

City of Santa Paula

City Council/Redevelopment Agency Agenda

MAYOR RALPH J. FERNANDEZ

VICE MAYOR JIM TOVIAS

COUNCILMEMBER GABINO AGUIRRE, Ph.D.

COUNCILMEMBER FRED W. ROBINSON

COUNCILMEMBER ROBERT S. GONZALES



A REGULAR MEETING OF THE
SANTA PAULA CITY COUNCIL/ REDEVELOPMENT AGENCY
TUESDAY, FEBRUARY 17, 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/ EXECUTIVE DIRECTOR
JUDY RICE, CITY CLERK/ AGENCY SECRETARY
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.

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 AGENDA
CITY HALL ADMINISTRATION CONFERENCE ROOM
February 17, 2009
Tuesday - 5:30 P.M.

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

2. **PUBLIC COMMENT**

3. **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 Legal Counsel, Existing Litigation** – Government Code § 54956.9 (a). *Cabrillo Economic Development Corporation v. City of Santa Paula*, 2nd Appellate District Case No. B212840.

 - B. **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. 56-2008-00327257-CU-CR-VTA.

 - C. **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.

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

SANTA PAULA CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA

REGULAR MEETING – TUESDAY, FEBRUARY 17, 2009

TUESDAY – 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 by Luis Tovar Proposition 63 Mental Health Services Act. Prevention and Early Intervention
 - B. Presentation of Santa Paula City Certificate of Appreciation to Ventura County Hospital Nurse of the Year, Bea A. Frias
 - C. Presentation by Isbell Middle School Students and Parents Annual Washington D.C. Trip
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**

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. Vice Mayor Jim Tovias; Councilmember Fred Robinson’s report dated February 10, 2009.
- C. **Planning Commission Action Report** - Pursuant to Resolution No. 6456, receive and file the Planning Director’s report regarding Planning Commission actions taken on February 10, 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. **Minutes** – Adopt the Minutes from the Regular Meeting City Council Meeting of January 5, 2009.

- E. **Warrants and Certifications** Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn's report dated February 2, 2009.

Invoices	1/23/09	
Wire Transfer	1/22/09	
Subtotal		\$ 33,830.42
Invoices	1/29/09	
Wire Transfers	1/29/09	
Subtotal		\$ 512,674.41

TOTAL	\$546,504.83
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- F. **Second Reading and Adoption of Ordinance No. 1201**– It is recommended that the City Council 1) waive the second reading and adopt Ordinance No. 1201; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1201**– AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE § 16.15.050 AND 16.40.080 TO AFFECT OUTDOOR MERCHANDISE DISPLAYS. Deputy City Clerk Peggy Higgins' report dated February 9, 2009

- G. **Second Reading and Adoption of Ordinance No. 1203**– It is recommended that the City Council 1) waive the second reading and adopt Ordinance No. 1203; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1203**– AN ORDINANCE AMENDING A DEVELOPMENT AGREEMENT ADOPTED BY ORDINANCE NO. 1137 BETWEEN SANTA PAULA DEVELOPMENT, LLC AND THE CITY OF SANTA PAULA AFFECTING THE RIDGEVIEW AT VISTA GLEN RESIDENTIAL SUBDIVISION. Deputy City Clerk Peggy Higgins' report dated February 9, 2009.

- H. **Approve Purchase of Digital Radio Equipment from Destin Thomas Communications**– It is recommended that the City Council 1) allocate \$10,703.22 from State Gas Tax Fund Balance and \$4,963.81 from General Fund Balance; 2) authorize the City Manager, or designee, to execute a purchase order in the amount of \$49,017.65 to Destin Thomas Radio Communications; 3) take such additional, related, action that may be desirable. Interim Public Works Director Jon Turner's report dated February 6, 2009.

- I. **Acceptance of Parcel Map No. 5619 Lot Split of Santa Paula Cemetery** – It is recommended that the City Council 1) accept Parcel Map No. 5619; 2) direct the appropriate City Officials to sign and record said Map; and 3) take such additional, related, action that may be desirable. Interim Public Works Director Jon Turner's report dated February 9, 2009.

- J. **Time Warner Cable Spin-Off**– It is recommended that the City Council 1) review the recommended findings; 2) adopt Resolution No. 6554; and 3) take such additional, related, action that may be desirable. **RESOLUTION NO. 6554**– A RESOLUTION PROVIDING FOR TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE. Community Service Director Brian Yanez; Cable Television Counsel Bradley E. Wohlenberg’s report dated February 17, 2009.
- K. **Approval of Task Order No. 3C with Hawks and Associates for Completion of a Flood Map Revision for Water Recycling Facility**– It is recommended that the City Council 1) authorize the City Manager to execute Task Order No. 3C for \$20,500 with Hawks & Associates to provide continued engineering support for preparation of request for a Conditional Letter of Map Revision (CLOMR) for the proposed Water Recycling Facility (WRF); 2) approve a budget of \$23, 575, (which includes a 15% contingency) to complete the work; and 3) take such additional, related, action that may be desirable. Public Works Director Clifford Finley’s report dated February 9, 2009.
- L. **Request for Out of State Travel–Washington, DC Lobbying Trip**– It is recommended that the City Council authorize 1) Mayor Ralph Fernandez and City Manager Wally Bobkiewicz to travel to Washington, DC March 3-6, 2009 to meet with Federal elected and appointed officials; 2) authorize all reasonable and appropriate travel expenses pursuant to the City Council’s Travel Policy (Resolution No. 6258). City Manager Wally Bobkiewicz’s report dated February 10, 2009.

11. **PUBLIC HEARING**

- A. **2008-DR-17 Request for Design Review of Landscaping and Exterior Elevations for the Water Recycling Facility Buildings; Extension of Peck Road and Todd Lane; and Construction of a Masonry Wall for Flood Protection Purposes**
- 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) adopt Resolution No. 6553 approving design review of landscaping and exterior elevations for the Water Recycling Facility buildings, extensions of Peck Road and Todd Lane, and

construction of a masonry wall along Peck Road and the southern property line subject to the Conditions of Approval identified within the Resolution of Approval; and 4) take such additional, related, action that may be desirable. **RESOLUTION NO. 6553**– A RESOLUTION APPROVING THE WRF DESIGN, PECK ROAD AND TODD LANE EXTENSION, AND CONSTRUCTION OF FLOOD CONTROL WALL PER FEMA REQUIREMENT (PROJECT NO. 20108-DR-17). Planning Director Janna Minsk’s report dated February 4, 2009.

B. **Introduction of Ordinance No. 1202–California Model Floodplain Management Ordinance**

- 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) waive first reading and introduce Ordinance No. 1202 amending Chapter 151 of the Santa Paula Municipal Code, adding language to conform with State guidelines; 2) schedule second reading and adoption of the Ordinance for the March 2 Council Meeting; and 3) take such additional, related, action that may be desirable. **ORDINANCE NO. 1202**– AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE CHAPTER 151 IMPLEMENTING THE NATIONAL FLOOD INSURANCE PROGRAM. Interim Public Works Director Jon Turner’s report dated February 6, 2009.

12. **ORDER OF BUSINESS**

A. **Update on Street Projects/Pothole Filling**–Interim Public Works Director Jon Turner’s oral report dated January 28, 2009.

B. **Heritage Valley Tourism Bureau Funding**–It is recommended that the Board 1) repeal Resolution No. 2008-02 authorizing \$25,000 in annual funding to the Heritage Valley Tourism Bureau; 2) direct the Executive Director to return to the Board with recommendations on options for supporting tourism in Santa Paula. City Manager Wally Bobkiewicz’s report dated February 10, 2009.

C. **Adams Preserve Update (Adams Canyon)** –Planning Director Janna Minsk’s report dated February 10, 2009.

D. **Presentation and Update on the Santa Paula Creek Project**– It is recommended that City Council 1) receive the presentation on the Santa

Paula Creek Project; 2) take such additional, related, action that may be desirable. Interim Public Works Director Jon Turner's report dated February 6, 2009

- E. **FY 2008-09 Monthly Budget Update and Proposed Departmental Reorganization**– It is recommended that the City Council 1) receive and file this Statement of Revenues and Expenditures; 2) adopt Resolution No. 6558 to merge the functions of the Building and Safety Department into the Fire Department; 3) adopt Resolution No. 6557 amending the position classification and compensation plan adjusting the salary of the Fire Chief and creating the position of Chief Building Official; and 4) request additional information and/or provide direction to staff as appropriate. **RESOLUTION NO. 6558**– A RESOLUTION AMENDING RESOLUTION NO 6422 TO MERGE THE FUNCTIONS OF THE BUILDING AND SAFETY DEPARTMENT WITH THE FIRE DEPARTMENT. **RESOLUTION NO. 6557**– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA TO AMEND THE POSITION CLASSIFICATION AND COMPENDATION PLAN AND FY 2008-2009 BUDGET. Finance Director John T. Quinn's report dated February 11, 2009.
- F. **Two Years Additional Service Credit (Golden Handshake)** – It is recommended that City Council 1) adopt Resolution No. 6555 authorizing two years of additional service credit (“Golden Handshake”) pursuant to Government Code § 20903; 2) certify compliance with Government Code § 20903; 3) take such additional, related, action, that may be desirable. **RESOLUTION NO. 6555** – CITY COUNCIL OF THE CITY OF SANTA PAULA RESOLUTION NO. 6555 TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT. Human Resources Manager Kathy Campbell's report dated February 6, 2009.
- G. **Adopt Resolution No. 6556 Award Provision of Banking Services to Santa Clara Valley Bank** – It is recommended that City Council 1) adopt Resolution No. 6556 Award Provision of Banking Services to Santa Clara Valley Bank; 2) refer the request with further direction back to staff. **RESOLUTION NO. 6556**– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE SANTA CLARA VALLEY BANK TO PROVIDE GENERAL BANKING SERVICES. Finance Director John T. Quinn's report dated February 11, 2009.
- H. **Continental Wind Power Update**– It is recommended that the City Council and the Board of Directors adopt the attached Joint Resolution; Resolution No. 6559 and Redevelopment Agency Resolution No. 2009-01(R). **RESOLUTION NO. 6559/ RDA RESOLUTION NO. 2009-01(R)**– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA

AND THE BOARD OF DIRECTORS OF THE CITY OF SANTA PAULA REDEVELOPMENT AGENCY URGING CONTINENTAL WIND POWER TO LOCATE IN SANTA PAULA. City Manager Wally Bobkiewicz's report dated February 11, 2009

- I. **Planning Commissioner Vacancy**—It is recommended that the City Council receive this report and provide direction to staff and the Planning Commission as desirable. City Manager Wally Bobkiewicz's report dated February 10, 2009.
- J. **Amendment No.1—Professional Services Agreement to BioResources Consultants for Environmental Monitoring Services Related to the New WRF**—It is recommended that the City Council authorize the City Manager to 1) allocate an additional budget amount of \$180,252 from the WRF Project Account No. 610.5.9241.290; 2) authorize the City Manager to amend the existing Agreement with BioResources in the form approved by the City Attorney, in the amount of \$180,252 to provide additional environmental monitoring services for the new WRF in accordance with their proposal dated January 15, 2009; and 3) take such additional, related, action that may be desirable. Public Works Director Clifford Finley's report dated February 9, 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 agendaized 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: _____

Peggy Higgins
Deputy City Clerk/Administrative Secretary