



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
October 23, 2001  
COUNCIL CHAMBER, DE LA GUERRA PLAZA**

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**CALL TO ORDER**

Mayor Harriet Miller called the meeting to order at 2:00 p.m.  
(The Finance and Ordinance Committees met at 1:00 p.m.)

**PLEDGE OF ALLEGIANCE**

Mayor Harriet Miller.

**ROLL CALL**

Councilmembers present: Marty Blum, H. P. Fairly, Gilbert Garcia, Gregg A. Hart, Tom Roberts, Dan B. Secord, Mayor Miller.  
Councilmembers absent: None.  
Staff present: City Administrator/Clerk James L. Armstrong, City Attorney Daniel J. Wallace, Deputy City Clerk Brenda Alcazar.

**CEREMONIAL ITEMS**

Proclamation

1. SUBJECT: ISSUANCE BY THE MAYOR OF A PROCLAMATION DECLARING THE MONTH OF OCTOBER 2001 AS BEYOND TOLERANCE MONTH (120.04)

ACTION: Proclamation presented to Judy Weisbart, Building Bridges Committee.

**CEREMONIAL ITEMS (Cont'd)**

Presentation

2. SUBJECT: REQUEST FROM THE CITY OF SANTA MARIA FIRE DEPARTMENT TO PRESENT A RESOLUTION COMMENDING THE CITY OF SANTA BARBARA FIRE DEPARTMENT FOR ASSISTANCE DURING THE CASIANO BERRY FIRE (520.03)

SPEAKERS:

- Staff: Fire Chief Warner McGrew.
- City of Santa Maria Fire Department: Fire Chief Frank Ortiz.

ACTION: Resolution presented to Fire Chief Warner McGrew by Fire Chief Frank Ortiz, Santa Maria Fire Department.

**PUBLIC COMMENT**

SPEAKERS: Ken Loch and Bruce Rittenhouse.

**RECESS**

2:12 p.m. - 2:18 p.m., during which time the Redevelopment Agency meeting was completed.

**CONSENT CALENDAR (Item Nos. 3-15)**

MOTION:

Councilmembers Roberts/Blum to approve the Consent Calendar as recommended.

VOTE:

Unanimous voice vote.

3. SUBJECT: MINUTES

RECOMMENDATION: That Council waive the reading and approve the minutes of the regular meeting of October 9, 2001.

ACTION: Approved the recommendation.

4. SUBJECT: APPROPRIATION OF ADDITIONAL FUNDS TO LIBRARY DEPARTMENT (570.04)

RECOMMENDATION: That Council:

- A. Appropriate to the FY01-02 operating budget of the Library Department \$20,000 from the Carpinteria Library Insurance Trust for purchase of carpeting, collection materials, and an additional bookdrop at the Carpinteria Branch Library;
- B. Appropriate to the FY01-02 operating budget of the Library Department \$32,676 from the Eleanor d'Arrast Trust for paraprofessional assistance at the Montecito Branch Library;
- C. Appropriate to the FY01-02 operating budget of the Library Department \$47,000 from the Donations Account for County branch libraries; and
- D. Appropriate to the FY01-02 operating budget of the Library Department \$20,000 from the Miscellaneous Library Trust Account for purchase of two microfilm machines and collection materials.

ACTION: Approved the recommendations (October 19, 2001, City Administrator's report).

5. SUBJECT: APPROPRIATION OF FUNDS FOR THE COUNCIL ON ALCOHOLISM AND DRUG ABUSE "KIDS FIGHT DRUGS" CALENDAR PROGRAM (520.04)

RECOMMENDATION: That Council appropriate \$7,601.42 from the Asset Forfeiture Fund Reserves to the Fiscal Year 2002 Asset Forfeiture Fund budget to pay the Council on Alcoholism and Drug Abuse for the City's share of the "Kids Fight Drugs" Calendar Program.

ACTION: Approved the recommendation (October 19, 2001, City Administrator's report).

6. SUBJECT: LEASE AGREEMENT WITH WEDDLE INDUSTRIES, INC., AT THE AIRPORT (330.04)

RECOMMENDATION: That Council approve and authorize the City Administrator to execute a month-to-month Lease Agreement with Weddle Industries, Inc., a California Corporation, for 3,040 square feet of Building 115, 700 Wallace Becknell Road, at the Santa Barbara Municipal Airport, effective September 1, 2001, for a total monthly rental of \$2,304, exclusive of utilities.

(Cont'd)

6. (Cont'd)

ACTION: Approved the recommendation; Agreement No. 20,434 (October 19, 2001, City Administrator's report).

7. SUBJECT: AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (520.04)

RECOMMENDATION: That Council:

- A. Authorize the purchase of a Tenprint Search Module software upgrade for the Police Department Crime Lab's Automated Fingerprint Identification System at a cost of \$25,900.00; and
- B. Find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Sec. 4.52.080 (k), and authorize the City's General Services Manager to issue a purchase order to NEC for a Tenprint Search Module (FW-T) software upgrade in the amount of \$25,900.00.

ACTION: Approved the recommendations (October 19, 2001, City Administrator's report).

8. SUBJECT: NOTICE OF COMPLETION - EL ESTERO WASTEWATER TREATMENT PLANT'S YANONALI STREET IMPROVEMENTS AND LANDSCAPING, CONTRACT NO. 20,226 (540.13)

RECOMMENDATION: That Council accept the work completed by EV Constructors, Incorporated (EV Constructors), Contract No. 20,226, for the El Estero Wastewater Treatment Plant's Yanonali Street Improvements and Landscaping Project, Bid No. 3281A, located at the 500 block of Yanonali Street, in the final contract amount of \$141,750.28, including approved changes, and approve filing of a Notice of Completion.

ACTION: Approved the recommendation (October 19, 2001, City Administrator's report).

9. SUBJECT: SET A DATE FOR PUBLIC HEARING (640.07)

RECOMMENDATION: That Council:

- A. Set the date of November 20, 2001, at 6:00 p.m. for hearing the appeal filed by Mr. and Mrs. Robert Kennedy and neighboring property owners of the Architectural Board of Review preliminary approval of an application for property owned by the Ferer-Nissenson Family Living Trust, and located at 2317 Anacapa Street, APN 025-123-008, E-1 One-Family Residence Zone, General Plan Designation: Residential 3 Units per Acre. The project involves the demolition of an existing residence and garage, and the construction of a new three-story residence and garage on a lot located in the Mission Area Special Design District; and
- B. Set the date of November 19, 2001, at 1:30 p.m. for a site visit to the property located at 2317 Anacapa Street.

ACTION: Approved the recommendations (October 10, 2001, letter of appeal).

10. SUBJECT: SET A DATE FOR PUBLIC HEARING (640.07)

RECOMMENDATION: That Council:

- A. Set the date of November 27, 2001, at 6:00 p.m. for hearing the appeal filed by Jana Zimmer, attorney representing Tom and Patricia Foley, of the Planning Commission approval of an application for property owned by Sylvia and Jack Arian, and located at 485 Braemar Ranch Lane, APN 047-030-029, A-1 Single-Family Residence/SD-3 Coastal Overlay Zones, General Plan Designation: Residential, One Unit per Acre. The proposed project involves the demolition of an existing single-story residence and swimming pool, and the construction of a new two-story residence with attached garage. The discretionary applications required are a Coastal Development Permit, a Modification, and Neighborhood Preservation Ordinance Compliance Findings; and
- B. Set the date of November 26, 2001, at 1:30 p.m. for a site visit to the property located at 485 Braemar Ranch Lane.

ACTION: Approved the recommendations (October 15, 2001, letter of appeal).

## NOTICES

11. The City Clerk has on Friday, October 19, 2001, 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.
12. Finance Committee meeting, October 23, 2001, at 1:00 p.m. in Room 15 for consideration of the Investment Management Review. (120.03)
13. Ordinance Committee meeting, October 23, 2001, at 1:00 p.m. in the Council Chamber for consideration of Proposed Outdoor Vending Machine Regulations and Design Guidelines. (120.03)
14. Special Redevelopment Agency meeting, October 23, 2001, at 2:00 p.m. in the Council Chamber. (620.03)
15. Cancellation of the regular City Council meeting of October 30, 2001, due to lack of a quorum. (120.09)

This completed the Consent Calendar.

## **REPORTS FROM FINANCE AND ORDINANCE COMMITTEES**

16. SUBJECT: REPORT FROM THE FINANCE COMMITTEE

ACTION: Finance Committee Chair Tom Roberts reported that the committee met with representatives from Public Financial Management, Inc., to review the third quarter 2001 Investment Management Review and suggested that Council receive the report at this time (Agenda Item No. 18).

## **ADMINISTRATIVE REPORTS**

### FINANCE DEPARTMENT

18. SUBJECT: INVESTMENT MANAGEMENT REVIEW (260.02)

RECOMMENDATION: That Council receive and accept the third quarter 2001 Investment Management Review from Public Financial Management, Inc. (PFM).

(Cont'd)

18. (Cont'd)

DOCUMENTS:

October 19, 2001, City Administrator's report.

SPEAKERS:

- Staff: Treasury Manager Cynthia Odell.
- Public Financial Management, Inc.: Managing Director Nancy Jones.

MOTION:

Councilmembers Roberts/Secord to approve the recommendation.

VOTE:

Unanimous voice vote.

**REPORTS FROM FINANCE AND ORDINANCE COMMITTEES (Cont'd)**

17. SUBJECT: REPORT FROM THE ORDINANCE COMMITTEE

ACTION: Ordinance Committee Chair Marty Blum reported that the committee met to review a draft Ordinance and draft vending machine guidelines, which will be referred to Council with recommendations.

**ADMINISTRATIVE REPORTS**

PARKS AND RECREATION DEPARTMENT

19. SUBJECT: PROPOSAL BY SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT TO RENOVATE AND EXPAND THE FRANKLIN NEIGHBORHOOD CENTER (580.04)

RECOMMENDATION: That Council:

- A. Hear a presentation from staff on City and County discussions regarding the County's proposal;
- B. Hear a presentation from the County of Santa Barbara Public Health Department on the project and design plan; and
- C. Receive recommendations and additional comments from the Park and Recreation Commission and the Franklin Center Advisory Committee regarding support for the County Public Health Department proposed expansion.

(Cont'd)

19. (Cont'd)

DOCUMENTS:

- October 19, 2001, City Administrator's report.
- October 23, 2001, copy of Power Point presentation.
- October 22, 2001, letter from Caren K. Rager, Eastside Study Group.
- October 23, 2001, letter from Caren K. Rager, Eastside Study Group.

SPEAKERS:

- Staff: Parks and Recreation Director Richard Johns, Assistant Parks and Recreation Director Nancy Rapp, Community Development Director David Davis.
- Santa Barbara County Public Health Department: Tara Brown, Assistant Director.

ACTION:

By consensus, the Council approved the recommendations.

COMMUNITY DEVELOPMENT DEPARTMENT

20. SUBJECT: REQUEST FOR PRELIMINARY DESIGNATION OF COMMUNITY PRIORITY (640.09)

RECOMMENDATION: That Council make a preliminary finding that the addition to the Franklin Neighborhood Center, 1136 E. Montecito Street, for expansion of the County Public Health Clinic, meets a present need directly related to public health, safety or general welfare and grant the project a Preliminary Community Priority Designation for 9,230 square feet of floor area.

DOCUMENTS:

October 19, 2001, City Administrator's report.

SPEAKERS:

Staff: City Attorney Daniel Wallace.

MOTION:

Councilmembers Hart/Blum to approve the recommendation.

VOTE:

Unanimous voice vote.

City Attorney Daniel Wallace left the meeting at 3:06 p.m.

PUBLIC WORKS DEPARTMENT

21. SUBJECT: PRESENTATION FROM THE SANTA BARBARA ENERGY ALLIANCE TO THE CITY COUNCIL (630.06)

RECOMMENDATION: That Council receive a presentation from the Santa Barbara Energy Alliance concerning a model pilot program that would develop a comprehensive energy plan for the South County distribution grid.

DOCUMENTS:

October 19, 2001, City Administrator's report.

SPEAKERS:

- Community Energy Alliance: Peter Jeschke.
- Member of the Public: Elden Boothe, Santa Barbara County Green Party.

ACTION:

By consensus, the Council approved the recommendation.

**RECESS:**

3:38 p.m. - 3:47 p.m.

When the Council reconvened in the Council Chamber, City Attorney Daniel Wallace was present and Councilmember Garcia was absent.

22. SUBJECT: AGREEMENTS WITH CARPINTERIA VALLEY WATER DISTRICT AND MONTECITO WATER DISTRICT FOR PAYMENT OF THEIR PORTION OF \$12.8 MILLION OF IMPROVEMENTS AT THE CATER WATER FILTRATION PLANT (540.10)

RECOMMENDATION: That Council authorize the City Administrator to negotiate and execute Financing Agreements with the Carpinteria Valley Water District and the Montecito Water District, which will establish the terms of payment for the water districts' respective shares of a Drinking Water State Revolving Fund (DWSRF) Loan to be secured by the City of Santa Barbara for \$12.8 million in major improvements at the Cater Water Filtration Plant (Cater).

(Cont'd)

22. (Cont'd)

DOCUMENTS:

October 19, 2001, City Administrator's report.

SPEAKERS:

Staff: Water Resources Supervisor Rebecca Bjork.

MOTION:

Councilmembers Fairly/Roberts to approve the recommendation; Agreement Nos. 20,435 and 20,436.

VOTE:

Unanimous voice vote (Absent: Councilmember Garcia).

Councilmember Garcia entered the meeting at 3:50 p.m.

23. SUBJECT: APPROVE ZUMAR INDUSTRIES, INC. AS THE SINGLE SOURCE VENDOR TO PROVIDE STEEL POLES, SIGNS AND RELATED HARDWARE FOR THE INSTALLATION AND MOUNTING OF STREET SWEEPING SIGNS (530.04)

RECOMMENDATION: That Council:

- A. Find it to be 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 to issue a purchase order to Zumar Industries, Inc. as the single and most favorable source for providing the City with approximately 1,450 steel, galvanized poles, 1,900 Street Sweeping information signs and miscellaneous hardware for the installation and mounting of street sweeping signs in an amount not to exceed \$55,000; and
- B. Authorize the General Services Manager to approve the purchase of additional steel poles, Street Sweeping information signs and miscellaneous hardware, as needed, for the installation of street sweeping signs in an amount not to exceed 15% of the total original purchase.

DOCUMENTS:

October 19, 2001, City Administrator's report.

SPEAKERS:

Staff: Transportation Operations Parking Manager George Gerth.

(Cont'd)

23. (Cont'd)

MOTION:

Councilmembers Garcia/Roberts to approve the recommendations.

VOTE:

Unanimous voice vote.

**ORDINANCES FOR INTRODUCTION**

24. SUBJECT: COMMERCIAL FISHING BERTHS IN SANTA BARBARA HARBOR AND WATERFRONT'S SLIP WAITING LIST (570.03)

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Municipal Code Section 17.20.005 Relating to Slip Assignment Policy in the Santa Barbara Harbor; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara to Approve and Authorize the City Waterfront Director to Suspend Further Additions to the Harbor Slip Waiting List as Maintained by Santa Barbara Municipal Code Chapter 17.20.

DOCUMENTS:

- October 23, 2001, City Administrator's report.
- Proposed Ordinances.

MOTION:

Councilmembers Fairly/Blum to approve the recommendations.

VOTE:

Unanimous voice vote.

**ORDINANCES FOR ADOPTION**

25. SUBJECT: SOLID WASTE COLLECTION AGREEMENTS (630.01)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Agreement with BFI Waste Systems of North America, for Solid Waste Collection and Disposal in the City of Santa Barbara; and

(Cont'd)

25. (Cont'd)

- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Agreement with MarBorg Industries, for Solid Waste Collection and Disposal in the City of Santa Barbara. (Introduced on October 16, 2001)

**DOCUMENTS:**

- Previous documents submitted on October 16, 2001.
- October 19, 2001, City Administrator's report.
- Proposed Ordinances.

**MOTION:**

Councilmembers Secord/Fairly to approve the recommendations; Ordinance Nos. 5204 and 5205.

**VOTE:**

Majority roll call vote (Noes: Mayor Miller, Councilmember Roberts).

**RECESS**

4:00 p.m. - 6:00 p.m.

**ROLL CALL**

Councilmembers present: Blum, Fairly, Garcia, Hart, Mayor Miller.

Councilmembers absent: Roberts, Secord.

Staff present: City Administrator/Clerk Armstrong, City Attorney Wallace, Deputy City Clerk Alcazar.

**PUBLIC COMMENT**

No one wished to speak.

**PUBLIC HEARINGS**

26. SUBJECT: CONTINUATION OF SUBDIVISION APPEAL FOR 121 W. MOUNTAIN DRIVE (640.07)

RECOMMENDATION: That Council continue the appeal on the subdivision application for 121 W. Mountain Drive to Tuesday, November 13, 2001, at 6:00 p.m.

(Cont'd)

26. (Cont'd)

DOCUMENTS:

October 19, 2001, City Administrator's report.

MOTION:

Councilmembers Fairly/Garcia to approve the recommendation.

VOTE:

Unanimous voice vote (Absent: Councilmembers Roberts, Secord).

Councilmember Secord entered the meeting at 6:03 p.m.

27. SUBJECT: APPEAL OF ARCHITECTURAL BOARD OF REVIEW PRELIMINARY APPROVAL OF THE APPLICATION OF ROBERT A. SEAGOE, FOR A SECOND STORY ADDITION AND A NEW DETACHED TWO-CAR GARAGE WITH SECOND STORY ACCESSORY SPACE TO A RESIDENCE AT 536 DE LA VISTA AVENUE, APN 029-032-009, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE. (640.07)

RECOMMENDATION: That Council:

- A. Hold a public hearing on the appeal of Kevin Snow, John and Alicia Bair, Stephen and Kae Mori and others; and
- B. Grant the appeal and overturn the Architectural Board of Review's decision to grant preliminary approval of the proposed project, finding that the Neighborhood Preservation Ordinance findings (SBMC §22.68.040) cannot be made.

Affidavit of Publication - Noticed for 6:00 p.m. Session

DOCUMENTS:

- October 19, 2001, City Administrator's report.
- October 1, 2001, letter from John and Alicia Bair, Keven and Sheila Snow, Stephen and Kae Mori, Susan Badone, Brett and Pamela Ettinger, Scott and Celia Graeber, and Prem Taylor.
- October 12, 2001, letter from Stephen and Kae Mori, and John and Alicia Bair.
- October 15, 2001, letter from Dan and Sheryl Wheeler.
- October 16, 2001, letters from Steve Palladino, Kevin C. Snow, Charles Scudelari, Celia and Scott Graeber.

(Cont'd)

27. (Cont'd)

DOCUMENTS (Cont'd):

- October 17, 2001, letter from Sayre and Judy MacNeil.
- October 19, 2001, letter from Sheila O'Brien Snow.
- Undated letter from Pamela and Brett Ettinger.
- Various photographs of the project site and surrounding residences.
- Affidavit of Publication.

PUBLIC HEARING OPENED:

6:03 p.m.

SPEAKERS:

- Staff: Senior Planner I Jaime Limon, Community Development Director David Davis, Assistant City Attorney III Stephen Wiley.
- Appellant: Kevin Snow.
- Applicant: Mike Gones.
- Architectural Board of Review: Commissioner Jeffrey Gorrell.
- Members of the Public: Sylvia Snow, Kae Mori, Brett Ettinger.

PUBLIC HEARING CLOSED:

7:24 p.m.

MOTION:

Councilmembers Blum/Secord to approve the recommendations.

VOTE:

Majority voice vote (Noes: Councilmember Fairly;  
Absent: Councilmember Roberts).

**ADJOURNMENT**

Mayor Miller adjourned the meeting at 7:34 p.m.

SANTA BARBARA CITY COUNCIL

MABI COVARRUBIAS PLISKY, CMC  
CITY CLERK SERVICES MANAGER

ATTEST:

\_\_\_\_\_  
HARRIET MILLER  
MAYOR

\_\_\_\_\_  
BRENDA ALCAZAR  
DEPUTY CITY CLERK