Recommendation: That Council:

- A. Set the date of ~~January 23, 2007~~ *February 27, 2007*, at 2:00 p.m. for hearing the appeal filed by David Tabor, Agent for Robert D. and Deborah D. Hart of the Planning Commission decision granting the appeal of James Kahan for property located at 3408 & 3412 State Street, Assessor's Parcel No. 053-322-009, C-2/SD-2, Commercial and Upper State Street Area Overlay Zones, General Plan Designation: General Commerce. The project proposes the conversion of an existing two-story, mixed-use building into five condominium units, and the discretionary applications required are Modifications, a Tentative Subdivision Map, and a Condominium Conversion Permit; and
- B. Set the date of ~~January 22, 2007~~ *February 26, 2007*, at 1:30 p.m. for a site visit to the property located at 3408 & 3412 State Street.

Action: Approved the recommendations as revised.

Item Nos. 14 – 16 appear in the Redevelopment Agency minutes.

## NOTICES

17. The City Clerk has on Thursday, November 30, 2006, 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.
18. A City Council site visit originally scheduled for Monday, December 11, 2006, at 1:30 p.m. to the property located at 210 Meigs Road, has been postponed indefinitely.
19. The public hearing scheduled for December 5, 2006, at 2:00 p.m. to hear an appeal of the Planning Commission approval with conditions for 40 Pine Drive has been rescheduled for January 9, 2007, at 2:00 p.m.

This concluded the Consent Calendar.

## REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Horton reported that the Committee met to review the City's and Redevelopment Agency's Interim Financial Statements (Item Nos. 6, 15 and 16) which were approved by the Council and Redevelopment Agency as part of the Consent Calendar: The Committee also met to discuss reimbursement to People's Self-Help Housing Corporation for contaminated soil remediation at 21 East Anapamu Street and site work at Casas Las Granadas. The Committee approved forwarding this item to the Council for approval (Item No. 21).

## REDEVELOPMENT AGENCY REPORTS

20. Subject: Redevelopment Agency 2006 Annual Report (620.01)

Recommendation: That the Council and Redevelopment Agency Board:

- A. Receive, accept, and approve the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006, consisting of the Auditor's Opinion and Financial Statements, and the Auditor's Compliance Report; and
- B. Review and approve the Annual Report for the Fiscal Year Ended June 30, 2006, and direct staff to submit copies of the Annual Report to the California State Controller's Office.

Documents:

- December 5, 2006, report from the Community Development Director/Deputy Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson.

Motion:

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

Vote:

Unanimous voice vote.

21. Subject: Contaminated Soil Remediation At 21 East Anapamu Street And Casas Las Granadas Sitework (610.04)

Recommendation:

- A. That the Agency Board approve reimbursement to Peoples' Self-Help Housing Corporation in an amount not to exceed \$217,100 for the remediation of contaminated soil located at 21 East Anapamu, the site of the Casas Las Granadas affordable housing project, and authorize the Deputy Director to execute a reimbursement agreement in a form acceptable to Agency Counsel;

(Cont'd)

21. (Cont'd)

- B. That the Agency Board approve and authorize the General Services Manager to execute a purchase order contract with Padre and Associates, Inc., in the amount of \$25,400 for testing, reporting and oversight of the contaminated soil removal, and authorize the General Services Manager to approve expenditures up to \$4,600 to cover cost increases that may result from additional work;
- C. That the Agency Board approve a contract with Peikert Group Architects Limited Liability Partnership in the amount of \$46,000 for design and architectural administration services for site improvements adjacent to the Casas Las Granadas affordable housing project, including the open space at 21 East Anapamu Street and sidewalk, and the relocation and replacement of nearby air conditioning equipment serving the building located at 1201 Anacapa Street, and authorize the Deputy Director to execute a Professional Design Services Contract in a form acceptable to Agency Counsel and to approve expenditures of up to \$4,600 to cover cost increases that may result from additional work;
- D. That the Agency Board approve reimbursement to Peoples' Self-Help Housing Corporation in an amount not to exceed \$300,000 for the site improvements adjacent to the Casas Las Granadas affordable housing project, including the relocation and replacement of nearby air conditioning equipment serving the building located at 1201 Anacapa Street and improvements to the adjacent open space, and authorize the Deputy Director to execute a reimbursement agreement in a form acceptable to Agency Counsel;
- E. That the Agency Board allocate \$217,100 from an existing appropriation in the Agency's General Capital Fund Housing Contingency Account for the soil remediation work, appropriate \$80,600 from Agency Professional Services Account for the soil removal testing and oversight services and the design and architectural services, and appropriate \$150,000 from the Agency Projects Contingency Account for the site improvements and air conditioning equipment relocation and replacement; and
- F. That Council approve reimbursement to Peoples' Self-Help Housing Corporation in the amount of \$49,000 for replacement of the sidewalk across from the Library on East Anapamu Street between the new mid-block crosswalk and Anacapa Street, authorize the City Administrator to execute a reimbursement agreement in a form acceptable to the City Attorney, and allocate \$49,000 from the Downtown Parking Program

Documents:

December 5, 2006, report from the Community Development Director/Deputy Director.

(Cont'd)

21. (Cont'd)

Speakers:

Staff: Assistant Director of Community Development/Housing and Redevelopment Manager David Gustafson.

Motion:

Councilmembers Horton/Williams to approve the recommendations.

Vote:

Unanimous voice vote.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### CITY ADMINISTRATOR

22. Subject: Cancellation Of Certain Council Meetings In 2007 (120.09)

Recommendation: That Council find that there will not be a quorum of Council on the following dates: January 16, February 20, May 29, July 3, August 28, September 4, November 27, December 25, 2007, and January 1, 2008.

Documents:

December 5, 2006, report from the Assistant City Administrator.

Speakers:

Staff: City Administrator James L. Armstrong.

Motion:

Councilmembers Horton/Schneider to approve the recommendation.

Vote:

Unanimous voice vote.

### COMMUNITY DEVELOPMENT DEPARTMENT

23. Subject: Solar Design Guidelines And Recognition Program (630.06)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt the Solar Energy System and Passive Solar Design Guidelines and Solar Recognition Program; and
- B. Provide direction to staff regarding the initiation of a Zoning Ordinance Amendment to facilitate the installation of solar panel systems.

Documents:

- December 5, 2006, report from the Finance Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by staff.

(Cont'd)

23. (Cont'd)

The title of the resolution was read.

Speakers:

- Staff: Community Development Director Paul Casey, Project Planner Heather Baker, City Attorney Stephen P. Wiley, Senior Planner Jaime Limon.
- Members of the Public: Christopher Farley, The Solar Energy Company; Gabe Davis, REC Solar; Chris Oestreich, REC Solar; Dave Davis, California Energy Commission; Tam Hunt.

Motion:

Councilmembers Falcone/Barnwell to adopt Resolution No. 06-097, revising Paragraph 7 to read "WHEREAS, the Solar Energy System Design Guidelines are generally for voluntary use", and direct Staff to refer to the Ordinance Committee the development of the Solar Energy System and the initiation of the Zoning Ordinance Amendment referred to in recommendation B.

Vote:

Unanimous roll call vote.

## RECESS

Mayor Blum recessed the meeting at 5:03 p.m. in order for the Council to reconvene in Closed Session for Item Nos. 24 – 26 and stated that no reportable action is anticipated.

## CLOSED SESSIONS

24. 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: Katrina Chase v. City of Santa Barbara, WCAB case number GOL 003280.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

December 5, 2006, report from the Finance Director.

Time:

5:04 p.m. - 5:18 p.m.

No report made.

25. Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)

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

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

December 5, 2006, report from the City Attorney.

Time:

5:18 p.m. - 5:48 p.m.

Motion:

Councilmembers Barnwell/Horton to direct the City Clerk and the City Attorney as follows:

1. Implement the provisions of initiative measure "Measure P" (SBMC Chapter 9.84) immediately upon the certification of the final results for the election of November 7, 2006, including the formation of the required "Community Oversight Committee" and the appointment of the members of the Committee.
2. Authorize the City Attorney's Office to file an action for declaratory relief in order to obtain a Superior Court judgment regarding the Constitutionality of "Measure P" (SBMC Chapter 9.84).

(The title of the declaratory relief action, the defendants thereof, and other specifics regarding the action will be disclosed by the City Clerk's office upon request at the time the declaratory relief action has been formally commenced.)

Vote:

Majority roll call vote (Noes: Councilmembers Falcone, Schneider, Williams).

26. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The litigation is Matthew Barrall vs. City of Santa Barbara, Civil Service Commission of the City, et al., Santa Barbara Superior Court Case Number 1241934.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

December 5, 2006, report from the City Attorney.

(Cont'd)

26. (Cont'd)

Time:

5:48 p.m. - 6:03 p.m.

No report made.

## **RECESS**

6:03 p.m. - 6:04 p.m.

Mayor Blum presiding.

Councilmembers Present: Barnwell, Falcone, Horton, House, Schneider, Williams, Mayor Blum.

Councilmembers Absent: None.

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

## **PUBLIC COMMENT**

No one wished to speak.

## **MAYOR AND COUNCIL REPORTS**

27. Subject: City Advisory Group Interviews (140.05)

Recommendation: That Council hold interviews of applicants to various City Advisory Groups.

Documents:

December 5, 2006, report from the Administrative Services Director.

Speakers:

The following applicants were interviewed:

Architectural Board of Review:

Jim Blakeley

Community Development and Human Services Committee:

James Kyriaco, Jr.

Community Events and Festivals Committee:

David Shor

Creeks Advisory Committee:

David Pritchett

Fire and Police Commission:

Joe Rodriguez

(Cont'd)

27. (Cont'd)

Speakers (Cont'd):

Mosquito and Vector Management District:

David Pritchett

Planning Commission:

Sheila Lodge

Bruce A. Bartlett

Vadim Hsu

David Pritchett

Councilmember Williams left the meeting at 6:48 p.m.

Rental Housing Mediation Task Force:

Benjamin Bush

Sign Committee:

Natalie Cope

Jennifer Rose

Bob Cunningham

Transportation and Circulation Committee:

Steven Maas

Michael Cooper

David Pritchett

Water Commission:

James Smith

Community Events and Festivals Committee:

Susan Keller

Creeks Advisory Committee:

Daniel Wilson

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 7:13 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

ATTEST: \_\_\_\_\_

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

\_\_\_\_\_  
LORI COLE  
DEPUTY CITY CLERK