

# 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 2, 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.

**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  
MARCH 2, 2009  
Monday-5:30 P.M.

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

2. **PUBLIC COMMENT**

3. **ORDER OF BUSINESS**

A. **Appoint Real Property Negotiators**– Appoint city Manager Wally Bobkiewicz and City Attorney Karl H. Berger as the City’s Real Property Negotiators relating to real property located at 217 N. 10th Street and 221 N. Ojai Street. Owners: Santa Paula Promenade, Inc. and Wind Astern, LLC, respectively.

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. 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 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

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

SANTA PAULA CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA

REGULAR MEETING – MONDAY MARCH 2, 2009  
MONDAY – 6:30 P.M. - COUNCIL CHAMBERS

1. **CALL TO ORDER**

2. **INVOCATION**

3. **FLAG SALUTE**

A. Presentation of Colors by Girl Scouts of Santa Paula

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/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.

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 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 February 2, 2009.

Invoices	02 /06/09	
Wire Transfer	02 /04/09	
Subtotal		\$ 85,184.13
Voided Checks	02/12/09	
Invoices	02 /12/09	
Wire Transfers	02 /11/09	
Subtotal		\$ 643,167.65
Invoices	02/19/09	
Wire Transfers	02/19/09	\$ 38,945.45

**TOTAL** \$ 767,297.23

- E. **Transportation Development Act (TDA) Article 3 Grant Fund Resolution No. 6562**– It is recommended that the City Council 1) Adopt Resolution No. 6562 authorizing submittal of the application for the Transportation Development Act (TDA) Bicycle and Pedestrian Facilities Claim Article 3 Grant; 2) direct staff to allocate up to \$50,000 of LTF funds in the FY 09/10 Budget as matching funds for the grant; and 3) take such additional, related, action that may be desirable. Interim Public Works Director Jon Turner’s report dated February 19, 2009.
- F. **Amendment to Implementation Agreement – Ventura Countywide Stormwater Quality Program**– It is recommended that the City Council 1) Allocate \$15,642 from NPDES Fund balance to account 205.5.5027.293 to be spent reimbursing the County Watershed Protection District for annual principal permittee costs for the Countywide Stormwater Quality Program; 2) Approve Amendment to 1992 implementation Agreement with Ventura County Watershed Protection District for Ventura Countywide Stormwater Quality Program; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated February 10, 2009.

## 11. **PUBLIC HEARING**

- A. **Citizens Option for Public Safety (COPS) Grant**
- Verification of posting by City Clerk
  - Declaration of conflicts (if any)
  - Declaration of ex parte contacts (if any)
  - Open the continued public hearing from February 17, 2009
  - Staff presentation
  - Public testimony
  - Discussion and action
  - Close public hearing

**Recommended Action:** It is recommended that the City Council 1) open the public hearing; 2) receive testimonial and documentary evidence; 3) consider the evidence; 4) approve the allocation of the FY 2008/2009 COPS funds of \$100,000.00 and all interest earnings toward the continued operation of the Las Piedras Community Policing Building, continued maintenance of the Firearms Training program, and for part-time Records Unit and Community Service Officer personnel; and 5) take such additional, related, action that may be desirable. Chief Steve MacKinnon’s report dated February 24, 2009.

- B. **Ordinance No. 1204 Crimson Pipeline (Oil Pipeline Franchise Agreement)**
- Verification of posting by City Clerk
  - Declaration of conflicts (if any)

- Declaration of ex parte contacts (if any)
- Open the continued public hearing from February 17, 2009
- Staff presentation
- Public testimony
- Discussion and action
- Close public hearing

**Recommended Action:** It is recommended that the City Council 1) open the public hearing; 2) receive testimonial and documentary evidence; 3) consider the evidence; 4) introduce and waive first reading of Ordinance No. 1204; 5) schedule second reading and adoption of the ordinance for the March 16, 2009 Council meeting; and 6) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated January 23, 2009.

C. **2008-DR-17 Design Review of Landscaping and Exterior Elevations for the Water Recycling Facility Buildings; Extension of Peck Road and Todd Lane; and Construction of a Flood Wall**

- Verification of posting by City Clerk
- Declaration of conflicts (if any)
- Declaration of ex parte contacts (if any)
- Open the continued public hearing from February 17, 2009
- Staff presentation
- Public testimony
- Discussion and action
- Close public hearing

• **Suggested Action:** It is recommended that the City Council 1) open the continued public hearing and take evidence; 2) consider additional 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 24, 2009.

12. **ORDER OF BUSINESS**

- A. **Planning Commission Membership**– It is recommended that City Council 1) Receive and file this report; 2) Take action regarding Planning Commission members including, without limitation, removing Planning

Commission members. Mayor Ralph Fernandez's memorandum dated February 18, 2009.

- B. **Update on Street Projects/Pothole Filling**–Interim Public Works Director Jon Turner's oral report.
- C. **Update on the WRF Project, approval of Change Order Nos. 1 & 2 and Consideration of Change Order No. 3**– It is recommended that the City Council 1) receive an update on the WRF Project; 2) authorize the City Manager to execute Change Order Nos. 1 and 2, in a form approved by the City Attorney, with Santa Paula Water, LLC for additional work on the levee required by FEMA and Ventura County Watershed Protection District and for preliminary design efforts for the revised access road and utility corridor alignment respectively; 3) consider a Change Order No. 3 and provide direction to staff for the completion of design and construction of the revised access road and utility corridor along the extension of Peck Road and Todd Lane; and 4) take such additional, related action that may be desirable. Special Project Manager Cliff Finley's report dated February 24, 2009.
- D. **Presentation on Ventura Regional Sanitation District (VRSD)** – It is recommended that the City Council 1) receive the presentation on upcoming activities by Ventura Regional Sanitation District at Toland Landfill; 2) decide on need for future Council tour of proposed technologies; and 3) take such additional, related action that may be desirable. Oral presentation by VRSD representatives.
- 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. **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
- G. **Update on 4.0 MGD Potable 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

- H. **Adoption of Traffic Signalization/Modification Study of 10<sup>th</sup> Street/Hwy 126 and Palm Avenue Report** – It is recommended that the City Council 1) adopt the Traffic Signalization/Modification of 10<sup>th</sup> Street/SR126 and Palm Avenue/SR126 Report prepared by KOA Corporation; 2) provide direction to staff on proceeding with the design of the improvements; and 3 take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated February 12, 2009.
- I. **Annual Audited Financial Reports for the City of Santa Paula and Redevelopment Agency for Fiscal Year Ended June 30, 2008**– It is recommended that the City Council 1) received and file the Annual Audited Financial Statements for Fiscal Year Ended June 30, 2008; 2) return to staff requesting further information or to provide additional direction. Finance Director, John T. Quinn's report dated February 25, 2009
- J. **FY 2009/10 City Council Goal Setting and Budget Preparation**– It is recommended that the City Council consider setting a date for a goal setting workshop and provide direction to staff on community outreach efforts for FY 2009/10 budget preparation. City Manager Wally Bobkiewicz's report dated February 24, 2009.

8. **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

9. **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.

10.

**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