



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 11, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Grant House called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Ordinance Committee and Finance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore House.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Helene Schneider, Das Williams, Mayor Pro Tempore House.

Councilmembers absent: Mayor Marty Blum.

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

CEREMONIAL ITEMS

1. Subject: Recognition Of Life Saving Efforts At Leadbetter Beach (120.08)

Speakers:

- Staff: Recreation Supervisor Richard Hanna, Beach Lifeguard John Belter.
- Award Recipient: Eddie Luparello, Santa Barbara City College Surfing class participant.

Action: Letters of Recognition were presented to City of Santa Barbara Beach Lifeguard John Belter and Santa Barbara City College Surfing class participant Eddie Luparello.

2. Subject: Proclamation Declaring March 2008 As Mediation Month (120.04)

Speakers:

- Staff: Senior Rental Housing Mediation Specialist Andrea Bifano.
- Rental Housing Mediation Task Force: Member Silvio Di Loreto.
- Conflict Solutions Center Community Mediation and City at Peace: Nancy Davis.

Action: Proclamation presented to Senior Rental Housing Mediation Specialist Andrea Bifano.

PUBLIC COMMENT

Speakers: Richard Robinson, Kirk Gradin, Ruth Wilson, Mr. Pennington, Chuck Rose, Bret Hughes, Andrew O'Connor, Michael Miller, Chuck Franco, Emily Sanders, Carleigh O'Donnell.

CONSENT CALENDAR (Item Nos. 3 – 10 and 12 – 14)

The titles of resolutions related to Item Nos. 4 and 5 were read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Mayor Blum).

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of February 25, and the regular meeting of February 26, 2008.

Action: Approved the recommendation.

4. Subject: Urban Forest Inventory Grant (570.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Enter into an Agreement with the State of California for up to \$42,000 in Grant Funds Under Proposition 40, California Clean Water, Clean Air, Safe Neighborhood, Parks, and Coastal Protection Act of 2002 and Proposition 84, Safe Drinking Water, Water Quality and Supply, Flood Control, River Protection, and Coastal Protection Bond Act of 2006 for the City of Santa Barbara Urban Forest Inventory Project.

(Cont'd)

4. (Cont'd)

Action: Approved the recommendation; Resolution No. 08-014; Agreement No. 22,703 (March 11, 2008, report from the Parks and Recreation Director).

5. Subject: Reimbursement Of Airport Capital Expenditures From Future Proceeds Of Debt For The Joint Use Rental Car Quick Turn Area Maintenance Facility (560.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Official Intent to Reimburse Certain Airport Capital Expenditures from Proceeds of Indebtedness for the Construction of the Joint Use Rental Car Maintenance Facility.

Action: Approved the recommendation; Resolution No. 08-015 (March 11, 2008, report from the Airport Director).

6. Subject: Five-Year Supplemental Parking Agreement With Santa Barbara City College (150.05)

Recommendation: That Council approve and authorize the Waterfront Director to execute a five-year Supplemental Agreement with Santa Barbara City College pertaining to joint use parking in the Leadbetter parking lots prior to September 1 of each year.

Action: Approved the recommendation; Agreement No. 22,704 (March 11, 2008, report from the Waterfront Director).

7. Subject: One-Year Lease Agreement With Mike Pyzel (330.04)

Recommendation: That Council approve and authorize the Waterfront Director to execute a one-year lease with a one-year option with Mike Pyzel, at a monthly rent of \$375 or six percent of gross sales, whichever is greater, for a marine surveyor's office at 125 Harbor Way, Suite 23, in the Santa Barbara harbor.

Action: Approved the recommendation; Agreement No. 22,705 (March 11, 2008, report from the Waterfront Director).

8. Subject: Approval Of Map And Execution Of Agreements For 612 Alston Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,749 for a subdivision at 612 Alston Road, finding the Parcel Map in conformance with the state Subdivision Map Act, the City's Subdivision Ordinance and the tentative subdivision map, and other standard agreements relating to the approved subdivision; and authorize the City Engineer to record a removal document for the Land Development Agreement when public improvements are completed.

Action: Approved the recommendation; Agreement Nos. 22,706 - 22,708 (March 11, 2008, report from the Public Works Director).

9. Subject: Consent To Change Ownership Of Tenant From John K. Williams, Inc., To Francisco Aguilera (330.04)

Recommendation: That Council approve the Change of Ownership and authorize the Parks and Recreation Director and Waterfront Director to execute a Consent to Change Ownership with John K. Williams, Inc., doing business as East Beach Grill, Lease Agreement No. 19,076; Char West, Lease Agreement No. 22,248; and Great Pacific Ice Cream Company, Lease Agreement No. 22,249, from John K. Williams to Francisco Aguilera.

Action: Approved the recommendation; Agreement Nos. 19,076.1, 22,248.1 and 22,249.1 (March 11, 2008, report from the Waterfront Director).

10. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Decision Regarding 3230 State Street (640.07)

Recommendation: That Council:

- A. Set the date of April 22, 2008, at 2:00 p.m. for hearing the appeal filed by SureSite Consulting Group, LLC, representing T-Mobile, of the Planning Commission approval of an appeal of the Staff Hearing Officer's approval of an application for property owned by Thomas Thompson and located at 3230 State Street, Assessor's Parcel No. 053-332-030, C-2 Commercial/SD-2 Special District Overlay Zones, General Plan Designation: General Commerce. The proposed project involves a new unmanned wireless communication facility. The discretionary application required is a Modification to permit additions within the required twenty-foot front yard setback (SBMC 28.45.008); and
- B. Set the date of April 21, 2008, at 1:30 p.m. for a site visit to the property located at 3230 State Street.

Action: Approved the recommendations (March 3, 2008, letter of appeal).

Agenda Item No. 11 appears in the Redevelopment Agency minutes.

NOTICES

12. The City Clerk has on Thursday, March 6, 2008, 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.
13. A City Council site visit is scheduled for Monday, March 17, 2008, at 1:30 p.m. to the property located at 924 Jimeno Road, which is the subject of an appeal hearing set for March 18, 2008, at 2:00 p.m.
14. Received a letter of resignation from Franklin Center Advisory Committee Member Gloria Desales; the vacancy will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Williams reported that the Committee met to review minor amendments to the Municipal Code concerning the California Building Code. The changes will be forwarded to the Council at a future date.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to review funding options for the Airline Terminal Project. A comprehensive report was presented by a consultant. Additional information will be presented at a future meeting.

PUBLIC HEARINGS

Councilmember Schneider stated that she has a conflict of interest related to the location of her residence which is proximate to the project location for the following item and left the meeting at 2:54 p.m.

15. Subject: Appeal Of The Planning Commission Approval Of 1236 San Andres Street Project (640.07)

Recommendation: That Council deny the appeal of Paula Westbury and uphold the Planning Commission approval of the Tentative Subdivision Map and Modification for the four-unit residential condominium development proposed at 1236 San Andres Street.

(Cont'd)

15. (Cont'd)

Documents:

- March 11, 2008, report from the Acting Community Development Director.
- Affidavit of Publication.
- August 16, 2006, letter from Paula Westbury.
- August 23, 2006, letter from Paula Westbury.
- December 18, 2006, letter from Paula Westbury.
- August 17, 2007, letter from Paula Westbury.
- September 13, 2007, letter from Paula Westbury.
- March 10, 2008, letter and photographs from by Celeste Barber.
- March 11, 2008, email communication from Mary Moore.
- Photographs on poster board submitted by Richard Weber.

Public Comment Opened:

2:55 p.m.

Speakers:

- Staff: Associate Planner Peter Lawson, Acting Community Development Director David Gustafson, City Attorney Stephen Wiley.
- Appellant: Paula Westbury.

Recess: 3:43 p.m. - 3:56 p.m.

Speakers (Cont'd):

- Planning Commission: Commissioner Charmaine Jacobs.
- Members of the Public: Celeste Barber's comments read by Michael Galindo; Michael Galindo; David Pritchett; Richard Weber.

Public Comment Closed:

4:45 p.m.

Motion:

Councilmembers Williams/Francisco to uphold the appeal.

Vote:

Failed to carry by voice vote (Ayes: Councilmembers Francisco, Williams; Noes: Councilmembers Falcone, Horton, House; Absent: Councilmember Schneider, Mayor Blum).

Motion:

Councilmembers Horton/Falcone to deny the appeal.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Williams; Absent: Councilmember Schneider, Mayor Blum).

RECESS

5:29 p.m. - 5:44 p.m. Councilmember Schneider was present when the Council reconvened.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

16. Subject: Proposed Solid Waste Program Action Plan And Staff Changes (630.01)

Recommendation: That Council:

- A. Hear a report from staff on the proposed action plan and staff changes in connection with the development, implementation and maintenance of key solid waste diversion projects and initiatives over the next several years; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 07-053, the Position and Salary Control Resolution for Fiscal Year 2008, Affecting the Water Resources Division of the Public Works Department Effective March 15, 2008.

Documents:

- March 11, 2008, report from the Finance Director.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

Staff: Assistant Finance Director Robert Samario, City Administrator James Armstrong.

Motion:

Councilmembers Schneider/Falcone to:

- 1) Approve proposed staff changes numbered 2 and 3 on page 2 of the Council Agenda Report;
- 2) Adopt the resolution as revised; and
- 3) Direct staff to return to the Council with additional information related to the proposed Environmental Services Manager position and changes to the Environmental Services Supervisor position.

Vote:

Unanimous roll call vote; Resolution No. 08-016 (Absent: Mayor Blum).

CHANGES TO AGENDA

Item Removed from Agenda

City Administrator/ Executive Director James Armstrong stated that the following item was removed from the Agenda and will be rescheduled to a later date.

18. Subject: Conference With Real Property Negotiator (330.03)

Recommendation: That the City Council and the Redevelopment Agency Board hold a joint closed session to consider instructions to its negotiators regarding real property negotiations for the possible lease of real property owned by the City of Santa Barbara and of real property owned by the Santa Barbara Metropolitan Transit District (MTD) to the Redevelopment Agency. Instructions to negotiators will direct staff regarding the price and terms of a possible Redevelopment Agency leasehold of the MTD-owned property (1020 Chapala Street, APN 039-281-040) and the City-owned property (9 West Figueroa Street, APN 039-281-041) and the subsequent lease by the Redevelopment Agency of both properties to a developer to develop the Transit Village project. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. Staff negotiators will be David Gustafson, Acting Community Development Director/Acting Agency Deputy Director and Stephen Wiley, City Attorney/Agency Counsel. The MTD negotiator will be Sherrie Fisher, General Manager of MTD. Under Negotiation: Possible leasehold disposition.
Scheduling: Duration, 20 minutes; anytime
Report: None anticipated

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

FINANCE DEPARTMENT (CONT'D)

17. Subject: Update On Proposed Ban Of Expanded Polystyrene (630.01)

Recommendation: That Council receive a report from staff detailing the results of a recent study evaluating the merits of banning expanded polystyrene, commonly referred to as "Styrofoam," in the food service sector in the City of Santa Barbara.

Documents:

- March 11, 2008, report from the Finance Director.
- March 11, 2008, email communication from Patricia Hiles.

(Cont'd)

17. (Cont'd)

Speakers:

- Staff: Assistant Finance Director Robert Samario, Environmental Services Specialist Lorraine Cruz-Carpenter, Recycling Technician Eric Lohela.
- Member of the Public: Steve Hyslop, President, Greater Santa Barbara Lodging & Restaurant Association.

By consensus, the report was received.

MAYOR AND COUNCIL REPORTS

Motion:

Councilmember Francisco to place an item on a future agenda as to whether or not to reconsider Council's action on March 4, 2008, related to the appeal of the project at 517 Chapala Street.

Vote:

Failed to carry by voice vote (Ayes: Councilmember Francisco; Noes: Councilmembers Falcone, Horton, Schneider, Williams, Mayor Pro Tempore House; Absent: Mayor Blum).

ADJOURNMENT

Mayor Pro Tempore House adjourned the meeting at 7:35 p.m. to Monday, March 17, 2008, at 1:30 p.m. to the property located at 924 Jimeno Road.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

ATTEST:

GRANT HOUSE
MAYOR PRO TEMPORE

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK