

**CALL TO ORDER**

Mayor/Chair Procter called the meeting to order at 6:46 p.m.

**ROLL CALL**

Councilmember/Director Mary Ann Krause, Councilmember/Director Ray C. Luna, Vice Mayor/Vice Chair Gabino Aguirre, and Mayor/Chair John T. Procter responded to roll call. City Manager/Executive Director Wally Bobkiewicz, Interim City/Agency Attorney Karl H. Berger, and Deputy City Clerk Josephine G. Herrera were also present. City Clerk/Agency Secretary Steven J. Salas was absent due to his having to work. Councilmember/Director Richard C. Cook arrived at 7:43 p.m.

**PRESENTATION**

Bill Simmons, Chair of the Economic Development Advisory Committee, provided an update on the committee's efforts, and distributed a matrix on the Santa Paula Area Redevelopment Kick Start (SPARKS) campaign to improve the Santa Paula economy.

**PUBLIC COMMENT**

Robert Borrego, 524 Fourteenth Street, representing Latino Town Hall, requested that the City Council adopt a resolution designating Hispanic Heritage Month.

**CITY COUNCIL/REDEVELOPMENT AGENCY, STAFF COMMUNICATIONS**

Vice Mayor Aguirre mentioned that he was pleased to meet with representatives of the Santa Paula Elementary School District, and that he hopes to continue the dialog regarding interests of the City and the school such as the status of the lighted crosswalks project, proposed gymnasium for Isbell School, visioning process, joint use of facilities, and recreational needs.

**APPROVAL OF FINAL AGENDA**

City Manager Wally Bobkiewicz asked that Item 9G be moved to just after Item 9A due to community interest and last minute research done by himself and the Interim City Attorney.

**CONSENT CALENDAR**

Councilmember Luna pulled Item 8B in order to abstain because he was not present at the meeting.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, 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. Councilmember Cook was not present during the vote. The Consent Calendar was adopted.

- A. Minutes – Adopted the Minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 23, 2003.
- C. Monthly Report of Transactions – Reviewed and filed the attached monthly transactions report. City Treasurer Sandra K. Easley's report dated August 1, 2003.
- D. Budget Allocation for Economic Development Consultant – Authorized staff to amend the current contract with Charmaine Stouder, Pathways to Communities (PTC) in support of Economic Development services. Authorization will allow an additional four weeks of service at forty (40) per week for a total of \$9,380.00. Finance Director Alvertina Rivera's report dated August 5, 2003. (Redevelopment Agency)
- E. Approval of an Agreement to Drill Groundwater Monitoring Wells in the Public Right-of-way Allowing Equilon Enterprises, LLC, to Drill Four Groundwater Monitoring Wells in the Public Right-of-way Near Their Facility Located at 206 E. Harvard Blvd., Texaco Service Station – Approved the attached Agreement to Drill Groundwater Monitoring Well in the Public Right-of-way (Agreement) with Equilon Enterprises, LLC, and authorized the City Engineer to execute the Agreement on behalf of the City. Public Works Director/City Engineer Clifford G. Finley's report dated August 4, 2003.
- F. Tom Moore Field Lights, Project No. 01.02.219 SPC, Project Acceptance/Notice of Completion – Accepted the project and authorized the Public Works Director/City Engineer to file a Notice of Completion for the Tom Moore Field Lights Project No. 01.02.219 SPC. Public Works Director/City Engineer Clifford G. Finley's report dated August 4, 2003.
- G. Traffic Safety Items – Approved the recommendations of the Traffic Safety Committee, including: 1) approved the speed hump request at 400 block of Acacia Road; 2) approved the request of "Blue Curb" at 113 S. Oak Street; 3) approved installation of "Red Curb" on northeast corner of Steckel Drive and Moultrie Place; 4) posted "No Parking" for vehicles of seven feet high on Harvard Boulevard just east and west of Laurie Lane; 5) approved speed hump request on 600 block of Teague Drive; 6) disapproved the request for loading and unloading zone to replace existing "red zone" in front of 984 E. Main Street; and

7) approved extending the "red curb" adjacent to the driveway approach for Santa Paula Chevrolet on Harvard Boulevard, west of Palm to improve sign distance for exiting vehicles. Public Works Director/City Engineer Clifford G. Finley's report dated August 6, 2003.

**CONSENT CALENDAR – SEPARATE ACTION ITEMS**

H. Minutes

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to adopt the Minutes of the Regular City Council Meeting of July 7, 2003. Councilmember Krause, Vice Mayor Aguirre, and Mayor Procter were in favor. Councilmember Luna abstained. Councilmember Cook was not present. The motion carried.

**ORDER OF BUSINESS**

A. Agreement for Legal Services and Appointment of City Attorney/Redevelopment General Counsel

City Manager Wally Bobkiewicz's report dated August 6, 2003.

The City Council welcomed Karl H. Berger to serve as City Attorney.

Karl H. Berger thanked the City Council for allowing him to serve the City, and introduced his wife, Rebecca, and their children, Brianna and Lucas. He further introduced Brad Wohlenberg, who will serve as the Assistant City Attorney.

Brad Wohlenberg thanked the City Council for allowing him to serve the City.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to approve an agreement for legal services with Burke, Williams, Sorensen, LLP, for City Attorney services; adopt Resolution No. 6011 appointing Karl H. Berger as City Attorney; approve an agreement for legal services with Burke, Williams, Sorensen, LLP, for General Counsel services for the Redevelopment Agency; and adopt Resolution 2003-11(R) appointing Karl H. Berger as General Counsel for the Redevelopment Agency. There was no opposition. Councilmember Cook was not present. The motion carried.

**RESOLUTION NO. 6011**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA  
APPOINTING KARL H. BERGER AS CITY ATTORNEY

**RESOLUTION NO. 2003-11 (R)**

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA  
PAULA APPOINTING KARL H. BERGER AS AGENCY ATTORNEY FOR THE  
REDEVELOPMENT AGENCY

G. Appointment of Planning Commissioner

City Manager Wally Bobkiewicz's report dated August 5, 2003. He noted that he and City Attorney Karl H. Berger discovered an inconsistency that has taken place for the past 10 years in the appointment process. According to the Municipal Code, the Planning Commissioners shall be appointed by the Mayor with the approval of the Council; however, for the past 10 years, appointments have been made by the entire City Council.

City Attorney Karl H. Berger provided a summary of the appointment process which has taken place in the past 10 years, and noted that the Municipal Code supersedes any other procedures and resolutions adopted in regards to the appointment process.

Thelma Garcia, 1224 Forest Drive, spoke in support of appointing Jesse Ornelas to the Planning Commission.

City Attorney Karl H. Berger responded to a question regarding previous appointments made by the City Council to the Planning Commission by stating that with the exception of the appointment made last month, which the City Council may wish to revisit, all other appointments are past 90 days. He offered the following options:

1. Direct staff to bring back a report to change the Municipal Code.
2. Council may follow the ad hoc committee format used in 1993; however, this should be memorialized by a resolution or an ordinance.
3. Examine other procedures.

City Attorney Karl H. Berger responded to a question regarding the scope of the Mayor's authority in regards to the appointment process by stating that the Mayor's appointment would still require the confirmation of approval by the City Council. He further responded to a question regarding whether the Mayor may vote on the appointment by stating that the Mayor has the ability to vote on his or her appointment. He further responded to a question regarding what would occur should the Mayor's appointment not be confirmed by stating that the matter would be agendaized for another meeting. He further responded to a question regarding whether the appointment to the Planning Commission could be made at this meeting by stating that the City Council could not act on the appointment at this meeting. He recommended that the Mayor submit his appointment in written format to the City Clerk so that the appointment could be agendaized for another meeting.

A discussion ensued regarding scheduling a Special City Council Meeting as soon as possible in order to make the appointment to the Planning Commission.

Councilmember Cook arrived at 7:43 p.m.

A Special City Council Meeting was scheduled for August 18, 2003, at 6:30 p.m. so that the Mayor may present his appointment to the Planning Commission for the City Council's consideration.

C. Update on Santa Paula Memorial Hospital

City Manager Wally Bobkiewicz introduced Scott Lee from the Santa Paula Memorial Hospital Board of Directors. Mr. Lee provided an update of the negotiations with the County of Ventura, and noted that the Board has sought a bridge loan to keep the hospital open. He further commended the hospital staff for their continued loyalty and support, and noted that the hospital has recently been voted #1 in patient satisfaction. He responded to a question regarding whether there were any services that are not currently being provided by stating that only elective services have ceased. He further responded to a question regarding the risk of the bridge loan by stating that the Board has used land as collateral, and that the Board placed the land as collateral once they felt confident with the negotiations with the County.

**RECESS TO A HEALTH AND SAFETY BREAK**

Mayor Procter recessed the City Council to a Health and Safety Break at 7:59 p.m.

**RECONVENE TO REGULAR MEETING**

Mayor Procter reconvened the City Council at 8:08 p.m.

C. Agreement with RBF Consulting/Urban Design Studios for Citywide Visioning Services

City Manager Wally Bobkiewicz's report dated August 5, 2003. He introduced Susan Jackson from RBF Consulting/Urban Design Studios who presented a Power Point Presentation on the project approach. She responded to a question regarding a charrette by stating that RBF could do a design charrette, which would be a three-day effort.

It was moved by Vice Mayor Aguirre, seconded by Mayor Procter, to authorize the City Manager to execute an agreement with RBF Consulting/Urban Design Studios for citywide visioning services for an amount not to exceed \$69,995. There was no opposition, and the motion carried.

**D. Economic Development/Redevelopment Plan – Second Quarterly Report –**

Interim Economic Development Director Charmaine Stouder's report dated August 4, 2003. She responded to a question regarding the pilot project for the banners by stating that the banners will be kept; however, it has not yet been determined what banners will be ordered for the downtown. She further responded to a question regarding the City's participation with Economic Development Collaborative – Ventura County (EDC-VC) by stating that the EDC-VC is currently redefining itself, and that the Redevelopment Agency makes full use of its Business Enhancement Program.

City Manager Wally Bobkiewicz responded to a question regarding who would have final say for the branding project by stating that the Redevelopment Agency would have the final say.

**E. Request for Authorization to Execute Agreements with Mogavero Notestine Associates to Provide Consulting Services to Update the Downtown Implementation Plan**

City Manager Wally Bobkiewicz's report dated August 1, 2003.

A discussion ensued regarding the Downtown Implementation Plan, which was adopted in 1995, and the fact that this project will revise that plan and review the language for the Central Business District Zoning and amendments if necessary.

It was moved by Councilmember Krause to authorize and approve: 1) the Executive Agency Director (City Manager) to execute an agreement with Mogavero Notestine Associates to update the City of Santa Paula's Downtown Implementation Plan (with a component for Central Business Zoning Designation), and 2) approve expenditures of up to \$49,915 to carry out the agreement.

City Attorney Karl H. Berger noted that Page 2 of the Agreement, Section 5, Subsection C, was left blank for the Redevelopment Agency to insert a dollar amount and give authority to City staff to authorize additional work. He further recommended that the amount be up to \$2,000.

Councilmember Krause amended her motion to include a \$2,000 limit on Section 5, Subsection C. Mayor Procter seconded the motion. There was no opposition, and the motion carried.

**F. Agreement with Arroyo Associates, Inc, for Police Department Management Audit**

City Manager Wally Bobkiewicz's report dated August 5, 2003.

It was moved by Councilmember Cook, seconded by Vice Mayor Aguirre, to authorize the City Manager to execute an agreement with Arroyo Associates, Inc. for Police Department Management Audit for an amount not to exceed \$42,500. There was no opposition, and the motion carried.

### **CITY COMMUNICATIONS**

City Manager Wally Bobkiewicz noted that he would be on vacation until September 2, 2003, and that Fire Chief Paul L. Skeels would be the Acting City Manager.

Councilmember Krause mentioned that the Heritage Valley Tourism Bureau, along with the Piru Neighborhood Council, would be hosting a fundraiser on October 5 at Rancho Temescal, which will be free to the public.

Councilmember Cook thanked the City Council for delaying discussion of some of the issues on the agenda until he arrived from the reception where his father-in-law was given his 55-year membership pin from the Rotary Club. He also commented on the recent articles in the newspapers and phone calls he has received regarding the appointment to the Planning Commission, and offered his apologies should anyone believe the City Council is racially motivated or racially biased.

Councilmember Luna recognized Ralph Fernandez and Mitch Stone, applicants for the Planning Commission, who stayed to the end of this City Council Meeting.

Mayor Procter stated that the American Cancer Society's Relay for Life would be held this weekend at Santa Paula High School on Jones Field. He also stated his intention to appoint Jesse Ornelas to the Planning Commission, and that the appointment will be properly agendized for the Special City Council meeting on August 18, 2003. He responded to a question regarding whether he would consider recommendations from the City Councilmembers by deferring the question to the City Attorney. City Attorney Karl H. Berger recommended that the City Council not discuss this issue under City Communications; however, the item will be agendized on a future agenda.

### **FUTURE AGENDA ITEMS**

It was moved by Councilmember Cook, seconded by Mayor Procter, to direct staff to bring back a report on how to change the ordinance so that all of the City Councilmembers are allowed to make appointments to all City Commissions. There was no opposition, and the motion carried.

It was moved by Councilmember Cook, seconded by Mayor Procter, to discuss placing a moratorium on appointments to Commissions, other than the current vacancy on the Planning Commission. There was no opposition, and the motion carried.

Special Joint City Council/Redevelopment Agency Meeting  
Monday, August 11, 2003  
City Hall Council Chambers

It was moved by Mayor Procter to discuss designating September 15 through October 15, 2003 as Hispanic Heritage Month. City Manager Wally Bobkiewicz stated that staff would agendize this as a staff function.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Procter adjourned the meeting at 9:15 p.m.

ATTEST:

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Josephine G. Herrera  
Deputy City Clerk