



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 30, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:04 p.m. (The Ordinance Committee met at 12:00 p.m. The Finance Committee met at 1:00 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

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

Councilmembers absent: None.

Staff present: Acting City Administrator Joan M. Kent, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

CEREMONIAL ITEMS

1. Subject: Presentation To Council Regarding The Upcoming Charitable Giving Campaign

Speakers:

- Staff: Library Director Irene Macias.
- United Way of Santa Barbara County: President and CEO Paul Didier.

By consensus, the Council heard the presentation.

PUBLIC COMMENT

Speakers: Kenneth Loch, Kate Smith, Floyd Meyer, Jeff Shaffer, Mr. Pennington, Monique Hartley.

ITEM REMOVED FROM CONSENT CALENDAR

Councilmember House stated he would abstain from voting on the following item due to a conflict of interest related to his ownership of property proximate to the project.

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Single Family Design Board Approval For 860 Jimeno Road (640.07)

Recommendation: That Council:

- A. Set the date of October 28, 2008, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney, representing Mike and Linda Cahill, of the Single Family Design Board approval of an application for property owned by Todd Drevo and located at 860 Jimeno Road, Assessor's Parcel No. 029-110-037, E-1 One-Family Residence Zone, General Plan Designation: Residential, 3 Units per Acre. The project involves the replacement of an existing window with a French door, addition of a new window, and conversion of an existing permitted under-story to habitable space; and
- B. Set the date of October 27, 2008, at 1:30 p.m. for a site visit to the property located at 860 Jimeno Road.

Documents:

September 12, 2008, letter of appeal.

Motion:

Councilmember Schneider/Mayor Blum to approve the recommendations.

Vote:

Unanimous voice vote (Abstention: Councilmember House).

CONSENT CALENDAR (Item Nos. 2-12, 14 and 15)

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

Motion:

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

Vote:

Unanimous voice vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of September 12, and the adjourned regular meeting and special meeting of September 15, 2008.

Action: Approved the recommendation.

3. Subject: August 2008 Investment Report (260.02)

Recommendation: That Council accept the August 2008 Investment Report.

Action: Approved the recommendation (September 30, 2008, report from the Finance Director).

4. Subject: Adoption Of Compatibility Review Criteria Ordinance (640.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapters 22.22, 22.68, 27.07, 28.05 and 28.06 of Title 28 of the Santa Barbara Municipal Code Formalizing the Project Compatibility Analysis Process for the City Non-Residential Design Review Boards.

Action: Approved the recommendation; Ordinance No. 5464.

5. Subject: Records Destruction For Administrative Services Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Administrative Services Department in the Human Resources Division.

Action: Approved the recommendation; Resolution No. 08-096 (September 30, 2008, report from the Administrative Services Director; proposed resolution).

6. Subject: Proposed Change To Animal Removal Fees (520.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 08-060, Adjusting Animal Removal Fees.

Speakers:

Staff: Police Lieutenant Gil Torres.

Action: Approved the recommendation; Resolution No. 08-097 (September 30, 2008, report from the Chief of Police; proposed resolution).

7. Subject: First Amendment To Lease Agreement - 1240 East Yanonali Street (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Execution of a Unilateral First Amendment to Lease Agreement No. 11,003 for Vehicular and Utility Access to the Real Property Located at 1240 East Yanonali Street (APN 017-520-001, -002, -003, and -004) Extending the Existing Lease with the City for an Additional Fifty (50) Year Period.

Action: Approved the recommendation (September 30, 2008, report from the Parks and Recreation Director and City Attorney).

8. Subject: Downtown Organization Maintenance Agreement Fiscal Year 2009 (530.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute an agreement in the amount of \$696,400 with the Downtown Organization (DO) for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the 101 underpass and various cross streets, from July 1, 2008, through June 30, 2009.

Speakers:

- Staff: Parks Manager Santos Escobar.
- Downtown Organization: Director Bill Coyer.

Action: Approved the recommendation; Agreement No. 22,924 (September 30, 2008, report from the Parks and Recreation Director).

9. Subject: Contract For Revisions To Guidelines For Assessment Of Archaeological Resources At Santa Barbara Airport (560.01)

Recommendation: That Council approve and authorize the Airport Director to execute a contract, subject to approval by the City Attorney, with Applied Earthworks to complete revisions to the Santa Barbara Airport Guidelines for Assessment of Archaeological Resources (Guidelines) in an amount not to exceed \$19,454, and authorize the Airport Director to approve expenditures up to \$2,500 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 22,925 (September 30, 2008, report from the Airport Director).

10. Subject: California Department Of Forestry And Fire Protection Urban Forestry Grant (520.03)

Recommendation: That Council:

- A. Increase revenues and appropriations by \$42,000 in the Parks and Recreation Department Fiscal Year 2009 Miscellaneous Grants Fund for the California Department of Forestry and Fire Protection (CAL FIRE) Urban Forestry Grant; and
- B. Transfer \$6,962 from the Parks and Recreation Department Fiscal Year 2009 Operating Budget to the Parks and Recreation Department's Fiscal Year 2009 Miscellaneous Grants Fund.

Action: Approved the recommendations (September 30, 2008, report from the Parks and Recreation Director).

11. Subject: Clean Beaches Initiative Proposition 50 Grant And Award Of Professional Services Agreement For The Microbial Source Tracking Protocol Development Project (530.03)

Recommendation: That Council:

- A. Increase appropriations and estimated revenues by \$477,280 in the Creeks Division Capital Fund for the Microbial Source Tracking Protocol Development Project, based on a grant agreement with the Clean Beaches Initiative Proposition 50 Grant Program of the State Water Resources Control Board (SWRCB); and
- B. Authorize the Parks and Recreation Director to execute a professional services agreement with the University of California, Santa Barbara (UCSB) in the amount of \$340,000 to conduct microbial source tracking in the Mission Creek watershed to assist in completion of the Microbial Source Tracking Protocol Development Project.

Action: Approved the recommendations; Agreement No. 22,926 (September 30, 2008, report from the Parks and Recreation Director).

12. Subject: Notice Of Completion For The Water Main Replacement Project 2006/2007 (540.06)

Recommendation: That Council accept the work completed by Tierra Contracting, Inc. (Tierra), Contract No. 22,286, for the Water Main Replacement Project 2006/2007, Bid No. 3452, located at various locations as shown on the attached list, in the final contract amount of \$1,613,151.17, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (September 30, 2008, report from the Public Works Director).

NOTICES

14. The City Clerk has on Thursday, September 25, 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.
15. City Advisory Groups Recruitment:
 - A. The City Clerk's Office will accept applications through Monday, November 3, 2008, at 5:30 p.m., to fill scheduled vacancies on various City Advisory Groups, and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Thursday, October 16, 2008;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, November 11, 2008, at 4:00 p.m. (Estimated Time), Tuesday, November 18, 2008, at 3:30 p.m. (Estimated Time), and Tuesday, November 25, 2008, at 6:00 p.m.;
 - C. The City Council Subcommittee will conduct interviews of applicants for the Franklin Center, Lower Westside Center, and Westside Center Advisory Committees, and applicants for the low income neighborhood categories on the Community Development & Human Services Committee on Thursday, November 13, 2008, at 7:00 p.m. at the Westside Community Center, 423 West Victoria Street; and
 - D. The City Council will make appointments to fill vacancies on various City Advisory Groups on Tuesday, December 16, 2008.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met and discussed the PlanSB Interim Zoning and Design Ordinance. The Committee approved forwarding to the City Council a set of issues that should be included in the draft interim ordinance and a narrower set of issues that should be included in a charter amendment to be voted on in November 2009. The package should include heights, open space, setbacks and should evaluate the issue of two heights, one for most projects and another for projects that have great community benefit. The item will come before the City Council at the joint City Council/Planning Commission session scheduled for next Wednesday.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met and discussed the August 2008 Investment Report, which was approved by the Council as part of this agenda's Consent Calendar (Item No. 3). He stated that the Committee received a presentation from Finance Director Bob Peirson on the City's investment portfolio. Mr. Peirson also provided a brief presentation regarding the safety of the City's investments, and he emphasized the fact that the City does not invest in stocks. Chair Horton encouraged the Council to watch the televised replay of the Finance Committee meeting on Thursday evening at 6:00 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

16. Subject: Introduction Of Ordinance Amending The City's Inclusionary Housing Ordinance (640.09)

Recommendation: That Council approve revisions to the City's Inclusionary Housing Ordinance, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 28 of the Municipal Code to Revise Chapter 28.43 With Respect to Expanded Inclusionary Housing Requirements for Smaller Residential Projects Approved for Construction Within the City.

Documents:

- September 30, 2008, report from the Community Development Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

Speakers:

- Staff: Housing Programs Supervisor Steven Faulstich, City Attorney Stephen Wiley.
- Members of the Public: Debbie Cox Bultan, Coastal Housing Coalition.

Motion:

Councilmembers House/Horton to approve the recommendation, including the following amendments to Section 28.43.040, Subsection A.3, Upper Middle Income Projects:

1. Include the language "an owner who qualifies as a Low, Moderate, Middle or" prior to "Upper Middle Income Household"; and
2. Change the title of the subsection to read "Voluntarily Affordable Projects".

Vote:

Majority voice vote (Noes: Councilmember Francisco).

FINANCE DEPARTMENT

17. Subject: Status Report - Solid Waste Action Plan And Single-Use Bags (630.01)

Recommendation: That Council:

- A. Receive a report on the status of several key projects of the City of Santa Barbara's Solid Waste Action Plan; and
- B. Receive the recommendations of the City Council Solid Waste Committee regarding the reduction of single-use bags.

Documents:

September 30, 2008, report from the Finance Director.

Speakers:

- Staff: Environmental Services Supervisor Stephen MacIntosh, Assistant Finance Director Robert Samario.
- Members of the Public: Kira Schmidt, Santa Barbara Channelkeeper; Kathi King.

By consensus, the Council received the status report and recommendations.

RECESS

Councilmember Horton stated that he would not participate on Agenda Item No. 20 due to his long-term and close relationship with the Santa Barbara Trust for Historic Preservation, and therefore he would not return to the Council meeting after the Closed Session.

The Mayor recessed the meeting at 4:29 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 18 and 19, and she stated that there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

18. 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: Donald Knapp v. City of Santa Barbara, WCAB, Case Numbers GOL 0100778 and 0100832.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Cont'd)

18. (Cont'd)

Documents:

September 30, 2008, report from the City Attorney.

Time:

4:33 p.m. to 4:43 p.m.

No report made.

19. 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: Jeffrey McCune v. City of Santa Barbara, WCAB, Case Numbers GOL 100971, 100970, 100968, 100969, 100967 and 100972.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

September 30, 2008, report from the City Attorney.

Time:

4:44 p.m. to 4:50 p.m.

No report made.

RECESS

4:51 p.m.- 6:01 p.m.

Mayor Blum presiding.

Councilmembers present: Falcone, Francisco, House, Williams, Schneider, Mayor Blum.

Councilmembers absent: Horton.

Staff present: Acting City Administrator Kent, City Attorney Wiley, City Clerk Services Manager Rodriguez.

PUBLIC COMMENT

No one wished to speak.

PUBLIC HEARINGS

20. Subject: Appeal Of Planning Commission Approval Of 800 Santa Barbara Street (640.07)

Recommendation: That Council deny the appeal of the Santa Barbara Trust for Historic Preservation and uphold the Planning Commission approval of the Tentative Subdivision Map and Development Plan Approval for the two- and three-story mixed-use development proposed at 800 Santa Barbara Street.

Documents:

- September 30, 2008, report from the Community Development Director.
- Affidavit of Publication.
- September 30, 2008, PowerPoint presentation and photo simulations prepared and made by staff.
- September 25, 2008, email communication from Kellam de Forest.
- September 25, 2008, letter from Robert and Pat Maxim.
- September 25, 2008, letter from Rich Rozzelle, District Superintendent, State of California Department of Parks and Recreation.
- September 25, 2008, letter from Michael Imwalle, Staff Archaeologist, Santa Barbara Trust for Historic Preservation.
- September 26, 2008, letter from Gordon Sichi, Headmaster, The Anacapa School.
- September 29, 2008, letter from David Stone, Cultural Resources Manager, Dudek.

Public Comment Opened:
6:03 p.m.

Speakers:

- Staff: Project Planner Irma Unzueta, Project Planner Melissa Hetrick, City Planner Manager Betty Weiss, Associate Transportation Planner Chelsey Swanson, Senior Planner Steven Foley.
- Historic Landmarks Commission: Commissioners Robert Adams and Alex Pujo.
- Appellant: President Craig Makela, Executive Director Jerry Jackman, First Vice President Dr. Robert Hoover, Staff Archaeologist Michael Imwalle, and Board Director Mary Louise Days, Santa Barbara Trust for Historic Preservation.
- Applicant: Architect Brian Cearnal, Archaeologist David Stone.

(Cont'd)

20. (Cont'd)

Speakers (Cont'd):

- Members of the Public: Principal Gordon Sichi, Anacapa School; Jared Brach, Santa Barbara Trust for Historic Preservation; Russell Clay Ruiz; Kendra Rhodes, Santa Barbara Trust for Historic Preservation; Anne Petersen, Santa Barbara Trust for Historic Preservation; Richard Rozzelle, California State Parks; John Poucher, Santa Barbara Trust for Historic Preservation; Harry Schiffke; Kristina W. Foss; Karen Anderson, Santa Barbara Trust for Historic Preservation; Jeremy Hass; Naomi Kovacs, Citizens Planning Association.

Public Comment Closed:

8:41 p.m.

Motion:

Councilmember House/Mayor Blum to deny the appeal with the following conditions:

1. Project shall adhere to the in-lieu fee structure of the proposed Inclusionary Housing Ordinance, if the ordinance is adopted;
2. Project shall provide a monument plaque or some type of suitable commemoration of the El Camino Real;
3. Project construction shall not unreasonably interfere with Anacapa School access, parking or loading zone;
4. Direct the Historic Landmarks Commission to work with Transportation staff on the actual geometry of the particular corner in question, retaining the bulb-out portion for pedestrians and maintaining the two lanes going west; and
5. Direct the Historic Landmarks Commission to pay special attention to privacy issues related to the third story element of the project, including windows, the area adjacent to Anacapa School, and the interaction on the north side of the building.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember Horton).

ADJOURNMENT

Mayor Blum adjourned the meeting at 9:51 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
CYNTHIA M. RODRIGUEZ
CITY CLERK SERVICES MANAGER