

CALL TO ORDER

Mayor Procter called the meeting to order at 6:42 p.m., and 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, City Attorney Karl H. Berger, and Deputy City Clerk Josephine G. Herrera were also present. City Clerk Steven J. Salas was absent due to lack of childcare.

PRESENTATION

A. Proclamation Recognizing "AIDS Awareness Month"

Councilmember Krause presented the proclamation recognizing "AIDS Awareness Month."

B. Proclamation Recognizing "Mental Illness Awareness Week"

Councilmember Luna presented a proclamation to Fred Robinson recognizing "Mental Illness Awareness Week." Mr. Robinson, President of NAMI Ventura County, thanked the City Council for their consideration.

C. Proclamation Recognizing "End Domestic Violence and Breast Cancer Awareness Month"

Councilmember Aguirre presented a proclamation to Cynthia Dunbar recognizing "End Domestic Violence and Breast Cancer Awareness Month." Ms. Dunbar, representing Soroptimist International, thanked the City Council for their support.

D. Proclamation Recognizing "Fire Prevention Week"

Councilmember Cook presented a proclamation to Fire Chief Paul L. Skeels recognizing "Fire Prevention Week." Fire Chief Paul L. Skeels thanked the City Council for their support.

E. Ghost Walk

Mark Halstead and Louie Hengehold, representing The Santa Paula Theater Center, provided a presentation regarding the 2003 Ghost Walk.

PUBLIC COMMENT

Deanne Ball, 314 S. Acacia Road, stated that she has spoken with City Manager Wally Bobkiewicz and Pete Fallini from Farmers Irrigation Company regarding her concern with traffic speed and illegal dumping on Acacia Road at Harvard Boulevard. She also expressed her concern with vehicles being repaired between the hours of 3:00 p.m. to 11:00 p.m., abandoned and vandalized vehicles, and the height of speed humps. City Manager Wally Bobkiewicz mentioned that he has forwarded Mrs. Ball's concerns to Police Chief Robert S. Gonzales.

CITY COUNCIL, STAFF COMMUNICATIONS

Councilmember Krause thanked the City of Simi Valley for allowing the use of a conference room last week for a Special Santa Paula City Council Meeting. She further noted that one of the photographs on display in the conference room included Ginger Gherardi, who was a former Mayor of the City of Simi Valley.

Councilmember Luna mentioned that he attended a car show at the airport during the weekend, and noted that Jay Leno was in attendance. City Manager Wally Bobkiewicz mentioned that Mr. Leno also toured the California Oil Museum to view the motorcycles display, and he was invited to display his motorcycle collection at the museum.

Councilmember Procter acknowledged Gwen Dewey on her 90th birthday. He thanked Public Works Superintendent Teresa Young and Assistant to the City Manager Melissa Grisales for setting up the Barbara Webster School Auditorium for the September 29, 2003 Special City Council Meeting. He also thanked Phil and Karl (last names not mentioned) from Adelpia Cable for filming the meeting. He further thanked Dr. Luis Villegas, Superintendent of the Santa Paula Elementary School District, for his support.

APPROVAL OF FINAL AGENDA

There were no changes to the agenda.

CONSENT CALENDAR

Mayor Procter pulled Item H. 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. 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. Closed Session – Approved a Closed Session to discuss: Public Employee Performance Evaluation. Position Title: City Manager Wally Bobkiewicz. Pursuant to *Government Code §54957*.
- C. Warrants and Certifications – Reviewed, approved, and filed the attached warrants and certifications. Finance Director Alvertina Rivera’s report dated September 29, 2003.

Invoices 08/25/03 – 08/29/03	\$ 64,875.16
Wire Transfers 08/28/03 – 08/28/03	\$ 6,802.92
Invoices 08/30/03 – 09/05/03	\$ 364,710.38
Wire Transfers 09/02/03 – 09/04/03	\$ 52,866.87
Invoices 09/11/03 – 09/11/03	\$ 331,856.78
Wire Transfers 09/11/03 – 09/11/03	\$ 6,802.92
Invoices 09/19/03 – 09/19/03	\$ 396,997.86
Wire Transfers 09/17/03 – 09/17/03	\$ 38,608.26
Invoices 09/23/03 – 09/26/03	\$ 36,487.02
Salaries 08/29/03 – 08/29/03	\$ 307,709.24
Salaries 09/12/03 – 09/12/03	\$ 312,352.12
Salaries 09/26/03 – 09/26/03	<u>\$ 310,187.22</u>
TOTAL	<u>\$2,230,256.75</u>

- D. Minutes – Adopted the Minutes of the Regular City Council Meeting of September 2, 2003.
- E. Minutes – Adopted the Minutes of the Special City Council Meeting of September 15, 2003.
- F. Minutes – Adopted the Minutes of the Regular City Council Meeting of September 15, 2003.
- G. Resolution No. 6023 Establishing Procedural Rules for Conducting City Council Meetings – Adopted Resolution No. 6023 establishing procedural rules for conducting City Council Meetings. **RESOLUTION NO. 6023**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ESTABLISHING PROCEDURAL RULES FOR CONDUCTING CITY COUNCIL MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE §36813. City Manager Wally Bobkiewicz’s report dated September 25, 2003.
- I. Letter to U. S. Environmental Protection Agency (EPA) – Authorized the Mayor to sign and send a letter to Mr. Wayne Nastri of the U. S. EPA urging the EPA to

commit to further emission reductions from federally regulated sources and to delegate more authority to the local level to control the emissions in order to improve air quality and mobility in the region. City Manager Wally Bobkiewicz's report dated October 1, 2003.

- J. Seismic Retrofit Redevelopment/City Owned Buildings, Project No. 02.03.243 SPC Transfer of Remaining Budgeted Funds and Project Acceptance/Notice of Completion – 1) Approved the transfer of funds from the 735 E. Santa Barbara Street project to the 926 E. Main Street project; and 2) accepted Project No. 02.03.243 SPC (Seismic Retrofit Redevelopment/City Owned Buildings) and authorized the Building and Safety Director to file a Notice of completion for the project. Building and Safety Director Stephen R. Stuart's report dated September 23, 2003.
- K. License to Sell Christmas Trees at Santa Paula Depot – Approved the request by Dave Wills to rent space to operate a Christmas tree lot, on City property, from December 3, 2003 through December 28, 2003. Community Services Director Brian J. Yanez's report dated September 24, 2003.
- L. Adjustment to Customer Utility Account – Approved a retroactive adjustment to account 105-0430-00-00 in the amount of the balance outstanding. Finance Director Alvertina Rivera's report dated September 24, 2003.
- M. Grants for Emergency Preparedness – Adopted Resolution No. 6024 authorizing the City Manager or his designee(s) to execute all documents concerning the FY 2002 State Domestic Preparedness Grant, the FY 2002 FEMA Supplemental Grant for Emergency Operations Planning, the FY 2003 State Homeland Security Grant, and the FY 2003 Homeland Security Grant, Part II, directing staff to procure or participate in cooperative purchasing processes with the County of Ventura for the equipment described in the grant applications, and appropriating the grant proceeds to Fund 407 for disbursement according to the terms of the grants. **RESOLUTION NO. 6024**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA APPROVING PARTICIPATION IN THE FY 2002 EMERGENCY OPERATIONS PLANNING GRANT, THE FY 2002 STATE DOMESTIC PREPAREDNESS PROGRAM GRANT, THE FY 2003 HOMELAND SECURITY GRANT PROGRAM, AND THE FY 2003 HOMELAND SECURITY GRANT PROGRAM, PART II. Fire Chief Paul L. Skeels' report dated September 29, 2003.
- N. New Regional Wastewater Reclamation Plan EIR/EIS Contract – Authorized the City Manager to sign and execute a professional services agreement between the City of Santa Paula and P & D Consultants, Inc., for preparation of an Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Proposed Regional Wastewater Reclamation Plant for the Cities of Fillmore

and Santa Paula in an amount not to exceed \$419,471. The agreement shall be as presented, except for technical amendments deemed necessary by the City Attorney. The City Council also allocated the funds needed for this project from the Sewer Fund Balance. Planning Director Thomas M. Bartlett's report dated September 29, 2003.

- O. Award of Contract – City Main Reservoir Rehabilitation, Project No. 02.03.258 BAG – Awarded the contract for the City Main Reservoir Rehabilitation, Project No. 02.03.258 BAG to Eberhard Roofing Company in the amount of \$53,900. Public Works Director/City Engineer Clifford G. Finley's report dated September 25, 2003.
- P. Underground Fuel Tanks Site Assessments – 1) Appropriated \$14,000 of unappropriated Water Enterprise fund balance for South Alley Preliminary Leaking Underground Fuel Tank (LUFT) Site Phase 1 Assessment Project; and 2) appropriated \$6,000 of unappropriated Water Enterprise fund balance for Olive Alley Preliminary LUFT Site Phase 1 Assessment Project and approve project budgets. Public Works Director/City Engineer Clifford G. Finley's report dated September 25, 2003.
- Q. Approval of Agreement for Services with Kennedy/Jenks Consultants – 1) Approved the attached Agreement for Services with Kennedy/Jenks Consultants, and 2) authorized the City Manager to execute the Agreement on behalf of the City. Public Works Director/City Engineer Clifford G. Finley's report dated October 1, 2003.
- R. Approval of an Agreement for Services with Whitman Work Group – 1) Approved an Agreement for Services with Whitman Work Group; 2) authorized the City Manager to execute the Agreement on behalf of the City; and 3) transferred \$18,985.13 from the Solid Waste Expansion Project budget (Account No. 600.050.9037.8209) to the Solid Waste Operations Program Budget (Account No. 600.050.5052.8209). Public Works Director/City Engineer Clifford G. Finley's report dated October 1, 2003.

CONSENT CALENDAR, SEPARATE ACTION ITEMS

- H. Adoption of Ordinance No. 1063 Amending Chapter 96 of the Santa Paula Municipal Code to Impose Limits on Issuing Encroachment Permits for Street Excavations

Deputy City Clerk Josie G. Herrera's report dated September 30, 2003.

Nancy Williams, 10060 Telegraph Road, Ventura, Region Manager for Southern California Edison, stated that she has reviewed the ordinance and noted that Edison is willing to work with City staff in order to meet the City and Edison's needs.

It was moved by Councilmember Cook, seconded by Councilmember Luna, to adopt Ordinance No. 1063. There was no opposition, and the motion carried.

ORDINANCE NO. 1063

AN ORDINANCE AMENDING CHAPTER 96 OF THE SANTA PAULA MUNICIPAL CODE TO IMPOSE LIMITS ON ISSUING ENCROACHMENT PERMITS FOR STREET EXCAVATION

PUBLIC HEARING

A. Transfer of Delinquent Sewer, Refuse, and Water Charges to Tax Roll

Mayor Procter opened the Public Hearing at 7:13 p.m.

Finance Director Alvertina Rivera's report dated September 29, 2003. She distributed an updated lien report. She responded to a question regarding the liens against El Rancho Properties by stating that the lien is for one property with three services.

No Public Comment was received.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to: 1) accept the delinquent charges as described in said report as final; and 2) adopt a resolution authorizing the City Clerk to record the obligations with the County Recorder, County of Ventura, and forward a copy of the Resolution to the County Auditor, County of Ventura, for inclusion of the delinquent charges on the 2004-05 tax roll. There was no opposition, and the motion carried.

RESOLUTION NO. 6021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ORDERING THE DELINQUENT CHARGES FOR SEWER/REFUSE, WATER DIVISION SERVICES UPON CERTAIN PROPERTIES IN THE CITY OF SANTA PAULA BE ASSESSED AGAINST THE PROPERTY OWNERS AND PROPERTIES AND SUCH CHARGES BE TRANSFERRED TO THE COUNTY TAX ROLLS

Mayor Procter closed the Public Hearing at 7:15 p.m.

B. Public Hearing on Ordinance No. 1061, Reading Franchise Oil Agreement with Union Pipeline Company, California

Mayor Procter opened the Public Hearing at 7:15 p.m.

Public Works Director/City Engineer Clifford G. Finley's report dated October 6, 2003.

A discussion ensued regarding obtaining current maps of the pipelines on paper and electronic format. Fire Chief Paul L. Skeels responded to the discussion by offering to provide copies of the Fire Department's maps of active pipelines.

Steve Van Winkle, Operations Supervisor for Unocap, addressed the issue of maps for the pipelines by stating that the Thomas Guide map is available; however, it is not precise. He also stated that Underground Service Alert provides notification service for pipelines and other utilities prior to excavations.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to introduce the first reading of Ordinance No. 1061, the Franchise Oil Agreement with Union Pipeline Company, California.

City Attorney Karl H. Berger responded to a question regarding whether this ordinance is consistent with Ordinance No. 1063 for street excavations by stating that this ordinance was written in anticipation of the adoption of Ordinance No. 1063.

There was no opposition, and the motion carried.

ORDINANCE NO. 1061

AN ORDINANCE GRANTING TO THE UNION PIPELINE COMPANY (CALIFORNIA)
AN OIL PIPELINE FRANCHISE WITHIN THE CITY OF SANTA PAULA

Mayor Procter closed the Public Hearing at 7:25 p.m.

ORDER OF BUSINESS

A. Update on Santa Paula Memorial Hospital

City Manager Wally Bobkiewicz reported that County Supervisor Kathy Long was unable to attend tonight's meeting; however, she conveyed a message that the County sent a letter to Santa Paula Memorial Hospital requesting additional information for a meeting scheduled for October 7, 2003. Further, the County continues to work on the language for the lease agreement and financing issues.

Carol Burhoe, representing the Board of Directors of Santa Paula Memorial Hospital, reported that negotiations with the County of Ventura are positive and ongoing. She further stated that they are on schedule with the due diligence and the audit; they have

completed the recapitalization plan; and payment to the employee pension fund contribution was paid on September 12, 2003. She responded to a question regarding a rumor that the hospital and adjacent property was sold last week for \$15 million by stating that the hospital was not sold, and that the \$15 million figure is the approximate appraisal of the parcel. She further responded to a question regarding a rumor that Triad plans to build a new hospital in Santa Paula and that the hospital will end its negotiations with the County by stating that there was no truth to that rumor. She further responded to a question regarding a rumor that the hospital did not receive the full \$2.5 million bridge loan by stating that the hospital received \$1.8 million, and that the hospital needed to record another document prior to receiving the balance. She further responded to a question regarding whether the interest rate on the loan was 11 percent by stating that she was not certain of the interest rate at this time. She further responded to a question regarding whether she was involved with the negotiations and whether she would be aware of any rumors by stating that she is the Chief Negotiator for the negotiating team and that there are no basis in fact on any of the rumors.

City Manager Wally Bobkiewicz responded to a request to summarize the options the City Council had previously discussed by stating that in June, the City Council had expressed concern with the timeline of the negotiations and that three options were presented: 1) eminent domain proceedings against the hospital; 2) ask the State Attorney General for a quo warranto injunction; or 3) pursue a complaint with the Ventura County Civil or Grand Jury. He noted that the City Council did not pursue these options in order to allow the negotiations to continue.

A discussion ensued regarding concerns that the negotiations have stalled; whether to schedule a hospital ad hoc committee meeting; concerns with the appropriateness of scheduling an ad hoc committee meeting because Supervisor Kathy Long is a member of that committee; and having two members of the City Council request a meeting with the hospital Board of Directors to explore sensitive issues.

City Attorney Karl H. Berger responded to a question regarding whether the proposal to have two Councilmembers meet with the hospital Board of Directors would be subject to the Brown Act by stating that this would be an ad hoc committee with less than a quorum of the City Council, and that this would not require it to be noticed per the Brown Act. However, he cautioned against this becoming a standing committee with a set meeting schedule.

The City Council discussed concerns regarding the negotiations, conducting fact finding, and having two Councilmembers request a meeting with the entire hospital Board of Directors to discuss the negotiations and the continuing operation of the hospital. The City Council also discussed having the two Councilmembers report back to the City Council in order to deliberate and decide on pursuing further action.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, that Vice Mayor Aguirre and she be appointed by the City Council to request a meeting and conduct a meeting with the hospital Board of Directors to discuss issues relating to negotiations and the current operation of the hospital, and bring a report back to the City Council. If no response is received by next Monday on a date and time, then Councilmember Krause and Vice Mayor Aguirre will make the City Council aware. Further, the meeting should take place within two weeks.

There was no opposition, and the motion carried.

B. Presentation by Santa Paula Blanchard Community Library District Board of Trustees

Dora Crouch, Chair of the Blanchard Community Library Board of Trustees, introduced Library Director Dan Robles, and Trustee Members Gene Marzac, Joanne Wright, and Ninette Sena. She read from her prepared statement regarding the library's current financial situation, and asked for the City's assistance with garden maintenance, seismic retrofitting, legal services, and parking lot resurfacing. She further addressed her concerns with the library and Redevelopment Agency's pass-through agreement, and noted that the Redevelopment Agency has retained 20% for low-income housing purposes.

Dan Robles, Library Director, addressed the library's financial situation and noted that the library is dependent upon property taxes and a special parcel assessment that was adopted by the voters. He further addressed the pass-through agreement between the library and the Redevelopment Agency, which was negotiated for 100%; however, due to the language of redevelopment law, redevelopment agencies are allowed to withhold 20% of funding for low-income housing. Therefore, the library has only been receiving 80% of their negotiated pass-through agreement. He stated that the only options that the library has to improve its financial situation are to enhance the special assessment or explore the possibility of becoming a city or county library. He also questioned whether the \$25 per parcel assessment would include Fagan Canyon.

The City Council discussed conducting a preliminary analysis, with no strings attached, regarding the City taking operation of the library and exploring short-term legal assistance.

Mr. Robles mentioned that the library would need to secure legal counsel to assist them with the selling or leasing of library property to a housing project. He responded to a question regarding whether he has asked other library districts or the County for legal assistance by stating that due to their limited budget, they only utilize the County Counsel for assistance with election activities.

City Manager Wally Bobkiewicz responded to a question regarding the 20% withholding by stating that although the pass-through agreement with the library was negotiated for 100%, there was a change in the State law that allowed the Redevelopment Agency to retain 20% for low-mod housing set-aside. He suggested that staff could research whether the Redevelopment Agency could modify or renegotiate the pass-through agreement and report back at a joint City Council/Redevelopment Agency meeting. He also suggested that perhaps the City Council could consider a grant of funds to the library of \$2,000 to \$2,500 for legal services.

It was moved by Councilmember Cook to report back in two to four weeks, or the first meeting in November, on what the City Council can do overall to assist the library.

A discussion ensued regarding including in the report consideration of granting of funds to the library in the amount of \$2,000 to \$2,500 for items that are necessary and critical, and directing the City Manager to bring back a report in four weeks on potential options in having the City assume functions of the library and meet with library district staff to identify specific financial need.

Councilmember Luna seconded the motion. There was no opposition, and the motion carried.

RECESS TO A BREAK

Mayor Procter recessed the City Council to a break at 8:26 p.m.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 8:40 p.m.

C. Report on Turnstiles and Bars Installed at Vons Market

Fire Chief Paul L. Skeels' report dated October 1, 2003. He also reported that Vons has removed the turnstiles and bars, and that they have no plans to reinstall them.

Ginger Gherardi thanked the City Council for their assistance in having the turnstiles and bars removed.

The report was received and filed report.

D. Update on "Santa Paula Beautiful" Program

Public Works Director/City Engineer Clifford G. Finley's report dated September 30, 2003. He presented the Santa Paula Beautiful Poster, which will be printed in English

and Spanish and displayed throughout the City. He also noted that the Santa Paula Beautiful event is scheduled for November 15, 2003.

The City Council commended the artwork on the poster. City Manager Wally Bobkiewicz acknowledged the artist, Patty Fallini, and noted that the tree featured on the poster is the Moreton Bay Fig Tree. He also noted that July 4, 2004, marks the 125th anniversary of the planting of the Moreton Bay Fig Tree.

The report was received and filed.

E. Proposed Resolution Regarding Downtown Housing in Santa Paula

City Manager Wally Bobkiewicz presented Resolution No. 6025 regarding housing in the downtown, which will reflect the will of the City Council rather than move forward with a moratorium. He mentioned that since the resolution was drafted, it has come to staff's attention that there is one project under consideration that would be impacted. He noted that the project is with Paul Leavens and the Redevelopment Agency for an apartment complex adjacent to South Alley using property currently owned by the City and property owned by Mr. Leavens.

John Kulwicz, 532 Glade Drive, architect representing Leavens Properties, distributed and read a copy of his letter with diagrams of the proposed eight market-rate apartments. He requested that this project be excluded from being involved in the resolution so as not to delay the project.

City Manager Wally Bobkiewicz noted that he consulted with Debbie Johnson, Chair of Downtown Merchants Association, who indicated that she believes this project would be appropriate for an exemption. He further stated that staff recommends an amendment to the resolution to either specifically exclude this project or exclude any project that uses property of the City or Redevelopment Agency.

Mr. Kulwicz responded to a question regarding whether the project has been filed with the Planning Department by stating that they are in the process of property transfer agreement negotiation.

City Manager Wally Bobkiewicz responded to a question regarding the target date for the review of the project by responding that it would be April 5, 2004.

City Attorney Karl H. Berger recommended adding language to Section 2 of the resolution to read, "... except those using public property owned by the City or Redevelopment Agency, in the downtown..."

It was moved by Councilmember Krause, seconded by Mayor Procter, to adopt Resolution No. 6025 with the amendments suggested by the City Attorney. There was no opposition, and the motion carried.

RESOLUTION NO. 6025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA
REGARDING HOUSING IN DOWNTOWN SANTA PAULA

The City Council reordered the agenda to consider Item 12H in order to accommodate two public speakers.

H. Hillsborough CC&Rs

Councilmember Cook declared a conflict of interest because his residence is within 50 feet. Councilmember Luna declared a conflict of interest because his residence is within 500 feet. City Manager Wally Bobkiewicz also declared a conflict of interest. Councilmember Cook, Councilmember Luna, and City Manager Wally Bobkiewicz stepped down from the dais.

City Attorney Karl H. Berger's report dated October 1, 2003.

Councilmember Krause provided background information regarding the Hillsborough CC&Rs and the Owners Committee. She noted that the Owners Committee has not been turned over to the new property owners.

City Attorney Karl H. Berger responded to a question regarding whether an amendment to the municipal code could be made specific to the Hillsborough area by stating that an amendment to the municipal code could be generalized for the entire city where there is an urban wildfire boundary interface area. He further responded to a question regarding the City enforcing CC&Rs by stating that he advises against the City enforcing CC&Rs for various legal complications; however, there are fire and building codes that can be used to enforce weed abatement and fire hazard areas. He further responded to a question regarding the body that may enforce CC&Rs by stating that the bodies who may enforce CC&Rs are the owners committee or individual property owners against other property owners. He further responded to a question regarding establishment of a homeowners association by stating that homeowners associations are incorporated through the State in order to restrict liability of individual boardmembers. He also noted that Hillsborough CC&Rs do not require incorporation of a homeowners association, and that the Owners Committee could be delegated to a homeowners association.

Richard George, 708 Regent Court, read from his prepared statement, and asked that the City Council do what it can to have the developer turn over the Owners Committee

to the Hillsborough homeowners and make reparation for loss of time and resources to resolve this problem.

Gary Nasalroad, 756 Montclair Drive, Planning Commissioner, expressed his concern with the Owners Committee not turning over responsibility to the Hillsborough property owners. He questioned whether the City Attorney was advising that each homeowner pay a small assessment to establish a fund to enforce the CC&Rs.

The City Council asked City Attorney Karl H. Berger to respond to this question. City Attorney Karl H. Berger responded that based upon the understanding that no homeowners association has been created and that the developers are either deceased or unavailable, he sees no reason why someone could not step in and assume the responsibilities set forth in the CC&Rs. He further stated that the City could provide some resources to provide a forum for interested parties to discuss the matter, attempt to contact the individuals who are purportedly the Owners Committee, and report back to the City Council.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to direct the City Attorney to attempt to make contact with the Owners Committee, and that the City do what it can to assist the owners, without significant use of public funds, in taking over responsibility for their owners committee. There was no opposition, and the motion carried.

Councilmember Cook, Councilmember Luna, and City Manager Wally Bobkiewicz returned to the dais.

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 9:37 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to extend the meeting for one hour. There was no opposition, and the motion carried.

The City Council reordered the agenda to consider Item G at this time.

G. Temporary Use Permit to Allow a Vehicle Sales Event on the Kmart Parking Lot October 24, 25, and 26, 2003

City Manager Wally Bobkiewicz responded to a question regarding whether this event is the last allowable event for the year by stating that this request is for an event in excess of the allowable number.

John Macik, representing Santa Paula Chevrolet, responded to a question regarding the amount of additional revenue collected through these events by stating that staff

reported a low estimate in the staff report which represents one percent of sales tax on approximately \$1 million in sales at each event.

Associate Planner Heather Davis presented Planning Director Thomas M. Bartlett's report dated September 26, 2003.

A discussion ensued regarding complaints received on previous vehicle sales events regarding lighting and noise levels. City Manager Wally Bobkiewicz responded to the discussion by stating that the previous event was held without incident, and that the local dealer operates these events at a higher standard. He suggested that the City Council might wish to revisit the ordinance in order to address the process more thoroughly.

It was moved by Vice Mayor Aguirre, seconded by Mayor Procter to approve a Temporary Use Permit for a vehicle sales event for the weekend of October 24 through 26, 2003 on the Kmart parking lot at 895 Faulkner Road, subject to conditions of approval identified within this report. There was no opposition, and the motion carried.

A discussion ensued regarding reviewing the municipal code to increase the number allowable events. Mr. Macik responded to the discussion by stating that he feels there is no need to revise the municipal code, and that he would prefer coming before the City Council to request additional vehicle sales events.

F. Truck Route and Parking Restrictions of Vehicles over Seven Feet High

Public Works Director/City Engineer Clifford G. Finley's report dated October 1, 2003.

A discussion ensued regarding the posting of parking restriction signs and areas where trucks may park within the City. The City Council expressed concern with providing areas for overnight truck parking.

City Manager Wally Bobkiewicz suggested that the City Council layover this item to allow staff to bring back a report with additional options, possible resources, enforcement, signage, and space for truck parking.

It was moved by Councilmember Krause, seconded by Mayor Procter, to lay the item over for six to eight weeks for staff to come back with additional options. There was no opposition, and the motion carried.

I. Options for Having Alcohol Sales Approvals (Conditional Use Permits) be Considered by the City Council rather than the Planning Commission

Planning Director Thomas M. Bartlett's report dated September 8, 2003.

City Attorney Karl H. Berger noted a correction in Page 2 of the staff report, second sentence of the first paragraph which should read "It is apparent that many of these appeals stem from *policy decisions made by the Commission (e.g., whether it is in the public interest to allow any new liquor stores in the City at all)*, rather than *planning decisions made by the Commission (e.g., an over-concentration of liquor stores in a particular area)*." He responded to a question regarding how the City may supersede the Alcohol Beverage Control (ABC) Board's moratorium by stating that ABC has imposed a moratorium on issuing new alcohol permits with the City's jurisdiction; however, the City may allow and request ABC to issue a new liquor license by utilizing a Conditional Use Permit.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to continue the current procedure, as presently regulated under the current Santa Paula Municipal Code, in which the City Council hears such cases only after an initial public hearing by the Planning Commission, and then only as the decisions of the Commission are appealed. There was no opposition, and the motion carried.

J. Extend Increase of Cafeteria Benefits to Other Units

Assistant to the City Manager Melissa Grisales' report dated September 24, 2003.

Councilmember Cook stepped out of the Council Chambers at 10:21 p.m.

It was moved by Mayor Procter, seconded by Councilmember Krause, to adopt Resolution No. 6022 amending Resolution Nos. 5487, 5483, and 5475. There was no opposition, and the motion carried. Councilmember Cook was no present during the vote.

RESOLUTION NO. 6022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA
ADOPTING AN INCREASE OF CAFETERIA BENEFITS FOR THE COMMANDERS
UNIT, COMMUNITY SERVICES OFFICER UNIT, AND UNREPRESENTED
EMPLOYEES: MID-MANAGEMENT AND CONFIDENTIAL

K. Ordinance Regarding City Commissions, Boards, and Committees

City Attorney Karl H. Berger's report dated October 1, 2003.

Councilmember Cook returned to the Council Chambers at 10:24 p.m.

The City Council offered the following amendments:

Section 12.40 (B) Membership. "Should any member cease to be a city resident, that office is deemed vacant."

Section 12.90 Nonattendance. "Unless otherwise provided, if a committee member fails to attend three (3) consecutive meetings, unless excused for cause by the committee chairperson, that member's office is deemed vacant."

Section 12.40 (B) Membership. "Unless otherwise provided, during their incumbency all members must be, and remain, residents in fact of the city."

Section 12.60 (B) Appointment Procedures "The City Clerk will forward applications received for committee vacancies to the City Council, and interviews of applicants will be scheduled." Also, "Such meeting will generally occur outside the City Council Chambers in an appropriate city facility to allow for informal interaction between the city council and the applicants."

Section 12.60 (G) "Upon the time period being extended, the City Clerk's office will seek further applications, not excluding previous applicants, in accordance with applicable law."

Section 12.80 D "Committees may designate one (1) of its members, or a subcommittee composed of less than a quorum to study."

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to introduce and waive first reading of Ordinance No. 1077 with the amendments proposed. There was no opposition, and the motioned carried.

ORDINANCE NO. 1077

AN ORDINANCE ADDING A NEW CHAPTER 12 TO TITLE 1 OF THE SANTA PAULA MUNICIPAL CODE ADOPTING GENERAL REQUIREMENTS FOR CITY COMMISSIONS, BOARDS, AND COMMITTEES

- L. Fiscal Year 2002/2003 Year-end Statement of Revenues and Expenditures
Finance Director Alvertina Rivera's report dated September 30, 2003.

City Manager Wally Bobkiewicz recommended that this item be laid over to the October 20, 2003 City Council Meeting.

- M. Update on Regional Water Quality Control Board Issues

City Manager Wally Bobkiewicz reported that the City Council met in Simi Valley last week for the Regional Water Quality Control Board hearing. The City Council and the Board agreed to direct their staff to work toward confidential negotiations for a

settlement agreement to deal with the issue of fines. Also, the City's permit was delayed pending the settlement agreement.

CITY COMMUNICATIONS

Mayor Procter reminded everyone to vote on October 7, 2003.

FUTURE AGENDA ITEMS

Councilmember Luna asked for the status of the Inclusionary Housing Ordinance. City Manager Wally Bobkiewicz stated that the Planning Commission has approved the Inclusionary Housing Ordinance, and that this would be on the October 20, 2003 City Council agenda.

Councilmember Krause requested a change in procedure to include copies of proclamations in the agenda packet. City Manager Wally Bobkiewicz stated that this request did not require a future agenda item; however, staff would include a copy of proclamations if available.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, for a joint meeting with the Planning Commission to discuss the direction of the City and Council goals, and the roles of Planning Commission and how the Council wishes to work with the Planning Commission. There was no opposition, and the motion carried.

RECESS TO REDEVELOPMENT AGENCY MEETING

Mayor Procter recessed the City Council to a Redevelopment Agency Meeting at 10:36 p.m.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 10:37 p.m.

CLOSED SESSION

Mayor Procter recessed the City Council to a Closed Session at 10:37 p.m. to the City Hall Administration Conference Room to discuss: Public Employee Performance Evaluation. Position Title: City Manager Wally Bobkiewicz. Pursuant to *Government Code §54957*.

Mayor Procter reconvened the City Council into Open Session at 10:59 p.m. No action was taken during the Closed Session.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Procter adjourned the meeting at 10:59 p.m.

ATTEST:

Josephine G. Herrera
Deputy City Clerk