

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, November 14, 2011**

CALL TO ORDER

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

ROLL CALL

Councilmembers present:

Councilmember Carty
Councilmember Reddington
Councilmember Armendariz
Vice Mayor Stein
Mayor Clark

Staff members present:

Dave Durflinger, City Manager
Peter Brown, City Attorney
Fidela Garcia, City Clerk
Steve Goggia, Senior Planner
Dylan Paul, Public Works Management Analyst
Matt Roberts, Parks and Recreation Director
Kevin Silk, Assistant to City Manager
Jackie Campbell, Community Development Director

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS

CITY MANAGER'S REPORT

- Construction continues on the Carpinteria Avenue Sewer Line Project; street improvements on Dump Road on the property that fronts Carpinteria Avenue for the Chevron project; El Carro Road between Sterling and Santa Ynez for the water line project; and Lagunitas Street Improvement widening on Via Real west of Mark Avenue.

- Workshops are underway for the fourth phase of Caltrans Highway 101 South Coast HOV widening project. First workshop scheduled on November 15 at 5:30 p.m. at the Montecito Country Club; second workshop on November 16 at 5:30 p.m. at the Carpinteria High School cafeteria; and the third workshop on November 17 at 5:30 p.m. at Summerland QAD Campus.
- Winter annual sand berm construction begins the week of November 14.

Community Development Director Jackie Campbell announced that a female Pitbull was found Friday night on Linden Avenue. She noted that the dog was approximately two years old and was being kept at the kennel at City Hall.

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT

Bob Franco, read a copy of a letter he sent to the Coastal View concerning the natural gas pipeline that runs through Carpinteria. He stated that the pipeline was installed in 1945. He noted that in September 2010 a 30-inch steel transmission high pressure gas pipeline exploded in San Bruno, California. He also noted that the gas pipeline in Carpinteria is a 16-inch pipeline. He stated that the gas pipeline in San Bruno was 40 to 50 years old. He also stated that Tim Mahoney from The Gas Company indicated that the gas pipeline in Eighth Street is very safe and that it is tested every ten years for structural integrity by a pipeline inspection gauge. He noted that it was last tested in 2010. He suggested that it would be safer if the gas pipeline were replaced or rerouted. He also suggested that the City use reserve funds to finance an independent test of the gas pipeline in order to confirm the claims of The Gas Company.

Trish Stone Damon noted that at the October 10 City Council meeting City Administration was instructed to develop an Integrated Pest Management (IPM) Plan to include working with local community members and an IPM Advisory Committee. She stated that she had provided a list of local IPM experts and practitioners who were ready and willing to serve on such a committee at no cost to the City. She further stated that to date none of the experts or practitioners had been contacted to assist in the process. She noted that at the May 9 City Council meeting Parks and Recreation Director Matt Roberts stated he would need additional staff resources if the City Council required him to develop a formal IPM Plan. She commented that the best use of staff resources would be for additional maintenance of City parks and landscape to avoid the spraying of toxic pesticides and not administrative time drafting documentation that already exists and that local experts could provide free. She suggested that perhaps Mr. Roberts changed his assessment and was planning on developing the IPM Plan himself with no additional staff. She also suggested that best practices gleaned from other cities and school districts dictated a collaborative effort of stakeholders of both internal staff and the community to ensure that all interests are addressed from the beginning. She addressed Councilmember Armendariz's previous question regarding increasing cancer rates and noted that she sent an email to the Councilmembers regarding the 2010 President's Cancer Panel Report prepared by the U.S. Department of Health and Human Services. She stated that the report indicated that cancer

incidents among minority populations was projected to nearly double between 2010 and 2030 while increasing 31 percent among the non-Hispanic white population. She urged the City Council to restate their instructions by adoption of a resolution to City Administration to work collaboratively with the community and its IPM experts and practitioners to develop the IPM Plan satisfactory to City residents.

Miguel Checca, spoke in support of Trish Stone Damon's comments and urged the City Council to send a clear message to take assertive and firm steps as soon as possible before the spring. He suggested that the City's website be updated to keep the public informed regarding the IPM Plan.

Councilmember Reddington asked the City Council if they would agendaize an item regarding formation of an IPM Advisory Committee so that they can resolve this issue and not waste staff time and resources. She expressed that she believed the community would be served well if the City were to allow experts to work on this rather than spending staff's time. Vice Mayor Stein stated that he was not in support of this and that he would personally contact Mr. Roberts to find out the status on the process of developing an IPM Plan. He also stated that he would come back and look at placing this on the agenda. He further stated that he had questions about the use of volunteer experts and at what level the City can use these volunteers. Councilmember Carty stated that he concurred with Vice Mayor Stein. Councilmember Armendariz encouraged Mr. Roberts to respond to the comments via email.

City Manager Dave Durlinger commented that it appeared there was a misunderstanding of the direction given by the City Council to staff. He stated that staff would send an email to the City Council to clarify the direction that was given by City Council, which was to prepare a model based on the University of California Davis regulations which would include provisions for implementing a committee. He suggested that afterward, if the City Council desires further clarification, this item could be placed on the agenda.

AGENDA MODIFICATIONS: None.

CONSENT CALENDAR

Mayor Clark pulled Item 1, Minutes of the Special Joint Meeting held October 24, 2011, for discussion. He requested that the minutes memorialize his question regarding the dimension of the bridges before and after construction. He stated that he wanted this included in the minutes so that it is not forgotten.

Motion by Vice Mayor Stein, seconded by Councilmember Armendariz, to approve the Consent Calendar with the amendment to the Minutes of the Special Joint Meeting held October 24, 2011, and to read Ordinance No. 653 by title only.

Upon voice vote, motion carried.

1. Minutes of the Special Joint Meeting Held October 24, 2011
2. Minutes of the Special Meeting Held October 24, 2011
3. Expenditures for the Period Ending October 9, 2011
4. Second Reading and Adoption of Ordinance No. 653, as read by title only, Amending Carpinteria Municipal Code Sections 2.08.150 (B) and 3.32.200, relating to updated informal bidding procedures on public projects under the California Uniform Construction Cost Accounting Act and City Manager Spending Limits

ADMINISTRATIVE MATTER:

5. Mission Terrace Estates Annual Development Agreement Compliance Review; Case No. 03-1122-DP/TM/VAR/MOD/CDP/DA; M. Timm Development Inc.

Recommendation: Receive the Annual Compliance Review Report of the Mission Terrace Estates Development Agreement.

Steve Goggia, Senior Planner, presented the staff report.

Betty Songer, Creeks Committee, stated that she had been eagerly awaiting the restoration of the 50-foot buffer. She inquired whether it could be restored sooner before the remaining two houses are constructed. Mr. Goggia responded that this was not required as one of the developer's conditions and that the Coastal Commission had requested that the buffer be restored within 90 days of the last home being built. He noted that he believed this would occur in the near future.

Andrea Adams-Mortden expressed concern with the plants that were chosen because although they are native to California they are not native to the area. She inquired whether plants that are native to the Carpinteria Valley could be planted and noted that some local growers had plants that were genetically native to the area.

Mr. Goggia noted one other issue that was brought up was that it appeared there were much more plants than there needed to be and it is almost too full of plants. He stated that the City does not hold the permit authority as it is held by the Coastal Commission. He suggested that he could provide a copy of the landscape plan to the Creeks Committee and ask them to suggest changes. He stated that he would work with the Coastal Commission and the developers to make the change in plantings as best they could as long as the plants are available.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to receive the Annual Compliance Review Report of the Mission Estates Development Agreement and find it

in compliance with terms and conditions with the Development Agreement dated February 8, 2005.

Upon voice vote, motion carried.

PUBLIC HEARINGS: None

OTHER BUSINESS:

6. Recommendation and Findings from the City of Carpinteria Tree Advisory Board's Annual Tree Tour

Recommendation: Support the Tree Advisory Board and Staff recommendations to: a) Conduct a public workshop for the street trees (Shamel Ash) on Camino Trillado; and b) Replace the Sycamore tree on Eighth Street with an approved tree species from the City's Street Tree Management Plan, and fill any vacancies in the surrounding vicinity.

Dylan Paul, Public Works Management Analyst, presented the staff report and PowerPoint presentation.

Robert Cochran, thanked the Tree Advisory Board for the meeting held October 20. He noted that approximately 130 signatures were gathered from the neighbors who were in favor of the trees. He stated that the neighborhood's main concern was the lifestyle living on Camino Trillado and that they want to work together to make sure that there short and long term plans that would work for everybody. He also stated that they were looking forward to working with the City, the Tree Advisory Board, and the neighbors to come up with a solution that works for everybody. He noted that they had some independent proposals on ideas for sidewalk replacement.

Andrea Adams-Morten expressed concern with the suggestion to put in London Plane trees because these trees hybridize with the native Sycamore tree which creates something that is not as drought tolerant. She suggested replacing trees with something other than London Place trees.

Vice Mayor Stein spoke in support of having a workshop and suggested that the City explore installing undulating sidewalks as well as curb bump-outs. He expressed that it was a good idea to not plant London Plane trees.

Councilmember Reddington spoke in support of having a workshop. She expressed her hope that the City and the community could come to an agreement to keep and preserve the street trees. She addressed Mr. Paul and noted that recently the Wardholm Pine was trimmed and a Norfolk tree was removed. She expressed that she believed that the pine was a landmark and important asset. She noted that typically the Norfolk tree protects the Wardholm Pine from wind and disease. She asked that the

City Council agendize the idea of the landmark trees so that the City Council would have some purview of what was happening before anything is done to these trees.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to support the Tree Advisory Board and staff recommendations to conduct a public workshop for the street trees (Shamel Ash) on Camino Trillado; and replace the Sycamore tree on Eighth Street with an approved tree species from the City's Street Tree Management Plan, and fill any vacancies in the surrounding vicinity.

Councilmember Carty noted that Arbol Verde has similar trees and suggested that it might be valuable to include this neighborhood. Vice Mayor Stein indicated that he would include this in his motion.

Upon voice vote, motion carried.

7. Establishment of a Field Use Fee for Non-profit Youth Recreation Service Providers

Recommendation: Authorize staff to impose a recreation field use fee for City Parks in the amount of \$8.25 per participant per session.

Vice Mayor Stein declared a perceived conflict of interest as he is a member of the Carpinteria Little League Board. He stepped down from the dais and exited the Council Chambers.

City Manager Dave Durlinger stated that he sits on the AYSO Board and that he would defer to Parks and Recreation Director Matt Roberts.

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

Councilmember Carty inquired how the \$113,500 from the General Fund was used for the Parks Maintenance Fund. Mr. Roberts responded that the funds were used to maintain the entire parks system in general for every site. Councilmember Carty inquired whether reduction in water use and negotiated contract was included in the allocation to the Parks Maintenance Fund. Mr. Roberts responded that the adopted budget included all of the reductions in negotiated contracts with vendors and reduction in water consumption.

Councilmember Armendariz inquired how the \$1 million sinking fund for parks played into this scenario. Mr. Roberts responded that the General Fund Reserve was set aside by the City Council for special projects and that it was not always utilized for park projects. He noted that for the first time this year it was used for community service grants and that previously it was allocated to capital projects as opposed to parks maintenance and programs.

Dave Brooks, 4506 El Carro Lane, stated that he met with Mr. Roberts and members of the youth sports community and expressed that they were in favor of the assessment fee. He noted that the youth need a place to play and that the assessment was a deal. He commented that the City had been helpful for all the years that they have run their program. He noted that the youth sports community assists where they can with field costs to serve their needs and to provide to the public. He stated that he did not believe the assessment would discourage anyone from participating in sports. Councilmember Armendariz noted that the staff report indicated that staff met with stakeholders and that the stakeholders generally supported the fee; however, they preferred that it be temporary. He addressed Mr. Brooks and asked for his thoughts. Mr. Brooks responded that by experience he would be surprised to see it revoked. He stated that he did not foresee program costs decreasing. Councilmember Armendariz inquired whether he would support a per hour charge as opposed to a participant charge. Mr. Brooks responded that the way it was presented to him that an hourly cost would be more costly and it would limit their use of the fields.

City Attorney Peter Brown stated that the area of fees had legal implications, especially Proposition 26 which was approved by the voters. He explained that Proposition 26 indicated that all fees are taxes and must be approved by the voters except for certain enumerated exceptions. He stated that he felt confident that this approach was within the exceptions of Proposition 26. He noted that there was an exception if the City charges for a service that does not exceed the reasonable cost of providing it. He also noted that there was an exception for entrance to a government property or rental or use of government property. He further noted that there was also an exemption that covers fees that are imposed meaning that people do not have a choice whether or not to undergo these fees. He stated that if the City Council were to decide to adopt a fee that the City Council would be well within the law.

City Manager Dave Durlinger stated that as far as generating revenue the City Council discussed placing a measure on the ballot, such as an increase to the transient occupancy tax, to address funding gaps that the City has with revenues not matching costs.

Councilmember Armendariz stated that he was not comfortable with the concept of closing a gap. He further stated that providing parks was a service that the government provides. He commented that he understood the sentiment of looking for full cost recovery; however, it was important to remember that they cannot fully recover the cost for public service. He stated that did not want the taxpayers to pay more and that he preferred the status quo.

Councilmember Reddington noted that a fee is charged for use of the pool and that she believed it would be equitable to implement some sort of fee for parks. She stated that she did not believe that this fee would be a hardship and that she would support the fee.

Councilmember Carty stated that he was not in favor of charging a fee to the local youth recreational groups.

No formal action taken.

Vice Mayor Stein returned to the Council Chambers and took his seat at the dais.

8. Memorandum of Understanding (MOU) with CoxCom, LLC Related to an Early Transition of Public, Education, and Government Access Channels (PEG)

Recommendation: Authorize the City Manager to execute the MOU between the City of Carpinteria and CoxCom, LLC related to an early transition of the PEG access channels from analog to digital format prior to the conversion of the entire cable system.

Kevin Silk, Assistant to City Manager, presented the staff report.

Art Yoo, accompanied by Sara Clark, representing Cox Communications, stated that they were asking for this change because Cox Communications was trying to remain competitive in the video market place and the presence of satellite service. He noted that the MOU represented over two years of negotiations with all four jurisdictions in Santa Barbara County. He pointed out that the City would not lose any service and that the City would continue to receive everything that is included in the franchise agreement, along with the inclusion of the free zone, State of the City Address, and the City channel. He stated that regardless of Council action that a year from now this will become a reality. He urged the City Council to authorize the MOU so that Cox Communications may remain competitive.

Kirsten Deschler, Director of Government Relations University of California Santa Barbara, expressed the university's support for the MOU and acknowledged Mr. Durflinger and Mr. Silk in negotiating the MOU. She noted that as part of the MOU the university would put in a higher education channel that will feature programming content from all ten campuses. She stated that they would have a dedicated channel, Channel 72 UCSB-TV, and that residents from Carpinteria to Goleta will have access to the programming and lectures occurring at premier universities in California. She noted that Channel 72 would kick-off on January 10.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to authorize the City Manager to execute the MOU between the City of Carpinteria and CoxCom, LLC related to an early transition of the PEG access channels from analog to digital format prior to the conversion of the entire cable system.

Upon voice vote, motion carried.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Reddington noted that the South Coast Homeless Advisory Committee had discussed the warming centers for single evening stays during inclement weather. She stated that Carpinteria had not contributed any funding toward the warming centers and asked whether the City Council would agendaize a presentation from the people who run the warming center and whether the City Council would consider providing funding. Mayor Clark stated the he would discuss this topic with Councilmember Reddington.

Councilmember Carty recognized Carpinteria Cares for Youth on the recent forum they held at City Hall. He stated that it was difficult to comprehend the prescription drug abuse by the youth. He also stated that he wanted everyone to know how serious of an issue this is and how important it to educate themselves on this issue.

ADJOURNMENT

The meeting was adjourned at 7:08 p.m. by Mayor Clark.

Al Clark, Mayor

ATTEST:

Fidela Garcia, CMC
City Clerk