

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES
Regular Meeting of October 22, 2015
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Mayor Holly Sierra called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Council Members Dan Baumann, John Connolly Leo Elovitz, Vice Mayor Ed Andrisek, and Mayor Holly Sierra

Staff: City Manager Marc Bierdzinski, City Attorney Steve McEwen, Finance Director Carolyn Galloway-Cooper, Station Commander Lt. Shawn O'Grady, Public Works Director Rose Hess, and City Clerk Linda Reid

REORDERING OF AGENDA

None

PUBLIC COMMENTS

Mary Conway, representing the Santa Ynez Valley Youth Coalition, stated that National Red Ribbon Week starts on October 23 and thanked the Council for their support.

Lew Adkins, Buellton, discussed the vehicle opening next to Albertsons and stated that the pavement is being damaged by vehicles due to the slope.

Mike Dana, Buellton, stated he's concerned about the direction the City is headed.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors Bureau announced several upcoming events in Buellton.

CONSENT CALENDAR

1. **Minutes of October 8, 2015 Regular City Council Meeting**
2. **List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2015-16**
3. **Revenue and Expenditure Reports through September 30, 2015**
4. **Financial Report for First Quarter Ending September 30, 2015**
5. **Acceptance and Filing of Stormwater Management Program Annual Report**
6. **Filing of an Amended 2015-16 Claim with the Santa Barbara County Association of Governments (SBCAG) for State Transit Assistance (STA) Fund 2014-15 Apportionments**

MOTION:

Motion by Vice Mayor Andrisek, seconded by Council Member Elovitz, approving Consent Calendar Items 1 through 6 as listed.

VOTE:

Motion passed by a roll call vote of 5-0.

Council Member Baumann – Yes

Council Member Connolly – Yes

Council Member Elovitz – Yes

Vice Mayor Andrisek – Yes

Mayor Sierra – Yes

7. **City Manager Approval of Amplified Music at Events on Private Property**

The City Council discussed City Manager approval of amplified events and clarified that all new events will be brought before the Council for public comment and approval.

MOTION:

Motion by Mayor Sierra, seconded by Council Member Baumann, approving Consent Calendar Item 7 as listed.

VOTE:

Motion passed by a voice vote of 5-0.

Council Member Baumann – Yes

Council Member Connolly – Yes

Council Member Elovitz – Yes

Vice Mayor Andrisek – Yes

Mayor Sierra – Yes

PRESENTATIONS

8. Proclamation Honoring Friends of the Library Week

Mayor Sierra presented a proclamation to Judith Dale honoring Friends of the Library Week and thanked the Friends of the Buellton Library for their support. Judith Dale thanked the Council and staff for supporting the library.

PUBLIC HEARINGS

9. Ordinance No. 15-02 – “An Ordinance of the City Council of the City of Buellton, California, Revising Title 19 (Zoning) of the Buellton Municipal Code (15-ZOA-01) by Adding Regulations Regarding a Definition of a Fast Food Restaurant and Locational Restrictions for Fast Food Restaurants” (Introduction and First Reading – Continued from September 10, 2015)

STAFF REPORT:

City Manager Bierdzinski requested a continuance of this item to the Council meeting of December 10, 2015, so that staff can review the letter from Susan Petrovich dated October 20, 2015.

SPEAKERS/DISCUSSION:

Susan Petrovich, representing Dr. Buell, provided information as to why the Council should not approve Ordinance No. 15-02.

Pete Robertson, Santa Ynez, spoke against the approval of Ordinance No. 15-02.

Kathy Vreeland, Buellton, spoke against the approval of Ordinance No. 15-02.

Peggy Brierton, Buellton, spoke in support of Ordinance No. 15-02.

MOTION:

Motion by Vice Mayor Andrisek, seconded by Council Member Elovitz continuing the Public Hearing regarding this item to the Council meeting of December 10, 2015.

VOTE:

Motion passed by a roll call vote of 5-0.

Council Member Baumann - Yes

Council Member Connolly - Yes

Council Member Elovitz - Yes

Vice Mayor Andrisek - Yes

Mayor Sierra - Yes

COUNCIL MEMBER COMMENTS/ITEMS

Council Member Elovitz thanked staff for presenting the Avenue of Flags workshop and said it was a major step towards redefining the Avenue of Flags.

Vice Mayor Andrisek stated he would like to see how a smaller city would revitalize its downtown area.

Council Member Baumann stated the presentation was well done and inspired conversation about what to do with the Avenue of Flags.

Mayor Sierra stated the Avenue of Flags presentation was good and she liked the suggested uses for the medians.

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

Vice Mayor Andrisek announced that he attended the Central Coast Water Authority (CCWA) Board Meeting and provided an oral report regarding the meeting.

Mayor Sierra announced that she attended the board meetings for Santa Barbara County Association of Governments (SBCAG) and Air Pollution Control District (APCD) and provided oral reports regarding the meetings.

Mayor Sierra announced that she attended a meeting of the Central Coast Collaborative on Homelessness and provided an oral report regarding the meeting.

BUSINESS ITEMS

10. Highway 246 Sidewalk Project - Consideration of Approval of Caltrans Cooperative Agreement

RECOMMENDATION:

That the City Council authorize the City Manager to execute the Caltrans Cooperative Agreement.

STAFF REPORT:

Public Works Director Hess presented the staff report.

DOCUMENTS:

Staff Report with attachments as listed in the staff report.

SPEAKERS/DISCUSSION:

Kathy DiGrazia, representing Caltrans, discussed the proposed sidewalk project and construction timing. She stated the project is on schedule for award of contract by October 2016.

Lew Adkins, Buellton, asked whether the north side handicap improvements have been included in the project. Ms. DiGrazia confirmed the north side improvements are included in the plans.

MOTION:

Motion by Council Member Elovitz, seconded by Vice Mayor Andrisek, authorizing the City Manager and City Attorney to execute the Caltrans Cooperative Agreement.

VOTE:

Motion passed by a roll call vote of 5-0.

Council Member Baumann - Yes

Council Member Connolly - Yes

Council Member Elovitz - Yes

Vice Mayor Andrisek - Yes

Mayor Sierra – Yes

11. Approval of Internet Services to Support Live Video Streaming of Council Meetings**RECOMMENDATION:**

That the City Council authorize the installation of internet service for the Council Chambers and bring back a budget adjustment at the mid-year budget review.

STAFF REPORT:

Public Works Director Hess presented the staff report.

DISCUSSION:

The City Council discussed the following issues:

- Why the Blackgold internet service was not available for City use
- Benefit of internet service in the Council Chambers
- Staff will explore wireless hotspots in the future

MOTION:

Motion by Council Member Elovitz, seconded by Vice Mayor Andrisek, authorizing the installation of internet service for the Council Chambers and bring back a budget adjustment at the mid-year budget review.

VOTE:

Motion passed by a roll call vote of 5-0.

Council Member Baumann - Yes

Council Member Connolly - Yes

Council Member Elovitz - Yes

Vice Mayor Andrisek - Yes

Mayor Sierra – Yes

12. Medical Marijuana Update and Discussion**RECOMMENDATION:**

That the City Council discuss the new medical marijuana legislation and provide direction to City staff and the City Attorney on the need for revising the City's existing medical marijuana ordinance.

STAFF REPORT:

City Attorney McEwen presented the staff report.

DOCUMENTS:

Staff Report with attachments as listed in the staff report.

SPEAKERS/DISCUSSION:

Mary Conway, representing the Santa Ynez Valley Youth Coalition, discussed the ease of accessing medical marijuana and asked the Council to be proactive in restricting availability to the drug in order to protect children.

The City Council discussed the following issues:

- How the new legislation pertains to a certain strain of marijuana that contains lower levels of THC which helps children who suffer from seizures
- Adding mobile delivery prohibition to the ordinance

DIRECTION:

The City Council agreed by consensus to direct staff to work with City Attorney McEwen to revise the City's medical marijuana ordinance to be compliant with current legislation and include a prohibition of mobile deliveries.

13. **Resolution No. 15-28 – “A Resolution of the City Council of the City of Buellton, California, Approving the Quitclaim of Certain Portions of Excess Street Right-of-Way Easement West of Industrial Way and Located on the Properties of Assessor’s Parcel Numbers (APN) 099-820-011 and 099-820-012 and Accepting the New Street Right-of-Way Easement Located on the Properties of APN 099-820-011 and 099-820-012”**

CONFLICT OF INTEREST:

Vice Mayor Andrisek announced that he has a conflict with Item 13 due to the proximity of his residence and left the dais at 7:21 p.m.

RECOMMENDATION:

That the City Council approve Resolution No. 15-28.

STAFF REPORT:

Public Works Director Hess presented the staff report.

DOCUMENTS:

Staff Report with attachments as listed in the staff report.

MOTION:

Motion by Council Member Connolly, seconded by Council Member Elovitz approving Resolution No. 15-28 – “A Resolution of the City Council of the City of Buellton, California, Approving the Quitclaim of Certain Portions of Excess Street Right-of-Way Easement West of Industrial Way and Located on the Properties of Assessor’s Parcel Numbers (APN) 099-820-011 and 099-820-012 and Accepting the New Street Right-of-Way Easement Located on the Properties of APN 099-820-011 and 099-820-012”

VOTE:

Motion passed by a roll call vote of 4-0.
Council Member Baumann – Yes
Council Member Connolly – Yes
Council Member Elovitz – Yes
Mayor Sierra – Yes

Vice Mayor Andrisek returned to the dais at 7:40 p.m.

CITY MANAGER’S REPORT

City Manager Bierdzinski provided an informational report to the City Council.

CLOSED SESSION ITEMS

- 14. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(a))
City of Buellton, et al. v. Michael Cohen, as Director, etc.; California Court of
Appeal Case No. C076121**

The City Council met in closed session to discuss existing litigation. No reportable action was taken.

- 15. Closed Session - California Government Code Section 54957 regarding: PUBLIC
EMPLOYEE PERFORMANCE EVALUATION (SIX MONTH REVIEW)
Title: City Manager**

The City Council met in closed session to discuss the City Manager’s performance evaluation. No reportable action was taken.

ADJOURNMENT

Mayor Sierra adjourned the regular meeting at 9:50 p.m. The next regular meeting of the City Council will be held on Thursday, November 12, 2015 at 6:00 p.m.

Holly Sierra
Mayor

ATTEST:

Linda Reid
City Clerk