

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, June 11, 2012**

CALL TO ORDER

The meeting was called to order by Mayor Clark at 4:05 p.m.

ROLL CALL

Councilmembers Greg Carty (arrived at 4:07 p.m.) Kathleen Reddington (arrived at 4:15 p.m.), Joe Armendariz, Vice Mayor J. Bradley Stein and Mayor Al Clark were present.

TEMPORARY ADJOURNMENT TO CLOSED SESSION

Mayor Clark announced that the City Council would temporarily adjourn to a Closed Session. Beth Collins-Burgard, Deputy City Attorney, announced that the purposes of discussion of the Closed Sessions were the following items:

1. Conference with City Attorney – Existing Litigation – Government Code Section 54956.9(a)

Natalie Graves, et. al. v. Vista de Santa Barbara Associates and Vista de Santa Barbara Associates v. City of Carpinteria
Santa Barbara Superior Court Case No. 1380186

2. Conference with City Attorney – Existing Litigation – Government Code Section 54956.9(a)

Save the Plastic Bag Coalition v. City of Carpinteria
Superior Court Case No. 1385674

3. Conference with Labor Negotiator – Government Code Section 54957.6

City Negotiators: David Durflinger, City Manager; and Arlene Balmadrid, Human Resources Director

Employee Organization: Service Employees International Union (SEIU) Local 620

RECONVENE IN OPEN SESSION

Mayor Clark announced that the City Council was reconvening from a Closed Session. Beth Collins-Burgard, Deputy City Attorney, announced that the purposes of the Closed Sessions were items 1, 2, and 3 and stated there were no reportable actions taken.

CALL TO ORDER

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

ROLL CALL

Councilmembers present:

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

Staff members present:

Dave Durlfing, City Manager
Beth Collins-Burgard, Deputy City Attorney
Dylan Johnson, Deputy City Attorney
Fidela Garcia, City Clerk
John Thornberry, Administrative Services Director
Jackie Campbell, Community Development Director
Charles Ebeling, Public Works Director/City Engineer/Traffic Engineer
Matt Roberts, Parks and Recreation Director
Kevin Silk, Assistant to the City Manager

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS:

Mayor Clark stated that he would be adjourning the meeting in honor of Naomi Schwartz and Jans Petersen.

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS: None

CITY MANAGER'S REPORT: None

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT

David Allen stated that he would provide an annual report from the Seal Watch volunteers. He thanked the City for its support and acknowledged the 73 volunteers. He noted that 3,348 visits were reported at the overlook site.

Fred Shaw stated that Girls Scout troops, elementary school students, and many people from out of state and other countries came to visit the seal rookery.

Mr. Allen continued his report and noted that the high count of seals numbered 440, including pups. He stated that the harbor seals do not migrate and about 100 pups were born this year. He reported that there were 52 disturbances caused by oil industry activity and boats, 21 by beach walkers, 12 from bluff top activity, 10 by helicopter, 4 by people going too close to the low bluff by the pier, 3 by planes, 3 by hand gliders, 3 by trains, 3 by stand-up paddlers, 2 by small boats, 2 by kayakers, and 1 by a surfer.

Councilmember Reddington suggested that signage be placed directing visitors to the seal rookery. Mr. Shaw responded that he would suggest this to the Steering Committee for the Host Program.

Councilmember Carty expressed concern with how the public is accessing the seal rookery because of having to cross the railroad tracks and crossing private property. He also expressed concern with visitors being able to locate restroom facilities. He suggested that the City work with the Seal Watch group to come up with safe ways for people to access the seal rookery. He noted that the surfing community had expressed legitimate concerns regarding the seal rookery.

Thomas Perry noted that he previously addressed the City Council about having a gross vehicle weight sign limit or a stop sign posted on Oggen Road. He stated that City staff was complying with the code but that he was hoping that the City Council could make an exception and at the very least approve installation of a stop sign. He noted that he and his wife visited Placerville and visited Caltrans' construction of bridges in that area. He also noted that Caltrans built a new three-lane bridge in Santa Barbara on Winchester Canyon with one bike path and a sidewalk on one side. He expressed concern with a proposed five-lane bridge on Casitas Pass Road with a bike path and two eight-foot sidewalks.

David Moore announced that Hope Net of Carpinteria would sponsor a Suicide Prevention Forum on June 21, at 7:00 p.m., in the Council Chambers. He stated that Hope Net's goal is to lessen the number of attempted or completed suicides in the community through information, support, and advocacy. He encouraged the community to attend and learn about suicide prevention, warning signs for those at risk, how to help, and what resources are available. He noted that Spanish translation would be provided and the public may obtain further information by viewing the City scroll or contacting Becky Norton at 705-7933 or email hopenetofcarp@gmail.com.

Amrita Salm, representing Carpinteria Cares for Youth, presented the revised Carpinteria Cares Teen Help Card which is distributed to youth throughout the community. She announced that the Teen Extrema summer activities would begin on June 15 with a pool party at the City pool which would include music, free food, and swimming for all youth ages 12 to 20. She stated that other events include yoga classes, sports reporting, journaling, night swims, modern dance, collage, ceramics, photography, and a drama workshop. She noted that students need to have their parents sign a parental consent form available for download from the website at carpcares.org and that additional information was available by calling 453-0461 or sending an email to carpcares@gmail.com.

AGENDA MODIFICATIONS: Deputy City Attorney Beth Collins-Burgard noted that an emergency item had come up under Government Code Section 54954.2. She stated that the City Council could agendize an item for this meeting with a two-thirds vote which would mean a vote of four out of five Councilmembers in order to take immediate action on the item. She further stated that the City Council could make a finding of the fact that the City was informed that it might be served with litigation in the case of *Graves v. Vista de Santa Barbara Associates*.

City Manager Dave Durflinger stated that the City Council could choose to agendize the matter as Agenda Item No. 7 for a contract with special counsel Don Lincoln who previously served as special counsel for mobile home park litigation. He further stated that staff was recommending that the City Council authorize the City Manager to enter into a contract on behalf of the City with Mr. Lincoln.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to approve staff's recommendation to add an urgency agenda item relating to contracting with special counsel on mobile home park litigation.

ROLL CALL

Ayes: Reddington, Armendariz, Stein, Carty, Clark

Noes: None

Abstain: None

Motion carried.

CONSENT CALENDAR

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to approve the Consent Calendar. Vice Mayor Stein stated that he would abstain from the minutes of the regular meeting of May 29, 2012 as he was absent.

Upon voice vote, motion carried.

1. Minutes of the regular meeting held May 29, 2012.
2. Expenditures for the period ending June 6, 2012.
3. Authorize the City Manager to sign and submit the draft letter of support to be included as part of the Carpinteria Unified Schools District's application for a U.S. Department of Agriculture Community Garden Grant.

ADMINISTRATIVE MATTERS: None

PUBLIC HEARINGS:

4. Consider of Adoption of the 2012-13 Fiscal Year Budget and Establishment of 2012-13 Ad Hoc Budget/Finance Committee

Recommendation:

- a. Receive the staff report, open the public hearing and receive public comment, provide staff with direction concerning amendments and adopt Resolution Nos. 5393, 5394, and 5395, thereby approving the Municipal Budget for 2012-13 Fiscal year and setting related appropriations limits in compliance with state law.
- b. Establish the Ad Hoc Finance/Budget Committee for the 2012-13 Fiscal Year.

City Manager Dave Durflinger presented the staff report and PowerPoint presentation. He spoke regarding the Administration Department portion of the budget. Councilmember Armendariz inquired regarding the non-spendable reserve. Mr. Durflinger responded that these are funds that the State requires the City to maintain and the City has no discretion on spending these funds.

Administrative Services Director/Finance Director John Thornberry presented the Administrative Services Department budget.

Jackie Campbell, Community Development Director, presented the Community Development Department budget and PowerPoint presentation. Councilmember Armendariz inquired whether Ms. Campbell goes out to the community to talk about what her department does to facilitate building and renovation in the community, infrastructure, and reduction in development impact fees in order to incentivize economic vitality. Ms. Campbell responded that she had spoken at both Rotary Clubs, attends Joint Technical Advisory Committee meetings through the Santa Barbara County Association of Governments program where members of the public attend, and attends Joint Cities and County Housing Task Force meetings. She noted that the department makes an effort to keep the web page current and that staff recently met with developers of the Bluffs III project. Councilmember Armendariz inquired whether

Ms. Campbell seeks opportunities proactively or whether she responds when inquiries are made. Ms. Campbell responded that she typically responds to inquiries; however, staff continually provides information to the City Manager. Mr. Durlinger noted that it appeared that Councilmember Armendariz's suggestion is for a speakers' bureau and whether staff had been proactive over the years in soliciting and speaking engagements. He stated that staff would continue to seek speaking opportunities. Councilmember Reddington suggested that an article be printed in the Cities and County magazine.

Charles Ebeling, Public Works Director/City Engineer/Traffic Engineer, noted that his department engages in public outreach, more specifically for Capital Projects such as the Highway 101 Project, solid waste program, franchise agreement negotiations with waste hauler, Watershed Management Program, and bicycle education through the local schools. He presented the Public Works Department Budget and PowerPoint presentation. Councilmember Armendariz commended Mr. Ebeling on the format of his presentation.

Matt Roberts, Parks and Recreation Director, presented the Parks and Recreation Department Budget and PowerPoint presentation. Councilmember Armendariz commented that he would have liked to have seen the dollar amount for revenue and expenses in Mr. Roberts' presentation for the benefit of the public.

Yesenia Curiel, Program Director for the Santa Barbara Rape Crisis Center, thanked the City for its past support. She stated that the City's funds provide them with the resources to come to Carpinteria to provide services. She noted that she provided community education last year and she was called out to the middle school because some students were sexually harassing teachers and other students. She stated that she provided presentations and engaged with the students who were conducting the harassment. She presented buttons and key chains with their information.

Lynda Lange, representing Carpinteria Valley Chamber of Commerce, spoke regarding the Carpinteria First portion of the budget. She expressed her appreciation for the City's support. She noted that the program was successful and that they appreciated working with Assistant to the City Manager Kevin Silk.

Kiona Gross, representing Carpinteria First, stated that as a downtown business owner Carpinteria First had doubled her sales on First Friday. She also stated that this was a great program and people had commented that they enjoy the program.

Arita Salm, representing Carpinteria Cares for Youth, thanked the City Council for the funds they received in the past and hopefully will receive in the future for the summer programs.

Tara O'Reilly, Manager of the Carpinteria Public Library, thanked the City for its continued support. She stated that they look forward to a continued partnership.

Elizabeth Lee, representing the Community Action Commission, thanked the City Council for its ongoing support of the Healthy Senior Lunch Program at the Veterans Hall and for caring about seniors.

Kiona Gross, owner of Curious Cup, suggested that any increase in the transient occupancy tax be used to bring more tourists into the City and that more be spent on advertisement to bring tourists into Carpinteria. She also suggested that signs be installed during the construction for people to come visit the City while they wait. She stated that Carpinteria Cares for Youth is an incredible program.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to adopt Resolution Nos. 5393, 5394, and 5395 as read by title only and approving the municipal budget for 2012-2013 and setting related appropriation limits.

Councilmember Armendariz spoke regarding economic vitality and commended staff on the most professional budget hearing he had heard as a Councilmember. Vice Mayor Stein thanked all the employees who sacrificed to make this budget.

Upon voice vote, motion carried.

Vice Mayor Stein and Mayor Clark expressed their desire to continue to serve on the Ad Hoc Finance/Budget Committee. Councilmember Reddington suggested that in the future the City Council receive a report from the committee or that the City Council hold budget review meetings to receive updates from staff. Mr. Durlinger responded that the City Council has been holding quarterly budget reviews that focus on forecasts in terms of expenditures and revenues. He stated that the budget reviews could be used as an opportunity to place some focus on economic development initiatives and that he would bring this back with the first quarterly review.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to consent to the appointment of Councilmembers Clark and Stein to serve as the 2012-13 Ad Hoc Finance/Budget Committee for the purposes described in the staff report.

Upon voice vote, motion carried.

OTHER BUSINESS:

5. Request for Waiver of the Permit Processing Fees Associated with Project 12-1615-CUPR/CDP for the Boys and Girls Club Located at 4849 Foothill Road

Recommendation: Consider fee waiver for a Revised Conditional Use Permit for the Boys and Girls Club Private Rental Events.

Jackie Campbell, Community Development Director, presented the staff report.

There was no public comment.

Motion by Vice Mayor Stein, seconded by Carty, to waive the fee for a Revised Condition Use Permit for the Boys and Girls Club Private Rental Events.

Councilmember Reddington inquired regarding what measures the City has taken to ensure that everybody is happy in terms of noise. Ms. Campbell responded that the City implemented certain conditions of approval on the revised permit so that the Boys and Girls Club will provide notice to the City and nearby residents when events are planned. Additionally, the Boys and Girls Club was asked to modify the lighting to shield lighting from the adjacent residences, eliminate the use of a particular outdoor patio, and have an onsite monitor available. She noted that the City is working with the Boys and Girls Club to comply with the conditions of approval.

Councilmember Armendariz inquired whether there was a special nonprofit rate for these types of fees. Ms. Campbell responded that the same rate is applied to all applicants. Councilmember Armendariz expressed support for some type of model for fees for nonprofits organizations.

Upon voice vote, motion carried.

6. November 6, 2012 General Municipal Election Matters

Recommendation:

- a. Adopt Resolution No. 5384, as read by title only, calling for the holding of a General Municipal Election to be held on Tuesday, November 6, 2012, for the election of certain officers relating to General Law Cities and for the submission to the voters of a question relating to increasing the rate of the City's Transient Occupancy Tax ("hotel bed tax");
- b. Adopt Resolution No. 5385, as read by title only, requesting the Board of Supervisors of the County of Santa Barbara to consolidate a General Municipal Election to be held on November 6, 2012, with the Statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code;
- c. Adopt Resolution No. 5386, as read by title only, establishing regulations for candidates for elective office pertaining to Candidates Statements submitted to voters at an election to be held on Tuesday, November 6, 2012;

- d. Adopt Resolution No. 5387, as read by title only, setting priorities for filing Written Arguments regarding a City Measure submitted at the November 6, 2012 General Municipal Election relating to an increase in the rate of the City's Transient Occupancy Tax ("hotel bed tax"), and directing the City Attorney to prepare an Impartial Analysis;
- e. Adopt Resolution No. 5388, as read by title only, providing for the filing of Rebuttal Arguments for a City Measure submitted to voters at the Municipal Election of November 6, 2012.

Dave Durflinger, City Manager, accompanied by Dylan Johnson, Deputy City Attorney, presented the staff report.

Linda Lange, representing the Carpinteria Valley Chamber of Commerce, inquired regarding the survey results for the proposed increase to the transient occupancy tax. Mr. Durflinger responded that the survey results were presented at a previous City Council meeting and the results were favorable to placing this measure on the ballot. He noted that voters indicated they would likely support a rate increase to the bed tax. Ms. Lange requested that if the measure is approved that some of the funds be considered to be used towards tourism promotion.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to adopt Resolution Nos. 5384, 5385, 5386, 5387, and 5388 as read by title only concerning all the requisite actions associated with the November 6, 2012 General Municipal Election matters.

Vice Mayor Stein spoke in support of the transient occupancy tax measure. Councilmember Armendariz spoke in opposition of the transient occupancy tax as a general tax since it will not be specific as to the use of the additional revenues. He suggested that this ballot measure be a special tax to allow for discretionary allocation. Councilmember Reddington and Councilmember Carty spoke in support of the transient occupancy tax measure.

Mr. Durflinger suggested that the City Council might wish to vote on the resolutions separately. He noted that Resolution No. 5387 should be taken to authorize who would write arguments in favor or against before the adoption of the resolution.

Vice Mayor Stein withdrew his motion.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to adopt Resolution No. 5384 as read by title only, calling for the holding of a General Municipal Election to be held on Tuesday, November 6, 2012, for the election of certain officers relating to General Law Cities and for the submission to the voters of a question relating to increasing the rate of the City's Transient Occupancy Tax ("hotel bed tax").

Upon roll call vote, motion carried. Councilmember Armendariz dissented.

By a show of hands, Councilmember Carty, Councilmember Reddington, Vice Mayor Stein, and Mayor Clark were in support of writing an argument in favor. Councilmember Armendariz abstained.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to adopt Resolution No. 5387, as read by title only, setting priorities for filing Written Arguments regarding a City Measure submitted at the November 6, 2012 General Municipal Election relating to an increase in the rate of the City's Transient Occupancy Tax ("hotel bed tax) with Councilmember Carty, Councilmember Reddington, Vice Mayor Stein, and Mayor Clark writing an argument in favor.

Upon voice vote, motion carried.

Councilmember Reddington inquired whether there was a requirement to have a Councilmember write an argument in opposition to the ballot measure. Mr. Johnson responded that there was no requirement that the City Council authorize an argument against; however, a Councilmember who did not sign onto writing the argument in favor could author an argument against in his personal capacity. He noted that all arguments for and against would be submitted to the City Clerk who would decide which arguments will be placed on the ballot.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to adopt Resolution No. 5385, as read by title only, requesting the Board of Supervisors of the County of Santa Barbara to consolidate a General Municipal Election to be held on November 6, 2012, with the Statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code; adopt Resolution No. 5386, as read by title only, establishing regulations for candidates for elective office pertaining to Candidates Statements submitted to voters at an election to be held on Tuesday, November 6, 2012; and a Adopt Resolution No. 5388, as read by title only, providing for the filing of Rebuttal Arguments for a City Measure submitted to voters at the Municipal Election of November 6, 2012.

Upon voice vote, motion carried. Councilmember Armendariz abstained.

7. Urgency Ordinance to Contract with Special Legal Counsel on Anticipated Mobile Home Park Rent Stabilization Ordinance Litigation

There was no public comment.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to approve staff's recommendation to hire special counsel, Don Lincoln, who specializes in mobile home park litigation.

Upon voice vote, motion carried.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Reddington spoke regarding the Gross National Happiness Index and stated that typically the City Council takes a hiatus the second meeting in August. She asked whether the City Council would consider taking a hiatus the first meeting in August to accommodate those with children before they go to school and asked that this be placed as an agenda item for consideration. She congratulated all graduating seniors of Carpinteria High School.

ADJOURNMENT

The meeting was adjourned at 8:42 p.m. by Mayor Clark in honor of Naomi Schwartz and Jans Petersen.

Al Clark, Mayor

ATTEST:

Fidela Garcia, CMC
City Clerk