



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
NOVEMBER 17, 2020
COUNCIL CHAMBERS, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Cathy Murillo called the meeting to order at 1:00 p.m. and announced that the meeting is being held via teleconference and all members of the City Council are participating electronically from various locations. (The Finance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Murillo.

ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Calonne, City Clerk Sarah Gorman

CEREMONIAL ITEMS

1. Subject: Art From Scrap's 30th Anniversary (610.04)

Action: Mayor Murillo presented the certification to Jill Cloutier.

CHANGES TO THE AGENDA

PUBLIC COMMENT

Members of the Public: Anna Marie Gott

CONSENT CALENDAR (Item Nos. 2-18)

The titles of the Ordinances and Resolutions were read.

Motion:

Councilmembers / to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

2. Subject: Introduction Of Proposed Ordinance For Temporary Eviction Moratorium Ordinance: Amendments To Terminate The Operation of Ordinance No. 5943 (660.01)

Recommendation: That Council introduce and adopt, by at least five affirmative votes, after reading in full, an Uncodified Emergency Ordinance of the Council of the City of Santa Barbara Amending Sections 1 and Ordinance No. 5943 to Terminate the Temporary Moratorium on Evictions for Nonpayment of Rent on December 31, 2020.

Speakers:

- Members of the Public: Neil Bruskin

Action: Approved the recommendation; Ordinance No. 5976.

3. Subject: Introduction Of Proposed Ordinance Requiring Just Cause For Residential Evictions And Resolution Establishing Relocation Assistance Payments For No-Fault Just Cause Evictions (660.01)

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 the Addition of Chapter 26.50 Pertaining to Just Cause for Residential Evictions; and
- Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Establishing Relocation Assistance Payment Amounts for No-Fault Just Cause Evictions Pursuant to Santa Barbara Municipal Code Chapter 26.50.

Speakers:

- Staff: City Attorney Ariel Calonne
- Members of the Public: Lucia Trujillo, Lucas Zuckher, Michelle Roberson, Fredrick Sutton, Betty Jeffison, Chelsey Lancaster, Lloyd Bierdsmore, Laura Bode, Frank Rodriguez, Ana Rosa Resantino

Motion:

Councilmembers Sneddon/ Mayor Murillo to introduce the approved ordinance with the amendment to remove additional relocation assistance for special needs tenants and to introduce and adopt resolution with three months relocation assistance per unit.

Vote:

Majority roll call vote; (Ayes: Councilmembers Sneddon, Harmon, Gutierrez, A. Gutierrez, Mayor Murillo; Noes: Jordan, Friedman)

4. Subject: Introduction Of An Ordinance To Amend City Lease Agreement No. 26,608 With La Sirena On East Beach, LLC (330.04)

Recommendation: That Council introduce, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Authorizing Execution of a Second Amendment to Amended and Restated Lease No. 26,608 Between City of Santa Barbara and La Sirena on East Beach, LLC.

Action: Approved the recommendation; proposed Ordinance (November 17, 2020, report from the Parks and Recreation Director).

5. Subject: Agreements With Tesla For Battery Energy Storage System At Cater Water Treatment Plant (630.06)

Recommendation: That Council

- A. Find it in the City's best interest to waive the formal bid process authorized by Santa Barbara Municipal Code Section 4.52.070(L) Best Interest Waiver, and authorize the Sustainability and Resilience Director to enter into an agreement with Tesla, Inc., to install a battery energy storage system at the Cater Water Treatment Plant; and
- B. Introduce, 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 an Operations and Maintenance Agreement with Tesla, Inc., to Operate, and Maintain a Battery Energy Storage System at the Cater Water Treatment Plant.

Action: Approved the recommendation; Agreement No. 26,840; proposed Ordinance (November 17, 2020, report from the Public Works Director).

6. Subject: Adoption Of Ordinance To Amend Municipal Code Title 16 Liquid And Industrial Waste Disposal And To Update The Pretreatment Program Administrative Documents (540.13)

Recommendation: That Council:

- A. Adopt, by reading of title only, an Ordinance of The Council of The City of Santa Barbara Amending Title 16 of The Santa Barbara Municipal Code Relating to Liquid And Industrial Waste Disposal by The Amendment of Sections 16.02.040, 16.04.020, 16.08.040, 16.08.060, And 16.08.120 And Finding That Adoption of The Amendments Are Exempt From The California Environmental Quality Act; and
- B. Authorize staff to submit an update of the City of Santa Barbara's Pretreatment Program administrative documents to the Regional Water Quality Control Board as a Pretreatment Program modification, to be approved under 40 CFR Part 403.18.

Action: Approved the recommendation; Ordinance No. 5977.

7. Subject: Adoption Of Ordinance Amending 2019-2022 Memorandum Of Understanding Between The City Of Santa Barbara And The Santa Barbara City Firefighters' Association (440.02)

Recommendation: That Council ratify the Memorandum of Understanding between the City and the Santa Barbara Firefighters' Association, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the Amended 2019-2022 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Firefighters' Association.

Action: Approved the recommendation; Ordinance No. 5978; Agreement No. 26,841.

8. Subject: Amend And Publicly Adopt Previously Authorized Salary Schedules For Compliance With CalPERS And The Public Employee's Retirement Law (PERL) (440.03)

Recommendation: That Council adopt, by reading of title only, a Resolution Of The Council Of the City of Santa Barbara Adopting The Amended Salary Schedules and Salary Rates, Effective July 7, 2018, October 13, 2018, December 11, 2018, January 5, 2019, March 19, 2019, July 6, 2019, and September 10, 2019 For Unclassified and Classified Employees, and The Pay Schedule Effective July 20, 2019 For Hourly Employees To Comply With The Public Employee's Retirement Law (PERL) and Government Code Sections 20636 and 7522.34 and CCR Sections 570.5 And 571.1.

Speakers

- Staff: Human Resources Director Wendy Levy and Assistant City Attorney John Doimas

Action: Approved the recommendation; Resolution No. 20-083 (November 17, 2020, report from the Administrative Services Director).

9. Subject: Fiscal Year 2021 First Quarter Review (210.01)

Recommendation: That Council:

- A. Receive A Report From Staff On The Status Of Revenues And Expenditures In Relation To The Budget For The Three Months Ended September 30, 2020;
- B. Accept The Fiscal Year 2021 Interim Financial Statements For The Three Months Ended September 30, 2020; and
- C. Approve The Proposed First Quarter Adjustments To Fiscal Year 2021 Appropriations And Estimated Revenues As Detailed In The Attached Schedule Of Proposed First Quarter Adjustments.

Action: Approved the recommendation (November 17, 2020, report from the Finance Director).

10. Subject: Proposed Office Lease With Santa Barbara Fuel Dock, Inc. (570.03)

Recommendation: That Council approve a five-year lease agreement with Santa Barbara Fuel Dock, Inc., for administrative and accounting office space at 125 Harbor Way, #12, at an initial base rent of \$610.15 per month.

Action: Approved the recommendation; Agreement No. 26,842 (November 17, 2020, report from the Waterfront Director).

11. Subject: Proposed Annual Maintenance Agreement And Standardization Of Skidata Inc. Equipment For Waterfront Department (550.08)

Recommendation: That Council:

- A. Approve a four-year maintenance and services agreement totaling \$150,000 with Skidata Inc. for Fiscal Years 2021-2024; and
- B. Waive compliance with formal bidding requirements and approve Skidata Inc. revenue control/point of sale systems as Standard Equipment for the Waterfront Department for the next five years, in accordance with Section 4.52.070(K) of the Santa Barbara Municipal Code

Speakers:

- Members of the Public: Daryl Scheck

Action: Approved the recommendation; Agreement No. 26,843 (November 17, 2020, report from the Waterfront Director).

12. Subject: Contract Amendments To Professional Services Agreement For Real Estate Consulting Services And For Legal Services For Paseo Nuevo; Set A New Hearing Date (640.07)

Recommendation: That Council:

- A. Authorize the City Attorney to execute a third contract amendment to Professional Services Agreement No. 25,861 with Allan D. Kotin and Associates for real estate consulting services to increase the contract by \$30,000 in relation to the appeal of the denial of the Development Agreement and negotiations with Paseo Nuevo Owners, if authorized, for a not-to-exceed amount of \$120,000;
- B. Authorize the City Attorney to execute a second contract amendment to Legal Services Agreement No. 26,309 with Abram Roy, LLP, to increase the contract by \$30,000 for legal assistance in relation to the appeal of the denial of the Development Agreement and negotiation with Paseo Nuevo Owners, if authorized, for a not-to-exceed amount of \$120,000;
- C. Approve appropriations of \$60,000 in General Fund reserves to cover contract authority of \$30,000 with Allan D. Kotin and Associates and \$30,000 with Abram Roy, LLP in relation to the appeal and proposed Development Agreement with Paseo Nuevo Owners; and
- D. Authorize the City Clerk to postpone the appeal filed by Steve Plenge, representing Paseo Nuevo Owners, LLC ("PNO"), of the Planning Commission's disapproval of the Development Agreement for the property at 739 State Street, Paseo Nuevo Mall, APN 037-400-002, Zone C-G, Commercial General; Land Use Designation: Commercial/High Density Residential from its originally scheduled date of December 8, 2020 to February 2, 2021.

Speakers:

- Staff: Assistant City Attorney Sarah Knecht

Action: Approved the recommendation; Agreement Nos. 25,861.3; 26,309.2 (November 17, 2020, report from the City Attorney).

13. Subject: Professional Services Agreement Extension For Utility Users Tax Management And Audit Services (210.01)

Recommendation: That Council authorize the Finance Director to execute an agreement with Avenu Insights and Analytics, LLC, extending an existing agreement to provide utility users tax management and audit services for a term of one year.

Action: Approved the recommendation; Agreement No. 26,844 (November 17, 2020, report from the Finance Director).

14. Subject: Amendment To Bureau Veritas Agreement For Fiscal Year 2021 Plan Check Resources (650.01)

Recommendation: That Council approve the 12th and Final Amendment to Bureau Veritas Agreement 25387, raising the contracted amount by \$100,000 to a total amount of \$1,394,000 for the five- year period of 2015 to 2020.

Action: Approved the recommendation; Agreement No. 25,387.12 (November 17, 2020, report from the Community Development Director).

15. Subject: Approval Of Administrative Items Related To Financial Security Requirements For Santa Barbara Clean Energy (630.06)

Recommendation: That Council:

- A. Approve a \$2 million loan from the Southern California Edison Thomas Fire Settlement in the General Fund to the Santa Barbara Clean Energy Fund, and approve an increase in appropriations and estimated revenues in the Santa Barbara Clean Energy Fund in the amount of \$2 million for related startup costs;
- B. Authorize the City Administrator, or authorized designee, to negotiate and execute an Escrow and Deposit Control Agreement with River City Bank and Southern California Edison on behalf of Santa Barbara Clean Energy in a form approved by the City Attorney; and
- C. Appropriate \$147,000 from the Santa Barbara Clean Energy Fund and deposit it into the City's escrow account at River City Bank to be held as a financial security deposit on behalf of Santa Barbara Clean Energy.

Action: Approved the recommendation; Agreement No. 26,845 (November 17, 2020, report from the Public Works Director).

16. Subject: Approval Of Parcel Map And Execution Of Agreements For 1202 Diana Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,834, and standard agreements relating to the approved 4-lot subdivision at 1202 Diana Road.

Action: Approved the recommendation; Agreement Nos. 26,846; 26,847 (November 17, 2020, report from the Public Works Director).

17. Subject: Community Promotion Agreement With Santa Barbara Foundation To Organize A Juneteenth Event (230.02)

Recommendation: That Council authorize the City Administrator to execute a community promotion contract with Santa Barbara Foundation in an amount of \$35,000 to organize a Juneteenth community event, covering the period from July 1, 2020 to June 30, 2021.

Speakers:

- Members of the Public: Jordan Killabrew

Action: Approved the recommendation; Agreement No. 26,848 (November 17, 2020, report from the City Administrator).

18. Subject: Cancellation Of Certain Council Meetings In 2021 (170.01)

Recommendation: That Council cancel the regular Council Meetings on the following dates: January 5, January 19, February 16, April 6, June 1, July 6, July 13, August 24, August 31, September 7, November 2, November 23, November 30, December 21, and December 28, 2021.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

19. Subject: Appropriation Of Funds For Purchase Of Automated License Plate Recognition System For City Parking Lots (550.1)

Recommendation: That Council approve an increase in appropriations in the Downtown Parking Fund up to the amount of \$700,000, funded from Downtown Parking Fund reserves, authorize the transfer of the funds to the Downtown Parking Capital Fund, and approve an increase in appropriations and estimated revenue in the Downtown Parking Capital Fund up to the amount of \$700,000, funded by the transfer, to purchase Automated License Plate Recognition technology for City-owned downtown parking lots.

Documents:

- November 17, 2020, report from the Public Works Director
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Transportation Manager Rob Dayton and Human Resources Director Wendy Levy

- Members of the Public: Daryl Scheck, Anna Marie Got, Matt Labrie, Robin E. Lander

Motion:

Councilmembers A. Gutierrez / Harmon to approve Staff's recommendation.

Vote:

Majority roll call vote; (Ayes: Councilmembers Harmon, Gutierrez, A. Gutierrez, Jordan, Friedman, Mayor Murillo; Noes: Snedden)

RECESS

3:36 p.m. – 3:46 p.m.

20. Subject: Water Conservation Strategic Plan (540.05)

Recommendation: That Council receive an update on the Water Conservation Strategic Plan.

Documents:

- November 17, 2020, report from the Public Works Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Water Services Manager Catherine Taylor, Water Conservation Supervisor Madeline Wood, President of Maddaus Water Management Michelle Maddaus, Water Resources Specialist Jasmine Showers

PUBLIC HEARINGS

21. Subject: Appeal Of The Parks And Recreation Commission's Failure To Vote To Approve, Conditionally Approve, Or Deny The Removal Of The Deodar Cedar Located In The Front Yard Setback At 2934 Lomita Road (570.05)

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

Documents:

- November 17, 2020, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: City Attorney Ariel Calonne
- Members of the Public: Christopher Price, Applicant

Motion:

Councilmembers Jordan / Friedman to continue the item to December 8, 2020 Council Meeting.

Vote:

Unanimous roll call vote.

MAYOR AND COUNCIL REPORTS

22. Subject: Interviews For City Advisory Groups, Not Including Community Formation Commission (120.03)

Recommendation: That Council hold interviews of applicants to various City Advisory Groups.
(Est. Time 6:00 p.m.)

Documents:

- November 17, 2020, report from the Administrative Services Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Members of the public: Leslie Colasse, Kraig Arcurry, Ellen Meskamen, Bradly Batesil, Dan Glazer, John Steadman, James Marston, Levi Maaia, Lauren Anderson, David Wadkins, Deedee Calderwood, Howard Green, Evelyn Feck, Sullivan Israel, Matt LaBrie, Barbara Silver, Rubin Zurate, Anthony Grumbine, Steve Houz, Edwin Linbeck, Justin Manwell, Thomas Parker, Zara Nahara Moore, Sofia Sylva, Jesse Steel, Lucia Veija, Jennifer Linberger, Claire Mitchell, Devin Wardlow, Richard Axelrod, Justin Dulum, David McDermit, Lindsey Kooney, Cecila Wright, Dave Tabor, and Victoria Chow.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

- Council Member Sneddon attended the following meeting or event: 1. Historic Landmarks Commission; 2. Library Santa Barbara Reads Program; 3. Water Commission Meeting, 4. California Japan Sister Cities Workshop; 5. Pac 11 Cub Scouts
- Mayor Murillo attended the following meeting or event 1. Yona Redz Restaurant; 2. Shelia Lodge's Book Reading; 3. Faith Community look at Criminal Justice System
- Council Members A. Gutierrez and O. Gutierrez attended the following meeting or event: Ribbon Cutting for Yona Redz Restaurant

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT

Mayor Murillo adjourned the meeting at 6:53 P.M.

Approved and adopted by the City Council of the City of Santa Barbara on March 1, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE



RANDY ROWSE
MAYOR

ATTEST:



SARAH GORMAN
CITY CLERK SERVICES MANAGER

