

City of Santa Paula

City Council

Agenda

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



REGULAR MEETING OF THE
SANTA PAULA CITY COUNCIL

MONDAY, FEBRUARY 6, 2012

6:30 P.M.– REGULAR MATTERS

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

JUDY RICE, CITY CLERK
JAIME M. FONTES, CITY MANAGER
KARL H. BERGER, CITY 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
REGULAR MEETING – FEBRUARY 6, 2012
MONDAY – 6:30 P.M. – COUNCIL CHAMBERS

1. **CALL TO ORDER**

2. **INVOCATION**

3. **FLAG SALUTE**

4. **ROLL CALL**

5. **PRESENTATION**
 - A. **Update on Fundraising Efforts for Annual Fireworks Show - Ginger Gherardi, Fireworks Committee**

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**

8. **APPROVAL OF FINAL AGENDA**

9. **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 January 24, 2012. 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**– Approval of Minutes from the Special City Council Meeting of January 11, 2012. Deputy City Clerk Peggy Higgins’ report dated January 25, 2012.
- E. **Minutes**– Approval of Minutes from the Regular City Council Meeting of January 17, 2012. Deputy City Clerk Peggy Higgins’ report dated January 25, 2012.
- F. **Minutes**– Approval of Minutes from the Special City Council Meeting of January 31, 2012. Deputy City Clerk Peggy Higgins’ report dated February 1, 2012.

G. **Warrants and Certificates**–

INVOICES	12/6-7-8/2011	
WIRE TRANSFERS	12/7/2011	
SUBTOTAL		\$ 34,347.79
INVOICES	12/15/2011	
WIRETRANSFERS	12/14/2011	

SUBTOTAL		\$358,899.34
INVOICES	12/22-23/2011	
WIRE TRANSFERS	12/21-22/2011	
SUBTOTAL		\$736,427.56
INVOICES	12/28-29/2011	
WIRE TRANSFERS	12/28-29-30/2011	
SUBTOTAL		\$101,372.32
INVOICES	1/5/2012	
WIRE TRANSFERS	1/4-5/2012	
SUBTOTAL		\$ 87,060.77
INVOICES	1/10-11/2012	
WIRE TRANSFERS	1/11-12/2012	
SUBTOTAL		\$3,801,636.77
INVOICES	1/17/2012	
WIRE TRANSFERS	1/19/2012	
SUBTOTAL		\$ 25,596.66
INVOICES	1/25-26/2012	
WIRE TRANSFERS	1/25/2012	
SUBTOTAL		\$ 761,122.90
TOTAL		\$5,906,464.11

- H. **Late Request for Out-of-State Travel**– It is recommended that the City Council: 1) approve the recently completed out-of-state travel for Sergeant Ryan Smith in attending the F.B.I. National Academy in Quantico, VA that occurred on September 6-December 19, 2011; and 2) take such additional, related, action that may be desirable. Chief of Police Stephen MacKinnon’s report dated January 23, 2012.
- I. **2011-CUP-05, Enforcement Agreement for Rabalais’, Inc. (Rabalais’ Restaurant)**– It is recommended that the City Council: 1) authorize the City Manager to execute an enforcement agreement, in a form approved by the City Attorney, allowing the sale of beer, wine and distilled spirits for on-site consumption at the property located at 861 E. Main Street; and 2) take such additional, related, action that may be desirable. Deputy Planning Director Stratis Perros’ and Assistant Planner Anna Arroyo’s report dated January 25, 2012.
- J. **Award of Contract for Peck Road Water Main Upgrade Project to J & H Engineering General Contractors, Inc.** – It is recommended that the City Council: 1) authorize the City Manager to execute a contract with J & H Engineering, General Contractors Inc. for \$139,592.00 in a form approved by the City Attorney; 2) allocate \$153,552 from the FY 11/12 approved capital project budget for the Water Line Replace Project Account No. 620.5.9291.660 to said contractor and 3) take such additional, related action that may be desirable. Interim Public Works Director Brian J. Yanez’s report dated January 23, 2012.

- K. **Award of Contract for the 6th, Bradley, & Olive Streets Paving and Water Improvement Project to Toro Enterprises, Inc.**– It is recommended that the City Council 1) authorize the City Manager to execute a contract with Toro Enterprises, Inc. for \$1,145,235 including 10% retention in a form approved by the City Attorney for the 6th, Bradley & Olive Streets Paving and Water Improvement Capital Project; 2) allocate \$1,145,235 from the approved FY 2011/2012 Capital Improvement Project Budget Account No's. 100.5.9282.660-\$949,333, 100.5.9283.660-\$146,914, and 620.5.9283.660-\$48,988 to said contractor; and 3) take such additional, related action that may be desirable. Interim Public Works Director Brian J. Yanez's report dated January 24, 2012.
- L. **Establish the Southern California Edison Rule 20A Limits from the Centerline of Cameron Street to Steckel Drive to Conform to the Verizon Settlement, Dated 8/16/2010**– It is recommended that City Council: 1) adopt Resolution No. 6772 establishing the Southern California Edison Rule 20A limits from the centerline of Cameron Street to Steckel Drive; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6772 - A RESOLUTION ESTABLISHING RULE 20 A LIMITS FROM CENTERLINE CAMERON TO STECKEL DRIVE PURSUANT TO GOVERNMENT CODE SECTION § 830.6.** Interim Public Works Director Brian J. Yanez's report dated January 30, 2012.
- M. **Additional Change Orders #20 & #21 for Santa Paula Branch Line Bike Trail**– It is recommended that the City Council: 1) approve Change Orders #20 and #21 to Granite Construction Inc., for the Santa Paula Branch Line Bike Trail; and 2) take such additional, related action that may be desirable. Interim Public Works Director Brian J. Yanez's report dated January 27, 2012.

10. **ORDER OF BUSINESS**

- A. **The Rescheduling of the Regular City Council Meeting from Monday to Tuesday Nights**– It is recommended that the City Council: 1) receive and file this report, and 2) take such additional action as may be desirable. City Manager Jaime M. Fontes' report dated January 10, 2012.
- B. **Changes to Economic Development Advisory Committee**– It is recommended that the City Council: 1) receive and file this report; and 2) direct staff as appropriate. **RESOLUTION NO. 6775- A RESOLUTION OF THE CITY OF SANTA PAULA INCREASING THE MEMBERSHIP OF THE ECONOMIC DEVELOPMENT COMMITTEE.** City Manager Jaime M. Fontes' report dated January 30, 2012.

- C. **Appointment of Member to Economic Development Advisory Committee**– It is recommended that the City Council appoint up to three members to the Economic development Advisory Committee each for a four-year term. City Manager Jaime M. Fontes’ report dated January 31, 2012.
- D. **Mayor’s Standing Committees and City Council Ad Hoc Committees**– it is recommended that the City Council make appointments to the Mayor’s Standing Committees and the City Council’s Ad Hoc Committees. City Manager Jaime M. Fontes’ report dated January 4, 2012.
- E. **Discussion of Request for Proposal/Request for Qualifications for City Legal Services**– It is recommended that the City Council: 1) receive and file this report; and 2) take such additional, related, action that may be desirable. City Manager Jaime M. Fontes report dated February 1, 2012.

11. **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, Staff, Employees
- B. City Attorney
- C. City Council

12. **REQUEST FOR FUTURE AGENDA ITEMS**

Any Councilmember 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 to place an item on a future Council Agenda, do research, or a staff report must be accompanied with a majority vote of the City Council. The City Manager has 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.

13. **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