



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
August 5, 2008
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Dale Francisco, Roger L. Horton, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone, Grant House.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

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 August 31, 2008.

Documents:

August 5, 2008, report from the Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong.

(Cont'd)

1. (Cont'd)

By consensus, the Council recognized the following employees:

5-Year Pin

Richard C. Aparicio, Environmental Services Specialist I, Finance
Marivel Zambrano-Esparza, Senior Library Technician, Library

10-Year Pin

Fernando Camarillo, Custodian, Public Works
Richard Hanna, Recreation Supervisor II, Parks and Recreation

20-Year Pin

Alfred Alvarez, Police Records Specialist, Police

30-Year Pin

Rebecca Jimenez, Parking Supervisor, Public Works

35-Year Pin

Mona Escobar-Ornelas, Senior Library Technician, Library

2. Subject: Proclamation Declaring August And September 2008 As "Commute Challenge" (120.04)

Speakers:

Traffic Solutions: Kent Epperson, Director.

Action: Proclamation presented to Traffic Solutions Director Kent Epperson.

3. Subject: Anti-Defamation League Designation As A Community Of Respect (120.08)

Recommendation: That Council receive the Anti-Defamation League Designation for the City of Santa Barbara as building a Community of Respect.

Speakers:

- Staff: Recreation Programs Manager Sarah Hanna.
- Anti-Defamation League: Jackie Reed, Associate Regional Director.

Action: Jackie Reed presented Mayor Blum with a Community of Respect Designation Award on behalf of the Anti-Defamation League.

PUBLIC COMMENT

Speakers: Kenneth Loch, Kelsey Walker, Ruth Wilson, Rich Untermann, David Wass, Ben Shalant, and Mr. Pennington.

ITEMS REMOVED FROM CONSENT CALENDAR

5. Subject: Adoption Of Proposed Municipal Code Amendments Regarding Zoning (640.09)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 6.08.010 and 15.24.020 and Titles 28 and 29 of the Santa Barbara Municipal Code Related to Zoning Setbacks and Miscellaneous Zoning Standards.

The title of the ordinance was read.

Motion:

Councilmembers Schneider/Williams to table this item until a future date when a full Council will be present.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmembers Falcone, House).

4. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of July 15, 2008, the special meetings of July 17 and July 22, 2008, the regular meeting of July 22, 2008, and the special meeting of July 23, 2008.

Speakers:

Staff: City Attorney Stephen Wiley.

Motion:

Councilmembers Williams/Horton to approve the recommendation with a revision to page 10 of the minutes of July 15, 2008.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, House).

CONSENT CALENDAR (Item Nos. 6 - 18)

The title of the ordinance related to Agenda Item No. 6 was read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmembers Falcone, House).

6. Subject: Adoption Of Ordinance Amending Municipal Code Title 17 Relating To The Waterfront (570.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17, Sections 17.12.170, 17.16.010, 17.20.005.K, 17.20.220, 17.20.260, 17.28.030 and 17.36.070, Pertaining to Operations at the Waterfront, and Repealing Section 17.20.210.

Action: Approved the recommendation; Ordinance No. 5458.

7. Subject: Professional Services Contract For Airport Native Plant Nursery (560.04)

Recommendation: That Council authorize the Airport Director to execute a contract with URS Corporation (URS), in an amount not to exceed \$136,777 for services associated with the Native Plant Nursery, and authorize the Airport Director to approve expenditures up to \$13,678 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 22,890 (August 5, 2008, report from the Airport Director).

8. Subject: Wetland Mitigation Monitoring Biological Services Year 2 Contract (560.04)

Recommendation: That Council approve and authorize the Airport Director to execute a contract with URS Corporation for post-construction biological monitoring associated with the Airfield Safety Projects and other small projects at the Santa Barbara Airport in an amount not to exceed \$36,963, and authorize the Airport Director to approve expenditures up to \$3,696 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 22,891 (August 5, 2008, report from the Airport Director).

9. Subject: Contract For Professional Services For Taxiway B Realignment And Terminal Apron Projects (560.04)

Recommendation: That Council authorize the Public Works Director to execute a contract with Howard Needles Tammen & Bergendoff Architects, P.C. (HNTB), in the amount of \$575,669, for construction support services for the Taxiway B Realignment and Terminal Apron Projects, and authorize the Public Works Director to approve expenditures of up to \$58,000 for extra services of HNTB that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 22,892 (August 5, 2008, report from the Public Works Director).

10. Subject: Police Software Maintenance Services From Level II, Inc. (520.04)

Recommendation: That Council authorize the Police Information Technology Manager to purchase software maintenance services from Level II, Inc., for the Joint Powers Agreement (JPA) Message Switching System, Journal, and Billing application for one year, with four one-year renewal options, at a Fiscal Year 2009 cost of \$30,498.

Action: Approved the recommendation (August 5, 2008, report from the Chief of Police).

11. Subject: Approval For Wastewater Collection Sewer System Management Plan (540.13)

Recommendation: That Council approve the Wastewater Collection Sewer System Management Plan (SSMP) and authorize the Public Works Director, as the City's authorized representative, to file a Notice of Completion with the State Water Resources Control Board (SWRCB).

Action: Approved the recommendation (August 5, 2008, report from the Public Works Director).

12. Subject: Las Positas/Mission Circulation Options Report - Cottage Hospital (700.09)

Recommendation: That Council:

- A. Authorize the Public Works Director to negotiate and execute a professional services agreement with IBI Group and Penfield & Smith for the Las Positas/Mission Circulation Options Report in the amount of \$89,997, and approve expenditures in an amount not to exceed \$20,000 for extra services that may result from necessary changes to the scope of work; and
- B. Increase estimated Fiscal Year 2009 Streets Capital Fund revenues by \$109,997 and appropriate the funds to the Streets Capital Budget.

Action: Approved the recommendations; Agreement Nos. 22,893 and 22,894 (August 5, 2008, report from the Public Works Director).

13. Subject: Approval Of Purchase Orders For Dewatering Equipment At The William B. Cater Treatment Plant (540.10)

Recommendation: That Council retroactively approve \$277,745 for a purchase order to Gold Coast Stabilization for the rental of a dewatering belt press and \$30,488 for a purchase order to Rain for Rent for a dewatering mixer tank to be used at the William B. Cater Water Treatment Plant (Cater).

Action: Approved the recommendation (August 5, 2008, report from the Public Works Director).

14. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 101 E. Victoria Street (640.07)

Recommendation: That Council:

- A. Set the date of September 23, 2008, at 2:00 p.m. for hearing the appeals filed by Trevor Martinson, Agent for Mr. and Mrs. Rolf Kowal, and by Virginia Rehling, of the Planning Commission approval of an application for property owned by Schaar Homes and located at 101 E. Victoria Street, Assessor's Parcel No. 029-071-013, C-2 Commercial Zone, General Plan Designation: Office and Major Public/Institutional. The project proposes the demolition of an existing two-story 11,900 square-foot commercial office building and construction of a new three-story 17,607 square-foot commercial building comprised of 50 condominium office units. The discretionary applications required are a Modification, Tentative Subdivision Map, Development Plan and Preliminary Economic Development Determination; and
- B. Set the date of September 22, 2008, at 1:30 p.m. for a site visit to the property located at 101 E. Victoria Street.

Action: Approved the recommendations (July 21, 2008, letters of appeal).

15. Subject: Set A Date For Public Hearing Regarding Appeal Of Fire And Police Commission Decision Regarding Taxicab Driver Permit Renewal (520.01)

Recommendation: That Council set the date of October 7, 2008, at 2:00 p.m. for hearing the appeal filed by Stephen Penner, Attorney, representing Julio Maganda, of the Fire and Police Commission decision to deny renewal of a taxicab driver permit.

Action: Approved the recommendation (July 16, 2008, letter of appeal).

NOTICES

16. The City Clerk has on Thursday, July 31, 2008, 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. Cancellation of the regular Redevelopment Agency meeting of August 5, 2008, due to a lack of business.
18. Receipt of the Final Report of the 2007-2008 Santa Barbara County Civil Grand Jury. (150.04)

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to review proposed amendments to Municipal Code Section 14.23.009 and Chapter 22.80 regarding Water Conservation Standards. The Committee made revisions to some of the definitions and requirements to ensure that new landscaping meets the standards that assist the City in conserving water into the future. The Committee voted unanimously to forward the ordinance and resolution to the City Council next week for introduction and subsequent adoption.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

19. Subject: Desalination Facility Rehabilitation Planning Study (540.10)

Recommendation: That Council authorize the Public Works Director to negotiate and execute a contract with Carollo Engineers, in a form approved by the City Attorney, in an amount not to exceed \$122,000 for preparation of a planning study to assess cost, feasibility, and regulatory issues associated with potential future rehabilitation of the City's desalination facility.

Documents:

- August 5, 2008, report from the Public Works Director.
- August 5, 2008, email communication from Patricia Hiles.

Speakers:

- Staff: Water Resources Supervisor Bill Ferguson, Acting Water Resources Manager Rebecca Bjork.
- Member of the Public: Phil Walker.

Motion:

Councilmember Horton/Mayor Blum to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmembers Schneider, Williams; Absent: Councilmembers Falcone, House).

Mayor Blum reported that City Attorney Stephen Wiley informed her that Section 511 of the City Charter requires 4 votes to approve this agenda item, and a 3-2 vote was not sufficient.

Motion:

Councilmembers Horton/Francisco to continue this item to August 12, 2008.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmembers Falcone, House).

PUBLIC HEARINGS

20. Subject: Appeal Of Planning Commission Approval Of 3455 Marina Drive (640.07)

Recommendation: That Council deny the appeals of Ronald Green, Kitch and Eva Wilson, and Michael Moore, and uphold the Planning Commission approval of the Coastal Development Permit for the single family residence and associated development at 3455 Marina Drive.

Documents:

- August 5, 2008, report from the Community Development Director.
- Affidavit of Publication.
- August 5, 2008, petition and map submitted by Ronald Green.
- August 1, 2008, letter from Sandra Schoolfield and Jon Kechejian.

Public Comment Opened:

3:35 p.m.

Speakers:

- Staff: Planning Technician Tony Boughman, City Planner Bettie Weiss, Senior Planner Jaime Limón, City Attorney Stephen Wiley.
- Planning Commission: Commissioner John Jostes.
- Architectural Board of Review: Board Member Paul Zink.
- Appellants: Kitch Wilson, Ronald Green.
- Applicant: Michael Silva, Sam Mathis, Steve Amerikaner.

Recess: 4:46 p.m. - 4:56 p.m.

Speakers (Cont'd):

Members of the Public: Beverly McCurdy, Don Santee, Susan Zalon, Hilary Santee, and James Higman.

Public Comment Closed:

5:08 p.m.

Motion:

Councilmembers Williams/Schneider to deny the appeal and amend the Conditions of Approval as follows:

1. Second sentence in Condition B.1 will be amended and repeated in Condition A.5 as follows:

The landscaping plan for the project shall be reviewed with the intent of affording and maintaining a clear view of the ocean to pedestrians along Marina Drive in a manner acceptable to the Single Family Design Board by maintaining appropriate limits on the height of all approved landscaping; and

2. Last sentence in Condition B.1 will remain in Conditions of Approval.

Vote:

Unanimous voice vote (Absent: Councilmembers Falcone, House).

RECESS

Mayor Blum recessed the meeting at 5:36 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 21, and she stated that no reportable action is anticipated.

CLOSED SESSIONS

21. 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:

August 5, 2008, report from the City Attorney.

Time:

5:40 p.m. - 5:50 p.m. Councilmembers Falcone and House were absent.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 5:51 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE


MARTY BLUM
MAYOR

ATTEST:


CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER