

# City of Santa Paula

*City Council/ Redevelopment Agency / Geologic Hazard  
Abatement District 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

MONDAY, JUNE 15, 2009

**6:15 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.

SANTA PAULA CITY COUNCIL/ REDEVELOPMENT AGENCY/ GEOLOGIC HAZARD  
ABATEMENT DISTRICT AGENDA  
CITY HALL ADMINISTRATION CONFERENCE ROOM  
June 15, 2009  
Monday-6:15 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. **Evaluation or Appointment of Public Employee** – Government Code § 54957. Position: City Manager.
  - B. **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.
  - C. **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.
  - D. **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.
  - E. **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.

- F. **Conference with Labor Negotiaton**– Government Code § 54957.6. City Negotiators: City Manager Wally Bobkiewicz and Human Resources Manager Kathy Campbell. Employee Organizations: Santa Paula Police Officers Association (SPPOA); and Part-Time/Temporary/Seasonal

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

SANTA PAULA CITY COUNCIL / REDEVELOPMENT AGENCY/ GEOLOGIC HAZARD  
ABATEMENT DISTRICT AGENDA  
REGULAR MEETING – MONDAY JUNE 15, 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. **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.

7. **CITY COUNCIL/REDEVELOPMENT AGENCY, STAFF COMMUNICATIONS**
  - A. Presentation by PERC on the Water Recycling Facility
8. **APPROVAL OF FINAL AGENDA**
9. **PRESENTATIONS**
  - A. Presentation of City Tile and Certificate of Recognition for 25 Years of Service to Stephen Stuart.
  - B. Presentation by United Way of Ventura County - Eve Liebman.

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 June 9, 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 June 9, 2009.

Invoices	05/29/09	
Wire Transfer	05/28/09	
Subtotal		\$172,188.76

Voided Checks	06/03/09	
Invoices	06/04/09	
Wire Transfers	06/04/09	
Subtotal		\$ 681,564.54

<b>TOTAL</b>	<b>\$ 853,753.30</b>
--------------	----------------------

- E. **Response to Ventura County 2008-2009 Grand Jury Report– “Is the City Car a Free Ride?”**– It is recommended that the City Council receive and approve the attached response letter to the Ventura County 2008-2009 Grand Jury Report – Is the City Car a Free Ride? Assistant City Manager Elisabeth Amador’s report dated June 4, 2009.
- F. **Adoption Resolution No. 6595 Approving Operation of the Senior Nutrition Program**– It is recommended that the City Council: 1) adopt Resolution No. 6595 approving the City of Santa Paula to continue to operate the Senior Nutrition Program under a grant from the County of Ventura Area Agency of Aging. **RESOLUTION NO. 6595**–A RESOLUTION OF THE SANTA PAULA CITY COUNCIL APPROVING TO CONTINUE CONTRACTING WITH THE COUNTY OF VENTURA TO ASSUME DAY-TO-DAY SITE OPERATIONS FOR SANTA PAULA SENIOR NUTRITION BEGINNING JULY 1, 2009. Community Services Director Brian J. Yanez’s report dated June 4, 2009.
- G. **Appoint a Representative and Alternate to the Ventura County Area Agency of Aging**– It is recommended that the City Council adopt Resolution No. 6596 appointing a representative and alternate to the Ventura Area Agency on Aging. **RESOLUTION NO. 6596**–A RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE VENTURA COUNTY AREA AGENCY ON AGING. Community Services Director Brian J. Yanez’s report dated June 5, 2009.
- H. **Adoption of Ordinance No. 1209 City Wide Speed Zone Survey Report**– It is recommended that the City Council: 1) introduce and waive first reading of Ordinance No. 1209; 2) schedule second reading and adoption for June 29, 2009; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated June 2, 2009. **ORDINANCE NO. 1209**– AN ORDINANCE ESTABLISHING SPEED LIMITS IN ACCORDANCE WITH VEHICLE CODE 22357 BASED UPON AN ENGINEERING AND TRAFFIC SURVEY AS DEFINED BY VEHICLE CODE 627. Interim Public Works Director Jon Turner’s report dated June 2, 2009.
- I. **Annual Meeting of the Geologic Hazard Abatement District**– It is recommended that the GHAD Board: 1) received update on the past year activities; and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated June 2, 2009.
- J. **Amendment No. 2 – Contract to Carollo Engineers for Additional Engineering Support Services for FY 2009-10 for the Construction of the Water Recycling Facility (WRF)**– It is recommended that the City Council: 1) authorize the City Manager to execute Amendment No. 2 the existing Agreement with Carollo Engineers in a form approved by the City

Attorney, in the amount of \$75,622 to provide additional support services in FY 2009-10 for the construction of the Water Recycling Facility in accordance with their proposal dated May 30, 2009; 2) allocate an additional budget amount of \$75,622 from the WRF Project Account No. 610.5.9241.290 for the amendment; and 3) take such additional related action that may be desirable. Public Works Director Cliff Finley's report dated June 8, 2009.

## 11. **PUBLIC HEARING**

### A. **Approve New Water Rates and Charges**

- 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; 2) receive all written and verbal testimony regarding the proposed rates and charges; 3) determine if there is a majority protest against the proposed increases and adopt Resolution No. 6597; 4) if no majority protest exists, introduce and waive the first reading of Ordinance No. 1213 setting the amount of water rates and charges; 5) schedule second reading and adoption for August 17, 2009; and 6) take such additional related action as may be desired. **RESOLUTION NO. 6597**– A RESOLUTION DECLARING THE RESULTS OF THE PROCEEDINGS FOR ADOPTING WATER RATES AND CHARGES IN ACCORDANCE WITH ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION. **ORDINANCE NO. 1213**– AN ORDINANCE SETTING THE AMOUNT OF WATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE 5471 AND THE SANTA PAULA MUNICIPAL CODE. Finance Director John Quinn's report dated June 10, 2009.

### B. **Approve New Wastewater Rates and Charges**

- 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; 2) receive all written and verbal testimony regarding the

proposed rates and charges; 3) determine if there is a majority protest against the proposed increases and adopt Resolution No. 6599; 4) if no majority protest exists, introduce and waive the first reading of Ordinance No. 1214 setting the amount of wastewater rates and charges; 5) schedule second reading and adoption for August 17, 2009; and 6) take such additional related action as may be desired. **RESOLUTION NO. 6599**—A RESOLUTION DECLARING THE RESULTS OF THE PROCEEDINGS FOR ADOPTING WASTEWATER RATES AND CHARGES IN ACCORDANCE WITH ARTICLE XIID OF THE CALIFORNIA CONSTITUTION. **ORDINANCE NO. 1214**—AN ORDINANCE SETTING THE AMOUNT OF WASTEWATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE 5471 AND SANTA PAULA MUNICIPAL CODE 51.145. Finance Director John Quinn's report dated June 10, 2009.

C. **City Council Order of Review of Planning Commission Resolution No. 3640 approving project 2008-CDP-03 authorizing the construction of a 150-unit multi-family residential development on an existing vacant lot located at 210 W. Santa Barbara Street.**

- Verification of posting by City Clerk
- Declaration of conflicts (if any)
- Declaration of ex parte contacts (if any)
- Open public hearing continued from June 3, 2009.
- Staff presentation
- Public testimony
- Discussion and action
- Close public hearing

**Suggested Action:** It is recommended that the City Council open the public hearing and continue it to June 29, 2009. Oral report by City Manager Wally Bobkiewicz and City Attorney Karl H. Berger.

12. **ORDER OF BUSINESS**

A. **City of Santa Paula-City of Fillmore-County of Ventura Greenbelt (09-CI-03)**— It is recommended that the City Council: 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 make it an Ordinance; 3) if desirable, direct staff to prepare an ordinance amending the Santa Paula/Fillmore/County Greenbelt in accordance with City Council direction; 4) take such additional, related, action that may be desirable. Planning Director Janna Minsk's report dated March 5, 2009.

B. **Appointment of Business Ombudsman**— It is recommended that the City Council receive and file this report. City Manager Wally Bobkiewicz's report dated June 9, 2009.

- C. **Update of Federal Recovery Act Opportunities**– It is recommended that the City Council: 1) receive the report; and 2) direct staff as appropriate. Assistant City Manager Elisabeth Amador’s report dated June 4, 2009.
- D. **2010 Census-Appointment of Complete Count Committee**– It is recommended that the City Council: 1) review and discuss the request received from the Census for appointment of a “Complete Count Committee”; 2) provide direction to staff as necessary. Planning Director Janna Minsk’s report dated June 8, 2009.
- E. **Boys & Girls Club of Santa Clara Valley Facility/Recreation Park Restrooms Remodel Project Award of Contract**– It is recommended that the City Council: 1) waive a minor bid irregularity and award the contract for the Boys and Girls Club of Santa Clara Valley Facility/Recreation Park Restrooms Remodel Project to EJS Construction Inc. in the amount of \$288,000.00; 2) approve the anticipated project expenditures limit of \$309,754.73; 3) authorize City Manager to execute an agreement in a form approved by the City Attorney; and 4) approve the reprogramming of \$93,000.00 of Community Development Block Grant funds, \$35,000.00 from the Micro Loan Program and \$58,000.00 from Las Piedras Park Improvements Project. Assistant City Manager Elisabeth Amador’s report dated June 8, 2009.
- F. **Santa Paula Creek Project Update**– It is recommended that the City Council: 1) receive the update on the Santa Paula Creek Project; and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated June 2, 2009.
- G. **Award of Contract for Preparation of the Santa Paula Recycled Water Preliminary Design Report to MWH Americas, Inc. for the Recycled Water Distribution System**– It is recommended that the City Council: 1) allocate \$165,000 from the Wastewater Fund balance to Account No. 610.5.9227.290 for the Preparation of the Recycled Water Distribution System Preliminary Design Report; 2) authorize the City Manager to enter into a Professional Services Agreement with MWH Americas, Inc. for \$150,000 in a form approved by the City Attorney and authorized the City Manager to approve contract amendments up to the allocated amount; 3) adopt Resolution No. 6598 authorizing the application and acceptance of the grant from the Water Recycling Facilities Planning Grant Program; and 4) take such additional, related action that may be desirable.  
**RESOLUTION NO. 6598** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR FINANCING AND/OR GRANT FUNDS FROM THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD REVOLVING FUND FOR THE RECYCLED WATER FACILITIES PLANNING GRANT PROGRAM  
Interim Public Works Director Cliff Finley’s report dated June 10, 2009.

- H. **Invitation to Local Government Summit on Governance and Fiscal Reform, League of California Cities**– It is recommended that the City Council authorize attendance of Councilmember to attend Summit. City Manager Wally Bobkiewicz’s report dated June 3, 2009.
  
- I. **Award the 5<sup>th</sup> Street/Harvard Blvd. Lighted Crosswalk Improvements Project to Berry General Engineering Contractors, Inc.**– It is recommended that the City Council: 1) allocate \$107,800 from the FY 08/09 approved budget capital project for the 5<sup>th</sup> Street/Harvard Blvd. Lighted Crosswalk Improvements Project; 2) authorize the City Manager to execute a contract with Berry General Engineering Contractors, Inc., for \$93,760.25 in a form approved by the City Attorney and approve change orders up to the budgeted amount; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated June 2, 2009.
  
- J. **City Manager Recruitment**– It is recommended that the City Council: 1) authorize the City Manager to issue a Request for Proposals for an executive recruiting firm to perform a search for the next City Manager; 2) determine process for evaluating RFPs by full City Council or Council subcommittee; 3) appoint RFP review Council subcommittee, if desired; and 4) provide other direction to staff as appropriate. City Manager Wally Bobkiewicz’s report dated June 9, 2009.
  
- K. **Interview for Design Assistance Committee**– The City Council will hold an applicant interview to fill a vacancy on the Santa Paula Design Assistance Committee for a four-year term.
  - 1. Mary Ann Daniels
  
- L. **Interview for Planning Commission**–The City Council will hold an applicant interview to fill a vacancy on the Santa Paula Planning Commission for a four-year term.
  - 1. Marilyn Fowles Appleby
  - 2. Aaron Mark Dunkel
  - 3. Rita S. Graham
  - 4. John Dudley Wisda

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