

City of Santa Paula

City Council Agenda

MAYOR RALPH J. FERNANDEZ

VICE MAYOR JIM TOVIAS

COUNCILMEMBER GABINO AGUIRRE, Ph.D.

COUNCILMEMBER ROBERT S. GONZALES

COUNCILMEMBER FRED W. ROBINSON



A REGULAR MEETING OF THE SANTA PAULA CITY COUNCIL

MONDAY, JANUARY 5, 2009

5:30 P.M. – Closed Session

6:30 P.M. – Regular Matters

SANTA PAULA CITY HALL

970 VENTURA STREET

SANTA PAULA, CA 93060

WALLY BOBKIEWICZ, CITY MANAGER

JUDY RICE, CITY CLERK

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 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.

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
Monday, January 5, 2009
5:30 P.M.**

1. **CALL TO ORDER AND ROLL CALL**

2. **PUBLIC COMMENT**

3. **APPOINTMENT OF LABOR NEGOTIATOR** – Appoint City Manager Wally Bobkiewicz and Human Resources Manager Kathy Campbell as the City’s Labor Negotiator with SEIU Local 721; Santa Paula Police Officers Association (SPPOA); Ventura County Professional Firefighters Association (VCPFA), representing Santa Paula Full-time Firefighters; Community Services Officers (CSO); Management, Supervisory and Professional Association; unrepresented management/confidential employees (City employees who are not members of bargaining units); and Part-Time/Temporary/Seasonal.

4. **CLOSED SESSION.** *The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54950, et seq.) for the following purposes:*
 - A. **Conference with Labor Negotiator** - *Government Code § 54957.6.* City Negotiators: City Manager Wally Bobkiewicz and Human Resources Manager Kathy Campbell. Employee Organizations: SEIU Local 721; Santa Paula Police Officers Association (SPPOA); Ventura County Professional Firefighters Association (VCPFA), representing Santa Paula Full-time Firefighters; Community Services Officers (CSO); Management, Supervisory and Professional Association; unrepresented management/confidential employees (City employees who are not members of bargaining units); and Part-Time/Temporary/Seasonal.

 - B. **Conference with Legal Counsel, Anticipated Litigation** – *Government Code § 54956.9(b)* (significant exposure to litigation). Facts or circumstances: Claim submitted by Cabrillo Economic Development Corporation on February 4, 2008. Number of cases: one.

- C. **Conference with Legal Counsel, Existing Litigation** – Government Code § 54956.9 (a). *Cabrillo Economic Development Corporation v. City of Santa Paula*, Ventura County Superior Court Case No. 56-2007-00306633-CU-PT-VTA.

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

SANTA PAULA CITY COUNCIL AGENDA
REGULAR MEETING – MONDAY, JANUARY 5, 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**

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**

A. Water Recycling Facility Update

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.

Invoices	12/08/08, 12/12/08	
Subtotal		\$ 62,434.69
Invoices	12/16/08,12/17/08,12/18/08	
Subtotal		\$ 779,075.00
	TOTAL	\$841,509.69

D. **Minutes** – Adopt the Minutes from the Regular City Council Meeting of September 15, 2008.

E. **Minutes** – Adopt the Minutes from the Regular City Council Meeting of October 6, 2008.

F. **Minutes** – Adopt the Minutes from the Regular City Council Meeting of October 20, 2008.

- G. **Enforcement Agreement for Garman's Restaurant and Irish Pub**– It is recommended that the City Council (1) approve an enforcement agreement and authorize the City Manager to execute an enforcement agreement, in a form approved by the City Attorney, allowing alcohol service at the property located at 932 E. Main Street (Assessor's Parcel Number 103-0-102-265); and (2) take such additional related action that may be desirable. Planning Director Janna Minsk's report dated December 18, 2008.
- H. **Approval of Three Year On-Call Services Agreement with Layne Christensen Company**– It is recommended that the City Council (1) authorize the City Manager to execute the attached Three- Year On- Call Services Agreement for professional hydrological engineering services with Layne Christensen Company 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 December 22, 2008.
- I. **Adopt Resolution No. 6543 Regarding Formal Bid Protest Resolution**– It is recommended that the City Council (1) adopt Resolution 6543 regarding establishment of a formal bid protest procedure; and (2) take such additional, related, action that may be desirable. **RESOLUTION NO. 6543**– A RESOLUTION ADOPTING PROCEDURES FOR CHALLENGING AWARDS OF PUBLIC WORKS CONTRACT TO LOW BIDDERS. Interim Public Works Director Jon Turner's report dated December 22, 2008.
- J. **Approve Pavement Striping Annual Maintenance Project -Change Order No.1 and Receive Project Notice of Completion**– It is recommended that the City Council (1) authorize the City Manager to execute Change Order No. 1 for \$29, 745.70 to Super Seal and Stripe; (2) allocate an additional \$19,096.80 from Gas Tax Fund Balance; (3) receive and file this project Notice of Completion (NOC) and final project accounting; and (4) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated December 8, 2008.
- K. **Receive Project Notice of Completion for Repairs Performed on Sand Gravity Filters at the existing Wastewater Treatment Plant by ERS Industrial, Inc.** – It is recommended that the City Council (1) allocate an additional budget amount of \$420 from Wastewater Fund balance to Account No. 610.5.5063.209; (2) authorize the City Manager to execute Change Order No, 1 for \$17, 067; (3) receive and file the project Notice of Completion and final project accounting; and (4) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated December 17, 2008.

11. **PUBLIC HEARING**

A. **Outdoor Displays**

- 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 and take evidence; (2) consider the evidence received during the public hearing; (3) introduce and waive the first reading of Ordinance No. 1201 approving amendments to title 16 of the SPMC; (4) schedule a second reading and adoption of Ordinance No. 1201 for January 26, 2009; and (5) take such additional, related, action as may be appropriate. **ORDINANCE NO. 1201** – AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE §16.15.050 AND 16.40.080 TO AFFECT OUTDOOR MERCHANDISE DISPLAYS. Planning Director Janna Minsk's report dated December 10, 2008.

12. **ORDER OF BUSINESS**

- A. **Plaza Amistad – Cabrillo Economic Development Corporation** – It is recommended that the City Council (1) review communications received from Cabrillo Economic Development; (2) discuss appropriate next steps; and (3) provide direction to staff as necessary. City Manager Wally Bobkiewicz's report dated December 30, 2008.
- B. **Update on the Solid Waste Franchisee Program**– It is recommended that the City Council (1) receive the update on the Solid Waste Program; and (2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turners report dated December 18, 2008.
- C. **Information Regarding Development Code Regulations**– It is recommended that City Council receive information and provide direction to staff. Planning Director Janna Minsk's report dated November 4, 2008.
- D. **Contracts for State and Federal Legislative Advocacy Services** – It is recommended that the City Council authorize the City Manager to execute in a form approved by the City Attorney (1) a six-month agreement with Holland and Knight to provide federal legislative advocacy services for a total not to exceed \$24,000; and (2) a one-year agreement with Michael J.

Arnold and Associates to provide state legislative advocacy services for a total not to exceed \$39,000. City Manager Wally Bobkiewicz's report dated December 30, 2008.

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
- B. City Attorney
- C. City Council

14. **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 agendized 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 shall have 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.

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: _____
 Tiffany R. Leon
 Acting Deputy City Clerk/Administrative Secretary