



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING  
JANUARY 31, 2023  
COUNCIL CHAMBERS, 735 ANACAPA STREET**

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## **CALL TO ORDER**

Mayor Randy Rowse called the meeting to order at 2:00 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, Oscar Gutierrez, Meagan Harmon (2:24 p.m.), Mike Jordan, Kristen W. Sneddon, Mayor Rowse.

Councilmembers absent: None.

Staff present: Assistant City Administrator René Eyerly, City Attorney Sarah Knecht, City Clerk Services Manager Sarah Gorman

## **CHANGES TO THE AGENDA**

## **PUBLIC COMMENT**

Members of the Public: Zabrina Tipton; Eplanet Thunderstriker; Tim Mahoney; Dave Hopkins; Concepcion Lehne; Aron Ashland.

## **CONSENT CALENDAR (Items 1 – 12)**

The titles of the Ordinances and Resolutions were read.

### **Motion:**

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

### **Vote:**

Unanimous roll call vote.

**1. Subject: Municipal Code Amendments Pertaining to the Santa Barbara Arts and Crafts Show [Ordinance Adoption] (570.06)**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Amending Chapter 15.08 Pertaining to the Santa Barbara Arts and Crafts Show.

Action: Approved the recommendation; Ordinance No. 6099.

**2. Subject: Authorize Execution of the Clean Water State Revolving Fund Installment Sale Agreement for the Braemar Lift Station Rehabilitation 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 Braemar Lift Station Rehabilitation Project (Project No. C-06-8602-110).

Action: Approved the recommendation; Ordinance No. 6100; Agreement No. 28,247.

**3. Subject: Amending and Updating the City's Water Efficient Landscape Standards for Water Conservation [Ordinance Introduction; Resolution] (540.05)**

Recommendation: That Council:

- A. Determine that the project is exempt from the California Environmental Quality Act under State CEQA Guidelines § 15307 (protection of natural resources);
- B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Repealing Chapter 22.80 and Amending Sections 14.23.005, 28.80.150, and 30.185.440 of the Santa Barbara Municipal Code Relating to Water Efficient Landscape Standards; and
- C. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending and Updating the City's Water Efficient Landscape Standards for Water Conservation.

Action: Approved the recommendations; Proposed Ordinance; Resolution No. 23-007 (January 31, 2023 Council Agenda Report and any attachments).

**4. Subject: Second Amendment to the Solar Photovoltaic Power Purchase Agreement at the Granada Garage [Ordinance Introduction; Agreement] (630.06)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Sustainability and Resilience Director to Execute a Second Amendment to the Power Purchase Agreement with SB Granada Garage Solar LLC to Increase the Energy Purchase Rates for the Renewable Energy System at the Granada Garage.

Action: Approved the recommendation; Proposed Ordinance; (January 31, 2023 Council Agenda Report and any attachments).

**5. Subject: Downtown Organization Annual Assessment Report for 2023 and Intention to Levy [Resolution] (550.1)**

Recommendation: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2023; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2023, at a Public Hearing to be Held on February 28, 2023, at 2:00 p.m.

Speakers:

- Members of the Public: Robin Elander

Action: Approved the recommendations; Resolution No. 23-008 (January 31, 2023 Council Agenda Report and any attachments).

**6. Subject: Acceptance of Donation for the Library on the Go Program [Resolution] (570.04)**

Recommendation: That Council:

- A. Accept a donation in the amount of \$25,000 from the Volentine Family Foundation for the Library on the Go Program; 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 of Revenue and Expenditure Appropriations in Fiscal Year 2023 in the Library Department Miscellaneous

Grants Fund Budget in the Amount of \$25,000 from the Volentine Family Foundation.

Action: Approved the recommendations; Resolution No. 23-009 (January 31, 2023 Council Agenda Report and any attachments).

**7. Subject: Termination of Local Emergency Declaration [Resolution] (520.02)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Terminating the Local Emergency Proclaimed by the Director of Emergency Services on January 9, 2023 and Ratified by the City Council on January 12, 2023.

Action: Approved the recommendation; Resolution No. 23-010 (January 31, 2023 Council Agenda Report and any attachments).

**8. Subject: December 31, 2022, Investment Report and December 31, 2022, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the December 31, 2022, Investment Report; and
- B. Accept the December 31, 2022, Fiscal Agent Report.

Action: Approved the recommendations; (January 31, 2023 Council Agenda Report and any attachments).

**9. Subject: Authorization to Amend the Legal Services Agreement with Liebert Cassidy Whitmore for Special Counsel Services [Agreement] (160.03)**

Recommendation: That Council authorize the City Administrator to execute an amended legal services agreement with Liebert Cassidy Whitmore to increase the not-to-exceed amount from \$35,000 to \$100,000 for special counsel services related to existing personnel matters.

Action: Approved the recommendation; Agreement No. 28,248 (January 31, 2023 Council Agenda Report and any attachments).

**10. Subject: First Amendment to Agreement for Labor Negotiations [Agreement] (440.03)**

Recommendation: That Council approve and authorize the Human Resources Director to execute an amendment to the Labor Relations agreement (Santa

Barbara Agreement #22300073) with the Law Firm of Liebert Cassidy Whitmore increasing the contract amount by \$23,000, for a total not to exceed \$46,000.

Action: Approved the recommendation; Agreement No. 28,249 (January 31, 2023 Council Agenda Report and any attachments).

**11. Subject: Approval of Addenda to Agreements with Tesla for Battery Energy Storage System at Cater Water Treatment Plant [Agreement] (630.06)**

Recommendation: That Council authorize the Sustainability and Resilience Director to execute an addendum to each of the two agreements with Tesla, Inc., for the Cater Water Treatment Plant battery energy storage systems assigning a portion of the project's allotted investment tax credit to Tesla, Inc. to cover increased project costs.

Action: Approved the recommendation; Agreement Nos. 26,865.1; 26,866.1 (January 31, 2023 Council Agenda Report and any attachments).

**12. Subject: Set a Date for Public Hearing Regarding Planning Commission's Approval of a Conditional Use Permit, Development Plan and Parking Modification for 621 W Micheltorena Street (640.07)**

Recommendation: That Council:

- A. Set the date of March 14, 2023, at 2:00 p.m. for hearing the appeal filed by Auto Fuels, Inc. of the Planning Commission's Approval of a Conditional Use Permit, Development Plan and Parking Modification; and
- B. Set the date of March 13, 2023, at 1:30 p.m. for a site visit to the property located at 621 W Micheltorena St.

Action: Approved the recommendations; (January 31, 2023 Council Agenda Report and any attachments).

This concluded the Consent Calendar.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**13. Subject: Zoning Ordinance Amendments for Accessory Dwelling Units [Ordinance Introduction] (640.09)**

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Amending Section 30.185.040, Pertaining to Regulations for Accessory Dwelling Units; and
- B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Amending Chapter 28.86, Pertaining to Regulations for Accessory Dwelling Units.

**Documents:**

- January 31, 2023 Council Agenda Report and any attachments

**Speakers:**

- Staff: Assistant Planner Jillian Ferguson; Principal Planner Daniel Gullett; Project Planner Brenda Beltz; Assistant City Attorney Tava Ostrenger; Fire Marshal Ryan DiGiulio; Community Director Eli Issacson.
- Members of the public: Conrad Metzenberg; Jenny Rocci; Steve Johnson; Lisa Burns; John Campanella; Cynthia Sanchez; Stacey Glasgow.

**Discussion:**

- Councilmembers' questions were answered. Assistant City Attorney Ostrenger proposed the following changes in response to Councilmember questions: 1. In Municipal Code section 28.86.090.E, include the text "The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this Section is ...", delete "16 feet", and replace with: "18 feet and one story, and may be an additional two feet in height if necessary to match the roof pitch and height of the primary residential unit; unless the lot is within the Foothill or Extreme Foothill High Fire Hazard Areas (Very High Fire Hazard Severity Zone) and not within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, in which case the special accessory dwelling unit is limited to 16 feet in height and one story." 2. In Municipal Code section 30.185.040.G.1.d, include the text "The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this Subsection is...", delete "16 feet", and replace with: "18 feet and one story, and may be an additional two feet in height if necessary to match the roof pitch and height of the primary residential unit; unless the lot is within the Foothill or Extreme Foothill High Fire Hazard Areas (Very High Fire Hazard Severity Zone) and not within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, in which case the special accessory dwelling unit is limited to 16 feet in height and one story."

**Motion:**

Councilmembers Sneddon/Jordan to approve the staff recommendation with the additional changes as narrated by Assistant City Attorney Ostrenger.

**Vote:**

Unanimous roll call vote.

**Motion:**

Councilmembers Jordan/Friedman to direct staff to be prepared at the upcoming retreat to discuss the format for a workshop relative to ADU production, and also address staff to take the 1000 square foot question through the review and approval process for intended adoption.

**Vote:**

Unanimous roll call vote.

**RECESS**

4:19 p.m. – 4:30 p.m.

**MAYOR AND COUNCIL REPORTS**

**14. Subject: Appointments to City Advisory Groups (140.05)**

**Recommendation:** That Council make appointments to various City Advisory Groups.

**Documents:**

- January 31, 2023 Council Agenda Report and any attachments

**Speakers:**

- Members of the Public: None.

Historic Landmarks Commission

**Motion:**

Councilmembers Friedman/Sneddon nominated Charles McClure.

**Vote:**

Unanimous vote by acclamation.

Charles McClure was appointed to the Historic Landmarks Commission as a licensed landscape architect; the term expires December 31, 2026.

Housing Authority

**Motion:**

Councilmembers Sneddon/O. Gutierrez nominated Lisandra Carlos.

**Vote:**

Unanimous vote by acclamation.

Lisandra Carlos was appointed to the Housing Authority; the term expires June 30, 2026.

Planning Commission

Motion:

Councilmembers Sneddon/Friedman nominated Donald DeLuccio.

Motion:

Mayor Rowse nominated Sara Wylder.

Votes for Commission member:

Councilmember Harmon: DeLuccio

Councilmember Friedman: DeLuccio

Councilmember O. Gutierrez: DeLuccio

Councilmember A. Gutierrez: DeLuccio

Councilmember Sneddon: DeLuccio

Councilmember Jordan: DeLuccio

Mayor Rowse: Wylder

Donald DeLuccio was appointed the Planning Commission; the term expires December 31, 2023.

**QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM**

**PUBLIC HEARING**

- 15. Subject: Appeal of the Parks and Recreation Commission's Action to Deny the Removal of the Norfolk Island Pine Located in the Front Yard Setback at 2131 Red Rose Way (570.08)**

Recommendation: That Council review all relevant information pertaining to the application for removal, the Street Tree Advisory Committee's recommendation, and the Parks and Recreation Commission's vote to deny the application, and determine if any findings pursuant to Santa Barbara Municipal Code 15.24.090 fit the circumstances of the request.

Public Hearing opened: 4:37 p.m.

No ex parte communications were disclosed.

Documents:

- January 31, 2023 Council Agenda Report and any attachments.
- PowerPoint prepared and presented by staff.

Speakers:

- Staff: Urban Forest Superintendent Nathan Slack
- Parks and Recreation Commission: Kathy McGill.
- Applicant: Allie Joyce.

Public Hearing closed: 5:14 p.m.

Motion:

Councilmember A. Gutierrez/Mayor Rowse to uphold the appeal and direct staff to prepare a Resolution with findings regarding the safety issues.

Vote:

Motion fails (Noes: Councilmembers Harmon, Friedman, O. Gutierrez, Sneddon, Jordan; Yes: Councilmember A. Gutierrez, Mayor Rowse)

Motion:

Councilmembers Friedman/Jordan to deny the appeal.

Vote:

Majority roll call vote (Noes: Councilmember A. Gutierrez and Mayor Rowse)

## **COUNCIL AND STAFF COMMUNICATIONS**

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Councilmember Friedman reported on their attendance or made the following comment(s): 1. Point in Time count; 2. Central Coast Water Authority meeting; 3. Visit SB tourism summit; 4. Coastal Commission Local Government Working Group.

Councilmember O. Gutierrez reported on their attendance or made the following comment(s): 1. Point in Time County with Councilmembers Friedman, Sneddon, and Mayor Rowse; 2. Access Advisory committee. 3. Visit Santa Barbara meeting with Councilmembers Jordan Friedman, Sneddon, and Mayor Rowse; 4. Fire and Police Commission meeting 5. SB Act meeting; 6. Youth Council; 7. Lunar New Year celebration.

Councilmember Sneddon reported on their attendance or made the following comment(s): 1. Joint cities and county Affordable housing Task Force; 2. Firesafe council board meeting.

**PUBLIC COMMENT (IF NECESSARY)**

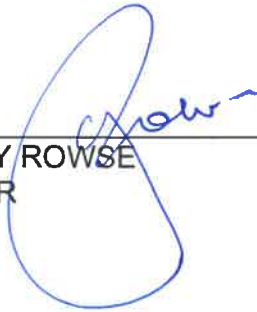
**ADJOURNMENT**

Mayor Rowse adjourned the meeting at 5:21 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on February 28, 2023.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

  
\_\_\_\_\_  
RANDY ROWSE  
MAYOR

ATTEST:

  
\_\_\_\_\_  
SARAH GORMAN  
CITY CLERK SERVICES MANAGER