

City of Santa Paula

City Council/Redevelopment Agency

Agenda

MAYOR/CHAIR FRED W. ROBINSON
VICE MAYOR/VICE CHAIR ROBERT S. GONZALES
COUNCILMEMBER/DIRECTOR RICHARD C. COOK
COUNCILMEMBER/DIRECTOR RALPH J. FERNANDEZ
COUNCILMEMBER/DIRECTOR JAMES A. TOVIAS



A REGULAR MEETING OF THE
SANTA PAULA CITY COUNCIL

TUESDAY, SEPTEMBER 6, 2011

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 6:30 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
SEPTEMBER 6, 2011
TUESDAY-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. **Scheduled Public Employee Performance Evaluation**–
Government Code § 54957. Title: City Manager.

 - B. **Conference with Legal Counsel, Existing Litigation** –
*Government Code § 54956.9 (a). Bedolla v. City of Santa Paula
VCSC Case No. 56-2010-00381448-CU-WT-VTA*

5. **CONTINUE MEETING TO 6:30 P.M. IN COUNCIL CHAMBERS**

SANTA PAULA CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING – SEPTEMBER 6, 2011
TUESDAY – 6:30 P.M. – COUNCIL CHAMBERS

1. **CALL TO ORDER**
2. **INVOCATION**
3. **FLAG SALUTE**
4. **ROLL CALL**
5. **CLOSED SESSION REPORT**
6. **PRESENTATION**
 - A. **2011 Great California Shakeout** – Fire Chief Rick Araiza
 - B. **Recognition of Ten Year Anniversary of 9/11** – Fire Chief Rick Araiza and Fire Fighter Andy Van Schiver
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. **Planning Commission Action Report**– Pursuant to Resolution No. 6456, receive and file the Planning Director's report regarding Planning Commission actions taken on August 23, 2011. 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.
- D. **Minutes**– Adopt the Minutes from the Special City Council Meeting of August 15, 2011. Deputy City Clerk Peggy Higgins' report dated August 19, 2011.
- E. **Minutes**– Adopt the Minutes from the Regular City Council Meeting of August 15, 2011. Deputy City Clerk Peggy Higgins' report dated August 19, 2011.
- F. **Minutes**– Adopt the Minutes from the Special City Council Meeting of August 25, 2011. Deputy City Clerk Peggy Higgins' report dated August 26, 2011.
- G. **Second Reading and Adoption of Ordinance No. 1239**- It is recommended that the City Council: 1) waive the second reading and adopt Ordinance no. 1239; and 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1239** - AN ORDINANCE APPROVING A ZONE CHANGE FOR APPROXIMATELY 4.93 ACRES LOCATED AT 957 FAULKNER ROAD (APN 098-0-020-375). Deputy City Clerk Peggy Higgins' report dated August 22, 2011.

- H. **Escalante v. City of Santa Paula VCSC Case No. 56-2009-00360349-CU-EI-VTA**– It is recommended that the City Council receive and file this report. City Attorney Karl H. Berger’s report dated August 29, 2011.
- I. **Response to Ventura County Grand Jury Report-Santa Paula City Council**– It is recommended that the City Council: 1) receive this report and approve the attached response letter to the Ventura County Grand Jury Report-Santa Paula City Council; and 2) take such additional, related, action that may be desirable. City Manager Jaime Fontes’ report dated August 31, 2011.
- J. **Authorization for Write-Off of Uncollectible Items**– It is recommended that that the City Council authorizes staff to write-off: 1) the un-collectible utility billing accounts per the attached Exhibit A and the Returned Checks per the attached Exhibit B; and 2) take such additional, related, action that may be desirable. Interim Finance Director Sandra K. Easley’s report dated August 25, 2011.
- K. **Transfer of Unclaimed Monies Back to Fund Balance**– It is recommended that the City Council: 1) adopt Resolution No. 6759 escheating monies to the City’s General Fund, pursuant to Government Code §50053; and 2) take such additional, related, action that may be desirable. Interim Finance Director Sandra K. Easley’s report dated August 24, 2011.
- L. **Report on Code Enforcement**– It is recommended that the City Council: 1) receive and file this report; and 2) take any additional, related, action that may be desirable. Fire Chief Rick Araiza’s report dated August 29, 2011

11. **ORDER OF BUSINESS**

- A. **Redevelopment Legislation (ABX1 26 and ABX1 27) Considerations**– It is recommended that the City Council: 1) receive and file the report; and 2) take additional related action that may be desirable. City Manager Jaime M. Fontes’ report dated August 30, 2011.
- B. **Highway 150/10th Street Improvement Grant**– It is recommended that the City Council: 1) receive the report; 2) adopt Resolution No.6760, authorizing the City Manager to enter into a cooperative agreement to receive and appropriate funds from the California Department of Transportation for the Highway 150/ 10th Street Improvement project; and 3) take such additional, related, action that may be desirable. Assistant to the City Manager Elisabeth V. Amador’s report dated August 25, 2011.

- C. **Appointment of Member to the Planning Commission**– It is recommended that the City Council appoint two members to the Planning Commission each for a four-year term to expire 2015. City Manager Jaime M. Fontes’ report dated August 22, 2011.
- D. **Appointment of Members to the Recreation Commission**– It is recommended that the City Council appoint two members to the Recreation Commission, each for a three-year term to expire in 2013. City Manager Jaime M. Fontes’ report dated August 22, 2011.
- E. **Appointment of Member to the Santa Paula Housing Authority Commission**– It is recommended that the City Council appoint a member to the Santa Paula Housing Authority to fill a two-year term to expire 2013. City Manager Jaime M. Fontes’ report dated August 22, 2011.

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/Santa Paula Healthcare Authority. 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