



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING February 13, 2007 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., 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 Brenda Alcazar.

PUBLIC COMMENT

Speakers: Kenneth Loch, Cathy Rose and Jane Brown.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Horton reported on the following meetings: 1) the Youth Council; 2) the Downtown Child Care Committee; 3) the Santa Barbara County First 5 Commission; and 4) the Channel Counties Division of the League of California Cities in Santa Maria.
- Councilmember Falcone reported on the following meetings: 1) the League of California Cities Board meeting in Berkeley; 2) the Solid Waste Subcommittee; 3) the Committee on Legislation; and 4) the Water Commission.

(Cont'd)

Information (Cont'd):

- Councilmember Williams spoke about a meeting regarding transportation issues and, as a member of the Committee on Youth and Children, his attendance at a meeting to discuss Dr. Bob Noel's idea concerning the Construction and Public Safety Academy.
- Councilmember Barnwell reported on his attendance at the Downtown Parking Committee meeting and a meeting with Airport Department Staff. He also thanked the Heart Association for their sponsorship of the Heart Ball and mentioned that Pony Baseball closed their evaluations on Saturday.
- Mayor Blum spoke about her attendance at the State of the Museum at the Museum of Natural History, the Disaster Preparedness meeting at the Fire Department, and the Chinese New Years celebration.

CONSENT CALENDAR (Item Nos. 1 – 7 and 9 – 12)

Motion:

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

Vote:

Unanimous voice vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of January 29, 2007, and the regular meeting of January 30, 2007.

Action: Approved the recommendation.

2. Subject: Approve Trash And Recycling Receptacle Vendor For Public Spaces (630.01)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process as authorized by Municipal Code Section 4.52.080(k), and authorize the General Services Manager/Purchasing Agent to issue purchase orders to Forms and Surfaces, Inc. (F&S), to provide recycling and trash containers for installation in public spaces; and
- B. Authorize the General Services Manager/Purchasing Agent to issue purchase orders to F&S for the continued provision of stainless steel outdoor recycling and trash containers, as approved by the Historic Landmarks Commission and Architectural Board of Review for a period of five years, for a total annual amount not to exceed \$75,000.

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

3. Subject: Grant Appropriation For Oak Park Bridge (570.05)

Recommendation: That Council increase estimated expenditures and revenues by \$130,000 in the Fiscal Year 2007 Parks and Recreation Capital Fund for the construction of the Oak Park Bridge.

Action: Approved the recommendation (February 13, 2007, report from the Parks and Recreation Director).

4. Subject: Contract For Design Of Influent Pumps At El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the Public Works Director to execute a professional services contract with Carollo Engineers (Carollo) for the design of influent pumps at the El Estero Wastewater Treatment Plant in the amount \$43,190, and authorize the Public Works Director to approve expenditures up to \$5,000 to cover cost increases that may result from contract change orders for extra work.

Action: Approved the recommendation; Contract No. 22,313 (February 13, 2007, report from the Public Works Director).

5. Subject: Set A Date For Public Hearing Regarding Appeal Of Historic Landmarks Commission Preliminary Approval For 1528 State Street (640.07)

Recommendation: That Council:

- A. Set the date of March 13, 2007, at 2:00 p.m. for hearing the appeal filed by Hannah-Beth Jackson on behalf of 1532 State Street Homeowners Association of the Historic Landmarks Commission preliminary approval of an application for property owned by Afra Guity and located at 1528 State Street, Assessor's Parcel Number 027-232-012, C-2 Commercial Zone, General Plan Designation: General Commerce and Offices. The project proposes demolition of existing commercial space, and construction of new commercial space and three new residential condominium units; and
- B. Set the date of March 12, 2007, at 1:30 p.m. for a site visit to the property located at 1528 State Street.

Action: Approved the recommendations (January 19, 2007, letter of appeal).

6. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 1776 Eucalyptus Hill Road (640.07)

Recommendation: That Council:

- A. Set the date of March 20, 2007, at 2:00 p.m. for hearing the appeal filed by John Manning of the Planning Commission approval of an application for property owned by Eucalyptus Modern, LLC, and located at 1776 Eucalyptus Hill Road, Assessor's Parcel Number 015-161-054, A-2 One-Family Residence Zone, General Plan Designation: Residential, 2 Units per Acre. The project proposes the subdivision of one parcel into two lots, and the discretionary applications required ara a Tentative Subdivision Map and Neighborhood Preservation Ordinance Findings; and
- B. Set the date of March 19, 2007, at 1:30 p.m. for a site visit to the property located at 1776 Eucalyptus Hill Road.

Action: Approved the recommendations (January 29, 2007, letter of appeal).

7. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 1443 San Miguel Avenue (640.07)

Recommendation: That Council:

- A. Set the date of April 10, 2007, at 2:00 p.m. for hearing the appeal filed by Doris Blethrow and Shaun Rai, property owners representing themselves and adjacent neighbors, of the Planning Commission's Approval of an application for property owned by Kevin and Jill Dumain and located at 1443 San Miguel Avenue, Assessor's Parcel Number 045-132-033, E-3/SD-3 Single-Family/Coastal Overlay Zone, General Plan Designation: Residential, Five Units Per Acre. The project proposes demolishing an existing 413 square-foot residence and 85 square-foot storage shed and constructing a new 2,356 square-foot three-story residence with an attached 461 square-foot two-car garage; and
- B. Set the date of April 9, 2007, at 1:30 p.m. for a site visit to the property located at 1443 San Miguel Avenue.

Action: Approved the recommendations (January 2, 2007, letter of appeal).

Item No. 8 appears in the Redevelopment Agency minutes.

NOTICES

9. The City Clerk has on Thursday, February 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.

10. Received a communication advising of the resignation of Rental Housing Mediation Task Force Member Russell Boggie; the vacancy will be part of the next City Advisory Group recruitment.
11. The public hearing scheduled for February 13, 2007, at 2:00 p.m. to consider the sale of a Redevelopment Agency owned moderate income affordable three-bedroom condominium located at 3738 Gregory Way #4, has been continued to March 6, 2007, at 2:00 p.m.
12. Cancellation of the regular City Council and Redevelopment Agency meeting of February 20, 2007, due to lack of a quorum.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to review and discuss a loan to Habitat for Humanity for acquisition of property located at 618 San Pascual and the Fiscal Year 2007 Mid-Year Review. Both items will be forwarded to the Council for approval as Item Nos. 13 and 14.

Item No. 13 appears in the Redevelopment Agency minutes.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

14. Subject: Fiscal Year 2007 Mid-Year 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 December 31, 2006;
- B. Accept the Fiscal Year 2007 Interim Financial Statements for the Six Months Ended December 31, 2006; and
- C. Approve the adjustments to appropriations and estimated revenues as shown in the attached Schedule of Recommended Mid-Year Budget Adjustments.

Documents:

- February 13, 2007, report from the Finance Director.
- PowerPoint presentation prepared and made by staff.

Councilmember Falcone left the meeting at 2:56 p.m. and returned at 3:08 p.m.

(Cont'd)

14. (Cont'd)

Speakers:

Staff: Accounting Manager Rudolf Livingston.

Motion:

Councilmembers House/Schneider to approve the recommendations.

Vote:

Unanimous voice vote.

COMMUNITY DEVELOPMENT DEPARTMENT

15. Subject: Introduction Of Municipal Code Amendment For Increased Flexibility In The Placement Of Solar Energy Systems (630.06)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 28.87.030 and 28.87.062 of the Santa Barbara Municipal Code to Provide Increased Flexibility in the Placement of Solar Energy Systems.

Documents:

- February 13, 2007, report from the Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- February 4, 2007, letter from Patty Erbe.

The title of the ordinance was read.

Speakers:

Staff: Project Planner Heather Baker.

Motion:

Councilmembers Williams/Barnwell to approve the recommendation.

Vote:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

16. Subject: Agreements For Highway 101 Project From Milpas Street To Hot Springs Road And Cabrillo Boulevard (670.07)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Authorizing the City Administrator, Subject to Review and Approval by the City Attorney, to Approve the Freeway Agreement with the State of California, Acting by and Through the Department of Transportation, Relating to the Highway 101 Operational Improvements Project Between the Milpas Street and Hot Springs Road and Cabrillo Boulevard Interchanges, Pursuant to Coastal Development Permit Approved by Resolution No. 059-04 of the Planning Commission, Adopted on December 16, 2004;
- B. Authorize the City Administrator and the Public Works Director, Subject to Review and Approval by the City Attorney, to Subsequently Negotiate Other Required Highway 101 Project Related Agreements with the State of California, as may become necessary, including but not limited to a Freeway Maintenance Agreement, a Property Exchange Agreement, a Construction Cooperative Agreement, and a Utility Relocation Agreement, Subject to Final Review and Approval by the Council of the City of Santa Barbara; and
- C. Receive a report from staff on the current status and the tentative schedule of the Highway 101 Operational Improvements Project anticipated by Caltrans.

Documents:

- February 13, 2007, report from the Public Works Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by staff.
- "Highway 101 Operational Improvements" submitted by Kirsten Ayers.

Speakers:

- Staff: Assistant Public Works Director/City Engineer Pat Kelly, Principal Transportation Planner Rob Dayton.
- Tynan Group: Kirsten Ayers.
- Member of the Public: Bob Ludwig, The Milpas Association.

Motion:

Councilmembers House/Falcone to approve the recommendations; Resolution No. 07-008; Agreement No. 22,314.

Vote:

Unanimous roll call vote.

17. Subject: Capital Improvement Projects Second Quarter Report For Fiscal Year 2007 (230.01)

Recommendation: That Council receive, for information only, the Capital Improvement Projects Second Quarter Report for Fiscal Year 2007.

Documents:

- February 13, 2007, report from the Public Works Director.
- PowerPoint presentation prepared by staff.

Motion:

Councilmembers Schneider/Barnwell to continue this item to a future meeting.

Vote:

Unanimous voice vote.

RECESS

3:45 p.m. - 3:56 p.m. Councilmembers Falcone and Williams were absent when the Council reconvened.

Item No. 18 appears in the Redevelopment Agency minutes.

Councilmembers Falcone and Williams entered the meeting at 3:58 p.m.

PUBLIC HEARINGS

19. Subject: Appeal Of Planning Commission Approval For 1575 La Vista Del Oceano Drive (640.07)

Recommendation: That Council deny the appeal of Matthew Edwards, and uphold the Planning Commission's decision to approve the Modifications for the proposed new residence at 1575 La Vista del Oceano Drive, making the findings in the Council Agenda Report and subject to the Conditions of Approval in Planning Commission Resolution 055-06.

Documents:

- February 13, 2007, report from the Community Development Director.
- PowerPoint presentation prepared and made by staff.
- Affidavit of Publication.
- February 6, 2007, letter from Matthew Edwards.
- February 12, 2007, letter from Edward and Darlene Tebo.
- Color copies of photographs submitted by Brian Hofer.
- "La Vista del Oceano Neighborhood Compatibility Study" submitted by Jessica Kinnahan.

(Cont'd)

19. (Cont'd)

Public Comment Opened:
4:46 p.m.

Speakers:

- Staff: Associate Planner Marisela Salinas, Senior Planner Jan Hubbell.
- Planning Commission: Commissioner Harwood White.
- Appellant: Matthew Edwards.
- Applicant: Jessica Kinnahan, Penfield and Smith; Brian Hofer, Architect.

Public Comment Closed:
5:53 p.m.

Motion:

Councilmembers Williams/Barnwell to approve the recommendation.

Vote:

Unanimous voice vote.

CHANGES TO THE AGENDA

Items Removed From Agenda

Motion:

Councilmembers Schneider/Horton to continue Item Nos. 21 and 22 to a future date.

Vote:

Unanimous voice vote.

Per Council action, the following items were continued to a future date:

21. Subject: Public Employee Performance Evaluation - City Administrator (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957. Title: City Administrator.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

22. Subject: Public Employee Performance Evaluation - City Attorney (160.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957. Title: City Attorney.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

RECESS

Mayor Blum recessed the meeting at 5:54 p.m. in order for the Council to reconvene in closed session for Item No. 20 and stated that no reportable action is anticipated.

CLOSED SESSIONS

20. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The litigation is Michael Tocher, vs. City Of Santa Barbara, et al., U.S. District Court Case Number CV 05-7050 CAS (SSx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

February 13, 2007, report from the City Attorney.

Time:

5:55 p.m. – 6:10 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 6:10 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK