

City of Santa Paula

City Council/Redevelopment Agency/ Public Financing Authority Agenda

MAYOR/CHAIR RALPH J. FERNANDEZ

VICE MAYOR/VICE CHAIR/VICE PRESIDENT JIM TOVIAS

COUNCILMEMBER/DIRECTOR/MEMBER GABINO AGUIRRE, Ph.D.

COUNCILMEMBER/DIRECTOR/MEMBER ROBERT S. GONZALES

COUNCILMEMBER/DIRECTOR/MEMBER FRED ROBINSON



A REGULAR MEETING OF THE SANTA PAULA CITY COUNCIL/ REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY

MONDAY, MAY 4, 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/ADMINISTRATION OFFICER

JUDY RICE, CITY CLERK/ AGENCY/AUTHORITY SECRETARY

KARL H. BERGER, CITY/AGENCY/ 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/
PUBLIC FINANCING AUTHORITY AGENDA
CITY HALL ADMINISTRATION CONFERENCE ROOM
MAY 4, 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; public comment before City Council on March 19, 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
5. **CONTINUE MEETING TO 6:30 P.M. IN COUNCIL CHAMBERS**

**SANTA PAULA CITY COUNCIL/REDEVELOPMENT
AGENCY/PUBLIC FINANCING AUTHORITY
AGENDA**

**REGULAR MEETING – MONDAY MAY 4, 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 of City Tile and Certificate of Recognition for 23 Years of Service to James Robles.
 - B. Presentation of Proclamation for National Public Works Week May 17 through May 23, 2009.
 - C. Presentation of Update on the State Highway 126 Fillmore-Santa Paula Median Barrier.
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 April 28, 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 April 13, 2009.

Invoices	04/17/09	
Wire Transfer	04/15/09	
Subtotal		\$ 285,741.09

Voided Checks	04/22/09	
Invoices	04/20/09	
Wire Transfers	04/22/09	
Subtotal		\$ 1,460,586.49

TOTAL \$ 1,746,327.58

- E. **Memorandum of Understanding with the Service Employees International Union (SEIU) Local 721** – It is recommended that the City Council adopt Resolution No. 6586 approving the Memorandum of Understanding (MOU) for the 2009 contract year between the City of Santa Paula and the Service Employees International Union (SEIU) Local 721, representing Santa Paula’s Nonmanagerial, Nonsworn, General Employees. Human Resources Manager Kathy Campbell’s report dated April 28, 2009.
- F. **Second Reading and Adoption of Ordinance No. 1202** – It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1202; 2) 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. Deputy City Clerk Peggy Higgins’ report dated April 27, 2009.
- G. **Second Reading and Adoption of Ordinance No. 1204** – It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1204; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1204**–ASSIGNING OIL PIPELINE FRANCHISE NO. 1061 TO CRIMSON CALIFORNIA PIPELINE LP AND CONSOLIDATES IT WITH OIL PIPELINE FRANCHISE NO. 1146 WITHIN THE CITY OF SANTA PAULA. Deputy City Clerk Peggy Higgins’ report dated April 27, 2009.
- H. **Approve the Retrofitting of Four Public Works Solid Waste Collection Vehicles to Meet California Air Resources Board Standards** – It is recommended that the City Council 1) authorize a cooperative purchase with the County of Ventura in accordance with SPMC § 41.14; 2) approve the retrofitting of four Public Works trash trucks to meet the California Air Resources Board’s Solid Waste Collection Vehicle Rule for Public Agencies and Utilities; 3) authorize a budget amount of \$64,000.00 from account 600.5.5052.610; and 4) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated April 23, 2009.
- I. **Adopt Resolution No. 6573 for Soil Remediation Work Along Santa Paula Branch Line Bike Trail Right of Way** – It is recommended that the City Council 1) adopt Resolution No. 6573 approving the soil remediation work in one location along the Santa Paula Branch Line Bike Trail Plans and Specifications; 2) authorize the City Manager to advertise the Plans and Specifications for construction bids; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated April 21, 2009.

- J. **Adoption of Resolution 6574 Approving the Beverage Container Grant Funds 2009/2010 Application** – It is recommended that the City Council 1) adopt Resolution No. 6574, authorizing submittal of the Funding Request Form to the California Department of Conservation’s Division of Recycling; 2) authorize the City Manager to execute associated documents; 3) direct staff to forward the application form and a copy of the resolution to the California Department of Conservation once completed; and 4) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated April 21, 2009.
- K. **Adoption of Resolution to Submit the Used Oil Block Grant Funds 2009-2010 Application** – It is recommended that the City Council 1) adopt Resolution No. 6575, authorizing submittal of the Funding Request Form to the California Integrated Waste Management Board for approximately \$7800, and authorizing the City Manager to execute the associated documents; 2) direct staff to forward the application form and a copy of the resolution to the California Integrated Waste Management Board; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated April 7, 2009.
- L. **Declaring Real Property Located on Peck Road North of Main Street and South of Fillmore Street to be Surplus Property** – It is recommended that the Santa Paula Financing Authority 1) ratify the City Council decision on October 20, 2008 Council meeting finding that the property identified is surplus; 2) authorize the Executive Officer 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 April 23, 2009.

11. **PUBLIC HEARING**

- A. **Adopt Resolution for Hillsborough Open Space Maintenance District**
- 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) conduct a public hearing on the proposed assessment for the Hillsborough Open Space Maintenance District; 2) approve Resolution No. 6577 placing a \$115.00 per parcel special assessment onto the December 2009 tax roll for the Hillsborough Open Space Maintenance District; 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6577–**

A RESOLUTION APPROVING PLACING A \$115.00 PER PARCEL SPECIAL ASSESSMENT ONTO THE DECEMBER 2009 TAX ROOL FOR THE HILLSBOROUGH OPEN SPACE MAINTENANCE DISTRICT. Interim Public Works Director Jon Turner's report dated April 21, 2009.

12. **ORDER OF BUSINESS**

- A. **Adoption of Ordinances No. 1210 and 1211 formalizing the Franchise Agreements for both Solid Waste Franchises** – It is recommended that the City Council 1) introduce and waive first reading of Ordinance No. 1210 granting a Commercial Refuse Franchise Agreement with Consolidated Disposal Service and introduce and waive first reading of Ordinance No. 1211 granting a Commercial Refuse Franchise Agreement with Santa Clara Disposal (E.J. Harrison Company); 2) schedule second reading and adoption of Ordinance No. 1210 and 1211 for May 18, 2009; and 3) take such additional related action that may be desirable.
- B. **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 April 27, 2009.
- C. **Fiscal Year 2009-2010 Proposed Budget** – It is recommended that the City Council 1) consider the proposed FY 2009-10 Annual Operating Budget; and 2) direct staff to incorporate any suggested changes into the proposed budget document to be submitted for adoption at the next regular City Council meeting. Finance Director, John Quinn's report dated April 30, 2009.
- D. **Two Years Additional Service Credit (Golden Handshake)** – It is recommended that the City Council 1) review the costs associated with offering Two Years Additional Service Credit ("Golden Handshake") pursuant to Government Code Section 20903; 2) satisfy the requirements of Government Code §7507 by disclosing an estimate of the present value of the associated additional employer contributions at a public meeting; 3) instruct staff to draft a Resolution authorizing the City to offer two years additional service credit to designated miscellaneous classifications to be considered at the City Council's next regular meeting; and 4) take such additional, related, action that may be desirable. Human Resources Manager Kathy Campbell's report dated April 28, 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/ Administrative Officer/ Staff, Employees
- B. Attorney City/Agency/ Agency Attorney
- C. City Council/Redevelopment Agency/Public Finance Authority

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: _____
Deputy City Clerk/Administrative Secretary Peggy Higgins