



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING
January 26, 2010
COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:02 p.m. (The Ordinance Committee met at 12:00 noon, and the Finance 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.

CEREMONIAL ITEMS

1. Subject: Employee Service Award for Marc Hawkins

Action: Award presented to Marc Hawkins, Senior Grounds Maintenance Worker.

2. Subject: Outgoing City Advisory Group Member Recognition

Action: Mayor Schneider read the names of those citizens who are ending terms of service on various City advisory groups and stated that certificates of appreciation will be sent to each.

PUBLIC COMMENT

Speakers: Bob Hansen, Ken Loch, Jack Wilson, Darlena Moore, Andrea Roselinsky, Nancy McCradie.

COUNCIL AND STAFF COMMUNICATIONS

Information: Fire Chief Andy DiMizio briefly reviewed actions taken by the City's Office of Emergency Services to respond to the recent rainstorms.

CONSENT CALENDAR (Item Nos. 3 - 19 and 22)

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

Motion:

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

Vote:

Unanimous roll call vote.

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of December 15, 2009, and the regular meetings of December 22, and December 29, 2009 (cancelled).

Action: Approved the recommendation.

4. Subject: Fiscal Year 2010 Interim Financial Statements For The Five Months Ended November 30, 2009 (250.02)

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Five Months Ended November 30, 2009.

Action: Approved the recommendation (January 26, 2010, report from the Interim Finance Director; January 25, 2010, letters from Paula Westbury).

5. Subject: December 31, 2009, Investment Report And December 31, 2009, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the December 31, 2009, Investment Report; and
- B. Accept the December 31, 2009, Fiscal Agent Report.

Action: Approved the recommendations (January 26, 2010, report from the Interim Finance Director; January 25, 2010, letters from Paula Westbury).

6. Subject: Adoption Of Ordinance Granting Drainage Easement To Caltrans On A Portion Of Parma Park Adjacent To State Route 192 (330.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Accepting a Contract Offer in the Amount of \$1,200 for a Grant of Highway Easement to the State of California, Acting By and Through the Department of Transportation, for a Drainage Easement Adjacent to State Route 192, to be Located on a Portion of City-Owned Property Known as Parma Park (Assessor's Parcel No. 021-120-005).

Action: Approved the recommendation; Ordinance No. 5508; Contract No. 23,265; Deed No. 61-346.

7. Subject: Adoption Of Ordinance For Five-Year Lease With One Five-Year Option With Boat Launch Mini Mart, L.L.C. (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease with One Five-Year Option with Boat Launch Mini Mart, L.L.C., Effective February 11, 2010, for a 536 Square-Foot Convenience Store at 305 West Cabrillo Boulevard.

Action: Approved the recommendation; Ordinance No. 5509; Agreement No. 23,266.

8. 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. 10-002 (January 26, 2010, report from the Administrative Services Director; proposed resolution).

9. Subject: Bicycle Transportation Account Local Share Of Funding (670.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying that the City Will Make the Required Ten Percent Local Share of Funding Available for the Goleta Slough Safety Improvements Project (Project) Should a Bicycle Transportation Account Award be Made in 2010.

Action: Approved the recommendation; Resolution No. 10-003 (January 26, 2010, report from the Public Works Director; proposed resolution).

10. Subject: Contract For Final Design Of The Lower West Downtown Lighting Project And Brinkerhoff Streetlight Project (530.04)

Recommendation: That Council authorize the Public Works Director to execute a professional services contract with Smith Engineering in the amount of \$28,670 for design services for the Lower West Downtown Lighting Project and Brinkerhoff Streetlight Project, and authorize the General Services Manager to approve expenditures of up to \$2,867 for extra services of Smith Engineering that may result from necessary changes in the scope of work.

Speakers:

Staff: Principal Civil Engineer John Ewasiuk.

Action: Approved the recommendation; Contract No. 23,267 (January 26, 2010, report from the Public Works Director).

11. Subject: Agreement With The County Of Santa Barbara For Mobile Crisis And Recovery Emergency Services (520.04)

Recommendation: That Council authorize the City Administrator to execute a three-year agreement with the County of Santa Barbara for mobile Crisis and Recovery Emergency Services (CARES) to the City of Santa Barbara for Fiscal Year 2010 through Fiscal Year 2012, for an amount not to exceed \$50,473 in the first year, subject to a 3.8% annual increase in the second and third years.

Action: Approved the recommendation; Agreement No. 23,268 (January 26, 2010, report from the Chief of Police).

12. Subject: Lease Agreement For Youth CineMedia (330.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute an annual lease agreement for a 496 square-foot space at Westside Community Center with Youth CineMedia at a rate of \$1.08 per square foot.

Action: Approved the recommendation; Agreement No. 23,269 (January 26, 2010, report from the Parks and Recreation Director).

13. Subject: Contract For Preliminary Design Of The Chapala Street Bridge Seismic Retrofit Project (530.04)

Recommendation: That Council:

- A. Accept Federal Highway Administration (FHWA) Highway Bridge Program (HBP) grant funding in the total amount of \$177,060;

(Cont'd)

13. (Cont'd)

- B. Authorize the increase of estimated revenues and appropriations by \$177,060 in the Fiscal Year 2010 Streets Fund for design of the Chapala Street Bridge Seismic Retrofit Project (Project); and
- C. Authorize the Public Works Director to execute a professional services contract with Drake Haglan and Associates (Drake Haglan) in the amount of \$157,987 for preliminary design services for the Project, and authorize the General Services Manager to approve expenditures of up to \$15,798 for extra services of Drake Haglan that may result from necessary changes in the scope of work.

Speakers:

Staff: Principal Civil Engineer John Ewasiuk.

Action: Approved the recommendations; Contract No. 23,270 (January 26, 2010, report from the Public Works Director).

14. Subject: Contract For Preliminary Design Of The Mason Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Accept Federal Highway Administration (FHWA) Highway Bridge Program (HBP) grant funding in the total amount of \$354,120;
- B. Authorize the increase of estimated revenues and appropriations by \$354,120 in the Fiscal Year 2010 Streets Fund for design of the Mason Street Bridge Replacement Project (Project); and
- C. Authorize the Public Works Director to execute a professional services contract with Bengal Engineering (Bengal) in the amount of \$197,130 for preliminary design services for the Project, and authorize the General Services Manager to approve expenditures of up to \$19,713 for extra services of Bengal that may result from necessary changes in the scope of work.

Speakers:

Staff: Principal Civil Engineer John Ewasiuk.

Action: Approved the recommendations; Contract No. 23,271 (January 26, 2010, report from the Public Works Director; January 25, 2010, letter from Paula Westbury).

15. Subject: Contract For Preliminary Design Of The Cota Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Accept Federal Highway Administration (FHWA) Highway Bridge Program (HBP) grant funding in the total amount of \$442,650;
- B. Authorize the increase of estimated revenues and expenditures by \$442,650 in the Fiscal Year 2010 Streets Capital Fund for design of the Cota Street Bridge Replacement Project (Project); and
- C. Authorize the Public Works Director to execute a professional services contract with Bengal Engineering (Bengal) in the amount of \$186,710 for preliminary design services for the Project, and authorize the General Services Manager to approve expenditures of up to \$18,671 for extra services of Bengal that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 23,272 (January 26, 2010, report from the Public Works Director; January 25, 2010, letter from Paula Westbury).

16. Subject: Funding Appropriation For Fiber Communications (150.05)

Recommendation: That Council:

- A. Authorize the Public Works Director to enter into a Memorandum of Understanding (MOU) with Metropolitan Transit District (MTD) for use of a portion of the City's fiber optic line in return for project funding; and
- B. Increase appropriations and estimated revenues by \$15,430 in the Intra-City Services Fund to cover the cost of the Fiber Optic Communications Project (Fiber Optic Project), to be fully funded by the MTD.

Action: Approved the recommendation; Agreement No. 23,273 (January 26, 2010, report from the Public Works Director).

17. Subject: Increase In Change Order Authority For The Loma Alta Hill Sidewalk Project (530.04)

Recommendation: That Council authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Loma Alta Hill Sidewalk Project (Project), Contract No. 23,816, in the amount of \$70,000, for a total project expenditure authority of \$662,316.

Speakers:

Staff: Principal Civil Engineer John Ewasiuk.

Action: Approved the recommendation (January 26, 2010, report from the Public Works Director; January 25, 2010, letter from Paula Westbury).

18. Subject: TEFRA Hearing For American Baptist Homes Of The West (Valle Verde) Debt Issuance (280.01)

Recommendation: That Council hold a public hearing and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving a Tax-Exempt Bond Financing to be Issued by the California Statewide Communities Development Authority to Benefit American Baptist Homes of the West and Certain Affiliates.

Note: Mayor Schneider opened the public hearing and inquired whether any member of the public wished to comment; no one wished to speak.

Action: Approved the recommendation; Resolution No. 10-004 (January 26, 2010, report from the Interim Finance Director; proposed resolution; January 25, 2010, letter from Paula Westbury).

19. Subject: Continuance Of The Appeal Of The Mixed Use Development At 803 North Milpas Street (640.07)

Recommendation: That Council continue the appeal from Rick Feldman of the Planning Commission approval of the mixed use development at 803 North Milpas Street to March 23, 2010.

Action: Approved the recommendation (January 26, 2010, report from the Community Development Director).

Item Nos. 20 and 21 appear in the Redevelopment Agency minutes.

NOTICES

22. The City Clerk has on Thursday, January 21, 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 ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee reviewed recommendations from the Planning Commission for Phase I revisions to the Medical Cannabis Dispensary Ordinance. The Committee voted to approve the proposed amendments with some changes and forwarded the ordinance to the full Council for introduction and subsequent adoption.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to review Interim Financial Statements for both the City and the Redevelopment Agency for the five months ended November 30, 2009; both sets of statements were approved by the Council/Agency Board as part of this agenda's Consent Calendar (Item Nos. 4 and 21, respectively). The Committee also reviewed the December 31, 2009, Investment Report and Fiscal Agent Report and forwarded them to the Council, which accepted these reports as Agenda Item No. 5.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

23. Subject: Extension Of Medical Marijuana Dispensary Suspension 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 Extending a Temporary Suspension of the Right to Apply for or to Obtain a Permit for the Opening or Operation of Medical Marijuana Dispensaries Otherwise Permitted by Santa Barbara Municipal Code Chapter 28.80 on an Interim Basis.

Documents:

- January 26, 2010, report from the Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.

The title of the ordinance was read.

Public Comment Opened:
2:36 p.m.

Speakers:

- Staff: City Attorney Stephen Wiley.
- Members of the Public: Tony Vassallo, Bonnie Raisin, JoAnna LaForce; Tim Cooney, Patrick Fourmy, Heather Poet.

Public Comment Closed:
2:50 p.m.

Motion:

Councilmembers House/Francisco to approve the recommendation.

Vote:

Unanimous voice vote.

MAYOR AND COUNCIL REPORTS

24. Subject: Advisory Groups Updates And Council Liaisons (140.07)

Recommendation: That Council consider the appointment of Liaisons to Advisory Boards and Commissions.

Documents:

January 26, 2010, report from the City Administrator.

Motion:

Councilmembers House/Francisco to make the following appointments of Liaisons/Members to Advisory Groups, Council Committees, City-Related Agencies, and Regional Agencies:

Vote:

Unanimous voice vote.

Advisory Groups

Airport Commission	House; Alternate: Hotchkiss (incl. Airport Noise Abatement Committee)
Architectural Board of Review	Francisco; Alternate: House
Arts Advisory Committee	Hotchkiss
Building and Fire Code Board of Appeals	House
Civil Service Commissioners, Board of	House
Community Development and Human Services Committee	Hotchkiss
Community Events and Festivals Committee	House
Creeks Advisory Committee	Self; Alternate: Williams
Downtown Parking Committee	House; Alternate: Self
Fire and Police Commissioners, Board of	White; Alternate: Self
Fire and Police Pension Commissioners, Board of	Williams
Franklin Center Advisory Committee	White
Harbor Commissioners, Board of	Hotchkiss
Historic Landmarks Commission	Self
Housing Authority Commission	Self
Library Board	Francisco
Lower Westside Neighborhood Advisory Committee	Hotchkiss
Parks and Recreation Commission	Self; Alternate: Williams
Planning Commission	White
Rental Housing Mediation Task Force	Francisco
Santa Barbara Sister Cities Board	Schneider
Sign Committee	Self
Single Family Design Board	Francisco; Alternate: House
Transportation and Circulation Committee	Self; Alternate: House
Water Commissioners, Board of	White
Westside Neighborhood Advisory Committee	Hotchkiss
Youth Council	Williams

(Cont'd)

24. (Cont'd)

Council Committees

Committee for Neighborhood Adv. Comm. Interviews Hotchkiss, House, White
 Committee on Legislation House, White, Williams
 Commuter Rail Exploration Francisco, House, Schneider
 Lower Mission Creek Design Subcommittee Schneider; Alternate: White
 Sustainability Council Committee Schneider, Self, Williams; Alternate: White

City-Related Agencies

Coast Village Road Merchants Association House
 Conference and Visitors Bureau Hotchkiss
 Downtown Organization House; Alternate: White
 Fighting Back Steering Committee Williams
 Greater Santa Barbara Lodging Association House; Alternate: Williams
 Looking Good Santa Barbara Committee House
 Presidio Joint Powers Committee Francisco
 Santa Barbara Beautiful Williams
 Santa Barbara Film Commission Williams
 Santa Barbara Metropolitan Transit District Board Self; Alternate: House

Regional Agencies

Beach Erosion Authority for Control Operations and Nourishment House
 Cachuma Conservation Release Board Williams; Alternate: Francisco
 Cachuma Operation & Maintenance Board Williams; Alternate: Francisco
 Central Coast Water Authority Francisco; Alternate: Williams
 City/County Affordable Housing Task Group Francisco, Schneider
 City/County Solid Waste Task Group Schneider, Williams; Alternate: White
 Community Action Commission House (rep. by Comm. Dev. Staff)
 Governing Board of Ten-Year Plan Process to End Chronic Homelessness Schneider
 Los Angeles-San Diego Rail Corridor Agency (LOSSAN) Alternate: Schneider
 (appointment made by Santa Barbara Co. Assn. of Govts.)
 Santa Barbara Co. Air Pollution Control Dist. Board Schneider; Alternate: Williams
 South Coast Gang Task Force Leadership Council Schneider; Alternate: Francisco
 South Coast Homeless Advisory Committee of Santa Barbara County Schneider

The following boards/committees were removed from the list:

- Franceschi Park Advisory Committee
- City Advisory Group Subcommittee
- Committee on Homeless Issues and Community Relations
- Committee on Youth and Children
- Housing Policy Steering Committee
- Old Town Bar and Restaurant Committee
- Plan Santa Barbara Outreach Committee
- Plaza De La Guerra Infrastructure Improvements Subcommittee
- Solid Waste Subcommittee
- Streetlight Guidelines Advisory Group
- Transportation Subcommittee

(Cont'd)

24. (Cont'd)

The following boards/committees were removed from the list:

Center for the Performing Arts
 Elings Park Foundation
 Parks and Recreation Community (PARC) Foundation
 Santa Barbara School District Property Task Group
 City/County Parks and Recreation Task Group
 Santa Barbara County First 5 Commission Advisory Board

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White mentioned his attendance at a training sponsored by the League of California Cities; an item of discussion was the League's proposed initiative to protect local government funds.
- Councilmember Francisco reported on his attendance at a special meeting of the Central Coast Water Authority to discuss a proposal by the County of Santa Barbara to claim suspended State Water Project rights.
- Councilmember Williams spoke about the prospective bond issue by the Cachuma Operation and Maintenance Board.
- Mayor Schneider reported on a decision by the Santa Barbara County Association of Governments to seek federal funding for a regional project to expand Highway 101.

RECESS

The Mayor recessed the meeting at 3:25 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 25 and stated there would be no reportable action taken during the closed session.

CLOSED SESSIONS

25. 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. The pending litigation is Wayne Wilcox v. City of Santa Barbara, SBSC Case Number 1306126.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

January 26, 2010, report from the City Attorney.

Time:

3:30 p.m. - 3:50 p.m.

(Cont'd)

24. (Cont'd)

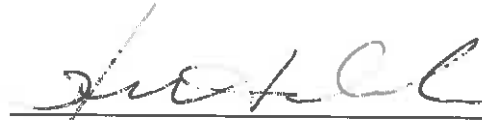
No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:50 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



HELENE SCHNEIDER
MAYOR

ATTEST:



SUSAN TSCHECH, CMC
DEPUTY CITY CLERK