



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING May 11, 2004 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:04 p.m. (The Finance Committee met at 12:00 p.m., and the Ordinance Committee met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: Iya G. Falcone, Roger L. Horton, Helene Schneider, Dan B. Secord, Das Williams, Mayor Blum.

Councilmembers absent: Brian B. Barnwell.

Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

### CEREMONIAL ITEMS

1. SUBJECT: PROCLAMATION DECLARING MAY 10 - 16, 2004, AS GIRLS INCORPORATED WEEK (120.04)

ACTION: Proclamation presented to Monica Spear, Executive Director, Girls Incorporated of Greater Santa Barbara.

### PUBLIC COMMENT

SPEAKERS: Barbie Deutsch.

Councilmember Barnwell arrived at the meeting at 2:15 p.m.

### CONSENT CALENDAR (Item Nos. 2 – 10)

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

**MOTION:**

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

**VOTE:**

Unanimous roll call vote.

2. **SUBJECT: MINUTES**

**RECOMMENDATION:** That Council waive the reading and approve the minutes of the regular meeting of April 27, 2004.

**ACTION:** Approved the recommendation.

3. **SUBJECT: POSITION AND SALARY CONTROL RESOLUTION AMENDMENT FOR MILITARY LEAVE BENEFITS FOR ACTIVE DUTY EMPLOYEES DEPLOYED FOR IRAQI CONFLICT (410.06)**

**RECOMMENDATION:** That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 03-049, the Position and Salary Control Resolution for Fiscal Year 2003-2004, Affecting Salary and Benefits During a Military Leave of Absence Related to the Iraqi Conflict, Effective May 15, 2004.

**ACTION:** Approved the recommendation; Resolution No. 04-030 (May 11, 2004, Assistant City Administrator's report; proposed resolution).

4. **SUBJECT: LEASE OF OFFICE SPACE AT 1235 CHAPALA STREET (330.04)**

**RECOMMENDATION:** That Council:

- A. Approve the request from the Contemporary Arts Forum to lease a portion of the office space in the City's building at 1235 Chapala for a four-month period; and
- B. Authorize the City Administrator to prepare and execute a lease agreement with standard terms and conditions in a form approved by the City Attorney.

**SPEAKERS:**

- Members of the Public: Bill Crawford, Contemporary Arts Forum; Ken Loch.
- Staff: Special Projects Manager Don Olson.

**ACTION:** Approved the recommendations; Agreement No. 21,402 (May 11, 2004, City Administrator's report).

5. SUBJECT: SET A DATE FOR PUBLIC HEARING REGARDING ARCHITECTURAL BOARD OF REVIEW APPROVAL FOR 221 SAN CLEMENTE

RECOMMENDATION: That Council:

- A. Set the date of June 22, 2004, at 2:00 p.m. for hearing the appeal filed by Jason and Sara Dodd of the Architectural Board of Review preliminary approval of an application for property owned by Hans Miller and located at 221 San Clemente, APN 045-151-010, E-3 One Family Residence/ S-D-3 Special District Coastal Overlay Zones, General Plan Designation: Residential, 5 Units per Acre. The project proposes a two-story addition to an existing one-story residence as well as an addition to an existing garage, and modifications are required to permit the garage expansion within the required front and interior yard setbacks; and
- B. Set the date of June 21, 2004, at 1:30 p.m. for a site visit to the property located at 221 San Clemente.

ACTION: Approved the recommendations (April 22, 2004, letter of appeal).

NOTICES

- 6. The City Clerk has on Thursday, May 6, 2004, 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.
- 7. A City Council site visit is scheduled on Monday, May 10, 2004, at 1:30 p.m. to the property located at 29 W. Calle Laureles, which is the subject of an appeal hearing set for May 11, 2004, at 6:00 p.m.
- 8. Cancellation of the regular Redevelopment Agency meeting of May 11, 2004, at 2:00 p.m. due to lack of business.
- 9. A special Finance Committee meeting will be held on Thursday, May 13, 2004, at 1:00 p.m. in Room 15 to hear a report regarding the Fiscal Year 2005 Recommended Budget for Police and Fire Departments.
- 10. A City Council site visit is scheduled on Monday, May 17, 2004, at 1:30 p.m. to the Riviera Campus property located at 2020-2064 Alameda Padre Serra, which is the subject of public hearings set for May 18, 2004, at 2:00 p.m.

This concluded the Consent Calendar.

## **FINANCE COMMITTEE AND ORDINANCE COMMITTEE REPORTS**

### FINANCE COMMITTEE

11. SUBJECT: SPECIAL FINANCE COMMITTEE AGENDA, MAY 11, 2004, 12:00 P.M. IN ROOM 15 (120.03)
  - A. Fiscal Year 2005 Recommended Budget for the Parks and Recreation and Library Departments; and
  - B. Fiscal Year 2004 Third Quarter Review (See Agenda Item No. 13)

12. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dan Secord reported that the Committee heard presentations from Parks and Recreation and Library staff covering their proposed department budgets for Fiscal Year 2005. The Committee also heard a staff report on the third quarter review of the Fiscal Year 2004 City Budget (Agenda Item No. 13).

13. SUBJECT: FISCAL YEAR 2004 THIRD QUARTER REVIEW (230.04)

RECOMMENDATION: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2004;
- B. Accept the Fiscal Year 2004 Interim Financial Statements for the Nine Months Ended March 31, 2004; and
- C. Approve the adjustments to appropriations and estimated revenues as shown in the Schedule of Recommended Budget Adjustments.

DOCUMENTS:

May 11, 2004, Finance Director's report.

SPEAKERS:

Staff: Accounting Manager Rudolf Livingston, City Administrator James Armstrong.

MOTION:

Councilmembers Secord/Horton to approve the recommendations.

VOTE:

Unanimous voice vote.

### ORDINANCE COMMITTEE

14. SUBJECT: SPECIAL ORDINANCE COMMITTEE AGENDA, MAY 11, 2004, 12:30 P.M. IN THE COUNCIL CHAMBER FOR CONSIDERATION OF ENFORCEMENT TOOLS TO IMPROVE NEIGHBORHOODS (120.03)

15. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Helene Schneider reported that the Committee reviewed proposed ordinance amendments intended to establish enforcement tools to support the City's Neighborhood Improvement Program. Staff will return to the Committee at a later date with responses to feedback provided on the issues to be addressed by the ordinances.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

INFORMATION: Councilmember Horton reported on his attendance, along with Mayor Blum, at a "Partners in Education" awards ceremony.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

PUBLIC WORKS DEPARTMENT

16. SUBJECT: SOLID WASTE MANAGEMENT PLAN (630.01)

RECOMMENDATION: That Council receive a report on the Multi-Jurisdictional Solid Waste Task Group (MJSWTG) and approve the Countywide Long-Term Solid Waste Management Plan (Countywide Plan) for Santa Barbara County.

DOCUMENTS:

- May 11, 2004, Public Works Director's report.
- PowerPoint presentation made by Staff.

SPEAKERS:

Staff: Public Works Director Anthony Nisich.

MOTION:

Councilmembers Secord/Falcone to approve the recommendation.

VOTE:

Unanimous voice vote.

**MAYOR AND COUNCIL REPORTS**

17. SUBJECT: DESIGNATION OF VOTING DELEGATES FOR SPECIAL MEETING OF LEAGUE OF CALIFORNIA CITIES' GENERAL ASSEMBLY (180.01)

RECOMMENDATION: That Council designate a voting delegate and a voting alternate for the special meeting of the League of California Cities' General Assembly scheduled for Thursday, May 13, 2004, in Sacramento.

(Cont'd)

17. (Cont'd)

DOCUMENTS:

April 28, 2004, letter from the League of California Cities.

MOTION:

Mayor Blum/Councilmember Secord to designate Councilmember Falcone as the voting delegate.

VOTE:

Unanimous voice vote.

By consensus, the Council did not designate a voting alternate.

**PUBLIC HEARINGS**

18. SUBJECT: SUBORDINATIONS FOR REFINANCING OF AFFORDABLE RENTAL HOUSING AT 210 WEST VICTORIA STREET (660.04)

RECOMMENDATION: That Council:

- A. Approve the subordination of City loans and the conditional subordination of the affordability covenant in order to permit Peoples' Self-Help Housing Corporation to refinance its first trust deed loan with a \$1,000,000 tax-exempt bond on the affordable housing project located at 210 West Victoria Street;
- B. Authorize the City Administrator to execute the subordination agreements in a form acceptable to the City Attorney;
- C. Hold a public hearing to consider the City's approval of the Housing Authority of the City of Santa Barbara incurring a tax-exempt loan in the sum of \$1,000,000 for the purpose of creating affordable rental housing located in the City at 210 West Victoria Street; and
- D. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Approving the Incurring of a Tax-Exempt Loan by the Housing Authority of the City of Santa Barbara for the Purpose of Providing Financing for the Construction of New Multifamily Rental Housing to be Developed by Peoples' Self-Help Housing Corporation.

DOCUMENTS:

- May 11, 2004, Community Development Director's report.
- Proposed Resolution.
- Affidavit of Publication.

The title of the resolution was read.

(Cont'd)

18. (Cont'd)

PUBLIC HEARING OPENED:

3:09 p.m.

SPEAKERS:

- Staff: Project Planner Simon Kiefer, City Attorney Stephen Wiley, Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson.
- Peoples' Self-Help Housing Corporation: Karen Seabury.
- Housing Authority of the City of Santa Barbara: Executive Director Robert Pearson.

PUBLIC HEARING CLOSED:

3:23 p.m.

MOTION:

Councilmembers Horton/Secord to approve the recommendations; Agreement Nos. 21,403 and 21,404; Resolution No. 04-031.

VOTE:

Unanimous roll call vote.

## **RECESS**

3:23 p.m. – 3:39 p.m.

## **PUBLIC HEARINGS (CONT'D)**

19. SUBJECT: FISCAL YEAR 2005 RECOMMENDED BUDGET (230.05)

RECOMMENDATION: That Council:

- A. Continue the public hearing from May 4, 2004, on the Fiscal Year 2005 Recommended Budget;
- B. Hear a report from Airport and Waterfront Departments' staff covering their respective proposed budgets for Fiscal Year 2005; and
- C. Continue the public hearing to the Tuesday, May 18, 2004, Council meeting's evening session.

DOCUMENTS:

- May 11, 2004, report from the Finance and Waterfront Directors.
- PowerPoint presentations made by Airport and Waterfront staff.

PUBLIC HEARING OPENED (Continued from May 4, 2004):

3:40 p.m.

(Cont'd)

19. (Cont'd)

**SPEAKERS:**

Staff: Finance Director Robert Peirson, Assistant Airport Director Hazel Johns, Airport Operations Manager Tracy Lincoln, Waterfront Director John Bridley, Waterfront Business Manager Scott Riedman.

Councilmember Barnwell left the meeting at 4:21 p.m.

By consensus, the Council continued the public hearing to May 18, 2004.

**RECESS**

4:39 p.m. – 4:45 p.m. All Councilmembers were present when the meeting was reconvened.

**CLOSED SESSIONS**

20. SUBJECT: CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (160.03)

RECOMMENDATION: That Council hold a closed session to consider anticipated litigation pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed. There is significant exposure to litigation: one potential case.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

**DOCUMENTS:**

May 11, 2004, City Attorney's report.

**TIME:**

4:45 p.m. – 5:40 p.m.

No report made.

**RECESS**

5:40 p.m. – 6:02 p.m.

Mayor Pro Tempore Falcone presiding.

Councilmembers present: Barnwell, Horton, Schneider, Secord, Williams, Mayor Pro Tempore Falcone.

Councilmembers absent: Mayor Blum.

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

## **PUBLIC COMMENT**

SPEAKERS: Scott Wenz, Kristi Solberg, Bill Roberts and Mary Anne Morrison.

## **PUBLIC HEARINGS (CONT'D)**

21. SUBJECT: APPEAL OF PLANNING COMMISSION APPROVAL FOR 29 W. CALLE LAURELES (640.07)

RECOMMENDATION: That Council deny the appeal of Friends of West Calle Crespis and uphold the Planning Commission's decision to approve setback modifications, a parking modification, and a Tentative Subdivision Map for a one-lot condominium subdivision with six units, making the findings in the Council Agenda Report.

### **DOCUMENTS:**

- May 11, 2004, report from the Assistant Community Development Director/Housing and Redevelopment Manager.
- February 20, 2004, letter of appeal.
- May 5, 2004, letter from the Appellant.
- Petition supporting the appeal, submitted by the Appellant.
- May 10, 2004, letter from the Applicant.
- May 5, 2004, letter from Paul Brunner.
- May 7, 2004, letter from Coastal Housing Partnership.
- May 9, 2004, letters from David Dahon; Santa Barbara Region Chamber of Commerce.
- May 10, 2004, letters from Michael Brown; Community Environmental Council; East San Roque Neighborhood Association; James Kahan; Paul Poirier; Seed Mackall, LLP; South Coast Livable Communities; The Sustainability Project.
- May 11, 2004, letter from Allied Neighborhoods Association; American Institute of Architects Santa Barbara; Channel Investment Company; Alan Noelle.
- Affidavit of Publication.

### **PUBLIC HEARING OPENED:**

6:11 p.m.

### **SPEAKERS:**

- Staff: Senior Planner Jan Hubbell, Supervising Transportation Planner Rob Dayton, City Attorney Stephen Wiley.
- Planning Commission: Chair Pete Ehlen, Vice-Chair Jonathan Maguire, Commissioner Grant House.
- Appellant: Jordan Porter, Bob Duley, George Ramstad, James Kahan.

(Cont'd)

21. (Cont'd)

SPEAKERS (Cont'd):

- Applicant: Michael Holliday, Mark Kirkhart.
- Members of the Public: Alan Noelle; Steve Cushman, Santa Barbara Region Chamber of Commerce; Scott Wenz, Cars Are Basic; Kimberly Monda; Kelly Griffin; Paul Hernadi; Shirley Saunders; Tom Becker; Maria Graspas-Baltieri; Nancy Corr; Brad Simon; Diana Brunner; William Brunner.

RECESS: 7:41 p.m. – 7:50 p.m.

SPEAKERS (Cont'd):

- Staff: Assistant City Administrator Joan Kent.
- Appellant: Heather Bryden.
- Members of the Public: Steve Engles, Santa Barbara Region Chamber of Commerce; James Coleman; Will Wassenaar; Steven Vior; Rob Mager; Joe Guzzardi; Philip Wyatt; Michael Heacock; DeLois Cramer; Elaine LeVasseur; Paul Poirier, East San Roque Neighborhood Association; Jay Higgins; Teri Malinowski; Jim Acos; Karen Feeney; Greg Van Sande; Joe Rution; Brad Frohling; Mark Gallo; Joana Messick; Sue Ann Meyers; Marilyn Millsap; Naomi Kovacs, Citizens Planning Association; Trish Reynoso (speaking for herself and also for Keith Rivera; Alex Pujo, South Coast Livable Communities.

PUBLIC HEARING CLOSED:

8:45 p.m.

MOTION:

Councilmembers Williams/Schneider to deny the appeal, thereby upholding the Planning Commission's decision; and condition the project approval on: 1) the implementation of transportation alternatives offered by the Applicant (including two bicycles, a motor scooter and one hybrid or other low-emission motor vehicle available for staff use during the day); 2) the conversion of 500 square feet of space in the existing commercial building to a workforce rental apartment, the design of which shall comply with all requirements of the Zoning Ordinance, with the stipulation that the apartment is to be occupied by a DesignARC employee who works on-site; 3) the conversion of space in the commercial building necessary to create two parking spaces in a garage, accessed from Archer's Alley; and 4) a maximum of 6,080 square feet of commercial space shall be allowed in the commercial building.

VOTE:

Unanimous voice vote (Absent: Mayor Blum).

**ADJOURNMENT**

Mayor Pro Tempore Falcone adjourned the meeting at 9:32 p.m., to Monday, May 17, 2004, at 1:30 p.m. for a site visit to the property located at 2020-2064 Alameda Padre Serra.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

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MARTY BLUM  
MAYOR

\_\_\_\_\_  
SUSAN TSCHECH  
DEPUTY CITY CLERK

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IYA G. FALCONE  
MAYOR PRO TEMPORE