

**City of Carpinteria  
City Council Minutes  
Regular Meeting  
Council Chambers  
Monday, April 23, 2012**

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**CALL TO ORDER**

The meeting was called to order by Mayor Al Clark at 5:35 p.m.

**ROLL CALL**

Councilmembers present:

Councilmember Gregg Carty  
Councilmember Kathleen Reddington  
Mayor Al Clark

Councilmember Joe Armendariz and Vice Mayor Bradley J. Stein were absent.

Staff members present:

Dave Durlinger, City Manager  
Beth Collins-Burgard, Deputy City Attorney  
Fidela Garcia, City Clerk  
Jackie Campbell, Community Development Director  
Matt Roberts, Parks and Recreation Director  
John Thornberry, Administrative Services Director  
Julie Jeakle, Volunteer & Emergency Services Coordinator

**PLEDGE OF ALLEGIANCE**

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

**INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS**

1. Presentation and Update by Girls Inc. of Carpinteria

Mariana Lopez stated that the members from Girls Inc. would be presenting a public service announcement.

Isabelle Carrillo acknowledged the Santa Barbara Health Department for funding the making of the public service announcement.

Ana Delgado acknowledged Girls Inc. for allowing them the opportunity to work on the Tobacco Prevention Program.

The public service announcement DVD, entitled Carpinteria Clean and Green, A Smoke-Free City, was presented.

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

**CITY MANAGER'S REPORT:**

- State of the Community Breakfast on April 24, 2012, hosted by the Chamber of Commerce, at 7:30 a.m., at Rincon Beach Club.
- April 25, 5:00 p.m., Draft Environmental Impact Report Workshop for the South Coast HOV Project presented by Caltrans at Carpinteria High School. Another meeting will be held on April 24 at 5:00 p.m. at the Montecito Country Club.
- April 28, 9:00 a.m., City will be hosting efforts to clean up the creek ways. Volunteers were asked to meet at the 8<sup>th</sup> Street pedestrian bridge for a landscaping restoration project or meet at City Hall to work on creek clean-up.
- County Public Health Department is sponsoring a Chihuahua-de-Mayo special and any Chihuahua owners in the county may go to any county animal shelter or humane society to have their Chihuahua or Chihuahua-mix dogs spayed or neutered at no cost. They are also offering half off fees for any Chihuahua or Chihuahua-mix dogs adopted during the month of May.
- Second Downtown Visioning Workshop on April 30, 5:30 p.m. at Catalino School.

**PRESENTATIONS BY CITIZENS/PUBLIC COMMENT**

Tom Perry stated that the City Council and City staff time had been wasted by spending five years on a plastic bag ordinance. He commented that he believed the smoking ordinance was unenforceable. He noted that no action had been taken regarding speeding vehicles on Ogan Road and that he had addressed speeding vehicles and a gross vehicle weight limit at this location two months ago. He mentioned that Charles Ebeling, Public Works Director, had informed him that staff would be conducting a traffic survey; however, it had not yet occurred. He stated that federal funding had become a large part of the City's budget and he believed too much Council and staff time had been spent on federal money issues and not enough time was spent paying attention to local politics such as the bridge project. He noted that the graduate students from Cal Poly were asked to look at the downtown visioning and he had mentioned to them that any project that occurs in Carpinteria affects the City and all its citizens. He suggested that the students also look at the three bridges proposed in the City. He spoke regarding code enforcement in the City and noted that citizens had asked the Council to pull the reins in on the Code Enforcement Officer who is citing tourists and citizens. He stated that he did not believe it was a good idea to have a non-uniformed officer issuing citations in the neighborhood and he mentioned that he was sent a warning letter for a \$3,000 fine for leaving his boat in his driveway. He addressed the Linden/Casitas Pass Bridge Design Review Team meeting held last week and stated that the meeting came and would not discuss the width of the bridge. He also stated that the bridge project

does not address the traffic issues on the 8<sup>th</sup> Street Bridge and there was no bridge at the north end of town. He asked that this matter be brought back to the City Council.

Angela Hacker, County of Santa Barbara Empower SBC Program, stated that they design projects to save energy and create jobs by making it easier and affordable for homeowners to make energy saving improvements to their property. She noted that homeowners could have access to a list of qualified contractors, utility rebates as high as \$4,000, and low cost local financing to make home energy savings improvements. She stated that they were currently accepting applications for a home upgrade loan offered at below market rate in partnership with two local credit unions. She invited the community to an event on May 1 for a free barbecue and a free energy assessment and learn how home performance improvements can create benefits for homeowners.

Loren Bass stated that he also attended the Design Review Team meeting and he asked the City Council to revisit the size and scope of the Casitas Pass Bridge. He also stated that he and his neighbors believed the size was very large. He noted that representatives from Caltrans indicated that the City Council would need to approve an amendment to the master plan for this specific overpass in order to decrease its size.

Susan Allen, spoke regarding the new cable boxes from Cox Cable. She stated that customers would need to pay \$6 per month and therefore she was unable to watch the Council meetings from home. She expressed her concern that residents were given misinformation. She suggested that the City urge Cox Cable to place a full page ad in the Coastal View to explain that these boxes are supposed to be free. She noted that there was recent vandalism at the Carpinteria Bluffs Preserve. She stated that a concerned citizen reported the vandalism to the Sheriff's Department and subsequently to Matt Roberts who addressed the vandalism. She expressed concern with the Sheriff's Department's response because if they would have responded immediately they might have found the vandals. She stated that she continued to be concerned with the issue at the pier and with boats running very early in the morning. She further stated that the boat noise could be heard from 8<sup>th</sup> Street and she was concerned with the amount of pollution coming from the boats. She noted that boaters also signal with a horn and use a public address system.

Councilmember Reddington noted that the Air Pollution Control District was looking into the boat issue. She inquired on the type of vandalism that occurred at the bluffs. Mrs. Allen responded that three individuals with two wheelbarrows, five buckets, and four shovels dug up an area in the bluffs about 75 feet long, four feet deep, and four feet wide to build a BMX-type track. She stated that the gentleman who approached them was threatened and he went to the Sheriff's office where he was told they would get there after they eat dinner. She noted that this gentleman reported this to her because she is the Vice President of Land Use for the Citizens of Carpinteria Bluffs.

Councilmember Reddington noted that she sits on the Design Review Team and she had to leave the meeting. She stated that she was concerned when after she and others

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left the meeting many decisions were made within a half hour. She also stated that she believed the Design Review Team needed the Council to support the idea of looking at the size of the bridges. She noted that the Design Review Team was informed they could only look at the size of the bridge aesthetically and that the Council would need to take the responsibility whether it is the purview of the Design Review Team to look at the size apart from the aesthetics or whether it is the purview of the Design Review Team to look at the size at all. Mayor Clark noted that this would be coming back to the Council once the Design Review Team is finished and the Council would make a decision.

Councilmember Reddington inquired whether a change to the General Plan will be needed. Jackie Campbell, Community Development Director, responded that the Council could suggest a change to the General Plan; however, it must be approved by the Coastal Commission as this was part of the Linden/Casitas Pass Project. Councilmember Reddington inquired why the Design Review Team did not have the purview without the Coastal Commission's permission to reduce the number of lanes on the Casitas Pass Bridge. Ms. Campbell responded that the number of lanes would not be subject to a General Plan amendment and this was not what was causing the Linden/Casitas Pass project to go to the Coastal Commission for a Local Coastal Program amendment. She explained that this had to do with impacts on agriculture and wetlands. She noted that for the Linden Bridge, the City Council gave direction to Caltrans and staff to look at reducing the number of lanes provided traffic would still flow at an acceptable level of service. She also noted that when staff was working directly with Caltrans regarding the Casitas Pass Overcrossing, the proposal came in with six lanes and it was reduced to five lanes. She stated that in order to take it to fewer than five lanes the City would have to revisit the traffic analysis and make a determination that would still be consistent with the Circulation Element. She noted that the City may be able to reduce the number of lanes, but in order to do that the Council may need to make an additional General Plan amendment to address the issue of level of service.

Dave Durlinger, City Manager, stated that the plan set out by the City Council in terms of using the Design Review Team was to review the Design Review Team's recommendations on the aesthetics and architectural design of the bridge in the context of all the other information produced to date. He also stated that the City Council will have a decision to make in its role as project partner with Caltrans and Santa Barbara County Association of Governments on whether this will support the project application in form and configuration of lanes going forward into the development review process. He further stated that the City Council will make this decision before the Architectural Review Board and Planning Commission have conducted their formal review of the process. He noted that the City Council would have another opportunity to give an opinion on this project before it gets into the regulatory development review. He also noted that there was a difference between process and perception that there will be reluctance to change the design because Caltrans spent a lot of time and money; however, the Council will have an opportunity to address this in a few months. He

stated that he was uncertain whether it would serve any purpose to bring the matter back sooner.

Councilmember Reddington inquired regarding the funding stream within the timeline. Mr. Durflinger responded that this project is heavily funded by State and Federal sources as well as some local money. He noted that for any State and Federal projects they need to show progress and if the State feels that the project is not going anywhere or is stalled then the funding programs are put at risk. He stated that he believed they were making good progress through the Design Review Team process.

Councilmember Carty stated that he believed the Design Review Team had a wonderful opportunity to look at the design and aesthetics of the bridges regardless of the size of the bridges, and looking at the street lights, textures, scribing in the streets, and how it relates to Linden Avenue. He also stated that he believed it was important that the City Council sticks to its role.

Mayor Clark stated that he believed the Design Review Team's thoughts were that no one could tell them how big the bridge was going to be or how big it used to be because no drawings were available. He also stated that the purpose of the Design Review Team was to get the drawings and specifications so that the Council could look at something to make an approval. He further stated that the other function was that within those constraints the Design Review Team was to try to make the bridge as small as possible. He commented that he believed aesthetics were a good thing to discuss; however, it was a function of the Architectural Review Board.

Councilmember Reddington inquired whether the City Council should place an item on the agenda to rewrite the purpose statement of the Design Review Team. Mayor Clark responded that Caltrans is offering a proposal that has a certain number of lanes and the City Council cannot approve it unless it has been described adequately. He noted that the City Council was waiting on the description of what Caltrans is proposing. Councilmember Reddington stated that the City Council needed to put that in the purpose statement of the Design Review Team because that was not what they were discussing in their meeting. Mayor Clark stated that he would hope that the Design Review Team does their job and if it comes back and they have not done their job then the Council has to start all over again.

**AGENDA MODIFICATIONS:** None.

### **CONSENT CALENDAR**

It was moved by Councilmember Reddington to approve the Consent Calendar. City Clerk Fidela Garcia noted that staff submitted an amended staff report for Item No. 8 with the motion to include "ordering and construction of the improvement."

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Councilmember Reddington amended her motion to include ordering and construction of the improvement where appropriate for Item No. 8 and to read all resolutions as ready by title only. Councilmember Carty seconded the motion.

Upon voice vote, motion carried. Councilmember Armendariz and Vice Mayor Stein were absent.

2. Minutes of the regular meeting held April 9, 2012.
3. Expenditures for the period ending April 18, 2012.
4. Resolution No. 5374, as read by title only, authorizing the destruction of certain records in the Community Development Department.
5. Resolution Nos. 5372 and 5373, as read by title only, thereby acting to accept and file the mandatory annual report and setting the matter of the continuation of Street Lighting District No. 1 for fiscal year 2012-13 for public hearing at the regular City Council meeting of May 29, 2012.
6. Resolution Nos. 5370 and 5371, as read by title only, thereby acting to accept and file the mandatory annual report and setting the matter of the continuation of Right-of-Way Improvement District No. 3 for fiscal year 2012-13 for public hearing at the regular City Council meeting of May 29, 2012.
7. Resolution Nos. 5368 and 5369, as read by title only, thereby acting to accept the mandatory annual report and setting the matter of the continuation of Parking and Business Improvement Area District No. 4 for fiscal year 2012-13 for public hearing at the regular City Council meeting of May 29, 2012.
8. Resolution No. 5375, as read by title only, thereby setting the public hearing date for the City Council to consider setting the annual assessment for Assessment District No. 5.
9. Review of quarterly investment results and certifications concerning compliance with investment policy and cash flow needs for the next six months.

**ADMINISTRATIVE MATTERS:** None

**PUBLIC HEARINGS:** None

**OTHER BUSINESS:**

10. Agreement Between the City of Carpinteria and the Housing Trust Fund of Santa Barbara County for Implementation of the Workforce Homebuyer Down Payment Loan Program

Recommendation: Approve the City to Entering into an Agreement with the Housing Trust Fund of Santa Barbara County for Workforce Homebuyer Program Implementation and authorize the City Manager to sign the Agreement.

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

Jennifer McGovern, President of the Housing Trust Fund, stated that this program would allow working households and families to purchase a home in the community where they work. She also stated that she believed this would be a way to maximize the impact of the in lieu fees from the Lavender Court project. She noted that one of the biggest barriers for families in terms of getting into a home is the down payment. Councilmember Reddington inquired what would this program provide for someone who is renting in Carpinteria and who fits the criteria to purchase a home in the city. Ms. McGovern responded that the program would provide a down payment that enables a family to lower the mortgage costs to get into an entry level affordable home. She explained that the structure of the loan would be a deferred loan for up to 30 years with no payments, which is also known as a silent second. She stated that if the home is sold or refinanced, then the City would receive its investment back plus a share of the potential equity in the home. She also stated that the purchaser could have 20 percent down payment and conventional financing and not have the additional mortgage insurance cost. She noted that they typically recommend a maximum loan of \$75,000 and market research shows that the average loan would be \$58,000.

Motion by Councilmember Carty, seconded by Councilmember Reddington, to authorize the City Manager to sign the agreement between the City of Carpinteria and the Housing Trust Fund of Santa Barbara County to implement the Workforce Homebuyer Program.

Upon voice vote, motion carried. Councilmember Armendariz and Vice Mayor Stein were absent.

11. Approve the Purchase Agreement and Escrow Instructions Between Southern Pacific Rail Corporation and the City of Carpinteria for the Acquisition of a Portion of a Parcel of Vacant Land Known as APN 004-105-015 to be Used for Public Park Purposes

Recommendation: Adopt Resolution No. 5377, as read by title only, appropriating up to \$425,000 from the Parks Acquisition Fund to be used to fund the purchase of the north west portion of a parcel of vacant land known as APN 004-105-015 and authorize the Mayor to execute the Purchase and Sale Agreement and Escrow Instructions between Southern Pacific Rail Corporation and the City of Carpinteria.

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

Beth Collins-Burgard, Deputy City Attorney, noted a point of clarification of the restriction of use in Section 9.4.1 of the contract. She noted that this section does not restrict the Council's discretion to designate the land as it sees fit in the General Plan; however, it does include a restriction on use. She stated that the contract does restrict police powers; however, there could be a restriction on the use of the land in the future and the property must not be used for residential, lodging or accommodations, or education or child care facilities.

Doug Galati mentioned that he previously addressed the City Council as an advisor to the Carpinteria Skate Foundation who were looking to put a skate park in the city. He asked the Council and staff to be visionary in acquiring this property and hopefully in the future the residents would see an addition to the city that will make them proud. He spoke in support of the terms of the agreement.

Jason Lesh thanked the City Council and staff for pursuing the opportunity to acquire this property. He stated that from the standpoint of the Carpinteria Skate Foundation they agreed to work with the community on the most positive use of this property.

James Pike, Director of the Skateboard Clinic in Santa Barbara, stated that in working with youth he had come to the understanding that not only is a skate park essential to Carpinteria it would bring the youth outdoors. He also stated that this would be a great thing for the youth of Carpinteria and it would keep BMX users out of the bluffs. He noted that there was an element of skateboard tourism that could benefit the economy and that skateboarding gives youth an opportunity to stay out of trouble and have an alternate type of sport.

George Totten spoke regarding sustainable generations for the future and the community as a whole. He stated that he was a skateboarder and an artist and that he attended the first meetings for a skate park in the 1980s. He also stated that the youth needed to play again instead of worrying about their cell phones and computers, and the youth needed to create individuality. He thanked the City Council for the opportunity to have a park and to make it green, make it beautiful, and make it happen.

Mr. Roberts noted that the City Council had not made any decisions nor considered what type of park for this property and that it was only being acquired for park purposes.

Councilmember Reddington stated for the record that she would like to see a skateboard park.

Motion by Councilmember Reddington, seconded by Councilmember Carty, to adopt Resolution No. 5377, as read by title only, appropriating up to \$425,000 from the Parks Acquisition Fund to be used to fund the purchase of the north west portion of a parcel of vacant land known as APN 004-105-015 and authorize the Mayor to execute the

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Purchase and Sale Agreement and Escrow Instructions between Southern Pacific Rail Corporation and the City of Carpinteria.

Councilmember Carty stated that acquiring this property would give the City an opportunity to better the community.

Upon voice vote, motion carried. Councilmember Armendariz and Vice Mayor Stein were absent.

12. Review of Fiscal Year 2011-12 Estimated Final Budget Results

Recommendation: No changes to the budget are being recommended at this time. Receive the report and direct staff as appropriate.

City Manager Dave Durflinger and Administrative Services Director John Thornberry presented the staff report and PowerPoint presentation.

Councilmember Reddington noted that earlier in the evening the Council heard comments regarding the pier, leases, and the amount of boats and that Mr. Thornberry mentioned the pipeline and pier leases fund. She inquired whether this was calculated on the number of boat trips and whether the City could charge additional fees due to the increased number of boat trips. Mr. Thornberry responded that he was not aware of the language of the pier lease but he could follow-up with staff. Mr. Durflinger noted that the charge was not based on the number of trips. Councilmember Reddington inquired whether the City Council could re-write the lease agreement and base it on number of trips. Mr. Durflinger responded that the term of the lease was fairly long and it was negotiated not too long ago. He stated that it was not only a lease on the use of the pier but on occupation of the entitlement and it was fixed on the assessed value and activity of the land at that time. He also stated that staff believed the activity falls within the land use permit issued for the property and it does not appear there is a potential for revenue enhancement. Councilmember Reddington suggested that the lessor be asked as a courtesy for the community.

Mr. Durflinger continued presenting the staff report.

Councilmember Reddington inquired regarding initiating a change to the road cut fee charged to the utility companies franchise fees for those that do road work. Mr. Durflinger responded that these are referred to as trench cut ordinances and this was identified in the work plan. He noted that one of the current franchise agreements does not have an expiration date and getting the utility to negotiate would be difficult. Councilmember Reddington inquired whether staff could explore the idea to work with similar cities to meet with the utility companies. Mr. Durflinger responded that the City Council could ask staff to explore what it would take to lobby the California Public Utilities Commission for regulatory changes to reopen pre-established franchise

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agreements. He stated that he would first like to research the feasibility from a legal and practical standpoint.

Councilmember Reddington inquired regarding the Right-of-Way Assessment District associated with the Park Maintenance Fund and how much was being subsidized annually. Mr. Thornberry responded that the Right-of-Way Assessment District was established in 1986 and it was determined that a portion of that assessment had to be approved by the voters. He noted that in 1997 the City held an election to reduce the Right-of-Way Assessment and increase the Park Maintenance Tax dollar-to-dollar. He stated that this was a fixed expense to property owners.

No public comment.

Received and filed.

13. 2011 City of Carpinteria Annex of the County of Santa Barbara Multi-Jurisdictional Hazard Mitigation Plan

Recommendation: Adopt Resolution No. 5376, as read by title only, approving the 2011 City of Carpinteria Annex of the County of Santa Barbara Multi-Jurisdictional Hazard Mitigation Plan

Julie Jeakle, Volunteer & Emergency Services Coordinator, presented the staff report.

No public comment.

Motion by Councilmember Reddington, seconded by Councilmember Carty, to adopt Resolution No. 5376, as read by title only, approving the 2011 City of Carpinteria Annex of the County of Santa Barbara Multi-Jurisdictional Hazard Mitigation Plan.

Upon voice vote, motion carried. Councilmember Armendariz and Vice Mayor Stein were absent.

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

Councilmember Reddington reported regarding the South Coast Homeless Advisory Commission and noted that Carpinteria was still the only city who had not contributed to the warming centers. She asked for an update on having this on the agenda. Dave Durlinger, City Manager, responded that this was on the list of items to discuss with the Budget Ad Hoc Committee to incorporate into next year's budget.

Councilmember Reddington noted that a member of the Design Review Team was in the audience and she asked the Council to allow her to speak because the member had contacted her prior to the meeting and stated she would not make it in time for public

comment. Mayor Clark noted that the public comment period was closed and this portion of the agenda was for the Councilmembers to give committee reports.

Mr. Durflinger noted that the Design Review Team would be finishing their work in August and this matter would be brought before the Council prior to receiving the Design Review Team's recommendation. Councilmember Reddington invited the members of the Design Review Team to come to the next meeting to address the issue of aesthetics or size of the bridges. She expressed that she hoped the Design Review Team would consider the size of the bridges and compatibility with the community and not from an aesthetic standpoint. She also expressed that she hoped the Council would discuss this due to public comment received. She asked that the Council agendaize the interpretation of the duties of the Design Review Team. Mayor Clark stated that the Design Review Team was tasked to look at the proposal from Caltrans and not to do its own sizing of the bridge, and secondarily within the context of that proposal whether there is any way that proposal could be reduced in size. Councilmember Carty noted that the Design Review Team discussed how aesthetically the bridge fits into the streets that run up to the overpasses from an aerial view.

#### **ADJOURNMENT**

The meeting was adjourned at 7:51 p.m. by Mayor Clark.

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Al Clark, Mayor

ATTEST:

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Fidela Garcia, CMC  
City Clerk

