

**City of Carpinteria  
City Council Agenda  
Monday, June 28, 2021**

**Virtual Meeting**

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Acting City Clerk Brian C. Barrett noted for the record that this meeting would be conducted pursuant to the provisions of the Governor's Executive Orders N-29-20 and N-33-20 and Santa Barbara County Health Officer's Order as it relates to temporarily suspending a physical location from which members of the public can observe and orders to stay at home in response to the spread of the COVID-19 virus, and additionally noted the protocols by which the public would be participating and stated that members of the Council, staff and any presenters would be participating by video conference.

**CALL TO ORDER**

Mayor Nomura called the meeting to order at 3:31 pm.

**ROLL CALL**

Councilmembers present: Councilmember Natalia Alarcon  
Councilmember Gregg A. Carty  
Councilmember Roy Lee  
Vice Mayor Al Clark  
Mayor Wade T. Nomura

Staff members present: Dave Durlinger, City Manager  
Jena Shoaf Acos, on behalf of Brownstein Hyatt Farber  
Schreck, LLP acting as City Attorney of the City of  
Carpinteria  
Brian C. Barrett, Acting City Clerk

**PUBLIC COMMENT ON CLOSED SESSION MATTERS**

There was no public comment.

**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.  
Based on existing facts and circumstances, the legislative body is deciding whether to initiate litigation pursuant to Government Code Section 54956.9(d)(4) with regard to one potential case. Pursuant to Government Code Section 54956.9 (a), and based on advice from legal counsel, the City Council finds that discussion in open session will prejudice the position of the City in the litigation.

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Government Code Section 54957(b)(1); Title: City Manager Dave Durflinger
3. CONFERENCE WITH LABOR NEGOTIATOR(S)  
Government Code Section 54957.6; City Negotiator(s): Laura Hernandez, Human Resources Administrator and Dave Durflinger, City Manager;  
Employee Organization: Service Employees International Union (SEIU) Local 620

### **TEMPORARY ADJOURNMENT TO CLOSED SESSION**

The City Council temporarily adjourned to Closed Session at 3:33 pm.

### **CALL TO ORDER**

Mayor Nomura called the meeting to order at 5:35 pm.

### **ROLL CALL**

Councilmembers present: Councilmember Natalia Alarcon  
Councilmember Gregg A. Carty  
Councilmember Roy Lee  
Vice Mayor Al Clark  
Mayor Wade T. Nomura

Staff members present: Dave Durflinger, City Manager  
Jena Shoaf Acos, on behalf of Brownstein Hyatt Farber  
Schreck, LLP acting as City Attorney of the City of  
Carpinteria  
Brian C. Barrett, Acting City Clerk  
Erin Maker, Environmental Program Manager  
Matt Roberts, Parks, Recreation & Public Facilities Director  
Steve Goggia, Community Development Director  
Licette Maldonado, Administrative Services Director  
John L. Ilasin, Public Works Director

### **CLOSED SESSION REPORT**

Jena Shoaf Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria announced that there was no reportable action during the Closed Session.

### **PLEDGE OF ALLEGIANCE**

Mayor Nomura led those present in the salute to the flag.

**INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS: NONE**

**PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS: NONE**

**CITY MANAGER'S REPORT**

City Manager Durlinger reported on the following:

- City Hall is open for normal public access with protective measures for staff.
- Unvaccinated individuals must wear masks inside City Hall.
- Return to holding in-person public meetings.
- Parklet program in the Downtown "T" which allows businesses to use street right-of-way or private parking lot and open space areas for business use under a no cost permit will last through end of the calendar year. Staff will report back to the Council on the parking program in the Downtown "T" for ideas on long-term permanent program.
- Eviction protections remain in place.
- July 12<sup>th</sup> Council meeting will include update on Skate Park and possible creation of special committee regarding harbor seals.
- July 19<sup>th</sup> Special Council meeting dedicated to Surfliner Inn Disposition and Development Agreement and Ground Lease beginning at 5:30 pm.
- League of California Cities Annual Conference will be held September 22<sup>nd</sup> through 24<sup>th</sup> in Sacramento.
- Beginning in July, weekly residential trash collection will include trash, recycling, and green waste, and there will be no delay in trash service due to the July 4<sup>th</sup> holiday.

Jena Shoaf Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria spoke about amendments to the Brown Act:

- Executive Order N-29-20 passed in June 2020 suspended some Brown Act requirements for in-person meetings.
- Executive Order N-08-21 adopted in June 2021 amended previous Executive Order to allow local agencies to continue with teleconferenced meetings until October 1, 2021.
- After October 1, 2021, the regular Brown Act requirements go back in effect.
- Three pending bills to permanently alter the Brown Act requirements regarding teleconferencing – AB 703 (would have allowed the indefinite continuation of teleconferenced meetings, died in the State Legislature); AB 361 (would allow virtual meetings only in instances of declared emergencies); AB 339 (would allow virtual meetings in certain circumstances).
- Staff will provide updates to the Council on the pending bills

**PRESENTATIONS BY CITIZENS / PUBLIC COMMENT**

There was no public comment.

**AGENDA MODIFICATIONS: NONE**

**CONSENT CALENDAR:**

Motion by Councilmember Lee, seconded by Councilmember Alarcon, to approve Consent Calendar Item Nos. 4 through 7. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura  
NOES: None  
ABSENT: None  
ABSTAIN: None

The motion carried unanimously.

4. Approve the minutes of the regular City Council meeting of June 14, 2021.
5. Receive and file the Expenditures for the period beginning June 5, 2021 and ending June 18, 2021.
6. Receive and file the Contracts Executed by the City Manager on behalf of the City for the Period of May 15, 2021, through June 14, 2021.
7. Receive and file a Report of Monthly City Treasure's Report on Compliance with Statement of Safekeeping and Investment of Public Funds.

**ADMINISTRATIVE MATTERS:**

8. Consideration of Resolution No. 6061, authorizing the engagement of Santa Barbara County Office of Elections/Registrar of Voters to assist the City Clerk in matters related to a proposed initiative measure.

Recommendation: (1) Adopt Resolution No. 6061, authorizing the engagement of the Santa Barbara County Office of Elections/Registrar of Voters to assist the City Clerk in matters related to a proposed initiative measure.

Staff Presenter: Brian C. Barrett, Acting City Clerk

There was no public comment.

Motion by Councilmember Alarcon, seconded by Councilmember Carty, to adopt Resolution No. 6061, as read by title only. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura  
NOES: None  
ABSENT: None  
ABSTAIN: None

The motion carried unanimously.

9. Resolution No. 6062, authorizing the submittal of an application for Locally-Operated State Park Program Grant (LOSPP) funds to the California Department of Parks and Recreation Office of Grants and Local Services (OGALS).

Recommendation: Adopt Resolution No. 6062, authorizing the submittal of an application for Locally-Operated State Park Program Grant Funds.

Staff Presenter: Matt Roberts, Parks, Recreation & Public Facilities Director

There was no public comment.

Motion by Councilmember Lee, seconded by Councilmember Alarcon, to adopt Resolution No. 6062, as read by title only.

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura  
NOES: None  
ABSENT: None  
ABSTAIN: None

The motion carried unanimously.

10. Designation of City Attorney Representative from Brownstein Hyatt Farber Schreck ("Brownstein").

Recommendation: Authorize the Mayor to sign an amendment to section 3 of the Legal Services Agreement between Brownstein and City of Carpinteria ("Agreement") designating City Attorney Representative.

Staff Presenter: Dave Durflinger, City Manager

City Manager Durflinger noted that Jena Shoaf Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, was not

participating in this item due to a possible conflict of interest. Ms. Acos turned off her video during the discussion and vote of this item.

There was no public comment.

Motion by Vice Mayor Clark, seconded by Councilmember Lee, to authorize the Mayor to sign the attached amendment designating Jena Shoaf Acos as City Attorney representative. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura  
NOES: None  
ABSENT: None  
ABSTAIN: None

The motion carried unanimously.

**PUBLIC HEARING: NONE**

**OTHER BUSINESS:**

11. (1) Update on the City's prohibition of electronic nicotine delivery systems (ENDS) and flavored tobacco products; and (2) Consideration of options in response to a proposal to amend the City's Smoking Regulations to include a prohibition on smoking within multi-family housing units.

Recommendation: (1) Receive and file the update on the City's prohibition of electronic nicotine delivery systems (ENDS) and flavored tobacco products; and (2) Provide staff direction regarding any measures the Council would like to pursue concerning smoking within multi-family housing units pursuant to the discussion at the hearing.

Staff Presenter: Steve Goggia, Community Development Director

Emails read into the record: Dr. Mario Espinoza-Kulick, Tania Salceda, Adriana Sanchez, Daniel Gonzalez, Layhearn Tep

Speakers: Fred Shaw, Jesus Ramos, Melissa Villafuerte, Ector Flores-Garcia, Marisol Mendoza

Motion by Councilmember Lee, seconded by Councilmember Alarcon, to (1) receive and file the update on the City's prohibition of electronic nicotine delivery systems (ENDS) and flavored tobacco products; and (2) direct staff to come back at a future Council meeting with options for the Council to consider concerning smoking within multi-family housing units and mobile homes. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura

NOES: None

ABSENT: None

ABSTAIN: None

The motion carried unanimously.

12. A progress report on the process for drawing district boundaries as a part of instituting district-based elections for City Council seats by the November 2022 regular election.

Recommendation: Receive and file report.

Staff Presenter: Dave Durlinger, City Manager, Sophia Garcia with Redistricting Partners, and Kimi Shigetani with Redistricting Partners

Email distributed: Russel Ruiz

Councilmember Alarcon noted a correction on page 2 of the staff report to show Vice Mayor Clark as a member of the Ad Hoc District Elections Committee instead of Councilmember Lee.

Motion by Councilmember Lee, seconded by Councilmember Carty, to move and receive the report. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura

NOES: None

ABSENT: None

ABSTAIN: None

The motion carried unanimously.

13. Renewal of the Memorandum of Understanding between the City of Carpinteria, County of Santa Barbara, Cities of Santa Barbara and Goleta, and CommUnify, concerning the South Coast Youth Safety Partnership.

Recommendation: Authorize the City Manager, on behalf of the City, to enter into the Memorandum of Understanding concerning the South Coast Youth Safety Partnership.

Staff Presenter: Dave Durlinger, City Manager, Saul Serrano with South Coast Youth Safety Partnership, and Pat Keelean with CommUnify

There was no public comment.

Councilmember Alarcon recused herself from the discussion and voting of this item due to her employment with CommUnify and turned off her video at 7:45 pm.

Motion by Councilmember Carty, seconded by Vice Mayor Clark, to authorize the City Manager, on behalf of the City, to enter into the Memorandum of Understanding. The roll call vote was as follows:

AYES: Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura  
NOES: None  
ABSENT: Councilmember Alarcon  
ABSTAIN: None

The motion carried.

Councilmember Alarcon turned on her video at 7:46 pm.

Mayor Nomura recessed the meeting at 8:14 pm and reconvened at 8:25 pm. All Councilmembers were in attendance except for Councilmember Carty who joined at 8:26 pm.

The Council gave consensus to hear Item No. 15 before Item No. 14.

15. A Construction Contract for the 2021 Pavement Rehabilitation Project (City Project No. 15120) to Toro Enterprises, Inc., and Agreements for related Construction Management and Inspection, and Testing Services.

Recommendation: (1) Award a Construction Contract for the 2021 Pavement Rehabilitation Project (City Project No. 15120) to Toro Enterprises, Inc., in the Total Base Bid amount of \$1,408,598.50. (2) Authorize the City Manager to execute an Agreement with Davis CME to provide construction management and inspection services for the 2021 Pavement Rehabilitation Project in an amount not-to-exceed \$145,310. (3) Authorize the City Manager to expend \$60,000 to procure Acceptance/Materials Testing Services.

Staff Presenter: John L. Ilasin, Public Works Director

There was no public comment.

Motion by Councilmember Lee, seconded by Vice Mayor Clark, to (1) award a construction contract for the 2021 Pavement Rehabilitation Project to Toro Enterprises, Inc., in the total base bid amount of \$1,408,598.50. (2) Authorize the City Manager to



execute the agreement with Davis CME to provide construction management and inspection services in an amount not-to-exceed \$145,310. (3) Authorize the City Manager to expend \$60,000 to procure acceptance/materials testing services. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura

NOES: None

ABSENT: None

ABSTAIN: None

The motion carried unanimously.

14. Authorization for the City Manager to execute a Professional Services Agreement on behalf of the City of Carpinteria with HdL Companies to provide Tax and Fee Administration Services.

Recommendation: Approve and authorize the City Manager to execute the agreement with HdL Companies for Tax and Fee Administration Services.

Staff Presenter: Licette Maldonado, Administrative Services Director and Joshua Davis with HdL Companies

There was no public comment.

Motion by Councilmember Alarcon, seconded by Vice Mayor Clark, to approve and authorize the City Manager to execute the agreement on behalf of the City with HdL Companies for tax and fee administration services. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura

NOES: None

ABSENT: None

ABSTAIN: None

The motion carried unanimously.

16. A proposed retail produce cart agreement with Farm Cart Organics located at Seaside Park, 5103 Carpinteria Avenue.

Recommendation: Staff recommends that City Council authorize the City Manager to execute the proposed retail produce cart agreement with Farm Cart Organics for a one-year term with two one-year extensions.

Staff Presenter: Matt Roberts, Parks, Recreation & Public Facilities Director

There was no public comment.

Motion by Councilmember Alarcon, seconded by Councilmember Carty, to authorize the City Manager to execute the proposed retail produce cart agreement. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura

NOES: None

ABSENT: None

ABSTAIN: None

The motion carried unanimously.

17. Approval of a three-year consultant services agreement with Two Trumpets Communications for an annual amount not-to-exceed \$66,600.

Recommendation: That the City Council authorize the City Manager to execute a consultant services agreement on behalf of the City with Two Trumpets Communications for a not-to-exceed amount of \$66,600.

Staff Presenter: Dave Durlinger, City Manager, Lea Boyd with Two Trumpets Communications and Peter Dugre with Two Trumpets Communications

There was no public comment.

Motion by Vice Mayor Clark, seconded by Councilmember Carty, to authorize the City Manager to execute a three-year consultant services agreement on behalf of the City with Two Trumpets Communications for a not-to-exceed annual amount of \$66,600. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura

NOES: None

ABSENT: None

ABSTAIN: None

The motion carried unanimously.

18. Appointment of City of Carpinteria Trustee Representative to the Mosquito and Vector Management District of Santa Barbara County.

Recommendation: Approve the Nomination of \_\_\_\_\_ to serve as the City Trustee Representative on the Mosquito and Vector Management District of Santa Barbara County.

Staff Presenter: Brian C. Barrett, Acting City Clerk and Brian Cabrera with the Mosquito and Vector Management District of Santa Barbara County

There was no public comment.

Motion by Councilmember Carty, seconded by Councilmember Lee, to approve the nomination of Joe Franken to serve as the City Trustee Representative on the Mosquito and Vector Management District of Santa Barbara County. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura  
NOES: None  
ABSENT: None  
ABSTAIN: None

The motion carried unanimously.

19. Introduction (first reading) of Ordinance No. 748, adding Chapter 2.45 of Title 2 of the Carpinteria Municipal Code Relating to the Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interest and Waive Further Reading.

Recommendation: Approve Ordinance No. 748, as read by title only (first reading).

Staff Presenter: Brian C. Barrett, Acting City Clerk

Speakers: Lisa Guravitz

Acting City Clerk Barrett read aloud the title of Ordinance No. 748.

Motion by Councilmember Lee, seconded by Councilmember Alarcon, to approve Ordinance No. 748, waive further reading, as read by title only, and continue for adoption to July 12, 2021. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura  
NOES: None  
ABSENT: None  
ABSTAIN: None

The motion carried unanimously.

**LEGISLATIVE UPDATE:**

City Manager Durflinger noted the usual attachment from the League and Action Center. He reported that at the July 12<sup>th</sup> Council meeting, staff will provide information on the legislative advocacy process the City uses and present alternatives. He explained that some cities have created a Council committee focused on legislative advocacy that makes recommendations to the Council. Due to the number of housing bills on local control coming in through the State Legislature, City Manager Durflinger asked for the Council's consent to allow staff to submit letters consistent with the position the Council took on SB 9 and submit them electronically through the State Legislature's online portal. The Council gave consensus to allow staff to send letters with the Mayor's approval on legislative items.

Mayor Nomura invited Councilmembers to attend the League of California Cities Annual Conference in September.

**COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS: NONE**

**ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS**

All Councilmembers are expected to be in attendance at the next City Council meeting.

**ADJOURNMENT**

Mayor Nomura adjourned the meeting at 9:25 p.m.

  
\_\_\_\_\_  
Wade T. Nomura, Mayor

ATTEST:

  
\_\_\_\_\_  
Brian C. Barrett, Acting City Clerk