



**REGULAR CITY COUNCIL/
JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY
MEETING**

TUESDAY, SEPTEMBER 15, 2009

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

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; Tina Rivera, Finance Director; and Rheannon Parr, Deputy City Clerk.

REPORT FROM CLOSED SESSION

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

- City Manager Evaluation
- City Attorney Evaluation

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to the provisions of Government Code Section 54956.8 with regard to the following matter:

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to the provisions of Government Code Section 54956.8 with regard to the following matter:

Property: APN 073-330-030
Agency Negotiator: Dan Singer, City Manager
Negotiating Party: Bermant Development Company & East Group Properties
Under Negotiations: Price and Terms

Action: No reportable action.

PUBLIC FORUM

Frances Gilliland, Green Business Program, spoke to the requirements to become "green certified". Ms. Gilliland also recognized Move Green and Santa Barbara Airbus as the first Goleta businesses to be "green certified".

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

A. PRESENTATION

A.1 Proclamation: Constitution Week

Mayor Aceves presented Judith Cardinal, Daughters of the American Revolution, with a proclamation recognizing the week of September 17-23, 2009, as Constitution Week.

B. CONSENT CALENDAR

B.1 Approval of City Council Meeting Minutes of August 18, 2009, and September 1, 2009

Recommendation: Approve the Minutes of the City Council meetings of August 18, 2009, and September 1, 2009.

MOTION: Councilmembers Connell/Bennett to approve the Minutes of the City Council meetings of August 18, 2009, and September 1, 2009.

VOTE: Motion approved by unanimous voice vote.

B.2 Acceptance of August 2009 Check Register

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

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

VOTE: Motion approved by unanimous voice vote.

B.3 Second Reading and Adoption of a Purchasing Ordinance

Recommendation: Conduct a second reading (by title only), waive further reading and adopt Ordinance No. 09-__ entitled "An Ordinance of the City Council of the City of Goleta, California Repealing and Replacing Title 3 Chapter 24 of The Goleta Municipal Code Relating to the City of Goleta Purchasing System."

MOTION: Councilmembers Connell/Bennett conducted a second reading (by title only), waived further reading and adopted Ordinance No. 09-12 entitled "An Ordinance of the City Council of the City of Goleta, California Repealing and Replacing Title 3 Chapter 24 of The Goleta Municipal Code Relating to the City of Goleta Purchasing System."

VOTE: Motion approved by unanimous voice vote

B.4 Professional Services Agreement for Traffic Engineering Services

Recommendation: Authorize the City Manager to execute a Professional Services Agreement with AllianceJB, Inc., for Traffic Engineering Services for an amount not to exceed \$90,000.

MOTION: Councilmembers Connell/Bennett to authorize the City Manager to execute a Professional Services Agreement with AllianceJB, Inc., for Traffic Engineering Services for an amount not to exceed \$90,000.

VOTE: Motion approved by unanimous voice vote.

B.5 Notice of Completion for the FY 2008-2009 Miscellaneous Concrete Repair Project

Recommendation:

A. Adopt Resolution No. 09-__ entitled "A Resolution of the City of Goleta, California Authorizing the Filing of a Notice of Completion for the Miscellaneous Concrete Repair Project, Fiscal Year 2008-2009 and Establishing Final Quantities; and

B. Direct the City Clerk to file a Notice of Completion.

MOTION: Councilmembers Connell/Bennett to adopt resolution No. 09-45 entitled "A Resolution of the City of Goleta, California Authorizing the Filing of a Notice of Completion for the Miscellaneous Concrete Repair Project, Fiscal Year 2008-2009 and Establishing Final Quantities; and direct the City Clerk to file a Notice of Completion.

VOTE: Motion approved by unanimous voice vote.

B.6 Santa Barbara County Library Advisory Committee Appointment

Recommendation:

A. Accept the letter of resignation dated September 2, 2009 from Ms. Debbie Aceves regarding her appointment as the City of Goleta representative to the Santa Barbara County Library Advisory Committee for the current one-year term (July 1, 2009 through June 30, 2010).

B. Direct the staff to advertise the vacancy on the Santa Barbara County Library Advisory Committee in the local newspapers.

MOTION: Councilmembers Connell/Bennett to accept the letter of resignation dated September 2, 2009 from Ms. Debbie Aceves regarding her appointment as the City of Goleta representative to the Santa Barbara County Library Advisory Committee for the current one-year term (July 1, 2009 through June 30, 2010); and to direct the staff to advertise the vacancy on the Santa Barbara County Library Advisory Committee in the local newspapers.

VOTE: Motion approved by unanimous voice vote.

B.7 Amendment to Professional Services Agreement for the Los Carneros Interchange Landscaping Project

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with MNS Engineers, Inc. for construction management and inspection services for the Los Carneros Interchange Landscaping Project in an amount not to exceed \$27,385 for a total contract amount not to exceed \$87,141.

MOTION: Councilmembers Connell/Bennett to authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with MNS Engineers, Inc. for construction management and inspection services for the Los Carneros Interchange Landscaping Project in an amount not to exceed \$27,385 for a total contract amount not to exceed \$87,141.

VOTE: Motion approved by unanimous voice vote.

B.8 Memorandum of Understanding for Joint Review and Preparation of an Environmental Impact Report for the Ellwood Pipeline Inc. Line 96 Modification Project (Case # 09-088-DP)

Recommendation: Approve and authorize the City Manager to sign a Memorandum of Understanding (MOU) between the City of Goleta, the County of Santa Barbara, the California Coastal Commission, and the California State Lands Commission, for Joint Review and preparation of the Ellwood Pipeline Inc. for and Environmental Impact Report (EIR) related to the Line 96 Modification Project.

MOTION: Councilmembers Connell/Bennett to approve and authorize the City Manager to sign a Memorandum of Understanding (MOU) between the City of Goleta, the County of Santa Barbara, the California Coastal Commission, and the California State Lands Commission, for Joint Review and preparation of the Ellwood Pipeline Inc. for and Environmental Impact Report (EIR) related to the Line 96 Modification Project.

VOTE: Motion approved by unanimous voice vote.

B.9 Professional Services Contract for the Monitoring and Compliance Program for the Cabrillo Business Park Project; Case No. 08-107-DP AM; 37-SB-RZ, -OA, -TM, -DP, -RN; 6767 Hollister Avenue; APNs 073-610-001 through -006

Recommendation: Authorize the City Manager to execute a professional services contract with VJS Biological Consulting, in the amount of \$29,798.00, for the monitoring and compliance program for the Cabrillo Business Park project.

MOTION: Councilmembers Connell/Bennett to authorize the City Manager to execute a professional services contract with VJS Biological Consulting, in the amount of \$29,798.00, for the monitoring and compliance program for the Cabrillo Business Park project.

VOTE: Motion approved by unanimous voice vote.

C. PUBLIC HEARING

C.1 Massage Therapy Regulation Ordinance

Recommendation:

- A. Receive staff presentation and public input, deliberate;
- B. Conduct first reading by title only (and waive further reading) and introduce Ordinance No. 09-__ "An Ordinance of the City Council of the City of Goleta Adopting Chapter 9.AA of the Goleta Municipal Code Regulating Massage Establishments, Massage Technicians, and the Practice of Massage and Repealing Existing Massage Fees";
- C. Continue to the next regular meeting for adoption.

Staff Speakers:

Tim W. Giles, City Attorney

OPENED PUBLIC HEARING AT 6:39 P.M.

Cindi Sundberg, Owner of Cutting Edge, raised concerns over the timeline to receive licensing hours.

Katie Mickey, Director of the Santa Barbara Body Therapy Institute, reported the State has a bureau in place responsible for approving schools and suggested if the City is trying to verify if a massage therapist is legitimate, they can do so by verifying the therapist attended a state approved school and received a certificate of completion.

CLOSED PUBLIC HEARING AT 6:50 P.M.

By Consensus, Council reopened public hearing.

REOPENED PUBLIC HEARING AT 6:54 P.M.

Cindi Sundberg, Cutting Edge, requested Council recognize the State's requirements for an esthetician to receive a massage license suggesting it would save the esthetician the additional hours it would take to receive a separate massage license by the City of Goleta.

CLOSED PUBLIC HEARING AT 6:56 P.M.

MOTION: Councilmembers Connell/Easton to conduct first reading by title only (and waive further reading) and introduce Ordinance No. 09-__ "An Ordinance of the City Council of the City of Goleta Adopting Chapter 9.AA of the Goleta Municipal Code Regulating Massage Establishments, Massage Technicians, and the Practice of Massage and Repealing Existing Massage Fees"; as amended.

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

D. DISCUSSION/ACTION

D.1 FY 2008-09 Year End Statement of Revenues & Expenditures

Recommendation:
As the City Council:

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:

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."

Staff Speakers:
Tina Rivera, Finance Director

MOTION FAILED

MOTION: Mayor Aceves/Councilmember Easton to 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 amended to terminate the furlough.

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

MOTION: Mayor Pro Tempore Onnen/Councilmember Bennett to adopt resolution No. 09-46 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 amended; and adopt resolution No. 09-05 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 the following voice vote: Ayes: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmembers Bennett and Connell. Noes: None. Abstained: Councilmember Easton.

D.2 Appointment to the Council's Library Ad-hoc Committee

Recommendation: Accept Councilmember Connell's resignation from the Library Ad-hoc Committee and consider the appointment of another Councilmember to serve on the Committee.

Staff Speakers:
Dan Singer, City Manager

MOTION: Councilmember Easton/Mayor Pro Tempore Onnen to withdraw Councilmember Connell's resignation from the Library Ad-hoc Committee.

VOTE: Motion approved by unanimous voice vote.

E. COUNCIL COMMENTS

Mayor Aceves reported on October 9, 2009, at 5:00 P.M. he will be presenting a resolution declaring October 9, 2009, Scott O'Leary day.

F. CITY MANAGER/STAFF REPORT

Dan Singer, City Manager, reported Council is anticipating a Special City Council Session Tuesday, September 29, 2009, for the purpose of further discussions on a proposed City Hall. Mr. Singer also reported he is working with the Santa Barbara school district to line up a joint meeting with the Board of Education to be held in November, and that Goleta Prepare Now booths have been set up throughout the community and provided the following website address for additional information. www.goletapreparenow.org.


G. CITY ATTORNEY REPORT

Tim W. Giles, City Attorney, reported that AB 566, legislation addressing mobile home subdivision statute, was approved by the Senate and is on the Governors desk for action. Tim W. Giles, City Attorney, also reported he will be attending the League of California Cities conference in San Jose the remained of the week, working on continuing Legal Education.

ADJOURNED AT 8:23 P.M.

Prepared by: Rheannon Parr, Deputy City Clerk

GOLETA CITY COUNCIL




ROGER S. ACEVES
MAYOR

ATTEST: 

DEBORAH CONSTANTINO
CITY CLERK

GOLETA REDEVELOPMENT AGENCY



ROGER S. ACEVES
CHAIR

ATTEST: 

DEBORAH CONSTANTINO
SECRETARY

