



**REGULAR CITY COUNCIL
MEETING MINUTES
TUESDAY, APRIL 7, 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

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 and Rheannon Parr, Deputy City Clerk.

PUBLIC FORUM

None

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

RECOGNITION ITEM

- Proclamation of the City Council Designating April 12 - 18, 2009, as National Library Week

Mayor Aceves presented Allison Gray, Supervising Librarian/Branch Supervisor of the Goleta Branch Library with a proclamation recognizing April 12 - 18, 2009, as National Library Week.

A. PRESENTATION

A.1 Presentation of the Proposed Expansion for Goleta Valley Community Center Project

Recommendation: Receive a presentation from the Goleta Valley Community Center on potential expansion and new project plans.

Staff Speakers:
Dan Singer, City Manager

Speakers:
Randy Rossness, Goleta Valley Community Center Executive Director, provided a presentation on recent cite expansion plans and concepts for the proposed site.

Council received report

B. CONSENT CALENDAR

B.1 Approval of Meeting Minutes of March 3, 2009 and March 17, 2009

Recommendation: Approve the Minutes of the March 3, 2009 and March 17, 2009.

MOTION: Councilmembers Bennett/Connell to approve the Minutes of the March 3, 2009 and March 17, 2009, as amended.

VOTE: Motion approved by unanimous voice vote.

B.2 Amendment to the City of Goleta Salary Schedule and Classification Plan: Accountant and Maintenance Worker I

Recommendation: Adopt resolution No. 09-__ 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 Specifications and Salary Ranges for the Accountant and Maintenance Worker I Positions."

MOTION: Councilmembers Bennett/Connell to adopt resolution No. 09-19 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 Specifications and Salary Ranges for the Accountant and Maintenance Worker I Positions."

VOTE: Motion approved by unanimous voice vote.

B.3 Interim Ordinance Continuing a Temporary Moratorium on the Approval of Permits for the Installation of Communication Facilities

Recommendation: Conduct the second reading (by title only), waive further reading and adopt City Council Ordinance 09-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Extending an Interim Zoning Ordinance Pursuant to California Government Code Section §65858 Pertaining to the Permitting of Communication Facilities within the City of Goleta." (Attachment 2)

MOTION: Councilmembers Bennett/Connell to conduct the second reading (by title only), waive further reading and adopt City Council Ordinance 09-06 entitled "An Ordinance of the City Council of the City of Goleta, California, Extending an Interim Zoning Ordinance Pursuant to California Government Code Section §65858 Pertaining to the Permitting of Communication Facilities within the City of Goleta."

VOTE: Motion approved by unanimous voice vote.

B.4 Amendment No.1 to Professional Services Agreement between the City of Goleta and MELCO, LLC dba "Moore Electric"

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement between the City of Goleta and MELCO, LLC dba "Moore Electric" to allow for additional work related to the installation of the City Hall Emergency Generator in an amount not to exceed \$3,500.

MOTION: Councilmembers Bennett/Connell to authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement between the City of Goleta and MELCO, LLC dba "Moore Electric" to allow for additional work related to the installation of the City Hall Emergency Generator in an amount not to exceed \$3,500.

VOTE: Motion approved by unanimous voice vote.

B.5 Construction Contract for Hollister Avenue Sewer Improvements Project

Recommendation:

A. Approve the design, plans and specifications for the project on file with the City.

B. Find Lash Construction Inc. to be a responsible bidder and that Lash Construction Inc. submitted the lowest cost responsive bid.

C. Authorize the City Manager to execute a contract with Lash Construction Company for the construction of the Hollister Avenue Sewer Improvements in an amount not to exceed \$122,796.25.

D. Authorize Staff to issue change orders in an amount not to exceed \$12,000.

MOTION: Councilmembers Bennett/Connell to approve the design, plans and specifications for the project on file with the City; find Lash Construction Inc. to be a responsible bidder and that Lash Construction Inc. submitted the lowest cost responsive bid; authorize the City Manager to execute a contract with Lash Construction Company for the construction of the Hollister Avenue Sewer Improvements in an amount not to exceed \$122,796.25; and authorize Staff to issue change orders in an amount not to exceed \$12,000.

VOTE: Motion approved by unanimous voice vote.

C. DISCUSSION/ACTION ITEM

C.1 South Coast Gang Task Force Appointment

Recommendation: Appoint a City Councilmember to serve on the South Coast Gang Task Force – Leadership Council.

Staff Speakers:

Dan Singer, City Manager

MOTION: Councilmembers Bennett/Easton to appoint Mayor Aceves to serve on the South Coast Gang Task Force – Leadership Council.

VOTE: Motion approved by unanimous voice vote.

OPPORTUNITY FOR PUBLIC TO ADDRESS CLOSED SESSION MATTERS

Speakers:

None

Tim W. Giles, City Attorney, read into record closed session matters.

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 respect to potential initiation of one matter of litigation.

CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION

Pursuant to the provisions of Government Code Section 54956.9(b)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

- Title: City Attorney

ADJOURN TO CLOSED SESSION AT 1:56 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; Marti Schultz, Principal Civil Engineer; Kirsten Deshler, Public Information Officer and Rheannon Parr, Deputy City Clerk.

REPORT FROM CLOSED SESSION - (City Attorney)

Tim Giles, City Attorney, reported on closed sessions matters;

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION

Pursuant to the provisions of Government Code Section 54956.9(b)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

- Title: City Attorney

Action: No reportable action

PUBLIC FORUM

Steven Sheaffer spoke to the Sphere of Influence application that was submitted to LAFCO and expressed concerns that "Area C" was included in the Sphere of Influence application even though the residents of "Area C" expressed their opposition to being included in the Sphere of Influence.

Barbara Massey expressed concerns that there are no longer free City Council packets and raised concerns regarding the cost of the City Council packets.

Mickey Caughey recommended the installation of solar photovoltaic panels throughout the City of Goleta.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

RECOGNITION ITEM

- Proclamation of the City Council Designating April 2009 as Week of the Young Child
- Certificates of Appreciation presented to the volunteers who participated in the Butterfly Docent Program on Ellwood Mesa

Mayor Aceves presented Danielle Monroy, representing the Santa Barbara County Family Child Care Association, with a proclamation recognizing April 19 - 25, 2009 as Week of the Young Child.

Staff Speakers:

Steve Chase, Planning and Environmental Services Director, thanked the volunteers for their participation in the Butterfly Docent Program. Mr. Chase reported that Matt Howard is an intern for the Planning and Environmental Department and that he will graduate in a few months from UCSB with honors.

Anne Wells, Advanced Planning Manger, thanked the volunteers for their participation in the Butterfly Docent Program.

Mayor Aceves presented Matt Howard, Marcia Pepper, Dick Fuller, Gilbert Perleberg, Lynn Kirby, Diego Pedreros, Sharon Lang, Natalie Buckley, Helena Woolums, Marian Cohen and Sandra Russell with Certificates of Appreciation for their participation in the Butterfly Docent Program on Ellwood Mesa.

C. DISCUSSION/ACTION ITEM

C.1 Resolution Establishing Additional Restricted Parking Zones on Brandon Drive

Recommendation: Adopt Resolution No. 09 - _ entitled "A Resolution of the City Council of the City of Goleta, California Rescinding Resolution No 09-17 and Designating Additional No Parking "Red" Curb Markings on Brandon Drive."

MOTION: Mayor Aceves/Councilmember Connell to reconsider previous action of Council.

VOTE: Motion approved by unanimous voice vote.

Staff Speakers:

Marti Schultz, Principal Civil Engineer

Public Speakers:

George Levine spoke in opposition of staff recommendations.

Councilmember Connell suggested adopting the proposed resolution in terms of establishing no parking "Red" curb markings at the driveway exits and requested staff gather additional information regarding the bus stop extensions to see to what degree the bus stops would be used by students going to Brandon School.

MOTION: Councilmember Connell/Mayor Pro Tempore Onnen to adopt resolution No. 09-20 entitled "A Resolution of the City Council of the City of Goleta, California Rescinding Resolution No 09-17 and Designating Additional No Parking "Red" Curb Markings on Brandon Drive." as amended.

VOTE: Motion approved by unanimous voice vote.

D. PUBLIC HEARING

D.1 Measure D One-Year Program of Projects for FY 2009-2010

Recommendation:

A. Conduct a public hearing on the Measure D One-Year Program of Projects for FY

2009-2010; and

B. Adopt Resolution No. 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Measure D One-Year Local Program of Projects FY 2009-2010".

Staff Speakers:

Steve Wagner, Community Services Director

OPENED PUBLIC HEARING AT 6:40 P.M.

Speakers:

None

CLOSED PUBLIC HEARING AT 6:40 P.M.

MOTION: Councilmembers Easton/Bennett to adopt Resolution No. 09-21 entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Measure D One-Year Local Program of Projects FY 2009-2010".

VOTE: Motion approved by the following voice vote: Ayes: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmembers Bennett, Connell and Easton. Noes: None

D.2 07-102-GP, -OA, - TM, -DP, -RN: Haskell's Landing Project Northwestern Corner of Hollister Avenue/Las Armas Road Intersection; APN 079-210-049

Recommendation:

- A. Open the public hearing on the Haskell's Landing project.
- B. Allow staff presentation, applicant presentation, and public testimony.
- C. Close the public hearing.
- D. Adopt resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Accepting the Addendum Dated November 10, 2008 and Addendum Revisions Dated March 27, 2009 to the Aradon Project EIR (94-EIR-9), Residences at Sandpiper Supplemental EIR, and the City of Goleta General Plan/Coastal Land Use Plan EIR Pursuant to the State Guidelines for the Implementation of the California Environmental Quality Act and Adopting CEQA Findings and a Mitigation Monitoring and Reporting Program for the Haskell's Landing Project; Case No. 07-102-GP, -OA, - TM, -DP, -RN; Hollister Avenue/Las Armas Road Intersection; APN 079-210-049". (Attachment 1).
- E. Conceptually approve the Haskell's Landing Project by adopting City Council Resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Approving Case No. 07-102-GP, Amending General Plan/Coastal Land Use Plan Policy CE 2.2 and HE Policy 11.5" (Attachment 2).
- F. 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 Case 07-102-OA, a Development Agreement for the Proposed Haskell's Landing Project; Hollister Avenue/Las Armas Road Intersection; APN 079-210-049" (Attachment 3).

- G. Conceptually approve the Haskell's Landing Project by conditionally adopting City Council Resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Approving Case No. 07-102-TM, -DP, -RN; a Vesting Tentative Tract Map, Development Plan, and Road Naming for the Haskell's Landing Project, Hollister Avenue/Las Armas Road Intersection; APN 079-210-049" (Attachment 4).
- H. Continue the item to April 21, 2009 in order to conduct the second reading and adoption of the Ordinance for a Development Agreement for the proposed Haskell's Landing Project and to adopt a City Council Resolution thereby approving the Haskell's Landing Project.

Staff Speakers:

Steve Chase, Planning and Environmental Services Director

Patty Miller, Planning Manager

David Stone, Contract Planner

OPENED PUBLIC HEARING AT 7:28 P.M.

APPLICANT:

Mary Reichel, Project Planner for the applicant provided a PowerPoint presentation of the proposed Haskell's Landing Project. Ms. Reichel also responded to a letter received by both the applicant and City Council from Urban Creeks Council. She expressed concerns that items in the letter were misleading, such as;

- 1) A significant branch of Devereux creek flows through the middle of the open space of Haskell's landing. Ms. Reichel believes this is incorrect; "this was created during previous development". Noting there is little or no flow on sight as evidence from the leaf litter and presence of upland plant and the absence of riparian plants.
- 2) Furthermore the letter stated that a red legged frog was found on-site. Ms. Reichel noted in 2001 a red legged frog was discovered 250 feet away on Caltrans property and an analysis was done by Dr. Galen B. Rathbun that indicated there is no perennial or seasonal habitat on the property suitable for the red legged frog which was concurred by U.S. Fish and Wildlife Service.

Speakers:

Ron Bruns, Sue Bruns, Susan Smith, Betty Watt, Silvio Diloreto, Pat Kisther, Diane Hogan, Reyne Staplemann, Alyson Spann, Judy Ruttray, Jim Caldwell, Dorothy Gay, John Rinaldi, Mickey Caughey, Larry Stigney, Pete Lampasona, Bernard J. Macelhenny, and Jermaine Gaither spoke in support of the proposed Haskell's Landing project.

Barbara Massey, George Relles, Bob Wignot (letter on file), Chris Lange, Deane Plaister, Eddie Harris, and Dr. Ingeborg Cox spoke in opposition of the proposed General Plan Amendments.

Cary Penniman raised concerns over coastal access at Haskell's beach. Mr. Penniman requested Council postpone the approval of the proposed General Plan Amendments.

Herb Rubinstein spoke in support of the proposed Haskell's Landing project and suggested green building elements be installed as an included feature, not as an option.

Mr. Vandeman suggested Haskell's landing reduce its density.

Diane Conn raised concerns regarding the Design Review Board recommendations.

RECESS 8:58 P.M. – 9:10 P.M.

REBUTTAL:

Chuck Lande, applicant, reported the project includes affordable by design units. Mr. Lande addressed the issue of the presence of a red legged frog in 2001, noting Dr. Rathbun analyzed the site and reported the red legged frog was "an errant juvenile". Mr. Lande stated he was willing to add two bedroom affordable units in response to Council's request.

Mary Reichel, Project Planner for the applicant requested that Council allow for flexibility based on "science" in relation to the creek setback.

CLOSED PUBLIC HEARING AT 10:00 P.M.

Motion Withdrawn

MOTION: Mayor Aceves/Councilmember Onnen to continue this item on May 5, 2009.

VOTE:

MOTION: Mayor Aceves/Councilmember Onnen to continue deliberations at the May 5, 2009, City Council meeting and to schedule a Closed Session conference with Legal Council regarding pending litigation related to this property for April 21, 2009.

VOTE: Motion approved by unanimous voice vote.

E. COUNCIL COMMENTS

Councilmember Connell expressed concerns over the absence of free City Council meeting packets.

F. CITY MANAGER/STAFF REPORT

Dan Singer, City Manager, noted the Design Review Board interviews will be held April 13, 2009, at 1:00 P.M.

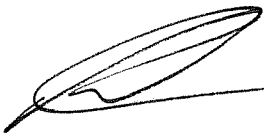
G. CITY ATTORNEY REPORT

Tim Giles, City Attorney, reported his attendance at a Coastal Law Conference which was held in Los Angeles, California last week.

ADJOURNMENT AT 10:38 P.M.


Prepared by: Rheannon Parr, Deputy City Clerk

GOLETA CITY COUNCIL



ROGER S. ACEVES
MAYOR

ATTEST:



DEBORAH CONSTANTINO
CITY CLERK