

CALL TO ORDER

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

ROLL CALL

Councilmember Richard C. Cook, Councilmember Ray C. Luna, Councilmember Mary Ann Krause, Vice Mayor Gabino Aguirre, and Mayor John T. Procter responded to roll call. City Manager Wally Bobkiewicz, Interim City Attorney Karl H. Berger, and Deputy City Clerk Josephine G. Herrera were also present. City Clerk Steven J. Salas was absent due to his being caught in traffic in San Diego.

PRESENTATION

A. Presentation by Santa Paula Development Partners, Update on Adams Canyon

Greg Boyd, representing Santa Paula Development Partners, provided a summary of the proposed development for Adams Canyon, which will include 400 homes on 10-acre lots, a golf course, and an equestrian facility.

B. Preview of 36th Annual Santa Paula Citrus Festival July 25 – 27, 2003

Bill Grant, representing the Kiwanis Club, noted that the Citrus Festival would be held at the Railroad Plaza from July 25 to 27, 2003, and that the City would host the Citrus and Avocado Pavilion.

C. Presentation of Ventura County Fair Poster by Ginger Gherardi

City Manager Wally Bobkiewicz noted that Ginger Gherardi would arrive later in the evening to present the Ventura County Fair Poster.

PUBLIC COMMENT

Tim Hicks, 560 Howie Court, thanked the City Council for presenting the *Movie in the Park*, and noted that he was received positive feedback from the community.

Cheryl Baudizzon, representing the Downtown Merchants Association, submitted her comments for the record requesting that the City Council place a moratorium on residential development in the downtown area until the City has revised the Downtown Implementation Plan and the Central Business District Zoning.

Steve Onstot, 569 Hall Road, representing Farmers Irrigation Company, spoke regarding the Closed Session item involving the final map for Tract No. 4903 for Mr. Rao Jammalamadaka, and noted that his law firm has provided title documentation to Interim City Attorney Karl H. Berger. He mentioned that Farmer's Irrigation Company and Mr. Jammalamadaka have been unsuccessful in entering into an encroachment agreement. He also mentioned that the elementary school district has interest in condemning the property, and noted his concern that if the final map is granted to Mr. Jammalamadaka, that the cost to the elementary school district could be an additional \$500,000.

Interim City Attorney Karl H. Berger responded to a question regarding whether the City Council may ask Mr. Onstot questions by stating that according to the Brown Act, the City Council may ask for brief clarification and comments; however, general discussion is not permissible.

CITY COUNCIL, STAFF COMMUNICATIONS

City Manager Wally Bobkiewicz noted that applications have been received for the Planning Commission, and that staff would move forward with scheduling interviews. He further noted that a Special City Council Meeting would be held on July 24, 2003, for City Attorney interviews.

APPROVAL OF FINAL AGENDA

Councilmember Cook requested that Items 11I and 11J be rearranged to be considered last on the agenda. City Manager Wally Bobkiewicz asked that Item 11L be removed from the agenda because the issue is in discussion within the County. He further suggested that Item 11K be considered following Item 11G, then Items 11H, 11I, and 11J be considered last. The City Council concurred with City Manager Wally Bobkiewicz's suggestion.

CONSENT CALENDAR

Councilmember Krause noted that she would abstain from Item 9F. Councilmember Cook pulled Item 9K for discussion. It was moved by Councilmember Cook, seconded by Vice Mayor Aguirre, 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. There was no opposition. The Consent Calendar was adopted.

- A. Waiver of Reading of Ordinances and Resolutions – Approved waiver of the reading of Ordinances and Resolutions appearing on the Consent Calendar;

waiver of the reading of all other Resolutions appearing on the Agenda; and reading all other Ordinances appearing on the Agenda, in title only.

- B. Warrants and Certifications – Approved the Warrants and Certifications dated July 14, 2003. (88-2)

Wire Transfers	\$ 63,454.87
Salaries	\$ 316,396.51
Invoices	<u>\$ 740,144.85</u>
TOTAL	\$1,119,996.23

- C. Minutes – Adopted the Minutes of the Regular Joint City Council/Redevelopment Agency Meeting of June 16, 2003.

- D. Minutes – Adopted the Minutes of the Special Joint City Council/Redevelopment Meeting of June 17, 2003.

- E. Minutes – Adopted the Minutes of the Special City Council Meeting of June 23, 2003, 6:00 p.m.

- F. Rejection of Claim Filed by Santa Paula Theater Center – Rejected the claim filed by Santa Paula Theater Center. Interim Human Resources Director Sharon Stull's report dated July 7, 2003.

- G. Council Expense and City Manager Travel Monthly Report of Transactions – Reviewed and filed the attached monthly transactions report. Finance Director Alvertina Rivera's report dated July 3, 2003.

- H. Monthly Report of Transactions – Reviewed and filed the attached monthly transactions report. Finance Director Alvertina Rivera's report dated July 15, 2003.

- I. Second Reading, Ordinance No. 1071 – Adopted **ORDINANCE NO. 1071**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ESTABLISHING BILLING, COLLECTION, AND OTHER PROCEDURES ASSOCIATED WITH UTILITY FEES AND CHARGES. Finance Director Alvertina Rivera's report dated July 14, 2003.

- K. Approval of Plans and Specifications and Authorize to Bid Park Street Booster Water Mainline Replacement Project No. 02.03.242 WTR - 1) Approved the plans and specifications for the Park Street Water Mainline Project No. 02.03.242 WTR; 2) authorized the Public Works Director/City Engineer to advertise the project for bids; 3) approved the anticipated project budget; and 4) adopted **RESOLUTION NO. 5605**, A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF SANTA PAULA APPROVING THE DESIGN AND PLANS FOR THE CONSTRUCTION OF PARK STREET BOOSTER WATER MAINLINE REPLACEMENT PROJECT NO. 02.03.242 WTR PURSUANT TO GOVERNMENT CODE SECTION 830.6

CONSENT CALENDAR, SEPARATE ACTION ITEMS

L. Oil Spill Cleanup

Public Works Director/City Engineer Clifford G. Finley's report dated July 11, 2003. He responded to concerns regarding the potential of another oil spill from the tank by stating that staff is tracking down the ownership of the tank and taking steps to have it removed. Additionally, staff is investigating short and long term precautions to avoid future oil spills.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to appropriate an additional \$8,330 of Local Transportation (LTF) funds to pay for the costs associated with the disposal of the oil generated by the spill on March 15, 2003. There was no opposition, and the motion carried.

PUBLIC HEARING

A. CDP 2002-23, Continued Appeal of Planning Commission Recommendation of Denial of a Request for Zone Change and Planning Commission Denial of a Conditional Use Permit, a Planned Development Permit, Design Review, and 35 Growth Management Allocations for Development of a Mixed-use Project Consisting of 36 Multi-family Apartment Units with 2,708 Square Feet of Commercial Space on a Flat, Vacant, 1.26-acre Parcel. Subject Property is Located at 234 W. Harvard Boulevard, West of Craig Drive, and is in the Commercial (C-2) Zone. (APN 105-0-110-315) - Continued

Planning Director Thomas M. Bartlett and Planning Consultant Christine M. Kudija's report dated July 16, 2003. Mr. Bartlett responded to questions regarding laundry facilities by stating that the applicant has proposed facilities to accommodate four washers and four dryers.

The City Councilmembers expressed their concerns with safety, roofing materials, playground facilities, and sufficient parking for tenants.

A discussion ensued regarding the Harvard Boulevard Improvement Plan and whether the plan was taken into consideration in the planning of this project. City Manager Wally Bobkiewicz responded that staff was questioned regarding the Harvard Boulevard Improvement Plan, and that staff could only recall that the plan placed a standard for

Queen Palms to be installed as street trees. He further stated that staff would research the City Council Minutes for more information regarding this plan.

Loretta Merewether, representing Exceptional Properties, responded to a question regarding House Rules and Regulations No. 2 which state that no residence shall be used for any business, commercial, or non-residential purpose by stating that this would apply to businesses which require a business license or creates traffic, and that they would consider allowing people who work from home on the Internet. She further responded to a question regarding restriction of barbeques on patios and balconies by stating that smoke from barbeques could damage the patios and that barbeque areas would be provided in the rear of the complex. She further responded to a question regarding the restriction of tenants backing into their parking spaces by stating that this restriction is to allow the manager to view the parking stickers. She further responded to a question regarding whether the applicant would consider providing affordable housing on-site rather than paying an in lieu fee by stating that this would be acceptable.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to adopt Resolution No. 5594 approving the Zone Change to add a Planned Development Overlay Zone designation and approving a Conditional Use Permit, a Planned Development Permit, Design Review, and 35 Growth Management Allocations to permit development of a mixed-use project consisting of 35 multi-family apartment units with 2,708 square feet of commercial space in accordance with the revised project plans submitted and subject to the Conditions of Approval attached to the Resolution and as revised to reflect project design changes; and direct staff to introduce an ordinance for first reading at the next City Council meeting to change the zoning on the subject property from C-2 to C-2-PD. Under roll call vote, Councilmember Krause, Vice Mayor Aguirre, and Mayor Procter were in favor. Councilmember Cook and Councilmember Luna were opposed. The motion carried.

RESOLUTION NO. 5594

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA
APPROVING A ZONE CHANGE FROM GENERAL COMMERCIAL TO GENERAL
COMMERCIAL, PLANNED DEVELOPMENT ADDITIVE ZONE, A CONDITIONAL USE
PERMIT AND A PLANNED DEVELOPMENT PERMIT (CDP 2002-34) FOR THE
PROPERTY LOCATED AT 234 WEST HARVARD BOULEVARD, APN 105-0-110-315

PRESENTATION

Ginger Gherardi presented the 2003 Ventura County Fair Poster, and noted that the fair would run from July 30 through August 10, 2003. She further noted that August 5 will be "Santa Paula Day", and she presented the City Council with VIP tickets for the Big Bad Voodoo Daddy concert.

PUBLIC HEARING

B. Re-adoption of Urgency Resolution for Fee Schedules for Planning Department

Interim City Attorney Karl H. Berger presented Finance Director Alvertina Rivera's report dated July 11, 2003.

Councilmember Cook stepped out of the Council Chambers at 7:50 p.m.

Mayor Procter opened the Public Hearing at 7:51 p.m. No public comment was received, and Mayor Procter closed the Public Hearing at 7:51 p.m.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to adopt Resolution No. 6002 adopting a new urgency resolution adopting fee schedules for recovering costs incurred from providing various planned related services for development projects. This action is needed to keep the fee schedule adopted by Urgency Resolution No. 6000 effective for an additional 30 days. There was no opposition. Councilmember Cook was not present during the vote. The motion carried.

URGENCY RESOLUTION NO. 6002

AN URGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA RE-ADOPTING NEW FEE SCHEDULES FOR RECOVERING COSTS INCURRED FROM PROVIDING VARIOUS PLANNING RELATED SERVICES FOR DEVELOPMENT PROJECTS

RECESS TO A HEALTH AND SAFETY BREAK

Mayor Procter recessed the City Council to a Health and Safety Break at 7:52 p.m.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 8:02 p.m.

ORDER OF BUSINESS

A. Santa Paula Skate Park Project No. 01.02.225 SPC

Public Works Director/City Engineer Clifford G. Finley's report dated July 15, 2003.

Laura Phillips, 621 E. Pleasant, provided an update on the Santa Paula Association of Skater's fundraising efforts for the skate park, which includes holding a rock concert, seeking donations from local business, submitting grants, and advertising for donations in the City's Leisure Guide.

A discussion ensued regarding the cost for demolition and the cost for fencing, which must be done as contract work according to the contracting code. Another discussion ensued regarding the possibility of borrowing from the water or wastewater fund, or borrowing through conventional financing, and waiting until the State has adopted its budget to consider financing options.

Community Services Director Brian J. Yanez responded to a question regarding the funds dedicated to this project by stating that the initial grant was Proposition 12 funds awarded in 2000, and that the City has seven years to complete the project.

A discussion ensued regarding the fact that the bid is only good for 30 days from July 3, 2003, and asking the bidder for an extension of time to allow City staff to consider options and bring them back to the City Council at the August 4, 2003 meeting.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to have staff ask the bidder for an extension of time, and bring this item back on the August 4, 2003 City Council Agenda with options. There was no opposition, and the motion carried.

B. Ambulance Service in Santa Paula

Fire Chief Paul L. Skeels' report dated June 16, 2003.

Councilmember Cook stepped out of the Council Chambers at 8:41 p.m. and returned at 8:43 p.m.

Fire Chief Paul L. Skeels responded to a question regarding whether paramedics from other cities also serve as firefighters by responding yes. He further responded to a question regarding whether American Medical Response (AMR) could staff a paramedic on the City's fire truck by stating that this option could be investigated.

RECESS TO A BREAK

Mayor Procter recessed the City Council to a break at 8:54 p.m. to allow the camera crew to change tapes.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 8:55 p.m.

Martin Hernandez, Administrative Assistant to County Supervisor Kathy Long, responded to questions regarding the County's role in this issue by stating that Supervisor Long has met with AMR, Ventura County Fire Chief Bob Roper, and Barry

Fisher from County EMS Agency, and that she wishes to assure that all residents of the Santa Clara Valley have access to emergency medical services.

A discussion ensued regarding a meeting held with Supervisor Long regarding Proposition 172 funds, and whether the City was entitled to receive more funds from this funding source.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to direct staff to work with the County of Ventura through Supervisor Long's office on this and other broader issues such as governance, level of service, etc. Councilmember Krause, Councilmember Luna, Vice Mayor Aguirre, and Mayor Procter were in favor. Councilmember Cook was not present during the vote. The motion carried.

It was moved by Mayor Procter, seconded by Vice Mayor Aguirre, to direct staff to meet with AMR to receive answers to questions asked originally in terms of differences in levels of service. City Manager Wally Bobkiewicz noted that a meeting has been scheduled with AMR and City staff. A discussion ensued regarding having a representative from the County present at that meeting. There was no opposition, and the motion carried.

It was moved by Councilmember Luna, seconded by Councilmember Krause, to direct staff to explore having paramedics in the Fire Department. There was no opposition, and the motion carried.

Councilmember Cook returned to the Council Chambers.

C. Police Service Update

Police Chief Robert S. Gonzales provided an oral report and distributed a handout with the Police Department's Mid-year Status Report from January 2003 through July 2003.

D. Introduction of First Reading of Ordinance No. 1072 to Amend Chapter 94 of the Santa Paula Municipal Code, Public Nuisance

Interim City Attorney Karl H. Berger's report dated July 15, 2003. He noted a change on Section 94.70 that should indicate "Graffiti" Prohibited.

Police Chief Robert S. Gonzales responded to a question regarding parental liability for graffiti removal costs and whether a separate attorney is used to file charges by stating that at this time it is easier to use the penal code versus the City's code on this type of crime. Further, the City is receiving restitution from the courts towards graffiti-type vandalism.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to accept Ordinance No. 1072 and introduce the ordinance by reading in title only. There was no opposition, and the motion carried.

Interim City Attorney Karl H. Berger read Ordinance No. 1072 in title only.

ORDINANCE NO. 1072

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA
AMENDING CHAPTER 94 OF THE SANTA PAULA MUNICIPAL CODE REGULATING
PUBLIC NUISANCES INCLUDING GRAFFITI

E. "Tot Lot Law"

Police Chief Robert S. Gonzales provided an oral report of the Tot Lot Law, which prohibits smoking or disposal of cigarettes and other tobacco related products within 25 to 50 feet from any tot lot or sandbox area. He further reported that violation is an infraction punishable by a fine of \$100.

A discussion ensued regarding having the Police Chief and City Attorney draft the most restrictive ordinance possible based on State law, or come back with more options.

It was moved by Councilmember Cook, seconded by Vice Mayor Aguirre, to have the Police Chief, City Attorney, and City Manager come back with a draft ordinance with options and descriptions of areas that can be restricted. There was no opposition, and the motion carried.

RECESS TO A BREAK

Mayor Procter recessed the City Council to a Break at 9:30 p.m.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 9:36 p.m.

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 9:36 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to extend the meeting for one hour. There was no opposition, and the motion carried.

F. Santa Paula High School, School Resource Officer Contract

Police Chief Robert S. Gonzales' report dated June 27, 2003. He responded to questions regarding the School Resource Officer Program by stating that through the Century 21 grant, a police officer and a probation officer work 40 hours per week at the middle school and at the high school. He further stated that the high school desired to have its own School Resource Officer. He further responded to a question regarding whether the Police Officers would be available in cases of emergencies by stating that the Police Officers were available to go where needed.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to approve the School Resource Officer contract between the City of Santa Paula and the Santa Paula High School District. There was no opposition, and the motion carried.

G. Outreach to Spanish-speaking Community Plan

Community Services Director Brian J. Yanez's report dated July 15, 2003.

A discussion ensued regarding the possibility of adding Casa de Mexicano as a Public Meeting location for City Council Meetings, that status of SAP hardware, and the provision of Spanish translation services by either City employees or volunteers.

It was moved by Vice Mayor Aguirre, seconded by Mayor Procter, to approve the development and implementation plan on outreach to Spanish-speaking Community as amended with the addition of holding a City Council meeting at Casa de Mexicano under Public Meetings. Councilmember Krause, Councilmember Luna, Vice Mayor Aguirre, and Mayor Procter were in favor. Councilmember Cook was opposed. The motion carried.

K. Changes to Greenbelt Agreement

Mayor Procter declared a conflict of interest because of his father's involvement with Limoneira, and he stepped down from the dais.

Planning Director Thomas M. Bartlett's report dated June 16, 2003.

A discussion ensued regarding the City of Fillmore's desire to adopt the greenbelt as an ordinance, and whether the City of Santa Paula should adopt greenbelts as ordinances with alternate boundaries that do not include general plan areas.

Planning Director Thomas M. Bartlett responded to a question regarding the relationship between greenbelts and spheres of influence and areas of interest by stating that areas of interest are defined; however, sphere boundaries may change and must be reevaluated every five years per State law. He further responded to a question regarding who has jurisdiction on overlapping interest by stating that greenbelts are defined by mutual agreement and are administered by the County in terms of land use

controls. He further responded to a question regarding areas on the west side which are included in the City's sphere by responding that they are Adams Canyon and Fagan Canyon, and that West Area 2 is not in the City's sphere boundary.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, that the City pursue an ordinance with Ventura and an ordinance with Fillmore for both greenbelts, but that the boundaries exclude any territory that is within Santa Paula's General Plan. Councilmember Krause and Vice Mayor Aguirre were in favor. Councilmember Cook and Councilmember Luna were opposed. It was a tie vote, and the motion failed.

It was moved by Councilmember Krause, seconded by Councilmember Cook, to amend the greenbelt with Ventura and that it remain an agreement, and that the boundaries be the area of interest on the north, South Mountain on the south, the City's General Plan area on the east, and the boundary that the City of Ventura has selected on the west. Councilmember Krause responded to a question regarding whether the motion was to direct staff to work with the various agencies to develop an agreement only that meets this policy by responding yes. Councilmember Cook Councilmember Krause, and Councilmember Luna were in favor. Vice Mayor Aguirre was opposed. The motion carried.

It was moved by Vice Mayor Aguirre to direct staff to convey the content of this evening's discussion and ask the City of Fillmore either come to a future Council meeting to discuss their issues or put in writing their issues and have that distributed to the Council. There was no second to the motion, and the motion was lost.

It was moved by Councilmember Krause, seconded by Councilmember Cook, to layover this item until September at which time information will be received on whether Mayor Procter has a true conflict of interest, and take up the discussion of the agreement with the City of Fillmore at that point. Under roll call vote, all were in favor, and the motion carried.

Mayor Procter returned to the dais.

H. Report on City Council Potential Conflicts for Fagan Canyon

Interim City Attorney Karl H. Berger's report dated July 2, 2003.

Councilmember Luna stated that one of the exits from Fagan Canyon is Tenth Street, of which his residence is within 500 feet, and that until he receives clarification from the Fair Political Practices Commission (FPPC) on whether he has a conflict of interest, he would abstain and recuse himself from this issue.

Interim City Attorney Karl H. Berger noted that the City Council would not be able to proceed tonight with this item. He responded to a question regarding whether each

Councilmember should be asked if they believe they have a conflict for the record by stating that this is not required under FPPC regulations; however, as a matter of policy, Councilmembers may wish to declare conflicts for the record. He further noted that the FPPC is very clear that if a person not actually conflicted on a matter chooses to voluntarily withdraw from the vote, this does not trigger the need for the random selection process. He further responded to a question regarding whether Councilmembers must declare conflicts at every meeting by stating yes, according to FPPC regulations.

Vice Mayor Aguirre stated for the record that, based on the identification of his property being within 500 feet of Fagan Canyon, he declared a conflict of interest. He further stated that he was in favor of the straw vote in order to move business forward.

Councilmember Krause stated for the record that she does not believe she has a conflict of interest as her property is not within 500 feet of the boundary of Fagan Canyon, and she has no other economic interests that would create a conflict.

Councilmember Luna stated for the record that he was informed he did not have a conflict; however, the City Attorney indicated that Councilmembers should seek advice from their own personal legal counsel or from the FPPC. He further noted his concern with a potential conflict due to traffic impacts because his property is one block from Tenth Street.

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 10:30 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to extend the meeting for one hour. There was no opposition, and the motion carried.

Mayor Procter noted that technically he has a conflict; however, he stated for the record that this is a case where the letter of the law has subverted the intent in that it is arguable that a project of this size has an impact on everyone, and that it is hard to argue that it is going to have a greater effect on any of the Councilmembers than the public in general.

Councilmember Cook stated for the record that any conflict declared that deals with Councilmembers' residences is a substantial amount, and noted his concern with his investment.

Councilmember Luna responded to a question regarding whether he would seek an opinion from the FPPC by stating that he would.

Councilmember Cook stepped out of the Council Chambers at 10:41 p.m., and returned at 10:44 p.m.

Rick Bianchi, 27200 Tourney Road, Valencia, representing Centex Homes, stated that he agreed with Mayor Procter's comment, and noted that potentially every Councilmember has a conflict of interest. He suggested that the FPPC be asked very specifically whether they understand the parameters of the size of this project in relation to the size of the city, and whether there are any other options that can give the Councilmembers the confidence to participate in this process.

Interim City Attorney Karl H. Berger advised that if Councilmember Luna chooses to obtain an advice letter from the FPPC, the City Council would be unable to consider this and other items on the agenda regarding Centex Homes, and would be unable to go forward with the random selection process. He also noted for the record that he has been in contact with attorneys for Centex Homes and he has raised several issues regarding conflicts of interest. He further noted that there are other matters that will be potentially problematic in the future, and that one of those matters is the General Plan amendment. He explained that any vote regarding this matter requires the participation of the entire City Council according to the Government Code, and that the random selection is not a part of this. Another matter is the issue of Councilmembers sitting in the audience when a conflict is declared. Due to recent changes in the Political Reform Act, disqualified Councilmembers must leave the room, although they may comment under Public Comment with regards to their personal interest. He stated that he would strongly urge the City Councilmembers not to sit in the audience until the FPPC has provided some guidance. He responded to a question regarding whether the advice letter suggested by the representative from Centex Homes would be more detailed than the discussion he has had with the FPPC by stating that it would be more detailed because his contact with the FPPC has been verbal only.

A discussion ensued regarding the advice letter to the FPPC to include the geographic area of the City and Fagan Canyon and indicating where Councilmembers reside, the proposed number of units, and the existing number of units in the City so that the FPPC may understand the impact on the community in terms of only having three Councilmembers voting on this matter. City Manager Wally Bobkiewicz noted that he and Interim City Attorney Karl H. Berger would write the letter on behalf of the City as a corporation and not on behalf of the City Councilmembers as individuals.

RECESS TO A BREAK

Mayor Procter recessed the City Council to a break at 11:00 p.m. to allow the film crew to change tapes.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 11:01 p.m.

Interim City Attorney Karl H. Berger advised that if Councilmember Luna chooses to abstain pending the advice from the FPPC, there would be no quorum for Items 11 I and J, and recommended that these items be held over until he receives an opinion letter from the FPPC.

- I. Reimbursement Agreement, Centex Homes – Postponed pending opinion letter from the FPPC.
- J. Pre-annexation Agreement with Centex Homes Concerning the Proposed Annexation and Future Development of Fagan Canyon – Postponed pending opinion letter from the FPPC.
- L. Request for Funding - BRAC 2005, Ventura County Task Force Funding - This item was removed from the agenda.

CITY COMMUNICATIONS

There were no City Communications.

FUTURE AGENDA ITEMS

It was moved by Mayor Procter, seconded by Vice Mayor Aguirre, to bring back the Council's Rules and Procedures to reconsider time limits for Public Hearing applicants. There was no opposition, and the motion carried.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Procter adjourned the meeting at 11:04 p.m.

ATTEST:

Josephine G. Herrera
Deputy City Clerk