



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING August 27, 2002 COUNCIL CHAMBER, DE LA GUERRA PLAZA

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:06 p.m. (The Ordinance Committee met at 1:00 p.m. The Finance Committee met at 1:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Blum.

### ROLL CALL

Councilmembers present: H. P. Fairly, Iya G. Falcone, Babatunde Fodayemi, Roger L. Horton, Dan B. Secord, Mayor Blum.

Councilmembers absent: Gregg A. Hart.

Staff present: City Administrator/Clerk James L. Armstrong, Acting City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

### CEREMONIAL ITEMS

#### Proclamations

1. SUBJECT: PROCLAMATION DECLARING THE WEEK OF SEPTEMBER 7-14, 2002, AS ASSISTANCE LEAGUE OF SANTA BARBARA SAVOR SANTA BARBARA WEEK (120.04)

ACTION: Proclamation presented to the Assistance League of Santa Barbara President Maureen Wilson and Linda Hurst.

### PUBLIC COMMENT

SPEAKERS: No one wished to speak.

**CONSENT CALENDAR** (Item Nos. 2 – 15)

The titles of the ordinance and resolutions related to the Consent Calendar items were read.

**MOTION:**

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

**VOTE:**

Unanimous voice vote (Absent: Councilmember Hart).

2. **SUBJECT: MINUTES**

**RECOMMENDATION:** That Council waive the reading and approve the minutes of the regular meetings of August 6, and August 13, 2002 (cancelled due to the lack of a quorum).

**ACTION:** Approved the recommendation.

3. **SUBJECT: FISCAL YEAR 2003 INTERIM FINANCIAL STATEMENTS FOR THE MONTH ENDED JULY 31, 2002 (250.02)**

**RECOMMENDATION:** That Council accept the fiscal year 2003 Interim Financial Statements for the Month Ended July 31, 2002.

**ACTION:** Approved the recommendation (August 27, 2002, Finance Director's report).

4. **SUBJECT: JOB RECLASSIFICATION IN THE CITY ATTORNEY'S OFFICE (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. 02-076, the Position and Salary Control Resolution for Fiscal Year 2002-2003, Affecting the City Attorney's Office Effective August 27, 2002.

**ACTION:** Approved the recommendation; Resolution No. 02-104 (August 27, 2002, City Attorney's report).

5. SUBJECT: APPROVAL OF BENEFIT PLANS EFFECTIVE JANUARY 1, 2003 (430.06)

RECOMMENDATION: That Council:

- A. Approve the rates for the City's medical, dental, vision, psychological, Employee Assistance Program (EAP), Flexible Spending Account (FSA), Dependent Care Assistance Program (DCAP), long-term disability, short-term disability and life insurance programs as outlined in Schedules "A," "B," and "C";
- B. Authorize the City Administrator to negotiate and execute new contracts with Delta Dental and Vision Service Plan (VSP); and
- C. Approve an increase to the management cafeteria plan effective January 2003.

SPEAKER:

Member of the Public: Harvey Boganwrite.

ACTION: Approved the recommendations; Contract Nos. 20,763 and 20,764 (August 27, 2002, Assistant City Administrator's report).

6. SUBJECT: RECYCLED WATER USER AGREEMENT WITH MARBORG INDUSTRIES (540.13)

RECOMMENDATION: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the User Agreement Between the City of Santa Barbara and Marborg Industries, for Delivery of the City's Recycled Water to Marborg Industries' Irrigation System Located at 23 North Quarantina Street and 623 Quinientos Street, Santa Barbara County Assessor's APN 017-030-012. (Introduced on August 20, 2002)

ACTION: Approved the recommendation; Ordinance No. 5247; Agreement No. 20,765.

7. SUBJECT: RESOLUTION APPROVING A GROUND LEASE FOR PARKING AND CONSTRUCTION STAGING RELATED TO THE GRANADA GARAGE PROJECT (550.05)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Execution by the Public Works Director of a Ground Lease with Copelands' Properties, LLC, for the Period of Time Commencing on July 1, 2002, and Ending on December 31, 2003, with an Option to Extend Said Term, if Necessary, in Connection with the Granada Garage Project, Authorizing the Operation of Temporary Parking Facilities and Project Construction Staging Activities on Certain Property Adjacent to the Real Property at 1222 State Street.

ACTION: Approved the recommendation; Resolution No. 02-105; Agreement No. 20,766 (August 27, 2002, Public Works Director's report).

8. SUBJECT: WATER SYSTEM VULNERABILITY ASSESSMENT (540.01)

RECOMMENDATION: That Council:

- A. Accept a grant in the amount of \$115,000 from the United States Environmental Protection Agency (EPA), for the purpose of performing a Water System Vulnerability Assessment (VA);
- B. Authorize the Public Works Director to sign the EPA assistance agreement for acceptance of the grant funding;
- C. Increase estimated Fiscal Year 2002-2003 Water Fund Revenues by \$115,000 and appropriate \$115,000 to the 2002-2003 Water Fund operating budget; and
- D. Authorize the General Services Manager to issue a purchase order to Carollo Engineers (Carollo) to perform a Water System Vulnerability Assessment in the not-to-exceed amount of \$124,431.

ACTION: Approved the recommendations; Agreement No. 20,767 (August 27, 2002, Public Works Director's report).

9. SUBJECT: AWARD AND EXECUTION OF CONTRACT FOR SHORELINE PARK BEACH ACCESS STAIRWAY REPLACEMENT, BID NO. 3329 (570.05)

RECOMMENDATION: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Timothy J. Ferrie, in their low bid amount of \$179,950, for construction of the Shoreline Park Beach Access Stairway Replacement, Bid No. 3329, and authorize the Public Works Director to approve expenditures up to \$21,594 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- B. Authorize the General Services Manager to issue a Purchase Order to Penfield & Smith Engineers in the amount of \$23,252 for construction support services, and authorize the General Services Manager to approve expenditures of up to \$2,325 for extra services of Penfield & Smith Engineers that may result from necessary changes in the scope of work; and
- C. Authorize the General Services Manager to issue a Purchase Order to Fugro West, Incorporated, in the amount of \$3,888 for material testing services, and authorize the General Services Manager to approve expenditures of up to \$388 for extra services of Fugro that may result from necessary changes in the scope of work.

ACTION: Approved the recommendations; Contract No. 20,768 (August 27, 2002, Public Works Director's report).

10. SUBJECT: 26 WEST ANAPAMU STREET - APPROVAL OF PARCEL MAP AND EXECUTION OF AGREEMENTS (640.08)

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to record Parcel Map No. 20,651 by Tynan Group, a California Corporation, for a one-lot subdivision resulting in one residential and a maximum of three commercial condominiums, located at 26 West Anapamu Street, APN 039-181-021, finding the map in conformance with the General Plan and applicable specific plans of the City;
- B. Approve and authorize the City Administrator to execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property;
- C. Approve and authorize the City Administrator to execute and record an Agreement Assigning Water Extraction Rights; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Water Extraction Rights for the City and Accepting Interest in Real Property Located at 26 West Anapamu Street, APN 039-181-021.

ACTION: Approved the recommendations; Resolution No. 02-106; Agreement Nos. 20,769 and 20,770 (August 27, 2002, Public Works Director's report).

11. SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS TO DEVELOP A CAPITAL IMPROVEMENT PLAN FOR THE EL ESTERO WASTEWATER TREATMENT PLANT (540.13)

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a Professional Services Agreement with Carollo Engineers (Carollo) in an amount not to exceed \$89,078 for the development of a Capital Improvement Plan (CIP) for the El Estero Wastewater Treatment Plant (El Estero); and
- B. Authorize the Public Works Director to approve extra services for Carollo that may result from necessary changes in the scope of work at a total amount not to exceed \$9,000.

ACTION: Approved the recommendations; Agreement No. 20,771 (August 27, 2002, Public Works Director's report).

12. SUBJECT: SEWER BUY-IN DISCOUNT FOR SEPTIC TANK ABANDONMENT (540.06)

RECOMMENDATION: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Buy-in Fees for Water and Sewer Connections and Repealing Resolution No. 00-088.

ACTION: Approved the recommendation; Resolution No. 02-107 (August 27, 2002, Public Works Director's report).

## NOTICES

13. The City Clerk has on Thursday, August 22, 2002, at 3:00 p.m. posted this agenda in the Office of the City Clerk and on the City Hall Public Notice Board on the outside balcony of City Hall.
14. Special Joint City Council/Planning Commission meeting, August 27, 2002, at 9:30 a.m. at the Chase Palm Park Recreation Center, 236 East Cabrillo Boulevard, for a Work Session on Long Range Planning.
15. Cancellation of the regular City Council and Redevelopment Agency meetings of September 3, 2002, at 2:00 p.m. due to the lack of a quorum.

This concluded the Consent Calendar.

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

### ORDINANCE COMMITTEE

16. SUBJECT: ORDINANCE COMMITTEE AGENDA, AUGUST 27, 2002, 1:00 P.M., IN COUNCIL CHAMBER (120.03)
  - A. Changes to Santa Barbara Municipal Code Sections 10.44.180 and 10.44.200, Regulating the Parking of Large Vehicles; and
  - B. Proposed Amendment to Municipal Code Section 10.60.015 – Reduce Prima Facie Speed Limit on Ontare Road, Sunset Drive to State Street.
17. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

**ACTION:** Ordinance Committee Vice Chair Iya Falcone reported that the Committee met to review changes to the Santa Barbara Municipal Code Sections 10.44.180 and 10.44.200, Regulating the Parking of Large Vehicles, which will be forwarded to Council. Ordinance Committee Agenda Item 16B was continued to the meeting of September 10.

**SPEAKER:**

Member of the Public: Joan Livingston, Westside Community Group.

### FINANCE COMMITTEE

18. SUBJECT: FINANCE COMMITTEE AGENDA, AUGUST 27, 2002, 1:30 P.M., IN ROOM 15 FOR CONSIDERATION OF THE JULY INVESTMENT REPORT (120.03)  
(See Agenda Item No. 20)

19. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

ACTION: Finance Committee Chair Dan Secord reported that the Committee met to review the July 31, 2002, Investment Report and the June 30, 2002, Fiscal Agent Report which will be presented to Council. (See Agenda Item No. 20)

20. SUBJECT: JULY 31, 2002, INVESTMENT REPORT AND JUNE 30, 2002, FISCAL AGENT REPORT (260.02)

RECOMMENDATION: That Council:

- A. Accept the July 31, 2002, Investment Report; and
- B. Accept the June 30, 2002, Fiscal Agent Report.

DOCUMENTS:

August 27, 2002, Finance Director's report.

SPEAKERS:

Staff: Treasury Manager Cynthia Odell.

ACTION:

By consensus, the Council approved the recommendations.

**RECESS**

2:19 p.m. – 2:20 p.m., during which time the first portion of the Redevelopment Agency Meeting was held.

Councilmember Fairly left the meeting at 2:21 p.m.

**MAYOR AND COUNCIL MATTERS**

23. SUBJECT: PLANNING COMMISSION APPOINTMENT (650.03)

RECOMMENDATION: That Council make an appointment to the Planning Commission.

DOCUMENTS:

August 27, 2002, Assistant City Administrator's report.

NOMINEES:

Jonathan Maguire, Krishan Singh.

VOTE:

- For Maguire: Councilmembers Falcone, Horton, Secord, Mayor Blum.
- For Singh: Councilmember Folleyemi.

(Cont'd)

23. (Cont'd)

**ACTION:**

By majority vote, the Council appointed Jonathan Maguire (Absent: Councilmembers Fairly, Hart).

**APPOINTMENT:**

Jonathan Maguire was appointed to the Planning Commission for a term expiring December 31, 2005.

Councilmember Fairly entered the meeting at 2:24 p.m.

**PUBLIC HEARING**

24. SUBJECT: APPEAL OF THE PLANNING COMMISSION APPROVAL OF THE APPLICATION OF BRIAN CEARNAL, AGENT FOR THE LEE GROUP, FOR A 28-LOT SUBDIVISION AND PLANNED RESIDENCE DEVELOPMENT ON PROPERTY LOCATED AT 2438 - 2520 MODOC ROAD (APNS 049-100-001, -002, -003, -004, AND -005, AND 049-091-008 AND -009), E-3 ONE FAMILY RESIDENTIAL/PUD PLANNED UNIT DEVELOPMENT ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, FIVE UNITS PER ACRE (640.07)

**RECOMMENDATION:** That Council deny the appeal of Bruce Burnworth and adjoining neighbors, and uphold the Planning Commission approval of a 25-unit residential project located at 2438-2520 Modoc Road, making the findings in the Council Agenda Report and subject to the Conditions of Approval in Planning Commission Resolution 037-02, and as amended by Council to clarify Condition F. 1 with respect to placing underground the existing utility pole located near the corner of Modoc Road and Pine Drive and an additional condition of approval requiring the Applicants to provide an agreement to defend and indemnify the City in the event of litigation concerning the City's approval of the development, in a form acceptable to the City Attorney, within thirty (30) days of the Council action.

Affidavit of Publication – Noticed for 2:00 p.m. Session

**DOCUMENTS:**

- August 27, 2002, Community Development Director's report.
- August 1, 2002, memorandum from Community Development Director David Davis and City Planner Bettie Hennon.
- August 27, 2002, PowerPoint presentation prepared by Staff.
- July 17, 2002, letter of appeal from Bruce Burnworth.
- August 21, 2002, letter and PowerPoint presentation from Bruce Burnworth.
- August 21, 2002, letter from Kathleen M. Weinheimer.

(Cont'd)

24. (Cont'd)

DOCUMENTS (Cont'd):

- August 27, 2002, various e-mail communications submitted by Bruce Burnworth.
- August 18, 2002, letter from Ralph Fertig.
- August 20, 2002, letter from Wilson Hubbell.
- Affidavit of Publication.

PUBLIC HEARING OPENED:

2:24 p.m.

SPEAKERS:

- Staff: City Planner Bettie Hennon, Principal Civil Engineer John Ewasiuk, Supervising Transportation Planner Rob Dayton, Transportation Planning Manager Browning Allen.
- Southern California Edison: Steve Friesen.
- Planning Commission: Chair Brian Barnwell.
- Appellant: Bruce Burnworth.
- Applicant: Brian Cearnal, Architect; Jeff Lee, President, The Lee Group.

**RECESS**

3:30 p.m. – 3:46 p.m.

SPEAKERS (Cont'd):

- Members of the Public: Phyllis Raiter, John Koegler.
- Staff: Principal Civil Engineer John Ewasiuk, Acting City Attorney Stephen Wiley, City Planner Bettie Hennon, Supervising Transportation Planner Rob Dayton.
- Appellant: Bruce Burnworth, Kathleen Weinheimer.

PUBLIC HEARING CLOSED:

4:14 p.m.

MOTION:

Councilmembers Fodayemi/Horton to approve the recommendation to deny the appeal.

REVISED MOTION:

Councilmembers Fodayemi/Horton to approve the recommendation to deny the appeal and to direct the applicant to extend the width of the bike lane by one foot.

VOTE:

Majority voice vote (Noes: Councilmember Secord; Absent: Councilmember Hart).

## **COUNCIL AND STAFF COMMUNICATIONS**

INFORMATION: Mayor Blum reported that she went to the 25<sup>th</sup> Anniversary of Pilgrim Terrace Cooperative Homes; the City was presented with a replica of the ship, The Pilgrim.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

INFORMATION: Councilmember Horton reported that he attended a meeting at the Franklin Community Center for which a presentation was made regarding improvement plans for the facility.

## **WORK SESSION**

25. SUBJECT: COUNCIL WORK SESSION ON OPTIONS FOR THE EXPANSION OF STREET SWEEPING (530.04)

RECOMMENDATION: That Council conduct a work session with Staff to discuss the options for expansion of the street sweeping program.

### **DOCUMENTS:**

August 27, 2002, Public Works Director's report.

### **DISCUSSION:**

Staff presented the sweeping program objectives, existing programs in other areas, strategies regarding parking, potential areas for expansion of the program, and funding options. Questions from the Council were answered and options for expansion of the program were discussed. Council directed staff to return to Council in approximately 60 days with a plan for the Lower East Side and return 60 days later with a long-term plan.

## **ADJOURNMENT**

Mayor Blum adjourned the meeting at 5:06 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

\_\_\_\_\_  
MARTY BLUM  
MAYOR

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BRENDA ALCAZAR  
DEPUTY CITY CLERK