



**REGULAR CITY COUNCIL
MEETING MINUTES
TUESDAY, MAY 20, 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
Brian A. Pierik, City Attorney

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Bennett called the meeting to order at 1:32 P.M. followed by the Pledge of Allegiance led by Junior Spirit of Fiesta and her court.

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; Brian Pierik, Assistant City Attorney; Michelle Greene, Administrative Service Director; Steve Chase, Planning & Environmental Services Director; Tina Rivera, Finance Director; Bill Millar, Parks & Open Spaces Manager; Kirsten Deshler, Public Information Office/Management Analyst; Jaime Valdez, Management Analyst; and Deborah Constantino, City Clerk.

PUBLIC FORUM

Speakers: Ken Tatro, representing Goleta Monarch Mobile Home Association, provided handouts to City Council and introduced various members in the audience. Mr. Tatro spoke to Prop. 98 & 99 encouraging the City Council to vote no on Prop. 98 and Yes on Prop. 99.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

A. PRESENTATION

A.1 Presentation and Overview from Tim Taylor, El Presidente, the 84th Annual Old Spanish Days Fiesta

Tim Taylor, El Presidente, noted an event to be held on Wednesday, June 4th, 2008, at 5:00P.M. at Stow Canyon. Mr. Taylor stated the theme is "Viva La Comunidad", and he encouraged all Santa Barbara County residents to attend. Mayor Bennett presented El Presidente, Tim Taylor, with a Proclamation declaring June 4, 2008 as Fiesta Ranchera day in the City of Goleta.

A.2 Presentation to the 2008 Junior Spirit of Fiesta, Miss Ashley Almada, 6th grader Ellwood School, Goleta

Ashley Almada, 2008 Junior Spirit of Fiesta, performed a Spanish dance and was presented with a certificate of recognition from Mayor Bennett.

A.3 Police Services 2007 Annual Report

Recommendation: Accept and file report.

Public Speakers:
None

Staff Speaker:
Dan Singer, City Manager; Vyto Adomaitis, Redevelopment, Neighborhood Services & Public Safety Director and Lt. Pappas, City Chief of Police, who provided a PowerPoint presentation overview of the Police Services 2007 Annual Report.

Council received the report.

B. CONSENT CALENDAR

B.1 Acceptance of April 2008 Check Register

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

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

VOTE: Motion approved by a unanimous voice vote.

B.2 Codification Services for the City of Goleta

Recommendation:

A. Award a professional services agreement in the amount of \$26,975 to Quality Code Publishing for codification and maintenance services for a 5-year term; and

B. Authorize the City Manager to execute said agreement; and

C. Allocate an additional \$ 3,075 for FY 07-08 to account 101-1300-500 to fund said agreement.

MOTION: Councilmembers Blois/Onnen to award a professional services agreement in the amount of \$26,975 to Quality Code Publishing for codification and maintenance services for a 5-year term; and authorize the City Manager to execute said agreement; and allocate an additional \$ 3,075 for FY 07-08 to account 101-1300-500 to fund said agreement.

VOTE: Motion approved by a unanimous voice vote.

B.3 Approval of the City Council meeting minutes of March 4, 2008, April 1, 2008, and Joint City Council/Planning Agency meeting minutes of April 15, 2008

Recommendation: Approve the City Council meeting minutes of March 4, 2008, April 1, 2008, and Joint City Council/Planning Agency meeting minutes of April 15, 2008.

MOTION: Councilmembers Blois/Onnen to approve the City Council meeting minutes of March 4, 2008, and April 1, 2008.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmembers Blois/Onnen to approve the City Council meeting minutes of the Joint City Council/Planning Agency meeting minutes of April 15, 2008.

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

B.4 Amendment No. 3 for Parks Maintenance Services

Recommendation: Authorize the City Manager to execute amendment No. 3 to the contract with Valley Crest to provide parks maintenance services, increasing the contract authority from \$250,000 to \$305,000.

MOTION: Councilmembers Blois/Onnen to authorize the City Manager to execute amendment No. 3 to the contract with Valley Crest to provide parks maintenance services, increasing the contract authority from \$250,000 to \$305,000.

VOTE: Motion approved by a unanimous voice vote.

C DISCUSSION/ACTION ITEM

C.1 Eminent Domain June Ballot Initiatives: Propositions 98 and 99 and Update on California State Budget Issues

Recommendation:

A. Oppose Proposition 98, the California Property Owners and Farmland Protection Act (CPOFPA) and support Proposition 99, the Homeowners and Private Property Protection Act (HPPA).

B. Receive an update on the California budget situation, pending the release of the Governor's May Budget Revision.

MOTION: Mayor Pro Tempore Aceves/Councilmember Blois to Oppose Proposition 98, the California Property Owners and Farmland Protection Act (CPOFPA) and support Proposition 99, the Homeowners and Private Property Protection Act (HPPA); and Receive an update on the California budget situation, pending the release of the Governor's May Budget Revise.

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

C.2 Community Poll Results

Recommendation:

- A. Receive a presentation from polling consultant Wilson Research Strategies on the results and findings of the City's recent community poll.
- B. Provide direction to staff on potential actions related to the poll results.

STAFF SPEAKER:

Dan Singer, City Manager

Council received presentation and directed staff to:

- Refine and revisit at the appropriate time in the future so we can continue to operate effectively.
- Utilize the findings in the Strategic Plan workshop to re-emphasize areas in need of improvement and solve issues found through Polling.

OPPORTUNITY FOR PUBLIC TO ADDRESS CLOSED SESSION MATTERS

SPEAKERS:

None

ADJOURN TO CLOSED SESSION AT 3:47 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 # 079-210A-048

Agency Negotiator: Dan Singer, City Manager

Negotiating Party: John Stahl

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 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:

- Oly Chadmar Sandpiper General Partnership v. City of Goleta Supreme Court Case No. 01111147
- HT Santa Barbara, Inc. v. City of Goleta, Superior Court Case No. 1241926
- Shelby Family Partnership City of Goleta, Superior Court Case No. 1241956
- Citizens for a Better Goleta v. City of Goleta, Superior Court Case No. 1241870
- Great Universal Capital Association, L.P/HT Santa Barbara, Inc. v. City of Goleta, Superior Court Case No. 1242746
- Bishop Ranch 2000 LLC v. City of Goleta, Superior Court Case No. 1242776

**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 6:02 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; Brian Pierik, Assistant City Attorney; Steve Chase, Planning and Environmental Services Director; Patty Miller, Current Planning Manager and Deborah Constantino, City Clerk.

PUBLIC FORUM

SPEAKERS:

George Relles complimented the City and Staff for sign enforcement during elections and expressed his concerns regarding sign pollution from local businesses.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

D. PUBLIC HEARING

D.1 Public Hearing to Consider Case No.07-102-GPA; Bacara Resort and Spa General Plan Amendments Initiation; 8301 Hollister Avenue, APNs 079-200-012 & 013

Recommendation:

- A. Open the public hearing on the Bacara Resort and Spa General Plan Amendments Initiation request.
- B. Allow oral presentations from staff and the applicant regarding the request.
- C. Take public testimony.
- D. Deliberate and adopt the recommended actions identified in Attachment 1.

Staff Speakers:

Steve Chase, Planning and Environmental Services Director and Patty Miller, Current Planning Manager.

Applicant:

Richard Monk, provided a PowerPoint presentation of the Bacara project timeline; Steven Kauffman, Richards, Watson & Gershon; and Mary Rochelle, Planner.

PUBLIC HEARING OPENED AT 6:22 P.M.

SPEAKERS:

John Ruiz, representing the Chumash people, suggested that public access in the evening has lead to looting of archeological sites (he pointed out the locations on a map to Council and audience). He also spoke to concerns over the lack of protection on those sites by Bacara.

Bayron Toledo, Bacara employee, shared his experiences working for Bacara. He said the Bacara has provided him the support and management training to be a successful professional. He suggested the proposed addition could allow Bacara to hire more employees and bring more business to Goleta.

Adrianna Wells, Bacara employee, spoke in support of Bacara's proposed amendments. She said Bacara supports the efforts of the community and inspires employees and their families to achieve their goals. She urged the members of the Council to listen and make an educated decision that better serves the future of Goleta.

Blanca Hernandez, Team Member Services Manager at Bacara, expressed her support of Bacara and asked Council to recognize Bacara's contribution to the community and consider Bacara's amendments.

Annie Montalvo, Executive Director of Team Member Services at Bacara, spoke in support of the Bacara and urged Council to consider the proposed amendments.

Barbara Massey requested additional time to review the recent information before any decisions are to be made.

Margaret Connell, CPA Landuse Committee, presented a letter written by Naomi Kovacs, Executive Director of CPA Landuse Committee, urging Council to adopt staff recommendations.

Rodgon Johnson expressed his support of Bacara and he raised concern of 24/7 access to Haskell's Beach.

Bill Redding spoke in support of Bacara's proposed amendments.

George Shibla spoke in support of Bacara's proposed amendments.

George Relles expressed his concerns that workshop feedback on Attachment 1, General Plan Amendment data sheets, is listed as N/A. Mr. Relles echoed Margaret Connell's comments from the letter written by Naomi Kovacs, Executive Director of CPA Landuse Committee.

Ron Bruns spoke in support of Bacara's proposed amendments, urging Council to support the General Plan amendment.

Connie Hannah, League of Woman Voters, opposes public access relocation and requested that Council reject any General Plan amendments related to the public access being relocated.

David Brown, Director of Safety and Security at the Bacara, spoke of his observations of vandalism that have occurred at Haskell's Beach.

Deane Plaister, Surfrider Foundation, provided remarks from a letter of the Chapter Vice Chair, Sandy Lejeune. Mr. Plaister spoke in opposition of Bacara's proposed amendments.

Matthew Wallace, Surfrider Foundation, spoke in support of 24/7 access to Haskell's beach. Mr. Wallace echoed Mr. Ruiz comments regarding lack of protection by Bacara.

Don Gilman spoke in support of Bacara's proposed amendments and urged Council to vote in favor of initiating the General Plan amendments.

Bill Shelor spoke in support of public beach access as a local source of recreational activity.

Janet Garcia, Coastal Band of Chumash Nation Tribal Chair, spoke in support of public beach access with limitations on hours.

PUBLIC HEARING CLOSED AT 7:50 P.M.

RECESS FROM 7:50 P.M. TO 8:07 P.M.

Steve Chase, Director of Planning and Environmental Services, read into the record correspondence received from the public as follows: letter dated Tuesday, May 20, 2008, from Goleta Valley Chamber of Commerce; email communication from Kristen Walker dated Tuesday, May 20, 2008; email from Fred and Bonnie Freeman dated Tuesday, May 20, 2008; email from Cary Penniman dated Tuesday, May 20, 2008; and an email from Anna and Petar Kokotovic dated Monday, May 19, 2008. Mr. Chase also read into the record phone calls received by City of Goleta from Chris Wood (he supports the General Plan amendments) and Hugh Stephen (he spoke in opposition of the proposed limited access to Haskell's beach).

MOTION: Councilmembers Onnen/Blois to initiate study of Policy OS 1.2/Figure 3-1 to initiate consideration of relocation of the existing vertical access easement, but evaluate it as part of the case processing of the Completion Phase Project.

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

MOTION: Councilmember Blois/Mayor Pro Tempore Aceves to decline to initiate Policy OS 1.10.d. regarding time restrictions.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmembers Onnen/Blois to initiate Policy OS 2.3 with edits to address issues of unreasonable as appropriate or inappropriate in the text.

Motion Failed.

Amended Motion:

MOTION: Councilmembers Onnen/Blois to initiate the proposed amendment with one word change, Policy OS 2.3.

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

MOTION: Councilmembers Onnen/Wallis to decline to initiate the proposed text amendment regarding time restrictions to Policy OS 2.8.b.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmember Onnen/Mayor Bennett to initiate the proposed text amendment ensuring public safety as a criteria for the management of accessways, Policy OS 1.10.d. & OS 2.8.b.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmember Blois/Mayor Bennett to initiate the proposed text amendment to Policy OS 2.8.f.

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

MOTION: Councilmembers Onnen/Blois to initiate amendment of Policy OS 6.2/Table 3-1 that the regional open space designation (#36) relocate with the vertical access path if and when it is built and to not change the park type of Haskell's Beach in Table-3-1.

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

MOTION: Councilmembers Onnen/Blois to initiate Policy OS 7.2/Figure 3-5, the proposed map amendment to relocate the Passive Parks/Open Space designation if and when project goes forward.

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

MOTION: Councilmember Blois/Mayor Bennett to initiate the proposed map amendment request to remove the ESHA designation as described in conjunction with the case processing of the Completion Phase Project, Policy OS 7.2/Figure 3-5.

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

MOTION: Councilmembers Onnen/Blois to initiate and dislodge the proposed map amendment request to remove the ESHA designation as described, but only in conjunction with the case processing of the development application for the Completion Phase project, Policy CE 1.2/Figure 4-1.

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

MOTION: Councilmembers Wallis/Blois to initiate a City sponsored amendment to review new County and State modeling information data as it relates to the Tsunami issue in reference to Policy SE 6.1/Figure 5-2.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmember Blois/Mayor Pro Tempore Aceves to decline the initiation of the proposed policy amendment, Policy SE 6.1/Figure 5-2.

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

MOTION: Mayor Pro Tempore Aceves/Councilmember Wallis to decline to initiate the proposed amendment, Policy VH 1.2/Figure 6-1.

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

MOTION: Mayor Pro Tempore Aceves/Councilmember Wallis to decline to initiate the proposed amendment of Noise Element Section 9.2.

VOTE: Motion approved by a unanimous voice vote.

E. COUNCIL COMMENTS

None

F. CITY MANAGER/STAFF REPORT

Dan Singer, City Manager, reported the City of Goleta is advertising a Library Advisory Vacancy. Mr. Singer also noted that there will be a Special Council meetings will be held on May 29, 2008, at 2:30 P.M; to hear results of the Business License study, and on June 2, 2008, at 2:30P.M. a Workshop will be held on the Strategic Plan. He reminded the public on May 29, 2008, the State of the City will be held at the Holiday Inn sponsored by the City and Chamber Commerce.

G. CITY ATTORNEY REPORT

Brian Pierik, City Attorney reported City Council met in closed session on May 6, 2008 and stated no reportable action.

CONFERENCE WTH LEGAL COUNSEL – PERSONNEL MATTER

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

- Consider Appointment of a City Attorney

CONFERENCE WTH 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 # 079-210A-048
Agency Negotiator: Dan Singer, City Manager
Negotiating Party: John Stahl
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 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:

- 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

H. ADJOURNMENT OF MEETING AT 9:27 P.M.

Prepared By: Rheannon Parr, Deputy City Clerk

GOLETA CITY COUNCIL


MICHAEL T. BENNETT
MAYOR

ATTEST: 
DEBORAH CONSTANTINO
CITY CLERK

