



**DRAFT
REGULAR CITY COUNCIL
JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY
MEETING
TUESDAY, FEBRUARY 17, 2009**

Afternoon Session
1:30 P.M.
City Hall
130 Cremona Drive, Suite B
Goleta, California

Evening Session
6:00 P.M.
City Hall
130 Cremona Drive, Suite B
Goleta, California

Members of the City Council

Roger S. Aceves, Mayor
Eric Onnen, Mayor Pro Tempore
Michael T. Bennett, Councilmember
Margaret Connell, Councilmember
Edward Easton, Councilmember

Daniel Singer, City Manager
Deborah Constantino, City Clerk
Tim W. Giles, City Attorney

Members of the Redevelopment Agency

Roger S. Aceves, Chair
Eric Onnen, Vice Chair
Michael T. Bennett, Agency Member
Margaret Connell, Agency Member
Edward Easton, Agency Member

Daniel Singer, Executive Director
Deborah Constantino, Agency Secretary
Tim W. Giles, Agency Legal Counsel

AFTERNOON SESSION

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Aceves called the meeting to order at 1:30 P.M., followed by the Pledge of Allegiance.

ROLL CALL OF CITY COUNCIL

Present: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmembers Bennett, Connell and Easton.

Absent: None

Staff Present: Dan Singer, City Manager; Tim W. Giles, City Attorney; Tina Rivera, Finance Director and Rheannon Parr, Deputy City Clerk.

PUBLIC FORUM

None

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

A. CONSENT CALENDAR

A.1 Approval of Meeting Minutes of February 3, 2009

Recommendation: Approve the City Council Minutes of the City Council Meeting of February 3, 2009.

MOTION: Councilmembers Bennett/Connell to approve the City Council Minutes of the City Council Meeting of February 3, 2009.

VOTE: Motion approved by unanimous voice vote.

A.2 Acceptance of January 2009 Check Register

Recommendation: Accept the check register for the month of January 2009.

MOTION: Councilmembers Bennett/Connell to accept the check register for the month of January 2009.

VOTE: Motion approved by unanimous voice vote.

A.3 Planning Commission Concept Review – Ordinance Amendment

Recommendation: Conduct the second reading (by title only) of City Council Ordinance 09-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Ordinance 07-13 to Provide for Concept Review by the Planning Commission, under Section 2-25.9, Responsibilities".

MOTION: Councilmembers Bennett/Connell to conduct the second reading (by title only) of City Council Ordinance 09-01 entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Ordinance 07-13 to Provide for Concept Review by the Planning Commission, under Section 2-25.9, Responsibilities".

VOTE: Motion approved by unanimous voice vote.

A.4 Establishment of a Standing Public Safety and Emergency Preparedness Committee.

Recommendation:

- A. Authorize the establishment of a Standing Public Safety and Emergency Preparedness Committee.
- B. Adopt resolution No.09-__ entitled "A Resolution of the City Council of the City of Goleta, California Authorizing the Establishment of Public Safety and Emergency Preparedness Standing Committee."

MOTION: Councilmembers Bennett/Connell to adopt resolution No.09-09 entitled "A Resolution of the City Council of the City of Goleta, California Authorizing the Establishment of Public Safety and Emergency Preparedness Standing Committee."

VOTE: Motion approved by unanimous voice vote.

A.5 Second Amendment to Professional Services Agreement for the San Jose Creek Capacity Improvement Project

Recommendation: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Penfield & Smith for Preliminary Engineering/Environmental Review of the San Jose Creek Capacity Improvement Project in an additional amount not to exceed \$257,756 for a total contract amount not to exceed \$1,239,552.

MOTION: Councilmembers Bennett/Connell to authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Penfield & Smith for Preliminary Engineering/Environmental Review of the San Jose Creek Capacity Improvement Project in an additional amount not to exceed \$257,756 for a total contract amount not to exceed \$1,239,552.

VOTE: Motion approved by unanimous voice vote.

B. DISCUSSION/ACTION ITEM

B.1 FY 2008/09 Mid-Year Financial Review

Recommendation:

As the City Council:

- A. Adopt Resolution No. 09-__ entitled "A Resolution of the City Council of the City of Goleta, California, Amending the City's Operating and CIP Budget for Fiscal Year 2008-09".

As the Redevelopment Agency:

- B. Adopt Resolution No. 09-__ entitled "A Resolution of the Redevelopment Agency of the City of Goleta, California, Amending the Operating Budget for Fiscal Year 2008-09".

As the City Council:

MOTION: Councilmembers Connell/Easton to adopt resolution No. 09-10 entitled "A Resolution of the City Council of the City of Goleta, California, Amending the City's Operating and CIP Budget for Fiscal Year 2008-09".

VOTE: Motion approved by unanimous voice vote.

As the Redevelopment Agency:

MOTION: Councilmember Bennett/Mayor Pro Tempore Onnen to adopt resolution No. 09-01 entitled "A Resolution of the Redevelopment Agency of the City of Goleta, California, Amending the Operating Budget for Fiscal Year 2008-09".

VOTE: Motion approved by unanimous voice vote.

OPPORTUNITY FOR PUBLIC TO ADDRESS CLOSED SESSION MATTERS

None

Tim W. Giles, City Attorney, read into record closed session matters by title only:

CLOSED SESSION

The City Council met in closed session:

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

Pursuant to the provisions of Government Code Section §54956.9(a) to confer with its legal counsel with regard to the following matter of pending litigation:

- City of Goleta Detachment from the Goleta West Sanitary District (SB LAFCO Case No. 09-1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to the provisions of Government Code Section 54956.9(a) to confer with its legal counsel with regard to the following matters of pending litigation:

- Guggenheim v. City of Goleta, Superior Court Case No. 01246103
- Guggenheim v. City of Goleta, Superior Court Case No. 01246104
- Guggenheim v. City of Goleta, Superior Court Case No. 01187138
- Guggenheim v. City of Goleta, Superior Court Case No. 0124713
- Guggenheim v. City of Goleta, Superior Court Case No. 01197138

ADJOURN TO CLOSED SESSION AT 2:24 P.M.

**RECESS TO EVENING SESSION
CITY COUNCIL MEETING
6:00 P.M.
130 Cremona Drive, Suite B
Goleta, California**

EVENING SESSION

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Aceves called the meeting to order at 6:00 P.M., followed by the Pledge of Allegiance.

ROLL CALL OF CITY COUNCIL

Present: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmembers Bennett, Connell and Easton.

Absent: None

Staff Present: Dan Singer, City Manager; Tim W. Giles, City Attorney; Steve Chase, Planning & Environmental Services Director; Patty Miller, Planning Manager; Steve Wagner, Community Services Director; Vyto Adomaitis, Redevelopment, Neighborhood Services and Public Safety Director; Claudia Sigona, Management Analyst; Alan Hanson, Senior Planner; Laura Vlk, Associate Planner and Rheannon Parr, Deputy City Clerk.

REPORT FROM CLOSED SESSION - (City Attorney)

Tim Giles, City Attorney reported on closed sessions matters;

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Action: No reportable action

PUBLIC FORUM

None

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

C. DISCUSSION/ACTION ITEM

C.1 Sanitary District Detachment Update

Recommendation: Receive a verbal update from staff and the Council's ad-hoc committee on the Goleta West Sanitary District detachment application and provide further direction or input on the subject.

Council received the report.

D. PUBLIC HEARING

D.1 Public Hearing on Needs, Goals, and Funding Priorities for the 2010-2014 Five Year Community Development Block Grant (CDBG) Consolidated Plan, the 2009-2010 Program Year, and Impediments to Fair Housing

Recommendation: Conduct a public hearing to receive public input on issues related to the following items and provide initial recommendations to staff for incorporation into the applicable documents:

- Needs, goals and priorities for the 2010-2014 Five Year Consolidated Plan;
- Needs and funding priorities for the 2009-2010 CDBG Action Plan; and
- Impediments to fair housing for the Analysis of Impediments to Fair Housing

Staff Speakers:

Vyto Adomaitis, Redevelopment, Neighborhood Services and Public Safety Director
Claudia Sigona, Management Analyst

OPENED PUBLIC HEARING AT 6:17 P.M.

Public Speakers:

Ellen Goodstein, Director of the Legal Aid Foundation of Santa Barbara County, spoke to staff recommendations regarding the fair housing program. Ms. Goodstein noted that a letter was included in the staff packet outlining services provided in the past by the Legal Aid Foundation.

Leonor Reyes, Program Director of the Isla Vista Teen Center, spoke to the need of services for the Goleta Youth.

Dr. Larry Linker, New Beginnings Counseling Center, provided Council with an informational Brochure and spoke to the services provided by New Beginnings Counseling Center.

Yesenia Curiel, Program Director of the Santa Barbara Rape Crisis Center, provided statistics on sexual assaults and noted that the Santa Barbara Rape Crisis Center focuses on preventative work.

CLOSED PUBLIC HEARING AT 6:32 P.M.

- MOTION: Councilmembers Connell/Bennett to revise the Public Participation Plan to require a minimum of two public hearings during the CDBG planning process.
- VOTE: Motion approved by unanimous voice vote.

Council provided direction to staff.

D.2 Revised Measure D Two-Year Program of Projects for FY 2008-2009 through FY 2009-2010

Recommendation:

- A. Conduct a public hearing for a Revised Measure D Two-Year Program of Projects for FY 2008-2009 through FY 2009-2010; and
- B. Adopt Resolution No. 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Revised Measure D Two-Year Local Program of Projects FY 2008-2009 through FY 2009-2010".

Staff Speakers:

Steve Wagner, Community Services Director

OPENED PUBLIC HEARING AT 6:40 P.M.

Public Speakers:

None

CLOSED PUBLIC HEARING AT 6:40 P.M.

- MOTION: Councilmember Easton/Mayor Pro Tempore Onnen to adopt resolution No. 09-11 entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Revised Measure D Two-Year Local Program of Projects FY 2008-2009 through FY 2009-2010".
- VOTE: Motion approved by unanimous voice vote.

D.3 Case No. 08-205-GPA; Kenwood Village General Plan Amendments Initiation; APNs 077-130-006, 077-130-019, 077-141-049

Recommendation:

- A. Open the public hearing;
- B. Receive staff presentation and allow public testimony;
- C. Close the public hearing; and
- D. Deliberate and move to initiate the proposed general plan amendments.

Councilmember Connell reported she met with the Applicant and his representatives

Site Visits: No site visits reported

Ex-parte conversations: Mayor Aceves reported meeting with the Applicant. Mayor Pro Tempore Onnen reported meeting with the Applicant and his representatives. Councilmember Bennett reported meeting with the Applicant. Councilmember Connell reported she was given an overview by Mr. Peikert, Lisa Plowman and the owner of the property. Councilmember Easton reported meeting with the Applicant and his representatives.

Staff Speakers:

Patty Miller, Planning Manager and Laura Vlk, Associate Planner provided a PowerPoint presentation overview of Kenwood Village.

OPENED PUBLIC HEARING AT 6:57 P.M.

APPLICANT:

Ken Alker, property owner, noted his goal is to create affordable by design housing for local residents. Mr. Alker spoke to his personal property and how he was able to have his personal property redesignated from agricultural to residential.

Lisa Plowman, Peikert Group Architects, provided a PowerPoint presentation outlining the General Plan designation, site history, owner's objectives and requests, agricultural viability, conceptual plans, site sections & neighborhood compatibility.

Public Speakers:

Mark Lee, Shirley Lina, Larry Siarpaeli, Ed McGready, Barbara Massey, Bob Wignot, Richard Foster and Karen Lovelace spoke in opposition of the proposed General Plan Amendment

CLOSED PUBLIC HEARING AT 7:37 P.M.

MOTION: Councilmembers Connell/Easton to deny proposed Kenwood Village General Plan Amendments and request Applicant to return with a project that fits the current property designation.

VOTE: Motion failed by the following voice vote: Ayes: Councilmembers Connell and Easton. Noes: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmember Bennett.

MOTION: Mayor Pro Tempore Onnen/Councilmember Bennett to initiate the proposed General Plan amendments.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Aceves, Mayor Pro Tempore Onnen and Councilmember Bennett. Noes: Councilmembers Connell and Easton.

Recess 8:15 P.M. – 8:31 P.M.

Translation Services were provided for item D.4

D.4 Case No. 05-140-OA, -TM, -DP; Rancho Mobile Home Park Tentative Tract Map, Development Plan, and Development Agreement; 7465 Hollister Avenue; APN 079-210-058

Recommendation:

- A. Open the public hearing on the Rancho Mobile Home Park Condominium Conversion Project.
- B. Allow staff presentation, applicant presentation, and public testimony.
- C. Close the public hearing.
- D. Adopt City Council Resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Accepting the CEQA Exemption and Adopting CEQA Findings for the Rancho Mobile Home Park Condominium Conversion Project; Case No. 05-140-OA, -TM, -DP; 7465 Hollister Avenue; APN 079-210-058". (Attachment 1)
- E. Introduce and conduct the first reading (by title only) and waive further reading of City Council Ordinance 09-__ entitled "An Ordinance of the City Council of the City of Goleta, California Approving a Development Agreement between the City of Goleta and Goleta Mobile Home Park, LP, a California Limited Partnership for the Condominium conversion of the Rancho Mobile Home Park". (Attachment 2)
- F. Conceptually approve the Rancho Mobile Home Park Condominium Conversion Project by conditionally adopting City Council Resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Approving a Tentative Tract Map for Condominium Purposes and a Development Plan for the Rancho Mobile Home Condominium Conversion Project; 7465 Hollister Avenue; APN 079-210-058; Case No. 05-140-OA, -TM, -DP". (Attachment 3)
- G. Continue the item to March 3, 2009 in order to conduct the second reading by title only and adopt the Ordinance for the Ordinance Amendment approving the Development Agreement, and to adopt a City Council Resolution thereby approving the Rancho Mobile Home Park Condominium Conversion Project.

Refer back to staff if the City Council decides to take action other than the recommended action.

Staff Speakers:

Dan Singer, City Manager

Tim Giles, City Attorney

Steve Chase, Planning & Environmental Services Director

Patty Miller, Planning Manager

Alan Hanson, Senior Planner

Council Consensus to continue meeting past 10:00 P.M.

OPENED PUBLIC HEARING AT 9:24 P.M.

APPLICANT:

Richard Close, Attorney representing the Applicant, spoke to state laws, tract map and the Development Agreement between the City of Goleta and Goleta Mobile Home Park, LP, A California Limited Partnership. Mr. Close requested a change in the Development Agreement under section 4.01.01.E3 and section 4.01.02.D3 by inserting the word "new" between the words "no" and "pass". Mr. Close also provided copies of letters sent to the City dated February 11, 2009, two letters dated February 12, 2009, and February 13, 2009. Mr. Close noted he would also like to incorporate by reference the testimony and deliberations of the Planning Commission.

Susy Forbath, Attorney representing the Applicant, spoke to available financing options and rental protections for the Rancho Mobile Home Park tenants.

Public Speakers:

James Ballantine, Attorney representing tenants of Rancho Mobile Home Park, spoke to the equity transfer and noted that this is not a resident sponsored conversion. Mr. Ballantine spoke to the amendment of Government Code section 66427.5.

John Douglas (letter on file), Elizabeth Mason, Kabir Chalfin, Jim Webster, Lawrence Boehm, Richard Johnson, Ken Tatro, James Richard, Ron Whipple, Phillip Morgan, Olivia Uribe, Debra Barajas, Karen Lovelace (letter on file), Richard Foster and Ann Ostrowsky raised concerns and spoke in opposition of the Rancho Mobile Home Park Condominium Conversion Project.

REBUTTAL:

Richard Close, Attorney representing the Applicant, emphasized that families earning less than \$80,500 would receive better rent control than what currently exists and there will be no new pass-throughs, hardship rent increases and they will be governed by state laws.

CLOSED PUBLIC HEARING AT 10:29 P.M.

MOTION: Mayor Pro Tempore Onnen/Councilmember Bennett to insert in the appropriate sections no new pass throughs for capital expenses after the effective date of this agreement.

VOTE:

Mayor Pro Tempore Onnen reported the City Attorney stated the Development Agreement is only valid if it is agreed to by both the City of Goleta and Goleta Mobile Home Park, LP, A California Limited Partnership.

Tim Giles, City Attorney, noted that there are two options, Council can reopen the public hearing and invite the applicant to approach the podium and ask if they are willing to agree to the terms. The second option is to make the revision to the Development Agreement and introduce as amended

RE - OPENED PUBLIC HEARING AT 10:35 P.M.

Richard Close, Attorney representing the Applicant, noted the provision requested by Council will not be acceptable to his client. Mr. Close noted the requested change was a clarification but did not believe the motion proposed a fair clarification, it potentially provides for a rent reduction based upon events that may occur over the next five years. Mr. Close provided examples of events that could potentially contribute to rent reduction. Mr. Close spoke to the suggested fire suppression system improvements and noted it is not required.

CLOSED PUBLIC HEARING 10:56 P.M.

Amended Motion

MOTION: Mayor Pro Tempore Onnen/Councilmember Bennett to modify the development agreement in regard to section 4.01.01.E3 in part to read, with no new pass-throughs for capital expense and no pass-through of any capital expenses for public safety infrastructure improvement pursuant to section 4.01.03.C and make the same change also inserted into section 4.01.02.D3.

VOTE: Motion approved by unanimous voice vote.

MOTION: Mayor Pro Tempore Onnen/Councilmember Bennett to adopt City Council Resolution 09-12 entitled "A Resolution of the City Council of the City of Goleta, California Accepting the CEQA Exemption and Adopting CEQA Findings for the Rancho Mobile Home Park Condominium Conversion Project; Case No. 05-140-OA, -TM, -DP; 7465 Hollister Avenue; APN 079-210-058"; Introduced and conducted the first reading (by title only) and waived further reading of City Council Ordinance 09-__ entitled "An Ordinance of the City Council of the City of Goleta, California Approving a Development Agreement between the City of Goleta and Goleta Mobile Home Park, LP, a California Limited Partnership for the Condominium conversion of the Rancho Mobile Home Park"; Conceptually approve the Rancho Mobile Home Park Condominium Conversion Project by conditionally adopting City Council Resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Approving a Tentative Tract Map for Condominium Purposes and a Development Plan for the Rancho Mobile Home Condominium Conversion Project; 7465 Hollister Avenue; APN 079-210-058; Case No. 05-140-OA, -TM, -DP"; and Continue the item to March 3, 2009 in order to conduct the second reading by title only and adopt the Ordinance for the Ordinance Amendment approving the Development Agreement, and to adopt a City Council Resolution thereby approving the Rancho Mobile Home Park Condominium Conversion Project.

VOTE: Motion approved by unanimous voice vote

Recess 11:26 P.M. – 11:32 P.M.

E. COUNCIL COMMENTS

Councilmember Connell reported attending last week to the Santa Barbara Coalition to End Homelessness. She also requested the housing elements be added to a future agenda prior to its submittal, which was supported by Councilmember Bennett.

Mayor Pro Tempore Onnen congratulated Dos Pueblos science team who recently won their completion in Bakersfield.

Councilmember Easton noted the City needs to establish in-lieu fees.

Councilmember Bennett requested staff review the possibility of the installation of an on and off ramp near the 7000 block of Calle Real, conquered by Mayor Aceves. He also noted two parcels of land are available for purchase in Old Town Goleta and requested the item be added to an

agenda to consider purchase of the parcels for possible park space, supported by Mayor Pro Tempore Onnen.

F. CITY MANAGER/STAFF REPORT

Dan Singer, City Manager, reported attending the City Managers conference in Monterey. Mr. Singer also noted he will be out for the office Thursday and Friday of this week. He also reported the City of Goleta will be hosting a meeting at the end of month related to the issue of electrical power in our area and a Peaker Plant generator proposal. The meeting will be attended by representatives from Edison, the County, cities Air Pollution Control District and the University.

G. CITY ATTORNEY REPORT

No report

ADJOURNMENT AT 11:46 P.M. IN MEMORY OF PHIL WALKER

Prepared by: Rheannon Parr, Deputy City Clerk

GOLETA CITY COUNCIL

ROGER S. ACEVES
MAYOR
REDEVELOPMENT AGENCY

ATTEST: _____
DEBORAH CONSTANTINO
CITY CLERK

ROGER S. ACEVES
CHAIR

ATTEST: _____
DEBORAH CONSTANTINO
SECRETARY