



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING March 13, 2007 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 2:02 p.m. (The Ordinance Committee met at 12:00 p.m. and the Finance Committee met at 1:00 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Brian B. Barnwell, Iya G. Falcone (2:05 p.m.), 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.

### CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 2007, As Mediation Month (120.04)

Action: Proclamation presented to Marshall Sherrill, Rental Housing Mediation Task Force (RHMTF) Chair, Barbara Smith Sherrill, RHMTF Secretary, and Nancy Davis, Coordinator for the City at Peace.

### PUBLIC COMMENT

Speakers: Carey Rogers, Erin Graffey, Jane Brown, Susan Radovich, Gene Zannon, and Kenneth Loch.

## ITEMS REMOVED FROM CONSENT CALENDAR (Item Nos. 3, 4 and 10)

Councilmember Schneider stated that she would abstain from voting on the following items due to a conflict of interest related to her ownership of property proximate to these projects.

The title of the resolution related to Item No. 3 was read.

**Motion:**

Councilmembers Horton/Barnwell to approve Item Nos. 3, 4 and 10 as recommended.

**Vote:**

Unanimous roll call vote (Abstentions: Councilmember Schneider).

3. Subject: State Workforce Housing Reward Grant Application (660.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Submission of an Application for Grant Funds to the California Department of Housing and Community Development's Workforce Housing Reward Program;
- B. If awarded, authorize the Community Development Director to execute a grant agreement and related documents in a form acceptable to the City Attorney and to make non-substantive changes as necessary; and
- C. Upon award of the grant funds to the City, increase estimated revenues and appropriations in the General Fund capital fund for the installation of new bus shelters by the amount of the award, which is estimated to be \$100,000.

Action: Approved the recommendations; Resolution No. 07-013; Agreement No. 22,328 (March 13, 2007, report from the Community Development Director; proposed resolution).

4. Subject: Amendment To Agreement With The County Of Santa Barbara For Cost Sharing Westside Storm Water Control Project (530.04)

Recommendation: That Council authorize the City Administrator to execute Amendment No. 2 to Agreement No. 17,697 for the Cost Sharing Westside Storm Water Control Project.

Action: Approved the recommendation; Agreement No. 17,697.2 (March 13, 2007, report from the Public Works Director and the Parks and Recreation Director).

10. Subject: Notice Of Completion For The Westside Drain Summer Urban Runoff Facility Project (530.04)

Recommendation: That Council accept the work completed by Specialty Construction, Incorporated (Specialty), Contract No. 22,023, for the Westside Drain Summer Urban Runoff Facility (Westside SURF) Project, Bid No. 3466, in the final contract amount of \$698,986.47, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (March 13, 2007, report from the Public Works Director).

### **CONSENT CALENDAR (Item Nos. 2, 5-9, 11 – 13, 16 and 17)**

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

Motion:

Councilmembers Barnwell/Horton to approve Item Nos. 2, 5 - 9, 11 – 13, 16 and 17.

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of January 19, 2007, and the regular meetings of February 20, 2007 (cancelled due to lack of quorum), and February 27, 2007.

Action: Item No. 16 of the minutes of January 19, 2007, was revised; a copy of the revised minutes was distributed to the Council. The Council approved the recommendation.

5. Subject: Ordinance For Introduction For Title 3 Municipal Code Updates Pertaining To Personnel (410.01)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapters 3.04, 3.08 and 3.16 and Repealing Sections 3.04.200, 3.04.230, 3.04.260, 3.16.390 and 3.16.400 of Santa Barbara Municipal Code Title 3 Pertaining to Personnel.

Action: Approved the recommendation (March 13, 2007, report from the Assistant City Administrator; proposed ordinance).

6. Subject: Records Destruction For Waterfront Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Waterfront Department in the Business Office and Harbor Operations Division.

Action: Approved the recommendation; Resolution No. 07-014 (March 13, 2007, report from the Waterfront Director; proposed resolution).

7. Subject: Records Destruction For Parks And Recreation Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Parks and Recreation Department in the Administration, Cultural Arts, and Active Adults Divisions.

Action: Approved the recommendation; Resolution No. 07-015 (March 13, 2007, report from the Parks and Recreation Director; proposed resolution).

8. Subject: Commercial Aeronautical Activity Permit (560.02)

Recommendation: That Council approve and authorize the Airport Director to execute Commercial Aeronautical Activity Permits for various aviation-related businesses at the Airport.

Action: Approved the recommendation (March 13, 2007, report from the Airport Director).

9. Subject: Federal Aviation Administration Grant (560.04)

Recommendation: That Council:

- A. Accept the FAA Grant offer of up to \$14,000,000 in Airport Improvement Program (AIP) grant funds for Project No. AIP-3-06-0235-35, for improvement of Runway 7/25 Safety Area, Phase VI; and
- B. Authorize the Airport Director to execute upon receipt, on behalf of the City, subject to approval by the City Attorney, the subject grant agreement of the United States of America through the Federal Aviation Administration, Department of Transportation, to be used in the development of the Santa Barbara Airport.

Action: Approved the recommendations; Agreement No. 22,329 (March 13, 2007, report from the Airport Director).

11. Subject: Notice Of Completion For The Arroyo Burro Estuary Restoration Project - Landscape Contract (540.14)

Recommendation: That Council:

- A. Accept the work completed by Plowboy Landscapes, Incorporated (Plowboy), Contract No. 22,046, for the Arroyo Burro Estuary Restoration Project - Landscape Contract (Landscape Contract), Bid No. 3439A, in the final contract amount of \$296,211.48, including approved changes, and approve filing of a Notice of Completion; and
- B. Authorize the General Services Manager to execute a Purchase Order Contract (P.O. Contract) with Plowboy in an amount not to exceed \$50,062, for ongoing site planting not completed in this contract.

Action: Approved the recommendations (March 13, 2007, report from the Public Works Director).

12. Subject: Fiscal Year 2007 Interim Financial Statements For The Seven Months Ended January 31, 2007 (250.02)

Recommendation: That Council accept the Fiscal Year 2007 Interim Financial Statements for the Seven Months Ended January 31, 2007.

Action: Approved the recommendation (March 13, 2007, report from the Finance Director).

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 1533 West Valerio Street (640.07)

Recommendation: That Council:

- A. Set the date of April 17, 2007, at 2:00 p.m. for hearing the appeal filed by Mary Fiske, property owner representing herself and adjacent neighbors, of the Planning Commission's Approval of an application for property owned by Justin Van Mullem, On Design, LLC, agent for James and Pamela Haldeman, and located at 1533 W. Valerio Street, Assessor's Parcel Number 041-071-031, A-2/R-1 Zones, General Plan Designation: Major Hillside. The project proposes the subdivision of an existing 3.45 acre site into two lots of approximately 1.725 acres each and the discretionary applications required are Lot Frontage Modifications, a Garage Size Modification, a Tentative Subdivision Map, a Public Street Frontage Waiver, and Neighborhood Preservation Ordinance Findings; and
- B. Set the date of April 16, 2007, at 1:30 p.m. for a site visit to the property located at 1533 W. Valerio Street.

Action: Approved the recommendations (February 16, 2007, letter of appeal).

Item Nos. 14 and 15 appear in the Redevelopment Agency minutes.

## NOTICES

16. The City Clerk has on Thursday, March 8, 2007, 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.
17. A City Council site visit is scheduled for Monday, March 19, 2007, at 1:30 p.m. to the property located at 1776 Eucalyptus Hill Road, which is the subject of a public hearing set for March 20, 2007, at 2:00 p.m.

This concluded the Consent Calendar.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Iya G. Falcone reported that the Committee met to review proposed changes to the Santa Barbara Municipal Code pertaining to parade permits and regulations. The Committee voted to forward the proposed changes to the Council next week. The Committee also met to continue discussion on the Neighborhood Preservation Ordinance (NPO), specifically the NPO committee. This will be brought back to the Committee for additional discussion in April.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger L. Horton reported that the Committee met to review the Financial Statements for the Seven Months Ended January 31, 2007, for both the Redevelopment Agency and the City. These items were approved by the Council and Redevelopment Agency Board as part of this agenda's Consent Calendar (Item Nos. 12 and 15).

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

### PARKS AND RECREATION DEPARTMENT

18. Subject: Teen Center Completion (570.06)

Recommendation: That Council hear a presentation regarding the completion of the new "Twelve35" Teen Center.

Documents:

March 13, 2007, report from the Parks and Recreation Director.

(Cont'd)

18. (Cont'd)

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Recreation Supervisor Susan Young.
- Santa Barbara Youth Council: Chris McDermott, Chelsey Gonzales, Trisha Bartlett.
- Member of the Public: David Pritchett, Shape of Voice Youth Newspaper.

Discussion:

Staff and members of the Santa Barbara Youth Council made a presentation on the new Teen Center, including a pictorial tour of the center. The Grand Opening for the center will be held on Saturday, March 17. The Youth Council thanked the sponsors of the Teen Center including staff and the Mayor and Council.

19. Subject: Water Quality Monitoring Program Update (540.11)

Recommendation: That Council receive a presentation from the Creeks Division on the Water Quality Monitoring Program and key findings from the 2001-2006 Water Quality Monitoring Program Report.

Documents:

March 13, 2007, report from the Parks and Recreation Director.

Speakers:

- Staff: Assistant Parks and Recreation Director Jill Zachary, Water Resources Specialist Jill Murray.
- Members of the Public: David Pritchett.

Discussion:

Staff made a presentation on key findings from the 2001-2006 Water Quality Monitoring report and answered questions from the Council.

**RECESS**

3:40 p.m. - 3:53 p.m.

## **PUBLIC HEARINGS**

20. Subject: Appeal Of The Historic Landmarks Commission Approval For 1528 State Street (640.07)

Recommendation: That Council deny the appeal of Roelanda Genn, Robert Fan, M.D., Blake Brown, D.C., and Hannah-Beth Jackson filed on behalf of the 1532 State Street Homeowners Association and uphold the Historic Landmarks Commission decision to grant preliminary approval of a proposed mixed use project located at 1528 State Street.

### Documents:

- March 13, 2007, report from the Community Development Director.
- March 13, 2007, PowerPoint presentation prepared and made by staff.
- March 12, 2007, letter from Janet McGinnis.
- March 5, 2007, letter from Gregory S. Aposperis, Santa Barbara Foot Clinic.
- February 13, 2007, letter from James Kahan.
- Affidavit of Publication.

### Public Comment Opened:

4:03 p.m.

### Speakers:

- Staff: City Attorney Stephen Wiley; Community Development Director Paul Casey; Project Planner Irma Unzueta, City Planner Bettie Weiss.
- Historic Landmarks Commission: Commissioners William LaVoie and Alex Pujo.
- Appellant: Janet McGinnis, Attorney; Roelanda Genn.
- Applicant: Richard Monk, Land Use Attorney; Brian Cearnal, Cearnal Andrulaitis.
- Members of the Public: Howard Hawkes, George Eskin, David Pritchett, James Kahan.

### Public Comment Closed:

5:41 p.m.

### Motion:

Councilmembers House/Horton to deny the appeal and uphold the Historic Landmarks Commission decision to grant preliminary approval of the proposed mixed use project located at 1528 State Street.

### Vote:

Majority voice vote (Noes: Councilmember Williams).

## CHANGES TO THE AGENDA

### Items Removed From Agenda

Mayor Blum stated that the following items would be continued to the Council meeting of March 20, 2007.

21. 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: Kevin Nevel v. City of Santa Barbara, WCAB, Case Number VNO 0386396.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

22. 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: Michael Carpenter v. City of Santa Barbara, WCAB, Case Number OXN 0137134.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

## ADJOURNMENT

Mayor Blum adjourned the meeting at 6:32 p.m. to Monday, March 19, 2007, at 1:30 p.m. to the property located at 1776 Eucalyptus Hill Road.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

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

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK