

City of Santa Paula

City Council/Redevelopment Agency Agenda

MAYOR RALPH J. FERNANDEZ

VICE MAYOR JAMES A. TOVIAS

COUNCILMEMBER GABINO AGUIRRE, Ph.D.

COUNCILMEMBER ROBERT S. GONZALES

COUNCILMEMBER FRED W. ROBINSON



A REGULAR MEETING OF THE
SANTA PAULA CITY COUNCIL/ REDEVELOPMENT AGENCY
MONDAY, NOVEMBER 16, 2009

5:30 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
CLIFFORD G. FINLEY, INTERIM 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/REDEVELOPMENT AGENCY

CITY HALL ADMINISTRATION CONFERENCE ROOM

November 16, 2009

Monday-5:30 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENT**

4. **ORDER OF BUSINESS**

A. **Interview for Design Assistance Committee**– The City Council will hold an applicant interview to fill a vacancy on the Design Assistance Committee for a four-year term.

1. Catherine M. Barringer

B. **Interviews for Economic Development Advisory Committee**– The City Council will hold applicant interviews to fill four vacancies on the Economic Development Advisory Committee for four-year terms, and to fill one vacancy for an unexpired term ending June 2011.

1. John A. Bravo
2. Carla Edwards
3. Sam Hishmeh
4. Donna Stewart
5. Peter Wright

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. **Appointment of Public Employee** – *Government Code § 54957.*
Position: City Manager.

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

SANTA PAULA CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING –NOVEMBER 16, 2009
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. **Presentation of Proclamation to Soroptimist International of Santa Paula Declaring the Month of October as “Breast Cancer Awareness Month” and November as “End Domestic Violence Month”**
 - B. **Presentation of Update on Census 2010**
 - C. **Recognition of Santa Paula’s Solid Waste Staff for Successful Diversion Efforts**
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/REDEVELOPMENT AGENCY, 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 November 9, 2009.

Invoices	10/30/09	
Wire Transfer	10/30/09	
Subtotal		\$ 127,440.87
Invoices	11/04/09	
	11/05/09	
Wire Transfers	11/04/09	
Subtotal		<u>\$ 348,577.77</u>
	Grand Total	\$ 476,018.64

- D. **Minutes**– Adopt the Minutes from the Special City Council Meeting of October 23, 2009. Deputy City Clerk Peggy Higgins’ report dated November 10, 2009.
- E. **Minutes**– Adopt the Minutes from the Special City Council Meeting of November 2, 2009. Deputy City Clerk Peggy Higgins’ report dated November 10, 2009.

- F. **Minutes**– Adopt the Minutes from the Special City Council Meeting of November 4, 2009. Deputy City Clerk Peggy Higgins’ report dated November 10, 2009.
- G. **Second Reading and Adoption of Ordinance 1219**– It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1219; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1219**–AN ORDINANCE ADDING CHAPTER 16.34 TO TITLE 16 TO THE SANTA PAULA MUNICIPAL CODE PROVIDING TAX INCENTIVES FOR THE PRESERVATION AND MAINTENANCE OF HISTORIC PROPERTIES IN ACCORDANCE WITH THE MILLS ACT (GOVERNMENT CODE §§ 50280, *ET SEQ.*). Deputy City Clerk Peggy Higgins’ report dated November 9, 2009.
- H. **Request for Out of State Travel–Arizona**– It is recommended that the City Council authorize: 1) authorize two City Council members to travel to Arizona during the month of December 2009 relating to City Manager recruitment; 2) authorize all reasonable and appropriate travel expenses pursuant to the City Council’s Travel Policy (Resolution No. 6258); and 3) take such additional, related, action that may be desirable. Interim City Manager Clifford G. Finley’s report dated November 9, 2009.
- I. **Request to Approve the Proposed Small Business Loan Program Policies and Procedures**– It is recommended that the RDA Board of Directors and City Council: 1) consider approving Resolutions No. 2009-06 (R) and No. 6632 adopting the revised Small Business Loan Program Policies and Procedures; 2) authorize the City Manager/Executive Director to execute an agreement with EDC-VC for Program support services in a form approved by the City Attorney/General Counsel; and 3) take such additional, related, action that may be desirable. Assistant to the City manager Elisabeth V. Amador’s report dated November 5, 2009
- J. **Transfer of Unclaimed Monies Back to Fund Balance**– It is recommended that the City Council: 1) adopt Resolution No. 6583 recognizing the attached list of unclaimed monies as property of the City of Santa Paula and authorizing the transfer of said monies to the City’s General Fund. **RESOLUTION NO. 6583**– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ESTABLISHING UNCLAIMED MONIES BE RECOGNIZED AS PROPERTY OF THE CITY OF SANTA PAULA AND ORDERING ITS TRANSFER THEN CITY’S GENERAL FRUND PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50053. Finance Director John Quinn’s report dated November 5, 2009.

- K. **2009-CUP-03, Enforcement Agreement for Jose Romo (Pizza Nostra 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 serving of beer and wine at the property located at 650 W. Harvard Avenue (Assessor's Parcel Number 102-0-203-325); and 2) take such additional, related, action that may be desirable. Planning Director Janna Minsk's report dated October 30, 2009.
- L. **Adoption of Title 22 Report for Recycled Water Use Project**– It is recommended that the City Council: 1) adopt the Title 22 Report of water reuse prepared by DDB Engineering; 2) authorize the City Manager to make technical changes to the Report based upon comments from DHS and Regional Board, in a form approved by the City Attorney; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated November 9, 2009.
- M. **Approval of Traffic Safety Committee Recommendations Resolution No. 6585**– It is recommended that the City Council: 1) adopt Resolution No.6585 approving the recommendations of the Traffic Safety Committee; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6585** - A RESOLUTION IMPLEMENTING TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS, DATED OCTOBER 27, 2009. Interim Public Works Director Jon Turner's report dated November 5, 2009.
- N. **Approve 7th Street Wastewater Main Replacement Project**– It is recommended that the City Council: 1) adopt Resolution No. 6629 approving the plans and specifications for the 7th Street Wastewater Main Replacement Project; 2) authorize the City Manager to advertise the plans and specifications to receive construction bids; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6629** RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 7TH STREET WASTEWATER MAIN REPLACEMENT PROJECT. Interim Public Works Director Jon Turner's report dated November 5, 2009.
- O. **Award Wastewater Pipeline Repair Project to Aguilera Brothers Construction, Inc.**– It is recommended that City Council: 1) allocate \$99,485 from the FY 09/10 approved capital budget for wastewater pipeline rehabilitation; 2) authorize the Interim City Manager to execute a contract with Aguilera Brothers Contractors, Inc., for \$86,509 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. Interim Public Works Director Jon Turner's report dated November 5, 2009.
- P. **Approve Resolutions 6630 and 6631 for the Recycled Water Distribution System Facilities Planning Grant**– It is recommended that the City Council: 1) approve Resolution Nos. 6630 and 6631 authorizing the

application and acceptance of the grant from the Water Recycling Facilities Planning Grant Program; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6630** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO LOCATE, APPLY FOR, OBTAIN, ACCEPT, EXECUTE DOCUMENTS FOR, DEPOSIT, AND OTHERWISE TAKE ANY REASONABLE ACTION RELATED TO OBTAIN ANY AND ALL MONIES FROM ANY POSSIBLE FEDERAL, STATE, OR LOCAL FUNDING SOURCE INCLUDING, WITHOUT LIMITATION, THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD. **RESOLUTION NO. 6631** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO LOCATE, APPLY FOR, OBTAIN, ACCEPT, EXECUTE DOCUMENTS FOR, DEPOSIT, AND OTHERWISE TAKE ANY REASONABLE ACTION RELATED TO OBTAIN ANY AND ALL MONIES FROM ANY POSSIBLE FEDERAL, STATE, OR LOCAL FUNDING SOURCE INCLUDING, WOTHOUT LIMITATION, THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD. Interim Public Works Director Jon Turner's report dated November 9, 2009.

11. **PUBLIC HEARING**

A. **City of Santa Paula General Plan Housing Element Update Project No. 2007-CI-07**

- 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) receive input from the public; 3) adopt Resolution No. 6617 (Exhibit A) amending the Housing Element of the General Plan in its entirety; 4) authorize the City Manager or designee to forward the Housing Element to the California Department of Housing and Community Development ("HCD") for review; 5) authorize the City Manager or designee to make non-substantive changes, approved as to form by the City Attorney, to the Housing Element required for HCD Certification and to resubmit the Element to HCD for Certification; and 6) take such additional, related action as may be appropriate. **RESOLUTION NO. 6617**— A RESOLUTION OF THE CITY COUNCIL AMENDING THE HOUSING ELEMENT OF THE SANTA PAULA GENERAL PLAN IN ITS ENTIRETY AND: 2) AUTHORIZING THE CITY MANAGER OR DESIGNEE TO IMPLEMENT THE PURPOSE OF THIS RESOLUTION. Planning Director Janna Minsk's report dated November 5, 2009.

12. **ORDER OF BUSINESS**

- A. **Update on New CDBG Application and Funding Process**– It is recommended that the City Council: 1) receive the report; and 2) take such additional related action that may be desirable. Assistant to the City manager Elisabeth V. Amador’s report dated November 5, 2009.
- B. **Update on New Ventura College East Campus**– It is recommended that the City Council: 1) receive the report; and 2) direct staff as appropriate. Assistant to the City Manager Elisabeth V. Amador’s report dated November 9, 2009.
- C. **Report on Garage and Yard Sales**– 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 Richard Araiza’s report dated November 5, 2009.
- D. **Approve City Resolution No. 6581 and Redevelopment Agency Resolution No. 2009-05 (R) authorizing a Joint Powers Agreement for the Formation of the Santa Paula Utility Authority; and, acting in their role as the Board of Directors for the Santa Paula Utility Authority approve Resolution No. 2009-01 (U) adopting its by-laws; and, approve Resolution No. 6628 authorizing staff to solicit a proposal from the Santa Paula Utility Authority to lease the water and wastewater enterprises and to set a public hearing date of December 7, 2009 to evaluate such proposal**– It is recommended that the City Council: 1) approve Resolution No. 6581 authorizing a Joint Powers Agreement with the Santa Paula Redevelopment Agency creating Santa Paula Utility Authority; 2) approve Resolution No. 2009-05 (R) authorizing a Joint Powers agreement with the City of Santa Paula creating Santa Paula Utility Authority; 3) approve Santa Paula Utility Authority Resolution No. 2009-01(U) adopting its By-Laws and authorizing certain other actions in connection therewith; 4) approve Resolution No. 6628 authorizing staff to solicit a proposal from the Santa Paula Utility Authority to lease the water and wastewater enterprises and to set a public hearing date of December 7, 2009 to evaluate such proposal; or 5) take such additional related action as may be desired. **RESOLUTION NO. 6581** A RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH SANTA PAULA REDEVELOPMENT AGENCY CREATING SANTA PAULA UTILITY AUTHORITY AND AUTHORIZING THE MAYOR TO EXECUTE THAT AGREEMENT. **RESOLUTION NO. 2009-05 (R)** A RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH THE CITY OF SANTA PAULA CREATING SANTA PAULA UTILITY AUTHORITY AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THAT AGREEMENT. **RESOLUTION NO. 2009-01 (U)** RESOLUTION OF THE SANTA PAULA UTILITY AUTHORITY APPROVING AND ADOPTING ITS BYLAWS; AND AUTHORIZING

CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH. Finance Director John Quinn's report dated November 11, 2009.

- E. **October 2009 Monthly Budget Update**– It is recommended that the City Council: 1) review budget status and additional information and file report; 2) refer report back to staff for addition review and/or modifications. Finance Director John Quinn's report date November 9, 2009.

- F. **Adoption of Ordinances No. 1222 and 1223 - Landscape Water Conservation Standards and Water Conservation**– It is recommended that the City Council: 1) waive first reading and introduce Ordinance Nos. 1222 and 1223 adding Chapters 58 and 59, respectively, to the Santa Paula Municipal Code to conform with State guidelines; 2) schedule second reading and adoption of the Ordinances for the December 7 Council meeting; and 3) take such additional, related action that may be desirable. **ORDINANCE NO. 1222** AN ORDINANCE ADDING A NEW CHAPTER 58 TO THE SANTA PAULA MUNICIPAL CODE ESTABLISHING WATER CONSERVATION MEASURES IN ACCORDANCE WITH WATER CODE § 375. **ORDINANCE NO. 1223** AN ORDINANCE AMENDING TITLE V OF THE CITY OF SANTA PAULA MUNICIPAL CODE, ADDING A NEW CHAPTER 59 (LANDSCAPE WATER CONSERVATION STANDARDS). Interim Public Works Director Jon Turner's report dated.

- G. **Request for Joint Meeting with Council and School Districts**– It is recommended that the City Council: 1) receive this report; and 2) direct staff as appropriate. Interim City Manager Clifford G. Finley's report dated November 10, 2009.

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 agendized 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/Redevelopment Agency 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