

CALL TO ORDER

Mayor Luna called the meeting to order at 6:31 p.m. Jose Vindel 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, Acting City Attorney Cheryl Kane, City Clerk Steven J. Salas, and Deputy City Clerk Josephine G. Herrera were also present. City Attorney Phillip H. Romney was absent.

PRESENTATION

Police Chief Robert S. Gonzales presented a Certificate of Recognition from the U. S. Department of Justice Office of Justice Programs Executive Office for Weed and Seed, and a Certificate of Recognition from California State Assemblymember Hannah-Beth Jackson recognizing the award of the Weed and Seed Grant.

PUBLIC COMMENT

Major Michael N. Dugas, Executive Officer and Community Manager with the 146th Airlift Wing California Air National Guard, provided a presentation on the Channel Islands Air National Guard, and asked the City Council to consider adopting a resolution to name an aircraft after the City of Santa Paula.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a Break at 6:48 p.m. to allow Major Dugas to collect his materials.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 6:50 p.m.

Casey Salas, 288 Pamela Lane, addressed her concerns of shootings taking place on the west side of town, and asked the City Council to address her concerns.

CONSENT CALENDAR

Vice Mayor Espinosa pulled Items D and G. It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, 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 February 8, 2002. (88-2)

| | |
|----------------|----------------|
| Wire Transfers | \$ 554,934.29 |
| Salaries | \$ 263,070.25 |
| Invoices | \$ 421,416.91 |
| TOTAL | \$1,239,421.45 |

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 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).

C. Minutes - Adopted the Minutes of the Regular City Council Meeting of January 22, 2002. (50-6)

E. Museum Budget Adjustment Fund 204 - Approve the budget adjustments for the California Oil Museum, in accordance with the Museum Fundraising Plan approved by the City Council on November 6, 2000. Community Services Director Brian J. Yanez' report dated January 25, 2002. (108)

F. Monthly Report of Transactions - Review and file the monthly transactions report. City Treasurer Sandra K. Easley's report dated February 8, 2002. (88-4)

CONSENT CALENDAR - SEPARATE ACTION ITEMS

D. Rejection of Claim Filed by Elva Lozano - (62)

Vice Mayor Espinosa pulled this item to note a typographical error in the letter that was sent from the insurance carrier. Interim City Manager Paul L. Skeels responded that staff would follow-up.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to reject the claim filed by Elva Lozano with the correction noted.

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

G. Selection of On-call Engineering Consultant - (136)

Public Works Director/City Engineer Norman S. Wilkinson's report dated February 7, 2002.

Public Works Director/City Engineer Norman S. Wilkinson responded to a question regarding the five-year agreement by stating that the five years is how long the City would wait before going through the selection process again, and that there is no obligation to award any contract. Additionally, the City can contract with a different firm at any time, or the City could add a second firm as listed on the options of the report.

It was moved by Councilmember Johnson, seconded by Councilmember Procter, to approve a five-year Agreement for Services with MNS Engineers, Inc., to perform "on-call" engineering services as may be authorized from time to time, and authorize the City Manager to sign the agreement subject to final approval by the City Attorney.

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

PUBLIC HEARING

A. CDP 1999-24, Santa Paula Assisted Living Project, A Request for a Planned Development/Conditional Use Permit, Parcel Map, Growth Management Allocations, Design Review, and Monument Sign Permit for the Construction of a 62-Unit Assisted Living Facility to be Located in the Hillside Planned Development Zone - (122)

Mayor Luna opened the Public Hearing at 7:04 p.m.

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

Planning Director Thomas M. Bartlett distributed revised Resolution No. 5476 and revised Resolution No. 5477.

Planning Director Thomas M. Bartlett's report dated February 5, 2002.

Planning Director Thomas M. Bartlett responded to a question regarding whether the Public Hearing was properly noticed by stating that all property owners within 300 feet of the project were mailed notices.

Edward Steinfeldt, 122 E. Arrellaga Street, Santa Barbara, consultant to Santa Paula Memorial Hospital's Board of Directors, noted his 20 years of experience in the development and management of senior facilities, and spoke briefly regarding the project. He further introduced Mark Gregson, Chief Executive Officer for Santa Paula Memorial Hospital; Al Guilin, Vice Chair of the hospital board; and Jan Hochhauser, architect for the project.

Mark Gregson, Chief Executive Officer of Santa Paula Memorial Hospital, spoke regarding the project which will benefit the senior community, provide an expanded employment base, and provide more housing units in the community. He further presented additional letters of support, which were submitted for the record.

Al Guilin, 803 Ojai Road, Vice Chair of the hospital, noted that this project would provide a crucial service to the community and would allow lifelong residents to remain in Santa Paula.

Jan R. Hochhauser, 122 E. Arrellaga, Santa Barbara, representing Hochhauser/Blatter Architecture and Planning, provided a presentation on the project plans.

Patrick Boales, geologist with Earth Systems, responded to a question regarding the steps to resolve the slope failures on Harvey Drive and Ojai Road by stating that the failures occurred at the bottom of the slope in the backyards of certain residences, and that the one which occurred on Ojai Road has been repaired, and some mitigations have been placed for the one on Harvey Drive. He further explained that the conditions that resulted from these failures do not exist in the project area, and that the conditions will improve because of the detention basin.

Acting City Attorney responded to a question regarding who is liable and responsible for the recent slope failure by responding that, since the failure occurred on private properties, the question of liability would be between the two property owners. Normally, an upstream property owner is liable for damage in the event that the conditions of the upstream property causes a failure to affect the downstream property owner. Additionally, if there are lawsuits pending, the courts would be the ultimate arbitrator of where the liability would lie.

Mark Gregson addressed the recent slope failures by stating that those issues have been settled, and that the issue which remains is what impact this project may have on creating any additional issues. He further stated that every possible solution has been addressed by City staff, geological surveys, and other parties to present a plan to minimize any issues

or concerns. He further responded to a question regarding whether there was any litigation at this time by responding that there is no active litigation on either site.

Patrick Boales responded to a question regarding the criteria for slope stabilizing measures by stating that there are no slopes anticipated to require stabilization in the project area as they were found to have adequate safety factors. He further responded to a question regarding whether he expects the project could create increased runoff or damage to the slopes by responding that these would occur only if the drainage were directed toward the slope.

Planning Director Thomas M. Bartlett responded to a question regarding the detention basin by stating that the perimeter drive will have a “v” configuration to express and conduct as a v-channel runoff around that perimeter, and that the elevation will gradually decline from that location.

Patrick Boales responded to a question regarding Page 3-15 of the Mitigated Negative Declaration where it states that no existing landslides were observed by stating that there are different classifications of landslides. Further, the failures which occurred on Harvey Drive and Ojai Road were surficial failures three to four feet deep.

Public Works Director/City Engineer Norman S. Wilkinson responded to a question regarding the failure on Harvey Drive by stating that the house was red-tagged pending repair of the failure, and that the property owner has since built a retaining wall. Additionally, an analysis of the failures at 1000 and 1003 Harvey found that both lots were cut into the toe of the slope which took away from support. He further stated that, in his opinion, the surface failure is not endangering the proposed project as water will go to the detention basin and flow to Tenth Street. He further responded to a question regarding flow from the detention basin by responding that the detention basin is designed to hold water for a number of hours, which will then be released slowly down the street.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a Break at 8:25 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 8:33 p.m.

Michael Gialketsis, Rincon Consultants, responded to a question regarding thinning of vegetation to aid fire prevention by stating that there is a conflict with fire protection and biology. He further explained that, as part of the wildfire management plan, much material will be removed where birds like to nest, and that this would create a biological concern.

However, the entire wildfire management program will be administered by the direction of a qualified biologist. As it comes time thin the vegetation, the biologist would look at the plan so that the impact to bird species will not occur. Moreover, the other part of the biological mitigation would be to look at native species that would be removed to have a replacement ratio for mitigation in the detention basin area. He further responded to a question regarding replacement of sycamore and oak trees with seed by stating that he envisions replacement with a mix of seedlings and boxed trees.

A discussion ensued regarding Mitigation Monitoring and Report Program Pages 8, 10, 11, 12, 14, regarding periodic monitoring, and a suggestion to add the language, "no less than annually" as part of the conditions.

Jan R. Hochhauser responded to a question regarding whether anything could be done for the project to improve it aesthetically by perhaps including a waterfall by stating that part of the plan is to enhance the project area with native plantings and that there were no specific plans for a fountain.

A discussion ensued regarding Mitigation Monitoring and Report Program Page 14 regarding construction noise and a suggestion add a condition that construction not occur on Sundays.

Robert Feiss, M.D., 825 N. Tenth Street, Director of Outreach and Patient Education Program of Santa Paula Memorial Hospital, spoke in favor of the project.

Tamera Cobos, no address given, spoke in favor of the project.

Mayor Luna closed Public Comment at 8:51 p.m.

Mark Gregson responded to a question regarding the possibility of state and federal assistance by responding that the project is priced at market rate; however, he would explore options. He further responded to a question regarding whether the facility would be Medical eligible by responding that Medical does not recognize this type of facility in California.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to ask the hospital staff, developer, and representatives to meet with some of the people who are concerned about the drainage problem prior to adopting this.

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

It was moved by Councilmember Cook, seconded by Mayor Luna, that amended Resolutions Numbers 5476 and 5477 be adopted.

Councilmember Cook responded to whether he would include the suggestions made regarding the frequency of monitoring and noise from construction on Sundays as part of his motion by stating that he would agree to amending his motion.

Acting City Attorney Cheryl Kane responded to a question regarding whether the amended motion would be part of the conditional use permit by stating that they would be in the mitigation measures and that the City Council is approving the mitigation measures as part of Resolution No. 5476. Moreover, the City Council should ask the applicant to state for the record that they would concur with the revisions.

A discussion ensued regarding construction on Sundays and a suggestion to allow finish work on the inside of the building. Staff suggested that the City Council consider allowing an exception for emergencies. The City Council concurred with staff's suggestion.

Jan R. Hochhauser stated, for the record, that the representatives of the hospital have agreed to annual monitoring and no construction on Sundays.

Councilmember Cook responded to a question regarding whether he would consider amending his motion to delay the adoption of the resolutions for two weeks due to concerns made regarding drainage by responding that he had already considered that in his first vote.

Councilmember Cook called for the question.

Under roll call vote, Councilmember Cook and Mayor Luna were in favor. Councilmember Procter and Vice Mayor Espinosa was opposed. The vote failed due to a tie vote.

It was moved by Vice Mayor Espinosa, seconded by Mayor Luna, that the project come back to the City Council at the second meeting in March, and direct the applicant to discuss the ramifications and what modifications they have made to the surrounding neighbors.

Acting City Attorney Cheryl Kane advised that under the Subdivision Map Act, the City Council is under a deadline to act upon subdivision maps, and if the City Council goes beyond the deadline, they would need the consent of the applicant.

Mark Gregson responded to a question regarding whether the hospital had addressed the neighbor's concerns by stating that he believes that any issues and concerns from the neighbors have been addressed. Additionally, the hospital would be willing to host and

meet with the neighbors; however, he was concerned regarding delays of the project and requested that the hospital be allowed to proceed.

Acting City Attorney Cheryl Kane advised that the 30-day timeframe to act on the subdivision map would expire on February 22, 2002, and that the applicant's consent would be required in order to continue this item after this meeting because the item was properly noticed as required by law.

Mark Gregson responded to a question regarding whether the hospital would consider having this item come back at the March 4, 2002 City Council Meeting by stating that they are not concerned with the delay as long as they will not be asked to revise the plan, and that they only share with the neighbors the nature of what the hospital is proposing.

Vice Mayor Espinosa amended her motion that the project come back to the City Council on March 4, 2002. Mayor Luna agreed to the amended motion.

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

Mayor Luna closed the Public Hearing at 9:18 p.m.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a Break at 9:18 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 9:25 p.m.

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 moved by Councilmember Procter, seconded by Vice Mayor Espinosa, to extend the meeting to 10:30 p.m.

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

ORDER OF BUSINESS

A. Request for Designate Representative for High School District Board/ City Council Committee -

Interim City Manager Paul L. Skeels noted that this item could be pulled from the agenda as there are already two Councilmembers appointed to this committee.

B. Fire Dispatching Services - (90/124)

Acting Fire Chief Richard Araiza presented the report dated February 7, 2002.

A discussion ensued regarding the letter received from Ventura County Public Health which stated that the City is not in compliance with emergency medical dispatching (EMD), and the fact that the City's dispatchers are trained in EMD; however, they are unable to continue EMD training due to personnel shortages.

Police Commander Mark Hanson responded to a request to describe what occurs when someone dials 911 by describing that if the call were for a structure fire, the call would be dispatched to the Fire Department. Under the new system, the dispatcher would transfer the call to Ventura County Fire, who would then radio the Santa Paula Fire Department. He further described what would occur if a call came in for a medical emergency by stating that under the new system, the call would be transferred to Ventura County Fire. One dispatcher would take the information, another dispatcher would dispatch the information, and a third dispatcher would give EMD while our dispatcher would stay on the line. He further responded to whether the City's Police Department would continue to respond to emergencies by answering yes.

A discussion ensued regarding EMD medical advice received while a caller is on the phone. Barry Fisher, EMT Administrator from Ventura County Public Health, responded that the dispatcher would provide prearrival instructions prior to the Fire Department and ambulance arriving on the scene.

Dave Festerling, Deputy Chief, Ventura County Fire, responded to a question regarding the \$33,000 allocation for equipment by stating that the proposed dispatch package would include radio dispatch, a printer in the fire station that prints out the information on the dispatch, a mobile status terminal in engine, and time stamps.

It was moved by Councilmember Cook, seconded by Councilmember Procter, to receive this report, authorize Santa Paula Fire Department to enter into an agreement for Contracting all Fire Dispatching Service including Emergency Medical Dispatch (EMD) with Ventura County Fire Protection District, allocate a \$5,000 retainer fee as an initial payment for such services, and direct staff to enter into a formal automatic aid agreement for services with the County of Ventura Fire Protection District, and approve the budget adjustment as stated in the fiscal impact section.

A discussion ensued regarding the \$100,000 annual estimate for the City to meet EMD requirements, which would cover two dispatchers and one supervisor if the City could maintain adequate staffing.

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

C. Personnel Grievance - (118-2)

Police Chief Robert S. Gonzales' report dated February 8, 2002.

It was moved by Vice Mayor Espinosa for staff's recommendation to set a date of the next City Council Meeting.

A discussion ensued regarding whether the hearing will be held in open or closed session. Acting City Attorney Cheryl Kane advised that state law provides the hearing to be in Closed Session unless the grievance party requests the hearing to be in Open Session.

Vice Mayor Espinosa restated her motion to hold a Special Meeting in Closed Session on March 11, 2002, at 6:30 p.m., to hear the grievance. Councilmember Procter seconded by motion.

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

D. District and At-large Voting Implementation of the Stipulated Judgment in the Department of Justice Case - (80)

The agenda was previously amended to reschedule this item to the Special City Council Meeting on Thursday, February 21, 2002.

E. Voter Outreach and Education - (80)

City Clerk Steven J. Salas provided a verbal report on the status of the Voter Outreach and Education Program, and reported that he was in the process of completing the Request for Proposals to send out to consultants. No action was taken on this item.

F. Agenda Packet Preparation - (50-6)

Deputy City Clerk Josephine G. Herrera provided a verbal report on the impacts of preparing the agenda packet on the Wednesday before the Regular City Council meeting rather than on Thursday. No action was taken on this item.

G. Voting and Queue Systems - (50-6)

Deputy City Clerk Josephine G. Herrera provided a verbal report on voting and queuing systems for the Council Chambers. No action was taken on this item.

H. Volunteer Recognition Banquet - (64)

Community Services Director Brian J. Yanez's provided a verbal report on the Volunteer Recognition Banquet, and suggested that he bring back a report with options for the event.

A discussion ensued regarding having the dinner during Volunteer Recognition Week, and having the City Manager's Office handle the invitations and the certificates.

It was moved by Vice Mayor Espinosa that staff come back with options about the dinner to be held in April.

A discussion ensued regarding setting a date for the banquet.

Vice Mayor Espinosa amended her motion to have the banquet during Volunteer Recognition Week. Mayor Luna seconded the motion.

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

I. Schedule a Special City Council Meeting for April 20, 2002 - (86)

Community Services Director Brian J. Yanez noted that the date for the proposed Special Council Meeting would be for April 22, 2002, and provided a verbal report on having a centennial celebration with the City Council and inviting past Councilmembers and Planning Commissioners.

A discussion ensued regarding having this event separate from the Volunteer Recognition Dinner due to the capacity at the Community Center.

It was moved by Councilmember Johnson, seconded by Mayor Luna, to schedule a Special City Council Meeting on April 22, 2002.

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

CITY COMMUNICATIONS

Community Services Director Brian J. Yanez reported on the successful park cleanup held recently at Recreation Park.

FUTURE AGENDA ITEMS

It was moved by Mayor Luna, seconded by Councilmember Procter, for a verbal report on the concerns brought forward by Casey Salas regarding shootings on the west end. Under roll call vote, all were in favor, and the motion carried.

It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, for an agenda item on the Channel Islands Air National Guard for a resolution naming an aircraft after the City of Santa Paula. Under roll call vote, all were in favor, and the motion carried.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, for an agenda item on the status of the City's preliminary Draft Development Code. Under roll call vote, all were in favor, and the motion carried.

It was moved by Councilmember Cook, seconded by Vice Mayor Espinosa, to add to Special City Council Meeting agenda for February 21, 2002 a discussion on the Finance Director recruitment. Under roll call vote, all were in favor, and the motion carried.

It was moved by Councilmember Cook, seconded by Mayor Luna, for a report on the memo received from staff on the Chevron Gas Station about the plume going out. Under roll call vote, all were in favor, and the motion carried.

RECESS TO A REDEVELOPMENT AGENCY MEETING

Mayor Luna recessed the City Council to a Redevelopment Agency Meeting at 10:26 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 10:28 p.m.

CLOSED SESSION

Mayor Luna recessed the City Council to a Closed Session at 10:28 p.m. to discuss: Negotiations with Employee Organizations: Santa Paula Police Officers Association (SPPOA) - Non-Safety Unit (CSO 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 reconvened into Open Session at 11:03 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 11:03 p.m.

ATTEST:

Steven J. Salas, City Clerk