



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 20, 2007 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:00 p.m. (The Ordinance Committee and Finance Committee, which ordinarily meet at 12:30 p.m. and 1:00 p.m., respectively, did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Brian B. Barnwell, Iya G. Falcone, 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 Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 2007 As Arts Education Month (120.04)

Action: Proclamation presented to Santa Barbara County Arts Commission Executive Director Ginny Brush.

COUNCIL AND STAFF COMMUNICATIONS

Police Chief Camarino Sanchez made a presentation before Council to answer questions arising from the gang-related homicide that occurred last week. All Councilmembers made comments.

PUBLIC COMMENT

Speakers: Bob Hansen; Kenneth Loch; Scott Wenz, Cars Are Basic; Babatunde Folayemi; Nancy Davis, Community Mediation; Gloria Liggett; Karena Jew; Doug Noll, Conflict Solutions Center; and Daniel Ochoa, La Casa de la Raza.

RECESS

3:35 p.m. - 3:44 p.m. Councilmembers Barnwell, Schneider and Williams were absent when the Council reconvened.

CONSENT CALENDAR (Item Nos. 2 - 7)

The title of the ordinance related to Item No. 4 was read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmembers Barnwell, Schneider and Williams).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of March 5, 2007, and the regular meeting of March 6, 2007.

Action: Approved the recommendation.

3. Subject: Notice Of Completion For The Campanil Pump Station Improvements Project (540.06)

Recommendation: That Council accept the work completed by Schock Contracting Corporation (Schock), Contract No. 21,579, for the Campanil Pump Station Improvements Project, Bid No. 3382, located at 830 Centinela Lane, in the final contract amount of \$316,727.18, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (March 20, 2007, report from the Public Works Director).

4. Subject: Adoption Of Ordinance Amending Title 3 Of The Code Pertaining To Personnel (410.01)

Recommendation: That Council 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; Ordinance No. 5413.

NOTICES

5. The City Clerk has on Thursday, March 15, 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.
6. Cancellation of the regular Redevelopment Agency meeting of March 20, 2007, due to lack of business.
7. A City Council site visit is scheduled for Monday, March 26, 2007, at 1:30 p.m. to the property located at 3408 and 3412 State Street, which is the subject of a public hearing set for March 27, 2007, at 2:00 p.m.

This concluded the Consent Calendar.

Councilmembers Barnwell, Schneider, and Williams returned to the meeting at 3:46 p.m., 3:48 p.m., and 3:49 p.m., respectively.

PUBLIC HEARINGS

10. Subject: Appeal Of Planning Commission Approval For 1776 Eucalyptus Hill Road (640.07)

Recommendation: That Council deny the appeal of John Manning, uphold the Planning Commission's decision to approve the Tentative Subdivision Map for the proposed two-lot subdivision at 1776 Eucalyptus Hill Road, and make the required Neighborhood Preservation Ordinance Findings for the proposed grading, making the findings in the Council Agenda Report and subject to the Conditions of Approval in Planning Commission Resolution 005-07.

Documents:

- March 20, 2007, report from the Community Development Director.
- Affidavit of Publication.
- Written remarks made by the Appellant.

(Cont'd)

10. (Cont'd)

Documents (Cont'd):

- Letters submitted as a group by the Applicant:
 - March 13, 2007, from MNS Engineers, Inc.
 - March 13, 2007, from Pacific Materials Laboratory.
 - February 1, 2007, from Flowers & Associates, Inc.
 - February 26, 2007, from Warner R. McGrew.
- March 15, 2007, letter from Flowers & Associates, Inc., submitted by the Applicant.
- March 6, 2007, letter from Ed and Nancy Gordon.
- March 11, 2007, letters from the Allied Neighborhood Association; H. Ben Walsh.
- March 14, 2007, letter from Nicholas Wesley.
- March 19, 2007, letter from Eddie Harris.
- March 20, 2007, letter from John Fiske.
- Undated letter from Don and Joy Knapp.
- Petition supporting the appeal, signed by three neighborhood residents.

Public Comment Opened:

3:46 p.m.

Speakers:

- Staff: Project Planner Allison De Busk, Senior Planner Jan Hubbell, City Attorney Stephen Wiley.
- Planning Commission: Commissioner Addison Thompson.
- Appellant: John Manning.
- Applicant: Rick Jeffrey; Michael Viettone, Flowers & Associates; Mark de la Garza, Watershed Environmental; Roger Slayman, MNS Engineers, Inc.; Ron Pike, Pacific Materials Laboratory; Warner McGrew; Carol Gross.
- Members of the Public: Naomi Kovacs and Eddie Harris, Citizens Planning Association; John Fiske; Ardene Fredricksen; Joy Knapp; Charlie Schneider; John Woodward; Ben Walsh.

Public Comment Closed:

5:34 p.m.

Motion:

Councilmembers Williams/Schneider to grant the appeal and direct Staff to return with a resolution stating the Council's inability to make the findings necessary to approve the project.

Vote:

Unanimous voice vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

8. Subject: Minor Amendments To Municipal Code Chapters 9.12 And 9.140 Pertaining To Parade Permit Regulations And Solicitations For Employment Within City Rights-Of-Way (520.04)

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 9.12 and 9.140 of the Municipal Code Pertaining to Parade Permits and Regulations and Pertaining to Solicitation of Employment or Business From Within a Street Right-of-Way.

Documents:

- March 20, 2007, report from the City Attorney.
- Proposed Ordinance.

The title of the ordinance was read.

Discussion:

Councilmembers stated that they had either heard or watched afterward the presentation on this matter made by the City Attorney at the Ordinance Committee meeting of March 13, 2007.

Motion:

Councilmembers Schneider/Falcone to approve the recommendation.

Vote:

Unanimous voice vote.

CHANGES TO THE AGENDA

Item Continued to Future Meeting

Motion:

Councilmembers Williams/Schneider to continue the following item to a future meeting.

Vote:

Unanimous voice vote.

9. Subject: State Route 225 Annexation And Relinquishment Status Report (680.04)

Recommendation: That Council receive, for information only, the status report for State Route 225 relinquishment and annexation.

Councilmember Falcone left the meeting at 6:13 p.m.

MAYOR AND COUNCIL REPORTS

11. Subject: City Attorney And City Administrator Compensation (410.06)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5358, the Salary Plan for Fiscal Years 2005 through 2008 for the City Administrator and the City Attorney, Effective January 6, 2007.

Documents:

- March 20, 2007, report from Mayor Blum and Councilmember Horton.
- Proposed Ordinance.

The title of the ordinance was read.

Motion:

Councilmembers Horton/Barnwell to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone).

CHANGES TO THE AGENDA

Items Continued to Future Meeting

Motion:

Councilmembers Williams/Horton to continue the following items to a future meeting.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone).

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. Pending litigation considered is: Kevin Nevel v. City of Santa Barbara, WCAB, Case Number VNO 0386396.

(Continued from March 13, 2007)

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

13. 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.
(Continued from March 13, 2007)

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

14. 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 Javier Bravo, et al., v. City of Santa Maria, et al., USDC Case Number CV 06-6851 FMC (SHx).

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

ADJOURNMENT

Mayor Blum adjourned the meeting at 6:19 p.m. to Monday, March 26, 2007, at 1:30 p.m. for a site visit to the property located at 3408 and 3412 State Street.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

MARTY BLUM
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK