



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 11, 2003 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: H. P. Fairly, Iya G. Falcone, Gregg A. Hart, Roger L. Horton, Dan B. Secord, Mayor Blum.

Councilmembers absent: Babatunde Folayemi.

Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Daniel J. Wallace, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

SPEAKERS: No one wished to speak.

CHANGES TO THE AGENDA

City Administrator James L. Armstrong stated that the following item was removed from the agenda and continued to January 2004 at the request of the appellant.

20. SUBJECT: APPEAL OF ARCHITECTURAL BOARD OF REVIEW DENIAL FOR 1820 ANACAPA STREET (640.07)

RECOMMENDATION: That Council:

- A. Deny the appeal of Christopher Farley, agent for Joseph and Victoria Conley, and uphold the Architectural Board of Review's decision to deny the proposed solar electric system; and

(Cont'd)

20. (Cont'd)

- B. Grant approval for those portions of the proposed solar electric system which are not visible from Anacapa Street.
Affidavit of Publication – Noticed for 2:00 p.m. Session

CONSENT CALENDAR (Item Nos. 1 – 9, and 11 - 15)

Item No. 10 appears in the Redevelopment Agency minutes.

The title of the resolution and ordinances related to the Consent Calendar were read.

MOTION:

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

VOTE:

Unanimous voice vote (Absent: Councilmember Fodayemi).

1. **SUBJECT: MINUTES**

RECOMMENDATION: That Council waive the reading and approve the minutes of the special and regular meetings of October 28, 2003, and the special meeting of October 31, 2003.

ACTION: Approved the recommendation.

2. **SUBJECT: ACCEPTANCE OF STREET EASEMENT AT 815 EAST QUINIENTOS STREET (330.03)**

RECOMMENDATION: That Council:

- A. Approve and authorize the Public Works Director to execute an Easement Agreement with Joseph J. Mathews, Trustee of the Mathews Family Trust dated December 8, 2000, owner of 815 East Quinientos Street, APN 017-123-011, regarding the owner's grant of a street easement for new public improvements at the corner of Nopal Street and Quinientos Street; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Street Easement on the Real Property Located at 815 East Quinientos Street.

ACTION: Approved the recommendations; Resolution No. 03-098; Agreement No. 21,190 (November 11, 2003, Public Works Director's report).

3. SUBJECT: CONTRACT FOR DESIGN OF TAXI LANE AND T-HANGARS (560.04)

RECOMMENDATION: That Council authorize the Public Works Director to execute a contract with Mead Hunt, Incorporated (Mead), in the amount of \$92,046, for design services, and authorize the Public Works Director to approve expenditures of up to \$9,200 for extra services of Mead that may result from necessary changes in the scope of work.

ACTION: Approved the recommendation; Contract No. 21,191 (November 11, 2003, Public Works Director's report).

4. SUBJECT: CONTRACT FOR DESIGN OF CONCRETE STREET REHABILITATION PROJECT (530.04)

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a contract with Penfield & Smith Engineers, Incorporated (P&S), in the amount of \$170,200, for the surveying, design, and specifications for concrete street rehabilitation as per the attached proposal; and
- B. Authorize the Public Works Director to approve expenditures, up to \$17,020, for extra services from P&S that may result from necessary changes in the scope of work.

SPEAKERS:

Staff: Principal Civil Engineer John Ewasiuk.

ACTION: Approved the recommendations; Contract No. 21,192 (November 11, 2003, Public Works Director's report).

5. SUBJECT: AGREEMENT FOR SURFACE WATER GAUGING STATIONS AND GROUNDWATER MONITORING (540.10)

RECOMMENDATION: That Council authorize the Public Works Director to execute a Joint Funding Agreement between the City of Santa Barbara and the United States Geological Survey (USGS) for water resources investigations for the period of November 1, 2003, through October 31, 2004, with a City cost share of \$70,850.

ACTION: Approved the recommendation; Agreement No. 21,193 (November 11, 2003, Public Works Director's report).

6. SUBJECT: INTRODUCTION OF ORDINANCE FOR REPEALING SETBACK LINES ON CHAPALA STREET (640.09)

RECOMMENDATION: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Repealing Municipal Code Sections 28.83.037 and 28.83.047, Pertaining to Chapala Street Setbacks.

ACTION: Approved the recommendation (November 11, 2003, Public Works Director's report).

7. SUBJECT: ADOPTION OF ORDINANCE FOR GRANT OF WATERLINE AND FIRE HYDRANT LICENSE TO GOLETA WATER DISTRICT (330.08)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Public Works Director to Execute a License Agreement with Goleta Water District, a Special District, Granting a License for Installation of a Waterline and Fire Hydrant On and Adjacent to the Private Street Commonly Known as Placencia Street in the Airport Clear Zone, and Providing for the Recordation of Said License Agreement. (Introduced on November 4, 2003)

ACTION: Approved the recommendation; Ordinance No. 5295; Agreement Nos. 21,194 and 21,195.

8. SUBJECT: NOTICE OF COMPLETION FOR LAGUNA CHANNEL PUMP STATION (540.09)

RECOMMENDATION: That Council accept the work completed by Lash Construction, Incorporated (Lash), for the Laguna Channel Pump Station Pump Replacement and Engine Upgrade, Bid No. 3309, Contract No. 20,640, located at 236 East Cabrillo Boulevard, in the final contract amount of \$408,318, including approved changes, and approve filing of a Notice of Completion.

ACTION: Approved the recommendation (November 11, 2003, Public Works Director's report).

9. SUBJECT: FISCAL YEAR 2004 INTERIM FINANCIAL STATEMENTS FOR JULY AND AUGUST 2003 (250.02)

RECOMMENDATION: That Council accept the fiscal year 2004 Interim Financial Statements for the One Month Ended July 31, 2003, and the Two Months Ended August 31, 2003.

ACTION: Approved the recommendation (November 11, 2003, Finance Director's report).

NOTICES

11. Received a letter of resignation from Historic Landmarks Commissioner Edward B. Cella; the unscheduled vacancy will be part of the current City Advisory Group Recruitment. (640.03)
12. The Mayor recently sent the following advocacy letters expressing the City's position, consistent with the Council adopted Legislative Platform, on pending state or federal legislation (160.02):
 - October 30, 2003: Congresswoman Capps; H.R. 2115, Flight 100 - Century of Aviation FAA Reauthorization Act.
 - October 31, 2003: Assemblymembers Maldonado and Jackson; Senators McPherson, McClintock, and Kuehl; supporting the Department of Boating and Waterways.
 - November 5, 2003: Senators Boxer and Feinstein; H.R. 2115, Flight 100 - Century of Aviation FAA Reauthorization Act.
13. The City Clerk has on Thursday, November 6, 2003, at 3:00 p.m. 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.
14. Santa Barbara Financing Authority special meeting, November 11, 2003, at 2:00 p.m. in the Council Chamber.
15. The City Council will conduct a site visit on Monday, November 17, 2003, at 1:30 p.m. to the property located at 3208 Campanil Drive, which is the subject of an appeal hearing set for November 18, 2003, at 2:00 p.m.

This concluded the Consent Calendar.

COUNCIL AND STAFF COMMUNICATIONS

INFORMATION: Councilmember Horton reported on his attendance at the Leadership Santa Barbara meeting.

REDEVELOPMENT AGENCY REPORTS

16. SUBJECT: 2003 TAX ALLOCATION BOND ISSUE (620.05)

RECOMMENDATION:

- A. That the City Council adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Approving Financing of Certain Public Improvements for the Benefit of the Central City Redevelopment Project Area by the Redevelopment Agency of the City of Santa Barbara; and

(Cont'd)

16. (Cont'd)

- B. That the Redevelopment Agency adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Authorizing the Issuance of its Central City Redevelopment Project Tax Allocation Bonds, Series 2003A; Approving a Form of Fourth Supplement to Indenture of Trust, a Form of Preliminary Official Statement, a Form of Purchase Contract and a Form of Continuing Disclosure Agreement; Making Certain Determinations Relating Thereto; and Authorizing Certain Other Action in Connection Therewith.

DOCUMENTS:

- November 11, 2003, report from the Community Development Director/Deputy Director.
- November 4, 2003, memorandum and attachments from Finance Director Robert Peirson.
- Proposed City Council Resolution.
- Proposed Redevelopment Agency Resolution.

The titles of the resolutions were read.

SPEAKERS:

Staff: Finance Director Robert Peirson, Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson.

MOTION:

Council/Agency members Horton/Falcone to approve the recommendations; City Council Resolution No. 03-099; Redevelopment Agency Resolution No. 981.

VOTE:

Unanimous roll call vote (Absent: Council/Agency member Fodayemi).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

17. SUBJECT: PROPOSED YOUTH SERVICES CENTER AT 1235 CHAPALA STREET (570.06)

RECOMMENDATION: That Council:

- A. Conceptually approve the establishment of a Youth Services Center in the City office building located at 1235 Chapala Street; and
- B. Direct staff to proceed with the planning and implementation for the consolidation of existing programs and activities serving youth, and to identify building improvements necessary to support the project.

(Cont'd)

17. (Cont'd)

DOCUMENTS:

November 11, 2003, City Administrator's report.

SPEAKERS:

Staff: City Special Projects Manager Don Olson, Parks and Recreation Director Richard Johns.

MOTION:

Councilmembers Secord/Fairly to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Councilmember Fodayemi).

COMMUNITY DEVELOPMENT DEPARTMENT

18. SUBJECT: SUBORDINATION OF TRANSITION HOUSE LOANS AND COVENANT (660.04)

RECOMMENDATION: That Council:

- A. Approve the subordination of two City loans and an affordability covenant to permanent financing for the affordable rental housing project located at 320 South Salinas Street owned by Transition House; and
- B. Authorize the City Administrator to execute the subordination agreements in a form acceptable to the City Attorney.

DOCUMENTS:

November 11, 2003, Community Development Director's report.

SPEAKERS:

Staff: Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson, Project Planner Simon Kiefer.

MOTION:

Councilmembers Fairly/Secord to approve the recommendations; Agreement Nos. 21,196 and 21,197.

VOTE:

Unanimous voice vote (Absent: Councilmember Fodayemi).

PUBLIC HEARINGS

19. SUBJECT: CONTINUANCE OF APPEAL OF ARCHITECTURAL BOARD OF REVIEW APPROVAL FOR 1960 MISSION RIDGE ROAD (640.07)

RECOMMENDATION: That Council:

- A. Continue the public hearing to December 16, 2003, at 2:00 p.m.; and
- B. Continue the site visit to the property located at 1960 Mission Ridge Road to December 15, 2003, at 1:30 p.m.

MOTION:

Councilmembers Secord/Fairly to approve the recommendations.

VOTE:

Unanimous voice vote (Absent: Councilmember Folayemi).

MAYOR AND COUNCIL REPORTS

22. SUBJECT: CITY ATTORNEY APPOINTMENT (160.01)

RECOMMENDATION: That Council approve the appointment of Stephen P. Wiley as City Attorney with a base salary of \$172,000 and authorize the Mayor to execute an employment agreement.

DOCUMENTS:

November 11, 2003, report from the Mayor.

MOTION:

Councilmembers Secord/Falcone to approve the recommendation; Agreement No. 21,198.

VOTE:

Unanimous voice vote (Absent: Councilmember Folayemi).

RECESS

3:05 p.m. – 3:06 p.m.

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. The pending litigation is *James Robert Begg v. City of Santa Barbara, et al.*, SBSC Case No. 1112953.

Scheduling: Duration: 30 Minutes; anytime

DOCUMENTS:

November 11, 2003, City Attorney's report.

TIME:

3:06 p.m. – 3:31 p.m. Councilmember Fodayemi was absent.

RECESS

3:31 p.m. – 3:32 p.m.

25. 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. The pending litigation is *City of Santa Barbara v. Wilbur Smith Associates, et al.*, SBSC Case No. 1130873.

Scheduling: Duration: 30 minutes; anytime

DOCUMENTS:

November 11, 2003, City Attorney's report.

Councilmember Fodayemi entered the meeting at 3:36 p.m.

TIME:

3:32 p.m. – 3:54 p.m.

RECESS

3:55 p.m. – 4:03 p.m. Councilmember Horton was absent when the Council reconvened in the Council Chamber.

ANNOUNCEMENT:

City Attorney Daniel Wallace reported that the Council met in closed session for Item Nos. 24 and 25; no reportable action was taken during the closed sessions.

MAYOR AND COUNCIL REPORTS (Cont'd)

21. SUBJECT: CITY ADVISORY GROUP INTERVIEWS (140.05)

RECOMMENDATION: That Council:

- A. Hold interviews of applicants to various City Advisory Groups at an estimated time of 4:00 p.m.; and
- B. Continue interviews of applicants to November 18, 2003, at 6:00 p.m.
Estimated Time: 4:00 p.m.

DOCUMENTS:

- November 11, 2003, Assistant City Administrator's report.
- November 11, 2003, letter from Christopher A. Manson-Hing.

Councilmember Horton entered the meeting at 4:07 p.m.

SPEAKERS:

- Staff: City Clerk Services Manager Mabi Covarrubias Plisky; City Administrator James L. Armstrong.
- The following applicants were interviewed:
 - Architectural Board of Review:
 - Christopher A. Manson-Hing
 - Civil Service Commission:
 - Eileen Boris
 - John C. Greer, Jr.
 - Alan T. Kasehagen
 - Community Development and Human Services Committee:
 - Lauri Rawlins-Betta
 - Sidney J. Smith
 - Community Events and Festivals Committee:
 - Valerie Halverson
 - Mitchell Sjerven

(Cont'd)

21. (Cont'd)

SPEAKERS (Cont'd):

Creeks Restoration & Water Quality Improvement Program Citizen
Advisory Committee:

Dale Zurawski

Cameron Benson

Douglas Family Preserve Advisory Committee:

Wendy Hawksworth

Downtown Parking Committee:

Dale Lauderdale

Larry N. Buchanan

Fire and Police Commission:

Albert Yenni

Daniel E. Signor

Leonard E. Atkins

Fire and Police Pension Commission:

Dave Ardell

Harbor Commission:

William Anikouchine

Historic Landmarks Commission:

Alexandra C. Cole

William R. La Voie

Housing Authority Commission:

Richard A. Nelson

Park Commission and Recreation Commission:

Margaret L. Niehaus

Planning Commission:

John C. Jostes

Water Commission:

Arlie M. Skov

Westside Center Advisory Committee:

Rosalina M. Palacios

ACTION:

By consensus, the interviews were continued to November 18, 2003, at
6:00 p.m.

RECESS

5:03 p.m. – 5:25 p.m.

23. SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - CITY ADMINISTRATOR (440.05)

RECOMMENDATION: That Council hold a Closed Session for a Public Employee Performance Evaluation per Government Code Section 54957. Title: City Administrator.

Scheduling: Duration: 40 minutes; anytime

DOCUMENTS:

November 11, 2003, report from the Mayor.

TIME:

5:25 p.m. – 6:05 p.m.

RECESS

6:05 p.m. – 6:08 p.m.

Mayor/Chair Blum presiding.

Council/Agency members present: Fairly, Falcone, Fodayemi, Hart, Horton, Secord, Mayor/Chair Blum.

Staff present: City Administrator/Executive Director Armstrong, Assistant City Attorney/Assistant Agency Counsel Stephen P. Wiley.

PUBLIC COMMENT

SPEAKERS: No one wished to speak.

PUBLIC HEARING

26. SUBJECT: LOCAL COASTAL PLAN AMENDMENT (650.04)

RECOMMENDATION: That Council:

- A. Consider the California Coastal Commission's final actions and modifications to the City's Local Coastal Plan (LCP) Amendment creating an Ocean Oriented Commercial (OC) Zone in the Waterfront area; and
- B. Direct Staff to prepare a new Council Resolution and Ordinance accepting and implementing the LCP Amendment as modified by the California Coastal Commission.

(Cont'd)

26. (Cont'd)

DOCUMENTS:

- November 11, 2003, Community Development Director's report.
- November 11, 2003, letter from Robert G. Pearson.
- November 11, 2003, letter from Naomi Kovacs.
- November 11, 2003, letter from the League of Women Voters of Santa Barbara, Inc.

SPEAKERS:

- Staff: City Planner Bettie Hennon, Assistant City Attorney Stephen P. Wiley, Community Development Director Paul Casey.
- Members of the public: Richard Headley; Sonny Castagnola; League of Women Voters of Santa Barbara, Inc.: Catherine McCammon; Citizens Planning Association: Naomi Kovacs; William "Bill" Wright.

MOTION:

Councilmembers Secord/Hart to withdraw the application.

VOTE:

Majority roll call vote (Ayes: Councilmembers Fairly, Fodayemi, Hart, Secord; Noes: Councilmembers Falcone, Horton, Mayor Blum).

ADJOURNMENT

Mayor Blum adjourned the meeting at 7:20 p.m., to Monday, November 17, 2003, at 1:30 p.m. for a site visit to 3208 Campanil Drive (see Item No. 15).

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC
CITY CLERK SERVICES MANAGER

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR
DEPUTY CITY CLERK