



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
April 28, 2009
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:03 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: Iya G. Falcone, Dale Francisco, 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 Brenda Alcazar.

PUBLIC COMMENT

Speakers: Toni Wellen, Coalition Against Gun Violence; Ruth Wilson; Kenneth Loch; Kate Smith.

CONSENT CALENDAR (Item Nos. 1 - 10)

The titles of the resolution and ordinance related to the Consent Calendar were read.

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of April 7, and April 14, 2009.

Action: Approved the recommendation.

2. Subject: March 31, 2009, Investment Report And March 31, 2009, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the March 31, 2009, Investment Report; and
- B. Accept the March 31, 2009, Fiscal Agent Report.

Action: Approved the recommendations (April 28, 2009, report from the Finance Director).

3. Subject: Adoption Of Ordinance For Attornment Agreement With H. Oliver Dixon, Inc., And Business First Bank (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Attornment Agreement Between the City of Santa Barbara, as Lessor, H. Oliver Dixon, Inc., as Lessee, and Business First Bank, a Division of Heritage Oaks Bank, as Lender, Pertaining to Lease Agreement No. 21,810 Dated November 1, 2005.

Action: Approved the recommendation; Ordinance No. 5487; Agreement No. 23,099.

4. Subject: Resolution Authorizing Financial Assistance Agreements With the State Water Resources Control Board In The Amount Of \$3,941,585 For Non-Point Source Pollution Treatment Projects (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing Entering into Financial Assistance Agreements with the State Water Resources Control Board and Designating a Representative to Sign the Financial Assistance Agreements, and any Amendments Thereto.

Action: Approved the recommendation; Resolution No. 09-022; Agreement No. 23,100 (April 28, 2009, report from the Parks and Recreation Director; proposed resolution).

5. Subject: Professional Services Contract Amendment With The University Of California, Santa Barbara For Microbial Source Tracking (530.03)

Recommendation: That Council authorize the Parks and Recreation Director to amend a professional services agreement with the University of California, Santa Barbara (UCSB) to increase the scope of work in order to conduct additional microbial source tracking in support of the Creeks Division's Laguna Channel Watershed and Water Quality Improvement Feasibility Study, and to increase amount of compensation by \$26,201 from Measure B funds, bringing the total contract amount to \$76,193.

Action: Approved the recommendation; Agreement No. 22,659.1 (April 28, 2009, report from the Parks and Recreation Director).

6. Subject: Increase Professional Services Change Order Authority For The Santa Barbara Airport Consolidated Rental Car Project (560.04)

Recommendation: That Council approve additional Change Order expenditure authority for Professional Services Contract No. 22,857 with Earth Systems Pacific, due to the discovery of an underground storage tank, for the Santa Barbara Airport Consolidated Rental Car Project, in the amount of \$37,500, for a total change order expenditure authority of \$43,501.28.

Action: Approved the recommendation (April 28, 2009, report from the Public Works Director).

7. Subject: Challenge Cost Share Agreement Between The City Of Santa Barbara, County Of Santa Barbara, And United States Department Of Agriculture Forest Service, Los Padres National Forest (150.01)

Recommendation: That Council authorize the Parks and Recreation Director to enter into a Challenge Cost Share Agreement for \$10,000 with the County of Santa Barbara (County) and the United States Department of Agriculture Forest Service, Los Padres National Forest (Forest Service) for implementation of the Front Country Trails Management Recommendations.

Action: Approved the recommendation; Agreement No. 23,101 (April 28, 2009, report from the Parks and Recreation Director).

8. Subject: Community Promotion Contract With Semana Nautica (230.02)

Recommendation: That Council authorize the Finance Director to execute a community promotion contract for Fiscal Year 2009 with Semana Nautica in the amount of \$3,182 for May 1, 2009, to August 31, 2009.

Action: Approved the recommendation; Agreement No. 23,102 (April 28, 2009, report from the Finance Director).

NOTICES

9. The City Clerk has on Thursday, April 23, 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.
10. Received a letter of resignation from Franklin Center Advisory Committee Member Dan La Berge; the vacancy will be part of the current City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to review the Investment Report and Fiscal Agent Report for March 31, 2009, which were approved by the Council as part of this agenda's Consent Calendar, Item No. 2. They also heard presentations on the Fiscal Year 2010 Recommended Operating and Capital Budget, which will be heard by the full Council at a later date.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

11. Subject: Possible Charter Amendments Affecting The Architectural Board Of Review, Harbor Commission, Park Commission And Recreation Commission, And Residency Requirements (110.01)

Recommendation: That Council:

- A. Discuss interest in possible charter amendments pertaining to the size and composition of the Architectural Board of Review, Harbor Commission, Park Commission and Recreation Commission; and residency requirements for boards and commissions; and
- B. Provide direction to staff on how to proceed.

(Cont'd)

11. (Cont'd)

Documents:

- April 28, 2009, report from the Administrative Services Director.
- Undated letter from Harbor Commissioner Ken Owen.

Speakers:

- Staff: Administrative Services Director Marcelo López, Parks and Recreation Director Nancy Rapp, Waterfront Director John Bridley, City Attorney Stephen Wiley.
- Members of the Public: Kellam de Forest and Bill Mahan.

Motion:

Councilmembers Francisco/Mayor Blum to direct staff to proceed with three separate ballot measures for proposed charter amendments related to size, composition, and residency requirements of the Architectural Board of Review, the Harbor Commission, and the Park Commission and Recreation Commission, as stated in the Council Agenda Report, and to direct staff to meet with the Board and Commissions to discuss the proposed amendments.

Vote:

Unanimous voice vote.

RECESS

3:01 p.m. - 3:13 p.m. Councilmember Horton was absent when the Council reconvened, having stated previously that he would not participate in the following item due to a conflict of interest related to his ownership of property situated near the proposed project.

PUBLIC HEARINGS

12. Subject: Appeal Of Planning Commission Decision For 1900 Lasuen Road, El Encanto Hotel (640.07)

Recommendation: That Council:

- A. Deny the appeal filed by Marc Chytilo, attorney for Jan and Johanna von Yurt, Robert and Elizabeth Leslie, and Farrokh and Sally Nazerian;
- B. Uphold the Planning Commission adoption of the Mitigated Negative Declaration and approval of the Modifications, Development Plans and Transfer of Existing Development Rights for the Revised Master Plan proposed at 1900 Lasuen Road (MST2007-00140); and

(Cont'd)

12. (Cont'd)

- C. Direct staff to prepare a Council Resolution documenting the decision of the City Council, making findings consistent with the Council decision, and specifying the conditions of approval, as amended by Council.

Documents:

- April 28, 2009, report from the Community Development Director.
- Affidavit of Publication.
- April 28, 2009, PowerPoint presentation prepared and made by staff.
- February 12, 2009, transcript of Planning Commission hearing regarding El Encanto Hotel, submitted by Marc Chytilo.
- April 24, 2009, letters from Marc Chytilo and Kathleen M. Weinheimer.
- April 24, and April 27, 2009, letters from Thomas D. Hughes, submitted by Marc Chytilo.
- April 28, 2009, documents titled "Project Chronology – El Encanto Hotel" and "El Encanto Hotel Renovation," submitted by Marc Chytilo.
- April 28, 2009, PowerPoint presentation prepared and made by Marc Chytilo.
- April 14, 2009, email communication from Helena Hill.
- April 21, 2009, letter from Naomi Kovacs, Executive Director, Citizens Planning Association of Santa Barbara County, Inc.
- April 22, 2009, letter from Mission Ridge Trust.
- April 23, 2009, letter from United States Court of Appeals, Ninth Circuit Court Judge Raymond Fisher.
- April 23, 2009, letter from Lynne Abbey.
- April 24, 2009, letter from Ken Doud.
- April 27, 2009, email communications from William DeLoreto and Edward Cooper.
- April 27, 2009, letters from Historic Resources Group and Priscilla and Doug Fossek.
- April 28, 2009, letters from Kirk A. Borchardt, L. Robert Johnson, Michael Towbes and Peter Jordano.
- April 28, 2009, letter from Peter C. Jordano.
- April 28, 2009, written comments from Tom Sauder and Ashleigh Brilliant, as read by Mayor Blum.

Speakers:

- Staff: Associate Planners Kathleen Kennedy and Jake Jacobus, City Attorney Stephen Wiley, Senior Planner Debra Andaloro.
- Planning Commission: Commissioners Charmaine Jacobs and Sheila Lodge.
- Appellant: Johanna von Yurt; Attorney Marc Chytilo; and Attorney Kathleen Weinheimer.

(Cont'd)

12. (Cont'd)

Speakers (Cont'd):

- Applicant: Trish Allen, Suzanne Elledge Planning & Permitting Services; Doug Fell, Attorney; Mehran Khazra, Mechanical Engineer.
- Members of the Public: Michael Drury; Dr. Sey Kinsell; Stephen Cushman, President, Santa Barbara Chamber of Commerce; Susan Billig; Loyd Applegate; Kellam de Forest; Jim Knight, President, Riviera Association; Johnny Pena, Southwest Carpenters; Trevor Martinson, Architect & Planner; Ron Hays; Dawnna Boo; Allan Blair; Samuel Depalma; Bob Johnson; Cathie McCammon, Allied Neighborhood Association; Naomi Kovacs, Executive Director, Citizens Planning Association; Deborah Schwartz; Michael Self; Brigitte Forssell; Pete Jordano; Greg Parker.

Motion:

Councilmembers Williams/Falcone to continue this hearing for 60 - 90 days pending further review by the Planning Commission of the following issues: the site of the utility distribution facility and the structure of the parking.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

CHANGES TO THE AGENDAItem Removed from Agenda

At the suggestion of City Administrator James Armstrong, the following agenda item was deferred to May 5, 2009:

14. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the General Unit, Firefighters Association, Police Officers Association, and Police Management Association bargaining units.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

RECESS

Mayor Blum recessed the meeting at 7:25 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 13 and stated that no reportable action is anticipated.

CLOSED SESSIONS

13. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

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

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

April 28, 2009, report from the City Attorney.

Councilmember Horton returned to the meeting at 7:30 p.m.

Time:

7:30 p.m. - 8:25 p.m. Councilmember Williams was absent.


No report made.

ADJOURNMENT


Mayor Blum adjourned the meeting at 8:25 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE


MARTY BLUM
MAYOR

ATTEST:


BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK