



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
October 19, 2010
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Pro Tempore Grant House called the joint meeting of the Council and Redevelopment Agency 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 Pro Tempore House.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Michael Self, Bendy White, Das Williams, Mayor Pro Tempore House.

Councilmembers absent: Mayor Helene Schneider.

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

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator James Armstrong advised that the following item would be deferred to a future meeting:

11. 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 Wayne Scoles v. City of Santa Barbara, et al., USDC Case No. CV09-6953 PA (RCx).

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

PUBLIC COMMENT

Speakers: Kenneth Loch; Bob Hansen; AIE, the person; Sherrie Fisher, Santa Barbara Metropolitan Transit District.

CONSENT CALENDAR (Item Nos. 1 - 5 and 7)

The title of the ordinance related to the Consent Calendar was read.

Motion:

Councilmembers Francisco/White to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Mayor Schneider).

1. **Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of October 5, 2010.

Action: Approved the recommendation.

2. **Subject: Santa Barbara Cottage Hospital Seismic Compliance And Modernization Project (700.09)**

Recommendation: That Council revise the final allocation of Community Priority square footage to include an additional 10,600 square feet from the Economic Development Category for the Santa Barbara Cottage Hospital (SBCH) Seismic Compliance and Modernization Project.

Action: Approved the recommendation (October 19, 2010, report from the Assistant City Administrator/Community Development Director).

3. **Subject: Introduction Of Ordinance For A 15-Year Lease With Conway Vineyards, Incorporated, For The Wine Tasting Room At 217-G Stearns Wharf (330.04)**

Recommendation: That Council approve a 15-year lease with Conway Vineyards, Inc., and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 15-Year Lease of the Premises Located at 217-G Stearns Wharf with Conway Vineyards, Inc., Effective November 25, 2010.

(Cont'd)

3. (Cont'd)

Action: Approved the recommendation (October 19, 2010, report from the Waterfront Director; proposed ordinance).

4. Subject: Increase In Construction Change Order Authority For The Marina One Replacement Project - Phases II - IV (570.03)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Marina One Replacement Project - Phases II - IV (Project), Contract No. 23,532 in the amount of \$164,825, for a total project change order expenditure authority of \$586,325; and
- B. Increase appropriations and estimated revenues by \$4,060,000 in the Waterfront Capital Fund to cover the cost of the Project, funded from a loan from the Department of Boating and Waterways (DBAW).

Action: Approved the recommendations (October 19, 2010, joint report from the Public Works Director and Waterfront Director).

5. Subject: Fiscal Year 2011 Interim Financial Statements For The Two Months Ended August 31, 2010 (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the Two Months Ended August 31, 2010.

Action: Approved the recommendation (October 19, 2010, report from the Finance Director).

Agenda Item No. 6 appears in the Redevelopment Agency minutes.

NOTICES

- 7. The City Clerk has on Thursday, October 14, 2010, 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.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to discuss staff recommendations that Council adopt by reference current editions of Building and Fire Codes, as well as amendments and additions to those codes; these items will be coming before the City Council in the near future.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

8. Subject: Cachuma Joint Powers Agencies Reorganization (540.03)

Recommendation: That Council approve in concept, subject to further clarification, the Conceptual Form and Structure for the Organization of the Cachuma Conservation Release Board (CCRB) and Cachuma Operation and Maintenance Board (COMB) and authorize the City's Water Resources Manager and the City Attorney to negotiate the appropriate agreement amendments for approval by Council.

Documents:

October 19, 2010, report from the Public Works Director.

Speakers:

Staff: Water Resources Manager Rebecca Bjork.

Motion:

Councilmembers Francisco/Williams to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Mayor Schneider).

PUBLIC HEARINGS

9. Subject: Appeal Of Architectural Board Of Review Approval Of 903 West Mission Street (640.07)

Recommendation: That Council deny the appeal of Pamela Brandon and support the Architectural Board of Review's Preliminary Approval of the proposed accessory dwelling unit and new garage at 903 West Mission Street.

(Cont'd)

9. (Cont'd)

Documents:

- October 19, 2010, report from the Assistant City Administrator/Community Development Director.
- October 19, 2010, PowerPoint presentation prepared and made by staff.
- Undated presentation letter from the Appellant.
- October 13, 2010, letter from Architect Clay Aurell, representing the applicant.
- July 27, 2010, letter from Brandon Smith.
- October 18, 2010, email communication and letters from Berni Bernstein, Brandon Smith, Don and Holly Haws, Tina Funcich, unidentifiable party.
- October 19, 2010, letters from Wayne Dorfman, Dave Eggli, unidentifiable party.

Public Comment Opened:

2:35 p.m.

Speakers:

- Staff: Senior Planner II Danny Kato, Assistant Planner Kelly Brodison.
- Architectural Board of Review: Member Keith Rivera, Member Gary Mosel, Chair Christopher Manson-Hing, Vice-Chair Dawn Sherry.
- Appellant: Pam Brandon.

Recess: 3:24 p.m. - 3:29 p.m.

Speakers (Cont'd):

- Applicant: Architect Clay Aurell.
- Members of the Public: Mimi Greenberg; Brandon Smith; David Jenkins; Kellam de Forest; Heidi Ferguson; Greta Harbaugh; Christine Cunningham; Tim Cunningham; T.J. Ferguson; Rich Hannay; Chris Jones, Prudential California Realty.

Public Comment Closed:

4:26 p.m.

Motion:

Councilmembers Williams/White to deny the appeal and direct the Architectural Board of Review, in their final approval, to:

- 1) Study the two-story structure to minimize its height;
- 2) Study the cantilever to minimize its size; and
- 3) Make the window dimensions a condition of approval.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Self; Absent: Mayor Schneider).

RECESS

Mayor Pro Tempore House recessed the meeting at 5:25 p.m. in order for the Council to meet in closed session regarding Agenda Item Nos. 10 and 12, and he stated that no reportable action is anticipated.

CLOSED SESSIONS

10. 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 Police Officers Association, Police Managers Association, the Treatment and Patrol Bargaining Units, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

October 19, 2010, report from the Assistant City Administrator.

Time:

5:35 p.m. - 6:40 p.m. Mayor Schneider was absent. Councilmember Williams left the meeting at 6:15 p.m.

No report made.

12. 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. Lighthouse & Corner, LLC, SBSC Case No. 1339761.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

October 19, 2010, report from the City Attorney.

Time:

6:42 p.m. - 6:48 p.m. Mayor Schneider and Councilmember Williams were absent.

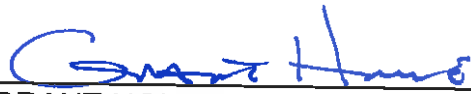
No report made.

ADJOURNMENT

Mayor Pro Tempore House adjourned the meeting at 6:48 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



GRANT HOUSE
MAYOR PRO TEMPORE

ATTEST:



CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER