



**REGULAR CITY COUNCIL
JOINT CITY COUNCIL/
PLANNING AGENCY
MEETING MINUTES
TUESDAY, APRIL 15, 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
Julie Hayward Biggs, City Attorney

Members of the Planning Agency

Eric Onnen, Chair
Jonny Wallis, Vice Chair
Roger S. Aceves, Agency Member
Michael T. Bennett, Agency Member
Jean W. Blois, Agency Member

Daniel Singer, City Manager
Deborah Constantino, Agency Secretary
Brian Pierik, Agency Legal Counsel

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Bennett called the meeting to order at 1:34 P.M., followed by Pledge of Allegiance.

ROLL CALL OF CITY COUNCIL

Present: Mayor Bennett, Councilmembers Blois, Onnen and Wallis
Absent: Mayor Pro Tempore Aceves

Staff Present: Daniel Singer, City Manager; Brian Pierik, City Attorney; Steve Chase, Planning and Environmental Services Director; Shine Ling, Assistant Planner; & Deborah Constantino, City Clerk.

PUBLIC FORUM

Mayor Bennett presented to Girls, Inc. a resolution of appreciation on behalf of the City of Goleta.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

Dan Singer, City Manager reported that there was no reportable action from the closed session held on April 11, 2008.

CLOSED SESSION

The City Council met in closed session:

CONFERENCE WITH LEGAL COUNSEL – PERSONNEL MATTER

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

- City Attorney Interviews

CITY COUNCIL

A. PRESENTATION

A.1 Fire Department Annual Report

Captain Martin Johnson provided a PowerPoint presentation on the 2007 Fire Department Annual Review and provided pertinent information to the needs, logistics and justification of a future fire station in the Western portion of Goleta.

Staff Speakers:
None

Council received the report.

B. CONSENT CALENDAR

B.1 Award of Concrete Repair Project

Recommendation:

- A. Authorize the City Manager to execute a construction contract with Aguilera Brothers Construction, Inc., for the Miscellaneous Concrete Repair Project, FY 2007-2008 in the amount of \$197,412 subject to the requirements of the contract documents;

- B. Authorize the City Manager to approve contingency contract change orders if necessary in an amount not to exceed \$40,000.

MOTION: Councilmembers Blois/Onnen to authorize the City Manager to execute a construction contract with Aguilera Brothers Construction, Inc., for the Miscellaneous Concrete Repair Project, FY 2007-2008 in the amount of \$197,412 subject to the requirements of the contract documents; and authorize the City Manager to approve contingency contract change orders if necessary in an amount not to exceed \$40,000.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

B.2 Acceptance of March 2008 Check Register

Recommendation: Accept the check register for the month of March 2008.

MOTION: Councilmembers Blois/Onnen to accept the check register for the month of March 2008.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

B.3 Award of Contract for On-Call Inspection Services

Recommendation:

- A. Authorize the City Manager to execute a contract for On-Call Construction Inspection Services with Flowers & Associates, Inc. in an amount not to exceed \$20,000;
- B. Authorize the City Manager to execute a contract for On-Call Construction Inspection Services with Penfield & Smith, in an amount not to exceed \$20,000;
- C. Authorize the City Manager to execute a contract for On-Call Construction Inspection Services with MNS Engineers, Inc., in an amount not to exceed \$20,000; and,
- D. Authorize the City Manager to adjust the contract amounts based upon actual work completed by each individual Contractor in an amount not to exceed the total budget of \$60,000.

MOTION: Councilmembers Blois/Onnen to authorize the City Manager to execute a contract for On-Call Construction Inspection Services with Flowers & Associates, Inc. in an amount not to exceed \$20,000, Authorize the City Manager to execute a contract for On-Call Construction Inspection Services with Penfield & Smith, in an amount not to exceed \$20,000, authorize the City Manager to execute a contract for On-Call Construction Inspection

Services with MNS Engineers, Inc., in an amount not to exceed \$20,000; and Authorize the City Manager to adjust the contract amounts based upon actual work completed by each individual Contractor in an amount not to exceed the total budget of \$60,000.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

B.4 Award of Contract for Auditing Services

Recommendation: Authorize the City Manager to execute a three-year Auditing Services contract to Rogers; Anderson, Malody and Scott, LLP in an amount not exceed \$37,450 for FY 2007-08.

MOTION: Councilmembers Blois/Onnen to authorize the City Manager to execute a three-year Auditing Services contract to Rogers, Anderson, Malody and Scott, LLP in an amount not exceed \$37,450 for FY 2007-08.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

C DISCUSSION/ACTION ITEM

C.1 Management Partners Planning Department Review

Recommendation:

- A. Receive a presentation from the Planning & Environmental Services Director and Management Partners on the results of a process improvement study about the land use planning function. (Refer to Attachment 1).
- B. Provide comments and general direction to staff on the list of recommendations included within the report.
- C. File the report with the expectation that staff will incorporate the City Council's comments and direction into the Strategic Plan, Budget, codes and administrative processes relative to land use planning and design review.

STAFF SPEAKER:

Steve Chase, Planning and Environmental Services Director

Andrew Belknap representing Management Partners provided a PowerPoint Presentation outlining his research.

Shine Ling, Assistant Planner provided comments about the process and provided suggestions.

Council received report and provided direction to staff.

OPPORTUNITY FOR PUBLIC TO ADDRESS CLOSED SESSION MATTERS

ADJOURN TO CLOSED SESSION AT 2:50 P.M.

CLOSED SESSION

The City Council met in closed session:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to the provisions of Government Code Section 54956.9(c) with regard to potential initiation of one matter of litigation.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property Parcel #'s 079-554-023, 079-554-024, 079-554-025, 079-554-026, 079-554-027, 079-554-028, 079-554-029, 079-554-030, 079-554-031, 079-554-032, 079-554-032, 079-554-039, 079-553-016, 079-553-015, 079-553-014, 079-553-013, and 079-553-011

Agency Negotiator: Dan Singer, City Manager

Negotiating Parties: David Taylor, Marc Wasson, Orland Fiandaca, David Taylor, Carol/Nancy Bottiani, Patricia Banks, Marianna Strickland, Heady Family Trust, Henrietta Ash, Robert Silverthorn, Gaines Family Trust, Adrian Melero, John Brown Manning III, Wesley/Adele Seapy, Christine Jensen, and Christine Jensen, Al & Carol Gottlieb

Under Negotiations: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Parcel # 073-450-005

Agency Negotiator: Dan Singer, City Manager

Negotiating Party: Sares Regis Group

Under Negotiations: Price and Term

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Parcel # 079-210A-048

Agency Negotiator: Dan Singer, City Manager

Negotiating Party: John Stahl

Under Negotiations: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – PERSONNEL MATTER

The City Council met in closed session pursuant to Government Code Section 54957 with regard to the following personnel matter:

- Consider Appointment of a City Attorney

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 6:03 P.M., followed by the Pledge of Allegiance.

ROLL CALL OF CITY COUNCIL

Present: Mayor Bennett, Councilmembers Blois, Onnen and Wallis

Absent: Mayor Pro Tempore Aceves

ROLL CALL OF PLANNING AGENCY

Present: Chair Onnen, Vice Chair Wallis, Agency Members Bennett and Blois

Absent: Agency Member Aceves

Staff Present: Daniel Singer, City Manager; Brian Pierik, City Attorney; Steve Wagner, Community Service Director; Rosemarie Gaglione, Senior Project Manager; Michelle Greene, Administrative Services Director; Steve Chase, Planning and Environmental Services Director; Dan McLaughlin, Interim Manager. Building & Safety & Senior Building Inspector & Deborah Constantino, City Clerk.

PUBLIC FORUM

SPEAKERS:

None

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

D. PUBLIC HEARING

D.1 Measure D Two-Year Program of Projects for FY 2008-2009 through FY 2009-2010

Recommendation:

- A. Conduct a public hearing on the Measure D Two-Year Program of Projects for FY 2008-2009 through FY 2009-2010; and
- B. Adopt Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Measure D Two-Year Local Program of Projects FY 2008-2009 through FY 2009-2010".

STAFF SPEAKER:

Steve Chase, Planning and Environmental Services Director

Open The Public Hearing 6:06 P.M.

Speakers:
None

Close the Public Hearing 6:06 P.M.

MOTION: Councilmembers Blois/Onnen to Adopt Resolution No. 08-15 entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Measure D Two-Year Local Program of Projects FY 2008-2009 through FY 2009-2010".

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

RECESS TO JOINT CITY COUNCIL/ PLANNING AGENCY

D.2 Case No. 08-053-DP RV01 and 07-MND-01 Addendum dated April 2008, San Jose Creek Capacity Improvement Project Development Plan located south and north of Hollister Avenue (APN's 071-190-017, 071-170-036, 071-140-060 and -040, and 071-090-036, -037 and -078, 071-260-001 thru 008, 071-140-046, 071-140-056)

Recommendation:

- A. Open the public hearing on the San Jose Creek Capacity Improvement Project with Fish Passage Improvements;
- B. Allow oral presentations from staff and the applicant regarding the project;
- C. Provide directions regarding the project;

As Planning Agency

- D. Adopt the Planning Agency Resolution entitled "A Resolution of the Planning Agency of the City of Goleta Recommending to the City Council Approval of a Final Mitigated Negative Declaration and Final Development Plan for the San Jose Creek Capacity Improvement Project, Located North and South of the Hollister Avenue Bridge and South Along Highway 217 (City of Goleta Cases 07-Mnd-01 Addendum dated April 2008 and 08-053-Dp Rv01 (Cz)", thereby recommending approval of various actions related to the project;

As City Council

- E. Adopt the City Council Resolution entitled "A Resolution of the City Council of the City of Goleta Approving an Addendum dated April 2008 to the Final Mitigated Negative Declaration/Environmental Assessment for the San Jose Creek Capacity Improvement Project, Located North and South of The Hollister Avenue Bridge and South Along Highway 217 (City Of Goleta Cases Addendum Dated April 2008 to 07-Mnd-01 and 08-053-Dp Rv01)";

- F. Adopt the City Council Resolution entitled "A Resolution of the City Council of the City of Goleta Approving 08-053-Dp Rv01 (Cz) for the San Jose Creek Capacity Improvement Project, Located North and South of the Hollister Avenue Bridge and South Along Highway 217 Assessor Parcel Numbers: 071-190-017, 071-170-036, 071-140-060 and -040, and 071-090-036, -037 and -078, 071-260-001 thru 008, 071-140-046, and 071-140-056"; and
- G. Authorize transmittal of the portion of the project which lies in the Coastal Zone to the California Coastal Commission.

STAFF SPEAKER:

Steve Wagner, Community Service Director; Rosemarie Gaglione, Senior Project Manager

Open the Public Hearing 6:13 P.M.

Speakers:

Mark Bottiani and Ken Victorino representing the Bottiani family expressed concerns regarding the removal of the Steel Bridge located on their property and the potential safety concerns and inconveniences associated with a single exit.

Close the Public Hearing 6:20 P.M.

As Planning Agency

MOTION: Vice Chair Wallis/Agency Member Blois to adopt resolution No. 08-01 entitled "A Resolution of the Planning Agency of the City of Goleta Recommending to the City Council Approval of a Final Mitigated Negative Declaration and Final Development Plan for the San Jose Creek Capacity Improvement Project, Located North and South of the Hollister Avenue Bridge and South Along Highway 217 (City of Goleta Cases 07-Mnd-01 Addendum dated April 2008 and 08-053-Dp Rv01 (Cz)", thereby recommending approval of various actions related to the project.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

As the City Council

MOTION: Councilmembers Wallis/Blois to adopt resolution No. 08-16 entitled "A Resolution of the City Council of the City of Goleta Approving an Addendum dated April 2008 to the Final Mitigated Negative Declaration/Environmental Assessment for the San Jose Creek Capacity Improvement Project, Located North and South of The Hollister Avenue Bridge and South Along Highway 217 (City Of Goleta Cases Addendum Dated April 2008 to 07-Mnd-01 and 08-053-Dp Rv01)";

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

MOTION: Councilmembers Wallis/Blois to adopt resolution No.08-17 entitled "A Resolution of the City Council of the City of Goleta Approving 08-053-Dp Rv01 (Cz) for the San Jose Creek Capacity Improvement Project, Located North and South of the Hollister Avenue Bridge and South Along Highway 217 Assessor Parcel Numbers: 071-190-017, 071-170-036, 071-140-060 and -040, and 071-090-036, -037 and -078, 071-260-001 thru 008, 071-140-046, and 071-140-056";

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

MOTION: Councilmembers Wallis/Onnen to authorize transmittal of the portion of the project which lies in the Coastal Zone to the California Coastal Commission.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

ADJOURN JOINT CITY COUNCIL/PLANNING AGENCY/ RECONVENE CITY COUNCIL

E. DISCUSSION/ACTION ITEM

E.1 Consideration of Community Project Grant Funding

Recommendation: Approve the funding recommendations of the Community Project Grant Subcommittee.

STAFF SPEAKER:

Michelle Greene, Administrative Services Director

MOTION: Mayor Bennett/Councilmember Blois to approve the funding recommendations of the Community Project Grant Subcommittee as proposed.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

E.2 Update of Building & Safety Codes

Recommendation:

- A. Introduce and conduct the first reading (by title only) and waive further reading of Ordinance No. 08-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Title 8, Buildings and Construction, of the Goleta Municipal Code: To Delete Chapter 8.01 Entitled, 'Administration' and Chapter

8.12 Entitled, 'Fire Code'; To Amend Chapter 8.02 Entitled, 'Building Code,' Chapter 8.04 Entitled, 'Housing Code,' Chapter 8.06 Entitled, 'Electrical Code,' Chapter 8.08 Entitled, 'Plumbing Code,' Chapter 8.10 Entitled, 'Mechanical Code,' Chapter 8.14 Entitled, 'Dangerous Buildings Code,' and Chapter 8.16 Entitled, 'Building Conservation Code'; and to Add Chapter 8.18 Entitled, Administrative Code." (Refer to Attachment 1);

- B. Set a public hearing on May 6, 2008 in order to conduct the second reading by title only of the Ordinance; and
- C. Reconstitute the Building Standards Appeals Board with technical experts and direct staff to prepare operating procedures/by-laws.

STAFF SPEAKER:

Steve Chase, Planning and Environmental Services Director

Dan McLaughlin, Interim Manager. Building & Safety & Senior Building Inspector

MOTION: Councilmembers Wallis/Onnen to introduce and conduct the first reading (by title only) and waive further reading of Ordinance No. 08-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Title 8, Buildings and Construction, of the Goleta Municipal Code: To Delete Chapter 8.01 Entitled, 'Administration' and Chapter 8.12 Entitled, 'Fire Code'; To Amend Chapter 8.02 Entitled, 'Building Code,' Chapter 8.04 Entitled, 'Housing Code,' Chapter 8.06 Entitled, 'Electrical Code,' Chapter 8.08 Entitled, 'Plumbing Code,' Chapter 8.10 Entitled, 'Mechanical Code,' Chapter 8.14 Entitled, 'Dangerous Buildings Code,' and Chapter 8.16 Entitled, 'Building Conservation Code'; and to Add Chapter 8.18 Entitled, Administrative Code." (Refer to Attachment 1);

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

MOTION: Councilmembers Wallis/Blois to set a public hearing on May 6, 2008 in order to conduct the second reading by title only of the Ordinance.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

E.3 Public Utilities Commission Rule 20A: Utility Undergrounding Funds

Recommendation: Initiate process to create a Utility Undergrounding District pursuant to California Public Utilities Commission's Rule 20A.

STAFF SPEAKER:

Steve Wagner, Community Service Director

MOTION: Councilmembers Blois/ Wallis to initiate process to create a Utility Undergrounding District pursuant to California Public Utilities Commission's Rule 20A.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

E.4 Design Review Board Vacancies

Recommendation: Provide direction on a selection process or consider appointments to the Design Review Board.

STAFF SPEAKER:
Deborah Constantino, City Clerk

MOTION: Councilmembers Blois/ Wallis to reappoint Carl Schneider and Chris Messner to their current categories for another three year term.

VOTE: Motion approved by the following voice votes: Ayes: Mayor Bennett and Councilmembers Blois, Onnen, and Wallis. Noes: None. Absent: Mayor Pro Tempore Aceves.

F. COUNCIL COMMENTS

No report.

G. CITY MANAGER/STAFF REPORT

Dan Singer, City Manager requested to hold a closed session on April 28th at 4:00 P.M., he reported that the earlier proposed date to consider the General Plan Amendments, Track 2, which was scheduled for May 1st had been cancelled.

H. CITY ATTORNEY REPORT

City Attorney reported that the City Council met in closed session this afternoon on the following matter:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to the provisions of Government Code Section 54956.9(c) with regard to potential initiation of one matter of litigation. – Action: No reportable Action.

Reported that the Council will now adjourn to closed session to discuss remaining closed session items:

CLOSED SESSION

The City Council met in closed session:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property Parcel #'s 079-554-023, 079-554-024, 079-554-025, 079-554-026, 079-554-027, 079-554-028, 079-554-029, 079-554-030, 079-554-031, 079-554-032, 079-554-032, 079-554-039, 079-553-016, 079-553-015, 079-553-014, 079-553-013, and 079-553-011
Agency Negotiator: Dan Singer, City Manager

Negotiating Parties: David Taylor, Marc Wasson, Orland Fiandaca, David Taylor, Carol/Nancy Bottiani, Patricia Banks, Marianna Strickland, Heady Family Trust, Henrietta Ash, Robert Silverthorn, Gaines Family Trust, Adrian Melero, John Brown Manning III, Wesley/Adele Seapy, Christine Jensen, and Christine Jensen, Al & Carol Gottlieb
Under Negotiations: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Parcel # 073-450-005
Agency Negotiator: Dan Singer, City Manager
Negotiating Party: Sares Regis Group
Under Negotiations: Price and Term

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Parcel # 079-210A-048
Agency Negotiator: Dan Singer, City Manager
Negotiating Party: John Stahl
Under Negotiations: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – PERSONNEL MATTER

The City Council met in closed session pursuant to Government Code Section 54957 with regard to the following personnel matter:

- Consider Appointment of a City Attorney

I. Adjourned at 8:12 P.M.

Prepared by: Rheannon Parr, Deputy City Clerk

GOLETA CITY COUNCIL


MICHAEL T. BENNETT
MAYOR

ATTEST: 
DEBORAH CONSTANTINO
CITY CLERK

PLANNING AGENCY


ERIC ONNEN
CHAIR

ATTEST: 
DEBORAH CONSTANTINO
AGENCY SECRETARY