

# 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

MONDAY, AUGUST 17, 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  
CLIFFORD G. FINLEY, INTERIM 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  
August 17, 2009  
Monday-5:30 P.M.

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

2. **PUBLIC COMMENT**

3. **ORDER OF BUSINESS**

A. Appoint Interim City Manager to be Real Property Negotiator for 217 N. 10<sup>th</sup> Street, Santa Paula and 221 N. Ojai St. Santa Paula.

B. Appoint Interim City Manager to be Labor Negotiator for Santa Paula Police Officers Association (SPPOA).

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 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: Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.*

B. **Conference with Legal Counsel, Existing Litigation**– *Government Code § 54956.9 (a). Andrew Hernandez v. City of Santa Paula Police Department, et al., USDC Case No. CV07-08360RGK(CTx); David P. Lindsay v. City of Santa Paula, et al., USDC Case No. CV08-02925 RGK(JCx); Vasquez v. City of Santa Paula, et al., USDC Case No. CV09-02590-DSF(MANx); Velasco v. City of Santa Paula, et al. VCSC Case No. 56-2008-00328406-CU-OE-VTA; Menchaca v. City of Santa Paula, VCSC Case No. 56-2008-00311905-CU-PO-VTA.*

C. **Conference with Legal Counsel; Liability Claims Update (including Workers Compensation)**– *Government Code § 54956.95. Claims Against: City of Santa Paula. Claimants: Sally/Orlando Menchaca; Andrew Hernandez; David Lindsay; Max Vasquez; Michelle Velasco; Alejandro Ramirez; Eduardo Arana; Leonard Olvera; Joaquin Nava; Manuel Guerrero; Cynthia Chapek; Joe Ferguson; Gene French; Angel Gutierrez; Rob Howard; Carlos Juarez; Helen Ketchpaw; Adolfo Paez; Inez Ramirez; Manuel Ruiz; Noah Sharp; Mark Trimble; Edward Vasquez; Tony Villanueva; James Ward; Michael Wortman; Doug Araiza; Robert*

Cooper; Kenneth Cott; David LaGesse; David Lusk; Harold Marschall; Gary Marshall; Louis Medina; Mark Trimble; Juan Velasco.

- D. **Conference with Labor Negotiation**– *Government Code § 54957.6*. City Negotiators: Interim City Manager Clifford G. Finley and Human Resources Manager Kathy Campbell. Employee Organizations: Santa Paula Police Officers Association (SPPOA).

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

SANTA PAULA CITY COUNCIL / REDEVELOPMENT AGENCY AGENDA  
REGULAR MEETING – MONDAY AUGUST 17, 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. Recognition of Santa Paula 12 and Under Girls All Star Team
  - B. Presentation Regarding the 42<sup>nd</sup> Annual Citrus Festival
  - C. Update on Police and Fire Foundation Fundraiser “Moonlight at the Ranch”
  - D. Presentation by Jim Winsayer Regarding Continental Wind Power
  - E. Presentation by PERC Water Regarding Water Recycling Facility
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**

- A. Water Recycling Facility Update
- B. Recruitment for City Manager 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 July 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 August 10, 2009.

Voided Checks	06/24/09	
Invoices	06/24/09	
	06/26/09	
Wire Transfer	06/24/09	
Subtotal		\$ 293,866.55

Voided Checks	07/01/09	
Invoices	07/01/09	
Wire Transfers	07/01/09	
	07/03/09	

Subtotal	06/30/09	\$ 497,252.66
Voided Checks	07/07/09	
Invoices	07/07/09	
	07/10/09	
Wire Transfers	07/08/09	
Subtotal		\$1,076,340.02
Voided Checks	07/16/09	
Invoices	07/16/09	
Wire Transfers	07/15/09	
Subtotal		\$477,483.95
Invoices	07/20/09	
	07/23/09	
	07/24/09	
Subtotal		\$369,872.15
Voided Checks	07/30/09	
Invoices	07/30/09	
Wire Transfers	07/29/09	
	07/31/09	
Subtotal		\$825,817.07
	<b>TOTAL</b>	<b>\$3, 540,632.40</b>

- E. **Second Reading and Adoption of Ordinance No. 1209**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1209; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1209**– AN ORDINANCE ESTABLISHING SPEED LIMITS IN ACCORDANCE WITH VEHICLE CODE § 22357 BASED UPON ENGINEERING AND TRAFFIC SURVEY AS DEFINED BY VEHICLE CODE § 627. Deputy City Clerk Peggy Higgins’ report dated August 7, 2009.
- F. **Second Reading and Adoption of Ordinance No. 1213**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1213; 2) take such additional, related, action that may be desirable. **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. Deputy City Clerk Peggy Higgins’ report dated August 7, 2009.

- G. **Second Reading and Adoption of Ordinance No. 1214**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1214; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1214**– AN ORDINANCE SETTING THE AMOUNT OF WASTEWATER RATES AND CHARGES PUSUANT TO HEALTH AND SAFETY CODE § 5471 AND THE SANTA PAULA MUNICIPAL CODE § 51.145. Deputy City Clerk Peggy Higgins’ report dated August 7, 2009.
- H. **Minutes**– Adopt the minutes from the Regular City Council Meeting of April 6, 2009.
- I. **Minutes**– Adopt the minutes from the Regular City Council Meeting of April 20, 2009.
- J. **Minutes**– Adopt the minutes from the Regular City Council Meeting of May 4, 2009.
- K. **Minutes**– Adopt the minutes from the Special City Council Meeting of May 11, 2009.
- L. **Minutes**– Adopt the minutes from the Regular City Council Meeting of May 18, 2009.
- M. **Minutes**– Adopt the minutes from the Special City Council Meeting of June 3, 2009.
- N. **Minutes**– Adopt the minutes from the Special City Council Meeting of June 15, 2009.
- O. **Minutes**– Adopt the minutes from the Special City Council Meeting of June 29, 2009.
- P. **Minutes**– Adopt the minutes from the Special City Council Meeting of July 23, 2009.
- Q. **Request for Out-of-State Travel**– It is recommended that the City Council approve the out-of-state travel for police personnel to attend training in Dallas, Texas on August 17-19, 2009. Police Chief Stephen MacKinnon’s report dated August 7, 2009.
- R. **Union 76 Gas Station Demolition Project Closeout and Notice of Completion**– It is recommended that the City Council: 1) receive and file the project a Notice of Completion (NOC) and final project accounting, and 2) take such additional, related action that may be desirable. Interim Public works Director Jon Turner’s report dated August 5, 2009.

- S. **Curb Ramp Installation Project Closeout and Notice of Completion**– It is recommended that the City Council: 1) receive and file the project Notice of Completion (NOC) and final project accounting, and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated August 5, 2009.
- T. **Approval of a Three-Year On-Call Maintenance Agreement with Colborn and Associates**– It is recommended that the City Council: 1) authorize the City Manager to execute a Three-Year On-Call Maintenance Agreement for tree trimming services with Colborn and Associates in a form approved by the City Attorney, and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated August 5, 2009.

11. **PUBLIC HEARING**

A. **Review of Project No. 2009-MISC-03: Appeal of Planning Commission decision sustaining Building Official action and denying an appeal regarding an unlawful change of occupancy of an existing commercial building located at 136 N. Ojai St.**

- 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 and take evidence; 2) consider the evidence received during the public hearing; 3) adopt Resolution No. 6608 (Attachment A) denying the appeal and sustaining the Planning Commission action; and 4) take such additional, related action as may be appropriate.

**RESOLUTION NO. 6608**– A RESOLUTION TO DENY AN APPEAL AND SUSTAIN PLANNING COMMISSION’S ACTION REGARDING AN ILLEGAL CHANGE OF OCCUPANCY OF A COMMERCIAL UNIT TO A RESIDENTIAL USE (PROJECT NO. 2009-MISC-03). Deputy Planning Director Stratis Perros’ report dated August 4, 2009.

12. **ORDER OF BUSINESS**

- A. **July 2009 Monthly Budget Update and Proposed FY 2009/10 Budget Adjustments**– It is recommended that the City Council: 1) receive the monthly budget update; 2) approve proposed budget adjustments for fiscal year 2009-10 by adopting Resolution No. 6609; and 3) request additional

information and/or provide direction to staff as appropriate. Finance Director John Quinn's report dated August 7, 2009.

- B. **Graffiti Regulations**—It is recommended that the City Council: 1) introduce and waive first reading of Ordinance No. 1212; 2) schedule second reading and adoption for the next regularly scheduled meeting; 3) adopt Resolution No. 6591; and 4) take such additional, related, action as may be desirable. City Attorney Karl Berger's report dated May 18, 2009.
- C. **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"; and 2) provide direction to staff as necessary. Planning Director Janna Minsk's report dated August 6, 2009.
- D. **Designation of Voting Delegate for 2009 League of California Cities Annual Conference**— It is recommended that the City Council designate a voting delegate and alternate for the 2009 League of California Cities Annual Conference. Interim City Manager Clifford Finley's report dated August 1, 2009.
- E. **Designation of Planning Commission Seats**— It is recommended that the City Council determine the two newly appointed Planning Commissioner's seat designation. Seat number four (will expire June, 2013) and seat number five (will expire June, 2011). Interim City Manager Clifford Finley's report dated August 11, 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, Staff, Employees
- B. City/Agency Attorney
- C. City Council/Redevelopment Agency

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 agendaized 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