

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 SPECIAL MEETING OF THE SANTA PAULA CITY COUNCIL/ REDEVELOPMENT AGENCY

WEDNESDAY, JUNE 3, 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.

SANTA PAULA CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA
CITY HALL ADMINISTRATION CONFERENCE ROOM
June 3, 2009
Wednesday-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 and May 11, 2009. Number of cases: one.

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

SANTA PAULA CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA

SPECIAL MEETING – MONDAY JUNE 3, 2009
WEDNESDAY – 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**

Water Recycling Facility Update

8. **APPROVAL OF FINAL AGENDA**
9. **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 May 26, 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 26, 2009.

Invoices	05/12/09	
Wire Transfer	05/13/09	
Voided Checks	05/12/09	
Subtotal		\$ 53,314.07

Voided Checks	05/21/09	
Invoices	05/21/09	
Wire Transfers	05/20/09	
Subtotal		\$ 475,889.52

TOTAL	\$ 529,203.58
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- E. **Minutes**– Adopt the minutes from the Regular City Council Meeting of February 17, 2009.
- F. **Minutes**– Adopt the minutes from the Regular City Council Meeting of March 2, 2009.

- G. **Minutes**– Adopt the minutes from the Regular City Council Meeting of March 16, 2009.
- H. **Minutes**– Adopt the minutes from the Special City Council Meeting of March 19, 2009.
- I. **Minutes**– Adopt the minutes from the Special City Council Meeting of March 30, 2009.
- J. **Holland & Knight Contract**– It is recommended that the City Council authorize the City Manager to execute a professional services agreement with Holland & Knight, LLP, in a form approved by the City Attorney, to provide federal legislative advocacy services for a term to terminate December 31, 2009 for a total not to exceed \$5,000 with a maximum of \$500 for expenses. City Manager Wally Bobkiewicz's report dated May 26, 2009.
- K. **Employment Benefits for Unrepresented, Confidential Employees**– It is recommended that the City Council adopt Resolution No. 6593 authorizing employment benefits for unrepresented, confidential employees for the 2009 contract year. **RESOLUTION NO. 6593**–A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING FRINGE BENEFITS FOR UNREPRESENTED EMPLOYEES: CONFIDENTIAL. Human Resources Manager Kathy Campbell's report dated May 26, 2009.
- L. **Approval of Traffic Safety Committee Recommendations Resolution No. 6590**– It is recommended that the City Council 1) adopt Resolution No. 6590 approving the recommendations of the Traffic Safety Committee; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6590**–A RESOLUTION IMPLEMENTING TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS, DATED APRIL 28, 2009. Interim Public Works Director Jon Turner's report dated May 14, 2009.
- M. **Adoption Resolution No. 6589 Approving the Plans and Specifications for 8th Street Pavement Overlay Project**– It is recommended that the City Council 1) adopt Resolution No. 6589 approving the plans and specifications for the 8th Street Pavement Overlay Project; 2) authorize staff to advertise for bids; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6589**–A RESOLUTION APPROVING THE PLANS FOR 8TH STREET PAVEMENT OVERLAY PROJECT PURSUANT TO GOVERNMENT CODE SECTION 830.6. Interim Public Works Director Jon Turner's report dated May 14, 2009.
- N. **Santa Paula Theater Fire Sprinkler Project-Notice of Project Completion and Project Acceptance**– It is recommended that the

Redevelopment Agency Board of Directors/City Council 1) authorize an additional \$2,556.49 of Redevelopment Agency funds to account 550.5.9244.290 to finalize project accounting; 2) receive and file the project Notice of Completion and final project accounting; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated May 21, 2009.

10. **PUBLIC HEARING**

A. **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 May 11, 2009.
- Staff presentation
- Public testimony
- Discussion and action
- Close public hearing

Suggested Action: In accordance with the Applicant's letter dated May 26, 2009, it is recommended that the City Council open the public hearing and continue it to June 15, 2009.

11. **ORDER OF BUSINESS**

A. **Options for Animal Control Services**– It is recommended that the City Council provide direction to Staff on the direction the Council wishes to have pursued in providing Animal Control services. Police Chief Stephen MacKinnon's report dated May 26, 2009.

B. **Award of Task 1 for Preparation of the Preliminary Design Report for the Recycled Water Distribution System**– It is recommended that the City Council 1) allocate \$148,400 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 \$134,902 in a form approved by the City Attorney and authorize the City Manager to approve contract amendments up to the allocated amount; and 3) take such additional, related action that may be desirable. Public Works Director Cliff Finley's report dated May 27, 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/ Administrative Officer/ Staff, Employees
- B. Attorney City/Agency/ Agency Attorney
- C. City Council/Redevelopment Agency/Public Finance Authority

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. **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