

### **CALL TO ORDER**

Mayor Luna called the meeting to order at 6:30 p.m. Kay Wilson-Bolton 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. Interim City Manager Paul L. Skeels, City Attorney Phillip H. Romney, City Clerk Steven J. Salas, and Deputy City Clerk Josephine G. Herrera were also present.

### **PUBLIC COMMENT**

Armando Tarin, 156 Eloisa, briefed the City Council on the status of the proposed boxing gym, and asked for the City Council's assistance to locate a facility within the city.

John M. Nunez, 145 N. Fourth Street, #326, member of USA Boxing, Inc., spoke regarding liability insurance coverage for boxing gyms, which the City could obtain at low cost.

Jess Victoria, 134 Moultrie, noted that the City has an excellent opportunity for a boxing gym and suggested that the gym could be tied together with the skate park. He further distributed a copy of the Public Notice from the City of San Buenaventura for the reallocation of CDBG and Home Program Funding and suggested that the City adopt a similar program. He further addressed the City Manager recruitment and stated that he hopes the community will have an opportunity to express what they desire in a new City Manager.

### **CONSENT CALENDAR**

City Attorney Phillip H. Romney declared a conflict of interest on Item L, and noted that Cheryl Kane would be available as Acting City Attorney for that item. Councilmember Johnson pulled Item L. Vice Mayor Espinosa pulled Items D and F, and pulled Items I and J to be continued for a special workshop for the City Council. Councilmember Cook pulled Item E. It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, 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 amended. Under roll call vote, all were in favor. The Consent Calendar was adopted.

A. Warrants and Certifications - Approved the Warrants and Certifications dated December 21, 2001. (88-2)

Wire Transfers	\$ 118,219.37
Salaries	\$ 558,311.18
Invoices	<u>\$ 890,750.99</u>
TOTAL	\$1,567,281.54

B. Closed Session - Approved a Closed Session to discuss: 1) Negotiations with Employee Organizations: Santa Paula Police Officers Association (SPPOA) - Non-Safety Unit (CSO Unit), Santa Paula Police Officers Association/IBPO - Police Commanders Unit, Santa Paula Public Employees Association (SEIU), and unrepresented employees (management, mid-management, confidential, part-time, temporary, and seasonal employees). Name of Negotiator: Melissa Macias. Pursuant to *Government Code* §54957.6 (118-2); 2) Conference with Legal Counsel, Anticipated Litigation. Number of Potential Cases: One. Facts and Circumstances, if known to potential plaintiffs: Errors and omissions with Redevelopment Agency Audit. Identification of Claims, if any: Levy, Moss, Hartzheim. Identification of Public Threat of Litigation, if any: City and Redevelopment Agency to consider litigation. Pursuant to *Government Code* §54956.9(b). (30).

C. Minutes - Adopted the Minutes of the Special City Council Meeting of January 7, 2002. (50-6)

G. Establishment of Policy Waiving Program Fees for the Downtown Seismic Rehabilitation Program - Establish a policy for waiving Downtown Seismic Rehabilitation Program Fees. Building and Safety Director Stephen R. Stuart's report dated January 2, 2002. (36)

H. Cable System Regulatory Ordinance - Second Reading - Second reading to adopt the proposed cable system regulatory ordinance. **ORDINANCE NO. 1048**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING THE CABLE SYSTEM REGULATORY ORDINANCE. Community Services Director Brian J. Yanez's report dated December 18, 2001. (92)

K. Monthly Report of Transactions - Review and file the attached monthly transaction report. City Treasurer Sandra K. Easley's report dated January 11, 2002. (88-4)

M. Resolution No. 5473, Support for Proposition 42, The Transportation Congestion Improvement Act - Adopt the attached resolution in support of Proposition 42, the Transportation Congestion Improvement Act, on the March 5, 2002 Statewide Ballot, and direct staff to forward a copy of the resolution and support form to "Yes on 42." **RESOLUTION NO. 5473**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SANTA PAULA IN SUPPORT OF PROPOSITION 42. Public Works Director/City Engineer Norman S. Wilkinson's report dated January 8, 2002. (162/174)

**CONSENT CALENDAR - SEPARATE ACTION ITEMS**

D. Minutes - (50-6)

Vice Mayor Espinosa pulled this item to note that there was discussion regarding Councilmember Procter's appointment to the Ventura County Transportation Commission Committee, and asked for a review of the tape to add one additional sentence to that affect.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Johnson, to approve the Minutes of the January 7, 2002 Regular City Council Meeting with this addition.

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

E. Approval of Job Description for New Regulatory Compliance Specialist Position - (118)

Assistant to the City Manager Melissa M. Macias' report dated January 10, 2002.

A discussion ensued regarding the new Public Works Superintendent position, which was approved in the 2001-2002 budget to split the current Public Works Superintendent's position into two positions, a discussion regarding the current Public Works Superintendent's previous position and job description as Water Quality Specialist, and a discussion regarding modular office space for Public Works and Engineering staff.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to receive and file the job description (Exhibit A) for the new Regulatory Compliance Specialist position.

Public Works Director/City Engineer Norman S. Wilkinson responded to a question regarding the status of filling positions in water and street maintenance by stating that the recruitment has begun for Maintenance Worker, and that staff is in the process of revising the job description for Water Maintenance Worker in order to begin that recruitment in the near future.

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

F. Extending Interim Finance Director's Contract - (118)

Interim City Manager Paul L. Skeels' report dated January 15, 2002.

Interim City Manager Paul L. Skeels responded to a question regarding whether the recruitment for the Finance Director could be "piggybacked" with the contract for the recruitment of the City Manager by replying that he had not spoken to the consultant regarding this suggestion.

A discussion ensued regarding Finance Director Glenda D. Jay's employment since August 2001 as an Interim Finance Director, and whether she remained as an interim employee or whether the City extended her stay at a higher salary. Another discussion ensued regarding hiring a firm to recruit a new Finance Director.

City Attorney Phillip H. Romney responded to a question regarding whether the City Council could direct staff to begin an immediate recruitment process through a recruitment firm by responding yes because it relates to the Finance Director position.

It was moved by Vice Mayor Espinosa to direct staff to contract with a recruitment firm that will obtain a new Finance Director, and that the City Council place a timeframe on it.

City Attorney Phillip H. Romney responded to a question regarding whether a bid process is required and whether the task could be added onto the agreement with the recruitment firm for the City Manager position without going through the bid process by stating that the City Council has established the process whereby bidding is appropriate; however, the City Council may act to suspend the process due to expediency. He further responded that it would be appropriate for this issue to come back at a subsequent meeting outlining what the recruitment firm will offer as part of the negotiations to add the recruitment for a Finance Director to the contract for the recruitment for a City Manager.

Councilmember Johnson seconded the motion.

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

It was moved by Councilmember Johnson, seconded by Councilmember Procter, to approve Item F.

A discussion ensued whether to ask the current Finance Director to formally resign and then hire her back as an interim. City Attorney Phillip H. Romney responded to a question regarding this issue by stating that it would be subject to discussion between the City Manager and the current Finance Director, and suggested that the two should have a discussion and bring this item back at the next City Council meeting.

A discussion ensued regarding the Finance Director's last work day and the possibility of extending her employment until the first City Council Meeting in February.

Councilmember Johnson withdrew his motion. Councilmember Procter agreed with withdrawing the second to the motion.

It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, to extend the current agreement to February 5, 2002, and direct the City Manager to have a discussion with the current Finance Director regarding this proposal, and a further discussion of the possibility of resigning from the City and then taking on the position as Interim Finance Director.

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

G. Establishment of Policy Waiving Program Fees for the Downtown Seismic Rehabilitation Program - (36)

The City Council noted that, although this item was approved under the Consent Calendar, this item should have been pulled due to a request from Steve Ebginga, who had submitted a Public Comment Card.

Steve Ebginga, 615 Doris Avenue, Oxnard, Director of the Rescue Mission Alliance, spoke regarding this nonprofit organization which serves the homeless, and also spoke regarding the automobile donation center at 118 N. Mill Street which provides vocational training. He further addressed the cost to rehabilitate this building, which is made from clay as opposed to masonry.

I. Annual Financial Report for the City of Santa Paula for the Fiscal Year Ended June 30, 2001 - (30/88) and

J. Annual Financial Reports of the Local Transportation Development Act Fund for Article 3 and Article 8, Section 99400(a) and Section 99400(c) Funds for the City of Santa Paula for the Fiscal Year Ended June 30, 2001 - (30/88)

Finance Director Glenda D. Jay's reports dated January 11, 2001.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to move these items to a Special Meeting.

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

L. CDP 2000-31 - Stewart Subdivision - (122)

City Attorney Phillip H. Romney declared a conflict of interest, and stepped down from the dais. Cheryl Kane substituted as Acting City Attorney.

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

Planning Director Thomas M. Bartlett's report dated January 11, 2002.

It was moved by Councilmember Cook, seconded by Vice Mayor Espinosa, to adopt Resolution No. 5470 of the of the final environmental document (Initial Study and Mitigated Negative Declaration) and the Mitigation Monitoring and Reporting Program (MMRP) for the project, conduct the second reading and subsequent adoption of Ordinance No. 1046 changing the zoning of the property from RA to RA-10 (PD), and approve Resolution No. 5466 for the Tentative Tract Map creating seven lots, the Planned Development Permit, and the awarding of an additional six Growth Management Allocations.

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

**RESOLUTION NO. 5470**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PARCEL LOCATED AT THE NORTH OF THE TERMINUS OF GRANT LINE STREET, KNOWN AS ASSESSOR'S PARCEL NUMBER 101-0-273-095 (CDP 2000-31)

**ORDINANCE NO. 1046**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AMENDING THE CITY'S ZONING MAP TO REZONE PROPERTY FROM R-A TO R-A 10 AND APPLY THE PLANNED DEVELOPMENT (PD) ADDITIVE ZONING DESIGNATION TO THE PARCEL LOCATED NORTH OF THE TERMINUS OF GRANT LINE STREET, KNOWN AS ASSESSOR'S PARCEL NUMBER 101-0-273-095 (CDP 2000-31)

**RESOLUTION NO. 5466**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA APPROVING  
A TENTATIVE TRACT MAP, A PLANNED DEVELOPMENT PERMIT, AND SIX  
GROWTH MANAGEMENT ALLOCATIONS FOR THE PARCEL LOCATED AT THE  
NORTH OF THE TERMINUS OF GRANT LINE STREET, KNOWN AS ASSESSOR'S  
PARCEL NUMBER 101-0-273-095 (CDP 2000-31)

Councilmember Johnson and City Attorney Phillip H. Romney returned to the dais.

**RECESS TO A HEALTH AND SAFETY BREAK**

Mayor Luna recessed the City Council to a Health and Safety Break at 7:40 p.m.

**RECONVENE TO REGULAR MEETING**

Mayor Luna reconvened the City Council at 7:48 p.m.

**PUBLIC HEARING**

A. CDP 00-40, Senior Housing Project Known As "Santa Paula on the Green" on a 2.017 Acre Parcel Located at March & Dean. General Plan Amendment, Zone Change, Design Review, Etc. - (122)

Mayor Luna opened the Public Hearing at 7:48 p.m.

Kathleen Mallory, Contract Planner, presented Planning Director Thomas M. Bartlett's report dated January 8, 2002. She noted that the sign posted on the property had the incorrect hearing date of January 21, 2002, which was a holiday; however, no opposition has been received from the public concerning this project.

Kathleen Mallory responded to a question regarding noticing requirements by responding that notices were mailed, legal notices were published, and the site was posted. She further responded to a question regarding the age restrictions for residents by stating that one member in the household must be at least 62 years of age.

Bob Banman, 117 N. Tenth Street, provided a presentation on the project. He responded to a question regarding mortgage and association fees, sound mitigation for noise from the railroad tracks, the pedestrian pathway between March and Dean which will not be a part of this project, and the design for parking which was designed in response to neighbors' concerns.

Kathleen Mallory responded to a question regarding a state grant by stating that the City is not eligible due to not having a certified housing element. She further responded to a

question regarding the fiscal impact analysis by stating that if the developer wishes to change the financing status, the project would need to be resubmitted to the City Council for approval.

A discussion ensued regarding the possibility for the developer to integrate public art for the site.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, that as part of the approval, that some of public art or visual enhancement of the site be included as one of the conditions.

A discussion ensued regarding the motion for public art and whether it would be appropriate to add this as a condition for the project.

Vice Mayor Espinosa called for the question.

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

It was moved by Councilmember Johnson, seconded by Councilmember Cook, to adopt Resolution No. 5469 approving the Final Environmental Document for the subject property, approve the first reading by reading in title only and subsequent adoption of Ordinance No. 1047 amending the City's Zone Map to change the zoning on the subject property from C-O-P to R-4-PD, and adopt Resolution No. 5471 approving a General Plan Amendment, Planned Development Permit, Growth Management Allocations, Tentative Parcel Map, Monument Sign permit and Design Review on the 2.017 acre parcel in order to permit the construction of a 53-unit three-story senior housing project (known as Santa Paula on the Green), subject to the Conditions of Approval identified within the Planning Commission Resolution No. 3420.

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

### **RESOLUTION NO. 5469**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PARCELS LOCATED ON THE SOUTHWEST CORNER OF MARCH STREET AND DEAN DRIVE, KNOWN AS ASSESSOR'S PARCEL NUMBERS 105-0-064-145 AND 225, CDP 2000-40

**RESOLUTION NO. 5471**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA APPROVING A GENERAL PLAN AMENDMENT, PLANNED DEVELOPMENT PERMIT, 51 GROWTH MANAGEMENT ALLOCATIONS, TENTATIVE PARCEL MAP, MONUMENT SIGN PERMIT, AND DESIGN REVIEW (CDP 2000-40) FOR THE PARCEL LOCATED ON THE SOUTHWEST CORNER OF MARCH STREET AND DEAN DRIVE

City Attorney Phillip H. Romney responded to a question regarding whether the Public Hearing was opened correctly by stating that it was; however, the ordinance needed to be read in title only and needed to be introduced.

City Clerk Steven J. Salas read Ordinance No. 1047 in title only.

**ORDINANCE NO. 1047**

AND ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING DESIGNATION ON THE PARCEL LOCATED ON THE SOUTHWEST CORNER OF MARCH STREET AND DEAN DRIVE (KNOWN AS ASSESSOR'S PARCEL NUMBERS 105-0-064-145 AND 225) FROM C-O-PD TO R-4-PD

Councilmember Johnson introduced Ordinance No. 1047.

Mayor Luna closed the Public Hearing at 8:35 p.m.

**ORDER OF BUSINESS**

A. Centennial Expenditures - (86)

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

City Attorney Phillip H. Romney noted for the record that he would not be participating in this matter because he is the Vice Chairman of the Santa Paula Community Fund, though he receives no compensation for his duties, and he stepped down from the dais.

Finance Director Glenda D. Jay's report dated January 11, 2002.

Finance Director Glenda D. Jay responded to a question regarding whether the City Council has the authority to designate the Santa Paula Community Fund to pay out

expenses for the Centennial Committee by stating that it would be handled similar to funds given to the Heritage Valley group in which the funds are given for specific purpose.

Phillip H. Romney, as a private citizen, responded to a question regarding the names of board members on the Santa Paula Community Fund, and noted that the Centennial Committee would be designated as a subcommittee. Additionally, the fund would set up checks and balances by requiring two signatures on checks.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to authorize staff to issue a check to the Santa Paula Community Fund for expenditures relating to the Centennial Celebration in the amount of \$45,000, authorize Jim Garfield, Centennial Committee Chairman, to authorize payment for expenditures, allow the Santa Paula Community Fund, a 501C-3 Nonprofit group, to be responsible for expenditures relating to the City's Centennial Celebration, with the caveat that the designated chairperson would be authorized to make a decision on behalf of the Committee upon Committee consensus for the expenditures for the Centennial Committee.

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

Councilmember Johnson and City Attorney Phillip H. Romney returned to the dais.

B. City Council Policy Governing Expenses of the Council - (50-6)

Finance Director Glenda D. Jay's report dated January 12, 2002.

A discussion ensued regarding having the City Council review the proposed policy and bring back their comments.

It was moved by Mayor Luna, seconded by Vice Mayor Espinosa, for the City Council to review the proposed policy and submit their comments to staff by February 15, 2002, and bring this item back to the first meeting in March.

A discussion ensued regarding having staff bring back the City Council's comments individually so that they may discuss and vote on any additions or deletions to the policy.

Mayor Luna restated his motion that the City Council review the proposed policy until February 15, 2002, make any additions or deletions to it, then resubmit back to staff, and staff to give the policies back with what each Councilmember wants in the policy or deleted from the policy.

City Attorney Phillip H. Romney clarified the motion that the City Council would receive a document with each Councilmember's comments, and that each Councilmember will receive five separate documents as part of the agenda packet with each of the Councilmember's comments.

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

### **RECESS TO A BREAK**

Mayor Luna recessed the City Council to a Break at 9:03 p.m.

### **RECONVENE TO REGULAR MEETING**

Mayor Luna reconvened the City Council at 9:10 p.m.

C. Response to Management Letter as a Result of the Annual Financial Report for the City of Santa Paula for the Fiscal Year Ended June 30, 2001 - (30/88)

It was moved by Councilmember Cook to pull this item until it is known where the City stands with the Finance Director position. The motion died for lack of a second.

Finance Director Glenda D. Jay's report dated January 11, 2002.

Finance Director Glenda D. Jay responded to a question regarding whether the City could have an outside grant writer to work with the City by responding that the internal control and the auditors are asking for someone to keep the accounting and administration of grants, and that a grant writer would not keep accounting. She further responded to a question regarding the duties of the Senior Accountant and the Accountant which includes administration of grants, implementation of Fixed Assets and GASB 34, and preparation of the City's budget.

### **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.

A discussion ensued regarding the Finance Department in regards to staffing and cross-training.

It was moved by Councilmember Procter, seconded by Vice Mayor Espinosa, to authorize the position of Senior Accountant to develop policies and procedures, assist with grants, the audit, budget, and implementation of Fixed Assets and GASB 34; authorize staff to hire an Accountant full time to handle Grants and Fixed Assets; upgrade the 30 hours per week Accounting Technician position to 40 hours per week, permanent position; and approve budget adjustments based on City Council approved recommendations.

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

D. Proposed Joint Water Reclamation Project and Joint Wastewater Treatment Project - (156)

Public Works Director/City Engineer Norman S. Wilkinson's report dated January 10, 2002.

Public Works Director/City Engineer Norman S. Wilkinson responded to a question regarding the use of Santa Paula Creek as a spreading ground by stating that the project requires rocky, sandy ground so that water will percolate, and that the location would benefit the City. He further responded to a question regarding how this project would affect the wastewater treatment project by stating that it would provide additional study to determine whether to do a cooperative project, the facilities could be larger, and Santa Paula would be able to share costs with the City of Fillmore. He further noted that there is a possibility that the plant could be a regional plant for the entire Santa Clara Valley.

A discussion ensued regarding compliance concerns with the Regional Water Quality Control Board and the reason for the water reclamation project to provide alternate water resources.

It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, that the City of Santa Paula is interested in a Joint Water Reclamation Project with the City of Fillmore and with the United Water Conservation District, and is interested in a Joint Wastewater Treatment Plant with the City of Fillmore, and directed staff to work with Fillmore and United Water Conservation District to develop a more detailed project proposal for joint consideration.

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

E. Railroad Plaza, Phase II, Project No. 96.97.035 SPC, Approval of Plans and Specifications - (136)

Public Works Director/City Engineer Norman S. Wilkinson's report dated December 20, 2001.

It was moved by Councilmember Johnson, seconded by Councilmember Procter, to approve the construction plans and specifications for Railroad Plaza Phase II, Project No. 96.97.035 SPC, and authorize the Public Works Director/City Engineer to advertise for bids.

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

E. Santa Paula Recycling Center - Steve Lazenby - (132-17)

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

Community Services Director Brian J. Yanez's report dated January 14, 2002.

A discussion ensued regarding a letter received from Mr. Steve Lazenby and whether he was given the full use of the property.

City Attorney Phillip H. Romney responded to a question regarding why the business was not closed down by stating that there are no grounds for closing down a business for failure to pay for a business license and that it has been his experience that the City does poorly at keeping track of its rents.

Associate Planner Heather Davis responded to a question regarding the difference between a collection facility and recycling facility by stating that it is defined in the recycling facility code, and that Mr. Lazenby had originally proposed a collection processing facility; however, the facility became more of a collection facility. She further responded that a collection facility is permitted on an industrial property if the applicant is willing to meet all of the administrative statutes for a collection facility, otherwise the applicant would need to obtain a conditional use permit. She further noted that Mr. Lazenby has not submitted anything for design review to operate a collection facility at that location.

A discussion ensued regarding having the City Attorney review the terms of the lease agreement and report back to the City Council.

Steven Lazenby, 1485 Ojai Road, addressed his attempts to respond to the December 14, 2001 letter from Community Services Director Brian J. Yanez, and spoke regarding his financial situation. He responded to a question regarding his claim that he did not have full use of the property, and addressed the amount of rent he felt he owes since he did not have full use of the property.

It was moved by Councilmember Cook that this issue come back to the City Council for further review from the Planning Director, and for the City Attorney to review the lease agreement.

City Attorney Phillip H. Romney responded to a question regarding whether this is a City Council issue or a legal issue by stating that there are several factual and legal issues, and suggested that the City Council give staff authority to deal with this issue and negotiate a proper arrangement with Mr. Lazenby.

Councilmember Cook amended his motion, seconded by Vice Mayor Espinosa, for the City Council to give staff authority to deal with this issue and negotiate a proper arrangement with Mr. Lazenby.

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

Councilmember Johnson returned to the dais.

### **COUNCIL CONSENSUS TO SUSPEND THE RULES TO EXTEND THE MEETING**

A discussion ensued regarding moving Items 8G, 8H, 8I, and 8J to the next meeting and possibly suspending the City Council's rules to proceed past 10:30 p.m.

It was moved by Mayor Luna, seconded by Councilmember Cook, to move Items 8G, 8H, 8I, and 8J to the next meeting.

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

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to suspend the rules to complete the City Council Meeting agenda.

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

### **CITY COMMUNICATIONS**

Councilmember Johnson mentioned that he had received a call from Barbara Hernandez who had suffered a seizure and broke her ankle. She had called to compliment the Police Chief and Police and Fire Departments on how they handled her situation.

Councilmember Johnson also mentioned an incident behind his place of business involving a 90 year-old woman and her son, and complimented the police officers on the professional manner in which they handled the situation.

### **FUTURE AGENDA ITEMS**

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, for an item at the next City Council Meeting to address the City Manager recruitment. Under roll call vote, Councilmember Procter, Councilmember Johnson, Vice Mayor Espinosa, and Mayor Luna were in favor. Councilmember Cook was opposed. The motion carried.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Cook, for a special workshop meeting regarding the financial statements. Under roll call vote, Councilmember Cook, Councilmember Procter, Vice Mayor Espinosa, and Mayor Luna were in favor. Councilmember Johnson was opposed. The motion carried.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Johnson, for a report on a boxing gym with options. Under roll call vote, Councilmember Procter, Councilmember Johnson, Vice Mayor Espinosa, and Mayor Luna were in favor. Councilmember Cook was opposed. The motion carried.

### **RECESS TO A REDEVELOPMENT AGENCY MEETING**

City Attorney Phillip H. Romney responded to a question regarding the motion for completing the Council agenda and whether the City Council could recess to the Redevelopment Agency by stating that he was not certain whether there were rules for procedure for the Redevelopment Agency.

Mayor Luna recessed the City Council to a Redevelopment Agency Meeting at 10:39 p.m.

### **RECONVENE TO REGULAR MEETING**

Mayor Luna reconvened the City Council at 10:40 p.m.

### **CLOSED SESSION**

City Attorney Phillip H. Romney announced that the Closed Session was to discuss: 1) Negotiations with Employee Organizations: Santa Paula Police Officers Association (SPPOA) - Non-Safety Unit (CSO Unit), Santa Paula Police Officers Association/IBPO - Police Commanders Unit, Santa Paula Public Employees Association (SEIU), and unrepresented employees (management, mid-management, confidential, part-time, temporary, and seasonal employees). Name of Negotiator: Melissa Macias. Pursuant to

*Government Code §54957.6. (118-2); and 2) Conference with Legal Counsel, Anticipated Litigation. Number of Potential Cases: One. Facts and Circumstances, if known to potential plaintiffs: Errors and omissions with Redevelopment Agency Audit. Identification of Claims, if any: Levy, Moss, Hartzheim. Identification of Public Threat of Litigation, if any: City and Redevelopment Agency to consider litigation. Pursuant to Government Code §54956.9(b). (30).*

Mayor Luna recessed the City Council to a Closed Session at 10:40 p.m., and reconvened into Open Session at 11:19 p.m.

No action was taken during the Closed Session.

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Luna adjourned the meeting at 11:19 p.m.

ATTEST:

Steven J. Salas  
City Clerk