

# 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, AUGUST 16, 2010

**6:00 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  
August 16, 2010  
Monday-6:00 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, Existing Litigation** – Government Code § 54956.9 (a). *Shanin Azarmehr v. City of Santa Paula*, Ventura County Superior Court Case No. 56-2010-00375537-CU-WM-VTA.
6. **CONTINUE MEETING TO 6:30 P.M. IN COUNCIL CHAMBERS**

SANTA PAULA CITY COUNCIL AGENDA  
REGULAR MEETING – August 16, 2010  
MONDAY – 6:30 P.M. – COUNCIL CHAMBERS

1. **CALL TO ORDER**
  
2. **FLAG SALUTE**
  
3. **ROLL CALL**
  
4. **CLOSED SESSION REPORT**
  
5. **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.

6. **CITY COUNCIL, STAFF COMMUNICATIONS**
  
7. **APPROVAL OF FINAL AGENDA**
  
8. **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 August 2, 2010.

Voided Checks	06/11/10	
Invoices	06/07/10	
	06/11/10	
Wire Transfers	06/09/10	
Subtotal		\$ 271,688.45
Invoices	06/16/10	
	06/17/10	
Wire Transfers	06/16/10	
Subtotal		\$ 677,045.41
Invoices	06/24/10	
Wire Transfers	06/23/10	
	06/24/10	
Subtotal		\$2,204,557.49
Invoices	06/30/10	
Wire Transfers	06/30/10	
Subtotal		\$1,115,966.80
Invoices	07/07/10	
	07/08/10	
	07/09/10	
Wire Transfers	07/08/10	
Subtotal		\$1,331,333.21
Invoices	07/13/10	
	07/14/10	
	07/15/10	
Wire Transfers	07/14/10	
Subtotal		\$1,115,404.69

Invoices 07/23/10  
Wire Transfers 07/21/10

**GRAND TOTAL \$6,789,327.13**

- D. **Minutes**– Adopt the Minutes from the Special City Council Meeting of June 15, 2010. Deputy City Clerk Peggy Higgins’ report dated August 5, 2010.
- E. **Minutes**– Adopt the Minutes from the Regular City Council Meeting of June 21, 2010. Deputy City Clerk Peggy Higgins’ report dated August 5, 2010.
- F. **Minutes**– Adopt the Minutes from the Special City Council Meeting of June 24, 2010. Deputy City Clerk Peggy Higgins’ report dated August 5, 2010.
- G. **Minutes**– Adopt the Minutes from the Special City Council Meeting of July 12, 2010. Deputy City Clerk Peggy Higgins’ report dated August 5, 2010.
- H. **Second Reading and Adoption of Ordinance No. 1228**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1228; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1228**– AN ORDINANCE PREZONING APPROXIMATELY 40 ACRES LOCATED IN THE SANTA PAULA CREEK RIVERBED, EAST OF THE CURRENT CITY LIMIT AND NORTH OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY (APNS 040-0-171-110, 040-0-171-125, 040-0-171-135, 040-0-171-145, 040-0-171-255, 040-0-171-285, 107-0-170-110, 107-0-170-180, 107-0-170-195, 107-0-170-215, 107-0-170-245, 107-0-200-035, 107-0-200-055, 107-0-200-105 AND 107-0-200-125). Deputy City Clerk Peggy Higgins’ report dated June 23, 2010.
- I. **Introduction of Ordinance Authorizing Infraction Prosecutions**– It is recommended that the City Council: 1) waive the first reading and introduce Ordinance No. 1231 authorizing the City Attorney to prosecute violations of the Santa Paula Municipal Code as infractions or misdemeanors; 2) schedule a second reading and adoption for September 20, 2010; and 3) take such additional, related action that may be desirable. **ORDINANCE NO. 1231**– AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE § 13.07 TO AUTHORIZE THE CITY ATTORNEY TO PROSECUTE VIOLATIONS OF THE MUNICIPAL CODE AS MISDEMEANORS OR INFRACTIONS. City Attorney Karl H. Berger’s report dated August 5, 2010.

- J. **Adoption of Resolution No. 6696 that Revises Resolution No. 6669 in Accordance with CalRecycle Instructions that changed the Used Oil Grant Program Application (OPP) 2010-11 to a Payment Program Application**– It is recommended that the City Council: 1) adopt Resolution No. 6696, authorizing submittal of Resolution No. 6696 to the Department of Resources Recycling and Recovery (CalRecycle); 2) authorizing the City Manager to execute any necessary related documents; 3) direct staff to submit a copy of the new resolution to CalRecycle no later than August 30, 2010; and 4) take such additional, related action that may be desirable. Interim Director of Public Works John Quinn’s report dated July 26, 2010.
- K. **Award of Contract, Arterial Paving Project 08/09 Peck Road Repaving**– It is recommended that the City Council: 1) allocate an estimated \$248,000 (the bid price will be provided at the meeting) from the FY 2009-10 approved capital project budget for Arterial Paving Project 08/09 (Peck Rd I); and 2) authorize the City Manager to execute a contract with the successful lowest responsible bidder for an estimated \$248,000(the bid price will be provided at the meeting) in a form approved by the City Attorney and approve contract change orders as needed for additional work up to the budgeted amount; and 3) take such additional, related action that may be desirable. Bid openings occur on August 11, 2010; the apparent lowest responsible bidder will be identified at that time and forwarded to the City Council for consideration on or about August 12, 2010. Interim Director of Public Works John Quinn’s report dated August 12, 2010.
- L. **Adoption of Resolution No. 6674 State Master Agreement 07-512R and Program Supplement Agreement 010-N**– It is recommended that the City Council: 1) approve Resolution No. 6674 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 \$315,168 of Federal Grant Funds for the Peck Road Paving Project II construction; 2) approve funding the City’s matching portion of the project from the CIP bond proceeds in the amount of \$40,832 and authorize staff to prepare the appropriate budget adjustment; and 3) take such additional, related action that may be desirable. Interim Director of Public Works John Quinn’s report dated August 11, 2010.

9. **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

10. **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.

11. **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