

# City of Santa Paula

## *City Council/Redevelopment Agency Agenda*

MAYOR RALPH J. FERNANDEZ

VICE MAYOR JIM TOVIAS

COUNCILMEMBER GABINO AGUIRRE, Ph.D.

COUNCILMEMBER ROBERT S. GONZALES

COUNCILMEMBER FRED ROBINSON

### A REGULAR MEETING OF THE SANTA PAULA CITY COUNCIL/ REDEVELOPMENT AGENCY

MONDAY, MARCH 16, 2009

**5:30 P.M. – Closed Session**

**6:30 P.M. – Regular Matters**

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

JUDY RICE, CITY CLERK/ AGENCY SECRETARY  
WALLY BOBKIEWICZ, 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.

# CORRECTED

SANTA PAULA CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA  
CITY HALL ADMINISTRATION CONFERENCE ROOM  
MARCH 16, 2009  
Monday-5:30 P.M.

1. **CALL TO ORDER AND ROLL CALL**
  
2. **PUBLIC COMMENT**
  
3. **ORDER OF BUSINESS**
  
4. **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. **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 Legal Counsel, Anticipated Litigation**– Government Code § 54956.9 (b) (significant exposure to litigation). Facts or circumstances: Project No. 2008-CDP-03 (Cabrillo Economic Development Corporation) public hearing before Santa Paula Planning Commission on February 24, 2009 and March 10, 2009. Number of cases: one.
  
  - D. **Conference with Real Property Negotiator**– Government Code § 54956.8. Property Address: 217 N. 10<sup>th</sup> Street, Santa Paula and 221 N. Ojai St. Santa Paula. Negotiating Parties: Santa Paula Promenade, Inc. and Wind Astern, LLC, respectively. City Negotiators: City Manager Wally Bobkiewicz and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.
  
  - E. **Conference with Labor Negotiaton**– 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

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

**CORRECTED**  
**SANTA PAULA CITY COUNCIL/REDEVELOPMENT AGENCY**  
**AGENDA**

REGULAR MEETING – MONDAY MARCH 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 to Dave Rodriguez of Proclamation for 2010 Census
- B. Presentation of Badges to Reserve Firefighters by Fire Chief Rick Araiza
- C. Presentation on Santa Paula Relay for Life by John Procter

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. Report by Mayor Fernandez and City Manager regarding Washington, D.C.
- C. **Planning Commission Action Report**–Pursuant to Resolution No. 6456, receive and file the Planning Director’s report regarding Planning Commission actions taken on March 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 City Council Meeting of January 12, 2009.
- E. **Minutes**– Adopt the Minutes from the Regular City Council Meeting of January 26, 2009.
- F. **Minutes**– Adopt the Minutes from the Special City Council Meeting of January 29, 2009.

- G. **Minutes**– Adopt the Minutes from the Regular City Council Meeting of February 2, 2009.
- H. **Warrants and Certifications**– Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn’s report dated February 2, 2009.

Invoices	02 /26/09	
Wire Transfer	02 /25/09	
Subtotal		\$ 2,554,284.26

Voided Checks	03/04/09	
Invoices	03/02/09	
	03/06/09	
Wire Transfers	03/04/09	
Subtotal		\$ 76,653.14

<b>TOTAL</b>	<b>\$ 2,630,937.40</b>
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- I. **Memorandum of Understanding with the Management: Supervisory & Professional Association**– It is recommended that the City Council adopt Resolution No. 6560 approving the Memorandum of Understanding (MOU) for the 2009 contract year between the City of Santa Paula and the Management: Supervisory & Professional Association, representing supervisory and professional employees. Human Resources Director Kathy Campbell’s report dated March 10, 2009.
- J. **Approve a Three Year Extension of Teaman, Ramirez & Smith, Inc. Financial Audit Services for the City of Santa Paula and Redevelopment Agency for Fiscal Years 2008-09, 2009-10 and 2010-11**– It is recommended that the City Council 1) Authorize the City Manager to execute an amendment, in a form approved by the City Attorney, to agreement with Teaman, Ramirez & Smith, Inc. to provide annual financial audit services during Fiscal Years ending June 30, 2009, 2010 and 2011; or, 2) return the report to staff with further direction. Finance Director John T. Quinn report dated March 11, 2009.
- K. **Authorization to Pursue Grant Funding Opportunities**– It is recommended that the City Council 1) adopt Resolution No. 6561 authorizing the Police Department to submit grant applications for three separate federal grant opportunities; and 2) take such additional, related, action that may be desirable. Police Chief Steve MacKinnon’s report dated March 10, 2009.

## 11. PUBLIC HEARING

### A. Community Development Block Grant Funding 09/10 CDBG-

- 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) Receive the 2009-2010 CDBG funding report; 2) adopt Resolution No. 6561 approving the 2009-2010 CDBG funding recommendations; 3) Approve the reprogramming of funds from the Administration Fund to the Code Enforcement Program; 4) Approve the reprogramming of funds from Housing Rehabilitation Program Income to Lutheran Services; 5) Approve the Joint Powers Agreements; and 6) Take such additional, related, action that may be desirable. Building & Safety Director Stephen R. Stuart's report dated February 19, 2009.

## 12. ORDER OF BUSINESS

A. **Santa Paula/Fillmore/County Greenbelt Discussion**– It is recommended that the City of Santa Paula 1) Consider whether to amend the Santa Paula/Fillmore/County Greenbelt to include replacement acreage for [removal](#) of East Area 1; 2) Consider whether to amend the current Greenbelt Agreement and adopt it by ordinance; 3) if desirable, direct staff to prepare an ordinance amending the Santa Paula/Fillmore/County Greenbelt in accordance with City Council direction; and 4) take such additional, related, action that may be desirable. Planning Director Janna Minsk's report March 5, 2009.

B. **R3 and R4 Development Standards Discussion**– It is recommended that the City Council 1) Consider whether to amend the Santa Paula Municipal Code ("SPMC") regulating development standards in the Medium High Density and High Density Residential Zones (R-3 and R-4); 2) if desirable, direct staff to prepare an ordinance amending the SPMC in accordance with City Council direction; 3) if an ordinance is drafted, direct staff to conduct environmental review and submit a draft ordinance to the Planning Commission for a recommendation to the City Council; and 4) take such additional, related, action that may be desirable. Planning Director Janna Minsk's report dated March 9, 2009.

C. **Housing Element Update**–Planning Director Janna Minsk's oral report dated March 10, 2009.

- D. **March 2009 Monthly Budget Update**– It is recommended that the City Council 1) receive and file this Statement of Revenues & Expenditures; 2) request additional information and/or provide direction to staff as appropriate. Finance Director John T. Quinn’s report dated March 11, 2009.
- E. **Street Sweeping Activities**– It is recommended that the City Council 1) receive the presentation; and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated February 19, 2009.
- F. **Update on 4.0 MG Potable Water Tank Design**– It is recommended that the City Council authorize the City Manager to 1) receive and file the update on the project design; 2) approve the proposed tank and pipeline location and easement; 3) authorize the City Manager to obtain an appraisal of the property needed from private parties; and 4) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated February 11, 2009.
- G. **Adopt Resolution No. 6547 Declaring Real Property Located Along the Santa Clara River in the Floodway to be Surplus Property**– It is recommended that the City Council 1) adopt Resolution No. 6547 finding that the property identified is surplus; 2) authorize the City Manager to dispose it in accordance with Government Code § 54222; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated February 11, 2009.
- H. **Recycled Water Masterplan Adoption**– It is recommended that the City Council 1) receive and file the “Final City of Santa Paula Recycled Water Masterplan”; and 2) take such additional, related action that may be desirable. Public Works Director Clifford G. Finley’s report dated March 9, 2009.
- I. **Graffiti Regulations**– It is recommended that the City Council 1) receive and file the report; and 2) take such additional, related, action as may be desirable. City Attorney Karl H. Berger’s report dated March 10, 2009.
- J. **Economic Development Director Next Steps**–It is recommended that the City Council provide direction to staff. City Manager Wally Bobkiewicz’s oral report.
- K. **Armed Forces Banner Recognition Program**– It is recommended that the City Council 1) consider modifying the residency requirements; 2) consider setting a time limit of one-year for the display of the banners; and 3) take such additional, related, action that may be required. Human Resources Specialist Lorena Alvarez’s report dated March 9, 2009.

- L. **Commission Based Grant Writer**– 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 February 5, 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: \_\_\_\_\_  
Peggy Higgins  
Deputy City Clerk/Administrative Secretary