



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
APRIL 25, 2023**

**COUNCIL CHAMBERS AND MAYOR/COUNCIL OFFICE, CITY HALL 735
ANACAPA STREET**

CALL TO ORDER

Mayor Randy Rowse called the meeting to order at 2:00 p.m. (The Ordinance Committee met at 12:00 p.m. The Finance Committee, which normally meets at 12:00 p.m., did not meet on this day).

PLEDGE OF ALLEGIANCE

Mayor Rowse.

ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez (2:02 p.m.), Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Randy Rowse.

Councilmembers absent: None.

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

CEREMONIAL ITEMS

1. Subject: Arbor Day (120.04)

Action: Mayor Rowse delivered a proclamation to Kerry Methner, who accepted the proclamation and made a brief statement.

2. Subject: National Library Week (120.04)

Action: Mayor Rowse delivered a proclamation to Margaret Crocco and Jim Jackson, who accepted the proclamation and made a brief statement.

CHANGES TO THE AGENDA

CONSENT CALENDAR (Items 3 – 13)

The titles of the Resolutions and Ordinances were read.

Motion:

Councilmembers Friedman/A. Gutierrez to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

3. Subject: Authorize Execution of the Clean Water State Revolving Fund Installment Sale Agreement for the El Estero Electrical Distribution Renewal Project [Ordinance Adoption; Agreement] (540.01)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara authorizing the Execution of the Installment Sale Agreement with the State Water Resources Control Board for the El Estero Water Resource Center Electrical Distribution Renewal Project (Project No. 8508-110).

Action: Approved the recommendation; Ordinance No. 6111; Agreement No. 28,334 (April 25, 2023 Council Agenda Report and any attachments).

4. Subject: Acceptance of Three Bottle Filling Stations and Costs of Installation from the El Gato Channel Foundation for the Central and Eastside Libraries [Resolution] (570.04)

Recommendation: That Council:

- A. Accept the donation of three water bottle filling stations valued at \$4,997 from the El Gato Channel Foundation to the City of Santa Barbara, Library Department; 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, for Acceptance of a Donation in the Amount of \$21,580 from the El Gato Channel Foundation for the Installation of Three Water Bottle Filling Stations.

Action: Approved the recommendations; Resolution No. 23-046 (April 25, 2023 Council Agenda Report and any attachments).

5. Subject: Acceptance of California State Library Grant [Resolution] (570.04)

Recommendation: That Council:

- A. Accept a grant in the amount of \$21,935 from the California State Library for the support of Santa Barbara Public Library Lunch at the Library and Farm to Table children's and teen programing; 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, for Accepting a Grant in the Amount of \$21,935 Funded by the California State Library.

Action: Approved the recommendations; Resolution No. 23-047 (April 25, 2023 Council Agenda Report and any attachments).

6. Subject: Acceptance of California Adult Education Program Grant [Resolution] (570.04)

Recommendation: That Council:

- A. Accept a grant in the amount of \$132,075.45 from the California Adult Education Program for the support of Santa Barbara Public Library Adult Education programing; 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, for Acceptance of a Grant in the Amount of \$132,075.45 Funded by the California Adult Education Program.

Action: Approved the recommendations; Resolution No. 23-048 (April 25, 2023 Council Agenda Report and any attachments).

7. Subject: Acceptance of Grant Funds for Santa Barbara Airport Sea-Level Rise Adaptation Plan Phases B & C Funding [Resolution] (560.01)

Recommendation: That Council 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, for Acceptance of Two Grants from the California Coastal Commission, and to Appropriate Funds in the Amount of \$488,000 for Funding Phases B and C of Agreement No. 28,268 with Environmental Science Associates, for Preparation of the Santa Barbara Airport Sea-Level Rise Adaption Plan.

Action: Approved the recommendation; Resolution No. 23-049 (April 25, 2023 Council Agenda Report and any attachments).

8. Subject: March 31, 2023, Investment Report and March 31, 2023, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the March 31, 2023, Investment Report; and
- B. Accept the March 31, 2023, Fiscal Agent Report.

Action: Approved the recommendations (April 25, 2023 Council Agenda Report and any attachments).

9. Subject: Amendments to Increase On-Call Engineering Services Contracts for Five-Year Pre-Qualified Professional Engineering Firms for Water Resources Facilities Support [Agreement] (540.01)

Recommendation: That Council authorize the Public Works Director to execute First Amendments to seven City Professional Services Agreements for on-call engineering services for the Water Resources Division's water and wastewater facilities in the amount of \$350,000 each, for a total not-to-exceed expenditure authority of \$700,000 each.

Action: Approved the recommendations; Agreement Nos. 26,820.1; 26,818.1; 26,817.1; 26,813.1; 26,808.1; 26,806.1; 26,805.1 (April 25, 2023 Council Agenda Report and any attachments).

10. Subject: Geotechnical Engineering of the Taxiways M, J, and G Pavement Rehabilitation Project [Agreement] (560.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Earth Systems Pacific in the amount of \$80,764 for geotechnical engineering services of the Taxiways M, J, and G Pavement Rehabilitation Project, and authorize the Public Works Director to approve expenditures of up to \$8,076 for extra services of Earth Systems Pacific that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Agreement No. 28,335 (April 25, 2023 Council Agenda Report and any attachments).

11. Subject: Professional Service Agreements for Landfill Gas Monitoring at the Closed Las Positas Landfill [Agreement] (630.01)

Recommendation: That Council:

- A. Authorize the Sustainability and Resilience Director to execute a second amendment to the Professional Services Agreement No. 26376 for the

period expiring February 26, 2023 with Rincon Consultants, Inc. for the Monitoring and Reporting Program at the Closed Las Positas Landfill at Elings Park; and

- B. Authorize the Sustainability and Resilience Director to execute a new Professional Services Agreement for the term of May 1, 2023 through June 30, 2024 with Rincon Consultants, Inc for the Monitoring and Reporting Program at the Closed Las Positas Landfill at Elings Park.

Action: Approved the recommendations; Agreement Nos. 26,376.2; 28,337 (April 25, 2023 Council Agenda Report and any attachments).

12. Subject: Best Interest Waiver Purchases for Body Worn Cameras, Energy Weapons and Service Weapons (520.04)

Recommendation: That Council:

- A. Approve a Best Interest Waiver under Santa Barbara Municipal Code 4.52.070(L), authorizing the General Service Manager to issue a Purchase Order in the amount of \$736,031 for the lease of 135 body worn cameras from LensLock, Inc.;
- B. Approve a Best Interest Waiver under Santa Barbara Municipal Code 4.52.070(L), authorizing the General Service Manager to issue a Purchase Order in the amount of \$570,363 for the purchase of 110 Taser 10 less-lethal energy weapons from Axon, Enterprise Inc.; and
- C. Approve a Best Interest Waiver under Santa Barbara Municipal Code 4.52.070(L), authorizing the General Service Manager to issue a Purchase Order in the amount of \$220,000 for the purchase of 150 Glock LE 45 9mm service pistols from ProForce Law Enforcement.

Action: Approved the recommendations (April 25, 2023 Council Agenda Report and any attachments).

CONSENT PUBLIC HEARING

13. Subject: Appeal of Planning Commission's Approval of a Coastal Development Permit at 2315 Edgewater Way (640.07)

Recommendation: That Council continue the Appeal of the Planning Commission's Approval of a Coastal Development Permit at 2315 Edgewater Way to May 23, 2023.

Public hearing opened: 2:06 p.m.

Public hearing closed: 2:10 p.m.

Documents:

- April 25, 2023 Council Agenda Report and any attachments.

Public comment opened at 2:06 p.m. – 2:10 p.m.

Action: Approved the recommendation (April 25, 2023 Council Agenda Report and any attachments).

This concluded the Consent Calendar.

PUBLIC COMMENT

Members of the Public: Penny; Joni Goode; Aron Ashland; E. Howard Green.

PULLED CONSENT ITEMS

None.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair O. Gutierrez reported that the Committee voted to forward consideration of the ordinance regarding storage of personal property in public areas to the full Council for consideration.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Councilmember Friedman reported on their attendance or made the following comment(s): 1. PARC Foundation board meeting; 2. Legislative Committee meeting; 3. Airport Commission meeting; 4. Long Range Development Committee meeting.

Councilmember Sneddon reported on their attendance or made the following comment(s): 1. Water Commission meeting; 2. COMB meeting; 3. Riviera Association meeting; 4. Legislative Committee meeting.

Mayor Rowse reported on their attendance or made the following comment(s): 1. Attended City Leadership of Santa Barbara County meeting with City Administrator Bjork.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

14. Subject: Updated State Street Outdoor Business Facility Charge [Resolution] (530.04)

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Establishing Fees for Outdoor Business Facilities on the State Street Promenade and Adjoining Blocks.

Documents:

- April 25, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Acting Downtown Team Manager Sarah Clark; Parking Supervisor Meghan Salas; Assistant City Attorney Dan Hentschke.
- Members of the Public: Guido Oppizzi; Bob Stout; Richard Yates; John Nasser; Robin Elander; Miguel Avila; Vittoria Comin; Aron Ashland; Anna Marie Gott.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Sneddon/A. Gutierrez for a \$2.00 per square foot charge regardless of the construction of the facility.

Vote:

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

Motion:

Councilmembers A. Gutierrez/Harmon to adopt the following resolution in full: "A Resolution of the Council of the City of Santa Barbara Establishing Fees for Outdoor Business Facilities on the State Street Promenade and Adjoining Blocks. Be it resolved by the City of Santa Barbara as follows: Section 1. Fees for temporary outdoor business facilities within the State Street Promenade and the 400 and 1300 blocks of State Street as authorized under Ordinance No. 6055 and implementing guidelines, including any extension or replacement thereof, will be \$2.00 per square foot. Section 2. The resolution is effective upon adoption and will be operative for all facilities commencing May 1, 2023."

Vote:

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

RECESS

3:57 p.m. – 4:12 p.m.

CITY ATTORNEY

15. Subject: Short-Term Rental Enforcement Pilot Program [Resolution] (660.01)

Recommendation: That Council 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 Appropriate Funds for the Development of a Short-Term Rental Enforcement Pilot Program Directed by the City Attorney's Office and the Finance Department.

Documents:

- April 25, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: City Attorney Sarah Knecht; City Attorney Investigator William Alva; Assistant City Prosecutor Denny Wei; Assistant City Finance Director Lyndsay Maas.
- Members of the Public: Brent, Andrew Spencer; Lee Heller; Richard Lloyd; Anna Marie Gott.

Mayor Rowse was excused at 5:05 p.m.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmember Sneddon/Harmon to approve the recommended action.

Vote:

Unanimous roll call vote (Absent: Mayor Rowse).

CITY ADMINISTRATOR

16. Subject: Appeal of the Fire and Police Commission's Denial of a Taxicab Driver's Permit for Ryan Wabnitz (520.01)

Recommendation: That Council consider the appeal of Ryan Wabnitz of the Fire and Police Commission's denial of a Taxicab Driver's Permit.

Documents:

- April 25, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared and made by staff.

Public hearing opened: at 5:30 p.m.

No ex parte disclosures were made.

Speakers:

- Staff: Senior Assistant to the City Administrator Barbara Andersen; Assistant City Attorney John Doimas; Police Technician Jocelyn Martinez.
- Applicant/Appellant: Ryan Wabnitz
- Members of the Public: None.

Discussion:

- Councilmembers' questions were answered.

Public hearing closed: at 5:50 p.m.

Motion:

Councilmember Sneddon/O. Gutierrez to uphold the denial of the permit by the Fire and Police Commission because the conviction of assault meets the requirements under SBMC section 5.29.190 in that it is less than three years old and that at least three years' time should elapse for public safety.

Vote:

Unanimous roll call vote (Absent: Mayor Rowse).

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER ENGAGEMENTS

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT

Mayor Pro Tem A. Gutierrez adjourned the meeting at 5:55 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on May 23, 2023.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



RANDY ROWSE
MAYOR

ATTEST:



SARAH GORMAN
CITY CLERK SERVICES MANAGER

