



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
SEPTEMBER 20, 2022
COUNCIL CHAMBERS; MAYOR/COUNCIL OFFICE, CITY HALL,
735 ANACAPA STREET; AND
1030 CACIQUE STREET**

CALL TO ORDER

Mayor Randy Rowse called the meeting to order at 2:01 p.m. (The Finance Committee and Ordinance Committee, which normally meet at 12:30 p.m., did not meet on this day).

PLEDGE OF ALLEGIANCE

Mayor Rowse.

ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez (2:04 p.m), Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Rowse.

Councilmembers absent: None.

Staff present: City Administrator Rebecca Bjork, Acting City Attorney Sarah Knecht, City Clerk Services Manager Sarah Gorman.

REPORT FROM CLOSED SESSION

Acting City Attorney Sarah Knecht reported that the Council by unanimous vote (of all Councilmembers) authorized the City Attorney to initiate a litigation and retain outside counsel once the action's been commenced. The details of the action will be disclosed to any party upon inquiry.

CHANGES TO THE AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

Members of the Public: Gabriel Sarmiento;

RECESS

2:06 PM – 2:09 PM

Mark Marshall Wofford; Scott Wenz;

RECESS

2:11 PM – 2:21 PM

Rick Closson; Michael Holliday; Arie Dejong; Nick Koonce.

CONSENT CALENDAR (Item Nos. 1 – 10)

The titles of the Resolutions and Ordinances were read.

Motion:

Councilmembers Friedman/Jordan to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive reading and approve the minutes of the regular meetings of August 16, 2022; August 23, 2022; August 30, 2022; and the special meeting of August 16, 2022.

Action: Approved the recommendation.

2. Subject: Waterfront Department Lease Agreement with the Regents of the University of California for Dock Space in the Harbor [Ordinance Adoption] (330.04)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Execute a Five Year Lease Agreement with One, Five-Year Option with the Regents of the University of California, for 5,563 Square Feet of Water Area Located at 139 Cabrillo Boulevard, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation; Ordinance No. 6082; Agreement No. 28,192.

3. Subject: Twelve Year Extension of Cogeneration Agreement [Ordinance Introduction; Agreement] (630.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving an Amended and Restated Power Purchase and License Agreement for the Cogeneration Plant at the El Estero Water Resource Center Between the City and California Power Partners.

Action: Approved the recommendation; Proposed Ordinance; (September 20, 2022 Council Agenda Report and any attachments).

4. Subject: Loan to Housing Authority for \$940,000 for Acquisition of Property Located at 602 and 619 Kentia Avenue to Preserve Affordable Housing Units [Ordinance Introduction; Resolution] (660.04)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Loan Agreement to the Housing Authority of the City of Santa Barbara in the Amount of \$940,000 to be Secured by a Deed of Trust for the Acquisition of Property Located at 602 and 619 Kentia Avenue, and the Affordability Control Covenant Imposed on Real Property, and Authorize the Community Development Director to Execute Such Agreements and Related Documents, as Necessary; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution No. 22-059, Adopting the Budget for Fiscal Year 2023, to Approve an Increase in Fiscal Year 2023 Expenditure Appropriations in the City Affordable Housing Fund in the Amount of \$940,000 from Available Reserve Funds to Fund the Requested Property Acquisition Loan.

Action: Approved the recommendation; Proposed Ordinance; Resolution No. 22-095 (September 20, 2022 Council Agenda Report and any attachments).

5. Subject: A Resolution Approving a Citywide Publicly Available Pay Schedule in Accordance with California Code of Regulations, Title 2, Section 570.5 [Resolution]

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Approving a Citywide Publicly Available Pay

Schedule in Accordance with California Code of Regulations, Title 2, Section 570.5.

Action: Approved the recommendation; Resolution No. 22-096; (September 20, 2022 Council Agenda Report and any attachments).

6. Subject: Authorization to Use Donations from the Santa Barbara Police Foundation for Police Department E-Bikes and SWAT Team Equipment and Training [Resolution]

Recommendation: That Council:

- A. Accept two donations from the Santa Barbara Police Foundation with a value of \$43,877 to purchase equipment for the Special Weapons and Tactics (SWAT) team and purchase electric bicycles for the Street Crimes Unit (SCU); and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution No. 22-059, Adopting the Budget for Fiscal Year 2023, to accept a gift of \$43,877 from the Santa Barbara Police Foundation for exclusive use and benefit of the Santa Barbara Police Department.

Action: Approved the recommendation; Resolution No. 22-097; (September 20, 2022 Council Agenda Report and any attachments).

7. Subject: Approval of Agreement with Southern California Edison for Resource Adequacy Allocation on Behalf of Santa Barbara Clean Energy [Resolution] (630.02)

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a Master Agreement and Transaction Confirmation with Southern California Edison for an Allocation of Resource Adequacy Attributes for Santa Barbara Clean Energy.

Action: Approved the recommendation; Resolution No. 22-098; (September 20, 2022 Council Agenda Report and any attachments).

8. Subject: Santa Barbara Clean Energy 2021 Power Content Label Attestation (630.02)

Recommendation: That Council approve the attached attestations specified under California's Power Source Disclosure (PSD) Program, which requires the

governing Council of a public agency providing retail electric service to endorse the accuracy of each annual report and power content label for the previous year, as submitted to the California Energy Commission (CEC).

Action: Approved the recommendation; (September 20, 2022 Council Agenda Report and any attachments).

9. Subject: Agreement for Armored Courier Services for Fiscal Year 2023 [Agreement] (210.01)

Recommendation: That Council authorize the Finance Director to renew the agreement for Fiscal Year 2023 with Garda World in an amount not to exceed \$50,000 for armored courier services.

Action: Approved the recommendation; Agreement No. 28,193 (September 20, 2022 Council Agenda Report and any attachments).

10. Subject: Fiscal Year 2023 Interim Financial Statements for the One Month Ended July 31, 2022 (250.02)

Recommendation: That Council accept the Fiscal Year 2023 Interim Financial Statements for the one month ended July 31, 2022.

Action: Approved the recommendation; (September 20, 2022 Council Agenda Report and any attachments).

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

11. Subject: State Street Interim Operations Update

Recommendation: That Council:

- A. Receive a report on State Street Interim Operations since June 28, 2022;
- B. Approve revisions to specific design guidelines for in-street outdoor business facilities on the State Street Promenade and the 400 and 1300 blocks of State Street changing certain design guidelines to design requirements, becoming effective December 1, 2022;
- C. Direct City staff to pursue a fee structure for use of public right-of-way space for in-street outdoor business facilities on the State Street Promenade and the 400 and 1300 blocks of State Street;

- D. Direct staff regarding if and when parades should be allowed on State Street; and
- E. Direct staff regarding if and when State Street Promenade businesses and businesses on the 400 and 1300 blocks of State Street with in-street outdoor business facilities shall be required to be portable.

RECESS

4:17 PM – 4:30 PM

Speakers:

- Staff: Public Works Downtown Manager Brian Bosse; Downtown Plaza Parking Sarah Clark; State Street Master Planner Tess Harris; Public Works Director Cliff Maurer; Assistant City Attorney Dan Hentschke; Police Department Commander Marylinda Arroyo; Fire Chief Chris Mailes.
- Members of the Public: Scott Wenz; Kristen Miller; Kathy Janega-Dykes; Bob Stout; Richard Yates; David Bolton; W. Scott Burns; Rick Closson; Robin Elander; Jim Knell; Anna Marie Gott; Patrick Casey; Dan Baham; James Marston; Will Marston; Karen Luckett.

Discussion:

- Discussion topics included design requirements, fee structures, parades on State Street, portability of parklets, and deadlines for changes. Councilmembers' questions were answered.

Motion:

Councilmembers Friedman/Harmon to send the fee structure to the Finance Committee with the fee structure to be implemented no later than February 1.

Vote:

Unanimous roll call vote.

Motion:

Councilmembers Sneddon/Jordan to adopt the State Street proposed design requirements as presented by staff; to recommend that parades be off State Street in the interim period until at least the State Street master plan is conceived; and have the Ad Hoc committee available as needed; to have the deadline for stormflow compliance of December 1, and a deadline of February 1 for other issues.

Vote:

Majority roll call vote (Noes: Mayor Rowse, Councilmember Friedman).

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

CLOSED SESSIONS

12. Subject: Conference with City Attorney – Existing Litigation – Gov. Code §54956.9(d)(1) (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is Jay Benson v. City of Santa Barbara, WCAB Case #: ADJ10142180, ADJ12260136.

Scheduling: Duration 10 mins; anytime

Report: None anticipated

Document:

- September 20, 2022 report from the Assistant City Attorney

Time:

- 6:37 p.m. – 6:40 p.m.

No report made.

13. Subject: Conference with City Attorney – Existing Litigation – Gov. Code §54956.9(d)(1) (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is Aaron Tudor v. City of Santa Barbara
WCAB Case #: ADJ11616713, ADJ13226809, ADJ13664788, ADJ10165202.

Scheduling: Duration 10 mins; anytime

Report: None anticipated

Document:

- September 20, 2022 report from the Assistant City Attorney

Time:
- 6:40 p.m. – 6:42 p.m.

No report made.

14. Subject: Conference with City Attorney – Existing Litigation – Gov. Code §54956.9(d)(1) (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is Jeffrey Deforest v. City of Santa Barbara WCAB Case #: ADJ9873609, ADJ9255696, ADJ10816773, ADJ12598871, ADJ11164935.

Scheduling: Duration 10 mins; anytime

Report: None anticipated

Document:
- September 20, 2022 report from the Assistant City Attorney

Time:
- 6:42 p.m. – 6: 45 p.m.

No report made.

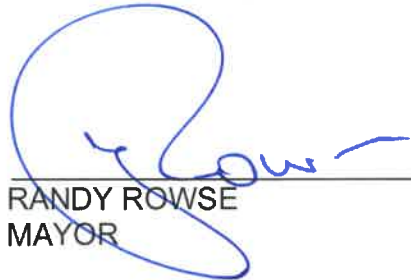
ADJOURNMENT

Mayor Rowse adjourned the meeting at 6:45 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on October 11, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



RANDY ROWSE
MAYOR

ATTEST:



SARAH GORMAN
CITY CLERK SERVICES MANAGER