



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
APRIL 18, 2023
COUNCIL CHAMBERS, 735 ANACAPA STREET**

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 12:00 p.m., did not meet on this day.)

PLEDGE OF ALLEGIANCE

Mayor Randy Rowse.

ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Kristen W. Sneddon, Mayor Randy Rowse.

Councilmembers absent: Meagan Harmon, Mike Jordan.

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

CEREMONIAL ITEMS

1. Subject: Donate Life Month April 2023 (120.04)

Action: Mayor Rowse delivered a proclamation to Scott Burns.

2. Subject: Poet Laureate Appointment & National Poetry Month April 2023 (120.04)

Action: Mayor Rowse delivered a proclamation to Melinda Palacio.

CHANGES TO THE AGENDA

There were no changes to the agenda.

CONSENT CALENDAR (Item Nos. 3, 5, 6, 9, 11, 13 – 17)

Motion:

Councilmembers Friedman/A. Gutierrez to approve the Consent Calendar items 3, 5, 6, 9, 11, and 13 -17.

Vote:

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

- 3. 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 Adoption] (570.03)**

Recommendation: That Council 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; Ordinance No. 6108 (April 18, 2023 Council Agenda Report and any attachments).

- 4. Subject: 2023-2025 Police Management Association Bargaining Unit Memorandum of Understanding [Ordinance Adoption] (410.06)**

Recommendation: That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association Bargaining Unit, by 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.

Action: Approved the recommendation; Ordinance No. 6109 (April 18, 2023 Council Agenda Report and any attachments).

- 5. Subject: Granting an Exclusive Franchise for Citywide Solid Waste Collection and Disposal Services to Marborg Industries, Inc. [Ordinance Adoption] (630.01)**

Recommendation: That Council 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.

Action: Approved the recommendation; Ordinance No. 6110 (April 18, 2023 Council Agenda Report and any attachments).

- 6. Subject: Authorize Execution of the Clean Water State Revolving Fund Installment Sale Agreement for the El Estero Water Resource Center**

Electrical Distribution Renewal Project [Ordinance Introduction; Agreement] (540.13)

Recommendation: That Council introduce and subsequently 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 (April 18, 2023 Council Agenda Report and any attachments).

9. Subject: Application for a \$40,000 Certified Local Government Grant for an Update to the Master Environmental Assessment Guidelines for Archaeological Resources [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 Application for a \$40,000 Certified Local Government Grant for an Update to the Master Environmental Assessment Guidelines for Archaeological Resources.

Action: Approved the recommendation; Resolution No. 23-044 (April 18, 2023 Council Agenda Report and any attachments).

11. Subject: Fiscal Year 2023 Interim Financial Statements for the Eight Months Ended February 28, 2023 (250.02)

Recommendation: That Council accept the Fiscal Year 2023 Interim Financial Statements for the eight months ended February 28, 2023.

Action: Approved the recommendation (April 18, 2023 Council Agenda Report and any attachments).

12. Subject: Contract Amendment with RRM Design Group for Final Design and Construction Documents for the Dwight Murphy Field Renewal Project [Agreement] (570.08)

Recommendation: That Council authorize the Public Works Director to execute a contract amendment with RRM Design Group in the amount of \$83,590 for design services for the Dwight Murphy Field Renewal Project.

Action: Approved the recommendation; Agreement No. 28,009.1 (April 18, 2023 Council Agenda Report and any attachments).

13. Subject: Personal Services Agreements for Classes, Clinics, Camps, and Tournaments [Agreement] (570.06)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a personal services agreement with 805 Beach Volleyball Club, a Limited Liability Company, for the provision of Fiscal Year 2024 Beach Volleyball Camps, Clinics, Classes, and Tournaments, with compensation equal to 65% of the total basic fees collected and the total compensation estimated at \$175,000 based on the projected number of participants;
- B. Authorize the Parks and Recreation Director to execute a personal services agreement with Shane Carmody, an individual, for the provision of Fiscal Year 2024 Tennis and Beach Camps and After School Tennis Clinics, with compensation equal to 65% of the total basic fees collected and the total compensation estimated at \$75,000 based on the projected number of participants;
- C. Authorize the Parks and Recreation Director to execute a personal services agreement with Dave Wilcox, an individual, for the provision of Fiscal Year 2024 Pickleball Classes and Clinic, with compensation equal to 65% of the total basic fees collected and the total compensation estimated at \$135,000 based on the projected number of participants;
- D. Authorize the Parks and Recreation Director to execute a personal services agreement with Isaac Rosas, an individual doing business as Youth Evolution Activities, for the provision of Fiscal Year 2024 Basketball and Soccer Classes, Clinics, and Camps, with compensation equal to 65% of the total basic fees collected and the total compensation estimated at \$75,000 based on the projected number of participants;
- E. Authorize the Parks and Recreation Director to execute a personal services agreement with Timothy Dana-Bowen, an individual doing business as Play-Well TEKnologies, for the provision of 2024 Youth Lego Camps, with compensation equal to 70% of the total basic fees collected for the camp and the total compensation estimated at \$45,000 based on the projected number of participants; and
- F. Authorize the Parks and Recreation Director to execute a personal services agreement with Lobster Jo's Beach Camp, a California Corporation, for the provision of 2024 Youth Beach Camps, with compensation equal to 90% of the total basic fees collected and the total compensation estimated at \$140,000 based on the projected number of participants.

Action: Approved the recommendation; Agreement Nos. 28,324; 28,325; 28,236; 28,327; 28,328; 28,329 (April 18, 2023 Council Agenda Report and any attachments).

14. Subject: Contracts for Design of Fiscal Year 2024 Pavement Maintenance Projects [Agreement] (530.04)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services Contract with Flowers & Associates, Inc. in the amount of \$395,807 for design services for the Fiscal Year 2024 Pavement Maintenance Projects, and authorize the Public Works Director to approve expenditures of up to \$39,580 for extra services that may result from necessary changes in the scope of work; and
- B. Authorize the Public Works Director to execute the First Amendment to City Professional Services Contract No. 28,243 with Nichols Consulting Engineers, CHTD, in the amount of \$181,500 for citywide pavement inspection services, for a total contract amount of \$240,880.

Action: Approved the recommendation; Agreement Nos. 28,320 and 28,243.1(April 18, 2023 Council Agenda Report and any attachments).

15. Subject: Waterfront Department Proposed Lease Agreement with Mr. Mike Pyzel for the Lease Space Located at 125 Harbor Way, Suite 23 [Agreement] (330.04)

Recommendation: That Council approve a three-year lease agreement with Mike Pyzel, for second floor office space at 125 Harbor Way, Suite 23.

Action: Approved the recommendation; Agreement No. 28,321 (April 18, 2023 Council Agenda Report and any attachments).

16. Subject: Waterfront Department Proposed Lease Amendment One with AirTouch Cellular Inc. Doing Business as Verizon Wireless to Add a Subsurface Easement for Utilities [Agreement] (330.04)

Recommendation: That Council approve Lease Amendment One to Lease Agreement No. 21,835 with AirTouch Cellular Inc. d.b.a. Verizon Wireless to add a subsurface easement for utilities, including fiber and related appurtenances, to serve the tenant's site located at 113 Harbor Way.

Action: Approved the recommendation; Agreement No. 28,322 (April 18, 2023 Council Agenda Report and any attachments).

17. Subject: Set a Date for Public Hearing Regarding the Appeal of the Architectural Board of Review's Project Design Approval for 425 Santa Barbara Street (640.07)

Recommendation: That Council:

- A. Set the date of May 9, 2023, at 2:00 p.m. for hearing the appeal filed by A. Barry Cappello representing Platform SB, LLC of the Architectural Board of Review's Project Design Approval of a 19-unit multi-family project using both the City's Average Unit-Size Density Program and the State Density Bonus program; and
- B. Set the date of May 8, 2023, at 1:30 p.m. for a site visit to the property located at 425 Santa Barbara Street.

Action: Approved the recommendation (April 18, 2023 Council Agenda Report and any attachments).

This concluded the Consent Calendar.

PUBLIC COMMENT

Members of the Public: Amy Von Protz; Christine Clayton; Eplanet Thunderstriker; E. Roger Brian; Aron Ashland; Mr. Luis.

PULLED CONSENT ITEMS (Item Nos. 4, 7 – 8, 10, 12)

- 4. Subject: 2023-2025 Police Management Association Bargaining Unit Memorandum of Understanding [Ordinance Adoption] (410.06)**

Recommendation: That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association Bargaining Unit, by 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.

Action: Approved the recommendation; Ordinance No. 6109 (April 18, 2023 Council Agenda Report and any attachments).

- 7. Subject: Denying the Appeal and Upholding the Decision of the Single Family Design Board Regarding 229 Vista del Mar Drive [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 of Julie Kayda, Jeff Harris, and Norman Gardner to Reverse the Single Family Design Board's Decision Approving a Two-Story, Detached Accessory Dwelling Unit Located at 229 Vista Del Mar Drive and Making the Findings Supporting the Action.

Documents:

- April 18, 2023 Council Agenda Report and any attachments.

Speakers:

- Staff: City Attorney Sarah Knecht; Assistant City Attorney Tava Ostrenger.

Motion:

Mayor Rowse/Councilmember A. Gutierrez to approve the recommended action; Resolution No. 23-042.

Vote:

Majority roll call vote (Noes: Councilmembers Sneddon, Friedman; Absent: Councilmembers Harmon, Jordan).

8. 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.

Documents:

- April 18, 2023 Council Agenda Report and any attachments.

Motion:

Councilmembers Friedman/A. Gutierrez to approve the recommended action; Resolution No. 23-043.

Vote:

Unanimous roll call vote (Abstain: Councilmember O. Gutierrez; Absent: Councilmembers Harmon, Jordan).

10. Subject: Acceptance of California, Board of State and Community Corrections, Officer Wellness and Mental Health Grant [Resolution; Agreement] (520.04)

Recommendation: That Council:

- Accept the State of California, Board of State and Community Corrections, Officer Wellness and Mental Health Grant in the amount of \$82,143.67 and authorize the Chief of Police to execute the grant agreement; and
- 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 the Police Department Miscellaneous Grants Fund Budget in the Amount of \$82,143.67.

Documents:

- April 18, 2023 Council Agenda Report and any attachments.

Speakers:

- Staff: Police Chief Kelly Gordon.

Motion:

Councilmembers Friedman/A. Gutierrez to approve the recommended action; Resolution No. 23-045; Agreement No. 28,323.

Vote:

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

12. Subject: Contract Amendment with RRM Design Group for Final Design and Construction Documents for the Dwight Murphy Field Renewal Project [Agreement] (570.08)

Recommendation: That Council authorize the Public Works Director to execute a contract amendment with RRM Design Group in the amount of \$83,590 for design services for the Dwight Murphy Field Renewal Project.

Documents:

- April 18, 2023 Council Agenda Report and any attachments.

Speakers:

- Staff: Parks and Recreation Director Jill Zachary.

Motion:

Councilmembers A. Gutierrez/Sneddon to approve the recommended action; Agreement No. 28,009.1.

Vote:

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

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Councilmember Friedman reported on their attendance at the following events or made the following comments: 1. Library Advisory Board.

Councilmember O. Gutierrez reported on their attendance at the following events or made the following comments: 1. Rental Housing Mediation Board meeting; 2. Congressman S. Carbajal presentation.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

18. Subject: City Administrator's Recommended Two-Year Financial Plan for Fiscal Years 2024 and 2025 and Operating and Capital Budget for Fiscal Year 2024 (230.05)

Recommendation: That Council:

- A. Receive the City Administrator's Recommended Two-Year Financial Plan for Fiscal Years 2024 and 2025 and Operating and Capital Budget for Fiscal Year 2024;
- B. Hear a Report from Staff in connection with the filing of the Fiscal Year 2024 budget; and
- C. Approve the Proposed Schedule of Council Budget Review Meetings and Public Hearings related to the Operating and Capital Budget for Fiscal Year 2024.

Documents:

- April 18, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Finance Director Keith De Martini; Budget Manager Natalija Glusac; Administrative Analyst Jordan Needle.
- Members of the Public: Will Rehling.

Discussion:

- Councilmembers' questions were answered.

Motion:

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

Vote:

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

AIRPORT DEPARTMENT

19. Subject: Santa Barbara Airport Master Plan Update (560.09)

Recommendation: That Council receive a status update on the Master Plan Update at Santa Barbara Airport.

Documents:

- April 18, 2023 Council Agenda Report and any attachments
- PowerPoint presentation prepared and made by staff

Speakers:

- Staff: Airport Director Chris Hastert; Airport Development Manager Sara Iza; Project Planner Jessica Metzger; Supervising Engineer Bradley Klinzing.
- Consultants: Corbett Smith; Brian Moore
- Members of the Public: Fermina Murray; Mike Glick, Mr. Luis; Dustin Hoiseth; Kathy Kelly.

Discussion:

- Councilmembers' questions were answered.

RECESS

4:42 p.m. – 5:02 p.m.

QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM

PUBLIC HEARING

20. Subject: Appeal of Project Design Approval for 101 Santa Cruz Boulevard (640.07)

Recommendation: That Council:

- A. Consider the appeal of Jorene Lopez and Jeffrey Yen of the Single Family Design Board's Project Design Approval for 101 Santa Cruz Boulevard; and
- B. Direct staff to return to Council with a Decision and Findings Resolution reflecting the outcome of the appeal hearing.

Public Hearing opened: 5:02 p.m

Mayor Rowse and Councilmembers Friedman and O. Gutierrez stated that they toured the site that is the subject of the appeal and viewed the site from the neighbor's site.

Documents:

- April 18, 2023 Council Agenda Report and any attachments.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Project Planner Kathleen Kennedy; Senior Planner Ellen Kokinda; Assistant City Attorney Tava Ostrenger.
- Appellant: Andrew Hazlett.
- Applicant: Tom Oschner.

- Members of the Public: Andrew Juliano.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Sneddon/A. Gutierrez to request consideration of shadow report, as explained by staff; applicant and appellant did not object.

Vote:

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

Motion:

Councilmembers Sneddon/A. Gutierrez to request consideration of new photograph exhibits, as explained by staff; applicant and appellant did not object.

Vote:

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

Public hearing closed: 6:30 p.m.

Motion:

Councilmembers A. Gutierrez/Sneddon to deny the appeal and uphold the Single Family Design Board'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 Single Family Design Board and reflecting the outcome of the hearing, and adding translucency on windows facing western elevation and requesting the applicant to revisit and resolve the design of the wing wall to maximize privacy for the neighbors.

Vote:

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

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER ENGAGEMENTS

Councilmember Friedman reported on their attendance at the following events or made the following comments: 1. Zoo partnership celebration; 2. Dwight Murphy Field event; 3. San Marcos High Apple Academy Day of Caring.

Councilmember O. Gutierrez reported on their attendance at the following events or made the following comments: 1. Groundbreaking of Santa Barbara High School VADA building; 2. Ribbon cutting of Food Connect restaurant; 3. SB Act meeting.

Councilmember Sneddon reported on their attendance at the following events or made the following comments: 1. Coffee with a Cop.

PUBLIC COMMENT (IF NECESSARY)

None.

CLOSED SESSIONS

21. Subject: Conference with Real Property Negotiators (330.03)

Recommendation: That Council hold a closed session pursuant to Government Code Section 54956.8 to consider price and terms of payment for the exercise of a right of first refusal acquisition of real property.

Real Property: 222 E. Anapamu Street

City Negotiators: Brad Hess, Principal Project Manager; Daniel S. Hentschke, Assistant City Attorney

Negotiating Party: LL&A-2, LLC, Owner

Under Negotiation: Price and terms of property acquisition

Scheduling: Duration, 30 mins; anytime

Report: None anticipated

Document:

- April 18, 2023, report from the City Attorney.

Time:

- 6:52 p.m. – 7:05 p.m.

No report made.

22. Subject: Conference with City Attorney – Threatened Litigation – Gov. Code §54956.9(d)(2) & (e)(3) (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to Government Code Section 54956.9(d)(2) & (e)(3) and take appropriate action as needed.

The anticipated litigation is based upon significant exposure to litigation arising out of the of the claim of Woodside HOA and Farmers Insurance Company.

Scheduling: Duration: 15 minutes; anytime
Report: None anticipated

Document:
- April 18, 2023, report from the City Attorney.

Time:
- 7:07 p.m. – 7:12 p.m.

No report made.

23. Subject: Conference with City Attorney – Threatened Litigation – Gov. Code §54956.9(d)(2) & (e)(3) (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to Government Code Section 54956.9(d)(2) & (e)(3) and take appropriate action as needed.

The anticipated litigation is based upon significant exposure to litigation arising out of the of the claim of Macerich La Cumbre LP.

Scheduling: Duration: 15 minutes; anytime
Report: None anticipated

Document:
- April 18, 2023, report from the City Attorney.

Time:
- 7:05 p.m. – 7:07 p.m.

No report made.

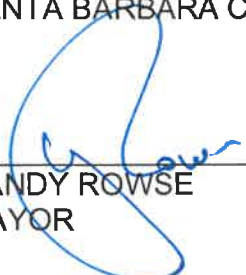
ADJOURNMENT

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

