



**REGULAR CITY COUNCIL
JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY
MEETING MINUTES
TUESDAY, OCTOBER 7, 2008**

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

Michael T. Bennett, Mayor
Roger S. Aceves, Mayor Pro Tempore
Jean W. Blois, Councilmember
Eric Onnen, Councilmember
Jonny Wallis, Councilmember

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

Members of the Redevelopment Agency

Roger S. Aceves, Chair
Michael T. Bennett, Vice Chair
Jean Blois, Agency Member
Eric Onnen, Agency Member
Jonny Wallis, 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 Bennett called the meeting to order at 1:34 P.M., followed by the Pledge of Allegiance.

ROLL CALL OF THE CITY COUNCIL

Present: Mayor Bennett, Mayor Pro Tempore Aceves, Councilmembers Blois, Onnen and Wallis.
Absent: None

ROLL CALL OF THE REDEVELOPMENT AGENCY

Present: Chair Aceves, Vice Chair Bennett, Agency Members Blois, Onnen and Wallis.
Absent: None

Staff Present: Dan Singer, City Manager; Tim W. Giles, City Attorney; Steve Chase, Planning and Environmental Services Director; Tina Rivera, Finance Director; Vyto Adomaitis, Redevelopment, Neighborhood Services; Rosemarie Gaglione, Capital Improvement Project Manager; Marti Schultz, Principal Civil Engineer and Deborah Constantino, City Clerk.

PUBLIC FORUM

None

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

A. PRESENTATION

A.1 Tile of Recognition to Jim Downing for his service to the City of Goleta as the Library Advisory Committee member

Mayor Bennett presented Jim Downing with a Tile of Recognition for his service to the City of Goleta as the Library Advisory Committee member

A.2 Employee Oaths of Allegiance – Ashley Flores, Administrative Assistant; Bradley Higashi, Accounting Specialist; Rheannon Parr, Deputy City Clerk and Claudia Sigona, Management Analyst

Deborah Constantino, City Clerk, administered the Oaths of Allegiance to Ashley Flores, Administrative Assistant; Bradley Higashi, Accounting Specialist; Rheannon Parr, Deputy City Clerk and Claudia Sigona, Management Analyst.

B. CONSENT CALENDAR

B.1 Approval of the minutes of Study Session/Joint City Council/Redevelopment Agency meeting minutes of August 19, 2008, Regular City Council meeting minutes of July 15, 2008, September 2, 2008 and September 16, 2008.

Recommendation: Approve the minutes of Study Session/Joint City Council/Redevelopment Agency meeting minutes of August 19, 2008, Regular City Council meeting minutes of July 15, 2008, September 2, 2008 and September 16, 2008.

MOTION: Mayor Pro Tempore Aceves/Councilmember Blois to Approve the minutes of Study Session/Joint City Council/Redevelopment Agency meeting minutes of August 19, 2008, Regular City Council meeting minutes of July, 15, 2008, September 2, 2008 and September 16, 2008.

VOTE: Motion approved by a unanimous voice vote.

B.2 Amendment to the City of Goleta Salary Schedule and Classification Plan: Legal Office Assistant

Recommendation: Adopt resolution No. 08-__ entitled "a Resolution of the City Council of the City of Goleta, California Amending the Revised City of Goleta Salary Schedule and Classification Plan for Fiscal Year 2008-09 to include the Classification Specification and Salary Range for the Legal Office Assistant Position."

MOTION: Mayor Pro Tempore Aceves/Councilmember Blois to adopt resolution No. 08-49 entitled "a Resolution of the City Council of the City of Goleta, California Amending the Revised City of Goleta Salary Schedule and Classification Plan for Fiscal Year 2008-09 to include the Classification Specification and Salary Range for the Legal Office Assistant Position."

VOTE: Motion approved by a unanimous voice vote.

B.3 Continuation of a Local Emergency Regarding the Flood Threat Associated with the Gap Fire Burn Area and Delegation of Emergency Purchasing Authority

Recommendation: Review the status of the Local Emergency pursuant to Resolution No. 08-45 to determine the need for its continuation regarding the flood threat associated with the Gap Fire burn area and the need to continue the delegation of emergency purchasing authority.

MOTION: Mayor Pro Tempore Aceves/Councilmember Blois to Review the status of the Local Emergency pursuant to Resolution No. 08-45 to determine the need for its continuation regarding the flood threat associated with the Gap Fire burn area and the need to continue the delegation of emergency purchasing authority.

VOTE: Motion approved by a unanimous voice vote.

AS THE JOINT CITY COUNCIL/REDEVELOPMENT AGENCY:

B.4 Sumida Gardens Assignment and Subordination Documents

Recommendation: Authorize the City Manager/Redevelopment Agency Executive Director to execute the Assignment and Subordination Documents related to the Sumida Gardens Project.

MOTION: Mayor Pro Tempore/Agency Chair Aceves/Councilmember/Agency Member Blois to Authorize the City Manager/Redevelopment Agency Executive Director to execute the Assignment and Subordination Documents related to the Sumida Gardens Project.

VOTE: Motion approved by a unanimous voice vote.

**RECONVENE CITY COUNCIL MEETING
PUBLIC HEARING**

C.1 Fairview Gardens Development Impact Fee Waiver Request; 598 North Fairview Avenue; APN 069-090-052

Recommendation:

- A. Conduct a public hearing;
- B. Waive Transportation Development Impact Mitigation Fees (DIFs), but require payment of Recreation DIFs at the Beneficial Project rate, and require Fire, Library, Public Administration and Sheriff DIFs at the regular rate.

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

Staff Speakers:

Steve Chase, Planning and Environmental Services Director
Marti Schultz, Principal Civil Engineer

OPENED PUBLIC HEARING AT 1:41 P.M.

Public Speakers:

Phil Seymour, Attorney representing Fairview Gardens, spoke to the Fairview Gardens appeal of Development Impact fees (written comments on file). Mr. Seymour spoke to the history of the farm worker units before and after the purchase of the property. Mr. Seymour also spoke to the benefits Fairview Gardens provides to the community.

Karen Boris spoke in support of Fairview Gardens and commented that Fairview Gardens is a non-profit with an educational mission. Ms. Boris requested that the City wave or significantly reduce the development Impact fees.

Adrienne Davis, President of Board of Trustees of Fairview Gardens Farm, echoed comments made by Mr. Seymour and Ms. Boris. Ms. Davis raised concerns over current economic situation faced by Fairview Gardens.

CLOSED PUBLIC HEARING AT 1:56 P.M.

MOTION: Councilmember Wallis/Mayor Bennett to find the recreation fees inapplicable.

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

MOTION: Mayor Pro Tempore Aceves/ ___ to concur with the staff's recommendations on the transportation waiver fees.

Motion Failed

Substitute Motion:

MOTION: Councilmembers Blois/Wallis to support staff recommendation, Find Transportation Development Impact Mitigation Fees (DIFs) inapplicable, but require payment of Fire, Library, Public Administration and Sheriff DIFs at the regular rate.

VOTE: Motion approved by a unanimous voice vote.

D. DISCUSSION/ACTION ITEMS

D.1 Cost Allocation and User Fee Study

Recommendation:

- A. Receive the results of the City's User Fee study by MuniFinancial; and
- B. Provide direction to staff on the development of a fee schedule; and
- C. Set a public hearing to consider adoption of said fees.

MOTION: Councilmembers Onnen/Blois to set a public hearing to consider adoption of proposed fees.

VOTE: Motion approved by a unanimous voice vote.

D.2 Emergency Preparedness Action Item – Backup Power Generator Cost Analysis

Recommendation:

- A. Receive a report on the analysis of the purchase and lease options for backup power generation capabilities for City Hall and the City Corporation Yard and provide direction to staff on which option to proceed with; or
- B. Provide direction to staff to use the existing portable backup power generators to provide limited electrical power to City Hall during emergency events; and
- C. Authorize the City Manager to execute a contract with Imperial Electric Company for the installation of a 50kW generator at the City's Corporation Yard in an amount not to exceed \$35,343 consistent with the documents in Attachment 1 to this report. This amount includes an additional 5% project contingency to the original bid.

MOTION: Councilmembers Blois/Onnen to authorize the City Manager to execute a contract with Imperial Electric Company for the installation of a 50kW generator at the City's Corporation Yard in an amount not to exceed \$35,343 consistent with the documents in Attachment 1 to this report. This amount includes an additional 5% project contingency to the original bid.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmembers Onnen/Mayor Bennett to authorize staff to move forward with the purchase and installation of a backup generator for City Hall in an amount not to exceed \$109,867 staff may also consider looking into used equipment as an alternate.

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

RECESS 3:13 TO 3:20 P.M.

D.3 Resolution Proclaiming Opposition to New Offshore Oil & Gas Exploration, Leasing & Development

Recommendation:

- A. Adopt resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California Proclaiming Opposition to New Exploration, Leasing and Development Activities in the Western Santa Barbara Channel for Oil and Gas Production; and
- B. Authorize the Mayor to sign and forward the Resolution to Governor Arnold Schwarzenegger, Congressperson Lois Capps, State Senator Tom McClintock, Assemblymember Pedro Nava, the Santa Barbara County Board of Supervisors, the State Lands Commission, and the California Coastal Commission.

Staff Speakers:

Steve Chase, Planning and Environmental Services Director

Speakers:

Judy Rossiter, representing Stop Oil Seeps California, requested Council defer action on proposed resolution. Ms. Roster spoke to information provided to Council by Stop Oil Seeps California on September 16, 2008.

Jim Nelson spoke to the lifting of the offshore moratorium. Mr. Nelson requested Council defer approval of proposed resolution.

Alice Green urged Council to take no action to termination with regard to proposed resolution. Ms. Green concurs with Stop Oil Seeps California comments and she spoke to the benefits of offshore oil and gas development.

Steve Greig, Venoco Government Relations & Regulatory Manager, raised concerns that references of Venco, Venco projects and the General Plan were not removed from the proposed resolution approved September 16, 2008. Mr. Greig also requested changes to the proposed resolution and provided Council with his suggested revisions.

Tom Blabey, Goleta Valley Chamber of Commerce, reiterated comments made September 16, 2008, by Kristen Amyx, President and CEO of the Goleta Valley Chamber of Commerce. Mr. Blabey urged Council to consider the timing and necessity of such an action.

MOTION: Mayor Pro Tempore Aceves/Councilmember Wallis to adopt resolution No. 08-50 entitled "A Resolution of the City Council of the City of Goleta, California Proclaiming Opposition to New Exploration, Leasing and Development Activities in the Western Santa Barbara Channel for Oil and Gas Production".

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

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 - 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

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 matter of pending litigation:

- Cortez v. City of Goleta, Superior Court Case No. 1301893.

PUBLIC EMPLOYEE PERFORMANCE – EVALUATION

Pursuant to Government Code Section 54957 with regard to the following personnel matter:

- City Manager Performance Evaluation

ADJOURN TO CLOSED SESSION AT 3:54 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 Bennett called the meeting to order at 6:00 P.M., followed by the Pledge of Allegiance.

ROLL CALL OF CITY COUNCIL

Present: Mayor Bennett, Mayor Pro Tempore Aceves, Councilmembers Blois, Onnen and Wallis.
Absent: None

Staff Present: Dan Singer, City Manager; Tim W. Giles, City Attorney; Steve Chase, Planning and Environmental Services Director; Patty Miller, Current Planning Manager and Deborah Constantino, City Clerk.

PUBLIC FORUM

Lou Ventura, representing Embarcadero Municipal Improvement District, read into record letter provided by residents of Rancho Embarcadero.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

E. PUBLIC HEARING

E.1 **Case No. 05-140-OA; Rancho Mobile Home Park Development Agreement Initiation; 7465 Hollister Avenue; APN 079-210-058**

Recommendation:

- A. Conduct a public hearing and receive public testimony to consider whether to initiate a Development Agreement for the application to convert the Rancho Mobile Home Park to tenant ownership, and
- B. Deliberate and initiate Staff study, consideration, negotiation and drafting of a Rancho Mobile Home Park Development Agreement; or
- C. Refer back to staff if the City Council decides to take action other than the recommended action.

Staff Speakers:

Steve Chase, Planning and Environmental Services Director

Speakers:

APPLICANT

Richard Close, Attorney for firm Gilchrist & Rutter
Suzy Forbath, Attorney for firm Gilchrist & Rutter

PUBLIC HEARING OPENED AT 6:18 P.M.

Speakers:

Dennis Shelly raised concerns that he may lose equity in his home under the current conversion process. Mr. Shelly encouraged Council to Vote no.

Ken Tatro, representing Goleta Monarch Mobile Home Association, raised concerns over the elimination of rent control. Mr. Tatro spoke in favor of the City of Goleta continuing negotiations.

PUBLIC HEARING CLOSED AT 6:27 P.M.

MOTION: Councilmember Blois/Mayor Bennett to deliberate and initiate Staff study, consideration, negotiation and drafting of a Rancho Mobile Home Park Development Agreement.

VOTE: Motion approved by a unanimous voice vote.

E.2 Case No. 07-020-OA, -RZ, -DP; Rincon Palms Hotel and Restaurant; 6868 and 6878 Hollister Avenue; APN 073-140-004

Recommendation:

- A. Open the public hearing on the Rincon Palms Hotel and Restaurant project.
- B. Allow staff presentation, applicant presentation, and public testimony.
- C. Adopt City Council Resolution 08-__ entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Final Mitigated Declaration (08-MND-001) and Adopting CEQA Findings and a Mitigation Monitoring and Reporting Program for the Rincon Palms Hotel and Restaurant Project; Case No. 07-020-OA, -RZ, -DP at the Northeast Corner of Storke Road and Hollister Avenue; 6868 Hollister Avenue and 6878 Hollister Avenue; APN 073-140-004". (Attachment 1)
- D. Introduce and conduct the first reading (by title only) and waive further reading of City Council Ordinance 08-__ entitled "An Ordinance of the City Council of the City of Goleta, CA Amending Chapter 35, Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to establish a Hotel Overlay District". (Attachment 2)
- E. Introduce and conduct the first reading (by title only) and waive further reading of City Council Ordinance 08-__ entitled "An Ordinance of the City Council of the City of Goleta, CA Amending the Official Zoning Map Referenced in Section 35-204 of Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to Change the Zone District for the Rincon Palms Hotel and Restaurant Project, Applicable to the Northeast Corner of Storke Road and Hollister Avenue; 6868 Hollister Avenue and 6878 Hollister Avenue; APN 073-140-004". (Attachment 3)

- F. Conceptually approve the Rincon Palms Hotel and Restaurant Project by conditionally adopting City Council Resolution 08-__ entitled "A Resolution of the City Council of the City of Goleta, CA Approving a Development Plan for the Rincon Palms Hotel and Restaurant Project, Case No. 07-020-DP; at the Northeast Corner of Storke Road and Hollister Avenue; 6868 and 6878 Hollister Avenue; APN 073-140-004". (Attachment 4)
- G. Continue the item to October 21, 2008 in order to conduct the second reading and adoption of the Ordinance for an Ordinance Amendment and the Ordinance for the Rezone and to adopt a City Council Resolution thereby approving the Rincon Palms Hotel and Restaurant Project.
- H. Close the public hearing.

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

Staff Speakers:

Patty Miller, Current Planning Manager

Speakers:

APPLICANT

Kip Bradley, represent Cortona Opportunity Limited

Richard Six, Architect, provided PowerPoint presentation of site plan

OPENED PUBLIC HEARING AT 7:41 P.M.

Trey Pinner, Pacifica Suites, raised concern over the impact of the proposed project and other pending hotel projects. Mr. Pinner spoke to supply and demand of the Goleta hotel industry. He also requested the City to take time to study and consider what the decisions and approvals will mean to the hotel industry.

Tom Patton, Ramada Ltd. Hotel, urged Council to carefully consider their decision regarding new hotel development. Mr. Patton spoke to the Goleta hotel industries supply and demand.

Harvey Robbins, Assistant General Manager of South Coast Inn, spoke to the concerns of his employees' job security.

Vicky Quinn spoke in support of proposed amendment.

CLOSED PUBLIC HEARING AT 7:53 P.M.

MOTION: Councilmembers Blois/Onnen to adopt City Council Resolution 08-51 entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Final Mitigated Declaration (08-MND-001) and Adopting CEQA Findings and a Mitigation Monitoring and Reporting Program for the Rincon Palms Hotel and Restaurant Project; Case No. 07-020-OA, -RZ, -DP at the Northeast Corner of Storke Road and Hollister Avenue; 6868 Hollister Avenue and 6878 Hollister Avenue; APN 073-140-004". (Attachment 1)

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmembers Onnen/Wallis to Introduce and conduct the first reading (by title only) and waive further reading of City Council Ordinance 08-__ entitled "An Ordinance of the City Council of the City of Goleta, CA Amending Chapter 35, Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to establish a Hotel Overlay District". (Attachment 2); Introduce and conduct the first reading (by title only) and waive further reading of City Council Ordinance 08-__ entitled "An Ordinance of the City Council of the City of Goleta, CA Amending the Official Zoning Map Referenced in Section 35-204 of Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to Change the Zone District for the Rincon Palms Hotel and Restaurant Project, Applicable to the Northeast Corner of Storke Road and Hollister Avenue; 6868 Hollister Avenue and 6878 Hollister Avenue; APN 073-140-004". (Attachment 3); Conceptually approve the Rincon Palms Hotel and Restaurant Project by conditionally adopting City Council Resolution 08-52 entitled "A Resolution of the City Council of the City of Goleta, CA Approving a Development Plan for the Rincon Palms Hotel and Restaurant Project, Case No. 07-020-DP; at the Northeast Corner of Storke Road and Hollister Avenue; 6868 and 6878 Hollister Avenue; APN 073-140-004". (Attachment 4); and Continue the item to October 21, 2008 in order to conduct the second-reading and adoption of the Ordinance for an Ordinance Amendment and the Ordinance for the Rezone and to adopt a City Council Resolution thereby approving the Rincon Palms Hotel and Restaurant Project.

VOTE: Motion approved by a unanimous voice vote.

F. COUNCIL COMMENTS

Councilmember Onnen congratulated Mayor Bennett on his appointment as the President of the Channel Division of the League of Cities.

Councilmember Wallis reported on the outcome of the four recommendations for resolution at the League of Cities annual conference.

G. CITY MANAGER/STAFF REPORT

Dan Singer, City Manager, reported on his attendance at the League of Cities annual conference. Mr. Singer noted that the two community workshops aimed at preparing citizens and businesses for the potential winter flooding were well attended. He also noted on Thursday the City of Goleta, Chamber of Commerce and Red Cross will host a lunchtime meeting to discuss how businesses can prepare themselves for this winters potential flooding.

H. CITY ATTORNEY REPORT

Tim Giles, City Attorney, thanked Council for their support in creating a Legal Services support position. Mr. Giles noted his attendance at the League of Cities annual conference. He also noted no reportable action on closed session and the City Council will reconvene in closed session regarding:

PUBLIC EMPLOYEE PERFORMANCE – EVALUATION

Pursuant to Government Code Section 54957 with regard to the following personnel matter:

- City Manager Performance Evaluation

ADJOURNMENT 8:54 P.M. IN REMEMBRANCE OF VINCE FALCONE

Prepared by: Rheannon Parr, Deputy City Clerk

GOLETA CITY COUNCIL

 ATTEST: 
MICHAEL T. BENNETT DEBORAH CONSTANTINO
MAYOR CITY CLERK

REDEVELOPMENT AGENCY

 ATTEST: 
ROGER S. ACEVES DEBORAH CONSTANTINO
CHAIR SECRETARY