

# City of Santa Paula

## *City Council/Redevelopment Agency/ Utility Authority Agenda*

MAYOR/CHAIR RALPH J. FERNANDEZ

VICE MAYOR/VICE CHAIR JAMES A. TOVIAS

COUNCILMEMBER/DIRECTOR GABINO AGUIRRE, Ph.D.

COUNCILMEMBER/DIRECTOR ROBERT S. GONZALES

COUNCILMEMBER/DIRECTOR FRED W. ROBINSON



A REGULAR MEETING OF THE  
SANTA PAULA CITY COUNCIL  
REDEVELOPMENT AGENCY/UTILITY AUTHORITY AGENCY  
MONDAY, DECEMBER 7, 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/UTILITY AUTHORITY  
CITY HALL ADMINISTRATION CONFERENCE ROOM  
December 7, 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. **Interview for Commission on Aging**– The City Council will hold an applicant interview to fill a vacancy on the Commission on Aging for a two-year term.

1. Eric Cholerton

- C. **Interview for Tenant Commissioner of the Santa Paula Housing Authority**– The City Council will hold an applicant interview to fill the Tenant Commissioner vacancy on the Santa Paula Housing Authority for a two-year term.

1. Laurie Del Rio

- D. **Interview for Recreation Commission**– The City Council will hold an applicant interviews to fill vacancies on the Recreation Commission each for a three-year term.

1. Richard F. Barnett  
2. William M. Grant

- E. **Interview for Appeals Board**– The City Council will hold an applicant interview to fill a vacancy on the Appeals Board for a four-year term.

1. John A. Bravo

- F. **Interview for Santa Paula Housing Authority**– The City Council will hold an applicant interview to fill a vacancy on the Santa Paula Housing Authority for a four-year term.
    - 1. John A. Bravo
  
  - G. **Interview for Mobilehome Rent Review Commission**– The City Council will hold an applicant interview to fill a vacancy on the Mobile Home Rent Review Commission for a four-year term.
    - 1. John A. Bravo
  
  - H. **Interview for Citizens Transportation Advisory Committee**– The City Council will hold an applicant interview to fill a vacancy on the Mobile Home Rent Review Commission as Member or Alternate Member for indefinite term.
    - 1. John A. Bravo
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.
  
  - B. **Conference with Real Property Negotiator**– Government Code § 54956.8. Property Address: APN 103-0-242-175. 221 S. Mill Street, Santa Paula. Negotiating Parties: Edward R.Mendoza. City Negotiators: Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.
  
  - C. **Conference with Labor Negotiators** – Government Code 54957.6. City Negotiator: Interim City Manager Clifford G. Finley and Human Resources Manager Kathy Campbell. Employee Organizations: Santa Paula Community Service Officers Unit, Santa Paula Police Officers Association, SEIU Local 721, Ventura County Professional Firefighters Association, Management, Supervisory & Professional Association; Executive Management, Mid-Management, Confidential, Part-time, Temporary, and Seasonal Employees Groups.
6. **CONTINUE MEETING TO 6:30 P.M. IN COUNCIL CHAMBERS**

SANTA PAULA CITY COUNCIL

REDEVELOPMENT AGENCY/UTILITY AUTHORITY  
REGULAR MEETING –DECEMBER 7, 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. **Introduction of New Employees- Adam McPhail, Animal Services Coordinator and Bernie Garfio, Senior Nutrition Coordinator**
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. **ORDER OF BUSINESS**

- A. **Review Procedure for Election of Mayor and Vice Mayor**– The City Clerk will review the procedure for the election of Mayor and Vice Mayor. City Clerk Judy Rice.
- B. **Selection Process for the Mayor of the City of Santa Paula**– The City Clerk will conduct the selection process for the Mayor of the City of Santa Paula. The Mayor will take his center seat at the dais. City Clerk Judy Rice.
- C. **Selection Process for the Vice Mayor of the City of Santa Paula**– The Mayor will conduct the selection process for the Vice Mayor of the City of Santa Paula.

9. **ROLL CALL**

The City Clerk will take roll call.

10. **COMMENTS FROM THE CITY COUNCIL**

11. **RECESS TO A BREAK**

12. **RECONVENE TO REGULAR MEETING**

13. **CITY COUNCIL, STAFF COMMUNICATIONS**

14. **APPROVAL OF FINAL AGENDA**

15. **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 November 24, 2009. 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. **Warrants and Certifications**– Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn’s report dated October 12, 2009.

Voided Checks	9/30/09	
Invoices	9/30/09	
Wire Transfer	9/30/09	
Subtotal		\$ 59,981.65

Voided Checks	10/08/09	
Invoices	10/06/09	
	10/08/09	
Wire Transfers	10/07/09	
Subtotal		<u>\$ 401,215.58</u>

**Grand Total                    \$ 461,197.23**

- E. **Warrants and Certifications**– Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn’s report dated November 30 , 2009

Invoices	11/9/09 & 11/13/09	
Wire Transfer	11/11/09 & 11/12/09	
Subtotal		\$ 134,808.84

Invoices	11/16/09 & 11/19/09	
Wire Transfer	11/18/09 & 11/19/09	
Subtotal		\$ 454,975.24

Invoices	11/25/09	
Wire Transfer	11/25/09	
Subtotal		\$ 27,254.49

**Grand Total                    \$ 617,038.57**

- F. **Minutes**– Adopt the Minutes from the Special City Council Meeting of November 16, 2009. Deputy City Clerk Peggy Higgins’ report dated November 30, 2009.
- G. **Second Reading and Adoption of Ordinance 1222**– It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1222; and 2) 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. Deputy City Clerk Peggy Higgins’ report dated November 30, 2009.
- H. **Second Reading and Adoption of Ordinance 1223**– It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1223; and 2) take such additional, related, action that may be desirable. **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). Deputy City Clerk Peggy Higgins’ report dated November 30, 2009.
- I. **Adoption of Resolution No. 6633 Approving the Plans and Specifications for the Proposition 1B Funding Street Pavement Maintenance Project**– It is recommended that the City Council: 1) adopt Resolution No. 6633 approving the plans and specifications for the Proposition 1B Street Rehabilitation Project; 2) authorize the Interim City Manager to advertise the plans and specification to receive construction bids; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6633** A RESOLUTION APPROVING THE PLANS FOR THE PROPOSITION 1B FUNDING STREET PAVEMENT MAINTENANCE PROJECT. Interim Public Works Director Jon Turner’s report dated November 30, 2009.
- J. **Adoption of Resoution No. 6623 Approving the Plans and Specifications for Arterial Paving 08/09 Project**– It is recommended that the City Council: 1) adopt Resolution No. 6623 approving the plans and specifications for the Arterial Paving 08/09 Project; 2) authorize staff to advertise for bids; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6623** A RESOLUTION APPROVING THE PLANS FOR ARTERIAL PAVING 08/09 PROJECT PURSUANT TO GOVERNMENT CODE § 830.6. Interim Public Works Director Jon Turner’s report dated November 25, 2009.
- K. **Action to Cancel the December 21, 2009 Regular City Council Meeting**– It is recommended that the City Council: (1) cancel the December 21, 2009 Regular City Council Meeting; and (2) direct staff as appropriate. Interim City Manager Clifford G. Finley’s report dated November 29, 2009.

- L. **Approval of Traffic Safety Committee Recommendations**– It is recommended that the City Council: 1) adopt Resolution No. 6634 approving the recommendations of the Traffic Safety Committee; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6634** A RESOLUTION IMPLEMENTING TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS DATED NOVEMBER 24, 2009. Interim Public Works Director Jon Turner’s report dated November 24, 2009.
- M. **Adoption of Santa Paula Wastewater Treatment Plant Historical Report and Authorization to Solicit Proposals for Relocation of the Keeper Residence and for Specifications to Decommission/Demolish the Existing Wastewater Treatment Plant**– It is recommended that the City Council: 1) adopt the Santa Paula Wastewater Treatment Plant Historical Report; 2) authorize the Interim City Manager to solicit proposals to relocate the keeper’s residence in accordance with the requirements outlined in the Water Recycling Facility Final EIR; 3) authorize the Interim City Manager to solicit proposals for the preparation of plans and specifications detailing the decommissioning/demolition of the existing wastewater treatment plant; and 4) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated November 30, 2009.
- N. **Approval of Three-Year On-Call Agreement with RJR Engineering Group, Inc.**– It is recommended that the City Council: 1) authorize the City Manager to execute the attached Three-Year On-Call Agreement for professional geotechnical engineering services with RJR Engineering Group, Inc. in a form approved by the City Attorney; and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated November 30, 2009.

16. **PUBLIC HEARING**

A. **Citizens Option for Public Safety (COPS) Program**

- Verification of posting by City Clerk
- Declaration of conflicts (if any)
- Declaration of ex parte contacts (if any)
- Open public hearing (Continued from November 2, 2009)
- Staff presentation
- Public testimony
- Discussion and action
- Close public hearing

**Suggested Action:** It is recommended that the City Council: 1) open the public hearing continued from November 2, 2009 to allow any additional public comment on the allocation of the COPS FY 2009/2010 grant; 2) approve an additional allocation of the FY 2009/2010 COPS funds in the amount of \$38,873.00 and all interest earnings towards the funding of a part-time Records Clerk, a part-time Community Services Officer, and the purchase of electronic equipment; and (3) authorize the Interim City Manager to execute a Memorandum of Understanding, approved as to form by the City Attorney, to enter into an agreement with Community Action Ventura County to accept a grant of \$44,000.00. Police Chief Stephen MacKinnon's report dated November 30, 2009.

B. **Adopt City Resolution No. 6639 Authorizing the Execution of Water and Wastewater Enterprise Lease and Management Agreements and the First Amendment to the 2003 Installment Sale Agreement; Adopt Utility Authority Resolution No. 2009-02 (U) Authorizing the Execution of Water and Wastewater Enterprise Lease and Management Agreements; Adopt Financing Authority Resolution No. 2009-01 (F) Authorizing Execution of the First Amendment to the 2003 Installment Sale Agreement and the First Amendment to the 2003 Indenture of Trust.**

- 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) Adopt Resolution No. 6639 authorizing the Mayor to execute:

- (a) Water Enterprise Lease Agreement for the City's Water System and the Water Enterprise Management Agreement;
- (b) Wastewater Enterprise Lease Agreement for the Lease of the City's Wastewater System and the Wastewater Enterprise Management Agreement; and
- (c) First Amendment to the 2003 Installment Sales Agreement in forms approved by the City's special counsel.

(2) The Utility Authority Directors adopt Resolution No. 2009-02 (U) authorizing the Chairperson to execute the following agreements in a form approved by the City's Special Counsel:

- (a) Water Enterprise Lease Agreement for the City's Water System and the Water Enterprise Agreement;
- (b) Wastewater Enterprise Lease Agreement for the Lease of the City's Wastewater System and the Wastewater Enterprise Management Agreement.

(3) The Financing Authority Directors adopt Resolution No. 2009-01 (F) authorizing the Chairperson to execute the First Amendment to the 2003 Installment Sale Agreement and the First Amendment to the 2003 Indenture of Trust; and

(4) Take such additional, related, action that may be desirable. John T. Quinn's report dated December 2, 2009.

C. **Project No. 2009-MISC-03 : Appeal of Planning Commission Decision Sustaining Building Official Action Regarding an Unlawful Change of Occupancy of an Existing Commercial Building Located at 136 N. Ojai Street**

- 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) reopen the continued public hearing; (2) consider the evidence received during the public hearing; (3) adopt Resolution No. 6608 (Exhibit A) denying the appeal and sustaining the Planning Commission's action; and (4) take such additional, related action, as may be desirable. Planning Director Janna Minsk's report dated December 1, 2009.

17. **ORDER OF BUSINESS**

A. **Request RDA funds for Santa Paula Art Museum**– It is recommended that the Santa Paula Redevelopment Agency: 1) receive the report; and 2) direct staff as appropriate. Assistant to the City Manager Elisabeth Amador's report dated November 24, 2009.

B. **Update of 2010-2011 Community Development Block Grant Program 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 Amador's report dated November 22, 2009.

- C. **Authorize Joint Application with County of Ventura for Energy Efficiency Conservation Block Grant**– It is recommended that the City Council: 1) adopt Resolution No. 6638 authorizing the County of Ventura to file a joint grant application for Energy Efficiency Conservation Block Grant (EECBG) and accept any subsequent grant funds; and 3) take such additional, related, action that may be desirable. **RESOLUTION NO. 6638 A RESOLUTION AUTHORIZING THE COUNTY OF VENTURA TO SUBMIT A JOINT APPLICATION WITH THE CITIES OF FILLMORE, OJAI, AND PORT HUENEME FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG)** Assistant to the City Manager Elisabeth V. Amador's report dated November 18, 2009.
  
- D. **Update on Ventura County Community College District's Measure S Bond**– It is recommended that the City Council: 1) receive the report; and 2) direct staff as appropriate. Assistant to the City Manager Elisabeth Amador's report dated November 23, 2009.
  
- E. **City of Santa Paula-City of Fillmore-County of Ventura Greenbelt (09-CI-03)**– It is recommended that the City Council: 1) consider whether to amend the Santa Paula-Fillmore/county Greenbelt to reconcile a mapping error and to include additional acreage of a golf course (68 acres); 2) if desirable, direct staff to prepare an amendment to Ordinance No. 1216 amending the Santa Paula-Fillmore-County Greenbelt in accordance with City Council direction; 3) take such additional, related, action that may be desirable. Planning Director Janna Minsk's, report dated December 1, 2009.
  
- F. **Appointment of Members to the Economic Development Advisory Committee**– It is recommended that the City Council appoint five members to the Economic Development Advisory Committee to fill one unscheduled vacancy with a term ending June 2011 and four vacancies each with a four year term. Interim City Manager Clifford G. Finley's report dated November 24, 2009.

## 18. **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

19. **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/Utility Authority identifies a specific meeting for the item's return.

20. **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