

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, May 23, 2011**

CALL TO ORDER

The meeting was called to order at 4:48 p.m. by Mayor Al Clark. Councilmembers Armendariz, Carty, Stein and Clark were present. The Council temporarily adjourned to Closed Session.

TEMPORARY ADJOURNMENT TO CLOSED SESSION

1. Conference with Labor Negotiator – Government Code Section 54957.6

City Negotiators: David Durflinger, City Manager; Arlene Balmadrid, Human Resources Director; and Lauren Liebes, Attorney

Employee Organization: Service Employees International Union (SEIU) Local 620

Councilmember Reddington was present at 4:53 p.m.

RECONVENE IN OPEN SESSION

Mayor Clark announced at 5:30 p.m. that the City Council was reconvening from a Closed Session. City Attorney Peter Brown announced that the City Council met in Closed Session for the purpose of Labor Negotiations with Employee Organization SEIU Local 620 and stated that no reportable action was taken.

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
- John Thornberry, Administrative Services Director
- Charlie Ebeling, Public Works Director
- Erin Maker, Environmental Coordinator

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

Mayor Clark noted that City employees Erin Maker, Dylan Paul, Paul Medel, Manny Gonzales, and Kevin Silk were riding their bicycles to work for the month of May. He informed everyone that the next day was Bike to Work Day.

CITY MANAGER'S REPORT

- Community Environmental Council hosting Solarize Santa Barbara Workshop for residents to purchase solar panel products in bulk. Carpinteria workshop on June 1, 2011, from 6:30 to 8:00 p.m. at Carpinteria Women's Club.
- Staff will be investigating the population numbers provided by the U.S. Census through the Census Count Question Resolution Program.

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT

Pat Kistler, Carpinteria Valley Chamber of Commerce, provided handouts regarding the *Let's Speed Up the Slow-covery* to be held on June 8, 2011 at the Fess Parker Resort and on June 14, 2011 more specific to Carpinteria. She noted that discussion would be held regarding schools and tax extensions. She thanked all the parents who sent their youth to the May 17 event for the Workforce Investment Board and noted that the event was very well attended and the students received much information. She announced that another event would be held on June 1 at Main School from 4:00 to 7:00 p.m.

AGENDA MODIFICATIONS: None

CONSENT CALENDAR

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to approve the Consent Calendar.

Mayor Clark noted a correction to the May 9, 2011 Minutes, Item 6, in that there was discussion initiated by Councilmember Carty related to community relations aspects and that there was discussion that this would not be included in the contract; however, the City Manager had mentioned there was some opportunity to revisit or address that issue at a later date. He asked that this be documented in the minutes. City Manager Dave Durflinger stated that staff would review the recording, make the changes, and bring the revised minutes back at the next meeting.

Amended motion by Vice Mayor Stein, seconded by Councilmember Reddington, to approve the Consent Calendar with the exclusion of the Minutes of the regular meeting held May 9, 2011.

A voice vote was taken and the motion carried unanimously.

1. Minutes of the regular meeting held April 25, 2011.
3. Expenditures for the period ending May 18, 2011.

ADMINISTRATIVE MATTERS: None

PUBLIC HEARINGS:

4. Continuation of Parking and Business Improvement District No. 4 for Fiscal Year 2011-12, including a \$15.00 increase in the annual assessment amount and application of an annual inflationary adjustment.

Recommendation: Schedule consideration of the continuation of Parking Business Improvement Assessment District No. 4 for Fiscal Year 2011-12, including the increase in the assessment for June 13, 2011, and set the Public Hearing for June 27, 2011.

Fidela Garcia, City Clerk, presented the staff report.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to continue the public meeting to June 13, 2011 for public comment and set the public hearing for June 27, 2011.

A voice vote was taken and the motion carried unanimously.

5. Continuation of Carpinteria Street Lighting District No. 1 for Fiscal Year 2011-12 and Related Protest Hearing.

Recommendation: Following the staff report, open the public hearing and receive any input, close the hearing and continue the District for another year by adopting Resolution No. 5315

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

No public comment.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to adopt Resolution No. 5315, by title only.

A voice vote was taken and the motion carried unanimously.

6. Continuation of Carpinteria Right-Of-Way Improvement District No. 3 for Fiscal Year 2011-12 and Related Protest Hearing.

Recommendation: Following staff report, open the public hearing and receive any input, close the hearing and continue the district for another year by adopting Resolution 5316.

John Thornberry, Administrative Services/Finance Director, presented the staff report. He responded to a question regarding whether it was typical not to have any increase to the amount collected for a single family home by stating that there had not been any increase to the amount since it was originally imposed; that there had been no inflationary adjustment; and that he was not certain whether this was typical as he had not researched the frequency of increases. He noted that when the improvement district was originally established that the fixed dollar amounts were more than sufficient for maintenance and capital improvements; however, in the 25 years since its establishment the costs have increased substantially and the assessment amounts collected were no longer sufficient to do maintenance. He stated that each year the gap becomes larger and unless the City changes the level of service it could expect to continue in this manner unless the assessment amounts are increased.

No public comment.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to adopt Resolution No. 5316 by title only.

A voice vote was taken and the motion carried unanimously.

7. Solid Waste Program Consumer Price Index (CPI) and Integrated Waste Management Act Fee Adjustments

Recommendation: Approve E.J. Harrison and Sons' request for a CPI rate adjustment and adopt Resolution No. 5317 adjusting the City of Carpinteria Assembly Bill 939 fee.

Erin Maker, Environmental Coordinator, presented the staff report.

Pat Kistler stated that E.J. Harrison and Sons was a wonderful community partner and they recently donated \$15,000 towards the completion of Tummel Park. She spoke on behalf of Richard Rozelle State Parks Superintendent, who had wanted to say that E.J. Harrison and Sons had done a wonderful job and he was delighted with the low increase in fees. She also spoke on behalf of the Chamber of Commerce and stated that E.J. Harrison and Sons was a great community player and was available whenever there is a need. She also noted that many nonprofit organizations received sponsorship and assistance from E.J. Harrison and Sons on a year round basis.

Vice Mayor Stein echoed Ms. Kistler's comments and noted that he was on the City Council when the City first contracted with E.J. Harrison and Sons. He stated that they were a great community minded group and that he had the opportunity to visit their recycling facility in Oxnard and the Limoneira facility.

Motion by Vice Mayor Stein, seconded by Councilmember Carty, to approve E.J. Harrison and Sons request for a CPI rate adjustment and adopt Resolution No.5317 in title only adjusting the City of Carpinteria Assembly Bill 939 fee.

A voice vote was taken and the motion carried unanimously.

OTHER BUSINESS:

8. Solid Waste Program Franchise Agreement Review

Recommendation: 1) Authorize execution of consultant contracts for performance and financial audits of the City's waste hauler; 2) authorize the execution of an agreement with E.J. Harrison and Sons, Inc. for the reimbursement of the performance and financial audit consultant contract expenditures; and 3) authorize an execution of an agreement for the extension of E.J. Harrison and Sons' franchise agreement for six months.

Erin Maker, Environmental Coordinator, presented the staff report.

Nan Drake, representing E.J. Harrison and Sons, stated that they were happy to have the City of Carpinteria as one of their strategic partnerships. She introduced Mike Morastica, Danny Harrison, Jim Harrison, and President Ralph Harrison. She stated that they were happy to have taken the steps to assure that recycling efforts take place in all of the cities they serve and that she was happy to hear that some of the Councilmembers visited Gold Coast Recycling. She noted that they were proud of Carpinteria's 71 percent diversion rate and announced that Carpinteria's curbside recycling was now going to be 100 percent which meant there would be no residual recyclables. She provided information regarding Agromin who is taking steps with easing food waste by doing what was called win rowing. She noted that this is what is done with greenwaste at the Limoneira facility and that they were in the permitting process with the County of Ventura to put in an anaerobic digester. She also noted that Limoneira would be using the energy generated from the digester to run all of their facilities. She stated that every City and every large business would need to comply with AB 32 by 2020 and that E.J. Harrison and Sons intends to help Carpinteria comply with that mandate. She provided information regarding their LNG station and noted that one-third of their fleet were LNG trucks. She indicated that E.J. Harrison and Sons supported many organizations in the City including Carpinteria Educational Foundation, cleanup events, Artists Foundation, Avocado Festival, Chamber of Commerce, Carpinteria Boys and Girls Club, and Girls Inc.

Councilmember Armendariz inquired what resources E.J. Harrison and Sons would make available to the City in the event of a major catastrophe and whether they had a plan in place. Ms. Drake responded that when the City of Fillmore experienced the Northridge earthquake they responded immediately with their trucks and were the first to help with whatever was requested. She noted that they worked very closely with Ventura County emergency resources during past flooding events. She also noted that their trucks were caught in Carpinteria during a landslide and they drove the long way around to get back to Gold Coast Recycling. She stated that they were fully aware of what needed to be done in an emergency and were fully capable of responding.

Mayor Carty inquired how soon the food waste program would be available for the residential customers. Ms. Drake responded that she was not certain whether the City would be selected in the pilot program; however, she stated that she would be pleased to see Carpinteria High School's new kitchen facility involved in this program.

Mayor Carty inquired whether E.J. Harrison and Sons could serve as the contract hauler for food scraps during the Avocado Festival. Ms. Drake responded that she could not commit to that because she was not in charge of that program.

Vice Mayor Stein noted that he goes by Limoneira three days a week and he sees the greenwaste all the way to the finished piles. He inquired what was done with the finished product. Ms. Drake responded that it is land applied and sold to landscaping industries and to Caltrans as a soil amendment.

Councilmember Armendariz inquired how long this type of contract was typically extended. Public Works Director Charlie Ebeling responded that it was up to the City's discretion and negotiation and that the contract had been extended for three, five, and ten year intervals since E.J. Harrison and Sons was brought on board. Councilmember Armendariz inquired whether there was a Request for Proposal issued since initially contracting with E.J. Harrison and Sons. Mr. Ebeling responded that it appeared the City had sole source negotiated with E.J. Harrison and Sons since 1992. Councilmember Armendariz inquired whether there was a State law that required the City to issue a Request for Proposal. City Attorney Peter Brown responded that in the area of solid waste, Public Resources Code 40059 indicated that the awarding agency may employ whatever method it wishes to award a contract whether it is done by open Request for Proposal, a Request for Proposal sent to a limited number of firms, or sole source contract.

Councilmember Armendariz inquired whether Ms. Drake was confident that in the event E.J. Harrison and Sons were to compete in a Request for Proposal whether they would prevail based on the current, existing relationships they have with their strategic partnerships. Ms. Drake responded that she was the person who spoke before the Ventura County Board of Supervisors to bring in the City of Carpinteria into the E.J. Harrison and Sons family. She noted that the City was grandfathered into using a landfill with a life to 2027 at a \$20 lower rate than Tajiguas Landfill.

Councilmember Armendariz inquired regarding residual recycling. Ms. Drake responded that this would be the incorrect items placed in the blue bins for curbside recycling. Councilmember Armendariz inquired whether the City could negotiate having curbside recycling picked up weekly. Ms. Drake responded that everything was negotiable during contract negotiations.

Councilmember Armendariz inquired regarding the County's plan to explore waste conversion technology and how this would compromise the City's relationship with E.J. Harrison and Sons. Public Works Director Charlie Ebeling responded that he attended a subcommittee meeting of the Multi-jurisdictional Integrated Waste Management Task Force where they were given a presentation regarding conversion technology. He noted that the County was looking to contract with a firm to build an anaerobic digester gasification system; however, they still needed to obtain an environmental impact report and then construct and operate any type of conversion technology. He pointed out that this would likely add \$2 to \$5 per ton to the tipping fee and that although Tajiguas Landfill was available to Carpinteria the tipping fee would be significantly more. He noted that the City currently paid \$50.67 per ton to use the Gold Coast facility and that it was his understanding that the tipping fee at Tajiguas Landfill would increase to \$75 per ton when they implement their conversion technology.

Councilmember Reddington inquired whether the recycling programs could lengthen the life of the landfill. Ms. Drake responded that the Toland Landfill's conditional use permit allows for a permitted tonnage capacity and that because of all recycling efforts and economic times most landfills in California were starving for tons. She stated that the chances of Toland Landfill lasting until 2050 were very good.

Motion by Vice Mayor Stein, seconded by Councilmember Reddington, to 1) Authorize execution of consultant contracts for performance and financial audits of the City's waste hauler; 2) authorize the execution of an agreement with E.J. Harrison and Sons, Inc. for the reimbursement of the performance and financial audit consultant contract expenditures; and 3) authorize an execution of an agreement for the extension of E.J. Harrison and Sons' franchise agreement for six months.

City Manager Dave Durlinger noted that a revised contract with a revised signature block was provided to the City Council.

A voice vote was taken and the motion carried unanimously.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Reddington reported that she attended the BEACON meeting last week where they discussed the plastic bag ban. She noted that the City of Manhattan Beach

was currently in litigation because they implemented a plastic bag ban without obtaining an environmental impact report. She stated that BEACON had the authority to work with member cities to join together and look at defraying the cost of an environmental impact report. She also noted that BEACON had the authority to ban plastic bags with the agreement of the member cities because of how plastic bags affect the ocean. She reported that another BEACON project was an artificial reef which would recreate the surf break and recreate the beach piers. She also reported that she attended the Santa Barbara County Air Pollution Control District meeting where they discussed lessening the impact to whales by having the fuel trade ships that are using the channel slow down.

ADJOURNMENT

The meeting was adjourned at 7:05 p.m. by Mayor Clark in memory of Alex Nordholm who recently passed away and who had a long history of involvement with Carpinteria Pool.

Al Clark, Mayor

ATTEST:

Fidela Garcia, CMC
City Clerk