



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING February 23, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and Redevelopment Agency to order at 2:00 p.m. (The Finance Committee and the Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Schneider.

Councilmembers absent: None.

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

PUBLIC COMMENT

Speakers: Cheri Rae, Bungalow Haven Neighborhood; Nikolai Lambert; Robert Burke; Jack Wilson; Darlena Moore; Bob Hansen; Kenneth Loch; Kate Smith.

CONSENT CALENDAR (Item Nos. 1 – 6 and 8)

The title of the resolution related to Item No. 2 was read.

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of February 2, 2010.

Action: Approved the recommendation.

2. Subject: Resolution For Purchase Of Property At 309 West Ortega Street For The Ortega Street Bridge Replacement Project (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Real Property Located at 309 West Ortega Street, and Authorizing the Public Works Director to Execute an Agreement for Acquisition of Real Property with Escrow Instructions and All Related Documents That May Be Required, Including, Among Others, Any Interim Rental Agreement, All Subject to Review and Approval as to Form by the City Attorney, Relating to the Proposed Ortega Street Bridge Replacement Project, and Consenting to the Recordation of the Related Deed in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 10-007; Agreement Nos. 23,296 and 23,297; Deed No. 61-347 (February 23, 2010, report from the Public Works Director; proposed resolution).

3. Subject: January 2010 Investment Report (260.02)

Recommendation: That Council accept the January 2010 Investment Report.

Action: Approved the recommendation (February 23, 2010, report from the Interim Finance Director).

4. Subject: Rental Agreement For Hilda Ray House (330.04)

Recommendation: That Council authorize the Parks and Recreation Director to enter into an agreement with Tatum Marie Sarinana for a 3-year and 4-month rental agreement, subject to approval of the form of the agreement by the City Attorney, for the Hilda Ray House at Hilda Ray McIntyre Ray Park, beginning March 1, 2010.

Action: Approved the recommendation; Agreement No. 23,298 (February 23, 2010, report from the Parks and Recreation Director).

5. Subject: Contract For Design Of The Lower Sycamore Creek Drainage Improvements Project (540.14)

Recommendation: That Council authorize the Public Works Director to execute a professional services contract with Penfield & Smith (P&S) in the amount of \$234,320 for design services for the Lower Sycamore Creek Drainage Improvements Project (Project), and authorize the Public Works Director to approve expenditures of up to \$23,430 for extra services of P&S that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,299 (February 23, 2010, report from the Public Works Director).

6. Subject: Proposed Changes To Projects Funded By Workforce Housing Reward Program (660.04)

Recommendation: That Council authorize staff to amend the projects funded by the State Workforce Housing Reward Program currently appropriated in the General Fund Capital Program.

Speakers:

Staff: Project Planner Simon Kiefer.

Action: Approved the recommendation (February 23, 2010, report from the Assistant City Administrator/Community Development Director).

Agenda Item No. 7 appears in the Redevelopment Agency minutes.

NOTICES

8. The City Clerk has on Thursday, February 18, 2010, 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.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee reviewed and forwarded for Council's acceptance the January 2010 Investment Report and the Redevelopment Agency Interim Financial Statements for the six months ended December 31, 2009; these reports were approved by the Council/Redevelopment Agency as part of this agenda's Consent Calendar (Item Nos. 3 and 7, respectively). The Committee also heard a Staff report on the status of revenues and expenditures in relation to budget as of December 31, 2009, and reviewed the City's Interim Financial Statements for the six months ended December 31, 2009; these items will be considered by the Council as Agenda Item No. 11.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to consider a proposed amendment to the Santa Barbara Municipal Code establishing procedures for the appointment and service of a youth member on the Parks and Recreation Commission. The Committee voted to forward the proposed ordinance to the Council for possible introduction and subsequent adoption.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

9. Subject: Update On 2010 Census (610.01)

Recommendation: That Council hear a presentation by the United States Census Bureau regarding the 2010 Census.

Documents:

February 23, 2010, report from the Assistant City Administrator/
Community Development Director.

Speakers:

- Staff: Redevelopment Specialist Elizabeth Limón.
- United States Census Bureau: Priscilla Handley, Partnership Specialist for Santa Barbara and San Luis Obispo Counties.

Discussion:

Ms. Handley described outreach efforts being made for the 2010 United States Census and answered Councilmembers' questions.

10. Subject: Medical Cannabis Dispensary Ordinance Phase I Revisions (520.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Revising Chapter 28.80 and Establishing Revised Regulations and Procedures for Medical Marijuana Dispensaries.

Documents:

- February 23, 2010, report from the Assistant City Administrator/
Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- February 17, 2010, letter from L. Paul Golie.

(Cont'd)

10. (Cont'd)

Documents (Cont'd):

- February 18, 2010, letters from Santa Barbara Against Dispensaries; Gerald and Marian Groff.
- February 18, 2010, e-mail communications from Shirley Nelson; Carl Gans; Rick Lee; Karl Willig, Santa Barbara Rescue Mission Board of Directors.
- February 19, 2010, e-mail communication from Pat Johnson.
- February 21, 2010, e-mail communication from Richard Johnson.
- February 22, 2010, letter from Tony Vassallo.
- February 22, 2010, e-mail communication from Aida Cordero.
- February 23, 2010, letter from S. Timothy Buynak, Attorney representing The Pharmacy Santa Barbara.
- Undated letter from Janet Rowse.

The title of the ordinance was read.

Speakers:

- Staff: Senior Planner Danny Kato, Police Captain Armando Martel.
- Members of the Public: Hathor Hammett; Jeff Spangler; Jack Brandon; Tom Thomas, Fighting Back; John Donohue; Lilly Lawrence; Patrick Fourmy; William Leahy; Bud Andrews, Santa Barbara School Districts; Mark Russell; Sharon Palmer (letter read by Patrick Fourmy); Jen Lemberger, Fighting Back; Marge Schwartz; Denice Fellows; Tim Cooney; Cathy Oliverio, Goleta Valley Junior High PTA; Tamara Erickson; Ben Romo, Santa Barbara County Board of Education; Janet Rowse; Randy Rowse, Downtown Organization.

Recess: 3:44 p.m. - 3:57 p.m.

Speakers (Cont'd):

- Staff: City Attorney Stephen Wiley, Assistant City Administrator/Community Development Director Paul Casey.
- Members of the Public: Christina Pizarro, Juanita Merced, and Sharon Byrne, West Downtown Neighborhood Group; Marcus; Maryann Cassidy; Preston Maloney; Geoff Roland; Jerry Johnson and Derek Westen, Santa Barbara Patients Group; Hugh Marsh; Tony Vassallo; Bryce Maloney; Chris Guadagnini; Sergio Bautista; Bonnie Raisin; Jim Westby; Rolf Geyling, Santa Barbara Rescue Mission; Bonnie Donovan; Wendy Kaysing; Angela Franke; Becky Betancourt; Heather Poet; Hans Edwards; Robert Burke.

(Cont'd)

10. (Cont'd)

Motion:

Councilmembers Francisco/Hotchkiss to refer the proposed ordinance to Staff and the Ordinance Committee to 1) clarify the definition of a medical marijuana dispensary, 2) add a prohibition buffer around major substance abuse treatment facilities, but allow an exception for the siting of one dispensary in the Cottage Hospital area, 3) reduce the maximum number of dispensaries to five, and 4) delay ordinance implementation and the start of the amortization period until these revisions are finalized.

Substitute Motion:

Councilmembers Williams/House to revise the proposed ordinance to 1) reduce the maximum number of dispensaries to five, 2) remove the Mesa area and lower Chapala Street from consideration for the siting of dispensaries, and 3) revise the term "private-party" to "private patrol" (page 9 of ordinance).

Following a straw vote on the substitute motion, the substitute motion was withdrawn.

Amendment Motion:

Councilmembers Francisco/Hotchkiss to direct Staff and the Ordinance Committee to return to Council within 60 days with a revised ordinance which 1) clarifies the definition of a medical marijuana dispensary, 2) includes a prohibition buffer around major substance abuse treatment facilities, 3) excludes the Mesa area and lower Chapala Street from consideration for the siting of dispensaries, and 4) reduces the maximum number of dispensaries to five.

Vote on Original Motion as Amended:

Unanimous voice vote.

Councilmember Williams left the meeting at 7:03 p.m.

FINANCE DEPARTMENT

11. Subject: Fiscal Year 2010 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, 2009;
- B. Accept the Fiscal Year 2010 Interim Financial Statements for the Six Months Ended December 31, 2009; and

(Cont'd)

11. (Cont'd)

- C. Increase appropriations in the Miscellaneous Grants Fund by \$43,712 for the purchase of a Breathing Air Compressor Fill Station for fire operations from reserves accumulated in the Miscellaneous Grants Fund for Hazmat expenditures.

City Administrator Armstrong advised that the Staff report referred to in recommendation A would be postponed until a special meeting of Council to be held February 25, 2010.

Documents:

February 23, 2010, report from the Interim Finance Director.

Motion:

Councilmembers Francisco/White to approve recommendations B and C.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

CHANGES TO THE AGENDA

Item Continued to Future Agenda

City Administrator Armstrong stated that the following item would be continued to a future date:

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

Recommendation: That Council hold a closed session pursuant to the authority of Section 54956.8 of the Government Code to consider instructions to City staff and the City Attorney regarding potential lease negotiations with R. D. Olson Development for a four-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederic Lopez Road, Francis Botello Road and David Love Place, owned by the City of Santa Barbara (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608]). City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development; and Sarah Knecht, Assistant City Attorney; and negotiator for Lessee is Robert D. Olson, owner.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

