



**DRAFT
CITY COUNCIL MINUTES
TUESDAY JULY 1, 2008**

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
Julie Hayward Biggs, City Attorney

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Bennett called the meeting to order at 6:05 p.m., followed by the Pledge of Allegiance.

ROLL CALL OF CITY COUNCILMEMBERS

Present: Mayor Bennett, Mayor Pro Tempore Aceves, Councilmembers Blois, Onnen and Wallis.

Staff Present: Assistant City Attorney Brian A. Pierik, Director of Planning and Environmental Services Steve Chase, Planning Manager Patricia Miller, and City Clerk Deborah Constantino.

PUBLIC FORUM

None

AMENDMENTS OR ADJUSTMENTS TO THE AGENDA

None.

A. CONSENT CALENDAR

A.1 Construction Contract for the FY 2008-2009 Pavement Rehabilitation Project, Phase 2 – Slurry Seal

Recommendation:

- A. Authorize the City Manager to execute a construction contract for Phase 2 of the FY 2008-2009 Pavement Rehabilitation Project, Slurry Seal to Bond Blacktop, Inc., in the amount of \$923,125 subject to the requirements of the contract documents; and
- B. Authorize the City Manager to approve contract change orders as necessary for Phase 2 of the FY 2008-2009 Pavement Rehabilitation Project, Slurry Seal in an amount not to exceed \$180,000.

STAFF SPEAKERS:

Director of Community Services Steven Wagner

MOTION: Councilmember Blois/Mayor Pro Tempore Aceves to authorize the City Manager to execute a construction contract for Phase 2 of the FY 2008-2009 Pavement Rehabilitation Project, Slurry Seal to Bond Blacktop, Inc., in the amount of \$923,125 subject to the requirements of the contract documents; and authorize the City Manager to approve contract change orders as necessary for Phase 2 of the FY 2008-2009 Pavement Rehabilitation Project, Slurry Seal in an amount not to exceed \$180,000.

VOTE: Motion approved by a unanimous voice vote.

B. PUBLIC HEARING

B.1 Case No. 08-111-CUP; Fairview Gardens Farm Labor Camp; 598 North Fairview Avenue; APN 069-090-052

Recommendation:

- A. Open the public hearing.
- B. Allow presentations from staff and the applicant.
- C. Take public testimony.
- D. Close the public hearing.
- E. Adopt City Council Resolution 08-____ entitled "A Resolution of the City of Goleta, California, Approving Fairview Gardens Farm Labor Camp Case Number 08-111-Cup (Major); 598 North Fairview Avenue; APN 069-090-052" (Attachment 1);

- F. Approve Deferral of Planning and Environmental Services Processing Fees for Case No. 08-111-CUP (Major) for a period of 1-year from date of City Council approval.

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

STAFF SPEAKERS:

Director of Planning and Environmental Services Steve Chase

Planning Manager Patricia Miller provided background information on the proposed Case No. 08-111-CUP; Fairview Gardens Farm Labor Camp; as well as provided corrections and clarifications to the staff report.

Senior Planner Scott Kolwitz read into the record correspondence received as follows: memos dated: January 26, 2008 with a total of 11 correspondence pieces, June 3, 2008 with a total of four correspondence pieces attached, and finally July 1, 2008 with three correspondence pieces attached (which were made available to the public).

Site Visits:

Councilmember Wallis reported conversations and site visits with the applicant, and meetings

PUBLIC HEARING OPENED AT 6:31 P.M.

SPEAKERS:

Steve Welton, representing Fairview Gardens, provided a PowerPoint presentation of Fairview Gardens Action report.

Adam Greene, Fairview Gardens Board member, asked Council to keep the confidence in Fairview Gardens and provide them with the time necessary to meet the project deadlines.

Linda Cobb expressed her appreciation to staff on this project, however raised issues with the placement of the yurt, pleaded with Council that the yurts be placed in the building envelope.

Larry Cobb raised concerns over the temporary housing. Mr. Cobb noted Option C is a surprise to the neighbors as well as himself, and noted it compounds problems that already exist. He also raised concerns to the proposed kitchen trailer and provided comments; also noting that there was nothing in the current plan about fire protection or road improvement, he asked that council consider placing all new structures within the designated building envelope.

Jim Hurst echoed comments made by Mr. Cobb above, he also requested detailed information on the plan and a timeline for enforcement to ensure that every step in the process is met on time.

Steve Nelson, neighbor, suggested that if this plan is to move forward then his hopes are that it be done so with conviction and in a timely fashion.

Charlie Hamilton noted his remarks for this evening had been covered so instead he made some observations about the hearing procedures that were followed in these meetings relating to Fairview Gardens. He closed by remarking that he believes the Library Access easement should be denied as well as the idea of the Stow Canyon bicycle pedestrian path

PUBLIC HEARING CLOSED AT 6:53 P.M.

MOTION: Councilmember Wallis/Mayor Pro Tempore Aceves to adopt City Council Resolution 08-27 entitled "A Resolution of the City of Goleta, California, Approving Fairview Gardens Farm Labor Camp Case Number 08-111-Cup (Major); 598 North Fairview Avenue; APN 069-090-052" (Attachment 1) as amended at the public hearing of July 1, 2008 and approve Deferral of Planning and Environmental Services Processing Fees for Case No. 08-111-CUP (Major) for a period of 1-year from date of City Council approval, as amended.

VOTE: Motion approved by a unanimous voice vote.

RECESS HELD 7:25 P.M. TO 7:34 P.M.

C. DISCUSSION/ACTION ITEM

C.1 Correspondence regarding the Goleta Fireworks Festival at Girsh Park and response to U.S. Department of Fish & Wildlife

Recommendation: Authorize the Mayor to forward correspondence to Congresswoman Lois Capps regarding the U.S. Department of the Interior Fish and Wildlife Service's (USFWS) May 19, 2008 correspondence regarding the Goleta Fireworks Festival at Girsh Park.

STAFF SPEAKERS:

Director of Redevelopment, Neighborhood Services, and Public Safety Vyto Adomaitis

SPEAKERS:

Ed Easton provided suggestions to the comment letter and requested that his comments be incorporated.

MOTION: Councilmember Wallis/Mayor Bennett to authorize the Mayor to forward correspondence to Congresswoman Lois Capps regarding the U.S. Department of the Interior Fish and Wildlife Service's (USFWS) May 19, 2008 correspondence regarding the Goleta Fireworks Festival at Girsh Park, as amended at the meeting of July 1, 2008.

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

REMOVED FROM THE AGENDA

C.2 Resolution Approving a Council-Sponsored Ordinance to Be Submitted to the Voters Entitled, "A Council-Sponsored Ordinance of the City of Goleta Adding a New Chapter 3.19 to the Goleta Municipal Code Relating to the Imposition of an Additional One-Half of One-Percent (.50%) Sales and Use Tax within the City of Goleta to Be Effective for a Period of 30 Years.

Recommendation:

- A. Adopt a resolution approving one of the following sales and use tax ordinances to be submitted to the voters for the establishment of an additional City sales and use tax, and direct the City Attorney to prepare an Impartial Analysis as required by law:
1. A Sales and Use Tax Ordinance Establishing a One-Half Cent (.50%) Sales and Use Tax for a Period of Thirty Years; or
 2. A Sales and Use Tax Ordinance Establishing a One-Half Cent (.50%) Sales and Use Tax for a Period of Thirty Years to Commence Upon the Expiration and Termination of County Adopted Measure D; or
 3. A Sales and Use Tax Ordinance Establishing a One-Half Cent (.50%) Sales and Use Tax for a Period of Thirty Years to Take Effect only if Measure A Fails to Pass in the November 4, 2008 Election; or
 4. A Sales and Use Tax Ordinance Establishing a One-Half Cent (.50%) Sales and Use Tax for a Period Of Thirty Years To Take Effect Only If Measure A Fails To Pass in the November 4, 2008 Election Upon the Expiration and Termination of Measure D; or
 5. A Sales and Use Tax Ordinance Establishing a One-Quarter (.25%) Cent Sales and Use Tax for a Period of Thirty Years.

REMOVED FROM THE AGENDA

C.3 Resolution Approving a Council-Sponsored Ordinance Repealing the Revenue Neutrality Agreement to Be Submitted to the Voters.

Recommendation: Adopt resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California, Approving an Ordinance of the City of Goleta Amending and Repealing Certain Provisions of Section 17 of Measure H2001 and Amending and Repealing Related Provisions of the Revenue Neutrality Agreement Ratified by the Goleta City Council to Implement Measure H2001 on February 1, 2002 Relating to Revenue Neutrality Payments from the City to the County of Santa Barbara" thereby approving the Council-sponsored initiative measure for submission to the electorate.

Mayor Bennett read a statement into the record in regard to item C.2: Goleta Sales Tax and item C.3 the Revenue Neutrality item on the agenda today. He expressed that the City of Goleta wants to work with the County of Santa Barbara and the two are in agreement to negotiate in good faith the current revenue neutrality agreement. Because of this recent development, he suggested that items C.2 and C. 3 be pulled for consideration from the tonight's agenda.

MOTION: Councilmember Wallis/Mayor Pro Tempore Aceves to remove item C. 2 Resolution Approving a Council-Sponsored Ordinance to Be Submitted to the Voters Entitled, "A Council-Sponsored Ordinance of the City of Goleta Adding a New Chapter 3.19 to the Goleta Municipal Code Relating to the Imposition of an Additional One-Half of One-Percent (.50%) Sales and Use Tax within the City of Goleta to Be Effective for a Period of 30 Years, and C.3 Resolution Approving a Council-Sponsored Ordinance Repealing the Revenue Neutrality Agreement to Be Submitted to the Voters from the City Council agenda of July 1, 2008.

VOTE: Motion approved by a unanimous voice vote.

REMOVED FROM THE AGENDA

C.6 Resolution Relating to Council-Sponsored Ballot Measures, Establishing Procedures for Submitting Ballot Arguments and Rebuttal Arguments for City Measures Submitted at Municipal Elections.

Recommendation:

In accord with California law, approve resolutions as follows:

1. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the proposed ordinance, and if so, adopt Resolution No.08-__ entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing and Setting Priorities for Filing of a Written Argument Regarding the Ordinances to be Placed on the Ballot for the November 4, 2008 General Election; and
2. Determine if rebuttal arguments will be permitted regarding the proposed ordinance, and if so adopt Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections.

MOTION: Councilmembers Wallis/Blois to remove item C. 6, A Resolution Relating to Council-Sponsored Ballot Measures, Establishing Procedures for Submitting Ballot Arguments and Rebuttal Arguments for City Measures Submitted at Municipal Elections.

VOTE: Motion approved by a unanimous voice vote.

C.4 Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be held in the City on November 4, 2008 for the Election of Certain Officers, and Two Proposed Council-Sponsored Measures.

Recommendation: Adopt resolution No. 08-__ entitled: "A Resolution of the City Council of the City of Goleta, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held in the City on Tuesday, November 4, 2008, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities and Council-Sponsored Initiative Ordinances submitted to the Electorate."

STAFF SPEAKERS:

Deborah Constantino, City Clerk

MOTION: Councilmember Wallis/Mayor Pro Tempore Aceves to adopt resolution No. 08-28 entitled: "A Resolution of the City Council of the City of Goleta, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held in the City on Tuesday, November 4, 2008, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities, as amended."

VOTE: Motion approved by a unanimous voice vote.

C.5 Resolution Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to Be Held on November 4, 2008

Recommendation: Adopt Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California, Requesting that the Board of Supervisors of the County of Santa Barbara Consolidate a General Municipal Election for the Purpose of Electing Two Members of the City Council and Submission of Two Council-Sponsored Ordinances to the Voters to Be Held on November 4, 2008, with the Statewide General Election to Be Held on the Date Pursuant to Section 10403 of the Elections Code."

STAFF SPEAKERS:

Deborah Constantino, City Clerk

MOTION: Councilmember Wallis/Mayor Pro Tempore Aceves to Adopt Resolution No. 08-29 entitled "A Resolution of the City Council of the City of Goleta, California, Requesting that the Board of Supervisors of the County of Santa Barbara Consolidate a General Municipal Election for the Purpose of Electing Two Members of the City Council to Be Held on November 4, 2008, with the Statewide General Election to Be Held on the Date Pursuant to Section 10403 of the Elections Code", as amended.

VOTE: Motion approved by a unanimous voice vote.

F. COUNCIL COMMENTS

No report

G. STAFF REPORT

No report.

I. CITY ATTORNEY REPORT.

Assistant City Attorney Brian A. Pierik reported from the Special City Council meeting held at 5:00 P.M. today.

CLOSED SESSION

The City Council met in closed session:

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 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 matter of pending litigation:

- Guggenheim v. City of Goleta, Superior Court Case No. 01246103

CONFERENCE WTH LEGAL COUNSEL

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

- City Attorney

Action: No Reportable Action.

ADJOURNMENT: 8:09 P.M.

Prepared by: Deborah Constantino, City Clerk

GOLETA CITY COUNCIL

 MICHAEL T. BENNETT
 MAYOR

ATTEST: _____

DEBORAH CONSTANTINO
 CITY CLERK