

# City of Santa Paula

## *City Council/Redevelopment Agency Agenda*

MAYOR/CHAIR JAMES A. TOVIAS  
VICE MAYOR/VICE CHAIR FRED W. ROBINSON  
COUNCILMEMBER/DIRECTOR GABINO AGUIRRE, Ph.D.  
COUNCILMEMBER/DIRECTOR RALPH J. FERNANDEZ  
COUNCILMEMBER/DIRECTOR ROBERT S. GONZALES



A REGULAR MEETING OF THE  
SANTA PAULA CITY COUNCIL  
REDEVELOPMENT AGENCY  
MONDAY, APRIL 5, 2010

6:00 PM – Closed Session  
6:30 PM – Regular Matters

SANTA PAULA CITY HALL  
970 VENTURA STREET  
SANTA PAULA, CA 93060

JUDY RICE, CITY CLERK/ AGENCY SECRETARY  
JAIME M. FONTES CITY MANAGER/ EXECUTIVE DIRECTOR  
KARL H. BERGER, CITY ATTORNEY/ AGENCY ATTORNEY

Spare Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are on file in the Office of the City Clerk and are available for public inspection. If you have any questions regarding any agenda item, contact the City Clerk at (805) 933-4208.

## **WELCOME TO THE CITY OF SANTA PAULA CITY COUNCIL MEETING**

You are invited to attend all City Council, Redevelopment Agency, commission, and board meetings. Agendas are posted in the front of City Hall in advance of the scheduled meetings. Information for commission and board meetings may be obtained by contacting the City Clerk's Office. The Santa Paula City Council's regular meetings start at 5:30 p.m. the first and third Monday of each month in the City Hall Council Chambers located at 970 Ventura Street in Santa Paula. The regular meetings of the City Council are also regular meetings of the Redevelopment Agency.

### **BRINGING ITEMS BEFORE THE CITY COUNCIL**

If you wish to speak at a City Council meeting, please fill out a yellow **Public Comment Form** noting your name and address and submit the form to the City Clerk. Include the Agenda item number, when appropriate.

1. **Items Not on the Agenda:** If you wish to discuss an item which is not scheduled on the Agenda, you may address the City Council during *Public Comment*. Please realize that due to the limitations placed on the City Council by provisions of the *California Government Code*, the City Council ordinarily cannot take action on any item that is not on the agenda. Because of these restrictions, expect that matters that you identify during public comment will be referred to staff or considered on a future agenda.
2. **Agenda Items:** Items being considered by the City Council may appear on the Consent Calendar, as an Order of Business, or as a Public Hearing. Public comments on each type of item are handled differently, as explained below:
  - a. For items appearing on the Consent Calendar, please submit a Public Comment Form before the Council takes action on the Consent Calendar. Items that receive a Public Comment Form may be pulled from the Consent Calendar by the Mayor and discussed separately by the City Council.
  - b. For items appearing as an Order of Business, the Mayor will announce the Agenda item and request the staff report, the staff member responsible will give a brief summary of the report; the City Council will have an opportunity to ask questions of staff; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); and the City Council will discuss the item and then take appropriate action.
  - c. For items on which a Public Hearing is scheduled, the Mayor will open the public hearing and receive the staff report; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); the City Council will discuss the item; and the Mayor will close the public hearing after City Council action.

Your Participation in this meeting is in the public domain; meetings are cablecast; minutes of this meeting will reflect your participation in this meeting and are posted on the city's website.

**PLEASE NOTE:** *Be advised that if you bring a legal challenge to an action, you may be limited to raising only those issues you or someone else raised at the meeting described in this Agenda, or in written correspondence delivered to the City Council at or before the meeting. Any action is subject to the ninety-day time period set forth in Code of Civil Procedure § 1094.6.*

In compliance with the **Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk at (805) 933-4208. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35, 102-35.104 ADA Title II). Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office.

SANTA PAULA CITY COUNCIL  
CITY HALL ADMINISTRATION CONFERENCE ROOM  
April 5, 2010  
Monday-6:00 P.M.

1. **CALL TO ORDER**
  
2. **ROLL CALL**
  
3. **PUBLIC COMMENT**
  
4. **CLOSED SESSION-** *The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code §§ 54950, et seq.) for the following purposes:*
  - A. **Conference with Legal Counsel, Existing Litigation-** Government Code § 54956.9(a). *Escalante v. City of Santa Paula*, VCSC Case No. 56-2009-00360349-CU-EI-VTA.
  
  - B. **Conference with Legal Counsel, Existing Litigation-** Government Code § 54956.9(a). *Coalition for Responsible Development v. City of Santa Paula, et al.*, VCSC Case No. BS120290.
  
5. **CONTINUE MEETING TO 6:30 P.M. IN COUNCIL CHAMBERS**

SANTA PAULA CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA  
REGULAR MEETING – APRIL 5, 2010  
MONDAY – 6:30 P.M. – COUNCIL CHAMBERS

1. **CALL TO ORDER**
  
2. **INVOCATION**
  
3. **FLAG SALUTE**
  
4. **ROLL CALL**
  
5. **CLOSED SESSION REPORT**
  
6. **PRESENTATIONS**
  - A. **Legislative Update from League of California Cities- Channel Counties Regional Public Affairs Manager David Mullinax**
  
  - B. **Wastewater Treatment Plant Update– PERCWATER Vice President Bob Nespeca**
  
  - C. **Presentation of the Door Hanger Project- Fire Chief Araiza and Chief of Police MacKinnon**
  
7. **PUBLIC COMMENT**

At this time, members of the public may comment on any item not appearing on the agenda that is within the subject-matter jurisdiction of the City Council. A Public Comment Form must be submitted to the City Clerk prior to the beginning of the Public Comment period in order to be recognized to speak. Individuals submitting Public Comment Forms after the beginning of the Public Comment period will not be allowed to speak at this time, but may be recognized to speak by the Mayor at the conclusion of the meeting. Individual Councilmembers may briefly respond to Public Comments or ask questions for clarification. The City Council may direct staff to report to the City Council on the item at a later

meeting. For items appearing on the Agenda, the public will be invited to make comments at the time the item comes up for City Council consideration. If a member of the public wishes to address a Consent Calendar item, please submit a Public Comment Form for that item. It may then be discussed separately by the Council, and the public will be invited to make comments at that time. At all times, please use the microphone and write your name and address on the Public Comment Form provided.

8. **CITY COUNCIL, STAFF COMMUNICATIONS**

9. **APPROVAL OF FINAL AGENDA**

10. **CONSENT CALENDAR**

Background information has been provided to the City Council on all matters listed under the Consent Calendar and these items are considered to be routine by the City Council and are normally approved by one motion. If discussion is requested by a Councilmember on any item, or a member of the public wishes to comment on an item, that item may be removed from the Consent Calendar for separate action.

**SUGGESTED MOTION:** *Motion/Second to adopt the Consent Calendar as presented.*

A. **Waiver of Reading of Ordinances and Resolutions**– Waive reading of Ordinances and Resolutions appearing on the Agenda.

B. **Receive and File Reimbursement Reports**– In accordance with Government Code §§ 53232.2, 53232.3, and Resolution No. 6258, receive and file reimbursement reports as specified.

C. **Warrants and Certifications**– Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn’s report dated March 1, 2010.

Voided Checks	03/11/10		
Invoices	03/08/10		
Wire Transfer	03/10/10		
Subtotal		\$	381,846.78
Invoices	03/15/10		
Wire Transfers	03/17/10		
Subtotal		\$	80,613.32
		<b>Grand Total</b>	<b>\$ 462,460.10</b>

- D. **Planning Commission Action Report**– Pursuant to Resolution No. 6456, receive and file the Planning Director’s report regarding Planning Commission actions taken on March 23, 2010. Alternatively, in accordance with SPMC § 16.206.060, the City Council may place an item on a future agenda to consider issuing an order of review regarding an action.
- E. **Minutes**– Adopt the Minutes from the Special City Council Meeting of March 10, 2010. Deputy City Clerk Peggy Higgins’ report date March 30, 2010.
- F. **Minutes**– Adopt the Minutes from the Regular City Council Meeting of March 15, 2010. Deputy City Clerk Peggy Higgins’ report dated March 30, 2010.
- G. **Personnel Rule Amendments and Revision of Santa Paula Municipal Code §33.12**– It is recommended that the City Council: 1) 1) introduce and waive first reading of Ordinance No. 1221 amending Santa Paula Municipal Code §33.12 relating to the abolition of positions by the City Council; 2) schedule second reading and adoption for November 2, 2009; 3) adopt Resolution No. 6622 amending the Personnel Rules to provide guidance and policies relating to layoffs, harassment, and employee appearance; and 4) take such additional, related, action that may be desirable. **ORDINANCE NO. 1221**- AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE § 33.12 RELATING TO THE ABOLITION OF PERSONNEL POSITIONS BY THE CITY COUNCIL. **RESOLUTION NO. 6622** – A RESOLUTION AMENDING THE CITY OF SANTA PAULA PERSONNEL RULES AND REGULATIONS. Interim Human Resources Manager Lorena Alvarez’s report dated March 30, 2010.
- H. **Well 12 Emergency Pump Motor Repairs, Resolution No. 6665**– It is recommended that the City Council 1) Adopt Resolution No. 6665 finding that an emergency exists within the City and authorizing contracting without the need for bidding pursuant to Public Contract Code § 22050 to repair Well 12; 2) allocate \$54,956 from the Water Main Replacement Capital Project Phase III account 620.5.9108.660, 3) award the emergency repair contract for \$45,400.59 to Layne Christensen, 4) authorize the City Manager to award the oversight of the repair to Hopkins Groundwater Consultant’s, Inc., for \$4,560.00, authorize the City Manager to approve any change orders up to the project budget amount to complete the project, and 5) take such additional, related action that may be desirable. **RESOLUTION NO. 6665**- A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF SANTA PAULA CONFIRMING THE EXISTENCE OF

A LOCAL EMERGENCY. Director of Public Works Clifford G. Finley's report dated March 30, 2010.

- I. **Award Farm Worker Monument Project to Mendez Concrete, Inc.**– It is recommended that the City Council: 1) allocate \$168,000 from Account Number 8002208, 2) authorize the City Manager to execute a contract with Mendez Concrete, Inc. for \$153,458.78 in a form approved by the City Attorney and approve contract change orders up to the budgeted amount, and 3) take such additional, related action that may be desirable. Director of Public Works Clifford G. Finley's report dated March 25, 2010.
- J. **Adoption of Resolution No. 6661 State Master Agreement 07-5121R and Program Supplement Agreement 010-N**– It is recommended that the City Council: 1) adopt Resolution No. 6661 authorizing the City Manager to sign the State Local Program Supplement Agreement No. 010-N in a form approved by the City Attorney making available \$242,008 of Federal Grant Funds for the Peck Road Paving Project construction; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6661-** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AUTHORIZING THE CITY MANAGER TO SIGN THE PROGRAM SUPPLEMENT AGREEMENT 010N FOR PROJECT ESPL-5121(019). Director of Public Works Clifford G. Finley's report dated March 22, 2010.

## 11. PUBLIC HEARINGS

### A. **Adopt Resolution No. 6660 to Abandon a Portion of Santa Cruz Street between Steckel Drive and Vernon Place**–

- Verification of posting by City Clerk
- Declaration of conflicts (if any)
- Declaration of ex parte contacts (if any)
- Open public hearing (Continued from March 1, 2010)
- Staff presentation
- Public testimony
- Discussion and action
- Close public hearing

**Suggested Action:** It is recommended that the City Council: 1) conduct a public hearing; 2) adopt Resolution No. 6660 abandoning Santa Cruz Street, between east of Steckel Drive and east of Vernon Place in accordance with Streets and Highways Code Section § 8320; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6660-** A RESOLUTION ABANDONING SANTA CRUZ STREET

BETWEEN STECKEL DRIVE AND VERNON PLACE. Public Works Director Clifford G. Finley's report dated March 29, 2010

12. **ORDER OF BUSINESS**

- A. **Consider City Sponsorship for the Citrus Balloon Classic Balloon Festival**– It is recommended that the City Council consider whether to: 1) authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to sponsor the Citrus Classic Balloon Festival with an additional financial contribution; 2) take no action; or 3) take such additional, related, action that may be desirable. Finance Director John T. Quinn's report dated March 31, 2010.
- B. **East Area One Specific Plan Area, Related Property, Annexation**– It is recommended that the City Council: 1) adopt Resolution No. 6664 amending Resolution No. 6465, adopted February 26, 2008 to conform with existing law; 2) adopt Resolution No. 6663 authorizing the City Manager, or designee, to take all reasonable actions to facilitate the expedited processing of the East Area One Specific Plan Area annexation with the Local Area Formation Commission ("LAFCo"); 3) authorize the City Manager, or designee, to file an application with the Planning Department for a General Plan amendment and annexation affecting a portion of the East Area 2 Expansion Area; and 4) take such additional, related, action that may be desirable. **RESOLUTION NO. 6664-** A RESOLUTION AMENDING RESOLUTION NO. 6465 AUTHORIZING THE CITY MANAGER OR DESIGNEE FILE AN APPLICATION TO INITIATE REORGANIZATION PROCEEDINGS FOR REAL PROPERTY LOCATED WITHIN THE EAST AREA ONE EXPANSION AREA AND ADJOINING PARCELS. **RESOLUTION NO. 6663-** A RESOLUTION AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ALL REASONABLE ACTIONS NECESSARY TO EXPEDITE REORGANIZATION PROCEEDINGS WITH THE LOCAL AREA FORMATION COMMISSION TO ANNEX THE EAST AREA ONE SPECIFIC PLAN AREA. Planning Director Janna Minsk's report dated April 5, 2010.
- C. **Update on Solid Waste Local Implementation Plan and Programs**– It is recommended that the City Council: 1) receive and file the update on the solid waste local implementation plan (LIP) and programs; and 2) take such additional, related action that may be desirable. Director of Public Works Clifford G. Finley's report dated March 30, 2010.

- D. **Adoption of Resolution No. 6666 Establishing Policies and Procedures for Accepting Contributions, Donations, Gifts, Bequests and Devices for Public Purposes**– It is recommended that the City Council: 1) adopt Resolution No. 6666 establishing policies and procedures for accepting contributions, donation, gifts, bequests, and devices for public purposes, and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6666-** A RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR ACCEPTING CONTRIBUTIONS, DONATIONS, GIFTS, BEQUESTS, AND DEVICES FOR PUBLIC PURPOSES. Public Works Director Clifford G. Finley’s report dated March 31, 2010.

13. **COMMUNICATIONS**

Items of interest that are not on the agenda, such as conference or meeting reports, may be discussed under this item. No action other than “receive or refer to staff” may be taken.

- A. City Manager/Executive Director, Staff, Employees
- B. City/Agency Attorney
- C. City Council/Redevelopment Agency

14. **REQUEST FOR FUTURE AGENDA ITEMS**

Any Councilmember/Director may propose items for placement on a future agenda. Members may discuss whether or not the item should be placed on a future agenda and the description of the agenda item. Any direction to the City Manager/Executive Director to place an item on a future Council/Agency Agenda, do research, or a staff report must be accompanied with a majority vote of the City Council/Redevelopment Agency. The City Manager/Executive Director shall have discretion as to when the item will come back on the Agenda, unless the City Council identifies a specific meeting for the item’s return.

15. **ADJOURNMENT**

State of California )  
 County of Ventura ) ss  
 City of Santa Paula )

I declare under penalty of perjury that I posted this City Council Agenda on the bulletin board near the front door of City Hall, 970 Ventura Street, Santa Paula, California.

On \_\_\_\_\_ at \_\_\_\_\_ Signed: \_\_\_\_\_  
 Deputy City Clerk/Administrative Secretary Peggy Higgins