



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING NOVEMBER 19, 2019 COUNCIL CHAMBERS, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Cathy Murillo called the meeting to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this day.)

### PLEDGE OF ALLEGIANCE

Mayor Murillo.

### ROLL CALL

Councilmembers present: Jason Dominguez, Eric Friedman, Oscar Gutierrez, Meagan Harmon, Randy Rowse, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Calonne, Deputy City Clerk Angela Rodriguez.

### CHANGES TO THE AGENDA

City Administrator Paul Casey stated that the Finance Committee meeting, which was scheduled prior to the Council meeting, was cancelled. Thus, the following item was removed from the agenda and will be heard at the next Council meeting on November 26, 2019:

#### **5. Subject: Fiscal Year 2020 First Quarter Review (250.02)**

Recommendation: That Council:

- A. Accept the Fiscal Year 2020 interim financial statements for the three months ended September 30, 2019; and
- B. Approve the proposed first quarter adjustments to Fiscal Year 2020 appropriations and estimated revenues as detailed in the Schedule of Proposed First Quarter Budget Adjustments.

### PUBLIC COMMENT

Members of the public: Mark Marshall Wofford, Y.M.C.A, and Surf Rider Foundation; Denice S. Adams; Gil Barry; Phil Walker; Andrea Rose Linsky; Lisa Green, Blissful Boutiques; Olivia Carranza.

**CONSENT CALENDAR (Item No 1-4, 6-9)**

The titles of the Ordinances and Resolutions related to Consent Items were read.

**Motion:**

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

**Vote:**

Unanimous roll call vote.

**1. Subject: Minutes**

Recommendation: That Council waive reading and approve the minutes of the regular meeting of October 29, 2019, and the minutes of the special meeting of November 5, 2019.

Action: Approved the recommendation.

**2. Subject: Establish A Ninety-Year Affordability Control Covenant For Heath House LLC's Property Located At 18 East Sola Street (640.08)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving an Affordability Control Covenant Imposed on Real Property Located at 18 East Sola Street for a Period of Ninety Years with Heath House LLC and Authorizing the Community Development Director to Execute Such Agreements as Necessary.

**Speakers:**

- Members of the Public: Maury Ruano, People's Self-Help Housing; Shannon Kelly, People's Self-Help Housing.

Action: Approved the recommendation (November 19, 2019, report from the Community Development Director; proposed Ordinance).

**3. Subject: Authorization To Apply For An Estimated \$30 Million State Revolving Fund Loan And Pledge Wastewater Fund Revenues For The El Estero Electrical Distribution Renewal Project (540.13)**

Recommendation: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director to Execute and Deliver

an Application to the State Water Resources Control Board for a Clean Water State Revolving Fund Financing Agreement for the El Estero Electrical Distribution System Renewal Project; and

- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Dedicating and Pledging the Wastewater Fund Net Revenues to Payment of Any and All Clean Water State Revolving Fund and/or Water Recycling Funding Program Financing for the El Estero Electrical Distribution System Renewal Project CWSRF Project 8508-110.

Action: Approved the recommendations; Resolution Nos. 19-086; 19-087; Agreement No. 26,586 (November 19, 2019, report from the Public Works Director; proposed Resolutions).

4. **Subject: A Resolution Denying The Appeal And Upholding The Decision Of The Planning Commission To Approve A Coastal Development Permit And Parking Modification At 11 Anacapa Street (640.07)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Denying the Appeals of Anna Marie Gott and Accessible Santa Barbara and Upholding the Decision of the Planning Commission to Approve a Coastal Development Permit and Parking Modification at 11 Anacapa Street.

Action: Approved the recommendation; Resolution No. 19-088 (November 19, 2019, report from the City Attorney; proposed Resolution).

6. **Subject: Contract For Independent Advisor Services For Design Of The Santa Barbara Police Station Project (700.08)**

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Agreement with Skanska USA Building, Inc., for pre-construction and design phase services for the Santa Barbara Police Station Project in the amount of \$85,200, and authorize expenditures up to \$8,520 for extra services that may result from necessary additional work not identified in the scope of work.

Action: Approved the recommendation; Agreement No. 26,587 (November 19, 2019, report from the Public Works Director).

7. **Subject: Contract Amendment For Architecture And Design Services For The Central Library Lower Level Remodel Project (570.04)**

Recommendation: That Council Authorize the Library Director to execute a First Amendment to Professional Services Agreement No. 21900123 with Bildsten Architecture and Planning, Inc. for Phase 2 architectural and design services for the Central Library Lower Level Remodel in the base amount of \$118,645, and

authorize expenditures of up to \$11,864 for extra services that may result from necessary additional work not identified in the scope of work.

Action: Approved the recommendation; Agreement No. 26,588 (November 19, 2019, report from the Library Director).

**8. Subject: Authorization For Legal Services With Best Best & Krieger LLP For Special Appellate Counsel Support (160.03)**

Recommendation: That Council:

- A. Authorize the City Attorney to execute a legal services agreement with Best Best & Krieger, LLP, for special appellate support in Theodore P. Kracke v. City of Santa Barbara Ventura County Superior Court 56-2016-00490376-CU-WM-VTA, in an amount not to exceed \$75,000; and
- B. Increase appropriations in the Fiscal Year 2020 City Attorney's Office budget from the General Fund Appropriated Reserve for Contingencies in the amount of \$75,000.

Action: Approved the recommendations; Agreement No. 26,589 (November 19, 2019, report from the City Attorney).

NOTICES

- 9. Subject: The City Clerk has on Thursday, November 14, 2019, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

The Finance Committee meeting was cancelled.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

COMMUNITY DEVELOPMENT DEPARTMENT

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

**PUBLIC HEARING**

- 10. **Subject: Appeal Of The Planning Commission's Denial Of 302 And 308 West Montecito Street Hotel Project (640.07)**

Recommendation: That Council:

- A. Consider the appeal of the property owner, Edward St. George, of the Planning Commission's denial of the 302 and 308 West Montecito Street Hotel Project; and
- B. Direct staff to return to Council with a Decision and Findings Resolution reflecting the outcome of the appeal.

Public Hearing opened: 2:21 p.m.

Ex Parte Communications:

- Councilmember Dominguez spoke with applicant and others at the site visit held on November 18, 2019.
- Councilmember Gutierrez spoke with Edward St. George.
- Mayor Murillo spoke with Edward St. George.

Documents:

- November 19, 2019, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- PowerPoint presentation prepared and made by Appellant/Applicant.
- September 29, 2019, letter from Edward St. George.
- November 15, 2019, email from Linda Williams.
- November 15, 2019, letter from Svetlana Muzaleva.
- November 17, 2019, email from Joan M. Wilkin.
- November 17, 2019, email from Bert Muscio.
- November 17, 2019, email from Geraldine Bidwell.
- November 17, 2019, email from Jon Perkins.
- November 17, 2019, email from Lynn Karlson.
- November 17, 2019, email from Mark Taylor.
- November 17, 2019, email from Matt Porter.
- November 17, 2019, email from Michael Hamilton.
- November 18, 2019, letter from Adam Pirozzi.
- November 18, 2019, email from Angel Jensen.
- November 18, 2019, email from Chad Pruett.
- November 18, 2019, email from Chris Willingham.
- November 18, 2019, letter from Cole Cervantes.
- November 18, 2019, email from Francesca Galt.
- November 18, 2019, letter from Jay Blatter.
- November 18, 2019, letter from Hon Standing.
- November 18, 2019, email from Lori Zahn.
- November 18, 2019, email from Marilyn Medel.
- November 18, 2019, email from Mark Ashtiani.
- November 18, 2019, email from Mary Turley.
- November 18, 2019, email from Michael and Margaret Burchiere.
- November 18, 2019, email from Nate Flint.
- November 18, 2019, email from Niccole Willingham.
- November 18, 2019, email from Paul Belmont.
- November 18, 2019, email from Paulina Conn.

- November 18, 2019, email from Sam W. Maphis.
- November 18, 2019, email from Shelby Messner.
- November 18, 2019, letter from Steve Dowty.
- November 18, 2019, email from Steve Heller.
- November 18, 2019, email from Tim Gorter.
- November 18, 2019, letter from William McGeever.
- November 19, 2019, email from Bonnie Donovan.
- November 19, 2019, email from Christos Celmayster.
- November 19, 2019, letter from James Lash.
- November 19, 2019, letter from Marell Brooks.
- November 19, 2019, email from Marilyn Medel.
- November 19, 2019, letter from Steve Golis.
- November 19, 2019, email from Tony Berti.
- November 19, 2019, letter from Arthur Sylvester.
- November 19, 2019, City's Housing Elements from Jarrett Gorin.
- November 19, 2019, letter from Sue Meller.
- November 19, 2019, petition from Bonnie Donovan.
- November 19, 2019, PowerPoint presentation prepared by Anna Marie Gott.

**Speakers:**

- Staff: Project Planner Kathleen Kennedy; Assistant City Attorney Tava Ostrenger; Senior Planner Allison DeBusk, City Attorney Ariel Calonne, City Administrator Paul Casey.
- Planning Commission: Commissioner Shiela Lodge; Chair Lesley Wiscomb.
- Appellant/Applicant: Trish Allen, Jeremy Stone.
- Members of the Public: Pastor Jerry Mevchaca, New Beginning Community Church; Ken Partch; Alan Bleecker; Jarrett Gorin; Arthur Sylvester, Santa Barbara County Genealogical Society; Steve Golis; Sue Mellor; Tony Berti; Adam Pirozzi; Jacqueline Inda; Laura Cordero; Anna Zepeda; Sam Maphis; Pam Scott; Tracy Burnell; Julie McGeever, Heritage House; Frank Jamall; Lynn Karlson; Matt Adolph; Owen Elzafon; Natasha Todorovic, Allied Neighborhood Association; Christine Neuhauser; Bonnie Donovan; Arick Fuller; Lorna Boyd; Anna Marie Gott; Cole Cervantes.

Recess: 4:42 p.m. – 4:51 p.m.

**Motion:**

Councilmembers Friedman/Sneddon to deny the appeal based on findings from Councilmember Friedman and the Planning Commission.

**Vote:**

Motion failed by roll call vote (Ayes: Councilmembers Friedman, Gutierrez, Sneddon; Noes: Councilmembers Dominguez, Harmon, Rowse, and Mayor Murillo).

**Motion:**

Councilmember Harmon/Rowse to continue the appeal on December 17, 2019 in order to give the applicant time to come back to Council with alternative plans.

**Vote:**

Majority roll call vote (Ayes: Councilmembers Harmon, Rowse, Dominguez, and Mayor Murillo; Noes: Councilmembers Friedman, Gutierrez, Sneddon).

Public Hearing closed: 6:14 p.m.

**COUNCIL AND STAFF COMMUNICATIONS**

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

- Councilmember Dominguez attended the following events or meetings: 1. Radius Economic Forecast.
- Councilmember Friedman attended the following events or meetings: 1. Radius Economic Forecast; 2. Central Coast Water Authority special meeting; 3. Sea Level Rise Subcommittee meeting; 4. Coalition for Santa Barbara's Transportation Awards; 5. BEACON; 6. Joint Planning Commission meeting.
- Councilmember Gutierrez attended the following events or meetings: 1. State of our Schools meeting; 2. SB ACT Homelessness meeting; 3. Santa Barbara Science Council; 4. Joint Planning Commission meeting; 5. Sister Cities Board meeting; 6. Youth Council meeting; 7. High School Academy Fair.
- Councilmember Sneddon attended the following events or meetings: 1. COMB operations meeting; 2. Radius Economic Forecast; 3. Sea Level Rise Subcommittee meeting.
- Mayor Murillo attended the following events or meetings: 1. SB ACT Homelessness meeting; 2. SBCAG meeting.

**PUBLIC COMMENT (IF NECESSARY)**

**RECESS**

Mayor Murillo recessed to closed session at 6:19 p.m. and stated that no reportable action is anticipated.

**CLOSED SESSIONS**

**11. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session pursuant to Government Code Section 54957.6 to consider instructions to City Negotiator Pamela Antil, Assistant City Administrator, and Sam Ramirez, HR Analyst II, regarding

negotiations with the Santa Barbara City Supervisory Employees, Service Employees' International Union, Local 620, Treatment and Patrol Bargaining Units, and the Police Management Association.

Scheduling: Duration, 40 minutes; anytime  
Report: None anticipated

Documents:

- November 19, 2019, report from the City Administrator.

Time: 6:25 p.m. – 6:40 p.m.

No report made.

**12. 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 Thomas Felkay as Trustee of the Emprise Trust v. COSB, et al. SBSC Case No. 17CV03351.

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

Documents:

- November 19, 2019, report from the City Attorney.

Time: 6:40 p.m. – 7:00 p.m.

No report made.

**13. Subject: Public Employee Performance Evaluation – Government Code Section 54957 (160.01)**

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney  
Scheduling: Duration, 60 minutes; anytime  
Report: None anticipated

Documents:

- November 19, 2019, report from the City Attorney.

Time: 7:00 p.m. – 7:15 p.m.

No report made.

**ADJOURNMENT**

Mayor Murillo adjourned the meeting at 7:15 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on December 10, 2019.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

  
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CATHY MURILLO  
MAYOR

ATTEST:

  
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SARAH GORMAN  
CITY CLERK SERVICES MANAGER