

CALL TO ORDER

Mayor Luna called the meeting to order at 6:30 p.m. Pastor Paul Kim from United Methodist Church offered the invocation, and Mayor Luna 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, and Deputy City Clerk Josephine G. Herrera were also present. City Clerk Steven J. Salas arrived at 6:45 p.m.

PRESENTATION

Mayor Luna presented a proclamation to Jovita Valdez from the American Cancer Society proclaiming August 24 - 25, 2002 as "Santa Paula Relay for Life Days." Ms. Valdez invited the City Council and the public to attend the Relay for Life event at Santa Paula High School, which will be a 24-hour event to raise cancer awareness and honor cancer survivors. She also presented T-shirts to the City Council, and teddy bears to Councilmember Procter and Vice Mayor Espinosa.

PUBLIC COMMENT

Ken Chapman, 15119 Todd Lane, requested clarification on whether Councilmembers could endorse a measure as a Councilmember for a measure that did not receive Council support. Mr. Chapman was advised that he would receive a written reply.

Terry Weaver, 2511 El Medio, Ventura, representing Briggs 4H, asked the City Council to reconsider the plan to relocate the 4H facilities from the property next to the wastewater treatment plant. He further addressed concerns regarding the children's safety, the cost to move the facilities, and the loss of buildings. Mr. Weaver was referred to Public Works Director/City Engineer Norman S. Wilkinson to discuss the plans for the project.

CONSENT CALENDAR

Councilmember Johnson pulled Items H, L, and N. Councilmember Cook pulled Item M. It was moved by Councilmember Johnson, seconded by Councilmember Cook, 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 July 26, 2002. (88-2)

Wire Transfers	\$ 83,898.91
Salaries	\$298,830.36
Invoices	<u>\$595,095.28</u>
TOTAL	\$978,824.55

B. Closed Session – Approved a Closed Session to discuss: 1) Negotiations with Employee Organizations: Santa Paula Police Officers Association/IBPO, Santa Paula Police Officers Association (SPPOA) – Non-Safety Unit (CSO Unit), Santa Paula Police Officers Association/IBPO – Police Commanders Unit, Santa Paula Professional Firefighters Association (SPFFA), Ventura County Professional Firefighters Association – IAFF Local 164, Santa Paula Public Employees Association (SEIU), and unrepresentative employees (management, mid-management, confidential, part-time, temporary, and seasonal employees). Name of Negotiator: Melissa Grisales. Pursuant to *Government Code §54957.6* (118-2); and 2) Public Employee Appointment or Employment. Position to be filled: City Manager. Pursuant to *Government Code §54957* (118).

C. Minutes – Adopted the Minutes of the Special City Council Meeting of June 24, 2002. (50-6)

D. Minutes – Adopted the Minutes of the Regular City Council Meeting of July 1, 2002. (50-6)

E. Minutes – Adopted the Minutes of the Special City Council Meeting of July 6, 2002. (50-6)

F. Minutes – Adopted the Minutes of the Special City Council Meeting of July 9, 2002. (50-6)

G. Resolution No. 5519 Requesting the Board of Governors of the Public Employees Retirement System to Extend the Employment of a Temporary Public Safety Dispatcher – Adopted Resolution No. 5519, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA REQUESTING THE BOARD OF GOVERNORS OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) TO EXTEND THE EMPLOYMENT OF A TEMPORARY PUBLIC SAFETY DISPATCHER. Assistant to the City Manager Melissa Grisales' report dated July 17, 2002. (118)

I. Investment Report for the Quarter Ending June 30, 2002 – Received and filed the Investment Report for the quarter ending June 30, 2002. City Treasurer Sandra K. Easley's report dated July 24, 2002. (88-4)

J. Monthly Report of Transactions – Reviewed and filed the attached monthly transactions report. City Treasurer Sandra K. Easley's report dated July 18, 2002. (88-4)

K. Policy Regarding Utility Billing Penalty Waivers – Approved to follow the previously approved Policies and Procedures for Utility Billing and not allow any waiver of payments, including penalties, except where the correctness of the billing is in question. Acting Finance Director Sandra K. Easley's report dated July 19, 2002. (88)

CONSENT CALENDAR - SEPARATE ACTION ITEMS

H. Garcia v. City of Santa Paula, Attorneys Written Fee Contract – (62)

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

City Attorney Phillip H. Romney's report dated July 31, 2002. He responded to a request to summarize the work involved and the need for two attorneys to handle the case by responding that the regular insurance defense counsel has a conflict of interest regarding the case, and that Mr. Henderson, who is an experienced defense counsel, handled a similar case a few years ago. Also, most law firms have several attorneys work on a case; however, Mr. Henderson is a sole practitioner, and the fact that two attorneys are named to work on this case is not meaningful. He further responded to questions regarding whether there would be maximum hours and a maximum contract amount, and whether the cost to defend this case is covered by the self insurance carrier by responding that he believes the costs for the case will be covered by the self insurance carrier, and that it would be difficult for an attorney to know the amount of hours or the cost to defend a case. He further responded to a question regarding who would be present during the trial by responding that it would be the attorneys, and the defendants normally appear just during their testimony.

It was moved by Councilmember Cook, seconded by Councilmember Procter, to approve the Written Fee Contract between the City and Joseph R. Henderson and Phillip H. Romney to represent the city in the case of Garcia v. City of Santa Paula.

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

Councilmember Johnson returned to the dais.

L. Request for Waiver of Public Assembly Fees – (90)

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

Acting Fire Chief Richard Araiza's report dated July 24, 2002. He responded to a question regarding whether the Salvation Army, which is directly below the Oddfellows Lodge, is charged the Public Assembly Fee by responding that they are charged this fee as part of their business license fee. He further responded to a question regarding how the Public Assembly Fee is determined by responding that it is determined by the amount of square footage of the assembly area.

It was moved by Councilmember Cook, seconded by Councilmember Procter, to deny the request for the waiver of the annual Public Assembly Permit Fees.

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.

M. Police Vehicle Purchase – (124)

Commander Mark Hanson's report dated July 30, 2002.

Police Chief Robert S. Gonzales responded to a question regarding the use of the vehicle by the Police Department by responding that the intention of the grant is that the vehicle is to be used in the AB 1913 Gang Violence and Suppression Program. He further noted that once the grant funding is terminated, the vehicle would be added to the fleet.

It was moved by Councilmember Cook, seconded by Councilmember Johnson, to 1) authorize carrying forward \$30,000 from the FY 2001/2002 budget to the current FY 2002/2003 budget; and 2) authorize the purchase of one 2003 Ford Crown Victoria police package vehicle from Downtown Ford of Sacramento, California, in the amount not to exceed \$30,000 for use in the AB 1913 "Gang Violence and Suppression Program."

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

N. Vehicle Sales Event on the Kmart Parking Lot –

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

Acting Planning Director Heather Davis' report dated August 1, 2002.

It was moved by Councilmember Cook to approve a Temporary Use Permit for a vehicle sales event for the weekend of August 23, 2002 through August 25, 2002 on the Kmart parking lot at 895 Faulkner Road, subject to conditions of approval identified within this report.

John Macik, 101 W. Harvard Blvd., representing Santa Paula Chevrolet, stated that the dealership had mitigated all of the concerns of the neighbors at the previous vehicle sales event.

Councilmember Procter seconded the motion.

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.

PUBLIC HEARING

A. Weed Abatement Report and Request for Authority to Clear Non-Complying Properties – (186)

Mayor Luna opened the Public Hearing at 7:08 p.m.

Acting Fire Chief Richard Araiza's report dated July 25, 2002.

As there were no public speakers, Mayor Luna closed the Public Hearing at 7:10 p.m.

It was moved by Councilmember Johnson, seconded by Councilmember Cook, to direct the Fire Department to contract for the clearance of non-complying properties.

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

CONSENT CALENDAR - ITEM BROUGHT BACK FOR DISCUSSION

N. Vehicle Sales Event on the Kmart Parking Lot –

Michael Johnson, 171 Felkins Road, had submitted a Public Comment Card for this item, but the Mayor inadvertently failed to call upon him during the discussion of this item.

Mr. Johnson addressed his concerns with a fire caused by a balloon that hit a power line, power cables running across the street, light poles with exposed wires, unresolved damages from a previous event, noise, and diminished quality of life. He further addressed

his concerns regarding a locked fire access gate and a post with exposed wires. Mr. Johnson was asked to submit his concerns in writing to the Building and Safety Department and the Fire Department.

RECESS TO A HEALTH AND SAFETY BREAK

Mayor Luna recessed the City Council to a Health and Safety Break at 7:26 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 7:35 p.m.

ORDER OF BUSINESS

A. City Attorney's Impartial Analysis of a Measure to Change the City of Santa Paula's Urban Restriction Boundary (CURB) to Include Adams Canyon and an Access Corridor – (80)

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

City Clerk Steven J. Salas and Interim City Manager Paul L. Skeels' report dated July 29, 2002.

It was moved by Councilmember Procter, seconded by Councilmember Cook, to adopt Resolution No. 5520 directing the City Attorney to prepare an impartial analysis of the ballot measure described as an Initiative to Change the City of Santa Paula's Urban Restriction Boundary (CURB) to Include Adams Canyon and an Access Corridor.

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

RESOLUTION NO. 5520

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA,
CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL
ANALYSIS CHANGE THE CITY OF SANTA PAULA'S URBAN RESTRICTION
BOUNDARY (CURB) TO INCLUDE ADAMS CANYON AND AN ACCESS CORRIDOR

Councilmember Johnson returned to the dais.

B. Policy Concerning Expenses of Council – (50-6)

Interim City Manager Paul L. Skeels' report dated July 29, 2002.

A discussion ensued regarding the allocation of 50% of the travel and meeting budget for outgoing Councilmembers and 50% for incoming Councilmembers, and having the City Manager monitor expenses and reimbursements instead of the Mayor or Vice Mayor as noted in the draft policy. Another discussion ensued regarding addressing out of state travel in the policy, and providing the City Council with a monthly report of individual Councilmember's expenses.

It was moved by Vice Mayor Espinosa to accept the staff report with the deletion of 5B because of clarification issues, and 6B, D, and E.

A discussion ensued regarding including in the motion approval of out of state travel and a monthly accounting of expenses.

City Treasurer Sandra K. Easley responded to a question regarding how difficult it would be to generate a report to review Council expenses by responding that since the accounts have already been set up, it would be easy to run a report.

Vice Mayor Espinosa added to her motion that the Council receive quarterly reports.

A discussion ensued regarding having staff review and approve the expenses.

Vice Mayor Espinosa added to her motion to add language to have the City Manager as oversight rather than B, D, and E, as well as receiving quarterly reports. 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 Cook, seconded by Mayor Luna, to reintroduce Vice Mayor Espinosa's motion with the exception of monthly versus quarterly, and leave the same wording of everything, other than getting a monthly report on budget expenses.

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

Councilmember Cook stated for the record, "This budget has already been approved for this year, 2002-2003. So, no changing of what has been authorized."

C. Railroad Plaza, Phase II – Options for Mill Street, Authorization for Construction, Additional Appropriation – (143/162)

Public Works Director/City Engineer Norman S. Wilkinson's report dated July 25, 2002. City Attorney Phillip H. Romney declared a conflict of interest and stepped down from the dais.

Public Works Director/City Engineer Norman S. Wilkinson responded to a question regarding what warning devices would remain if Mill Street is closed by responding that there would be no required warning devices because the site would become a part of the railroad station complex. Additionally, if Mill Street is left open with a circular plaza, the existing railroad gate arms would remain. He further responded to a question regarding the width of the gazebo steps by responding that they are approximately three to four feet wide. He further responded to a question regarding the length of curb and gutter by responding that if Mill Street is closed, the curb and gutter on Santa Barbara Street would continue. He further responded to a question regarding whether rear and side elevations were available by responding that they have not been prepared; however, the project is mostly flat work with the gazebo floor at the same level as the railroad tracks. He further responded to a question regarding at what point the landscape is flat in Option No. 4 by referring to the project plans and indicating that the area near Santa Barbara Street is flat and the area around the gazebo is sloped. He further responded to a question regarding the total time frame for construction of the project, including the gazebo, by responding that it would be 125 working days or 25 weeks.

Joanne Wright, 801 McKeveitt Road, spoke in favor of Option No. 4, to keep Mill Street open and also construct the gazebo.

Cheryl Baudizzon, 15202 W. Santa Paula Street, spoke in support of Option No. 2, the original plan to close Mill Street and construct the gazebo.

Rowena Mason, 226 N. Mill Street, spoke in support of the closure of Mill Street, and submitted a petition with 51 signatures also in support of the Mill Street closure.

Bill Mensing, 545 Foothill Road, spoke in support of Option No. 2 to close Mill Street and construct the gazebo.

Pete Mason, 226 N. Mill Street, spoke in support of Option No. 2 to close Mill Street and construct the gazebo.

It was moved by Councilmember Johnson, seconded by Councilmember Cook, to construct the original plan with Mill Street closed and construct the gazebo, and to transfer \$67,000 from the line item per the staff's recommendation and use the \$8,000 contingency fund to do the project.

A discussion ensued regarding the years of planning, public meetings, public hearings, and public input for the original plan to close Mill Street; the recent ideas to keep Mill Street open; the cost savings that the new option would have; and the previous petition submitted in opposition to the closure of Mill Street.

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.

RECESS TO A BREAK

Mayor Luna recessed to a Break at 8:45 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 8:53 p.m.

D.))))) Handicap Parking Space at Barbara Webster School – (154/162)

Public Works Director/City Engineer Norman S. Wilkinson provided a verbal report, and stated that the Traffic Safety Committee had recently approved the request for a handicap parking space at the location, pending confirmation from the school for its placement. He responded to a question regarding the process when a Councilmember receives a concern from the public on traffic related issues by responding that requests for traffic related items are encouraged to be in writing, and are referred to the Traffic Safety Committee for review.

CITY COMMUNICATIONS

Councilmember Procter mentioned that Jovita Valdez had thanked Vice Mayor Espinosa for Chairing the Relay for Life, and noted that another volunteer, Interim City Manager Paul L. Skeels and his daughter Angela, would be performing during the event.

Councilmember Johnson provided a summary of the Ventura Regional Sanitation District's liquid treatment facility in Montalvo for port-a-potty waste, grease, and brine water, and which recently had an incident involving extreme readings of hydrogen sulfide. He further noted that VRSD closed the facility, leaving no facility for grease, port-a-potty waste, or

other materials. Further, VRSD is in the process of putting together a committee to discuss how to handle this material, with the directive to site another facility.

FUTURE AGENDA ITEMS

It was moved by Vice Mayor Espinosa, seconded by Mayor Luna, to bring back the utility bill waiver agenda item. Under roll call vote, all were in favor, and the motion carried.

It was moved by Councilmember Cook, seconded by Councilmember Johnson, to have staff research and develop a form to review formal complaints and citizen concerns where they can check a box and write down their concerns. A form to consist with boxes and lines with the following, "This is a concern or a complaint regarding an employee, an employee's action, a particular policy or procedure, a safety concern, or a traffic concern." Under roll call vote, all were in favor, and the motion carried.

It was moved by Councilmember Cook, seconded by Councilmember Johnson, for a two-phase report on how soon Teague Park could be closed, fence it off because it is a hazard, and what it would cost for fencing on one side with a gate to close it, and how to have the Police Department enforce the alcohol consumption ordinance. 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 9:18 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 9:19 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/IBPO, Santa Paula Police Officers Association (SPPOA) – Non-Safety Unit (CSO Unit), Santa Paula Police Officers Association/IBPO – Police Commanders Unit, Santa Paula Professional Firefighters Association (SPFFA), Ventura County Professional Firefighters Association – IAFF Local 164, Santa Paula Public Employees Association (SEIU), and unrepresentative employees (management, mid-management, confidential, part-time, temporary, and seasonal employees). Name of Negotiator: Melissa Grisales. Pursuant to *Government Code* §54957.6 (118-2); and 2) Public Employee Appointment or Employment. Position to be filled: City Manager. Pursuant to *Government Code* §54957 (118).

Mayor Luna recessed the City Council to a Closed Session at 9:19 p.m., and reconvened into Open Session at 10:26 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 10:26 p.m.

ATTEST:

Steven J. Salas
City Clerk