

CALL TO ORDER

Mayor Luna called the meeting to order at 6:30 p.m. Lydia Rodriguez 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.

PRESENTATION

Councilmember Cook presented a Proclamation to Julie Irving, Executive Director of Child Development Resources, recognizing "Have a Heart for Kids Month." Ms. Irving thanked the City Council and gave a brief summary of the agency's child care programs.

PUBLIC COMMENT

There was no Public Comment.

CONSENT CALENDAR

Vice Mayor Espinosa pulled Items J, L, and M. Councilmember Procter 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 January 28, 2002. (88-2)

Wire Transfers	\$ 44,172.64
Salaries	\$272,332.94
Invoices	<u>\$264,808.65</u>
TOTAL	\$581,314.23

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); and 3) Conference with Real Property Negotiator. Property Address: 1041 E. Santa Barbara St. Negotiating Agents: Wade Zimmerman and City of Santa Paula. Instructions to be given for both price and terms. Pursuant to *Government Code* § 54956.8. (140-1).

C. Minutes - Adopted the Minutes of the Special City Council Meeting of January 8, 2002. (50-6)

D. Minutes - Adopted the Minutes of the Regular City Council Meeting of January 14, 2002. (50-6)

F. Memorandum of Understanding with the Santa Paula Police Commander Unit for Contract Years 2002-2003 - 1) Approved by resolution the Memorandum of Understanding with the Santa Paula Police Commander Unit for Contract Years 2002-2003, **RESOLUTION NO. 5475**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING THE MEMORANDUM OF UNDERSTANDING FOR THE CONTRACT YEARS OF 2002-2003 BETWEEN THE CITY OF SANTA PAULA AND THE SANTA PAULA POLICE COMMANDERS UNIT; and 2) directed staff to amend the Salary Plan and Schedule to accommodate the 5% salary increase. Assistant to the City Manager Melissa M. Macias' report dated January 24, 2002. (118-2)

G. Representative to the Open Space District (OSD) Advisory Committee - Appointed Planning Director Thomas M. Bartlett to the Open Space District (OSD) Advisory Committee. Interim City Manager Paul L. Skeels' report dated January 24, 2002. (182)

H. Review and Adopt Resolution No. 5474, A Resolution of the City Council of the City of Santa Paula Amending Resolution 5444 and Amending the Salary Plan and Schedule - Reviewed and approved the job description (Exhibit A) and Resolution No. 5474, amending the Classification and Compensation Plan, and Position Control Plan. **RESOLUTION NO. 5474**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AMENDING RESOLUTION NO. 5444 AND AMENDING THE SALARY PLAN AND SCHEDULE. Assistant to the City Manager Melissa M. Macias's report dated January 24, 2002. (118-2)

I. Investment Report for the Quarter Ending December 31, 2001 - Received and filed the Investment Report for the Quarter Ending December 31, 2002. City Treasurer Sandra K. Easley's report dated January 25, 2002. (88-4)

K. Second Reading to Adopt Ordinance No. 1047 , Amending the City's Zone Map to Change the Zoning on the Subject Property from C-O-PD to RA-4-PD for CDP 00-40, Senior Housing Project Known As "Santa Paula on the Green" on a 2.017 Acre Parcel Located at March & Dean - Conducted the second reading to adopt **ORDINANCE NO. 1047**, AN 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, amending the City's Zone Map to change the zoning on the subject property from C-O-PD to R-4-PD for CDP 00-40, senior housing project known as "Santa Paula on the Green" on a 2.017 acre parcel located at March and Dean. Planning Director Thomas M. Bartlett's report dated January 28, 2002. (122)

N. School Crossing Improvements, Project No. 00.01.212 SPC, Rejection of Bids - Rejected all bids received. Public Works Director/City Engineer Norman S. Wilkinson's report dated January 20, 2002. (136/162)

CONSENT CALENDAR - SEPARATE ACTION ITEMS

E. Amicus Participation in 99 Cents Only Stores v. RDA of Lancaster - (50-3)

City Attorney Phillip H. Romney's report dated January 17, 2002.

City Attorney Phillip H. Romney responded to a question regarding the amicus participation by stating that the issue is whether the federal court had acted inappropriately by overstepping its bounds, and that the League of California supports joining in the amicus brief.

It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, to authorize participation as amicus in the case of 99 Cents Only Stores v. Lancaster RDA.

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

J. Draft Housing Element - (122-6)

Mary Gayle substituted as Acting City Attorney for this item.

Planning Director Thomas M. Bartlett's report dated January 24, 2002.

Planning Director Thomas M. Bartlett responded to a question regarding the correct amount of acreage for Las Posadas by stating that it is a 17-acre parcel, and that the correction had been made to the Draft Housing Element.

A discussion ensued regarding Page 4-7 where it mentions a review by Council in February, and direction to include the year at the end of the sentence. Another discussion ensued regarding the bottom of Page 5-16 where it appeared that some of the sentence was missing.

A discussion ensued regarding Page 5-17 where it reads, "Under this program, the City *could* provide funds from such programs as CDBG, HOME, RDA set-aside funds, or Rural Housing and Economic Development funds", and a suggestion to change the word *could* to *will*. Special Counsel Mary Gayle advised that the use of the word *will* would commit the City Council to provide funds to every developer, and that in her legal opinion it would be much safer to use the word *could*.

Planning Director Thomas M. Bartlett noted that the sentence left out on Page 5-16 should read, "... the city will specifically facilitate the development of the proposed 113 new senior housing units for low- and moderate-income seniors." He further noted that this refers to the Santa Paula on the Green project and the Santa Paula Memorial Hospital Assisted Living Facility project, which are listed under the heading "Five-year Objective."

Eileen McCarthy, 338 S. A Street, Oxnard, staff attorney with California Rural Legal Assistance, submitted her written comments for the record, noted that she feels the land inventory is insufficient, and suggested that the Draft Housing Element not be submitted to HCD until further study.

A discussion ensued regarding land inventory for low and very low-income households, and a suggestion to rezone land to a lower density. Acting City Attorney Mary Gayle advised that the Draft Housing Element must correspond with the Land Use Element, and the Zoning Ordinance must conform with the Land Use Element. Further, if the City Council were to consider rezoning, there would not be sufficient time to do so to meet the deadline.

Jesse Ornelas, 919 La Vuelta Place, representing Cabrillo Economic Development, noted his research on M-1 zoned land and stated that there is insufficient M-1 zoned land to accommodate migrant farmworker housing. He further stated that the best use of CDBG funds would be to provide housing to alleviate overcrowding.

Acting City Attorney Mary Gayle responded to a question regarding land inventory by stating that the City Council needs to make accurate factual representations in the Draft Housing Element.

A discussion ensued regarding Fagan Canyon, which was included in the first draft, however, HCD had said that it could not be included since the City did not have an annexation application pending, and that the City is bound by the city boundaries and sites that have been identified as vacant and underutilized.

A discussion ensued regarding the two senior housing projects and whether they should be identified as low-income housing projects as they are conditioned to be market rate.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a Break at 7:33 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 7:39 p.m.

The discussion continued regarding the two senior housing projects and whether to reference to them in the Draft Housing Element as affordable housing.

Planning Director Thomas M. Bartlett responded to a question regarding reference to Fagan Canyon by stating that Fagan Canyon is a footnote to Table 28, and that the vacant sites inventory is included under "Housing Resources" under the heading of "Availability of Sites for Housing", and the subheading "Vacant Sites." He further responded to a question regarding whether Santa Paula on the Green could be counted as affordable housing by responding yes as staff had performed a study given the range of price point information provided by the developer.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to delete the word "low" when it pertains to Santa Paula on the Green and the hospital project.

Acting City Attorney Mary Gayle responded to a question regarding whether the City could hold the developer to allow low-income people to move in this project by stating that the City cannot hold the developer to low-income people because the City does not have funds invested in the project.

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

It was moved by Vice Mayor Espinosa to direct staff to work further with the entities involved to identify the correct number of sites that would be available to the low and very low-income sites, and with further review they would come back to Council, and if there are no further available sites, then send to HCD.

A discussion ensued regarding the entities to be Cabrillo Economic Development and California Rural Legal Assistance.

Councilmember Procter seconded the motion.

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

It was moved by Councilmember Johnson, seconded by Councilmember Cook, to direct staff to forward the revised Draft Housing Element to the California Department of Housing and Community Development for review.

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

Planning Director Thomas M. Bartlett stated for the record that staff would be making the changes that were directed this evening.

F. Award of Design Contract, Wastewater Treatment Plant Improvements - (136/156-3)

Public Works Director/City Engineer Norman S. Wilkinson's report dated January 24, 2002.

Public Works Director/City Engineer Norman S. Wilkinson responded to a question regarding whether the project was dependent upon Fillmore or Ventura County by stating that it was not and that the City could proceed with its original concept on its own. He further responded to a question regarding the selection of Santa Paula as the site by stating that sewage flows downhill and that Santa Paula's plant is the largest of the three facilities.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Johnson, to 1) increase the Sewer Enterprise revenue budget by \$177,000 (610.050.7502.75210); appropriate \$177,000 additional for Wastewater Treatment Plant Improvement Project

(CIP Line 27, 610.050.9039.8290); 3) award the design contract in the amount of \$674,860 to Parsons Infrastructure and Technology Group, Inc.; 4) authorize the Mayor to sign the contract, subject to approval by the City Attorney; 5) approve the project expenditure authorization of \$813,000; 6) direct staff to meet with Parsons to finalize the scope of work and fee breakdown for later City Council approval; and 7) authorize work to begin pending the final scope of work and fee breakdown.

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

G. Fireline for Wastewater Treatment Plant, Project No. 01.02.224 SWR, Award of Contract - (136/156)

Public Works Director/City Engineer Norman S. Wilkinson's report dated January 20, 2002.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Johnson, to award the contract for the Fireline for Wastewater Treatment Plant, Project no. 01.02.224 SWR to Channel Island Pipeline in the amount of \$29,472.50; approve the anticipated project expenditures limit; and authorize the City Manager, or his designee, to sign the contract documents on behalf of the City.

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

RECESS TO A BREAK

Mayor Luna recessed the City Council to a Break at 8:16 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 8:23 p.m.

ORDER OF BUSINESS

A. Appropriation for Centennial Memorabilia and Stationery - (86)

Interim City Manager Paul L. Skeels' report dated January 27, 2002.

It was moved by Councilmember Johnson, seconded by Councilmember Procter, for staff to purchase 500 1-1/2" pins, seals with the special Centennial logo, centennial letterhead, and Centennial envelopes.

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

B. Status Report on City Manager Recruitment and Finance Director Retirement, and Request to Raise Finance Director Salary Range, and Request for Authority Concerning Permanent Finance Director and Interim Finance Director Recruitments - (118)

Interim City Manager Paul L. Skeels' report dated January 30, 2002.

City Manager Recruitment

Interim City Manager Paul L. Skeels reported that he has been in contact with Dr. Richard Garcia from RJA Management Services to schedule a meeting with the City Council. It was the consensus of the City Council to schedule a Special Meeting on February 21, 2002, at 6:00 p.m.

Finance Director

Interim City Manager Paul L. Skeels reported that he had spoken with Finance Director Glenda D. Jay to ask whether she was interested in extending her employment as an interim employee; however, Ms. Jay had informed him that she would go ahead and retire, leaving her last day in the office as February 8, 2002.

Recruiting for Permanent Finance Director

Interim City Manager Paul L. Skeels reported that he had been in contact with Dr. Richard Garcia on the possibility of having RJA Management Services handle the Finance Director recruitment in addition to the City Manager recruitment, and noted that Dr. Garcia expressed his interest in amending the contract to handle both the City Manager and Finance Director recruitment for \$30,000. Additionally, Dr. Garcia offered to set a limit of his expenses for both recruitments at \$12,000.

A discussion ensued regarding the failed in-house recruitments for the Finance Director, and increasing the salary range for the Finance Director position.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to go ahead and move forward on staff's recommendation to include the Finance Director recruitment in the RJA amended contract for the amounts that staff has negotiated, and to increase the salary range for this to \$68,000 to \$80,000 range.

A discussion ensued regarding concerns on in-house recruitment for Department Head-level positions and concerns regarding the proposed salary increase.

Councilmember Johnson amended the motion to increase the salary range from \$68,000 to \$82,000. Vice Mayor Espinosa accepted the amended motion.

A discussion ensued regarding the City's adopted salary schedule and selecting a salary closest to the salary range.

City Attorney Phillip H. Romney responded to a question regarding the City Council amending the salary schedule by stating that the salary range was established by resolution, and in order to amend the salary schedule, it would need to be changed by a new resolution.

Assistant to the City Manager Melissa M. Macias responded to a question regarding which would be the closest salary range by responding \$68,261.21 to \$82,971.93.

Vice Mayor Espinosa withdrew her motion and withdrew her agreement to the amendment, and restated her motion to include the \$68,261 to \$82,971 salary range. Councilmember Procter seconded the motion.

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

A discussion ensued regarding whether the contract with RJA would include the Finance Director recruitment. The City Council clarified that this was included as part of the motion.

Recruiting an Interim Finance Director

A discussion ensued regarding the status of recruiting an Interim Finance Director and the fact that the Interim City Manager has the authority to hire someone for this position.

C. Status of Prop. 172 Letter -

Police Chief Robert S. Gonzales provided a verbal report, and recommended that the City Council revisit this issue in six months.

It was moved by Councilmember Johnson, seconded by Vice Mayor Espinosa, to approve the Police Chief's recommendation to revisit this issue in six months.

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

D. Home Funds Grant Application - Continued - (96)

Building and Safety Director Stephen R. Stuart provided a verbal report, and noted that staff had found it to be premature to go forward with the application.

No action was required on this item.

E. Open Train Depot for Yearly Open House - Continued - (69)

Community Services Director Brian J. Yanez provided a verbal report.

A discussion ensued regarding suggestions for this event.

It was the consensus of the City Council to have staff bring back a written report with estimated costs, dates, time, and theme.

F. Speaker Timer for Council Chambers - Continued - (50-7)

Deputy City Clerk Josephine G. Herrera provided a verbal report.

It was the consensus of the City Council to take advantage of the free trial for a speaker timer.

A discussion ensued regarding the use of a speaker timer for the convenience of the Mayor to conduct meetings, and having staff bring back information on an electronic voting system. City Attorney Phillip H. Romney advised that this would be appropriate as a future agenda item.

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 Johnson, seconded by Vice Mayor Espinosa, to continue the meeting for one hour.

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

G. Boxing Gym

Planning Director Thomas M. Bartlett provided a verbal report.

A discussion ensued regarding the possibility of having a boxing gym located in City property such as the old County Fire Station at 735 E. Santa Barbara Street or the Arts and Crafts Building at the Community Center. Both of these options were determined to be unfeasible. Another discussion ensued regarding having staff provide more assistance to the proponents of the boxing gym in locating a facility.

City staff advised the City Council that staff has put in a significant amount of time with the applicant on this project, and noted that staff will continue to work with him.

It was moved by Vice Mayor Espinosa, seconded by Vice Mayor Espinosa, to direct staff to work with the applicant and bring back some options and some progress on the boxing facility.

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

H. Water Division

Public Works Director/City Engineer Norman S. Wilkinson provided a verbal report on staffing, recruitments, and water operations.

Public Works Director/City Engineer Norman S. Wilkinson responded to questions regarding the vacancies in the Water Divisions, revisions to the job description for water maintenance workers, and state-mandated certification requirements for water maintenance workers.

It was moved by Mayor Luna, seconded by Vice Mayor Espinosa, for a written report on this issue.

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

CITY COMMUNICATIONS

Interim City Manager Paul L. Skeels noted that a formal announcement of the award of the "Weed and Grant" would take place at Las Piedras Park on February 6, 2002, at 10:00 a.m.

Councilmember Johnson thanked Finance Director Glenda D. Jay for her efforts during her employment. Councilmember Procter echoed his appreciation.

Vice Mayor Espinosa also thanked Finance Director Glenda D. Jay for her service. She also commended staff, the community, and the City Council for their efforts on the Draft Housing Element.

FUTURE AGENDA ITEMS

It was moved by Councilmember Johnson, seconded by Councilmember Cook, to bring back an agenda item to discuss the possibility of having the Downtown Merchants

Association taking over and coordinating the Heritage Valley Festival in September, instead of City staff. Under roll call vote, all were in favor, and the motion carried.

It was moved by Mayor Luna, seconded by Councilmember Cook, for a report from the City Clerk on how the agenda packet is working by putting out on Wednesdays instead of Thursdays. Under roll call vote, all were in favor, and the motion carried.

It was moved by Councilmember Johnson, seconded by Councilmember Councilmember Procter, for the City Clerk to bring back information on a voting system and queue system. Under roll call vote, Councilmember Johnson, Councilmember Procter, and Vice Mayor Espinosa were in favor. Councilmember Cook and Mayor Luna were opposed. The motion carried.

RECESS TO A REDEVELOPMENT AGENCY MEETING

Mayor Luna recessed the City Council to a Redevelopment Agency Meeting at 10:20 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 10:22 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); and 3) Conference with Real Property Negotiator. Property Address: 1041 E. Santa Barbara St. Negotiating Agents: Wade Zimmerman and City of Santa Paula. Instructions to be given for both price and terms. Pursuant to *Government Code § 54956.8*. (140-1).

Mayor Luna recessed the City Council to a Closed Session at 10:22 p.m.

Mayor Luna reconvened the City Council into Open Session at 10:30 p.m. for a motion to continue the Closed Session.

It was moved by Councilmember Johnson, seconded by Councilmember Procter, to suspend the City Council rules in order to continue the Closed Session. Under roll call vote, Councilmember Johnson, Councilmember Procter, Vice Mayor Espinosa, and Mayor Luna were in favor. Councilmember Cook was opposed. The motion carried.

Mayor Luna recessed the City Council to a Closed Session at 10:30 p.m.

City Attorney Phillip H. Romney declared a conflict of interest regarding the Closed Session item for 1041 E. Santa Barbara Street, and exited the Council Chambers during that discussion.

Mayor Luna reconvened into Open Session at 11:20 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 11:20 p.m.

ATTEST:

Steven J. Salas
City Clerk