



**REGULAR CITY COUNCIL  
MEETING MINUTES  
TUESDAY, AUGUST 18, 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 1:33 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; Steve Wagner, Community Services Director; Steve Chase, Planning and Environmental Services Director, and Rheannon Parr, Deputy City Clerk.

## **PUBLIC FORUM**

None

## **AMENDMENTS OR ADJUSTMENTS TO AGENDA**

None

### **A. DISCUSSION/ACTION ITEM**

#### **A.1 Potential Acquisition of a Permanent City Hall, 6767 Hollister Avenue, Santa Barbara Realty Holding Company, LLC.**

##### Recommendation:

- A. Receive a comprehensive presentation on the potential acquisition of property for a permanent City Hall at 6767 Hollister Avenue, and receive public input and engage in workshop discussion with expert resources and staff;
- B. Provide staff direction regarding continuation of due diligence investigation and authorize the City Manager to execute any necessary contracts for the completion of the due diligence investigation; and
- C. Continue the item to September 1, 2009 for consideration of a Purchase and Sale Agreement and all related approvals.

##### Staff Speakers:

Dan Singer, City Manager

Tim Giles, City Attorney

Tina Rivera, Finance Director, provided a PowerPoint presentation regarding Cash Flow Analysis, Lease vs. Rent.

Steve Wagner, Community Services Director

Steve Chase, Planning and Environmental Services Director

##### Speakers:

Michael Arnold, representing Hammock, Arnold, Smith & Company

Steve Brende, representing Stone & Youngberg, LLC provided a PowerPoint presentation regarding financing options.

Steve Hayes and Fran DeJohn, representing Hayes Commercial Group, provided a PowerPoint presentation on the Goleta City Hall- Proposed Purchase

Jeffery Donfeld, representing Donfeld, Kelley & Rollman

Steve Fedde and Russ Goodman, representing Sares-Regis

Rick Moses, representing RM/d

Joe Wilcox and Dawn Ziemer, representing Kruger Bensen Ziemer Architects, Inc, provided a PowerPoint presentation on Space Planning Study.

**Public Speakers:**

Barbara Massey spoke in opposition of proposed acquisition of a permanent City Hall.

Lindsey Taggart, representing Community Environmental Council, and Bill Shelor spoke in support of the proposed acquisition of a permanent City Hall and suggested additional types of green building opportunities that the City could incorporate into the proposed permanent City Hall.

Jeff Bermant, University Business Center, noted he was available for Council questions regarding the current City Hall lease. Mr. Bermant raised concerns regarding the price of the proposed permanent City Hall and reported that he is open to negotiations regarding reduction of rent price and the possible sale of the current City Hall facility.

Jean Blois spoke in support of Potential Acquisition of a Permanent City Hall.

**RECESS 3:34 P.M. – 3:45 P.M.**

**MOTION:** Councilmembers Bennett/Easton directed staff to continue negotiations on the potential acquisition of property for a permanent City Hall at 6767 Hollister Avenue.

**VOTE:** Motion approved by unanimous voice vote.

**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:

**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 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:

- Friends of Saspili, An unincorporated association, and Frank Arredondo vs. City of Goleta, City Council of the City of Goleta, and DOES 1 through 15, Superior Court Case No.1304685

**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

**ADJOURNED TO CLOSED SESSION AT 5:56 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 6:41 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; Michelle Greene, Administrative Services Director; Steve Chase, Planning and Environmental Services Director; Anne Wells, Advanced Planning Manager; Patty Miller, Current Planning Manager; Claudia Dato, Management Analyst and Rheannon Parr, Deputy City Clerk.

### **REPORT FROM CLOSED SESSION**

Tim Giles, City Attorney, reported on Closed Session matters;

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Under Negotiation: Price and Terms

Action: No reportable action

## **PUBLIC FORUM**

None

## **AMENDMENTS OR ADJUSTMENTS TO AGENDA**

Dan Singer, City Manager, suggested Council move public hearing item D.1 after public hearing item D.2.

### **B. CONSENT CALENDAR**

#### **B.1 Approval of the City Council meeting minutes of July 21, 2009**

Recommendation: Approve the Minutes of the City Council meeting minutes of July 21, 2009.

Motion: Councilmembers Connell/Bennett to approve the Minutes of the City Council meeting minutes of July 21, 2009.

Vote: Motion approved by unanimous voice vote.

#### **B.2 Acceptance of Quarterly Treasurer's Report for the Quarter Ending June 30, 2009**

Recommendation: Accept the Quarterly Treasurer's Report for the Quarter Ending June 30, 2009.

Motion: Councilmembers Connell/Bennett to accept the Quarterly Treasurer's Report for the Quarter Ending June 30, 2009.

Vote: Motion approved by unanimous voice vote.

#### **B.3 Acceptance of July 2009 Check Register**

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

Motion: Councilmembers Connell/Bennett to accept the check register for the month of July 2009.

Vote: Motion approved by unanimous voice vote.

#### **B.4 Annual Contract for Striping Services**

Recommendation: Authorize the City Manager to execute an agreement with Safety Striping Service, Inc. (Safety Striping Service), for the FY 2009-2010 Annual Striping Services in an amount not to exceed \$70,000, subject to the requirements of the contract documents.

Motion: Councilmembers Connell/Bennett to authorize the City Manager to execute an agreement with Safety Striping Service, Inc. (Safety Striping Service), for the FY 2009-2010 Annual Striping Services in an amount not to exceed \$70,000, subject to the requirements of the contract documents.

Vote: Motion approved by unanimous voice vote.

#### **B.6 Response to Santa Barbara County Civil Grand Jury Report**

Recommendation: Authorize the Mayor to sign the attached letter in response to the report of the 2008-2009 Santa Barbara County Civil Grand Jury entitled "SBCAG - A Road Not Taken."

Motion: Councilmembers Connell/Bennett to authorize the Mayor to sign the attached letter in response to the report of the 2008-2009 Santa Barbara County Civil Grand Jury entitled "SBCAG - A Road Not Taken."

Vote: Motion approved by unanimous voice vote.

#### **ITEMS B.5 AND B.7 WERE PULLED FROM THE CONSENT CALENDAR**

#### **B.5 Updated and New Speed Surveys**

Recommendation: Consider adoption of Resolution No. 09- \_\_ entitled "A Resolution of the City Council of the City of Goleta, California Establishing Speed Limits at Various Locations throughout the City."

Staff Speakers:  
Steve Wagner, Community Services Director

Speakers:  
Arthur Sylvester spoke in support of the Updated and New Speed Surveys.

MOTION: Councilmembers Easton/Bennett to adopt resolution no. 09-39 entitled "A Resolution of the City Council of the City of Goleta, California Establishing Speed Limits at Various Locations throughout the City."

VOTE: Motion approved by unanimous voice vote.

#### **B.7 Designation of City Council Representatives to the League of California Cities 2009 Annual Conference and Overview of Policy Resolutions**

Recommendation:

- A. Appoint Councilmember Michael T. Bennett as the voting delegate and Councilmember Margaret Connell as the alternate to represent the City at the League of California Cities 2009 Annual Business Meeting.

- B. Approve staff recommendations regarding the two policy resolutions being considered at the League of California Cities 2009 Annual Business Meeting.

MOTION: Mayor Aceves/Councilmember Easton to appoint Councilmember Michael T. Bennett as the voting delegate and Councilmember Margaret Connell as the alternate to represent the City at the League of California Cities 2009 Annual Business Meeting and approve staff recommendations regarding Resolution No.1: Social Host Liability and take no vote on staff recommendations regarding Resolution No. 2: City Divestment from Financial Institutions that Fail to Cooperate with Foreclosure Efforts.

VOTE: Motion approved by unanimous voice vote.

### C. PUBLIC HEARING

#### C.1 Issuance of Bonds for Financing Acquisition of Aparicio Community Apartments, 54 Units of Affordable Multifamily Housing in the City of Goleta

Recommendation:

- A. Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Public Hearing for the issuance of up to \$7,000,000 in tax-exempt multifamily housing revenue bonds for acquisition and rehabilitation of 54 multifamily affordable housing rental units located on five separate sites in the City of Goleta; and
- B. Adopt the Resolution No. 09-\_\_\_\_ entitled "Resolution of the City Council of the City of Goleta, California, Approving the Issuance of Bonds by the Housing Authority of the County of Santa Barbara for the Purpose of Financing the Acquisition of Fifty-Four Units of Multifamily Housing by Aparicio Community Apartments, LP, and Consenting to the Operation of the County Housing Authority in the City."

Staff Speakers:

Claudia Dato, Management Analyst

Speakers:

John Polansky, Housing Authority of the County of Santa Barbara, spoke to the issuance of bonds for financing acquisition of Aparicio community apartments, 54 units of affordable multifamily housing in the City of Goleta.



**OPENED PUBLIC HEARING AT 6:58 P.M.**

Speakers:  
None

**CLOSED PUBLIC HEARING AT 6:58 P.M.**

MOTION: Councilmembers Connell/Easton to hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Public Hearing for the issuance of up to \$7,000,000 in tax-exempt multifamily housing revenue bonds for acquisition and rehabilitation of 54 multi-family affordable housing rental units located on five separate sites in the City of Goleta; and adopt resolution no. 09-40 entitled "Resolution of the City Council of the City of Goleta, California, Approving the Issuance of Bonds by the Housing Authority of the County of Santa Barbara for the Purpose of Financing the Acquisition of Fifty-Four Units of Multifamily Housing by Aparicio Community Apartments, LP, and Consenting to the Operation of the County Housing Authority in the City.

VOTE: Motion approved by unanimous voice vote.

**C.2 Ordinance 09- \_\_ Repealing Chapter 15 of the Goleta Municipal Code and Ratifying the Adoption of the 2007 California Fire Code**

Recommendation: Conduct the second reading, by title only and waive further reading, and adopt City Council Ordinance 09-\_\_ entitled "An Ordinance of the City Council of the City of Goleta, California Repealing Chapter 15 of the Goleta Municipal Code and Ratifying Santa Barbara County Ordinance No. 4704 Adopting the 2007 California Fire Code and Updating the Fire Code Fee Schedule". (Attachment 1)

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

Staff Speakers:  
None

**OPENED PUBLIC HEARING AT 6:59 P.M.**

Speakers:  
None

**CLOSED PUBLIC HEARING AT 6:59 P.M.**

**MOTION:** Councilmembers Bennett/Easton conducted the second reading, by title only and waived further reading, and adopted City Council Ordinance 09-11 entitled "An Ordinance of the City Council of the City of Goleta, California Repealing Chapter 15 of the Goleta Municipal Code and Ratifying Santa Barbara County Ordinance No. 4704 Adopting the 2007 California Fire Code and Updating the Fire Code Fee Schedule".

**VOTE:** Motion approved by unanimous voice vote.

**C.3 Public Hearing to Consider Establishing the Tax Rate for the Goleta Library Special Tax for Fiscal Year 2009-10**

Recommendation:

- A. Adopt a Resolution No. 09-\_\_ entitled " A Resolution of the City Council of the City of Goleta, California Establishing Goleta Library Special Tax for Fiscal Year 2009-2010; and
- B. Authorize the City Manager to enter into an agreement with the County Auditor-Controller for the collection of special assessments.

Staff Speakers:

Michelle Greene, Administrative Services Director  
Dan Singer, City Manager

**OPENED PUBLIC HEARING AT 7:11 P.M.**

Speakers:  
None

**CLOSED PUBLIC HEARING AT 7:11 P.M.**

**MOTION:** Councilmembers Easton/Bennett to adopt resolution no. 09-38 entitled " A Resolution of the City Council of the City of Goleta, California Establishing Goleta Library Special Tax for Fiscal Year 2009-2010; and authorize the City Manager to enter into an agreement with the County Auditor-Controller for the collection of special assessments.

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

**D.2 07-200-GPA, Housing Element Update (Track 1) General Plan/Coastal Land Use Plan Amendments**

Recommendation: Adopt Resolution 09-\_\_, entitled "A Resolution of the City Council of the City of Goleta, California Accepting an Addendum, dated August 18, 2009, to the General Plan/Coastal Land Use Plan Final EIR, Adopting CEQA Findings, and Adopting the Track 1 Housing Element Amendments to the Goleta General Plan / Coastal Land Use Plan (Case No. 07-200-GPA)"

**Staff Speakers:**

Steve Chase, Planning and Environmental Services Director  
Anne Wells, Advanced Planning Manager, provided a PowerPoint presentation on the Housing Element Update (Track 1) General Plan/Coastal Land Use Plan Amendments.

**Speakers:**

Joanna Smith, contracted Legal Counsel

**OPENED PUBLIC HEARING AT 8:23 P.M.**

**Speakers:**

Craig Zimmerman, representing The Towbes Group, spoke to the letter received by Council dated August 17, 2009, from Michael Towbes.

Andrew Bermant, Bermant Development Company, spoke to the memorandum he provided Council dated August 15, 2009.

Richard Foster and Karen Lovelace raised concerns regarding 07-200-GPA, Housing Element Update (Track 1) General Plan/Coastal Land Use Plan Amendments.

**CLOSED PUBLIC HEARING AT 8:46 P.M.**

**MOTION:** Councilmember Bennett/Mayor Pro Tempore Onnen to adopt resolution 09-44, entitled "A Resolution of the City Council of the City of Goleta, California Accepting an Addendum, dated August 18, 2009, to the General Plan/Coastal Land Use Plan Final EIR, Adopting CEQA Findings, and Adopting the Track 1 Housing Element Amendments to the Goleta General Plan / Coastal Land Use Plan (Case No. 07-200-GPA)" as amended.

**VOTE:** Motion approved by unanimous voice vote.

**RECESS 9:01 P.M. – 9:12: P.M.**

**D. PUBLIC HEARING**

**D.1 09-047-APP (04-226-TM, DP); Foster Appeal – Planning Commission Approval of the Citrus Village Project; 7388 Calle Real; APN 077-490-043**

Recommendation:

- A. Receive a presentation on optional alternative project site plans, building elevations, and unit types from the applicant, Peikert Group Architects.
- B. Hear from the appellant, Richard Foster.
- C. Provide direction to staff on the next steps in the public planning process for this case.

Staff Speakers:

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

Speakers:

**APPLICANT:**

Detlev Peikert, project Architect, provided a PowerPoint presentation overview of the proposed project history, project alternatives and preferred project.

**APPELLANT:**

Richard Foster, appellant, reported that Mr. Peikert has brought back viable alternatives and encourage the City to support the 10 unit project as conceptually put forward and locate affordability elsewhere.

**OPENED PUBLIC HEARING AT 9:24 P.M.**

Speakers:

Karen Lovelace spoke in support of proposed project alternative two. Ms. Lovelace expressed concerns regarding the design residential zone districts, suggested Council not allow modifications to the ordinance setbacks, and keep FAR's to 30%.

Gary Vanderman raised concerns regarding the proposed Citrus Village Project.

**CLOSED PUBLIC HEARING AT 9:41 P.M.**

MOTION: Mayor Aceves/Councilmember Bennett directed staff to move forward with the planning process for Alternative 2: a 10-unit project.

VOTE: Motion approved by unanimous voice vote.

**E. COUNCIL COMMENTS/STANDING COMMITTEE REPORTS**

- Ordinance Committee – July 30, 2009

Councilmember Bennett reported attending the Joint Coastal Commission, League of California Cities, and California State Association of Counties meeting in San Francisco last week. Councilmember Bennett also reported attending the Channel Counties Division of the League of Cities business meeting and dinner held in Aliva, San Luis Obispo County.

Mayor Aceves reported attending the Mayor/Managers meeting with Dan Singer, City Manager, and he received a report from Mr. Mullinax, representing the League of California Cities. Mayor Aceves also reported the County of Santa Barbara held a hearing regarding funding cuts, one of which includes the City of Goleta library, and noted the County of Santa Barbara has scheduled a meeting for August 19, 2009, at the County Administrative building to further discuss the proposed funding cuts. Mayor Aceves reported the Ordinance Committee met to discuss the purchasing and massage ordinance and this week a Committee meeting will be held for additional review of codification project and a Special City Council meeting workshop will be held in the future to review the codification project.

**F. CITY MANAGER/STAFF REPORT**

Dan Singer, City Manager, reported last fiscal years financial books are near completion. Mr. Singer also reported the following meetings will be held this week; Economic and Revitalization Committee, Finance Committee, and the Ordinance Committee.

**G. CITY ATTORNEY REPORT**

Tim W. Giles, City Attorney, reported AB 566 is still working its way through the legislature and is scheduled for a third reading in the Senate on August 18, 2009.

Tim W. Giles, City Attorney, read into record closed session matters by title only:

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

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

- City Manager Evaluation
- City Attorney Evaluation

**ADJOURNED TO CLOSED SESSION AT 9:57 P.M.**

Prepared by: Rheannon Parr, Deputy City Clerk

GOLETA CITY COUNCIL

  
\_\_\_\_\_  
ROGER S. ACEVES  
MAYOR

ATTEST:

  
\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK