

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
TUESDAY, SEPTEMBER 8, 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
September 8, 2009
Tuesday-5:30 P.M.

1. **CALL TO ORDER AND ROLL CALL**
2. **PUBLIC COMMENT**
3. **ORDER OF BUSINESS**
 - A. **Appoint Interim City Manager and City Attorney to be Real Property Negotiators for APN's 105-0-064-215, 105-0-063-065, 105-0-070-015, 105-0-070-035.**
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. 10th 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 Real Property Negotiator**– *Government Code § 54956.8. Property Location: APNs 105-0-064-215, 105-0-063-065, 105-0-070-015, and 105-0-070-035. Negotiating Parties: Twin Pines Health Care, Ventura College East Campus, Weyerhaeuser and ARP respectively. City Negotiators: Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.*
 - C. **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 – TUESDAY SEPTEMBER 8, 2009
TUESDAY – 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 by Police Chief Steve MacKinnon Regarding “Moonlight at the Ranch” event

B. Presentation by Jon Turner Interim Public Works Director Regarding Santa Paula Beautiful Community Clean Up Day

C. Update on Station Fire 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**

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 August 25, 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 September 1, 2009.

Voided Checks	08/06/09	
Invoices	08/06/09	
	08/07/09	
Wire Transfer	08/05/09	
Subtotal		\$ 120,774.01

Voided Checks	08/12/09	
Invoices	08/13/09	
Wire Transfers	08/12/09	
Subtotal		\$ 318,012.35

Invoices	08/21/09	
Wire Transfers	08/19/09	

Subtotal \$ 165,178.51

Voided Checks 08/27/09

Invoices 08/27/09

Wire Transfers 08/26/09

Subtotal **\$2,646,355.14**

TOTAL \$3,250,320.01

- E. **Second Reading and Adoption of Ordinance No. 1212**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1212; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1212**– AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE § 94.18 AND ADDING A NEW §94.32, AFFECTING GRAFFITI REGULATIONS. Deputy City Clerk Peggy Higgins’ report dated August 31, 2009.
- F. **Minutes**– Adopt the minutes from the Regular City Council Meeting of August 17, 2009.
- G. **Memorandum of Understanding with the Santa Paula Police Officers Association (SPPOA)**– It is recommended that the City Council adopt Resolution No. 6613 approving the Memorandum of Understanding (MOU) for the 2009 contract year between the City of Santa Paula and the Santa Paula Police Officers Association (SPPOA). Human Resource Manager, Kathy Campbell’s report dated August 31, 2009.
- H. **Reject the Construction Bids for Soil Remediation Work along Santa Paula Branch Line Bike Trail Right of Way**– It is recommended that the City Council: 1) reject the construction bids for the soil remediation work in one location along the Santa Paula Branch Line Bike Trail; and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated August 25, 2009.
- I. **Adoption of the Annual Anticipated DBE Participation Level (AADPL) for Fiscal Year 2009/2010, Resolution No. 6592**– It is recommended that the City Council approve Resolution No. 6592, adopting the City of Santa Paula’s Adoption of the Annual Anticipated DBE Participation Level (AADPL) for fiscal year 2009/2010. **RESOLUTION NO. 6592-A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF SANTA PAULA ESTABLISHING A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.** Interim Public Works Director, Jon Turner’s report dated August 12, 2009.
- J. **Authorize the Lease of One Budgeted Roll Off Truck for the Solid Waste Division**– It is recommended that the City Council: 1) authorize a cooperative purchase with the City of Simi Valley in accordance with SPMC §41.13; 2) approve the purchase of the new roll off truck built by

International trucks from Gibbs International, Inc., procured via a six-year lease with Old National Bank; 3) authorize the City Manager to enter into a 6 year lease agreement with Old National Bank for \$115,433.35 in a form approved by the City Attorney; and 4) take such additional, related action that may be desirable. Interim Public works Director Jon Turner's report dated August 26, 2009.

- K. **Approve Resolution No. 6611 Memorializing the Reimbursement Structure for the Recycled Water Master Plan**– It is recommended that the City Council: 1) adopt Resolution No. 6611 detailing the reimbursement structure for the Recycled Water Master Plan; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6611** – A RESOLUTION MEMORIALIZING COSTS RELATED TO THE SANTA PAULA RECYCLED WATER MASTER PLAN. Interim Public Works Director Jon Turner's report dated August 26, 2009.
- L. **Approve Wastewater Pipeline Repair Project**– It is recommended that the City Council: 1) adopt Resolution No. 6612 approving the plans and specifications for the Wastewater Pipeline Repair Project; 2) authorize the Interim City Manager to advertise the plans and specifications to receive construction bids; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6612**– A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WASTEWATER PIPELINE REPAIR PROJECT PURSUANT TO GOVERNMENT CODE § 830.6. Interim Public Works Director Jon Turner's report dated August 26, 2009.
- M. **Approve Recommendations of the Traffic Safety Committee**– It is recommended that the City Council: 1) adopt Resolution No. 6610 approving the recommendations of the Traffic Safety Committee; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6610** – A RESOLUTION IMPLEMENTING TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS, DATED JULY 28, 2009. Interim Public Works Director Jon Turner's report dated August 12, 2009.

11. **PUBLIC HEARING**

- A. **Continued Public Hearing Re Project No. 2009-MISC-03**
- Verification of posting by City Clerk
 - Declaration of conflicts (if any)
 - Declaration of ex parte contacts (if any)
 - Open public hearing (continued from August 17, 2009)
 - Staff presentation
 - Public testimony
 - Discussion and action
 - Close public hearing

Suggested Action: It is recommended that the City Council: 1) open the continued public hearing; 2) if desirable, take additional evidence; 3) consider evidence received during the public hearing; 4) adopt Resolution No. 6608 (included with the original Staff Report) denying the appeal and sustaining the Planning Commission and Building Official determination; and 5) take such additional, related, action that may be desirable. **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). Fire Chief Rick Araiza's report dated September 2, 2009.

12. **ORDER OF BUSINESS**

- A. **September 2009 Budget Adjustments**– It is recommended that the City Council: 1) approve proposed budget adjustments for fiscal year 2009-10 described in Exhibit "A" and adopt Resolution Number 6615; 2) review budget status and further reduction options in Exhibit "B"; and 3) request additional information and/or provide direction to staff as appropriate. Finance Director John Quinn's report dated August 21, 2009.
- B. **Approve a Utility Reorganization and Long-Term Lease Structure and Authorize the Engagement of Three Professional Firms to Provide Special Services to Implement the Process**– It is recommended that the City Council: 1) authorize the Interim City Manager to execute any and all documents in a form approved by the City Attorney to engage Fulbright & Jaworski, LLP for specialized legal services and bond and disclosure counsel services; FCS Consulting Group for asset valuation services and financial consulting; and, Kinsell, Newcomb & DeDios, Inc. for bond underwriting services; and 2) return the report to staff with further direction. Finance Director John T. Quinn's report dated September 3, 2009.
- C. **Update on Federal Recovery Act Opportunities**– It is recommended that the City Council: 1) receive the report; and 2) direct staff as appropriate. Assistant to the City Manager Elisabeth Amador's report dated August 31, 2009.
- D. **Approval of Resolution No. 6607 Extending the Low-Income Senior Sewer Rate for One Year and Increasing the Flat Dollar Amount Discount**– It is recommended that the City Council: 1) adopt Resolution No. 6607 extending the low-income senior sewer rate for one year and increasing the flat dollar amount discount; and 2) take such additional action that may be desirable. **RESOLUTION NO. 6607-** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AUTHORIZING THE CONTINUANCE OF THE SENIOR CITIZEN DISCOUNT FOR SEWER SERVICES AND AN INCREASE IN THE

DISCOUNT AMOUNT. Finance Director John Quinn's report dated August 21, 2009.

- E. **Award 8th Street Pavement Overlay Project to BC Rincon**– It is recommended that the City Council: 1) allocate \$254,000 from the FY 09/10 approved budget capital project for the 8th Street Pavement Overlay Project; 2) open a public hearing and receive evidence to consider a bid protest from second bidder Toro Construction, Inc.; 3) close the public hearing and reject the bid protest; 4) waive minor bid irregularities and authorize the Interim City Manager to execute a contract with BC Rincon, Inc., for \$145,374.52 in a form approved by the City Attorney and approve change orders up to the budgeted amount; and 5) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated August 5, 2009.
- F. **Discussion of City Surplus Property**– It is recommended that the City Council: 1) receive and file the report; and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated June 3, 2009.
- G. **Award the Felkins Road Wastewater Main Installation Project to Nicholas Construction, Inc.** – It is recommended that the City Council: 1) allocate \$455,000 from the FY 08/09 approved budget capital project for wastewater pipeline improvements for the Felkins Road Wastewater Main Installation Project; 2) authorize the Interim City Manager to execute a contract with Nicholas Construction, Inc., for \$395,601.00 in a form approved by the City Attorney and approved 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 August 26, 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