



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING  
APRIL 11, 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 met at 12:00 p.m. The Ordinance 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), Oscar Gutierrez, Kristen W. Sneddon, Mayor Randy Rowse.

Councilmembers absent: Mike Jordan, Meagan Harmon.

Staff present: City Administrator Rebecca Bjork, City Attorney Sarah Knecht, Deputy City Clerk Yazmin Dominguez.

### **Motion:**

Councilmembers Friedman/O. Gutierrez to approve the remote participation of Councilmember Harmon.

### **Vote:**

Majority roll call vote (Absent: Jordan).

Councilmember Harmon was marked present at the meeting at 2:04 p.m.

## **CEREMONIAL ITEMS**

- 1. Subject: National Public Safety Telecommunicators Week April 9-15, 2023 (120.04)**

Action: Mayor Rowse delivered a proclamation to Chief Kelly Gordon who accepted the proclamation and made a brief statement.

**2. Subject: Animal Care and Control Appreciation Week April 9-15, 2023 (120.04)**

Action: Mayor Rowse delivered a proclamation to Chief Kelly Gordon who accepted the proclamation and made a brief statement.

**3. Subject: Employee Recognition – Service Award Pins (120.04)**

Action: City Administrator Bjork read the names of employees who received service award pins for their years of service.

**CHANGES TO THE AGENDA**

City Administrator Rebecca Bjork requested that the following item be removed from the agenda:

**7. Subject: Denying the Appeal and Upholding the Decision of the Planning Commission Regarding 621 West Micheltorena Street [Resolution] (640.07)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Planning Commission Granting Approval of a Conditional Use Permit, Development Plan and Parking Modification at 621 West Micheltorena Street.

**CONSENT CALENDAR (Items 1-6, 8, 11-19)**

The titles of the Resolutions and Ordinances were read.

Motion:

Councilmembers Friedman/ O. Gutierrez to approve the balance of the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Jordan).

**4. Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meeting of March 7, 2023, and the special meetings of February 28, 2023; March 6, 2023; March 7, 2023; March 13, 2023; March 21, 2023.

Action: Approved the recommendation.

**5. Subject: Corrected Section 17.20.005 of Title 17 of the Santa Barbara Municipal Code Pertaining to Replacement Vessels in the Santa Barbara Harbor [Ordinance Introduction] (570.03)**

Recommendation: That Council 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 17.20.005, by Adding Back in Subsections B3, B4, B5, and B6, That Were Left Out Due to a Clerical Error.

Action: Approved the recommendation; Proposed Ordinance (April 11, 2023 Council Agenda Report and any attachments).

**6. Subject: 2023-2025 Police Management Association Bargaining Unit Memorandum of Understanding and Amendment of Resolution No. 22-064, the Position and Salary Control Resolution for Fiscal Year 2023 [Ordinance Introduction; Resolution] (410.06)**

Recommendation: That Council:

- A. Ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association Bargaining Unit, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2023-2025 Memorandum of Understanding Between the City of Santa Barbara and the Police Management Association; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution No. 22-064, the Position and Salary Control Resolution for Fiscal Year 2023, Affecting the Salaries of Certain Classifications in the Police Management Association Effective April 8, 2023.

Action: Approved the recommendations; Proposed Ordinance; Resolution No. 23-035 (April 11, 2023 Council Agenda Report and any attachments).

**8. Subject: Allocation of the City's Share of Transportation Development Act Funds for Bicycle and Pedestrian Projects [Resolution] (150.03)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Claim with the Santa Barbara County Association of Governments for an Allocation of \$95,141 in Transportation Development Act Funds for Fiscal Year 2024.

Action: Approved the recommendation; Resolution No. 23-036 (April 11, 2023 Council Agenda Report and any attachments).

**11. Subject: Adoption of the Updated Hazard Mitigation Plan [Resolution] (150.04)**

Recommendation: That Council:

- A. Approve and adopt the revisions to the City's Local Hazard Mitigation Plan in accordance with the Disaster Mitigation Act 2000; and
- B. Adopt by reading of title only, a Resolution of the City Council of the City of Santa Barbara California Adopting the 2022 City of Santa Barbara Annex of the Santa Barbara County Multi-Jurisdiction Hazard Mitigation Plan.

Action: Approved the recommendations; Resolution No. 23-038 (April 11, 2023 Council Agenda Report and any attachments).

**12. Subject: Authorize the Execution of a Surety Bond to Meet the Financial Security Requirement for 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 Execution of a Surety Bond Not to Exceed \$25,000.00 to Meet Finance Security Requirement for Santa Barbara Clean Energy Community Choice Aggregation Program.

Action: Approved the recommendation; Resolution No. 23-039 (April 11, 2023 Council Agenda Report and any attachments).

**13. Subject: Grant Agreement with California Department of Parks and Recreation for the Ortega Park Revitalization Project [Resolution; Agreement] (570.08)**

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into a Grant Agreement between the City and the California Department of Parks and Recreation for the Ortega Park Revitalization Project; 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, Increasing Estimated Revenues and Appropriations in the Fiscal Year 2023 Parks and Recreation Capital Outlay Fund in the Amount of \$1,000,000.

Action: Approved the recommendations; Resolution No. 23-040 (April 11, 2023 Council Agenda Report and any attachments).

**14. Subject: February 2023 Investment Report (260.02)**

Recommendation: That Council accept the February 2023 Investment Report.

Action: Approved the recommendation.

**15. Subject: First Amendment to the Fiscal Year 2022-2023 Agreement for Operations of a County-Wide Library System [Agreement] (570.04)**

Recommendation: That Council approve and authorize the City Administrator to execute a First Amendment to the Fiscal Year 2022-2023 Agreement for Operation of a County-Wide Library System that increases funding for rent to the Orcutt County Branch Library.

Action: Approved the recommendation; Agreement No. 28,319 (April 11, 2023 Council Agenda Report and any attachments).

**16. Subject: Professional Services Agreement with The Segal Company (Western States), Inc. for Classification and Compensation Study Services [Agreement] (410.01)**

Recommendation: That Council authorize the Human Resources Director to execute a professional services agreement with The Segal Company (Western States), Inc., in the amount of \$390,000 for a Classification and Compensation survey and approval of expenditures up to \$60,000 for additional services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 28,320 (April 11, 2023 Council Agenda Report and any attachments).

**17. Subject: Authorize Execution of Soils Compaction Testing Services Contract for the Fiscal Year 2021B Water Main Replacement Project [Agreement] (540.06)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Pacific Materials Laboratory of Santa Barbara, Inc., in the amount of \$58,690 for soils compaction services for the Fiscal Year 2021B Water Main Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$5,870 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 28,321 (April 11, 2023 Council Agenda Report and any attachments).

**18. Subject: Lease Agreement with Sanctuary Centers of Santa Barbara, Inc. for Construction Staging at Spencer Adams Park [Agreement] (330.04)**

Recommendation: That Council authorize the Parks and Recreation Director to execute a lease agreement with Sanctuary Centers of Santa Barbara, Inc. for temporary use of 10,000 square feet of parking lot at Spencer Adams Park.

Action: Approved the recommendation; Agreement No. 28,322 (April 11, 2023 Council Agenda Report and any attachments).

**19. Subject: Approval of Sole Source Purchase of Public Trash and Recycling Containers (630.01)**

Recommendation: That Council:

- A. Waive compliance with the formal bidding procedure pursuant to Santa Barbara Municipal Code section 4.52.070(K) and authorize the sole source purchase of two custom styles of public containers from Wausau Tile for a period of five years;
- B. Waive compliance with the formal bidding procedure pursuant to Santa Barbara Municipal Code section 4.52.070(K) and authorize the sole source purchase of a custom style of public containers from Forms & Surfaces for a period of five years;
- C. Authorize five consecutive yearly purchase orders with Wausau Tile to provide custom style public containers for an annual amount not to exceed \$100,000; and
- D. Authorize five consecutive yearly purchase orders with Forms & Surfaces to provide custom style public containers for an annual amount not to exceed \$100,000.

Action: Approved the recommendation.

This concluded the Consent Calendar.

**PUBLIC COMMENT**

Members of the Public: Dan Villano; Aron Ashland.

**PULLED CONSENT ITEMS (9-10)**

Speakers:

- Members of the Public: Bob Stout; Matt Olufs; Guido Oppizzi; Richard Yates; Lee Cushman.

**9. Subject: Adoption of Council Approved 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 11, 2023 Council Agenda Report and any attachments.

Speakers:

- Staff: Downtown Plaza Parking Manger Sarah Clark; Parking Supervisor Meghan Salas.

Discussion:

- Councilmembers' questions were answered.

Motion

Councilmembers Harmon/Sneddon to continue item 9 to April 25<sup>th</sup> Council Meeting on the administrative agenda.

Vote:

Majority roll call vote (Noes: Mayor Rowse; Absent: Councilmember Jordan).

**10. Subject: Award Construction Contract and Authorize Execution of Professional Services Contracts for the Braemar Wastewater Lift Station Rehabilitation Project [Resolution; Agreement] (540.13)**

Recommendation: That Council:

- A. Confirm the CEQA notice of exemption issued by the Public Works Director and award a contract with Cushman Contracting Corporation, in their low bid amount of \$6,479,626 for construction of the Braemar Wastewater Lift Station Rehabilitation Project, Bid No. 3932; and authorize the Public Works Director to execute the contract and approve expenditures up to \$648,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- B. Authorize the Public Works Director to execute a contract with DCME, Inc. in the amount of \$648,560 for construction management and inspection services, and approve expenditures of up to \$64,860 for extra services of DCME, Inc. that may result from necessary changes in the scope of work;
- C. Authorize the Public Works Director to execute a contract with Carollo Engineers, Inc. in the amount of \$405,290 for design support services in construction, and approve expenditures of up to \$40,530 for extra services of Carollo Engineers, Inc. that may result from necessary changes in the scope of work;

- D. Authorize the Public Works Director to execute a contract with Aspect Engineering Group in the amount of \$92,867 for integration services, and approve expenditures of up to \$9,290 for extra services of Aspect Engineering Group that may result from necessary changes in the scope of work; and
- E. 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 Clean Water State Revolving Funds for the Braemar Wastewater Lift Station Rehabilitation Project.

Documents:

- April 11, 2023 Council Agenda Report and any attachments.

Speakers:

- Staff: None.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Sneddon/A. Gutierrez to approve item 10 as recommended (Agreement No. 28,315; 28,316; 28,317; 28,318; Resolution No. 23-037).

Vote:

Unanimous roll call vote (Absent: Jordan).

## **REPORT FROM THE FINANCE COMMITTEE**

Chairperson Friedman reported that the Finance Committee heard two items. The first was a loan forgiveness for transition house homeless family shelter that was approved unanimously and that will come to Council. Secondly, an update to the Solid Waste Rates which was also approved to move forward.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Councilmember Sneddon reported on their attendance at the following events or made the following comments: 1. COMB Meeting; 2. Retirement of Chief Kevin Taylor; 3. CCRB Meeting; 4. Elected Leaders Forum to address homelessness; 5. Tour of the Boys and Girls Club on Westside; 6. Youth Speak Out Event hosted by Youth Council.

Mayor Rowse reported on their attendance at the following events or made the following comments: 1. Navy Christening of USS Santa Barbara Ceremony.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

## **MAYOR AND COUNCIL REPORTS**

### **20. Subject: Interviews for Single Family Design Board (140.05)**

Recommendation: That Council hold interviews of applicants to the Single Family Design Board.

Documents:

- April 11, 2023 Council Agenda Report and any attachments.

Speakers:

- Members of the public: None

Interviewees:

- Cindy Antonucci-Ameen
- Danny Seigle
- Jennifer Lewis
- Joseph Moticha
- Dawn Sherry

## **SUSTAINABILITY AND RESILIENCE**

### **21. Subject: Public Hearing and Introduction of Ordinance Granting an Exclusive Franchise for Citywide Solid Waste Collection Services with MarBorg Industries, Inc. [Ordinance Introduction] (630.01)**

Recommendation: That Council:

- A. Hold a public hearing, as required by the City Charter Section 1401, regarding granting an exclusive franchise for citywide solid waste collection and disposal services to MarBorg Industries, Inc.; and
- B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Granting an Exclusive Franchise for Citywide Solid Waste Collection and Disposal services to MarBorg Industries, Inc.

Documents:

- April 11, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Environmental Services Manager Lorraine Cruz Carpenter, Environmental Services Specialist II Dustin Merback.
- Members of the Public: None.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Friedman/A. Gutierrez to approve the staff recommendation.

Vote:

Unanimous roll call vote (Absent: Councilmember Jordan).

**PUBLIC WORKS DEPARTMENT**

**22. Subject: Update Regarding Utility Undergrounding Program and Initiation of Proceedings to Form a Benefit Assessment District to Underground Utilities on 800 Block of Jimeno Road [Resolution] (380.02)**

Recommendation: That Council:

- A. Receive a report regarding utility undergrounding under California Public Utilities Commission Rule 20 and related utility initiatives; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Initiating Proceedings to Form a Benefit Assessment District to Underground Utilities on the 800 Block of Jimeno Road under Santa Barbara Municipal Code Chapter 4.60.

Documents:

- April 11, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Principal Engineer Adam Hendel.
- Members of the Public: Mona Barreca; Bill Lee.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Sneddon/Friedman to approve the staff recommendation.

Vote:

Unanimous roll call vote (Absent: Councilmember Jordan).

**RECESS**

4:12 p.m.– 4: 28 p.m.

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

## **PUBLIC HEARING**

### **23. Subject: Appeal of the Single Family Design Board's Project Design Approval of Development at 1269 Ferrelo Road (640.07)**

Recommendation: That Council:

- A. Consider the appeal of Rose Wills, Charlie Boss, Derek Booth, and A. Michael Marzolla of the Single Family Design Board's Project Design Approval of a development at 1269 Ferrelo Road; and
- B. Direct staff to return to Council with a Decision and Findings Resolution reflecting the outcome of the appeal.

There were no ex parte disclosures.

Documents:

- April 11, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Assistant Planner Holly Garcin; Senior Planner Ellen Kokinda.
- Members of the Public: SFDB Chair Leslie Colasse; Merle Guadagnini; Kylie Kershaw; James Brinkman; Rebecca Knecht; Consuelo Benavidez; Stephanie Moret; Wijegupta Ellepola; C. Nenhauser.
- Appellant: Derek Booth.
- Applicant: Janet McGinnis; Dan Webber; Jarryd Commerford.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmember Sneddon to uphold the appeal based upon the findings relating to the form steps up relative to current grade rather than stepping down, that it would overshadow a historic resource with considerable redevelopment; in neighborhood compatibility because the houses on that side of the street step down and do not step up; the doubling of the size; and neighborhood compatibility findings; and to return to council with a resolution incorporating the findings.

Vote:

Motion failed for lack of a second.

Motion:

Councilmembers A. Gutierrez/O Gutierrez to deny the appeal and direct staff to return with a decision and resolution with the findings.

Vote:

Majority roll call vote (Noes: Councilmember Sneddon; Absent: Councilmember Jordan).

## **RECESS**

6:44 p.m. – 6:50 p.m.

## **MAYOR AND COUNCIL REPORTS**

### **24. Subject: Appointments to the Single Family Design Board (140.05)**

Recommendation: That Council make appointments to the Single Family Design Board.

Documents:

- April 11, 2023 Council Agenda Report and any attachments.

Speakers:

- Members of the public: None

Single Family Design Board:

Councilmember Friedman: Lewis, Sherry

Councilmember O. Gutierrez: Lewis, Sherry

Councilmember A. Gutierrez: Lewis, Moticha

Councilmember Sneddon: Lewis, Siegle

Mayor Rowse: Lewis, Sherry

Motion:

Councilmembers Friedman/A. Gutierrez to appoint Jennifer Lewis to the Single Family Design Board for a term expiring December 31, 2025 and Dawn Sherry to the Single Family Design Board for a term expiring December 31, 2024.

Vote:

Unanimous roll call vote (Absent: Councilmembers Harmon and Jordan).

Appointment:

Jennifer Lewis was appointed to the Single Family Design Board for a term expiring December 31, 2025. Dawn Sherry was appointed to the Single Family Design Board for a term expiring December 31, 2024.

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER ENGAGEMENTS**

Councilmember O. Gutierrez: reported on their attendance at the following events or made the following comments: 1. Condolences to Mario Gonzalez; 2. Condolences to Uncle Tony Rodriguez.

Councilmember Friedman: reported on their attendance at the following events or made the following comments: 1. Condolences to Sandy Lejeune.

**PUBLIC COMMENT (IF NECESSARY)**

**CLOSED SESSIONS**

**25. 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 The Santa Barbara Apartment Association (SBAA), Inc., et al. v. COSB, et al. USDC Case No. 2:22-cv-01315-SK.

Scheduling: Duration 15 mins; anytime  
Report: None anticipated

Document:  
- April 11, 2023, report from the City Attorney

Time:  
- 7:03 p.m. – 7:12 p.m.

No report made.

**ADJOURNMENT**

Mayor Rowse adjourned the meeting at 7:12 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on May 9, 2023.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

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

