

CALL TO ORDER

Mayor Luna called the meeting to order at 6:30 p.m. Pastor David McKeever offered the invocation, and Councilmember Johnson led the Pledge of Allegiance to the Flag.

ROLL CALL

Councilmember Richard C. Cook, Councilmember Donald L. Johnson, Councilmember John T. Procter, Vice Mayor Laura Flores Espinosa, and Mayor Ray C. Luna responded to roll call. City Manager Wally Bobkiewicz, City Attorney Phillip H. Romney, and Deputy City Clerk Josephine G. Herrera were also present. City Clerk Steven J. Salas was absent due to illness.

Mayor Luna introduced Ron Gunderson, Mayor of the City of Fillmore, who was seated in the audience.

PRESENTATION

A. Proclamation Recognizing National Hospice Month

Councilmember Procter presented a proclamation to Cathy Barringer in recognizing the month of November as National Hospice Month. Ms. Barringer thanked the community for their support.

B. Proclamation Recognizing Community and Regional Planning Day/World Town Planning Day

Councilmember Johnson presented a proclamation to Planning Director Thomas M. Bartlett, Associate Planner Heather Davis, and Assistant Planner Anna Arroyo in recognition of Community and Regional Planning Day/World Town Planning Day. Planning Director Thomas M. Bartlett thanked the City Council on behalf of the Planning Department staff.

C. Introduction of New City Employees and Promotions

Building and Safety Director Stephen R. Stuart introduced recently hired Building Inspector Byron Quezada, who has experience as a carpenter and as an electrical foreman, and who is fluent in English and Spanish. Mr. Quezada acknowledged the opportunity to work with a great staff.

Police Chief Robert S. Gonzales introduced Police Reserve Officer Jeremy Watson, who graduated from Ventura College and the Sheriff's Academy.

Acting Public Works Director Anthony Emmert introduced Teresa Young, who has worked for the City for the past three years and who was recently promoted as Public Works Superintendent - Maintenance.

D. Introduction of Economic Development Consultant

City Manager Wally Bobkiewicz introduced Charmaine Stouder, who will be filling in for Economic Development Director Kenneth R. Cott in the Economic Development Department, and who has an extensive background in Economic Development. Ms. Stouder stated that she was looking forward to working hard for the City.

E. Introduction of Interim Public Works Director

City Manager Wally Bobkiewicz introduced Joe Lopez, who will serve as the Interim Public Works Director and who has an extensive background in public works engineering in the public and private sector. Mr. Lopez stated that he was looking forward to working for the City of Santa Paula.

Mayor Luna introduced Patti Walker, Councilmember with the City of Fillmore.

PUBLIC COMMENT

Don Gunderson, 311 Fourth Street, Fillmore, representing the City of Fillmore, spoke in support of selecting Hatch and Parent as the facilitator to prepare the Joint Powers Agreement for the Regional Water Reclamation Plant Project for the Cities of Fillmore and Santa Paula.

John Melton, 619 McKeveatt Road, addressed his concerns with the recent designation of the "Korean War Veterans Memorial Highway" on the Santa Paula Freeway, and spoke on the history of the campaign to rename Highway 126 to the "Santa Paula Freeway" in the 1960s. He further requested that the portion of Highway 126 between Highway 101 and Hallock Drive remain the "Santa Paula Freeway", and that the City intercede with the State Assembly and State Senators to address his concerns.

David Hanson, 963 Loma Vista Place, representing the Oddfellows Lodge, spoke regarding a letter sent by the lodge in objection to the imposition of the fee for a public assembly permit, which was considered by the City Council in July. He further stated that the lodge did not receive a response regarding the City Council's decision to deny their request for a waiver, and that although the lodge members would pay the fee, they would do so in protest due to the manner in which their request was handled. City Manager Wally

Bobkiewicz apologized on behalf of staff who should have provided a response to the Oddfellows Lodge.

CONSENT CALENDAR

Councilmember Johnson pulled Item J. Vice Mayor Espinosa pulled Item K. Councilmember Procter pulled Item M. It was moved by Councilmember Johnson, seconded by Councilmember Cook, to waive the reading of Ordinances and Resolutions appearing on the Consent Calendar; to waive the reading of all other Resolutions appearing on the Agenda; to read all other Ordinances appearing on the Agenda, in title only; and to adopt the Consent Calendar as presented. Under roll call vote, Councilmember Cook, Councilmember Procter, Vice Mayor Espinosa, and Mayor Luna were in favor. Councilmember Johnson abstained from Item C as he was not present at the meeting, and was in favor of the remainder. The Consent Calendar was adopted.

A. Warrants and Certifications – Approved the Warrants and Certifications dated October 28, 2002. (88-2)

Wire Transfers	\$ 47,333.78
Salaries	\$289,221.17
Invoices	<u>\$478,212.27</u>
TOTAL	\$814,767.22

B. Warrants and Certifications – Approved the Warrants and Certifications dated November 12, 2002. (88-2)

Wire Transfers	\$ 78,643.05
Salaries	\$ 319,405.64
Invoices	<u>\$ 742,240.67</u>
TOTAL	\$1,140,289.36

C. Minutes – Adopted the Minutes of the Regular City Council Meeting of October 21, 2002. (50-6)

D. Minutes – Adopted the Minutes of the Regular City Council Meeting of November 4, 2002. (50-6)

E. Budget Allocation for Interim Public Works Director/City Engineer Salary - Authorized staff to make a budget allocation entry in the amount of up to \$30,000 to fund the Interim Public Works Director/City Engineer salary beginning December 1, 2002. City Manager Wally Bobkiewicz's report dated November 8, 2002. (118)

F. Council Expense and City Manager Travel Monthly Report of Transactions – Reviewed and filed the attached reports. Finance Director Alvertina Rivera’s report dated November 6, 2002. (50-6/88-4)

G. Declaration of Surplus Property - 1) Declared the attached list of unusable vehicles, goods, and/or equipment as surplus property, authorizing the immediate sale using Ken Porter Auction company via the cooperative purchasing agreement with the County of Ventura; and 2) approved Resolution No. 5539 of the City Council of the City of Santa Paula declaring certain property to be surplus and authorizing the sale of such surplus property by authorizing the City Manager or his designee to enter into agreements for the disposal of such surplus property through negotiated sale, sealed bid, and/or contracted auction. **RESOLUTION NO. 5539**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA DECLARING CERTAIN PROPERTY TO BE SURPLUS BY AUTHORIZING THE SALE OF SUCH SURPLUS PROPERTY. Finance Director Alvertina Rivera’s report dated November 6, 2002.

H. October Monthly Report of Transactions - Reviewed and filed the attached monthly transactions report. City Treasurer Sandra K. Easley’s report dated November 6, 2002. (88-4)

I. Reallocation of Budget Figures for Insurance on City Vehicles - Authorized staff to make a budget reallocation entry for vehicle insurance costs for FY 2002-03. Finance Director Alvertina’s report dated October 21, 2002. (88)

L. Engineering Services 14-inch Cross Town Water Main - Approved a Task Order to MNS Engineering, Inc., for providing engineering services for the 14-inch Cross Town Water Main at an estimated engineering cost of \$30,000. Public Works Director/City Engineer Norman S. Wilkinson’s report dated October 14, 2002. (136/187)

N. Purchase of Mobile Steam Pressure Washer and Recovery System - 1) Approved the cooperative agreement with the City of San Buenaventura; 2) authorized the purchase of one All American Mobile Steam Pressure Washer and Recovery System from AAA Services Company for \$47,000, as authorized by the Fiscal Year 2002/2003 Capital Outlay Program Budget; and 3) appropriated an additional \$7,000 from State Gas Tax/Local Transportation Funds (Account No. 230) to cover the additional cost of the purchase. Public Works Director/City Engineer Norman S. Wilkinson’s report dated October 21, 2002. (162)

O. Reappropriation for Signal Light Controller Replacement - Reappropriated \$15,674 of State Gas Tax (Account No. 230) for the replacement of the signal light controller at the intersection of Palm Avenue and Main Street. Public Works Director/City Engineer Norman S. Wilkinson’s report dated October 21, 2002. (162)

P. Resolution No. 5530, Disadvantage Business Enterprise Program - Approved the attached resolution regarding adopting and implementation of the disadvantage Business Enterprise (DBE) Program for Fiscal Year 2002/2003. **RESOLUTION NO. 5530, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA REGARDING THE ADOPTION OF THE DISADVANTAGE BUSINESS ENTERPRISE (DBE) PROGRAM FOR THE FISCAL YEAR 2002/02003.** Public Works Director/City Engineer Norman S. Wilkinson's report dated November 7, 2002. (136)

Q. Surplus Property Storage Building Partition Walls, Project No. 96.97.019 WTR, Project Acceptance/Notice of Completion - Accepted the project and authorized the Public Works Director/City Engineer to file a Notice of Completion for the Surplus Storage Property Storage Building Partition Walls, Project No. 96.97.019 WTR. Public Works Director/City Engineer Norman S. Wilkinson's report dated November 5, 2002. (136/187)

CONSENT CALENDAR - SEPARATE ACTION ITEMS

J. Rental of Santa Paula Train Depot Parking Lot to Sell Christmas Trees - (142)

Councilmember Johnson declared a conflict of interest and stepped down from the dais.

Community Services Director Brian J. Yanez's report dated October 30, 2002.

It was moved by Councilmember Cook, seconded by Councilmember Procter, to approve the request by Dave Wills to rent space to operate a Christmas tree lot on City property from December 1, 2002, to December 27, 2002.

Under roll call vote, Councilmember Cook, Councilmember Procter, Vice Mayor Espinosa, and Mayor Luna were in favor. The motion carried.

Councilmember Johnson returned to the dais.

K. Contract for Architectural Services, City Hall Finance Department Addition - (132-9/136)

Public Works Director/City Engineer Norman S. Wilkinson's report dated October 25, 2002.

A discussion ensued regarding concerns that the design for the proposed addition have interesting architectural design, and asking the architect to present his renderings to the City Council for approval.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Johnson, to approve a contract with Lauterbach & Associates Architects in the amount of \$22,000 for the design of the Finance Department Addition to City Hall, and approve the project expenditure limit.

Under roll call vote, all were in favor, and the motion carried.

M. Maintenance Agreement with Caltrans for State Route 150 - (42-3)

Acting Public Works Director Anthony Emmert presented Public Works Director/City Engineer Norman S. Wilkinson's report dated October 9, 2002, and summarized that Caltrans is responsible for major overlays for the three-mile section of Highway 150 that is within the City limits. Further, the City is responsible for street maintenance, removal of dead animals and debris, and some sidewalk maintenance.

It was moved by Councilmember Procter, seconded by Vice Mayor Espinosa, to approve Resolution No. 5537 approving the Agreement for Maintenance and authorizing the Mayor to sign the agreement on behalf of the City.

Under roll call vote, all were in favor, and the motion carried.

RESOLUTION NO. 5537

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA APPROVING
AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR MAINTENANCE OF A
STATE HIGHWAY IN THE CITY OF SANTA PAULA

PUBLIC HEARING

A. Citizens Option for Public Safety Program FY 2002/2003 - (124)

Mayor Luna opened the Public Hearing at 7:18 p.m.

Police Chief Robert S. Gonzales' report dated September 27, 2002.

No public comment was received, and Mayor Luna closed the Public Hearing at 7:19 p.m.

It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, to approve the potential allocations of the 2002/2003 COPS funds of \$100,000 and all interest earnings (estimated available of \$4,500) towards the continued operation of the Las Piedras Park Community Policing Building, continued firearms training, part-time transcriber, and an Interim Police Officer; and establish a budget under Fund 308 and

authorize staff to allocate any additional interest earnings to the operation of the Las Piedras Park Community Policing Building.

Under roll call vote, all were in favor, and the motion carried.

RECESS TO A HEALTH AND SAFETY BREAK

Mayor Luna recessed the City Council to a Health and Safety Break at 7:19 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 7:29 p.m.

ORDER OF BUSINESS

A. Downtown Business Improvement District - (143-3)

City Attorney Phillip H. Romney declared a conflict of interest and stepped down from the dais.

City Manager Wally Bobkiewicz introduced Ron Cano from Downtown/Main Street Visions, and Debbie Johnson from the Downtown Merchants Association.

Ron Cano provided a status report on the Business Improvement District, which will improve the overall area and provide marketing and promotional opportunities, and in return, will allow the City to provide enhanced cleaning efforts in the downtown area. He further stated that the next step is to return to the City Council in January to adopt a resolution of intent that will authorize sending out the mail-ballot approval. Mr. Cano responded to a question regarding what percentage of weighted votes are required by explaining that, initially, a sufficient number of votes that in total would be paying 50% of the assessment needed to be acquired. Further, the only ballots that count would be from those who choose to vote, and those who choose not to vote become irrelevant in the process. Additionally, the assessment is applied to everyone, not just to those who vote.

It was moved by Councilmember Johnson, seconded by Councilmember Cook, for staff's recommendation to direct staff to draft the necessary documents to call for an election creating a Downtown Business Improvement District.

Under roll call vote, all were in favor, and the motion carried.

City Attorney Phillip H. Romney returned to the dais.

H. Disposition of Surplus Fire Engine - (88/90)

It was the consensus of the City Council to move this item at this point in the meeting.

Interim City Manager Paul L. Skeels' report dated November 12, 2002. Chief Skeels circulated a copy of a letter received from Oxnard College Regional Fire Academy requesting that the City Council consider donating the fire engine to the academy.

Antonia Torres, 2163 Fitzgerald Road, Simi Valley, representing the Mayor of Tomatlán, Jalisco, México, read and translated a letter sent from the Mayor requesting that the City Council consider donating the fire engine to Tomatlán due to their great need and lack of financial resources, and, if possible, donation of an ambulance, heavy machinery, trash trucks, and computers.

City Attorney Phillip H. Romney responded to a question regarding whether there were any rules or regulations for donating equipment with a value of about \$5,000 by stating that his concern is that it may be an inappropriate gift of public funds due to no bid or offer being received.

Jess Victoria, 134 Moultrie Place, spoke in favor of having the fire engine donated to the City of Tomatlán.

A discussion ensued regarding other cities donating equipment to cities in Mexico and concerns from the City Attorney regarding gifts of public property.

It was moved by Councilmember Johnson, seconded by Mayor Luna, to direct the City Attorney to research how to donate the fire truck to the City of Tomatlán in Jalisco.

A discussion ensued regarding placing this item on the Consent Calendar if the City Attorney's research proves to be successful, and authorizing the donation and execution of the appropriate documents. Councilmember Johnson added this to his motion.

Ms. Torres introduced Jesus Torres, Ron Henry, and Joel Torres, who were present in the audience for this item.

Under roll call vote, all were in favor, and the motion carried.

B. Refuse Collection Schedule - (144-1)

Acting Public Works Director Anthony Emmert presented Public Works Director/City Engineer Norman S. Wilkinson's report dated November 6, 2002.

Refuse Collection Supervisor Robert Myrtle responded to a question regarding the work hours for employees on the proposed 4/10 schedule by explaining that the employee would begin work at 6:30 a.m. and be out in the street by 7:00 a.m. Throughout the day, the employee would pick up and take a total of three loads to the Toland Landfill, and return at the yard by 4:00 p.m. to clean the truck and perform maintenance. He further responded to a question regarding trash limits for the Toland Landfill by stating that the City would not be restricted. He further responded to a question regarding what would occur should an employee not be able to make the 3:30 p.m. deadline on a Thursday for the Toland Landfill by stating that the refuse material would be taken to the Chiquita Landfill or the Del Norte facility in Oxnard.

It was moved by Vice Mayor Espinosa for approval of staff's recommendation that the City Council approve a four-day per week (Monday through Thursday) refuse collection schedule.

A discussion ensued regarding having staff provide a review of the program.

Councilmember Procter seconded the motion.

Vice Mayor Espinosa added to her motion that staff provide an annual review. Councilmember Procter seconded the amended motion.

Under roll call vote, Councilmember Procter, Councilmember Johnson, Vice Mayor Espinosa, and Mayor Luna were in favor. Councilmember Cook was opposed. The motion carried.

C. Changes in Refuse Collection Service for 2003 – (144-1)

Acting Public Works Director Anthony Emmert provided Public Works Director/City Engineer Norman S. Wilkinson's report dated November 6, 2002.

Mayor Luna stepped down from the dais at 8:40 p.m., and returned at 8:41 p.m.

Peggy Kelly, 825 Railroad Avenue, addressed her concerns regarding tenants' ability to request a special pickup, and spoke in favor of one special pickup per year for everyone. She further requested that the City Council consider placing a policy on large items left abandoned on the street.

A discussion ensued regarding tenants being unable to request a special pickup, which could be arranged by advanced payment; concerns regarding the pickup of hazardous

materials such as tires and televisions; the tracking system for one special pickup per year; and verification of eligibility for special pickup requests by senior citizens and the disabled. It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, to use Option No. 2, provide four drop-off events per year and provide one free special pickup per year for oversize wastes and special wastes as a pilot program, as a one-year trial, and ask staff to bring back to the Council a report on whether or how the tenant issue could be dealt with through the Finance Department.

A discussion ensued regarding concerns with abuse of this program, and having a review come back sooner if staff sees a problem.

Under roll call vote, all were in favor, and the motion carried.

D. Selection of a Facilitator to Prepare the Joint Powers Agreement for the Regional Water Reclamation Project (156)

City Manager Wally Bobkiewicz presented Public Works Director/City Engineer Norman S. Wilkinson's report dated November 5, 2002.

A discussion ensued regarding the City of Fillmore's approval of this item with the condition that the cost share does not exceed \$17,500 per city.

It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, to confirm the recommendation of the Council Subcommittee to hire Hatch and Parent to assist the Cities of Santa Paula and Fillmore in preparing the draft Joint Powers Agreement for the future Regional Water Reclamation Plant, and approve the City's cost share of \$17,500 for the services.

Under roll call vote, all were in favor, and the motion carried.

E. FY 2001/2002 Fiscal Year End Report - (88-4)

Finance Director Alvertina Rivera reviewed the FY 2001/2002 Fiscal Year End Report, and stated that she anticipates that these reports will be provided quarterly. The City Council thanked Ms. Rivera for her report.

F. FY 2002/2003 Fiscal Year Quarterly Report - (88-4)

Finance Director Alvertina Rivera reviewed the FY 2002/2003 Fiscal Year Quarterly Report. The City Council thanked Ms. Rivera for her report.

G. Status Report, Capital Improvement Program - (34/136)

Acting Public Works Director Anthony Emmert presented Public Works Director/City Engineer Norman S. Wilkinson's report dated November 12, 2002. The City Council thanked Mr. Emmert for his report.

I. Community Center Roof Replacement, Project No. 02.03.238 OTH, Award of Contract - (132-10/136)

Acting Public Works Director Anthony Emmert presented Public Works Director/City Engineer Norman S. Wilkinson's report dated November 7, 2002.

City Attorney Phillip H. Romney responded to concerns regarding a protest received against awarding the contract to Golden State Roofing by stating that the information contained in the letters did not provide adequate evidence that the contractor was not responsible. He further stated that he did not believe there were sufficient grounds not to award the project. Acting Public Works Director Anthony Emmert added that staff has made an effort to contact the accusers, however, staff has not been able to locate a case number with the State Industrial Relations Department. Mr. Romney further stated that the question is whether Golden State Roofing is a responsible bidder and is qualified to do the work, and that since no substantive evidence has been provided, he recommended that the City Council accept the bid.

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 9:30 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was unanimous consent of the City Council to extend the meeting for one hour.

Frank Kiss, 1939 S. Gaffy Street, San Pedro, representing Golden State Roofing, addressed his concerns with the letter sent by Chris Baine, who was fired from the company and was never a foreman. He further stated that the bidding process is directed by law, and that bids must be awarded to the lowest responsible bidder. He also stated that they have received positive recommendations from every government project they have performed. He responded to a question regarding whether his company hires apprentices by stating that they have an education program to train their own employees. He further addressed concerns regarding payment of prevailing wages by stating that the company must submit certified payroll sheets to the City when requesting payment.

It was moved by Councilmember Johnson, seconded by Councilmember Cook, to 1) award the contract for the Community Center Roof Replacement, Project No. 02.03.238 OTH to Golden State Roofing in the amount of \$57,900; 2) approve the anticipated project expenditures limit; 3) authorize the City Manager, or his designee, to sign the contract

documents on behalf of the City; and 4) appropriate \$18,000 from the unappropriated General Fund Reserve.

Under roll call vote, Councilmember Procter, Councilmember Johnson, and Councilmember Cook were in favor. Vice Mayor Espinosa and Mayor Luna were opposed. The motion carried.

J. Selection of a Hearing Officer - (118)

Assistant to the City Manager Melissa Grisales briefed the City Council on the selection of a Hearing Officer and distributed copies of the City's Personnel Rules and Regulations and the names of arbitrators from the office of the California State Mediation and Conciliation Service. She reviewed Rule 14, Section 1, Item C for the procedure for an appeal of disciplinary action, and recommended that the City Council select Anthony Sinicropi as the designated Hearing Officer.

It was moved by Councilmember Johnson, seconded by Councilmember Procter, for staff's recommendation.

Under roll call vote, all were in favor, and the motion carried.

CITY COMMUNICATIONS

Councilmember Johnson stated that this would be his last Regular City Council Meeting and thanked each Department Head and City employee for their efforts. He further thanked past Councilmembers and congratulated the incoming Council.

FUTURE AGENDA ITEMS

There were no Future Agenda Items.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Luna adjourned the meeting at 9:48 p.m.

ATTEST:

Josephine G. Herrera
Deputy City Clerk