

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, September 12, 2011**

ROLL CALL

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

Councilmembers present:

Councilmember Carty
Councilmember Reddington
Councilmember Armendariz
Vice Mayor Stein
Mayor Clark

Staff members present:

Dave Durlinger, City Manager
Peter Brown, City Attorney
Fidela Garcia, City Clerk
Jackie Campbell, Community Development Director
Charles Ebeling, Public Works Director/City Engineer
Erin Maker, Environmental Coordinator
Dylan Paul, Management Analyst

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

- Staff submitted pre-applications to Santa Barbara Council of Governments for Measure A Safe Routes to Schools Grant and Bicycle and Pedestrian Program Grant for intersection improvements at Santa Ynez and Carpinteria Avenue by Aliso School; for the intersection improvements at Calle Ocho and Concha Loma; Bike Master Plan Project; Rincon Trail Project; and improvements to two pedestrian bridges at Ninth Street and Santa Monica Street

- Carpinteria Triathlon scheduled for September 25. Volunteer opportunities are available.
- Avon Walk in Carpinteria on September 18.
- Dog adoption pleas have been successful and Enzo has been adopted. Two other dogs are available for adoption.

Erin Maker, Environmental Coordinator, announced the 12th Annual Creek Week and California Coastal Cleanup Day to be held on September 17. She also announced an Ocean Friendly Garden Workshop at City Hall on September 18, and additional information could be obtained at www.sbcreekweek.com.

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT

Pat Kistler, Carpinteria Valley Chamber of Commerce, announced that Mauricio Gomez would present a *Creek and Watershed and You Workshop* at Lunch and Learn at the Curious Cup Bookstore on September 16 from 12:00 to 1:00 p.m. She invited everyone to the Annual Golf Tournament on September 15 to raise funds for Junior Carpinteria Scholarships at Glen Annie Golf Club beginning at 11:00 a.m. She noted that a free shuttle would be provided in front of the Chamber of Commerce office at 4:30 p.m.

AGENDA MODIFICATIONS - NONE

CONSENT CALENDAR

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

A voice vote was taken, and the motion carried.

1. Expenditures for the Period Ending September 7, 2011
2. Adopt Resolution No. 5337, as read by title only, A RESOLUTION OF THE CARPINTERIA CITY COUNCIL CONGRATULATING THE CALIFORNIA AVOCADO FESTIVAL ON THE FESTIVAL'S 25TH ANNIVERSARY
3. Nomination of Jean Bailard to the Santa Barbara County Library Advisory Committee
4. Adopt Resolution No. 5333, as read by title only, A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL APPROVING TAX DEFERRAL OF MEMBER PAID CONTRIBUTIONS IRC 414(H)(2); and Resolution No. 5338, as read by title only, A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL ADOPTING A CHANGE TO THE PAYMENT AND REPORTING VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS.

ADMINISTRATIVE MATTERS - None

PUBLIC HEARINGS:

5. Housing Element Update to the General Plan, Case No. 09-1508-GPA

Recommendation: Approve the Draft Housing Element and submit for certification by the State Housing and Community Development Department and adopt Resolution No. 5334.

Jackie Campbell, Community Development Director, and Ralph Castañeda, Housing Consultant, presented the staff report.

Diane Thackery, spoke regarding the four parcels on Sixth Street and inquired whether the word *contiguous* meant that the land would be connected with no street in between or whether there could be a street in between the parcels. Ms. Campbell responded that contiguous meant abutting parcels with no street in between. Ms. Thackery noted that Parcel 007 behind her house was in the flood zone. She expressed her support for affordable housing and expressed appreciation for the work done; however, she stated that she wanted this zoning to be correct because she could not imagine 30 units in that area. She expressed concern with lack of parking and suggested that the parcels may need to be rezoned because they were currently zoned industrial rather than residential. She stated that in her opinion affordable housing should not be placed one block from the beach and instead there should be some sort of revenue generating housing for the City.

Ms. Campbell stated that the Draft Housing Element was for a theoretical capacity of build-out. She noted that the City had no pending applications for development at this site or at any of the other sites called out as potential development. She also noted that any development proposal submitted would need to be evaluated for constraints such as wetlands, setbacks, parking, and heights, and that all zoning regulations would apply. She stated that the City needed to show to the State that the City has the capacity to provide the number of housing units required without rezoning any properties or re-designating or changing densities of the City. She noted that the preliminary draft submitted to the State included the Bluffs III Resort Zoned property and that the Coastal Plan Policy in the Land Use Element requires a minimum of ten employee housing units which are affordable by nature if there is any hotel development on that site. She stated that staff requested that the City should receive credit for those ten housing units which would mean not having to show ten units elsewhere. She also stated that the State does not list affordable housing as a permitted use in Resort Zoned District and the State would not accept the City counting those employee units as capacity. She expressed her hope that when the City receives the Regional Housing Needs Assessment (RHNA) numbers in 2012 that the State will recognize this as part of the theoretical build-out for additional housing units.

Mayor Clark inquired whether unrealized capacity from the single family houses in the multiple housing district were counted. Ms. Campbell responded that staff did not count many underutilized or underdeveloped properties; however these could be counted in the future. She noted that the State preferred to see vacant and larger parcels; however, there was not much vacant land in the City.

Councilmember Reddington stated that she believed that the demands placed by the State Department of Housing and Community Development on beach communities were absurd. She expressed her hope that in the next election cycle that a prospective Senator or Representative-elect would take up this issue with the State to see that the RHNA guidelines are streamlined or abolished.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to adopt Resolution No. 5334, as read by title only, A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL ADOPTING A NEGATIVE DECLARATION AND HOUSING ELEMENT UPDATE TO THE CITY'S GENERAL PLAN, and submit for certification by the State Housing and Community Development Department.

A voice vote was taken, and the motion carried.

6. Annual Review of City's Development Impact Fees Program and Capital Improvement Plan

Recommendation: Adopt Resolution No. 5335, entitled A Resolution of the City of Carpinteria City Council Updating the City's Capital Improvement Plan and Approving and Accepting the Annual Report on the City's Development Impact Fee Program.

Dylan Paul, Management Analyst, and Charles Ebeling, Public Works Director/City Engineer presented the staff report.

Councilmember Reddington suggested that the City reevaluate the Development Impact Fee amounts as it might be time for a comprehensive review to determine that the nexus makes sense. Mr. Paul responded that this was something that the City Council could easily direct staff to do and that he believed the cost would be \$50,000 to update the study. Mr. Ebeling suggested that this could be added to this year's work plan and that staff would need to find a budget because it was not currently budgeted. He also suggested that this could be made a part of next year's work plan so that the nexus study could be completed and the program could be updated before the expiration of the Highway Interchanges and Bridges 50 percent discount which expires in March 2012.

Vice Mayor Stein and Mayor Clark expressed support for including this in next year's work plan.

City Attorney Peter Brown noted that every year when staff brings this forward to the City Council staff verifies the General Plan to review the basis for the fees. He noted that the City was largely built out and was operating under the current General Plan. He stated that staff believed they were in line with growth projections and that that they were only assessing private development's fair share. He noted that there were two elements as part of the Development Impact Fee program. First would be the fee program for charges to new development, and second would be the Capital Improvement Plan. He suggested that one useful element of reviewing this fee would be to give Public Works and the City Council the opportunity to reassess the Capital Improvement Plan to decide which improvements were important and which were less important, and this would have an ultimate impact on what the fees would be. City Manager Dave Durlinger added that this would also be an opportunity to revisit the policy question and whether developers should be charged the full amount of the Development Impact Fees.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to adopt Resolution No. 5335, as read by title only, A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL UPDATING THE CITY'S CAPITAL IMPROVEMENT PLAN AND APPROVING AND ACCEPTING THE ANNUAL REPORT ON THE CITY'S DEVELOPMENT IMPACT FEE PROGRAM.

A voice vote was taken, and the motion carried.

7. Annual Review Fire Protection Mitigation Fee Program and Fee Adjustment

Recommendation: Approve and adopt Resolution No. 5336, entitled a Resolution of the City Council of the City of Carpinteria Updating the Fire Protection Mitigation Fee Schedule for Development and Approving and accepting the Carpinteria-Summerland Fire Protection Districts Annual Report.

Dylan Paul, Management Analyst, and Charles Ebeling, Public Works Director/City Engineer presented the staff report.

Councilmember Carty inquired whether the City was compensated for collecting these fees. Mr. Ebeling responded that he believed the City collected an overall 3 percent administrative fee. He stated that he would research and report back to the City Council.

Fire Chief Mingee stated that the Fire Department conducts a nexus study every five years and that they adjust their rates annually based on the engineering use cost index. He noted that there was a 2.7 percent increase this year and that this item was more of a housekeeping issue to prepare an annual report to the City and to the County.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to adopt Resolution No. 5336, as read by title only, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA UPDATING THE FIRE PROTECTION MITIGATION FEE SCHEDULE FOR DEVELOPMENT AND APPROVING AND ACCEPTING THE CARPINTERIA-SUMMERLAND FIRE PROTECTION DISTRICTS ANNUAL REPORT.

A voice vote was taken and the motion carried.

OTHER BUSINESS:

8. Special Event Permit for the 2011 Avocado Festival

Recommendation: a) Approve the issuance of a Special Event Permit for the 2011 Avocado Festival in accordance with the conditions of approval and Festival description; b) Make the determination that during the hours of Festival operation the area within the beer garden boundaries as set forth in the attached map, is a public park, pursuant to C.M.C. §10.28.010; and c) Authorize expenditure of city resources as detailed in the report.

Councilmember Carty declared a potential conflict of interest and recused himself from this item. He stepped down from the dais and exited the Council Chambers.

Staff presenter: Charles Ebeling, Public Works Director/City Engineer/Traffic Engineer and Erin Maker, Environmental Coordinator

Tina Fanucchi noted that last year the Avocado Festival Committee focused on making the festival green and that they had a 70 percent diversion rate. She also noted that they do not allow Styrofoam; they utilize biodiesel for the generators; they have a no smoking zone; they provide awareness and prepare an information center for local Fire, Sheriff, and Red Cross for ongoing education; and they provide fun and frolic for hundreds of thousands of people. She thanked the City for its continuous support.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to a) Approve the issuance of a Special Event Permit for the 2011 Avocado Festival in accordance with the conditions of approval and Festival description; b) Make the determination that during the hours of Festival operation the area within the beer garden boundaries as set forth in the attached map, is a public park, pursuant to C.M.C. §10.28.010; and c) Authorize expenditure of city resources as detailed in the report.

A voice vote was taken, and the motion carried.

Councilmember Carty returned to the Council Chambers and took his seat at the dais.

9. Report on Revenue Measure Options

Recommendation: Direct staff to initiate community outreach and surveying as part of the consideration of a revenue measure for public vote.

Dave Durflinger, City Manager and John Thornberry, Finance Director presented the staff report.

Councilmember Armendariz inquired whether an analysis was conducted of the existing housing stock, what type of property was being generated from the housing stock, and what was anticipated in 5, 10, or 15 years as a result of the properties turning over. Mr. Thornberry responded that staff had not recently conducted an in depth analysis. Mr. Durflinger noted that this was something that could be done using assessor's numbers and looking at the data from the last appraisal of the property. He noted that this was done as part of a financial report in 2007 and that he believed over 50 percent of the City's housing stock had not turned over in at least more than 10 years.

Pat Kistler, Carpinteria Valley Chamber of Commerce, asked that the assessment districts be considered as a revenue measure rather than an increase to the transient occupancy tax because the Santa Barbara South Coast Tourism Business Improvement District was adopted this year. She noted that there was a 5.7 percent increase in lodging stays from May to August. She suggested that if the City Council was considering an increase to the transient occupancy tax that perhaps from a business standpoint the City Council could consider dedicating the increased amount to the Carpinteria First Committee since their budget was cut last year.

The City Council discussed engaging in a conversation with the community; surveying the community regarding raising the transient occupancy tax; surveying the community regarding the idea of including an inflationary index with a cap; considering placement of a special tax on the ballot which would require approval by two-thirds majority of the voters; considering dedicating some of the transient occupancy funds to law enforcement; contracting with a consultant to conduct research; redefining a transient as someone who stays shorter than 60 days; reviewing the financial report at the October 24 meeting and continuing to do cost savings measures as a City; initiating community outreach; and having staff seek input from local groups such as the Rotary Club and Chamber of Commerce.

Mr. Durflinger noted that at this time there was no commitment by the City Council and the City Council would definitely place a tax measure on the ballot to put before the voters. He also noted that the City Council was talking about engaging the voters and talking about some of the issues. He stated that it was important to frame the conversation with the community. He also stated that the City could obtain assistance from a consultant on what would be the best approach in order to be successful. He noted that it appeared there was consensus of the City Council to initiate this conversation, engage in a consultant's services, bring back a plan, receive input from

the community during a City Council meeting, and discuss the outreach plan including cost for consultant and timeframe.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to initiate community outreach and surveying as part of the consideration of a revenue measure for public vote.

A voice vote was taken, and the motion carried with Councilmember Carty dissenting.

**COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY
COUNCILMEMBERS - NONE**

ADJOURNMENT

The meeting was adjourned at 7:58 p.m. by Mayor Clark.

Al Clark, Mayor

ATTEST:

Fidela Garcia, CMC
City Clerk