

CALL TO ORDER

Mayor Luna called the meeting to order at 6:30 p.m. Reverend Ron Dybvig offered the invocation, and Councilmember Cook led the Pledge of Allegiance to the Flag.

ROLL CALL

Councilmember Richard C. Cook, Councilmember Donald L. Johnson, Councilmember John T. Procter, and Mayor Ray C. Luna responded to roll call. Interim City Manager Paul L. Skeels, City Attorney Phillip H. Romney, and Deputy City Clerk Josephine G. Herrera were also present. Vice Mayor Laura Flores Espinosa arrived at 6:35 p.m. Clerk Steven J. Salas was absent due to illness.

PRESENTATION

A. Proclamation Recognizing the California Children's "5 a Day Power Play! Campaign"

Mayor Luna presented a proclamation to Leah Haynes, University of California Cooperative Extension, recognizing the California Children's "5 a Day Power Play! Campaign." Ms. Haynes thanked the City Council for their support.

PUBLIC COMMENT

David Mullinax, Tri-Counties Regional Representative of the League of California Cities, spoke regarding the grassroots network which will reach out to every community in the state and create alliances and build coalitions at the local level to ensure that cities receive funding of which they are entitled.

CONSENT CALENDAR

Councilmember Cook pulled Item K. Councilmember Johnson pulled Item G. Vice Mayor Espinosa pulled Item H. It was moved by Councilmember Cook 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, Councilmember Cook, Councilmember Procter, Vice Mayor Espinosa, and Mayor Luna were in favor. Councilmember Johnson abstained from Item D, and was in favor of the remainder. The Consent Calendar was adopted.

A. Warrants and Certifications - Approved the Warrants and Certifications dated March 11, 2002. (88-2)

Wire Transfers	\$ 68,587.44
Salaries	\$278,027.11
Invoices	<u>\$566,275.83</u>
TOTAL	\$912,890.38

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); 2) Conference with Legal Counsel, Anticipated Litigation. Number of potential cases: Unknown. Facts and circumstances, if known to potential plaintiffs: Not known to potential plaintiffs. Identification of claims, if any: Potential claims under Prop. 62. Pursuant to *Government Code §54956.9 (b)* (168); and 3) Conference with Legal Counsel, Pending Litigation. Name of Case: L. A. Department of Water and Power v. James Jones Company. disclosure of case name will not jeopardize service of process or existing settlement negotiations. Pursuant to *Government Code § 54956.9(a)* (136).

C. Minutes - Adopted the Minutes of the Special City Council Meeting of February 21, 2002. (50-6)

D. Minutes - Adopted the Minutes of the Special City Council Meeting of March 4, 2002. (50-6)

E. Appointment of Assistant Director of Civil Defense and Disaster Council, Adoption of SEMS - Approved the appointment of Building and Safety Director Stephen R. Stuart to serve as Assistant Director of Santa Paula's Civil Defense Council, and adopted Resolution No. 5382 requiring the City to follow SEMS for disaster emergency preparedness and response. **RESOLUTION NO. 5482**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING THE STANDARDIZED EMERGENCY MANAGEMENT SYSTEM (SEMS). Interim City Manager Paul L. Skeels' report dated March 6, 2002. (84)

F. Memorandum of Understanding with the Community Services Officers Unit for Contract Years 2002-2003 - Approved by resolution the Memorandum of Understanding with the Santa Paula Community Services Officers Unit for Contract Years 2002-2003, **RESOLUTION NO. 5483**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING THE MEMORANDUM OF UNDERSTANDING FOR THE

CONTRACT YEARS OF 2002-2003 COMMUNITY SERVICES UNIT; and directed staff to amend the Salary Plan and Schedule to accommodate the 5% salary increase, effective the first full pay period following Council adoption. Assistant to the City Manager Melissa M. Macias' report dated March 12, 2002. (118-2)

I. Grand Opening for Basketball Rehabilitation Grant from State - Accepted this formal invitation to the grand opening of Las Piedras Park, Teague Park, and Obregon Park basketball courts on March 25, 2002, at 1:30 pm., at Teague Park. Community Services Director Brian J. Yanez's report dated March 11, 2002. (114/142)

J. Status Report on the Update to the City's Development Code - Received and filed report. Planning Director Thomas M. Bartlett's report dated March 11, 2002. (122)

L. Approval and Authorization of Reconveyance to Michael and Karen Karayan: 3710 North Ojai Road - Approved and authorized the reconveyance to Michael and Karen Karayan for the property located at 3710 North Ojai Road. Public Works Director/City Engineer Norman S. Wilkinson's report dated February 21, 2002. (156)

M. Storm Damage Repair Harvey Fish Ladder, Project No. 99.00.210 WTR, Project Acceptance/Notice of Completion - 1) Accepted the project and authorized the Public Works Director/City Engineer to file a Notice of Completion; and 2) reappropriated additional funds in the amount of \$21,773 from the Water Main Replacement Budget CIP Line 42 for the Storm Damage Repair Harvey Fish Ladder, Project No. 99.00.210 WTR. Public Works Director/City Engineer Norman S. Wilkinson's report dated March 11, 2002. (136/187)

CONSENT CALENDAR - SEPARATE ACTION ITEMS

G. Rejection of Claim Filed by Fernando Garcia, Michele Garcia, and Michael Garcia - (62)

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

Assistant to the City Manager Melissa M. Macias' report dated March 7, 2002.

A discussion ensued regarding information that was previously given to the City Council which was not included with their confidential packet.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Cook, to have this item come back with the report that goes with it.

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.

H. Ordinance No. 1049 Amending Section 37.54 of the Santa Paula Municipal Code - (168)

City Attorney Phillip H. Romney's report dated March 5, 2002.

A discussion ensued regarding whether a similar ordinance was adopted last year.

Councilmember Johnson introduced Ordinance No. 1049.

ORDINANCE NO. 1049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AMENDING
37.54 OF TITLE III, CHAPTER 37 OF THE SANTA PAULA MUNICIPAL CODE

K. Vehicle Sales Events on the K-mart Parking Lot - (122-11)

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

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

A discussion ensued regarding objections to vehicle sales events at the K-mart parking lot, concerns regarding signs, trash, and impacts to nearby residents, and a suggestion to have a requirement to not allow signs advertising the events.

City Attorney Phillip H. Romney responded to the suggestion for no signs by stating that the First Amendment allows the dissemination of commercial information on a traditional public forum such as public sidewalks and streets; therefore, the City Council cannot prohibit signs. However, the City has the ability to regulate signs for time, place, manner, size, height, etc.

A discussion ensued regarding an ordinance by the City of Moorpark that limits these types of events to only local dealerships. City Attorney Phillip H. Romney advised that this would be in violation of the commerce clause and in violation of the United States Constitution.

Michael Johnson, 171 Felkins Road, spoke against the vehicles sales events held at the K-mart parking lot, and submitted a petition signed by other residents protesting these events. He further addressed his concerns with intense lighting, noise, litter, and fumes from generators, and questioned whether an environmental impact report was prepared.

He further noted that during one of these events, a balloon hit a power line and caused a fire.

Jerry Marquez, 163 Felkins Road, also spoke against vehicle sales events held at the K-mart parking lot.

A discussion ensued regarding having staff address the hours of operation, signage, and lighting, and regulating the size of balloons and their proximity to wires and residences.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Cook, that staff bring this issue back for Council discussion with some of the comments that the Council directed towards this issue.

Planning Director Thomas M. Bartlett responded to a question regarding whether an environmental impact report (EIR) could be done for these vehicle sales events by stating that the events are held on established commercial ground that is zoned and approved in the General Plan for this type of use. He further noted that an EIR would lead to a zero event decision because the cost of the preparation would exceed the benefit.

Vice Mayor Espinosa called for the question.

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.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a Break at 7:28 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 7:33 p.m.

ORDER OF BUSINESS

A. Community Input Regarding City Manager Recruitment - (50-2/118)

Interim City Manager Paul L. Skeels' report dated March 6, 2002.

Mary Ann Krause, no address given, spoke regarding the qualitative aspect of the selection process for the permanent City Manager, and addressed a trend she has

observed where City Managers are no longer being facilitators for the City Council and the community, and are not working towards consensus. She further stated that the candidates should be held to high standards and consensus building.

A discussion ensued regarding the differences between consensus building and team building, and asking RJA Management to include asking City Manager candidates for an example of consensus building during the interview process.

A discussion ensued regarding the forums to be held by Dr. Richard Garcia to obtain community input, and the need for caution in speaking with individual Councilmembers as this may be construed as a serial meeting.

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to allow for a morning forum for appointments, a tour in the afternoon, and an open forum for the evening.

A discussion ensued regarding whether the City Council would be participating in the forum activities. City Attorney Phillip H. Romney advised that the forum could be posted as a City Council meeting to allow the City Council to interact and participate.

Vice Mayor Espinosa called for the question.

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.

B. Naming City Facilities - (132/132-10)

Community Services Director Brian J. Yanez' report dated March 8, 2002.

A discussion ensued regarding naming or dedicating an area or building at the Community Center after Mel Howery. Another discussion ensued regarding placing a plaque in the front lobby in honor of Mr. Howery.

It was moved by Vice Mayor Espinosa, seconded by Mayor Luna, to have a plaque in the front lobby acknowledging Mr. Howery's service to the City of Santa Paula.

A discussion ensued regarding having the language for the plaque be brought back to the City Council.

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

It was moved by Vice Mayor Espinosa, seconded by Mayor Luna, that staff bring back different options for the City Council to review as far as the language on a plaque, whether to use the word “dedication”, “acknowledgment” or “thanks”, and whatever is appropriate for a plaque such as size and design, and all of that, should come back to the Council.

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

C. Establish Boundaries for Voting Districts - (80)

City Attorney Phillip H. Romney’s report dated March 12, 2002.

It was moved by Councilmember Johnson, seconded by Mayor Luna, to approve the five-member district plan prepared by the U. S. Department of Justice, and direct staff to set a public hearing for public review and comment.

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

D. CDBG Audit and Possibility of Implementing Public Service Allocation - (96-2)

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

Finance Director Glenda D. Jay’s report dated March 12, 2002.

A discussion ensued regarding concerns that money is not going where it was intended, and whether the program is managed properly.

It was moved by Vice Mayor Espinosa for Alternatives 1 and 3, to authorize staff to issue a Request for Proposal for an audit specific to the City’s Code Enforcement and Housing Rehabilitation Programs based on the County of Ventura and City’s collaboration; authorized staff to re-notice a public hearing for the allocation of the FY 2002-03 Community Development Block Grant Funds; and direct staff to proceed with a Request for Proposal for a programmatic audit of the CDBG programs from 1986 to the present.

Finance Director Glenda D. Jay responded to a question regarding the breakdown of CDBG costs by stating that the breakdown is included in the budget for CDBG costs for the Code Enforcement Program, the Housing Rehabilitation Program, salaries, benefits, and line items.

A discussion ensued regarding concerns that a member of the CDBG Advisory Committee may have a conflict of interest, and concerns that City staff may not have shared information with the Advisory Committee regarding the dollar for dollar match.

Vice Mayor Espinosa responded to a question regarding her motion on whether she was seeking a financial and programmatic audit by responding yes, and that her motion included Alternatives #1 and #3 for the period of 1986 to present.

A discussion ensued regarding not allocating funds until the audits are completed, and concerns that the City would harm the other entitlement cities if the City does not distribute the allocations.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a Break at 8:46 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 8:51 p.m.

Councilmember Cook called for the question.

A discussion ensued regarding a suggestion made by Christy Madden from the County of Ventura for a programmatic audit as a tool to sharpen the efficiency of the program, and a suggestion to make a recommendation for the allocations contingent on the conclusion of the audit.

Vice Mayor Espinosa repeated her motion for Alternatives #1 and #3 of staff's recommendation, and that for Alternative #3 the word "programmatic" should be included before the word "audit." She responded to a question regarding whether she would add the words "historical and programmatic audit" to her motion by responding yes. She further responded to a question regarding whether her motion would include audits for all CDBG programs by responding yes.

Councilmember Procter seconded the motion.

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

Councilmember Johnson returned to the dais.

E. Bringing General Plan into Compliance with Measure I - (122-6)

Planning Director Thomas M. Bartlett provided a verbal report, and stated that the Land Use Element of the General Plan was amended by Measure I by inserting text at Page LU-27.

CITY COMMUNICATIONS

Vice Mayor Espinosa stepped out of the Council Chambers at 9:08 p.m.

Mayor Luna mentioned that Councilmember Procter, Interim City Manager Paul L. Skeels, and he met with the Santa Paula High School District/City Council Joint Committee to identify concerns, and that another meeting is scheduled for April 9, 2002.

FUTURE AGENDA ITEMS

It was moved by Councilmember Cook, seconded by Councilmember Johnson, for a verbal report on why the sewer plant keeps running over on weekends, whether the City is being fined, and strong odors. Under roll call vote, Councilmember Cook, Councilmember Johnson, Councilmember Procter, and Mayor Luna were in favor. Vice Mayor Espinosa was absent during the roll call vote. The motion carried.

It was moved by Councilmember Cook, seconded by Councilmember Johnson, for an agenda item to discuss the sidewalk on Santa Paula Street west of Twelfth Street by Barbara Webster School and whether the trees could be pulled. Under roll call vote, Councilmember Cook, Councilmember Johnson, Councilmember Procter, and Mayor Luna were in favor. Vice Mayor Espinosa was absent during the roll call vote. The motion carried.

RECESS TO A REDEVELOPMENT AGENCY MEETING

Mayor Luna recessed the City Council to a Redevelopment Agency Meeting at 9:10 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 9:13 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 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: Unknown. Facts and circumstances, if

known to potential plaintiffs: Not known to potential plaintiffs. Identification of claims, if any: Potential claims under Prop. 62. Pursuant to *Government Code §54956.9 (b)* (168); and 3) Conference with Legal Counsel, Pending Litigation. Name of Case: L. A. Department of Water and Power v. James Jones Company. disclosure of case name will not jeopardize service of process or existing settlement negotiations. Pursuant to *Government Code § 54956.9(a)* (136).

Mayor Luna recessed the City Council to a Closed Session at 9:13 p.m., and reconvened into Open Session at 9:40 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 9:40 p.m.

ATTEST:

Josephine G. Herrera
Deputy City Clerk