

**City of Carpinteria  
City Council Minutes  
Regular Meeting  
Council Chambers  
Monday, January 9, 2012**

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**CALL TO ORDER**

The meeting was called to order by Mayor Al Clark at 5:00 p.m.

Councilmembers Carty, Reddington, Armendariz, Vice Mayor Stein, and Mayor Clark were present.

**TEMPORARY ADJOURNMENT TO CLOSED SESSION**

Mayor Clark announced that the City Council would temporarily adjourn to a Closed Session.

**RECONVENE IN OPEN SESSION**

The meeting was called to order at 5:30 p.m. by Mayor Al Clark.

Mayor Clark announced that the City Council was reconvening from a Closed Session. Peter Brown, City Attorney, announced that the purpose of the Closed Session was the following item:

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION GOVERNMENT CODE  
SECTION 54957**

Title: City Manager, Dave Durlinger

Peter Brown, City Attorney, announced that no reportable action was taken.

**ROLL CALL**

Councilmembers present:

Councilmember Gregg Carty  
Councilmember Kathleen Reddington  
Councilmember Joe Armendariz  
Vice Mayor J. Bradley Stein  
Mayor Al Clark

Staff members present:

Dave Durlinger, City Manager  
Peter Brown, City Attorney

Fidela Garcia, City Clerk  
Julie Jeakle, Coordinator of Emergency and Volunteer Services  
Matt Roberts, Parks and Recreation Director  
Charles Ebeling Public Works Director  
Arlene Balmadrid, Human Resource Director

## **PLEDGE OF ALLEGIANCE**

All present were led in the salute to the flag by Mayor Clark.

## **INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS**

1. Presentation to the Carpinteria Valley Chamber of Commerce in recognition of their Centennial Anniversary.

Mayor Clark read Resolution No. 5354 in recognition of the Carpinteria Valley Chamber of Commerce's Centennial Anniversary.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to adopt Resolution No. 5354 as read by the Mayor.

Upon voice vote, motion carried.

Mayor Stein presented the resolution to Lynda Lang and Karen Graff from the Carpinteria Valley Chamber of Commerce. Ms. Lang thanked the City Council for their recognition. She invited the community to their Centennial Celebration to be held during the 54<sup>th</sup> Annual Community Awards Banquet on January 28, 2012, at the Carpinteria Boys and Girls Club. Ms. Graff thanked the City Council for their support.

## **PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS: None**

## **CITY MANAGER'S REPORT**

- Seal rookery beach closure by the Casitas Pier pursuant to regulation from December 1 through May 31.
- Notice received of 60-day comment period regarding Carone Oil Development Project. Platform Hogan is being proposed to directionally drill from the platform in Federal waters into State waters. Public comments to the State Lands Commission will be taken on January 19, 2012, in the Council Chambers, from 1:00 to 3:00 p.m. and from 5:00 p.m. to 7:00 p.m. for input on the scope of the environmental documents. Staff will draft a letter for the Council's consideration for the February 13 Council meeting.
- Introduction of Julie Jeakle, Coordinator of Emergency and Volunteer Services. Ms. Jeakle stated that she was excited to be working for the City and in working on volunteerism and community preparedness.

## **PRESENTATIONS BY CITIZENS/PUBLIC COMMENT**

Miguel Checca requested that the City Council address the issue of the removal of Councilmember Armendariz and if that were to fail that he would strongly urge the City Council to immediately strip Councilmember Armendariz from all of his committee representations which includes transportation, school board, and Santa Barbara County Association of Governments. He asked that the City Council add this to the agenda as an emergency item.

Mayor Clark noted that following the previous City Council meeting when Mr. Checca also called for the removal of Councilmember Armendariz he received several emails in this regard. He stated that he asked staff to investigate this matter and what power the City had over removing a City Councilmember. He asked City Manager Dave Durlinger to give a brief report in that regard.

Dave Durlinger, City Manager, stated that the City Council does not have the authority to remove a seated Councilmember as Councilmembers are elected by the people and they can only be removed generally by the people. He noted that the City Council had a number of options if the City Council were to choose to act. He stated that the City Council could choose to censure a Councilmember by generally making a public statement with regards to a Councilmember's actions or behavior; the City Council could make a request or recommendation to a fellow Councilmember; and the City Council could change assignments in commissions or committees that are appointed by the Council as a body. He suggested that if the City Council wished to discuss any of these options in detail the City Council could direct staff to place this matter on a regular agenda.

Peter Brown, City Attorney, reiterated that the City Council does not have the ability to remove a Councilmember since a Councilmember is in power until the electorate decides to not elect that person. He noted that there is a procedure by the electorate to remove a Councilmember by recall. He explained that recall includes a series of formal requirements that are listed in the Elections Code which would include a petition procedure and a review of the petition by the City Clerk, and if the petition has the requisite number of signatures it is placed on an election. He noted that there were some time limitations listed in the Elections Code.

Vice Mayor Stein requested that this matter be agendized for the next City Council meeting regarding all of the actions that the City Council could take. Mayor Carty stated that he concurred with Vice Mayor Stein.

Catherine Overman read from her prepared statement regarding wisdom, justice, moderation, and courage, and stated that these were the least of what the people should ask from a representative. She stated that she was stunned when Councilmember Armendariz announced he was going to maintain his seat on the City Council. She questioned whether Councilmember Armendariz asked the people that he

represents and whether he could not see the arrogance in that position. She asked that Councilmember Armendariz take care of himself and that he resign.

William Connell stated that at the previous City Council meeting he did not call for Councilmember Armendariz to resign. He noted that he asked about photographs and about a woman involved in the photograph. He stated that Councilmember Armendariz lied to him from the dais and that he lied on television when he said he was in a close, personal relationship with the woman. He noted that recently Councilmember Armendariz's dog was taken from him by the Humane Society. He presented photographs of the dog and asked that the photographs be given to the City Council. He stated that he had been trying to get in contact with Councilmember Armendariz to ask that he step down and do the right thing by the electors in Carpinteria. He asked Councilmember Armendariz whether he was representing Carpinteria in the North County when he was drunk and abusive. He stated that at a party held for Kathy Moreno following Election Night Councilmember Armendariz was drunk and was asked to give up his keys, but he refused and he went to his vehicle, vomited, got in his car, and drove away. He noted that the highest elected official in the County was the person who asked Councilmember Armendariz to give up his keys. He stated that Councilmember Armendariz was in denial mode and he could not believe it. He addressed Councilmember Armendariz and asked him if he ever hit a woman, whether he abused any children, and why he had not paid his ex-wife child support and alimony money on time. He stated that Councilmember Armendariz called in a question on Twitter regarding his trustworthiness, honesty, and integrity. He further stated that he would not take that from anyone and that he has tried to establish himself in the City for 20 years. He commented that everybody makes mistakes, but a person would shoulder those mistakes and move forward. He addressed Councilmember Armendariz and asked that he inform him whether it was not true that he hit his wife and that it was not true that he was driving since this previous driving while intoxicated incident. He asked the City Council to do what it could to strip Councilmember Armendariz from serving on committees, to censure him, and to do anything they could because the time period to try to recall Armendariz was slim. He suggested that Councilmember Armendariz would be ineffective on the dais and he stated that he would attend every City Council meeting as long as Councilmember Armendariz is seated. He noted that the Councilmembers had copies of the letters he sent them.

Trevin Babcock, representing Genetically Modified Organisms (GMO) Santa Barbara, stated that they would begin to start gathering 850,000 signatures in February to place a measure on the ballot. He noted that GMO is created by combining genes into separate organisms to engineer a new one using molecular DNA technology as opposed to regular plant breeding. He stated that the issue was that 80 percent of processed foods contain GMOs and people eat them without knowing. He noted that health studies cite causes for serious concern and that GMOs are unsafe and contaminating the food supply and seeds. He stated that they were looking to form a volunteer group in Carpinteria to help raise public awareness and gather signatures. He asked whether the City Council would consider adopting a resolution in support of a mandatory labeling of

food. He stated that he prepared an overview of the initiative and a suggestion for the language of the resolution for the City Council's review, and he presented written information with his contact information. Mayor Clark stated that he wanted to place the resolution on the agenda.

Vera Benson expressed that Councilmember Armendariz did not feel the responsibility when he got in the car while drunk and that he did not feel responsibility now when he should be responsible to the City of Carpinteria. She stated that she did not know if the City Council could have him resign and that this was what Councilmember Armendariz should do on his own. She thanked the City Manager for placing the matter regarding the Carone Oil Development Project for a meeting because this would be a very important meeting for Carpinteria.

Jacqueline Martin stated that she wanted to talk about young people and role models to young people. She further stated that the disease of addiction was pernicious, ongoing, and needed 100 percent attention paid to it. She also stated that it was a family disease and not the disease of just one person because every family member is affected. She expressed her hope that Councilmember Armendariz would take time out of his life to become in touch with his life and address his problem.

Joe Armendariz, Jr. spoke in response to Bill Connell's comments. He stated that the photographs were of his mother's dog, Maggie, who was very sick and who dropped off at their house. He further stated that his mother gave them false information on how to take care of the sick dog and that she gave them fish food to give the dog. He noted that the Humane Society did not take the dog; that he returned the dog to his mother's house; and that he told his mother to take her sick dog and keep them out of it. He spoke in regards to the photographs of his father with the woman and stated that it was a close personal relationship and that he was a witness of that. He stated that anyone wanting to ask him questions could ahead and do so.

Ashley Welty stated that over the past few months she had been very close to both sides of the Armendariz family and that she had seen firsthand the care that Councilmember Armendariz has taken not only for his family but for his animals. She commented that she truly believed that the statements made by Mr. Connell were completely false and that the animal was brought to the family while it was sick. She stated that she did not see anything but good change coming to this side of the Armendariz family and that she believed that every person in this life has the ability to change for the good.

Don Ridsen noted that he brought along seven different newspapers from different dates that included information regarding Councilmember Armendariz, his drunk driving, and his statements regarding his alcoholism which were public statements made to the News Press. He stated that the articles did not include the statements made on television and radio. He expressed that Councilmember Armendariz made a huge mistake in representing the City of Carpinteria in that fashion. He noted that the News

Press indicated that Councilmember Armendariz has struggled with alcohol for more than two decades and that he attends AA meetings even while away on business; however, Councilmember Armendariz admitted into slipping every so often. He quoted Councilmember Armendariz's statement from the newspaper, "I like to drink, that's the problem in a nutshell. I like the way alcohol makes me feel. I like the way alcohol makes the situation seem a little more festive. I like the way alcohol allows me to escape from my stresses and my pressures and the issues that I deal with." He stated that from those statements in the paper that he did not believe the issues that Councilmember Armendariz deals with or the stresses would become any less for him in the time that he would like to remain on the City Council. He suggested that it was time that Councilmember Armendariz take a deep look, stand up that evening, and say that he agreed that he was done. He continued quoting Councilmember Armendariz, "I realize I breeched the public's trust, not only once but twice in this regard. I am committed to doing a better job in the future." He suggested that Councilmember Armendariz did not have much of future and that he needed to take the time and concentrate on himself and get well. He stated that he was a supporter of Councilmember Armendariz; however, he was retracting that support until Councilmember Armendariz has had enough time to heal. He further stated that it takes time and that Councilmember Armendariz had not gone through the hardest part as he had not yet gone to court or dealt with all of the things that go along with the penalties. He questioned why the City of Carpinteria should go through all that with Councilmember Armendariz. He noted that the audience was talking about Councilmember Armendariz and they were not talking about City business. He asked Councilmember Armendariz to do the right thing because sitting at the dais was not the right thing to do, and he urged him to stand that evening and resign.

**AGENDA MODIFICATIONS: None.**

#### **CONSENT CALENDAR**

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to approve the Consent Calendar as presented.

Upon voice vote, motion carried.

2. Minutes of the Regular Meeting Held December 12, 2011
3. Expenditures for the Period Ending January 4, 2012
4. Authorize the Submittal of an Application for Grant Funds Under the CalGRIP Program and Authorize the City Manager to Sign the Related Operating Agreement on Behalf of the City

The City Council recessed to a break at 6:15 p.m. and reconvened at 6:22 p.m.

**ADMINISTRATIVE MATTERS: None**

**PUBLIC HEARINGS: None**

**OTHER BUSINESS:**

5. Consider a Resolution Establishing an Integrated Pest Management (IPM) Policy for the City of Carpinteria

Recommendation: Adopt Resolution No. 5355, as ready by title only, establishing an Integrated Pest Management Policy for the City of Carpinteria.

Matt Roberts, Parks and Recreation Director, presented the staff report and PowerPoint presentation.

Trish Stone-Damen thanked Mr. Roberts for drafting the IPM policy resolution. She stated that she believed the make-up of the IPM Advisory Committee should be revised as follows: community representation should be larger to include all stakeholders including health and medical practitioners, IPM practitioners, environmental organization representatives, residents and parents, and university level representative for public outreach and education. She expressed the need for better delineated responsibilities such as who would approve or deny exemption or emergency requests. She suggested that pesticide free zones should be determined by the IPM committee and that the committee should hold more frequent meetings such as four meetings per year or quarterly meetings. She proposed that the revised resolution should be presented to the public by the next meeting and that the public should provide comments to Mr. Roberts so that the City Council could approve it at its next meeting. She stated that during the winter holiday she noted five large areas sprayed with pesticides at a vacant lot, Carpinteria Middle School, Aliso School, Catalino campus, and the Eighth Street sidewalk. She suggested that the problem was the cumulative effects of pesticides to children.

James Smallwood noted that he initially brought together City parks, the City Council, and Parks & Recreation people in Santa Barbara ten years ago when the City developed its IPM program. He stated that they started the Pesticide Awareness Coalition, and the California Organic Festival. He noted that he serves on the Executive Committee for the Surfrider Foundation. He stated that he was uncertain whether Mr. Roberts had looked at the make-up of the committees in Santa Barbara. He further stated that they put in a lot of work and effort into that model for the purpose of it being replicated in other cities. He suggested that Mr. Roberts or other designated people talk to the people on the IPM Advisory Committee Santa Barbara. He stated that an IPM policy was not about managing weeds, but it was about managing the environment.

Mr. Roberts responded to Mr. Smallwood's comments and stated that staff did have conversations with staff from the City of Santa Barbara, their Parks Director, and the

Maintenance Supervisor regarding their IPM program. Councilmember Reddington noted that the suggestion was that Mr. Roberts speak with the people who developed the IPM.

Andrea Adams Morgan noted that she had attended several meetings of the California Invasive Plants Society, California Native Grasslands Association, and Society for Environmental Restoration. She stated that they had been working with chemicals for years. She suggested that instead of just treating the weeds people should want to treat the environment and restore areas in order to get rid of the weed problem. She noted that there were formulations of pesticides used by California Fish and Game that are found to not be harmful to aquatic animals.

Mary Benson thanked Trish Stone-Damen for all her efforts in trying to eliminate pesticides. She noted that she used Roundup once three years ago and the weeds come back just as quickly and it was very ineffective. She asked Mr. Roberts if there was some way to dig out Arundo, remove the ball root, and replace it with a large stone rather than using Roundup. Mr. Roberts responded by pointing out that the project referred to by Mrs. Benson was not a City project, but rather it was a County Agriculture Commissioner project. He stated that anytime the creek bank is destabilized and stones are moved they would end up with a different type of project with different types of costs that would likely have prevented the project from occurring.

Blanco Maldonado Gorman, mother of two, stated that she was interested in coming to find out about IPM. She noted that she was informed by Trish Stone-Damen about the exposure that children have to pesticides. She stated that she conducted some research and that what she found was horrific. She expressed her concern that the public is not informed. She stated that earlier that morning she was at Aliso School and saw where pesticides were used on the benches. She asked the City Council to consider a program to inform the public about all the pesticides that will be sprayed over all parks and schools in Carpinteria.

KiKi Schlebauer noted that she started working with Trish Stone-Damen two years ago when they initially saw pesticides and herbicides being sprayed on the school grounds during the summer as they were working on the organic garden at the school. She stated that her concern started with the school; however, it had now become a broad reach. She further stated that she believed that the City and the school district needed to work together. She requested that when forming an IPM Advisory Committee the City Council include representation from the schools, parents, and community members. She suggested that the City not reinvent the wheel as there were many IPMs already in place.

Councilmember Carty expressed his full support of an IPM management policy. He questioned what would be done regarding the biggest pesticides users in the community such as Union Pacific, State of California, agriculture, and homeowners. He expressed the need to educate the public. Mr. Roberts responded that the draft policy

addressed the public at large and included a public outreach and education program. He noted that the City could work with other jurisdictions through the Advisory Committee process. He also noted that the school district was separate and it had its own authorities.

Councilmember Reddington spoke regarding pesticide use for the bluff's management and noted that the Environmental Protection Agency does not test for toxic cocktail or cumulative effects. She expressed her hope that people would learn by example.

Vice Mayor Stein noted that by moving forward with an IPM policy they were already setting the example by creating the IPM. He spoke in regards to the larger group of community members and stated that he believed it was a good idea; however, he stated that he was concerned with having a small community, trying to have specific individuals participate, and getting people to come to the meetings. He stated that he believed it was important to go forward with the IPM; however, he expressed concern with rehashing, delaying, and putting this off. He further stated that he believed the best policy was to go forward, have a meeting, get the stakeholders involved, and get this started.

Councilmember Reddington inquired whether the City Council was considering moving forward with an eight-member committee with two staff members. Vice Mayor Stein responded that it was up to the City Council to set the number of members. He noted that the meetings would be publicly noticed meetings and would be open to the public. He cautioned the City Council that the bigger the group, the longer it will take for all of them to agree on matters.

Councilmember Reddington spoke in support of an eight-member committee defined as recommended by Trish Stone-Damen.

Mayor Clark expressed concern with limited staff time. He suggested tapping into the public and the available expertise. He stated that he would support the expanded committee, but not hold themselves if they do not have each and every one of the practitioners. He noted that these were the desired qualifications that they would be seeking. He stated that the City Council should keep in mind the small pool available in the community. He also stated that he favored meeting more often and that the committee may need to meet more often early on as they are in development. He further stated that he wanted the committee to meet as often as they need in order to get the job done.

Vice Mayor Stein stated that he believed they should ask the school district to have a representative as well.

Mr. Smallwood noted that he helped start the Watershed Management group in Santa Barbara, run by Barbara Wishingrad, who provided information on IPM for the homeowner. He suggested that interested people could contract Mrs. Wishingrad. He

noted that he visited greenhouses to speak with the owners regarding organic fertilizers and that he was alarmed by the fact that they mist pesticides and herbicides on top of the flowers and use exhaust fans to keep the air circulated. He expressed his concern that this was blowing pesticides into Carpinteria and that he was uncertain whether this had ever been addressed.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to adopt Resolution No. 5355, as ready by title only, establishing an Integrated Pest Management Policy for the City of Carpinteria, with the caveat that they look at incorporating more at large members with some of the specific skills mentioned and seeking up to nine members.

Mayor Clark stated that he wanted to see the product made by the committee come back to the City Council for consideration.

Upon voice vote, motion carried.

6. Consider an Ordinance to Amend the City's California Public Employees' Retirement System (CalPERS) Contract

Recommendation: Approve the first reading of Ordinance No. 654, as read by title only, amending the contract with the CalPERS, specifically modifying the terms of the retirement benefits program in order to implement the cost sharing agreement between the City and its employees.

Arlene Balmadrid, Human Resource Director, presented the staff report.

Councilmember Reddington inquired how much the City would be saving. Ms. Balmadrid responded that the savings would be approximately \$64,000 per year. Councilmember Reddington inquired when this would be up for renewal. Ms. Balmadrid responded that the current contract with the labor group would be up for renewal at the end of June; however, if they change this again they would need to go through the motions again with CalPERS.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to approve the first reading of Ordinance No. 654, as read by title only, amending the contract with the CalPERS, specifically modifying the terms of the retirement benefits program in order to implement the cost sharing agreement between the City and its employees.

Upon voice vote, motion carried.

**COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS**

Councilmember Reddington suggested asking the IPM Advisory Committee to include predator poles and owl boxes which could reduce the use of chemicals and pesticides.

Mayor Clark expressed that he believed these were unsightly and that he would prefer that raptors land in a tree rather than a box or pole.

Councilmember Reddington expressed that she would prefer that the item regarding the Carone Oil Development Project come back on the January 23 agenda. Dave Durflinger, City Manager, responded that staff wanted to be able to prepare a draft comment letter that is educated on the issues. He stated that staff needed to conduct an assessment on the information available, identify issues, and include recommended scoping for the environmental impact report. He further stated that he was not confident that staff could do the research in time to present this to the City Council on January 23, but that he could promise that they would try to do so.

### **ADJOURNMENT**

The meeting was adjourned at 7:44 p.m. by Mayor Clark.

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Al Clark, Mayor

ATTEST:

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Fidela Garcia, CMC  
City Clerk