

**CALL TO ORDER**

Vice Mayor Espinosa called the meeting to order at 6:32 p.m.

**ROLL CALL**

Councilmember Richard C. Cook, Councilmember Donald L. Johnson, Councilmember John T. Procter, and Vice Mayor Laura Flores Espinosa 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. Mayor Ray C. Luna was absent due to illness.

**PRESENTATION**

Michael Freidman provided an update of the negotiations with Adelphia Cable, spoke regarding the cable regulatory ordinance and the franchise agreement, and addressed Adelphia's upcoming bankruptcy proceedings.

Vice Mayor Espinosa announced that Lourdes Campbell was available to provide Spanish language translation services.

**PUBLIC COMMENT**

There was no Public Comment.

**CONSENT CALENDAR**

It was moved by Councilmember Johnson, seconded by Councilmember Cook, to adopt the Consent Calendar as presented. Under roll call vote, Councilmember Cook, Councilmember Johnson, Councilmember Procter, and Vice Mayor Espinosa were in favor. Mayor Luna was absent. The Consent Calendar was adopted.

A. Closed Session - Approved a Closed Session to discuss: Public Employee Appointment or Employment. Position to be filled: City Manager. Pursuant to *Government Code §54957*. (118)

**PUBLIC HEARING**

A. Ordinance No. 1057 Adopting Legal Descriptions of City Council Districts, Assignment of Numbers to City Council Districts and Presenting Proposed City Council

Districts to City Electorate for Approval or Rejection, and Directing Staff to Forward the City Council District Information to the Ventura County Registrar of Voters - (50/80)

Vice Mayor Espinosa opened the Public Hearing at 6:52 p.m.

City Clerk Steven J. Salas noted that the Ordinance contained typographical errors, and that corrected copies had been provided to the City Council.

City Attorney Phillip H. Romney's report dated June 14, 2002. He noted that Attorney John McDermott was available to answer questions, and stepped down from the dais to allow Mr. McDermott to take his seat.

Attorney John McDermott provided a summary of the proposed ordinance. He responded to a question regarding whether there was a requirement that the districts be geographically compact by responding that this was not an issue with the settlement agreement with the Department of Justice. He further responded to a question regarding the use of the 2000 Census by responding that the Department of Justice had adjusted the district boundaries based on the 2000 Census, and that the California Government Code requires cities and counties to redistrict on the basis on the most recent census. He further responded to a question regarding the Public Works Department's involvement in preparing the legal descriptions for the ordinance by responding that the Public Works Department provided the descriptions of the streets for the areas within each district.

It was moved by Councilmember Johnson, seconded by Councilmember Cook, to read in title only Ordinance No. 1057.

Councilmember Johnson responded to a question regarding whether his motion would include the corrected version of Ordinance No. 1057 to say County of Ventura instead of City of Ventura by responding yes.

There was no Public Comment.

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

**ORDINANCE NO. 1057**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING LEGAL DESCRIPTIONS OF CITY COUNCIL DISTRICTS, ASSIGNMENT OF NUMBERS TO CITY COUNCIL DISTRICTS AND PRESENTING PROPOSED CITY COUNCIL DISTRICTS TO CITY ELECTORATE FOR APPROVAL OR REJECTION AND

DIRECTING STAFF TO FORWARD THE CITY COUNCIL DISTRICT INFORMATION TO  
THE VENTURA COUNTY REGISTRAR OF VOTERS

Councilmember Johnson introduced Ordinance No. 1057.  
The Public Hearing was closed at 7:09 p.m.

City Attorney Phillip H. Romney returned to the dais.

**ORDER OF BUSINESS**

A. Selection of an Individual Councilmember or Selection of the City Council as a Whole to Author Arguments and Rebuttals for a Measure for the Voters to Decide Whether to Validate the Action of the City Council in 1994 Increasing the Transient Occupancy Tax from 7% to 10% - (80)

Interim City Manager Paul L. Skeels' report dated June 18, 2002.

City Attorney Phillip H. Romney responded to a question regarding whether the City Council could direct City staff to author the argument by responding no because the City Council cannot expend public funds to support a measure.

Councilmember Johnson offered to write an argument in favor of the measure and bring it back to the second meeting in July for the City Council's review.

It was the consensus City Council to have Councilmember Johnson write the argument in favor of the measure.

B. Consider Placing the Initiative Measure Amending the City Urban Growth Restriction Boundary (CURB) Line to Include a 32.5 Acre Parcel at the Northwest Corner of Peck/Foothill Roads on the November Ballot - (80)

Councilmember Johnson and City Attorney Phillip H. Romney declared a conflict of interest, and stepped down from the dais. Acting City Attorney Karl H. Berger took City Attorney Phillip H. Romney's seat at the dais.

City Clerk Steven J. Salas provided a verbal report. He noted that letters of support were received from Joseph Nesbitt and Lucille Sparkman.

Scott Anderson, 1206 E. Santa Paula Street, addressed the deficiencies of the legal publication which did not include the Notice of Intent to Circulate Petition, and addressed the City's General Plan, Environmental Impact Report (EIR), White Paper prepared for LAFCO, and the California Environmental Quality Act (CEQA). He further stated that the

initiative is intended to amend the City's Urban Restriction Boundary and that no development is planned at this time. He further offered to absorb any costs to the City and indemnify the City if the City Council grants the request to place the initiative on the ballot.

Herbert Hunt, 1323 Woodland Drive, spoke in favor of placing the measure on the ballot.

Ed Casey, 5043 Dumont Place, Woodland Hills, representing Santa Paula Development Partners and the Ranch at Santa Paula, referred to his letter dated June 13, 2002, which addressed the California Supreme Court case that would prevent placement of this measure on the ballot, and noted that City initiatives must have an initial study and CEQA review.

Pat Novak, 601 Teague Drive, spoke in favor of placing the measure on the ballot.

Lupe Arana, 150 Craig Drive, spoke in favor of placing the measure on the ballot.

Martin Perez, 140 W. Santa Paula Street, spoke in favor of placing the measure on the ballot.

Elias Valdes, 534 N. Mill Street, spoke in favor of placing the measure on the ballot.

Vice Mayor Espinosa noted for the record that the letters submitted by Lucille Sparkman and Joseph C. Nesbitt in favor of placing the measure on the ballot would be entered into the record.

Keith Hagaman, 27 Ketch Street, Marina del Rey, one of the owners in the project, noted that he submitted a letter dated June 17, 2002, asking the City Council to support placing the initiative on the ballot. He further noted that the City has an environmental impact report for the entire sphere of influence with designates the area as hillside residential.

Acting City Attorney Karl H. Berger responded to a request to address the comments made by stating that the issue is whether the City Council should sponsor placing the initiative on the ballot because the proponents of the initiative would no longer be the applicants of the measure. He also noted that the City Council would be free to word the measure as it wishes. He further noted that citizen-sponsored initiatives are exempt from CEQA review; however, City Council-sponsored land use initiatives require an application for environmental review, an initial study, and public comment. After the conclusion of the initial study, the City Council may make a determination whether a mitigated negative declaration is appropriate or whether a new EIR is needed. He responded to a question regarding whether the City Council could deem the initiative to be in substantial compliance with the Elections Code and override the decision of the City Clerk by stating

that there cannot be substantial compliance with the Elections Code, and cautioned that the City Council or the City Clerk may face a lawsuit if the measure is placed on the ballot.

Planning Director Thomas M. Bartlett responded to a request to address questions on the EIR and other reviews by responding that the environmental review process would take five to six months. He responded to a question regarding reimbursing and indemnifying the City by responding that reimbursement costs could be worked out with the developers to cover the costs for the environmental review.

Acting City Attorney Karl H. Berger responded to a question regarding the indemnification by responding that this would require a written contract, and suggested that it may be less expensive to fund a special election. He further responded to a question regarding whether the City Council could make a finding of no significant changes by placing the initiative on the ballot and not require an EIR by responding that the City Council must follow the environmental review process. He further responded to a question regarding whether the City Council could study this issue further by responding that the City Council could direct staff to explore this matter further and perhaps bring back suggested language for an initiative to begin the environmental process.

It was moved by Councilmember Procter, seconded by Vice Mayor Espinosa, to have this matter brought back with a summary of the different legal points that were brought up tonight on the different types of initiatives and the environmental review process.

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

Councilmember Cook stepped out of the Council Chambers at 8:25 p.m. to retrieve Councilmember Johnson.

### **CITY COMMUNICATIONS**

Acting Fire Chief Richard Araiza mentioned that a press conference would be held on Thursday, June 27, 2002, at 10:00 a.m., with County Supervisor Kathy Long and the Ventura County Fire Department regarding the tentative Mutual Aid Agreement with the County.

Councilmember Procter said that his prayers go out to Mayor Luna and wished him a speedy recovery.

Councilmember Cook and Councilmember Johnson returned to the Council Chambers at 8:27 p.m.

Councilmember Cook mentioned that Mayor Luna recently had surgery and is still in the hospital. He said that his thoughts and prayers are with him.

### **FUTURE AGENDA ITEMS**

It was moved by Vice Mayor Espinosa, seconded by Councilmember Procter, to have the draft inclusionary ordinance brought back in July. Under roll call vote, Councilmember Cook, Councilmember Johnson, Councilmember Procter, and Vice Mayor Espinosa were in favor. Mayor Luna was absent. The motion carried.

### **CLOSED SESSION**

City Attorney Phillip H. Romney announced that the Closed Session was to discuss: Closed Session to discuss: Public Employee Appointment or Employment. Position to be filled: City Manager. Pursuant to *Government Code §54957*. (118)

Vice Mayor Espinosa recessed the City Council to a Closed Session at 8:30 p.m., and reconvened into Open Session at 8:54 p.m.

No action was taken during the Closed Session.

### **ADJOURNMENT**

There being no further business to come before the City Council, Vice Mayor Espinosa adjourned the meeting at 8:54 p.m.

ATTEST:

Steven J. Salas  
City Clerk