

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

ROLL CALL

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

Councilmembers present:

Councilmember Carty
Councilmember Reddington
Councilmember Armendariz
Vice Mayor Stein
Mayor Clark

Staff members present:

Dave Durlinger, City Manager
Peter Brown, City Attorney
Beth Collins-Bugard, Deputy City Attorney
Dylan Johnson, Deputy City Attorney
Fidela Garcia, City Clerk
Matt Roberts, Parks and Recreation Director

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS: None

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS: None

CITY MANAGER'S REPORT

- Sixth Annual Little Dog Parade and rabies clinic on July 14 at Linden Field.
- Linden/Casitas Pass Road Freeway Interchange Project exploratory work to identify utility locations will begin this week.
- Final allocation of \$41,000 of Proposition 1B funds was received and will be used for handicap ramp improvements on Santa Ynez Road

Councilmember Carty thanked the community for participating in the Relay for Life, First Friday, Rods and Roses, and Fourth of July Parade.

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT: None

AGENDA MODIFICATIONS: None

CONSENT CALENDAR

Mayor Clark stated that a request was received to pull Item 4.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to pull Item 4, Destruction of Certain Accounts Payable, Payroll, Cash Receipts, and Business License Records, as recommended by staff to be brought back at a future meeting, and to approve the remainder of the Consent Calendar.

Dave Durlfing, City Manager, noted that staff had erred in requesting destruction of records as these particular records were not covered in the records destruction policy. He noted that these records may be destroyed next year.

Upon voice vote, motion carried.

1. Minutes of the Special meeting held June 25, 2012.
2. Expenditures for the period ending July 5, 2012.
3. Cancellation of the August 13, 2012, City Council Meeting.
5. Solid Waste Program Consultant Agreement for ongoing solid Waste Program Management.
6. Resolution No 5399, as read by title only, Approving a Change to the Payment and Reporting Value of the Employer Paid Member Contributions to California Public Employees' Retirement System for the Management and Unrepresented Miscellaneous Employees and Superceding Prior Applicable Resolutions.
7. Resolution No. 5401, as read by title only, Approving a Change to the Payment and Reporting Value of the Employer Paid Member Contributions to California Public Employees' Retirement System for Certain Employees Covered by the SEIU Local 620 Employees Memorandum of Understanding and Superceding Prior Applicable Resolutions.

ADMINISTRATIVE MATTERS: None

OTHER BUSINESS:

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8. Consider First Reading of Ordinance 657, amending Chapter 8.51 of the Carpinteria Municipal Code pertaining to commercial establishments dispensing single-use carryout bags to customers in the City of Carpinteria

Recommendation: That the City Council introduce Ordinance No. 657, as read by title only, and schedule the second reading of the Ordinance for the regular City Council meeting of July 23, 1012.

Dave Durflinger, City Manager, presented the staff report.

Councilmember Reddington stated that she believed the City Council had discussed the definition of paper bag to be 100 percent recycled material and post-recycled content of at least 40 percent and is 100 percent recyclable. Mr. Durflinger responded that the definition was discussed during deliberations; however, the City Council decided not to implement that standard. He noted that the standard in the draft ordinance reflected the City Council's actions. City Attorney Peter Brown added that this language appeared to be the most standard definition from ordinances reviewed by staff.

Pat Kistler, Carpinteria Valley Chamber of Commerce, thanked the City Council for taking a stance on the issue of single-use bags for restaurants. She stated that the Chamber of Commerce would be happy to hold workshops or forums to assist businesses in understanding the ordinance.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to introduce Ordinance No. 657, as read by title only and schedule the second reading of the Ordinance for the regular City Council meeting of July 23, 1012.

Councilmember Reddington expressed her desire to strengthen the exemptions to franchise obligations by stating that new franchises obligations opposing the ordinance are not acceptable. Mr. Brown responded that the proposed regulations do not mandate the use of plastic bags; however, the regulations do state that restaurants can voluntarily take any steps and the proposed ordinance does not prevent them from using single-use plastic bags. Mr. Durflinger noted that this provision had not changed from the original list of exemptions previously approved by the City Council.

Councilmember Armendariz stated that he believed the best approach would be to allow the people in the community to do the legwork and place this item on the ballot to let the people decide whether or not to ban single-use plastic bags. He also stated that he did not support the ordinance. He encouraged the City Council to work with the California Grocers Association, who is working in cooperation with the environmental community to come up with a strategy that works to reduce single-use plastic bags from going into the waste stream and to construct an ordinance that would satisfy the California Grocers Association and the environmental community in order to reduce single-use plastic bags and avoid litigation.

Vice Mayor Stein stated that he was concerned with litigation costs and that he trusted legal counsel's recommendation regarding the percentage of recycled material for paper bags. He also stated that he supported the ordinance. Councilmember Carty concurred with Vice Mayor Stein's comments and expressed his support for the ordinance.

Councilmember Reddington inquired whether there was a legal issue with the 100 percent recycled material for paper bags. Beth Collins-Burgard, Deputy City Attorney, responded that she was not certain of the meaning of 100 percent recycled and 40 percent post-recycled. She stated that she believed that post-recycled meant recycled; however no other City had 100 percent recycled in their definition. She noted that the Cities of Los Angeles, Malibu, and Long Beach's ordinances included language regarding 100 percent recyclable overall and contains a minimum of 40 percent post consumer recycled material and that these ordinances were defining a paper bag as 40 percent post consumer recycled material and 100 percent recyclable. Councilmember Reddington stated that she had spoken with staff from the City of Los Angeles who indicated that the City would be amending its ordinance. She also stated that she agreed with the California Grocers Association to ban single-use plastic bags across the board.

Upon voice vote, motion carried. Councilmember Armendariz dissented.

9. Authorization of Retail Local Produce Cart Concession Agreement

Recommendation: Authorize the City Manager to execute the proposed Retail Produce Cart Concession Agreement.

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

City Attorney Peter Brown noted that the applicant would be using public space for commercial purpose via franchise which was an appropriate use of the City's power; however, each case would be decided on its own merits and City Council had full control whether to grant a franchise in its propriety capacity.

Mayor Clark inquired whether the applicant was aware that the property was previously discussed as a future pocket park and that future development may conflict with the applicant's plans. Mr. Roberts responded that plans to improve the landscape and hardscape were discussed with the applicant and that the agreement was crafted in a way that should these improvements move forward the City has the right to terminate the agreement.

Jason Lesh, representing Katherine Shepherd and himself, stated that they received feedback from the community regarding the produce cart and they were excited with the possibility to bring it back to its original location. He noted that they were aware of the long term plans for the location and they were willing to respect those plans.

Motion by Councilmember Reddington, seconded by Councilmember Armendariz, to authorize the City Manager to execute the proposed Retail Produce Cart Concession Agreement at \$100 per month.

Upon voice vote, motion carried.

10. Argument in Favor of Measure E2012, the City Services Support Measure

Recommendation: Approve the Argument in Favor of Measure E2012, the City Services Support.

Dave Durflinger, City Manager, presented the staff report.

Pat Kistler, Carpinteria Valley Chamber of Commerce, stated that should the measure pass the Chamber would like to meet with the City Council to discuss funding tourism in the community and making a portion of the increased transient occupancy tax directed towards tourism.

Councilmember Carty suggested including language that 100 percent of the funds will stay local. Vice Mayor Stein stated that he agreed. He suggested that a portion of the second paragraph be underlined as follows, "no increases in taxes on local residents." Councilmember Reddington suggested emphasizing this portion with it being underlined, bold, and italicized. She also suggested including a title for the measure.

Councilmember Armendariz stated that although he was not in favor of the ballot measure he would ask the City Council to tighten up the language of the argument in favor so that it is not disingenuous. He expressed concern that language in the ballot argument stating that locals would not pay anything towards the increased transient occupancy tax was false because this tax is not only paid by visitors but it is also paid by local businesses and families who bring in people from out of town to attend family events.

Mr. Durflinger noted that the staff report included the County's policy regarding excessive underlining and/or bolding. Councilmember Reddington suggested bold and italicized with no underlining.

After a brief discussion, it was the consensus of the City Council to leave the emphasis as is.

Motion by Vice Mayor Stein to approve the argument in favor of Measure E2012, the City Services Support Measure.

Councilmember Armendariz inquired whether he would be able to vote on the wording of the argument in favor. Mr. Durflinger responded that no formal vote was necessary

because it was up to an agreement of the four Councilmembers authorized to sign the argument in favor. He noted that the resolution included language that no money would be going to Sacramento which was a reference that over the decades the State has diverted property tax revenue back to the State. He stated that language could be added for the Mayor's review and then the four Councilmembers could sign the ballot argument.

TEMPORARY ADJOURNMENT FOR THE PURPOSE OF HOLDING THE ANNUAL MEETING OF THE CARPINTERIA PUBLIC IMPROVEMENT CORPORATION

The City Council temporarily adjourned at 6:50 p.m. for the purpose of holding the annual meeting of the Carpinteria Public Improvement Corporation.

RECONVENE THE REGULAR MEETING OF THE CITY COUNCIL

The City Council reconvened the Regular Meeting of the City Council at 6:55 p.m.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Reddington inquired regarding the opening of the Franklin Trail. Mr. Durflinger responded that a permit application to the City would be made as a part of the reopening of the trail. He noted negotiations were continuing with adjacent property owners for easement agreements.

Councilmember Reddington stated that she received two emails expressing concern that Casitas Pass Road would include an extension that extends the walk by one mile. She requested that this concern be conveyed to Caltrans and to ask for their assistance in funding a shuttle to the Bailard area. Mayor Clark suggested that it might be more appropriate to ask Santa Barbara County Association of Governments or Metropolitan Transit District. Mr. Durflinger stated that improvements of this type are appropriate topics for discussion in the context of permits related to the Linden/Casitas Pass Freeway Interchange Project.

Councilmember Reddington requested that the trash cans along Linden Avenue and the beaches be emptied on Friday nights or Saturday morning. She inquired whether the entire City of Ojai had paid to opt out of smart meters. Mr. Durflinger responded that the City of Ojai adopted an urgency ordinance for a moratorium on the installation of smart meters. He noted that there was a question whether the City had the authority to do this and the Public Utilities Commission wrote a letter in response informing the City that a local government, city, or county in California does not have the authority to regulate a utility in preempting installation of smart meters. Councilmember Reddington inquired whether staff had researched whether a neighborhood or subdivision could join together

to opt out of installation of smart meters. Mr. Durflinger responded that he was not aware of this; however he was aware that individual owners could opt out and pay a fee.

Councilmember Carty acknowledged Public Works staff for their cleaning efforts following recent city events.

ADJOURNMENT

The meeting was adjourned at 7:07 p.m. by Mayor Clark.

Al Clark, Mayor

ATTEST:

Fidela Garcia, CMC
City Clerk