

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, May 29, 2012**

CALL TO ORDER

The meeting was called to order by Mayor Clark at 4:10 p.m.

Councilmembers Greg Carty, Joe Armendariz and Mayor Al Clark were present. Vice Mayor J. Bradley Stein and Councilmember Kathleen Reddington were absent.

TEMPORARY ADJOURNMENT TO CLOSED SESSION

Mayor Clark announced that the City Council would temporarily adjourn to a Closed Session. Peter Brown, 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)

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

Staff present: City Attorney Peter Brown, Deputy City Attorney Beth Collins-Burgard, and City Manager Dave Durflinger.

Councilmember Reddington arrived at 4:15 p.m.

2. 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

Staff present: City Attorney Peter Brown and City Manager Dave Durflinger.

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

Item not considered due to time constraints.

RECONVENE IN OPEN SESSION

Mayor Clark announced that the City Council was reconvening from a Closed Session. Peter Brown, City Attorney, announced that the purposes of the Closed Sessions were the following items:

1. 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

2. 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

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

City Attorney Peter Brown announced that there were no reportable actions taken on Items 1 and 2. He stated that the City Council did not consider Item 3 due to time constraints and this item would be considered at a later Council session.

CALL TO ORDER

The meeting was called to order by Mayor Clark at 5:45 p.m.

ROLL CALL

Councilmembers present:

Councilmember Al Carty
Councilmember Kathleen Reddington (absent during roll call)
Councilmember Joe Armendariz
Mayor Al Clark

Vice Mayor J. Bradley Stein was absent.

Staff members present:

Dave Durlinger, City Manager
Peter Brown, 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

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

- Linden Avenue and Casitas Pass Road Interchanges Project Design Review Team meeting on May 30, 2012, at 5:30 p.m. at the Catalino School cafeteria.
- Host Visitors Services Program in the downtown will run from the Visitors Center Kiosk at the Seal Fountain. A total of 73 host volunteers will help run this program to provide information to Carpinteria visitors on Fridays, Saturdays, and Sundays from 10:00 a.m. to 4:00 p.m., and on every first Friday from 5:00 to 8:00 p.m.
- Lifeguard services began on Memorial Day weekend providing services at the City beach during the weekends and seven days a week beginning in mid June.

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT: None

AGENDA MODIFICATIONS: None.

CONSENT CALENDAR

Motion by Councilmember Carty, seconded by Councilmember Armendariz, to approve the Consent Calendar and Resolution No. 5390 as read by title only. Councilmember Carty congratulated Gloria Tejeda on her appointment to the Parking and Business Improvement Area Advisory Board. Mayor Carty stated that he would approve the May 14, 2012 regular meeting minutes up to the portion where he was present during his teleconference.

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

1. Minutes of the regular meeting held May 14, 2012.
2. Expenditures for the period ending May 23, 2012.
3. Consider adoption of Resolution No. 5390, as read by title only, Appointing Gloria Tejeda to fill an existing vacancy on the Parking and Business Improvement Area Advisory Board (PBIAAB) for the term ending January 31, 2013.

ADMINISTRATIVE MATTERS: None

PUBLIC HEARINGS:

4. Continuation of the Street Lighting District No. 1 for Fiscal Year 2012-13 and Related Protest Hearing

Recommendation: Adopt the Resolution No. 5380, as read by title only, to continue the district for Fiscal Year 2012-13.

John Thornberry, Administrative Services Director, presented the staff report and PowerPoint presentation.

Mayor Clark opened the Public Hearing. There was no public comment. Mayor Clark closed the Public Hearing.

It was moved by Councilmember Carty, seconded by Councilmember Armendariz, to adoption Resolution No. 5380, as read by title only, to continue Street Lighting District No. 1 for Fiscal Year 2012-13.

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

5. Continuation of Carpinteria Right-of Way Assessment District No. 3 for Fiscal Year 2012-13 and Related Protest Hearing

Recommendation: Adopt the Resolution No. 5379, as read by title only, to continue the district for Fiscal Year 2012-13.

John Thornberry, Administrative Services Director, presented the staff report.

Mayor Clark opened the Public Hearing. There was no public comment. Mayor Clark closed the Public Hearing.

It was moved by Councilmember Carty, seconded by Councilmember Armendariz, to adoption Resolution No. 5379, as read by title only, to continue the Carpinteria Right-of-Way Assessment District No. 3 for Fiscal Year 2012-13.

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

6. Continuation of the Parking and Business Improvement Area Assessment District No. 4 for Fiscal Year 2012-13, including a \$2.00 increase in the Annual General Assessment as an Annual Inflationary Adjustment

Recommendation: Adopt the Resolution No. 5378, as read by title only, to continue the district for Fiscal Year 2012-13.

John Thornberry, Administrative Services Director, presented the staff report.

Mayor Clark opened the Public Hearing. There was no public comment. Mayor Clark closed the Public Hearing.

It was moved by Councilmember Carty, seconded by Councilmember Armendariz, to adopt Resolution No. 5378, as read by title only, to continue the Parking and Business Improvement Area Assessment District No. 4 for Fiscal Year 2012-13, including a \$2.00 increase in the Annual General Assessment as an Annual Inflationary Adjustment

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

7. Consider Confirming the Engineer's Report, Ordering the Improvement and Levying Annual Assessment for the 2012-13 Fiscal Year Winter Protection Berm Assessment District No. 5

Recommendation: Adopt Resolution No. 5389, as read by title only, levying the annual assessment for Assessment District No. 5 for the 2012-13 Fiscal Year.

John Thornberry, Administrative Services Director, presented the staff report.

Mayor Clark opened the Public Hearing. There was no public comment. Mayor Clark closed the Public Hearing.

It was moved by Councilmember Carty, seconded by Councilmember Armendariz, to adoption Resolution No. 5389, as read by title only, Confirming the Engineer's Report, Ordering the Improvement and Levying Annual Assessment for the 2012-13 Fiscal Year Winter Protection Berm Assessment District No. 5.

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

OTHER BUSINESS:

8. Review of the 2011 Annual Report to the Governor's Office of Planning and Research on the Status of the General Plan and Progress on Implementation of its Goals, Policies and Objectives

Recommendation: Receive the Annual Report on the Status of the General Plan.

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

Councilmember Reddington arrived at 6:15 p.m.

Councilmember Armendariz inquired regarding the State's use of this report. Ms. Campbell responded that the report is kept on file and used when cities apply for grant funds. Councilmember Armendariz inquired whether the Governor's Office could be asked questions regarding other cities ordinances such as the single use plastic bag ban ordinance. Ms. Campbell responded that she believed the Governor's Office could be asked questions and that their planners periodically send surveys to cities and keep information on file.

There was no public comment.

It was moved by Councilmember Carty, seconded by Councilmember Armendariz, to accept the report and direct the Community Development Director to submit the General Plan Annual Report to the Governor's Office of Planning and Research.

Councilmember Reddington inquired what types of grants have utilized this report. Ms. Campbell responded that in the past the City applied for grants in conjunction with the Santa Barbara County Association of Governments to help fund SB 375 implementation efforts.

Upon voice vote, motion carried. Vice Mayor Stein was absent.

9. Adoption of a Policy Concerning Informal Procedures for the Conduct of City Council Meetings

Recommendation: Adopt Resolution No. 5391, as ready by title only, establishing informal procedures for meeting conduct and debate.

Dave Durlinger, City Manager, presented the staff report.

There was no public comment.

It was moved by Councilmember Reddington, seconded by Councilmember Carty, to adopt Resolution No. 5391, as read by title only, establishing informal procedures for meeting conduct and debate.

Upon voice vote, motion carried. Vice Mayor Stein was absent.

10. Authorization by the City Council for Caltrans to Proceed with Right-of-Way Acquisition for the Linden Avenue and Casitas Pass Road Interchanges Project

Recommendation: Adopt Resolution No. 5392, as ready by title only, to acquire rights-of-way for the Linden Avenue and Casitas Pass Road Interchanges Project.

Charles Ebeling, Public Works Director/City Engineer/Traffic Engineer, presented the staff report and PowerPoint presentation. He responded to questions regarding the parcels to be purchased for rights-of-way and acquisition of easements.

Councilmember Reddington expressed her desire to see the pine trees remain near the mobile home park.

There was no public comment.

Motion by Councilmember Carty, seconded by Councilmember Reddington, to adopt Resolution No. 5392, as ready by title only, to acquire rights-of-way for the Linden Avenue and Casitas Pass Road Interchanges Project.

Upon voice vote, motion carried. Vice Mayor Stein was absent.

Items 11, 12, 13, and 14 were considered concurrently.

11. Consider a Contract with MNS Engineers, Inc. for Professional Engineering Services for the Bicycle Master Plan

Recommendation: City Council Authorize execution of an agreement for engineering services with MNS Engineers, Inc. for the scope and cost of work as described in the staff report.

12. Consider a Contract with Wallace Group for Professional Engineering Services for the 9th Street Pedestrian Bridge Rehabilitation

Recommendation: City Council Authorize execution of an agreement for engineering services with Wallace Group for the scope and cost of work as described in the staff report.

13. Consider a Contract with Penfield and Smith, Inc. for Professional Engineering Services for the Calle Ocho/Concha Loma Drive Intersection Improvements Project

Recommendation: City Council Authorize execution of an agreement for engineering services with Penfield and Smith, Inc. for the scope and cost of work as described in the staff report.

14. Consider a Contract with Penfield and Smith, Inc. for Professional Engineering Services for the Carpinteria Avenue/Santa Ynez Avenue Intersection Improvements Project

Recommendation: City Council Authorize execution of an agreement for engineering services with Penfield and Smith, Inc. for the scope and cost of work as described in the staff report.

Charles Ebeling, Public Works Director/City Engineer/Traffic Engineer, presented the staff reports. He noted that for Item 11, Exhibit B, Scope of Services, would be eliminated from the contract.

There was no public comment.

Mayor Clark noted that an email was received from Alice Wissing urging the City to remove the 9th Street Pedestrian Bridge due to various safety issues. She indicated that the street is narrow and would act as an attractive nuisance to draw people down to the side of the street that lacks sidewalks. Additionally, since the bridge is being widened for handicapped access, wheel-chair bound people would need to wheel down the middle of the street due to inadequate sidewalks. Ms. Wissing also expressed concerns with neighborhood incapability and with views from the bridge which could possibility violate homeowners' privacy and potential loss of property value.

Mr. Ebeling responded that this project would be rehabilitating the existing bridge. He stated he would recommend that the bridge be rehabilitated and that safety

improvements be made. He noted that he received input from the City's Joint Powers Insurance Agency who looked at the bridge and made the same recommendations. He stated that it was important to rehabilitate and make safety improvements to approach walkways of the bridge and meet current Americans with Disability Act requirements. He also stated that the bridge was important for neighborhood connectivity and that the City received a \$150,000 Measure A grant for this project.

Councilmember Armendariz expressed his desire for improvements on Carpinteria Avenue for pedestrians' use. Councilmember Reddington expressed her desire for the 9th Street Pedestrian Bridge to look aesthetically similar to other pedestrian bridges. She suggested that staff look into improved lighting as well.

Motion by Councilmember Armendariz, seconded by Councilmember Reddington, to authorize execution of an agreement for engineering services with MNS Engineers, Inc. for the scope and cost of work for the Bicycle Master Plan; authorize execution of an agreement for engineering services with Wallace Group for the scope and cost of work for the 9th Street Pedestrian Bridge Rehabilitation with the elimination of Exhibit B; authorize execution of an agreement for engineering services with Penfield and Smith, Inc. for the scope and cost of work for the Calle Ocho/Concha Loma Drive Intersection Improvements Project; and authorize execution of an agreement for engineering services with Penfield and Smith, Inc. for the scope and cost of work for the Carpinteria Avenue/Santa Ynez Avenue Intersection Improvements Project.

Councilmember Reddington asked that Public Works staff work with the community in these neighborhoods and with the Architectural Review Board on the design of these projects. Mayor Clark stated that his preference would be not to have a consistent bridge design, but rather that the City maintain its eclectic architectural style of bridges.

Upon voice vote, motion carried. Vice Mayor Stein was absent.

15. Consider Final Acceptance of Grading and Drainage Improvements – Tract No. 25,169 Mission Terrace Development 1496 Linden Avenue

Recommendation:

- a) Accept the grading and drainage improvements for Tract 25,169.
- b) Release the developer, M. Timm Development, from the "Agreement to Construct Improvements."
- c) Authorize the City Clerk to release the letter of credit number 3063.
- d) Authorize the Finance Manager to release the cash bond for this permit.

Charles Ebeling, Public Works Director/City Engineer/Traffic Engineer, presented the staff report.

There was no public comment.

Motion by Councilmember Reddington, seconded by Councilmember Carty, to accept the grading and drainage improvements for Tract 25,169; release the developer, M. Timm Development, from the Agreement to Construct Improvements; authorize the City Clerk to release the letter of credit number 3063; and authorize the Finance Manager to release the cash bond for this permit.

Upon voice vote, motion carried. Vice Mayor Stein was absent.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Reddington congratulated the Lucky Llama Coffee House in its grand opening and congratulated all who were graduating from Bishop Diego High School, including her daughter. She asked that a fixed gear bicycle race be considered as an event for the Avocado Festival.

Mayor Carty congratulated the Carpinteria High School Girls Softball Team for making the CIF semi-finals.

ADJOURNMENT

The meeting was adjourned at 7:05 p.m. by Mayor Clark.

Al Clark, Mayor

ATTEST:

Fidela Garcia, CMC
City Clerk