



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 18, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, which are ordinarily scheduled to meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Bendy White, Das Williams (2:06 p.m.), Mayor Schneider.

Councilmembers absent: Dale Francisco, Michael Self.

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

CHANGES TO THE AGENDA

City Administrator/Executive Director James Armstrong stated that a notice of public hearing for Agenda Item No. 7 was not published. Staff will go forward with their presentation today but no action will be taken. This item will be brought back to the Council/Agency on June 8, 2010.

PUBLIC COMMENT

Speakers: Ruth Wilson; Kent Epperson, Traffic Solutions; Karena Jew and Ismael Lino, City at Peace; Robert Burke, Veterans; Alan Williams, ServiceMaster of Santa Barbara.

CONSENT CALENDAR (Item Nos. 1 – 4 and 6)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmembers Francisco, Self).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 20, 2010, and the special meeting of April 23, 2010.

Action: Approved the recommendation.

2. Subject: Youth Watershed Education Program Contract With Art From Scrap (540.14)

Recommendation: That Council authorize the Parks and Recreation Director to execute a 12-month professional services contract with Art From Scrap in the amount of \$56,299.25 for the provision of Creeks Program youth and community watershed education programs in Fiscal Year 2011.

Action: Approved the recommendation; Contract No. 23,421 (May 18, 2010, report from the Parks and Recreation Director).

3. Subject: Used Oil Payment Program Grant - Sixteenth Cycle (630.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Submit an Application to the California Department of Resources Recycling and Recovery (CalRecycle) for Fiscal Year 2011 Used Oil Payment Program Grant (OPP Grant), Formerly Known as the Used Oil Block Grant - Sixteenth Cycle, in the Amount of \$12,190; and
- B. If the grant is awarded, accept the OPP Grant - Sixteenth Cycle, and increase appropriations and estimated revenues in the Waterfront Fund for an amount of \$12,190 for Fiscal Year 2011.

Action: Approved the recommendations; Resolution No. 10-029; Agreement No. 23,422 (May 18, 2010, report from the Waterfront Director; proposed resolution).

4. Subject: Introduction Of Ordinance Amending Municipal Code Section 3.16.073 Regarding Registered Domestic Partners (800.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Three of the Santa Barbara Municipal Code to Revise Section 3.16.073 of Chapter 3.16 Pertaining to the Employment by the City of Domestic Partnerships in the Same City Department or Division.

Action: Approved the recommendation (May 18, 2010, report from the Assistant City Administrator/Administrative Services Director; proposed ordinance).

Item No. 5 appears in the Redevelopment Agency minutes.

NOTICES

6. The City Clerk has on Thursday, May 13, 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

REDEVELOPMENT AGENCY REPORTS

7. Subject: Contract For Professional Services For The Police Station Seismic And Structural Analysis Services Project (700.08)

Recommendation:

- A. That the City Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445.1 for Redevelopment Agency Funding of Capital Improvements for the Police Station Renovation Located Outside and Not Contiguous to the Central City Redevelopment Project Area and Authorizing Certain Other Actions; and
- B. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$151,246 for seismic and structural analysis of the Police Station by Coffman Engineers, building assessment services by Paul Poirier and Associates Architects, and related project management services by Public Works Department staff.

(Cont'd)

7. (Cont'd)

Documents:

- May 18, 2010, joint report from the Public Works Director, Assistant City Administrator/Community Development Director/Deputy Director and the Police Chief.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

Staff: Principal Engineer Joshua Haggmark, Housing and Redevelopment Manager Brian Bosse.

Discussion:

Staff presented a status report on the Police Station Seismic Renovation Project, including challenges and next steps. This item will be brought back to the Council/Agency on June 8, 2010.

Councilmember Williams left the meeting at 2:26 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

8. Subject: Public Hearing To Acquire Property Interests At 306 West Ortega Street By Eminent Domain For The Ortega Street Bridge Replacement Project (330.03)

Recommendation: That Council:

- A. Accept the Addendum to the Certified Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project (State Clearing House SCH No. 1998101061, dated March 10, 2008), prepared by the City's Environmental Analyst for the Ortega Street Bridge (Bridge) Replacement Project; and
- B. Adopt, by reading of title only, A Resolution of Necessity by the Council of the City of Santa Barbara for the Real Property at 306 West Ortega Street, Adjacent Access Easement, and Adjacent Parking Easement, all Located on Portions of Santa Barbara County Assessor's Parcel Number 037-073-011.

Documents:

- May 18, 2010, report from the Public Works Director.
- Proposed Resolution.
- May 18, 2010, PowerPoint presentation prepared and made by Staff.

(Cont'd)

8. (Cont'd)

The title of the resolution was read.

Public Comment Opened:
2:28 p.m.

Councilmember Williams returned to the meeting at 2:29 p.m.

Speakers:
Staff: Assistant Public Works Director/City Engineer Pat Kelly.

Public Comment Closed:
2:33 p.m.

Motion:
Councilmembers Hotchkiss/White to approve the recommendations;
Resolution No. 10-030.

Vote:
Unanimous roll call vote (Absent: Councilmembers Self, Francisco).

Councilmember House left the meeting at 2:33 p.m. Councilmember White stated that he would not participate in the discussion or action of Agenda Item No. 9 due to a potential conflict of interest related to his business relationship with John Cook, neighbor of the applicant/appellant, and left the meeting at 2:34 p.m.

RECESS

2:34 p.m. - 2:36 p.m. Councilmember White and City Administrator James Armstrong were absent when the Council reconvened. Assistant City Administrator Paul Casey was present.

PUBLIC HEARINGS

9. Subject: Appeal Of Single Family Design Board Denial Of Retaining Walls For 1464 La Cima Road (640.07)

Recommendation: That Council:

- A. Grant the appeal of Scott McCosker with direction on a modified design and grant the project preliminary approval, making the findings contained in the staff report; and
- B. Refer the project back to the Single Family Design Board Consent Calendar for final approval consistent with Council's direction on a modified design.

(Cont'd)

9. (Cont'd)

Documents:

- May 18, 2010, report from the Assistant City Administrator/Community Development Director.
- May 18, 2010, PowerPoint presentation prepared and made by Staff.
- May 11, 2010, letter from David C. Fainer, Jr., Attorney representing the Appellant/Applicant.
- May 16, 2010, letter, photos and drawings submitted by Tony Fischer.
- May 17, 2010, email communication and attachments submitted by Tony Fischer.
- May 18, 2010, email communication submitted by Tony Fischer.

Public Comment Opened:

2:36 p.m.

Speakers:

- Staff: Senior Planner Jaime Limón, City Attorney Stephen Wiley.
- Single Family Design Board: Member Bill Mahan.
- Appellant/Applicant: David Fainer, Attorney; Margie Grace.
- Members of the Public: Tony Fischer, John Cook, Don Swann.

Public Comment Closed:

3:36 p.m.

Motion:

Councilmembers House/Hotchkiss to grant the appeal, and grant the project preliminary and final approvals with the following conditions: 1) protection of the oak trees to prevail over Wall A; 2) project construction shall stay outside the setbacks; and 3) any new landscape designs shall ensure the protection of views.

Amendment Motion:

Councilmembers House/Hotchkiss to grant the appeal, and grant the project preliminary and final approvals with the following conditions: 1) the project design, installation and maintenance shall comply with the arborist's recommendations submitted to the Single Family Design Board in a letter dated January 26, 2010; 2) project construction shall stay outside the setbacks; and 3) the project design and installation shall comply with the landscape plan dated February 22, 2010.

Vote on Amendment Motion:

Unanimous voice vote (Absent: Councilmembers Francisco, Self, White).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss mentioned the Looking Good Santa Barbara Event held last Saturday.
- Councilmember Williams spoke about Bike to Bike Station Day last Wednesday, and about his and Mayor Schneider's attendance at a retirement event for Naomi Kovacs, Executive Director of the Citizens Planning Association.

RECESS

4:08 p.m. - 6:05 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Self, White, Williams, Mayor Schneider.

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

10. Subject: Introduction Of Medical Marijuana Storefront Collective Dispensary Ordinance (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 Storefront Collective Dispensaries.

Documents:

- May 18, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- May 18, 2010, PowerPoint presentation prepared and made by Staff.
- May 17, 2010, email communications from Janet Rowse, Joshua Braun and John Delgado.

(Cont'd)

10. (Cont'd)

- May 18, 2010, document entitled "Facts About Crime & Medical Marijuana Dispensaries," submitted by Heather Crosson.
- May 18, 2010, email communications from Geoff Roland, Dr. John D. Wrench, William S. (Tom) Thomas, Alan Lagermann, Hans Edwards, and Celeste Barber.
- May 18, 2010, letters from Derek A. Westen and Assemblymember Pedro Nava.
- Undated Petition from various citizens.

The title of the ordinance was read.

Public Comment Opened:
6:06 p.m.

Speakers:

- Staff: Senior Planner Daniel Kato, City Attorney Stephen Wiley.
- Planning Commission: Commissioners Charmaine Jacobs, Michael Jordan.
- Members of the Public: Tom Thomas, Fighting Back; John Dee; JoAnna LaForce; Hathor Hammett; Brian Sarvis, Santa Barbara School Districts; Eugene Wirkus; Donna Fisher Yates; Valerie Harrison; Penny Jenkins, Fighting Back and Council on Alcoholism and Drug Abuse (CADA); Robert Green; Jen Lemberger, Fighting Back; Geoff Roland; Greg Hons; Jaycee Hunter, Santa Barbara Police Officers Association; Monica Spear, Executive Director, Girls Inc.; Melissa Wilkins, CADA and Fighting Back; Marge Schwartz; Bob Bryant, Daniel Bryant Youth & Family Treatment Center; Kate Ford; Tony Vassallo, Neighborhood Advocate; Bonnie Raisin; Derek Westen, Santa Barbara Patients Group.

Recess: 7:43 p.m. - 7:55 p.m. Councilmembers House and Williams were absent when the Council reconvened; they returned to the meeting at 7:57 p.m.

Speakers (Cont'd):

Members of the Public (Cont'd): Heather Poet; Denice Fellows; Randy Rowse; Janet Rowse; Karen Wheeler; Mari Mender; Carl Quinn; Norris Goss; Beverly Brott, M.D.; Jamison Merrick; Lucas Travanti; C. Hugh Marsh; Seamus Ethridge; Heather Crosson; Robert Striegel; Mark Russell, Grass Roots Research Inc.; Ryan Ebeling.

Public Comment Closed:
8:34 p.m.

(Cont'd)

10. (Cont'd)

Motion:

Councilmembers Hotchkiss/Francisco to refer the proposal of a ban on medical marijuana dispensaries to the Ordinance Committee.

Vote:

Failed to carry by voice vote (Ayes: Councilmembers Francisco, Hotchkiss, Self; Noes: Councilmembers House, White, Williams, Mayor Schneider).

Motion:

Mayor Schneider/Councilmember Hotchkiss to introduce the ordinance as presented with the following amendments: 1) Prohibit storefront dispensaries within 600' of schools, rather than 500'; 2) Restrict storefront collective dispensary membership to residents of Santa Barbara County, instead of the tri-county area; 3) Appeals of Staff Hearing Officer decisions to go to the Planning Commission and then to City Council; and 4) Hours of dispensary operation to be from 8:00 a.m. - 6:00 p.m., Monday through Saturday.

Amendment Motion:

Mayor Schneider/Councilmember Hotchkiss to re-introduce the ordinance as presented with the following amendments: 1) Prohibit storefront dispensaries within 600' of schools, rather than 500'; 2) Restrict storefront collective dispensary membership to residents of Santa Barbara County, instead of the tri-county area; 3) Appeals of Staff Hearing Officer decisions to go to the Planning Commission and then to City Council; and 4) Hours of dispensary operation to be from 8:00 a.m. - 6:00 p.m., Monday through Saturday; 5) Omit the Downtown West and Downtown East from areas allowed for siting of dispensaries; and 6) Required a 24-hour waiting period to join a collective.

Vote on Amendment Motion:

Majority voice vote (Noes: Councilmembers Francisco, Self).

ADJOURNMENT

Mayor Schneider adjourned the meeting at 10:10 p.m. in memory of Grover Barnes.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK