

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chamber
Monday, April 8, 2019**

CALL TO ORDER

Mayor Nomura called the meeting to order at 4:00 p.m.

ROLL CALL

Councilmember Gregg A. Carty, Councilmember Roy Lee, Councilmember Fred Shaw, Vice Mayor Al Clark, and Mayor Wade Nomura were present. Jena Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria; Beth Collins, on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria; City Manager Dave Durflinger; and Community Development Director Steve Goggia were also present.

PUBLIC COMMENT ON CLOSED SESSION:

There were no Public Comments.

CLOSED SESSION

Jena Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, announced that the City Council would temporarily adjourn to a Closed Session for the purpose of the following item:

1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Phari, LLC v. City of Carpinteria and City of Carpinteria City Council (Case No. 19CV00136)

TEMPORARY ADJOURNMENT TO CLOSED SESSION

The City Council recessed to Closed Session at 4:02 p.m.

CALL TO ORDER

Mayor Nomura called the meeting to order at 5:30 p.m.

ROLL CALL

Councilmembers present:

Councilmember Gregg A. Carty
Councilmember Roy Lee
Councilmember Fred Shaw
Vice Mayor Al Clark
Mayor Wade Nomura

Staff members present:

Dave Durflinger, City Manager
Jena Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria
Fidela Garcia, City Clerk
Marysol Smith, Assistant Planner
Steve Goggia, Community Development Director
Nick Bobroff, Senior Planner
John Ilasin, Public Works Director

CLOSED SESSION REPORT

1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Phari, LLC v. City of Carpinteria and City of Carpinteria City Council (Case No. 19CV00136)

Jena Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria, announced that the City Council met in Closed Session for the above-mentioned item, and there was no reportable action.

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS:

2. Human Trafficking Task Force presentation.

Dave Durflinger, City Manager, noted that this item would be pulled from the agenda, and the group from the District Attorney's office would make their presentation at the next City Council meeting.

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS: None.

CITY MANAGER'S REPORT:

- Household goods and hazardous waste collection event will be held on April 13 from 9:00 a.m. to 1:00 p.m. at City Hall.

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT:

Caroline Abate addressed Attorney General Mueller's investigation report and expressed concern with how influence and authority were abused for a political advantage against an opponent. She also addressed the amount of effort undertaken in investigating and completing the large-scale investigation at a final cost of \$30 million. She stated that the investigation did not establish that members of the Trump campaign conspired or coordinated with the Russian government.

Joan Esposito expressed concern with the students who attend public schools in the Carpinteria Valley, especially students and teachers at Carpinteria High School who are affected by odors caused by cannabis growers. She noted that the Superintendent sent letters to the County Board of Supervisors regarding compromised air quality in the classrooms, the high school being classified as a sensitive receptor, and ill effects to due odors. She noted that school personnel open the classroom windows before schools starts to clear cannabis odors from the classrooms, and the girls' track team refused to practice outside due to cannabis odors. She also noted that the County of Santa Barbara City's has not addressed the City's concerns. She asked the City Council to file a nuisance lawsuit on behalf of the children of the Carpinteria Valley. She noted that County Supervisor Peter Adams apologized for signing onto the cannabis regulations.

Paul Ekstrom expressed concern with the City's air quality and stated that he wished the City had a stronger voice in expressing concerns to the County.

Pat McAvoy, accompanied by Allison Haldy, addressed Lois and Walter Capps Project Common Table. He noted that two meetings were held since the Thomas Fire and debris flow from last year. He asked the City Council that they be placed on the next agenda to provide a presentation. He stated that the Common Table is a way to connect people after these two disasters, and he asked for the City's support in exploring this concept further for a community event in May. Allison Haldy noted that she works in the food industry and food brings people together. Councilmember Shaw expressed an interest in agendizing this request. Vice Mayor Clark expressed an interest as well; however, he stated that the City would need to determine its role and he suggested agendizing the request at the City Manager's discretion. The City Council agreed.

Michael Baker, CEO of United Boys and Girls Club of Santa Barbara County, spoke regarding the 35th Annual Carpinteria Auction at the Carpinteria Boys and Girls Club on May 18 where they will honor Sally Green, a long time educator in Carpinteria. He distributed invitations for the City Council. He noted that Ben Scott from Carpinteria was appointed to their Board of Directors.

David Endacott noted that he submitted copies of documents to the City Clerk to distribute to the City Council. He addressed concerns regarding Project ST 55 for sidewalks and turnaround on 9th Street between Holly and the canal. He asked for documentation that shows the City could take Block 52 from his neighborhood. Mayor Nomura asked City Manager Dave Durflinger to address Mr. Endacott's concern. Mr. Durflinger responded that he has been in contact with Mr. Endacott, and noted that City staff is searching records for the street dedication of the right-of-way.

Scott VanDerKar stated that he farms in the Carpinteria and Ventura areas and his family and other farms use proven safe methods to fertilize, spray, and cultural practices in their multiple orchards. He expressed concern that the cannabis industry could not say the same. He stated that orchards and open field farm operators are being told they can no longer farm in the same way as they have for decades for fear that they may contaminate the cannabis crop from over sprays, drift, or dust. He expressed concern that orchard farmers must alter their cultural practices that are safe and do not have ill or side effects for the community so that neighboring cannabis operations can grow a mind altering drug.

Beth Anderson, representing Arbor Trailer Park located on 9th Street, stated that they are a tenant-owned mutual corporation that houses 45 low-income and moderate-income families. She provided a history of the trailer park and noted that the trailer park was converted in 1992 with legislation and guidance from the State of California, the Department of Housing and Community Development (HCD), City of Carpinteria, and County of Santa Barbara. She stated that the Arbor Corporation has provided housing and monetary support to low-income residents, and it has paid on its loans and managed its corporate funds, invested and implemented improvements, prioritized infrastructure and safety, invested in caring management services, and developed and maintained a fire safety and emergency readiness program. She noted that in 2013 the Arbor Corporation proposed improvements to the property frontage, such as fencing, identification, ADA entryways, and interfacing with public road; however their proposal continues to be stalled by the City. She expressed concern with the Community Development Department's preoccupation with their housing development issues that are not scrutinized in other areas of the City such as fire equipment turnaround, stalled approvals of proposed improvements based on linking one issue with another, and the City's proposal backed by some vision that are at the expense of maintaining housing. She submitted a copy of her notes and copies of a research-based book titled Evicted. Mayor Nomura asked staff to respond to Ms. Anderson's concerns. Dave Durflinger, City Manager, responded that staff has been working with the board of the Arbor Trailer Park for some time and he expressed concern that a former board member is not familiar with some of the work that has been done. He noted that there are right-of-way encroachments where coaches were located within the City street right-of-way. He stated that City staff has taken the position of patience and has informed the board that the City's interest is to resolve those encroachments without dislocating any residents and receive a plan on how that could be accomplished. He noted that HCD, who has regulatory oversight authority over mobile home parks, conducted a series of

inspections and identified a long list of violations, particularly the portion that fronts 9th Street. He stated that these violations included life safety issues that involved electrical improvements and other issues that could represent risks to the trailer park and the greater neighborhood. He noted that they have been working to resolve these issues, and the City is supportive of the State's efforts to resolve those issues. He emphasized that the City is not the driver of the HCD process, and HCD is pursuing its own process for public health and safety reasons. He stated that the City is interested in resolving the right-of-way encroachment, and HCD is involved in this process as well in order to gain compliance. Councilmember Carty inquired whether there was an issue with the Fire Department's hammerhead. Mr. Durlinger responded that the City has a right-of-way that could allow for a turnaround; however, it would not meet standard for a hammerhead turnaround. He noted that this is part of the City's Capital Improvement Plan, which was referenced by Mr. Endacott, as well as pedestrian improvements along that street.

Joseph Viena addressed the Arbor Trailer Park issue and stated that the quality of life has been degrading in the neighborhood due to high-density development and overcrowding. He also stated that many of his neighbors have much capital investment and people who are renting do not have interest in improving the park. He noted that he received a letter on his front porch and he and some neighbors do not agree with some issues that were skipped over during the presentation. He stated that the trailer park has new board members who are more proactive and are looking into bringing the trailer park into compliance, making improvements, and making it an asset to the community; however, there is some push back and it appears anyone who wishes to improve the park is not voted onto the board. He expressed his desire to find an amicable solution for the turnaround so that residents are not displaced. He expressed concern that the current ADA approach ways are dangerous and someone might fall due to their condition, which could result in litigation.

Timothy Buffalo, pest control advisor who is hired to protect crops, stated that he has received many phone calls regarding the cannabis issue. He noted that he conducted a flyover and noted that he sprays pesticides in the valley for squirrel thrip, an insect that scars fruit, makes fruit look like potatoes, and makes fruit unsalable. He expressed concern with cannabis growing next to avocado crops because cannabis has no tolerance. He also expressed concern that the County of Santa Barbara issued permits for cannabis industry that is next to established avocado orchards, and farmers are being told they cannot spray pesticides to protect their crops. He expressed his opinion that there should be a regulation regarding permitting where cannabis may be allowed to grow, and that cannabis not be allowed to grow next to schools or orchards.

AGENDA MODIFICATIONS: None.

CONSENT CALENDAR:

Motion by Councilmember Shaw, seconded by Vice Mayor Clark, to approve the Consent Calendar.

Roll call on motion:

AYES: Councilmember Carty, Councilmember Lee, Councilmember Shaw, Vice Mayor Clark, Mayor Nomura

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

3. Approve the minutes of the regular meetings held March 25, 2019.
4. Receive and file the Expenditures for the period beginning March 16, 2019 and March 29, 2019.
5. Second reading of Ordinance No. 728 repealing in its entirety Carpinteria Municipal Code (CMC) Chapter 9.48 concerning drug paraphernalia. (*Roll call vote required*)
6. Approve budget appropriation of funds from General Fund for replacement of a Community Development vehicle expense and recognition of insurance reimbursement claim revenue due to total loss in the amount of \$19,000. (*Roll call vote required*)

ADMINISTRATIVE MATTER: None.

PUBLIC HEARING: None.

OTHER BUSINESS:

7. Formation of Library and District Election Ad Hoc Committees

Recommendation: 1. Receive nominations and appoint two Council members each to the Library and District Elections ad hoc Committees. 2. Adopt Resolution Nos. 5879 and 5880, establishing a Library Services and District Elections ad hoc committees of the City Council.

Dave Durlinger, City Manager, presented the staff report.

Lisa Guravitz expressed support for formation of both ad hoc committees. She stated that she was excited for the opportunity to involve the community in the District Elections process in order to receive the community's input. She also stated that she

hoped that City residents would be able to participate in the District Elections ad hoc committee.

Jena Jenkins expressed support for the local library and stated that formation of an ad hoc committee would assist in maintaining the library's standard as a community resource.

Vice Mayor Clark, Councilmember Shaw, and Councilmember Lee expressed interest in serving on both ad hoc committees. Councilmember Carty expressed interest in serving as an alternate.

Mayor Nomura inquired whether the City Council could adopt the resolutions and appoint members to the ad hoc committees at a later date. Jena Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria, responded that the names of the members are to be put in place at the time the ad hoc committees are created. She also stated that the motion to create the ad hoc committees would also need to include a set duration.

Mayor Nomura recommended appointing Councilmember Shaw and Vice Mayor Clark serve on the District Elections ad hoc committee, and Councilmember Lee and Councilmember Shaw serve on the Library Services ad hoc committee, with Councilmember Carty as the alternate on the Library Services ad hoc committee.

A discussion ensued regarding the term of the ad hoc committees. Mr. Durflinger suggested that the term for the Library Services ad hoc committee could be for one year, and the City Council could revisit whether the term should be extended.

Motion by Councilmember Shaw, seconded by Vice Mayor Clark, to appoint Councilmembers Lee and Shaw, with Councilmember Carty as an alternate, to the Library Services ad hoc committee and adopt Resolution No. 5879, as read by title only, establishing a Library Services ad hoc committee for one year; and appoint Councilmember Shaw and Vice Mayor Clark to the District Elections ad hoc committee and adopt Resolution 5880, as read by title only, establishing a District Elections ad hoc committees to serve no later than the 2022 election.

Upon voice vote, motion carried unanimously.

8. Annual report on the progress being made implementing the City's General Plan

Recommendation: Accept the 2018 General Plan Annual Progress Report and direct the Community Development Director to submit the Report to the Governor's Office Planning and Research.

Marysol Smith, Assistant Planner, presented the staff report and PowerPoint presentation.

There were no Public Comments.

Motion by Councilmember Shaw, seconded by Councilmember Lee, to accept the 2018 General Plan Annual Progress Report and direct the Community Development Director to submit the Report to the Governor's Office Planning and Research.

Upon voice vote, motion carried unanimously.

9. Consultant Services Agreement between the City of Carpinteria and Hinderliter, de Llamas and Associates ("HDL Companies") to assist City staff in the development and implementation of the City's Commercial Cannabis Operator's Licensing program in an amount not-to-exceed \$29,400.00.

Recommendation: Authorize the City Manager to execute an Agreement for Consultant Services with HdL Companies to assist staff in the development and implementation of the City's Commercial Cannabis Operator's Licensing Program for an amount not-to-exceed \$29,400.00, and appropriating same from the General Fund Balance. *(Roll call vote required)*

Nick Bobroff, Senior Planner, presented the staff report and PowerPoint presentation. He noted that the City elected to allow commercial distribution, commercial manufacturing, commercial testing, and retail delivery sales within the City, and all of these with the exception of commercial testing would be required to obtain a conditional use permit through the Planning Commission, and commercial testing would be allowed with a development plan approved by the Planning Commission. He also noted that all of these activities would be limited to the industrial research park zone at the northeast end of the City. He responded to a question regarding an appeal process by stating that this would be outlined in the ordinance. He also responded to a question regarding staff time and involvement after a license is issued by stating that this would depend on what is included in the City's regulatory program.

Joan Esposito stated that she had assumed that Carpinteria would not have cannabis business in the City and she inquired whether this had been discussed. Mayor Nomura asked staff to respond. Mr. Bobroff responded that that City decided to allow certain commercial cannabis activities in the City; however, the City would not allow cultivation or a retail storefront. He noted that commercial cannabis activities would be limited to the existing industrial research park area and the licensing fees would cover the cost of staff time involved in reviewing and issuing a license.

Motion by Councilmember Shaw, seconded by Councilmember Lee, to authorize the City Manager to execute an Agreement for Consultant Services with HdL Companies to assist staff in the development and implementation of the City's Commercial Cannabis Operator's Licensing Program for an amount not-to-exceed \$29,400.00, and appropriating same from the General Fund Balance.

Roll call on motion:

AYES: Councilmember Carty, Councilmember Lee, Councilmember Shaw, Vice Mayor Clark, Mayor Nomura

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

10. Response to the City's receipt of Notice regarding Carpinteria Unified School District's intent to sell certain real property located at 1101 and 1103 Bailard Avenue (APN Nos. 001-080-045, 001-080-046).

Recommendation: Receive and file the Carpinteria Unified School District Notice Regarding Disposition of Real Property dated March 8, 2019, and direct staff as determined appropriate.

Dave Durlfing, City Manager, presented the staff report. He responded to a question regarding the need to create a buffer should cannabis-growing operations occur in the vicinity of any potential housing on the property by stating that a Local Coastal Plan amendment might be needed in order to ensure that existing agriculture may continue. Jena Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria, added that Monte Vista Park is an existing buffer area in the City limits.

Mr. Durlfing responded to a question regarding the zoning designation by stating that the property is zoned 3-E-1, three-acre estate residential.

Jena Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria, responded to a question regarding whether the property is not used for affordable housing by stating that all local agencies who received the notice have a 60-day deadline to reply and state interest, and if no public agency expresses interest then the school district may sell the property on the open market. However, regardless of when the property is sold, the school district must prioritize development of the land for affordable housing.

Cynthia Crewdson spoke in support of bringing in affordable housing to the community.

Carla Cronin expressed concern with agriculture land being dissolved in this area and with traffic impacts on Bailard.

A discussion ensued regarding being mindful of parking and traffic issues, maintaining view shed, and density issues.

Mayor Nomura noted that the City Council Facilities Committee expressed concern with the financial obligation should the City decide to purchase and annex the property. He noted that the committee expressed support for the City to work cooperatively with the County to explore the use of the site.

Motion by Councilmember Shaw, seconded by Councilmember Carty, to receive and file the Carpinteria Unified School District Notice Regarding Disposition of Real Property dated March 8, 2019, and direct staff to pursue discussion with the County of Santa Barbara on the possibility of developing the property.

Mayor Nomura expressed concern with limiting discussion with the County of Santa Barbara as the potential purchaser of the property and suggested the motion include any other potential entity.

Amended motion by Councilmember Shaw, seconded by Councilmember Carty, as described by Mayor Nomura.

Upon voice vote, motion carried unanimously.

11. Agreement with FCG Environmental to provide abatement testing services for Carpinteria City Hall Remediation & Renovation Project.

Recommendation: Authorize the City Manager to enter into an agreement with FCG Environmental for an amended not-to-exceed amount of \$10,050 to provide asbestos testing services. (Roll call vote required)

John Ilasin, Public Works Director, presented the staff report.

There were no Public Comments.

Motion by Councilmember Shaw, seconded by Vice Mayor Clark, to authorize the City Manager to enter into an agreement with FCG Environmental for an amended not-to-exceed amount of \$10,050 to provide asbestos testing services.

Roll call on motion:

AYES: Councilmember Carty, Councilmember Lee, Councilmember Shaw, Vice Mayor Clark, Mayor Nomura

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

LEGISLATIVE UPDATE:

Dave Durflinger, City Manager, presented the report.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS:

Councilmember Shaw reported that he and City Manager Dave Durflinger attended the grand opening of Carp Connect.

Mayor Nomura reported on the State of the Community Luncheon and noted that County Supervisor Das Williams commented on Carpinteria being fortunate in not receiving any natural disasters this year. Mayor Nomura stated that he disagreed because due to the flood of 1969 the Army Corps of Engineers and Santa Barbara Flood Control District have been working on infrastructure improvements to address flooding issues. He asked City Manager Dave Durflinger to share the amount of staff time to ensure the community is prepared of potential flooding. Mr. Durflinger responded that as a result of the Thomas Fire and debris flow much preparation occurred in preparation for potential flooding.

Councilmember Carty recognized Ray Cole, who recently passed away.

Lt. Ugo (Butch) Arnoldi noted that repairs were completed at the front door to the Sheriff's Station and the ring down phone was installed to allow for public access.

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS:

All Councilmembers are expected to be in attendance at the April 22, 2019 City Council Meeting.

ADJOURNMENT

The meeting was adjourned at 7:41 p.m. by Mayor Nomura.



Wade Nomura, Mayor

ATTEST:



Fidela Garcia, CMC, City Clerk