



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING June 15, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:02 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House (2:05 p.m.), 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 Brenda Alcazar.

### PUBLIC COMMENT

Speakers: Bix Buckley, Robert Burke, Nikolai Lambert, Ruth Wilson, Steve Fort, Scott.

### CONSENT CALENDAR (Item Nos. 1 - 3, and 5 - 15)

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

#### Motion:

Councilmembers Francisco/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 special meeting of May 10, 2010, the regular meeting of May 11, 2010, the adjourned regular meeting of May 17, 2010, the regular meetings of May 18 and May 25, 2010, the special meeting of May 27, 2010, the regular meeting of June 1, 2010 (cancelled), and the special meeting of June 3, 2010.

Action: Approved the recommendation.

2. Subject: Cachuma Conservation Release Board Budget Ratification (540.03)

Recommendation: That Council ratify the Fiscal Year 2011 Cachuma Conservation Release Board Budget in the amount of \$1,615,749, with an estimated City of Santa Barbara share of \$400,138.

Speakers:

Staff: Water Resources Supervisor Bill Ferguson.

Action: Approved the recommendation (June 15, 2010, report from the Public Works Director).

3. Subject: Acceptance Of A Street Easement At 931 Anacapa Street (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Public Street Purposes on a Portion of the Real Property Commonly Known as 931 Anacapa Street, Santa Barbara County Assessor's Parcel Number 039-322-047.

Action: Approved the recommendation; Resolution No. 10-036 (June 15, 2010, report from the Public Works Director; proposed resolution).

5. Subject: Introduction Of Ordinances For Agreements For Airport Food And Beverage And Retail Concessions (330.04)

Recommendation: That Council:

- A. Authorize the Airport Director to execute, subject to approval as to form by the City Attorney, a ten-year concession agreement, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with First Class Concessions, Inc., for Operation of a Food and Beverage Concession at the Airport; and

(Cont'd)

5. (Cont'd)

- B. Authorize the Airport Director to execute, subject to approval as to form by the City Attorney, a ten-year concession agreement, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with M/E, Inc., for Operation of a Retail News and Gift Concession at the Airport.

Speakers:

Staff: Airport Director Karen Ramsdell.

Action: Approved the recommendations (June 15, 2010, report from the Airport Director; proposed ordinances).

6. Subject: Introduction Of Ordinance For A 25-Year Lease With The Santa Barbara Yacht Club (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 a 25-Year Lease With the Santa Barbara Yacht Club on Premises Located Within the Santa Barbara Harbor, Effective July 22, 2010.

Action: Approved the recommendation (June 15, 2010, report from the Waterfront Director; proposed ordinance).

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

Recommendation: That Council approve a one-year lease agreement with a one-year option with Mike Pyzel, at a monthly rent of \$408.65 or six percent of gross sales, whichever is greater, for a marine surveyor's office at 125 Harbor Way, Suite 23.

Action: Approved the recommendation; Agreement No. 23,439 (June 15, 2010, report from the Waterfront Director).

8. Subject: Purchase Order For UCP/Work, Incorporated (570.03)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.080 (k), and authorize the General Services Manager to issue a purchase order to UCP/Work, Incorporated, for janitorial services at the Waterfront Department for Fiscal Year 2011 in an amount not to exceed \$220,000.

Action: Approved the recommendation (June 15, 2010, report from the Waterfront Director).

9. Subject: Five-Year Co-Sponsorship Agreement With Outdoors Santa Barbara Visitor Center (570.03)

Recommendation: That Council approve a five-year Co-Sponsorship Agreement with the National Oceanic and Atmospheric Administration, the National Park Service, and the Santa Barbara Maritime Museum, for the continued operation of the Outdoors Santa Barbara Visitor Center located on the fourth floor of the Waterfront Center Building.

Action: Approved the recommendation; Agreement No. 23,440 (June 15, 2010, report from the Waterfront Director).

10. Subject: Approval Of Map And Execution Of Agreements For 319 N. Milpas Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,773 for a subdivision at 319 N. Milpas Street, (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.

Action: Approved the recommendation; Agreement Nos. 23,441 and 23,442 (June 15, 2010, report from the Public Works Director).

11. Subject: Contract For Construction For The Mission Creek Restoration And Fish Passage Project At Tallant Road (530.03)

Recommendation: That Council:

- A. Award a contract with Shaw Contracting, Inc. (Shaw), in their low bid amount of \$576,706, for construction of the Mission Creek Restoration and Fish Passage Project at Tallant Road (Project), Bid No. 3580;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$57,670 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Questa Engineering Corporation (Questa), in the amount of \$48,670, for construction support services, and approve expenditures of up to \$4,867 for extra services of Questa that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,443 and 23,444 (June 15, 2010, joint report from the Public Works Director and the Parks and Recreation Director).

12. Subject: Change Order For Grant-Funded Airport Noise Monitoring And Flight Tracking System (560.14)

Recommendation: That Council authorize the General Services Manager to increase the purchase order authority with ERA Corporation by \$211,921 to \$411,284 to upgrade the Airport Noise Monitoring and Flight Tracking System.

Action: Approved the recommendation (June 15, 2010, report from the Airport Director).

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For BevMo! Project, 3052 State Street (640.07)

Recommendation: That Council:

- A. Set the date of July 27, 2010, at 2:00 p.m. for hearing the appeal filed by Marc Chytilo, Agent for Breathe Easy Santa Barbara, of the Architectural Board of Review Final Approval of an application for property owned by Timothy and Claudia Garrett and located at 3052 State Street, Assessor's Parcel No. 053-342-033, C-2/SD-2 Commercial/Special District Zone, General Plan Designation: General Commerce. The project proposes an exterior facade remodel, demolition of a detached 1,500 square-foot warehouse building to expand parking, and the partial demolition of an existing 10,757 square-foot commercial building, to result in an 8,991 square-foot commercial building. The project includes site alterations to parking and landscaping; and
- B. Set the date of July 26, 2010, at 1:30 p.m. for a site visit to the property located at 3052 State Street.

Action: Approved the recommendations (May 26, 2010, letter of appeal).

## NOTICES

14. The City Clerk has on Thursday, June 10, 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.
15. Received a memorandum advising of a vacancy created on the Lower Westside Center Advisory Committee with the departure of Member Teresa Wentz; the vacancy will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

## ITEM REMOVED FROM CONSENT CALENDAR

4. 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:

- June 15, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- June 15, 2010, PowerPoint presentation prepared and made by Staff.
- June 6, 2010, and June 9, 2010, email communications from Britta Bartels.
- June 10, 2010, email communication from Bonnie Raisin.
- June 11, 2010, email communications from John Donohue and Rick Lee.
- June 12, 2010, email communication from Janet Rowse.
- June 14, 2010, email communication from Tom Thomas.
- June 14, 2010, letter from Derek A. Westen.
- June 15, 2010, email communication from Geoff Roland.
- June 15, 2010, document entitled "Monitoring the Future, National Results on Adolescent Drug Use," submitted by Eugene "Chico" Wirkus.
- June 15, 2010, photocopy of page 289 from the book entitled "Every Vote Equal," submitted by Geof Bard.

The title of the ordinance was read.

Public Comment Opened:  
2:24 p.m.

### Speakers:

- Members of the Public: Tom Thomas, Fighting Back; Lucas Travanti; Paul W. Marceau; Shereen Khatapoufh, Council on Alcoholism & Drug Abuse (CADA); Jamison Merrick; Hathor Hammett; Charles McChesney, Santa Barbara Police Officers Association; Jen Lemberger, Fighting Back; Naoimi Green; Daniel Price; Vicky Quinn; Nelson; Beverly Brott, MD; Derek Westen; Patrick Fourmy; Eduardo Cué, CADA; Andrea Roselinsky; Penny Jenkins, Fighting Back; Mary Ann Neilsen; Tony Vassallo; Denice Fellows; Wendy Westley; Mari Mender; Janet Rowse; David Hughes; Eugene "Chico" Wirkus; Rosanne Crawford; Maryann Cassidy; Scott; Geof Bard.

(Cont'd)

4. (Cont'd)

Speakers (Cont'd):

- Staff: Senior Planner Danny Kato, City Attorney Stephen Wiley, Police Captain Armando Martel, City Administrator James Armstrong.

Public Comment Closed:

3:29 p.m.

Motion:

Mayor Schneider/Councilmember Williams to direct the City Attorney to come back next week with the language for two mutually exclusive ballot measures to be placed on the November 2010 ballot, as follows: 1) the ordinance to revise Municipal Code Chapter 28.80 that was presented to Council on May 18, 2010; and 2) a ban on medical marijuana dispensaries.

Substitute Motion:

Councilmembers White/Francisco to continue this item for one week and direct the City Attorney to return with the ordinance for introduction presented today, with the following amendments: 1) reduce the maximum number of medical marijuana dispensaries from 5 to 3; and 2) amortization of the legal nonconforming dispensaries within 6 months.

Vote on Substitute Motion:

Majority voice vote (Noes: Councilmember House).

Motion:

Councilmembers Francisco/Williams to direct the City Attorney to draft language for a ballot measure for the November election that would disallow medical marijuana dispensaries in the City of Santa Barbara.

Vote:

Majority voice vote (Noes: Councilmember House).

## **RECESS**

5:13 p.m. - 5:24 p.m. Councilmembers House, Self and Williams were absent when the Council reconvened.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee member Dale Francisco reported that the Committee met to discuss a loan to the Housing Authority for its Bradley Studios project, and a grant of \$200,000 to the Housing Authority for a rental assistance program for homeless people. The Committee voted to forward recommendations to the City Council and Redevelopment Agency Board to approve both of these items.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### PUBLIC WORKS DEPARTMENT

16. Subject: Public Hearing Regarding Proposed Utility Rate Increases (230.05)

Recommendation: That Council:

- A. Hold a Public Hearing, as required by State law, regarding proposed utility rate increases for water, wastewater, and solid waste collection services for Fiscal Year 2011; and
- B. Provide direction to staff regarding any changes to proposed Fiscal Year 2011 utility rates.

Documents:

- June 15, 2010, joint report from the Public Works Director and the Interim Finance Director.
- June 15, 2010, PowerPoint presentation prepared and made by Staff.
- April 14, 2010, letter from Louis Wooldridge.
- April 19, 2010, letter from David DeLisle.
- April 20, 2010, letter from Michael R. Thompson.
- April 21, 2010, letters from Christine Vanderbilt and George Larson.
- May 5, 2010, letter from Cathy Garcia.
- June 14, 2010, letter from Steven M. Little.

Public Comment Opened:

5:24 p.m.

Councilmembers House and Self returned to the meeting at 5:26 p.m. Councilmember Williams returned to the meeting at 5:30 p.m.

Speakers:

- Staff: Water Resources Supervisor Bill Ferguson, Water System Manager Cathy Taylor, City Administrator James Armstrong, Wastewater System Manager Chris Toth, Interim Finance Director Robert Samario, Public Works Director Christine Andersen.
- Member of the Public: Steven Little, President of the Westwood Hills Avocado Alliance; Phil Walker; Geof Bard.

Public Comment Closed:

6:14 p.m.

(Cont'd)

16. (Cont'd)

Motion:

Councilmembers Williams/Francisco to approve the staff-recommended wastewater rate increase, 90-day suspension of the sewer lateral program, and \$2,000,000 allocation towards the unfunded sewer main projects.

Vote:

Unanimous voice vote.

Motion:

Councilmember Williams/Mayor Schneider to approve the Finance Committee recommendation of a 2.5% water rate increase, and to freeze the agriculture water rate.

Amendment Motion:

Councilmember Williams/Mayor Schneider to approve a 3% water rate increase, and to freeze the agriculture water rate.

Vote on Amendment Motion:

Majority voice vote (Noes: Councilmembers House, Self, White).

#### COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Introduction Of Ordinance Amendments Related To Construction Prohibited In The Vicinity Of The Conejo Landslide (640.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code in Order to Amend Chapter 22.90 Pertaining to the Extent of the Revised Slide Mass C Area Covered by the City's 1997 Conejo Slide Area Ordinance in Order to Reduce the Area of Slide Mass C in Accordance with New Geological Information and to Allow Certain Limited New Non-Habitable Improvements and Historic Resources to be Built Under Certain Circumstances.

Documents:

- June 15, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- June 11, 2010, letter from Linda Dye.

The title of the ordinance was read.

(Cont'd)

17. (Cont'd)

Public Comment Opened:  
6:44 p.m.

Speakers:

- Staff: Chief Building Official George Estrella, City Attorney Stephen Wiley.
- Members of the Public: Roy Harthorn; Linda Dye; Blanche Tobin; Lori Bonneau; Martin Lieurance, Grover-Hollingsworth & Associates; Ruben Barajas.

Public Comment Closed:  
6:56 p.m.

Motion:

Councilmembers House/Williams to introduce the ordinance with an amendment to Section 4, Municipal Code Section 22.70.070.B.3, to allow a one-time 150 square-foot maximum addition, subject to review and approval by the Historic Landmarks Commission.

Vote:

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

Councilmember Williams left the meeting at 7:14 p.m.

## **MAYOR AND COUNCIL REPORTS**

20. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups;
- B. Continue interviews of applicants to June 8, 2010; and
- C. Continue interviews of applicants to June 15, 2010.

(Continued from June 8, 2010, Item No. 11)

Councilmember Self left the meeting at 7:15 p.m.

Documents:

June 15, 2010, report from the Assistant City Administrator/Administrative Services Director.

(Cont'd)

20. (Cont'd)

Speakers:

The following applicants were interviewed:

Library Board:

Diane Duva  
Christine Forte

Single Family Design Board:

Roderick Britton

Harbor Commission:

Cory Bantilan

## **CHANGES TO THE AGENDA**

### Item Removed from Agenda

Mayor Schneider stated that the following item was being removed from the Agenda and will be brought back at a future date.

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

Recommendation: That Council:

- A. Hold a closed session to consider instructions to its negotiators regarding a possible long-term lease of City-owned property consisting of a fifteen-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608] in the City of Santa Barbara). Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the City-owned property with Target Corporation, a Minnesota corporation. Negotiations are held pursuant to the authority of Section 54956.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Sarah Knecht, Assistant City Attorney. Negotiator for the potential lessee is Dietrich Haar, Real Estate Manager; and

(Cont'd)

18. (Cont'd)

- B. Hold a closed session to consider instructions to its negotiators regarding a possible long-term lease, purchase or exchange of City-owned property consisting of a fifteen-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608] in the City of Santa Barbara). Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease, purchase or exchange of the City-owned property located at 6100 Hollister Avenue with the California Army National Guard for the National Guard Armory property located at 730 E. Canon Perdido (APN 031-041-001) in the City of Santa Barbara. Negotiations are held pursuant to the authority of Section 54956.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Stephen P. Wiley, City Attorney. Negotiator for the potential lessee, seller or exchange is Colonel Michael L. Herman. Under negotiation: Price and terms of payment of a possible ground lease, purchase or exchange.  
Scheduling: Duration, 30 minutes; anytime  
Report: None anticipated

**RECESS**

Mayor Schneider recessed the meeting at 7:24 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 19, and stated that no reportable action is anticipated.

**CLOSED SESSIONS**

19. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, Police Managers Association, General Bargaining Unit, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.  
Scheduling: Duration, 30 minutes; anytime  
Report: None anticipated

(Cont'd)

19. (Cont'd)

Documents:

June 15, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

7:26 p.m. - 7:44 p.m. Councilmembers Self and Williams were absent.

No report made.

### **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 7:44 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK