

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, MAY 18, 2009
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.

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 AGENDA
CITY HALL COUNCIL CHAMBERS
REGULAR MEETING - MAY 18, 2009
Monday-6:30 P.M.

1. **CALL TO ORDER**

2. **INVOCATION**

3. **FLAG SALUTE**

4. **ROLL CALL**

5. **CLOSED SESSION REPORT**

6. **PRESENTATIONS**

A. Presentation by Kay Wilson-Bolton regarding Many Meals

B. Police Awards Presentations– Awards to be conferred to Senior Officer Cody Madison, Sergeant Ismael Cordero, Sergeant Ryan Smith, Detective Wally Boggess and Officer Frank Huerta by Police Chief MacKinnon.

C. Presentation of Badges to Reserve Firefighters by Fire Chief Rick Araiza

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 was 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 May 12, 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 May 11, 2009.

Voided Checks	05/01/09	
Invoices	05/01/09	
Wire Transfer	04/29/09	
Subtotal		\$ 68,234.52

Voided Checks	05/07/09	
Invoices	05/05/09	
Wire Transfers	05/06/09	
Subtotal		\$ 360,580.10

TOTAL \$ 428,814.62

E. **Adoption of Ordinance No. 1210**– It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1210; and 2)

take such additional, related, action that may be desirable. Deputy City Clerk Peggy Higgins' report dated May 7, 2009.

- F. **Adoption of Ordinance No. 1211**– It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1211; and 2) take such additional, related, action that may be desirable. Deputy City Clerk Peggy Higgins' report dated May 7, 2009.
- G. **Changes in City Council Meeting Schedule**– It is recommended that the City Council cancel its regular meetings of June 1, July 6, July 30 and August 3, 2009 and schedule special meetings for June 3 and June 29, 2009. City Manager Wally Bobkiewicz's report dated May 12, 2009.
- H. **Investment Report for the Quarter Ending March 31, 2009**– It is recommended that the City Council receive and file the Investment Report for the Quarter Ending March 31, 2009. City Treasurer Sandra K. Easley's report dated April 29, 2009.
- I. **2009-CUP-01, Enforcement Agreement for Florence Elwell (Tia Babe Restaurant)**– It is recommended that 1) the City Council authorize the City Manager to execute an enforcement agreement, in a form approved by the City Attorney, allowing the serving of beer, wine and distilled spirits at the property located at 125 S. 10th Street (Assessor's Parcel Number 101-0-214-225); and 2) take such additional, related, action that may be desirable. Planning Director Janna Minsk's report dated May 12, 2009.

11. **ORDER OF BUSINESS**

- A. **Request for Affordable Housing Funds from Habitat for Humanity of Ventura County**– It is recommended that the Board 1) receive the report for a grant request from Habitat for Humanity of Ventura County; and 2) provide direction to staff. Assistant to the City Manager Elisabeth V. Amador's report dated April 22, 2009.
- B. **2010-2012 CDBG Program Cooperation Agreement with the County of Ventura**– It is recommended that the City Council 1) receive the report; 2) authorize the City Manager to execute an amendment in a form approved by the City Attorney, to the CDBG contract with Ventura County; and 3) take such additional, related action that may be desirable. Assistant to the City Manager Elisabeth V. Amador's report dated May 7, 2009.
- C. **Rules of Procedure for City Council Meeting**– It is recommended that the City Council 1) receive the report; and 2) direct staff as appropriate. Assistant to the City Manager Elisabeth V. Amador's report dated May 7, 2009.

- D. **Fiscal Year 2009-10 Proposed Budget**– It is recommended that the City Council 1) consider and approve the proposed City and RDA FY 2009-10 Annual Operating and Capital Improvement Budgets by adopting City Resolution No. 6587 and the Redevelopment Agency Resolution No. 2009-03 (R); and 2) take such additional, related, action that may be desirable. **RESOLUTION NO. 6587**– CITY COUNCIL OF THE CITY OF SANTA PAULA RESOLUTION NO. 6587 TO ADOPT THE 2009-10 FINAL OPERATING BUDGET FOR THE CITY OF SANTA PAULA AND ADOPT THE 2009-10 CAPITAL IMPROVEMENT BUDGET; AND THE DIRECTORS OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA PAULA RESOLUTION NO. 2009-03 (R) ADOPT THE 2009-10 OPERATING BUDGET FOR THE SANTA PAULA REDEVELOPMENT AGENCY. City Manager Wally Bobkiewicz’s report dated May 13, 2009.
- E. **Two Years Additional Service Credit (Golden Handshake)**– It is the recommendation that the City Council 1) adopt Resolution No. 6584 authorizing two years of additional service credit (“Golden Handshake”) pursuant to Government Code § 20903; 2) certify compliance with Government Code § 20903; and 3) take such additional, related, action that may be desirable. **RESOLUTION NO. 6584** – CITY COUNCIL OF THE CITY OF SANTA PAULA RESOLUTION NO. 6584 TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT. Human Resources Manager Kathy Campbell’s report dated May 12, 2009.

12. **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

13. **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.

14. **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; public comment before City Council on March 19, 2009 and May 11, 2009. Number of cases: one.

D. **Conference with Real Property Negotiator**– Government Code § 54956.8. Property Address: 217 N. 10th 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 Negotiation**– 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); unrepresented/confidential employees (City employees who are not members of bargaining units); and Part-Time/Temporary/Seasonal

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: _____
Deputy City Clerk/Administrative Secretary Peggy Higgins