

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, May 17, 2010

5:30 P.M. – Closed Session
6:30 P.M. – 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
May 17, 2010
Monday-5:30 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT**
4. **ORDER OF BUSINESS**
5. **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, Initiation of Litigation-** Government Code §54956.9 (b). Number of Potential Cases: One. Potential defendant: The Dalen and Martha Horning 2003 Trust. Facts or circumstances: eminent domain action to acquire easement for railroad recreational trail (bike path).
 - B. **Conference with Labor Negotiator-** Government Code § 54957.6. City Negotiators: City Manager Jaime M. Fontes, Acting Human Resources Manager Lorena Alvarez, Assistant to the City Manager Elisabeth Amador and Finance Director John Quinn. Employee Organizations: SEIU Local 721; Santa Paula Police Officers Association (SPPOA); Ventura County Professional Firefighters Association (VCPFA), representing Santa Paula Full-time Firefighters; Community Services Officers (CSO); Management, Supervisory and Professional Association; unrepresented management/confidential employees (City employees who are not members of bargaining units); and Part-Time/Temporary/Seasonal.
6. **CONTINUE MEETING TO 6:30 P.M. IN COUNCIL CHAMBERS**

SANTA PAULA CITY COUNCIL AGENDA
REGULAR MEETING – May 17, 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. **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.

7. **CITY COUNCIL, STAFF COMMUNICATIONS**
 - A. **City's Adopt a Park and Right of Way Clean Up Volunteer Program**– Community Services Director Brian Yanez.
8. **APPROVAL OF FINAL AGENDA**
9. **PRESENTATIONS**
 - A. **Presentation of Proclamation for Recording for the Blind and Dyslexic**

- B. Presentation of Proclamation to the Public Works Department in Recognition of "Drinking Water Week" May 2 - 8, 2008
- C. Presentation of Proclamation to the Public Works Department in Recognition of "Public Works Week" May 16-22, 2010
- D. 2010 Citrus Festival Update- Kiwanis Club
- E. Presentation Regarding the Asian Citrus Pysllid Threat to the Citrus Industry– President of the Farm Bureau of Ventura County Leslie Leavens-Crowe

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 May 17, 2010.

Invoices	4/16/10	
Wire Transfers	4/16/10	
Subtotal		\$36,595.79

Voided Checks	4/22/10	
Invoices	4/22/10	
Wire Transfers	4/21/10	
	4/22/10	
Subtotal		\$701,291.40

Invoices	4/22/10	
Wire Transfers	4/27/10	
	4/28/10	
Subtotal		\$176,513.76

Voided Checks	5/4/10	
	5/5/10	
Invoices	5/6/10	
	5/3/10	
	5/5/10	
	5/6/10	
Wire Transfers	5/5/10	
Subtotal		\$1,311,098.58
GRAND TOTAL		\$2,225,499.53

- D. **Planning Commission Action Report**– Pursuant to Resolution No. 6456, receive and file the Planning Director’s report regarding Planning Commission actions taken on April 27, 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 April 19, 2010. Deputy City Clerk Peggy Higgins’ report date April 28, 2010.
- F. **Second Reading and Adoption of Ordinance No. 1227**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1227; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1227**– AN ORDINANCE PREZONING APPROXIMATELY 4.3 ACRES LOCATED EAST OF GRANT LINE STREET AT ITS SOUTHERN TERMINUS BETWEEN ORCHARD STREET AND SATICOY STREET (APNS 107-0-180-375, 107-0-180-350, 107-0-180-330, 107-0-180-310, 107-0-180-290, 107-0-180-275, 107-0-180-250, 107-0-180-230, 107-0-180-210, 107-0-180-195, 107-0-180-160 and 107-0-180-170). Deputy City Clerk Peggy Higgins’ report dated April 28, 2010.
- G. **Memorandum of Understanding with the Service Employees International Union (SEIU) Local 721**– It is recommended that the City Council 1) adopt Resolution No. 6671, approving the Memorandum of Understanding (MOU) for the 2010 contract year between the City of Santa Paula and the Service Employees International Union (SEIU) Local 721, representing Santa Paula’s Non-managerial, Non-sworn, General Employees; 2) return to staff with further direction or a request for additional information. **RESOLUTION NO. 6671**– A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR THE CONTRACT YEAR 2010 BETWEEN THE CITY OF SANTA PAULA AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL

721. Acting Human Resources Manager Lorena Alvarez's report dated April 26, 2010.

- H. **Request for Subordination Agreement and Amendment to Affordability Covenant by Cabrillo Economic Development Corporation for the Paseo Santa Barbara Project**– It is recommended that the City Council and Board 1) Receive the Report; 2) Approve the Subordination Agreement and Affordability Covenant in a form approved by the City Attorney/General Counsel; and 3) Direct the City Manager/Executive Director to execute these documents. Assistant to the City Manager Elisabeth Amador's report dated May 12, 2010.

- I. **Updated LAIF (Local Agency Investment Fund) Resolution**– It is recommended that the City Council/Board of Directors: 1) adopt Resolution Nos. 6672 and 2010-01(R) authorizing investments in the Local Agency Investment Fund for the City and Redevelopment Agency; and 2) take such additional, related, action that may be desirable. **RESOLUTION NO. 6672**– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AUTHORIZING INVESTMENT OF AGENCY MONIES IN THE LOCAL AGENCY INVESTMENT FUND. **RESOLUTION NO. 2010-01(R)**– A RESOLUTION OF THE BOARD OF DIRECTOR OF THE CITY OF SANTA PAULA REDEVELOPMENT AGENCY AUTHORIZING INVESTMENT OF AGENCY MONIES IN THE LOCAL AGENCY INVESTMENT FUND. City Treasurer Sandra K. Easley's report dated April 27, 2010.

- J. **Investment Report for the Quarter Ending September 30, 2009**– It is recommended that the City Council receive and file the Investment Report for the quarter ending September 30, 2009. City Treasurer Sandra K. Easley's report dated April 29, 2010.

- K. **Approval of Three Year On Call Contract with Penfield & Smith Engineers, Inc. for Planning Services**– It is recommended that the City Council: 1) approve a Three-Year On Call Services Agreement with Penfield & Smith Engineers, Inc.; 2) authorize the City Manager to execute the Agreement, in a form approved by the City Attorney; and 3) take such additional related action that may be desirable. Planning Director Janna Minsk's report dated May 12, 2010.

- L. **Adoption of Resolution 6670 Approving the Beverage Container Grant Funds 2010/2011 Application**– It is recommended that the City Council: 1) adopt Resolution No. 6670 authorizing submittal of the Funding Request Form to the California

Department of Conservation's Division of Recycling; 2) authorize the City Manager to execute associated documents; 3) direct staff to forward the application form and a copy of the resolution to the California Department of Conservation once completed; and 4) take such additional, related action that may be desirable. **RESOLUTION NO. 6670**– A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION PURSUANT TO THE CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT. Public Works Director Clifford Finley's report dated May 4, 2010.

- M. **Adoption of Resolution to Submit The Used Oil Payment Program (OPP) 2010/2011 Application**– It is recommended that the City Council: 1) adopt Resolution No. 6669, authorizing submittal of the Funding Request Form to the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, for approximately \$7800, and authorizing the City Manager to execute the associated documents; 2) direct staff to forward the application form and a copy of the resolution to the California Integrated Waste Management Board; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6669**– A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR THE 2010/2011 USED OIL PAYMENT PROGRAM PURSUANT TO TITLE 14 CODE OF CALIFORNIA REGULATIONS § 18659.1. Public Works Director Clifford Finley's report dated April 26, 2010.
- N. **Acceptance of Parcel Map No. 5841; A 3 Lot Subdivision at Calavo Street and Telegraph Road**– It is recommended that the City Council: 1) accept Parcel Map No. 5841; 2) direct the appropriate City Officials to sign and record said Map; and 3) take such additional, related action that may be desirable. Public Works Director Clifford Finley's report dated May 3, 2010.
- O. **Acceptance of Parcel Map No. 5846; A Lot Split of 129 Sheppard Road**– It is recommended that the City Council: 1) accept Parcel Map No. 5846; 2) direct the appropriate City Officials to sign and record said Map; and 3) take such additional, related action that may be desirable. Public Works Director Clifford Finley's report dated May 3, 2010.

11. **PUBLIC HEARING**

A. **Transfer of Delinquent Sewer, Refuse, and Water Charges to Tax Roll**–

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

Suggested Action: It is recommended that the City Council: 1) accept the delinquent charges as described in said report as final; and 2) adopt Resolution No. 6673 authorizing the City Clerk to record the obligations with the County Recorder, County of Ventura and forward a copy of the Resolution to the County Auditor, County of Ventura for inclusion of the delinquent charges on the 2010-11 tax roll. **RESOLUTION NO. 6673**– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ORDERING THE DELINQUENT CHARGES FOR SEWER/REFUSE/WATER SERVICES UPON CERTAIN PROPERTIES IN THE CITY OF SANTA PAULA BE ASSESSED AGAINST THE PROPERTY OWNERS AND PROPERTIES AND SUCH CHARGES BE TRANSFERRED TO THE COUNTY TAX ROLLS. Finance Director John T. Quinn’s report dated April 28, 2010.

B. **Public Hearing for the Hillsborough Open Space Maintenance District Resolution No. 6668**–

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

Suggested Action: It is recommended that the City Council: 1) conduct a public hearing on the proposed assessment for the Hillsborough Open Space Maintenance District; 2) approve Resolution No. 6668 placing a \$115.00 per parcel special assessment onto the December 2010 tax roll for the Hillsborough Open Space maintenance District; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6668**–A RESOLUTION PLACING A \$115. ASSESSMENT ON THE TAX ROLL FOR ALL

71 PARCELS IN THE HILLSBOROUGH OPEN SPACE MAINTENANCE DISTRICT IN ACCORDANCE WITH GOVERNMENT CODE § 54715. Public Works Director Clifford Finley's report dated May 10, 2010.

C. **Adopt Resolution No. 6667 Finding There is a Public Necessity to Exercise Eminent Domain to Acquire Real Property for the Santa Paula Bike Trail**–

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

Suggested Action: It is recommended that the City Council 1) open the public hearing; 2) take testimonial and documentary evidence; 3) consider the evidence; 4) adopt Resolution No. 6667 in accordance with Civil Code § 1240.030; and 5) take such additional, related, action that may be desirable. **RESOLUTION NO. 6667**– A RESOLUTION FINDING A PUBLIC NECESSITY TO ACQUIRE REAL PROPERTY THROUGH EMINENT DOMAIN AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS. Public Works Director Clifford Finley's report dated May 11, 2010.

12. **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

13. **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 has discretion as to when the item will come back on the Agenda, unless the City Council/Redevelopment Agency identifies a specific meeting for the item's return.

14. **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