



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
MAY 9, 2023**

**COUNCIL CHAMBERS, 735 ANACAPA STREET; 4617 QUICKSILVER
BLVD., AUSTIN, TX 78744**

CALL TO ORDER

Mayor Randy Rowse called the meeting to order at 2:00 p.m. Councilmember O. Gutierrez participated in this meeting remotely. (The Finance Committee and Ordinance Committee met at 12:00 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Rowse.

ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez (3:25 p.m.), Oscar Gutierrez, Mike Jordan, Kristen W. Sneddon, Mayor Rowse.

Councilmembers absent: Meagan Harmon.

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

CEREMONIAL ITEMS

1. Subject: Historic Preservation Month May 2023 (120.04)

Action: Mayor Rowse delivered a proclamation to Design Review Supervisor Ellen Kokinda and to Sojourner Kincaid, who accepted the proclamation and made a brief statement.

2. Subject: National Police Week & Peace Officers' Memorial Day May 14-20, 2023 (120.04)

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

CHANGES TO THE AGENDA

CONSENT CALENDAR (Item Nos. 3-15)

The titles of the Resolutions and Ordinances were read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmembers A. Gutierrez, Harmon.)

3. **Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meetings of April 11, 2023; April 18, 2023.

Action: Approved the recommendation.

4. **Subject: Loan Forgiveness for Transition House Homeless Families Shelter Located at 434 East Ortega Street [Ordinance Adoption] (660.04)**

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Second Amendment to the Declaration of Covenants, Conditions, and Restrictions Imposed on Real Property Located at 434 East Ortega Street to Restart a New 90-Year Term of Use as a Homeless Families Shelter.

Action: Approved the recommendation; Ordinance No. 6112 (May 9, 2023 Council Agenda Report and any attachments).

5. **Subject: Approving the Management Performance and Compensation Plan and Authorizing Portal to Portal Pay for Sworn Fire Employees [Ordinance Introduction; Resolution] (170.01)**

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Adopting the 2022-2024 Management Performance and Compensation Plan; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing Portal to Portal Pay for Sworn Fire Employees Assigned to Mutual Aid Response.

Action: Approved the recommendations; Proposed Ordinance; Resolution No. 23-054 (May 9, 2023 Council Agenda Report and any attachments).

6. **Subject: Authorization to Apply for Grant Funding for the Ortega Park Revitalization Project in an Amount Not to Exceed \$4,500,000 [Resolution] (570.05)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Approving the Application for the Land and Water Conservation Fund Ortega Park Revitalization Project.

Action: Approved the recommendation; Resolution No. 23-055 (May 9, 2023 Council Agenda Report and any attachments).

7. **Subject: Authorization for the Public Works Director to Execute Water Purchase, Transfer, Exchange, or Sale Agreements [Resolution] (530.01)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director to Execute Water Purchase, Transfer, Exchange, or Sale Agreements.

Action: Approved the recommendation; Resolution No. 23-056 (May 9, 2023 Council Agenda Report and any attachments).

8. **Subject: Amendment to Position Salary Control Resolution 22-064 with Updates to Classification and Compensation for Certain Positions [Resolution] (410.06)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution 22-064, the Position Salary Control Resolution for Fiscal Year 2023, to Amend the Established Salary for Positions as Listed and Establish the Senior Legal Administrative Assistant Classification.

Action: Approved the recommendation; Resolution No. 23-057 (May 9, 2023 Council Agenda Report and any attachments).

9. **Subject: Amendment to the Relocation Assistance Payment Amount for No-Fault Just Cause Evictions [Resolution] (660.04)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending the Amount of Relocation Assistance Payment Previously Established by Resolution No. 20-084 for No-Fault Just Cause Evictions Pursuant to Santa Barbara Municipal Code Chapter 26.50.

Action: Approved the recommendation; Resolution No. 23-058 (May 9, 2023 Council Agenda Report and any attachments).

10. Subject: Increase in Revenue and Expenditure Appropriations in the Library's Miscellaneous Grants Fund from California State Library Grants [Resolution] (570.04)

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 Prepare and File an Application for Funding and Take Other Actions as Necessary, Including Executing the Agreement, to Accept Two Grants From California State Library in the Total Amount of \$1,490,826, and Amending Resolution No. 22-059 to Approve an Increase in Revenue and Expenditure Appropriations in the Library's Miscellaneous Grants Fund in the Amount of \$1,490,826.

Action: Approved the recommendation; Resolution No. 23-059 (May 9, 2023 Council Agenda Report and any attachments).

11. Subject: Design Support Services During Construction for the Fiscal Year 2023 Wastewater Main Rehabilitation Project [Agreement] (530.01)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Water Systems Consulting, Inc. in the amount of \$91,140 for construction support services for the Fiscal Year 2023 Wastewater Main Rehabilitation Project, and authorize the Public Works Director to approve expenditures of up to \$9,114 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 28,338 (May 9, 2023 Council Agenda Report and any attachments).

12. Subject: Amendment to Construction Support Services Contract for the Central Library Renovation Project [Agreement] (570.04)

Recommendation: That Council authorize the Public Works Director to execute a First Amendment to the City Professional Services Agreement with TynanGroup, LP for an increase in construction support services in the amount of \$140,625 for a total not-to-exceed amount of \$175,625.

Action: Approved the recommendation; Agreement No. 28,339 (May 9, 2023 Council Agenda Report and any attachments).

13. Subject: Authorize Execution of Construction Management Contract for the Wastewater Small Diameter Closed Circuit Television Project for Fiscal Years 2023-2025 [Agreement] (540.13)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Agreement with Water Systems Consulting, Inc. in the

amount of \$292,965 to provide construction management services for the Wastewater Small Diameter Closed Circuit Television Project for Fiscal Years 2023-2025 and authorize the Public Works Director to approve expenditures of up to \$29,297 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 28,340 (May 9, 2023 Council Agenda Report and any attachments).

14. Subject: Authorize Execution of a Professional Service Agreement with Alliance for Water Efficiency for a Water Affordability and Conservation Assessment [Agreement] (540.01)

Recommendation: That Council authorize the Public Works Director to execute a professional service agreement with Alliance for Water Efficiency in the amount of \$70,000 to conduct a water affordability and conservation assessment.

Action: Approved the recommendation; Agreement No. 28,341 (May 9, 2023 Council Agenda Report and any attachments).

15. Subject: Contract Amendment with Architectural Resources Group in the Amount of \$10,000 for the Plaza Del Mar Band Shell Restoration Project [Agreement]

Recommendation: That Council authorize the Parks and Recreation Director to execute a contract amendment with Architectural Resources Group for the Plaza del Mar Band Shell Restoration Project, Contract No. 26,895 in the amount of \$10,000 for a total project expenditure authority of \$100,852.

Action: Approved the recommendation; Agreement No. 26,895.1 (May 9, 2023 Council Agenda Report and any attachments).

This concluded the Consent Calendar.

PUBLIC COMMENT

Members of the Public: Aron Ashland.

PULLED CONSENT ITEMS

REPORT FROM THE FINANCE COMMITTEE

Chairperson Friedman reported that the Finance Committee considered changes to the Enterprise Fund fees and took comments but took no reportable action.

REPORT FROM THE ORDINANCE COMMITTEE

Councilmember Sneddon reported that the Ordinance Committee considered the formation of the HOPE fund and the action taken today was to direct a future public workshop on the topic.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

16. Subject: Authorization to Establish a Low-Income Household Water Assistance Program [Agreement] (660.04)

Recommendation: That Council authorize the Finance Director to execute a Direct Payment Agreement with Horne, LLP, to participate in the Low-Income Household Water Assistance Program.

Documents:

- May 9, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared by staff.

Speakers:

- Staff: Water Supply and Services Manager Dakota Corey; Assistant Finance Director Lyndsay Maas; Water Resources Manager Joshua Haggmark.
- Members of the Public: None.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Sneddon/Friedman to approve the staff recommendation; Agreement No. 28,342.

Vote:

Unanimous roll call vote (Absent: Councilmembers A. Gutierrez, Harmon).

CITY ADMINISTRATOR

17. Subject: Storage of Personal Property in Public Areas [Ordinance Introduction] (660.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Adding Chapter

9.96 to the Municipal Code to Regulate the Storage of Personal Property in Public Places.

The title of the ordinance was read.

Documents:

- May 9, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared by staff.

Speakers:

- Staff: Senior Assistant to the City Administrator Barbara Andersen; Assistant City Attorney John Doimas.
- Members of the Public: Daniel Ramirez.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Sneddon/Friedman to approve the staff recommendation.

Vote:

Unanimous roll call vote (Absent: Councilmembers A. Gutierrez, Harmon).

QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM

PUBLIC HEARING

18. Subject: Appeal of the Architectural Board of Review's Project Design Approval of Development at 425 Santa Barbara Street (640.07)

Recommendation: That Council:

- Find the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15332 (Infill Development);
- Deny the appeal of A. Barry Cappello (representing Platform SB, LLC) of the Architectural Board of Review's Project Design Approval of a development at 425 Santa Barbara Street; and
- Direct staff to return to Council with a Decision and Findings Resolution reflecting the outcome of the appeal.

Mayor Rowse, Councilmember Friedman, and Councilmember O. Gutierrez each separately stated that they visited the site on their own.

Public hearing opened: 3:10 p.m.

Mayor Pro Tem A. Gutierrez entered the meeting at 3:25 p.m.

Documents:

- May 9, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared by staff.

Speakers:

- Staff: Senior Planner Ellen Kokinda; Project Planner Julie Pujo; Associate Planner Stephanie Swanson; Assistant Tava Ostrenger.
- Members of the Public: Robin Donaldson; Will Vazquez.
- Appellant: A. Barry Cappello; Richard Lloyd.
- Applicant: Jarrett Gorin; Noah Greer.

RECESS

4:15 p.m. – 4:30 p.m.

Discussion:

- Councilmembers' questions were answered.

Public hearing opened: 5:16 p.m.

Motion:

Councilmembers Jordan/A. Gutierrez to deny the appeal and uphold the Architectural Board of Review's decision granting Project Design Approval and ask staff to return to Council with a resolution containing Council's findings, incorporating the findings of the Architectural Board of Review, the CEQA findings, the recommended ABR findings, and reflecting the outcome of the hearing.

Vote:

Majority roll call vote (No: Councilmember Sneddon; Absent: Councilmembers Harmon).

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER ENGAGEMENTS

PUBLIC COMMENT (IF NECESSARY)

CLOSED SESSIONS

19. **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 Jaime Herrera v. City of Santa Barbara WCAB Case Nos.: ADJ1881406, ADJ1732620, ADJ12619926.

Scheduling: Duration 15 mins; anytime

Report: None anticipated

Document:

- May 9, 2023, report from the City Attorney

Time:

- 5:17 p.m. – 5:26 p.m.

No report made.


ADJOURNMENT

Mayor Rowse adjourned the meeting at 5:26 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on June 6, 2023.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



RANDY ROWSE
MAYOR

ATTEST:



SARAH GORMAN
CITY CLERK SERVICES MANAGER

