



**REGULAR CITY COUNCIL
MEETING MINUTES
TUESDAY, JUNE 2, 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 1:32 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; Vyto Adomaitis, Redevelopment, Neighborhood Services and Public Safety Director; and Rheannon Parr, Deputy City Clerk.

PUBLIC FORUM

None

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

A. CONSENT CALENDAR

A.1 Bella Vista Open Space Improvement Project

Recommendation: Receive a status report on the Bella Vista Open Space Improvement Project.

MOTION: Councilmembers Bennett/Connell to receive a status report on the Bella Vista Open Space Improvement Project.

VOTE: Motion approved by unanimous voice vote.

A.2 Amendment No. 3 to the Agreement with the City of Santa Barbara for Videotaping Services

Recommendation: Authorize the City Manager to execute Amendment No. 3 to the agreement with the City of Santa Barbara for videotaping services.

MOTION: Councilmembers Bennett/Connell to authorize the City Manager to execute Amendment No. 3 to the agreement with the City of Santa Barbara for videotaping services.

VOTE: Motion approved by unanimous voice vote

B. DISCUSSION/ACTION ITEM

B.1 Budget Workshop Continuation Regarding the General Fund for Fiscal Years 2009-10 and 2010-11

Recommendation: Continue the review of preliminary budget details for the next two fiscal years and provide direction to staff on a final budget for Fiscal Years 2009-10 and 2010-11.

Staff Speakers:

Dan Singer, City Manager

Tina Rivera, Finance Director

Steve Chase, Planning and Environmental Services Director

Steve Wagner, Community Services Director

Speakers:

Robin Cederlof, President of the Goleta Valley Historical Society, expressed concerns that the Goleta Valley Historical Society is not included on the proposed budget. Ms. Cederlof also suggested adding an assessment to property taxes to help fund community parks.

Eva Inbar, representing COAST, spoke to the Safe Routes to Schools project and requested Council continue to provide funding for the project.

Andrea Bifano, representing the Rental Housing Mediation Task Force, spoke to the services provided by the Rental Housing Mediation Task Force and requested continued funding for the program.

Dan Singer, City Manager, and Tina Rivera, Finance Director, provided a review of preliminary budget details for Fiscal Years 2009-10 and 2010-11 to Council for direction.

MOTION: Councilmember Bennett/Mayor Pro Tempore Onnen to approve staff recommendations for a one time allocation of \$34,000 for line item 2, Deputy City Attorney.

VOTE: Motion approved by unanimous voice vote.

RECESS 3:30 P.M. – 3:44 P.M.

Council provided direction to staff.

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:

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 WTH 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 matters 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 WTH LEGAL COUNSEL - PENDING 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:

- Monarch Country Mobilehome Owners Association, an unincorporated Association of the Homeowners of Rancho Mobilehome Park, vs. The City of Goleta; City Council for the City of Goleta, and DOES 1 through 100, Superior Case No. 1337356

CONFERENCE WTH 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.

ADJOURNED TO CLOSED SESSION AT 4:53 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 6:02 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; Vyto Adomaitis, Redevelopment, Neighborhood Services and Public Safety Director; Sgt. Kevin Huddle, Traffic Unit Supervisor and Administrative Sgt.; Steve Chase, Planning and Environmental Services Director; Patty Miller, Planning Division Manager; Cindy Moore, Senior Planner and Rheannon Parr, Deputy City Clerk.

PUBLIC FORUM

None

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

C. PUBLIC HEARING

C.1 Introduction of Proposed Ordinance Prohibiting Medical Marijuana Dispensaries

Recommendation:

- A. Receive and approve a Report on Moratorium (Attachment 1);
- B. Conduct a Public Hearing to receive comment regarding proposed ordinance; and
- C. Introduce and conduct the first reading (by title only) of Ordinance 09-____ entitled "An Ordinance of the City Council of the City of Goleta, California, Prohibiting Medicinal Marijuana Dispensaries and Making Findings in Support Thereof" (Attachment 2).

Staff Speakers:

Vyto Adomaitis, Redevelopment, Neighborhood Services and Public Safety Director

Sgt. Kevin Huddle, Traffic Unit Supervisor and Administrative Sgt.

OPENED PUBLIC HEARING AT 6:30 P.M.

Speakers:

Seamus Ethridge and Mark Russell representing Grass Roots Research spoke in opposition of staff recommendations.

Fred Kapp, Lisa Blanco, and Gustavo Litvin spoke in opposition of staff recommendations.

CLOSED PUBLIC HEARING AT 7:10 P.M.

MOTION: Councilmembers Connell/Bennett to introduce and conduct the first reading (by title only) of Ordinance 09-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Prohibiting Medicinal Marijuana Dispensaries and Making Findings in Support Thereof" as amended.

VOTE: Motion approved by unanimous voice vote.

RECESS 7:28 P.M. – 7:39 P.M.

C.2 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. Open the public hearing.
- B. Allow staff presentation, appellant presentation, applicant presentation, and public testimony.
- C. Close the public hearing.
- D. Adopt City Council Resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Denying Appeal 09-047-APP of Planning Commission Approval of Case No. 04-226-TM, -DP; Conditioning the Project for Payment of In-Lieu Fees to Satisfy the Inclusionary Requirement, and Approving Case No. 04-226-TM, DP located at 7388 Calle Real (077-490-043)". (Attachment 1)
- E. Adopt resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta, California Approving the Final Mitigated Negative Declaration (07-MND-004) and Accepting the Addendum Dated March 18, 2009 to the Mitigated Negative Declaration and Adopting CEQA Findings and a Mitigation Monitoring and Reporting Program for the Citrus Village Project; Case No. 04-226-TM, -DP; 7388 Calle Real, APN 077-490-043". (Attachment 2)

- F. Adopt City Council Resolution 09-__ entitled "A Resolution of the City Council of the City of Goleta Approving a Vesting Tentative Tract Map (TM 32,027) for Condominium Purposes and a Final Development Plan for the Citrus Village Project; Case No. 04-226-TM, -DP; 7388 Calle Real; APN 077-490-043". (Attachment 3)

Site Visits:

Ex-parte conversations: Councilmember Easton reported seeing the project as a Design Review Board member and Planning Commissioner. Councilmember Easton reported that he recused himself at the last Planning Commission meeting of November 10, 2008. Councilmember Easton stated that he would be able to make an independent judgment on this item today before Council.

Councilmember Bennett reported meeting with the applicant.

Councilmember Connell reported meeting with both the applicant and appellant.

Mayor Pro Tempore Onnen reported meeting with Detlev Peikert.

Mayor Aceves reported meeting with the applicant.

Staff Speakers:

Steve Chase, Planning and Environmental Services Director

Tim Giles, City Attorney

Patty Miller, Current Planning Manager

Cindy Moore, Senior Planner read into the record the following correspondence: correspondence dated May 28, 2009, from Peikert Group Architects; correspondence received June 1, 2009 from Barbara Massey; correspondence received June 1, 2009, from Mark Linehan, Wynmark Company; and correspondence received June 1, 2009, from the Law Office of Barbara Macri-Ortiz. Ms. Moore provided a PowerPoint presentation on the proposed project.

OPENED PUBLIC HEARING AT 8:24 P.M.

APPELLANT:

Richard Foster, appellant, spoke to the three requested modifications as listed on staff report; a modification for zero lot line on all attached units, rather than the 10 feet required; a modification from the required parking design to allow vehicles to encroach into the private street when backing out and a modification from the required minimum perimeter landscaping to allow 6'6" rather than the 10 feet required. Mr. Foster expressed concern that if any one of these granted modifications is removed the project design would be

infeasible. Mr. Foster also raised concerns over the patio size that the patios only receive sunlight during the mid-day hours. He stated his appeal is about size, bulk and scale, conforming to the zoning code and complementing and blending in with the community. He also raised concerns that Citrus village, as approved, has not resolved the State Density Bonus and Local Inclusionary requirements, he noted it does not blend in with the neighborhood, and does not accommodate the whole community, nor does it conform to current zoning code. Mr. Foster requested Council uphold his appeal.

APPLICANT:

Detlev Peikert, project Architect, reported the proposed project meets the intent and policies of the General Plan and Housing Element. Mr. Peikert reported the site is zoned appropriately and meets the intent of the zoning ordinance.

Lisa Plowman, Peikert Group Planning Manager, provided a PowerPoint presentation outlining the proposed project history, 12 unit project, Appeal Issues, and State Density Bonus & Inclusionary Housing Policy and is further available for questions.

Speakers:

Barbara Massey, Gary Vandeman, and Karen Lovelace spoke in opposition of the proposed project.

Debbie Cox Bultan, Coastal Housing Coalition; and Ken Knight spoke in support of the proposed project.

RECESS 9:23 P.M. – 9:32 P.M.

APPLICANT REBUTTAL:

Lisa Plowman reported the shadow study represents the darkest day of the year to demonstrate shadows did not occur from 9:00 A.M. to 3:00 P.M. on the adjacent project. Ms. Plowman spoke to the Inclusionary Housing Policy and State Density Bonus Law.

Detlev Peikert reported that the 12 unit version being presented, as compared to the 10 unit version, was unanimously requested by the Planning Commission. Mr. Peikert provided a PowerPoint presentation of the fiscal impacts and benefits of the proposed project. Mr. Peikert requested Council deny the appeal and approve the proposed project.

APPELLANT REBUTTAL:

Richard Foster expressed concerns that if the issue of state subsidy versus local inclusionary rules was significant, it should have been pursued prior to Planning Commission's vote. Mr. Foster also expressed concerns that the

development should fit within the zoning rules and that if the state inclusionary policy needs to be resolved, then the proposed project should return to the Planning Commission. Mr. Foster requested Council support the appeal.

CLOSED PUBLIC HEARING AT 9:49 P.M.

MOTION: Mayor Aceves/Councilmember Easton to approve the appeal, and directed staff to return with a resolution, and allow the applicant the opportunity to propose a revised project addressing Council concerns.

VOTE: Motion approved by unanimous voice vote.

RECESS 10:50 P.M. – 10:56 P.M.

D. DISCUSSION/ACTION ITEM

D.1 Support for Goleta Beach Erosion Solution

Staff Speakers:
Dan Singer, City Manager

Speakers:
Dan Secord, representing the Coastal Commission, spoke to the erosion of Goleta Beach. Mr. Secord reported the County has proposed to install a permeable pile structure in front of the Beachside restaurant, this however will not protect the west end of the park. Mr. Secord suggests proposing a substitute motion to the Coastal Commission to allow the rocks protecting the park to remain in place until the permeable pile structure has been proven successful.

Recommendation:

- A. Consider a letter of support to the California Coastal Commission for the Goleta Beach Erosion Stabilization Project; and
- B. Consider appointing a Councilmember to represent the City of Goleta and speak on the item before the Coastal Commission on June 10, 2009.

MOTION: Councilmember Connell/Mayor Aceves to send letter of support to the California Coastal Commission for the Goleta Beach Erosion Stabilization Project and appoint Councilmember Bennett to represent the City of Goleta and speak on the item before the Coastal Commission.

VOTE: Motion approved by unanimous voice vote.

E. COUNCIL COMMENTS

None

F. CITY MANAGER/STAFF REPORT

None

G. CITY ATTORNEY REPORT

REPORT FROM CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

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Agency Negotiator:	Dan Singer, City Manager
Negotiating Party:	Sares Regis Group
Under Negotiation:	Price and Terms

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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- 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 LEGAL COUNSEL - PENDING 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:

- Monarch Country Mobilehome Owners Association, an unincorporated Association of the Homeowners of Rancho Mobilehome Park, vs. The City of Goleta; City Council for the City of Goleta, and DOES 1 through 100, Superior Case No. 1337356

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.

Action: No reportable action

Tim Giles, City Attorney reported Council will adjourn to Closed Session to hear the following matter;

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 11:16 P.M.

Prepared by: Rheannon Parr, Deputy City Clerk

GOLETA CITY COUNCIL



ROGER S. ACEVES
MAYOR

ATTEST



DEBORAH CONSTANTINO
CITY CLERK

