

CALL TO ORDER

Mayor Procter called the meeting to order at 6:30 p.m. Reverend Chris Jubinski from St. Paul's Episcopal Church offered the invocation, and Mayor Procter led the Pledge of Allegiance to the Flag.

ROLL CALL

Councilmember Richard C. Cook, Councilmember Mary Ann Krause, Councilmember Ray C. Luna, Vice Mayor Gabino Aguirre, and Mayor John T. Procter responded to roll call. City Manager Wally Bobkiewicz, City Attorney Phillip H. Romney, and Deputy City Clerk Josephine G. Herrera were also present. City Clerk Steven J. Salas was absent due to his having to work.

PRESENTATION

A. Introduction of New Police Commander Mark Trimble

Police Chief Robert S. Gonzales introduced Police Commander Mark Trimble and presented him with his Police Commander's badge. Police Chief Gonzales further noted Police Commander's Trimble's accomplishments, which included receiving the Ventura County Peace Officers Association Medal of Valor in 1987 and in 1997. Police Commander Trimble stated that he was honored and blessed to be associated with Santa Paula, and that he looks forward to serving the community.

Police Chief Robert S. Gonzales also provided a presentation of the redesign of the Police Officer badges.

B. Introduction of District Attorney Greg Totten and Deputy District Attorney Kim Gibbons

Police Chief Robert S. Gonzales introduced District Attorney Greg Totten and Deputy District Attorney Kim Gibbons. District Attorney Totten spoke regarding the Community Prosecutor Program funded through a Department of Justice grant. Deputy District Attorney Gibbons stated that he was happy to be working with the Santa Paula Police Department.

PUBLIC COMMENT

There was no Public Comment.

CONSENT CALENDAR

Councilmember Krause pulled Items C and D in order to abstain. Mayor Procter pulled Item E. It was moved by Councilmember Cook, 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 presented. Under roll call vote, all were in favor. The Consent Calendar was adopted.

A. Warrants and Certifications – Approved the Warrants and Certifications dated November 25, 2002. (88-2)

Wire Transfers	\$ 90,839.79
Salaries	\$306,525.57
Invoices	<u>\$546,710.27</u>
TOTAL	\$944,075.63

B. Closed Session – Approved a Closed Session to discuss: 1) Negotiations with Employee Organizations: Santa Paula Professional Fire Fighters Association (SPPFFA). Name of Negotiator: Melissa Grisales. Pursuant to *Government Code* §54957.6 (118-2); and 2) Public Employee Performance Evaluation. Position Title: City Manager Wally Bobkiewicz and City Attorney Phillip H. Romney. Pursuant to *Government Code* §54957.

CONSENT CALENDAR – SEPARATE ACTION ITEMS

C. Minutes and

D. Minutes

It was moved by Councilmember Cook, seconded by Councilmember Luna, to adopt the Minutes of the Regular City Council Meeting of December 2, 2002, and the Minutes of the Special City Council Meeting of December 16, 2002.

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

E. Compliance Agreement Between the City and Longs Drug Store Governing the Sale of Alcoholic Beverages per an Approved Conditional Use Permit

Planning Director Thomas M. Bartlett's report dated December 26, 2002.

City Attorney Phillip H. Romney stated that he had reviewed the revised agreement and that the revisions had been accepted by Long's Drug Store. Planning Director Thomas M. Bartlett reviewed the revisions, which included the recovery of attorneys fees and minor wording changes.

It was moved by Mayor Procter, seconded by Councilmember Krause, to approve a Compliance Agreement as amended per the City Attorney's direction, and authorize the City Manager to execute such agreement regarding the sale of alcohol at the property located at 600 W. Main Street (Assessor's Parcel Number 102-0-160-275).

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

ORDER OF BUSINESS

A. Report on Santa Paula Memorial Hospital

City Attorney Phillip H. Romney stated that although he did not have an actual conflict of interest with this item, that he would step down from the dais because he is the Chairman of the hospital board. He further noted that Karl Berger would be the Acting City Attorney for this and the following item.

Mark Gregson, Chief Executive Officer of Santa Paula Memorial Hospital, stated that the hospital is facing a financial crisis, and noted that they have plans and processes in place to continue having the hospital available for the community. He responded to a question regarding long term plans and changes to services by stating that the hospital board and staff have put together a three-year plan, and noted that they have seen an increase in the volume of obstetrics and bariatric surgery. He further explained that the hospital is concerned with receiving appropriate payment from insurance companies, and noted that many rural hospitals are suffering the same problems.

Dr. Ernest Carlson, 1323 Say Road, spoke regarding the efforts to keep the hospital successful, which includes consideration to merge or affiliate with a larger hospital, or create a hospital district funded by a property tax. He responded to a question regarding the timeline to create a hospital district by stating that it would take between 12 to 18 months. He further suggested that the City Council consider forming a committee or task force and work with the City of Fillmore.

A discussion ensued regarding setting up a task force; exploring the creation of a hospital district; receiving legal advice on what the City Council can and cannot do, holding a

community meeting with the Fillmore City Council, the Piru Town Council, Supervisor Kathy Long, representatives of the hospital, and representatives from the County of Ventura; and having someone give an overview of what other communities have done in terms of a hospital district and insurance tax.

It was moved by Councilmember Krause, seconded by Councilmember Luna, to direct staff to work with Fillmore, Piru, County Supervisor Kathy Long, and other interested parties to put together a joint meeting as soon as possible, likely before the end of January, to discuss the issues, have the hospital make a presentation, have a presentation from the County of Ventura, as well as a presentation on other options for communities that have been in similar circumstances.

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

B. Certification of the Initiative Adjusting Santa Paula's City Urban Growth Boundary (CURB) Line to Include a 32.5 Acre Parcel at the Northwest Corner of Peck/Foothill Roads

Report dated December 30, 2002.

Acting City Attorney Karl Bergr provided an overview of the City Council's consideration of this initiative the previous summer, and noted that the initiative now qualifies for the ballot. He outlined the City Council's three options, and noted that Measure I states that changes to the City Urban Boundary Line requires a vote of the people. He further recommended that the City Council select Option 2 to order a special election, or Option 3 to order a report on any matter regarding the proposed measure.

City Manager Wally Bobkiewicz recommended Option 3 to receive a report on the impacts of the proposed measure. He further noted that Mr. Scott Anderson had previously indicated that he would be willing to pay the costs for a special election, and that the report should include any dialog between Mr. Anderson and staff regarding his offer.

Ken Chapman, 15119 Todd Lane, noted his concerns with Option 1, and spoke in favor of placing the initiative on the ballot.

Richard Main, 15888 Foothill Road, noted his concerns with Option 1, and spoke in favor of placing the initiative on the ballot. He further noted his concern with the number of proposed houses and traffic on Foothill Road.

Scott Anderson, 1206 E. Main Street, stated that he is prepared to absorb the cost for the special election.

City Manager Wally Bobkiewicz noted for the record that Measure I does allow the City Council to move the CURB line under certain circumstances, such as for public facilities, parks, and other specific instances allowed by the Measure.

Acting City Attorney Karl Berger responded to a question regarding whether it would be possible to adopt the resolution on the contingency that the developer absorb the cost for the special election by stating that he recommends that staff bring back a report with the cost estimate for the special election, and negotiate a contract with the developer to reimburse the City for the cost of the special election.

It was moved by Vice Mayor Aguirre to take the City Attorney's recommendation to ask staff to provide a report for later consideration, and noted for the record that he was not opposed to the project, but the City Council needs more information to take a long view to the development of the community. Acting City Attorney noted that there is a long list of possibilities in the Elections Code in what the report may contain, and asked for specificity in the motion. Also, any discussions regarding cost of a special election and anything else desired for the report should be noted for the record.

Vice Mayor Aguirre amended his motion that the report include where does affordable housing fit in to this, and whether it is going to be coming within the inclusionary ordinance. City Manager Wally Bobkiewicz noted his concern with the request as it was outside the scope of the agenda item, and that staff is not able to weigh the impacts of any proposed project.

Vice Mayor Aguirre amended his motion for staff to provide a report on further information on the project, and include the payment of the special election by Mr. Anderson.

Acting City Attorney Karl Berger responded to a question regarding whether the motion could include that Mr. Anderson indemnify the City regarding any lawsuits relating to the special election by stating that the City Council could direct staff to open negotiations with Mr. Anderson regarding reimbursement of the cost for the special election. Further, he stated that he was reluctant to advise the City Council on the issue of indemnification; however, staff could look into that matter. Vice Mayor agreed to including this to his motion. Councilmember Krause seconded the motion.

A discussion ensued regarding having the report come back at the January 21, 2003 City Council Meeting.

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

City Attorney Phillip H. Romney returned to the dais. Councilmembers Cook and Luna stepped down from the dais at 7:48 p.m., and returned at 7:50 p.m.

B. Part-time Graffiti Abatement Position

Police Chief Robert S. Gonzales' report dated December 27, 2002.

A discussion ensued regarding enforcement of the graffiti ordinance, and the duties of the person hired for the part-time position.

City Attorney Phillip H. Romney responded to a question regarding the term for waivers signed by property owners for removal of graffiti on private property by stating that the waivers would remain in effect until revoked.

Al Ramirez, 555 San Juan, questioned what is being done to prevent graffiti and whether penalties are imposed. He further suggested that a message be sent through the schools and throughout the community that perpetrators of graffiti will go to jail. Police Chief Robert S. Gonzales responded that the conviction for the misdemeanor of tagging is a maximum of a \$1,000 fine, and up to one year in jail.

The City Council accepted the report.

C. Update on Alcohol Beverage Control (ABC) Grant

Police Chief Robert S. Gonzales' report dated December 27, 2002. He distributed a press release noting that on January 3, 2003, the Police Department conducted follow-up investigations at La Cita Café and Ruben's Lounge where numerous violations were noted and citations issued. Further, the alcohol licenses at both locations face disciplinary action, and the incidents are under investigation by the Alcohol Beverage Control Board (ABC). Police Chief Robert S. Gonzales also distributed a copy of the ABC disciplinary process.

A discussion ensued regarding ABC's disciplinary process, the City's practice of not allowing any new alcohol licenses, and the process for enforcement agreements so that new businesses may only purchase an existing alcohol license.

The City Council accepted the report.

RECESS TO A HEALTH AND SAFETY BREAK

Mayor Procter recessed the City Council to a Health and Safety Break at 8:24 p.m.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 8:34 p.m.

D. Right-of-way for Future Extension of Ralph Way

City Manager Wally Bobkiewicz noted that Councilmember Luna requested that this item be moved to the February 3, 2003 City Council Meeting to allow the resident to be present.

It was moved by Councilmember Luna, seconded by Councilmember Cook, to move this item to the February 3, 2003 City Council Meeting.

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

E. Wastewater Treatment Plant Odors Abatement Status Report

Interim Public Works Director/City Engineer Joseph R. Lopez's report dated December 26, 2002. He introduced Anthony Emmert, Public Works Superintendent - Utilities, who provided a verbal history on the wastewater treatment plant on Corporation Street. Mr. Emmert further introduced Charles Grace, Project Manager for Operations Management, Inc., who provided a Power Point presentation on the causes and treatment of odors from the wastewater treatment plant.

A discussion ensued regarding having a 24-hour phone line available to take calls regarding odors and other issues, preventative maintenance, and deterioration of the plant.

City Manager Wally Bobkiewicz responded to a question regarding short and long term plans and funding by stating that the long term plan is to build a new wastewater treatment plant, and the short term plan is to continue to use the existing plant for two to three years. He further stated that staff would prepare a list of Capital Improvement Projects, and noted that the wastewater treatment plant is funded through an enterprise fund. He also responded to a question regarding pending fines by stating that fines are cumulative for regular infractions which the City will receive once the State settles the City's account, and that he has asked Interim Public Works Director/City Engineer Joseph R. Lopez to work an additional 10 hours per week to focus on the wastewater treatment plant to minimize any future fines.

F. Formation of an Ad Hoc CDBG Advisory Committee and Review of CDBG Financial Audit

Building and Safety Director Stephen R. Stuart's report dated December 24, 2002.

Finance Director Alvertina Rivera reviewed the CDBG Grant-Housing Rehabilitation Loan Program and Code Enforcement Program audit. She responded to a question regarding the large variance of approximately \$48,000 in FY 2001/02 by stating that an administrative fine was issued and recorded in July 2002, and that the CPA reported this amount as income in June 2002. City Manager Wally Bobkiewicz added that the fine was received after the close of the fiscal year and was attributed for June 2002.

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 9:30 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Councilmember Cook, seconded by Councilmember Luna, to extend the meeting for one hour maximum. Under roll call vote, all were in favor, and the motion carried.

Finance Director Alvertina Rivera responded to concerns regarding whether the audit was an actual audit by stating that the audit was to confirm seven specific questions posed by the City Council. She further responded to a question regarding whether a programmatic audit was pursued by stating that although a programmatic audit was requested by the City Council, it was not pursued due to the sequence to first answer the seven questions, and then the City Council would decide whether they wished to pursue a programmatic audit. Further, funds were allocated for this audit; however, no funds were allocated for a programmatic audit.

City Manager Wally Bobkiewicz responded to a question regarding the difference between a financial audit and a programmatic audit by stating that there never was a specific definition of a programmatic audit. Also, the term *programmatic audit* stemmed from a letter received from the County of Ventura, and that he would need to defer this question to the County of Ventura. Building and Safety Director Stephen R. Stuart added that the County of Ventura had not requested a programmatic audit as their interest was for a financial reconciliation. He further added that a programmatic audit is an overall review of the program on whether funding is spent appropriately under CDBG rules and regulations.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Cook, to move forward in setting up the CDBG Ad Hoc Advisory Committee. Under roll call vote, all were in favor, and the motion carried.

City Attorney Phillip H. Romney responded to a question regarding why the CPA did not consider this an audit by stating that the CPA performed a focused audit to review certain elements and answer specific questions. Finance Director Alvertina Rivera added that the scope of work was limited and not an overall audit.

It was moved by Councilmember Cook, seconded by Councilmember Luna, to accept the report as given. Under roll call vote, all were in favor, and the motion carried.

A discussion ensued regarding a programmatic audit which would explain the reasoning for making expenditures, and whether the intent of the CDBG program is to fund City programs and supplement the General Fund, or to fund programs for the low-income community.

City Manager Wally Bobkiewicz responded to the discussion by stating that the distribution of CDBG funds is a policy question for the City Council, and that the City Council should ask what they hope to accomplish with a programmatic audit. City Attorney Phillip H. Romney added that the issue was whether programs complied with HUD requirements, and that the audit indicated that they do.

A discussion ensued regarding the County of Ventura's consolidated five-year plan, and having the CDBG Ad Hoc Advisory Committee and the City Council consider the goals of the plan when awarding CDBG funds. Another discussion ensued regarding whether a programmatic audit would be appropriate at this time.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to accept the report and not go forward with a programmatic audit.

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

G. Customer Service Initiative

City Manager Wally Bobkiewicz's report dated December 30, 2002.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to approve the Customer Service Initiative.

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

Vice Mayor Aguirre amended his motion to include the three items on the staff report; 1) approve the Customer Service Initiative; 2) direct staff to place on January 21, 2003 City Council agenda resolution creating a five-member citizen's task force to evaluate customer service in the Planning and Building and Safety Departments; 3) direct staff to reconstitute employee committee on customer service and return to the City Council with recommendations on April 7, 2003. As no objections were received, the motion was so amended and accepted.

Councilmember Cook stepped out of the Council Chambers at 10:10 p.m., and returned at 10:11 p.m.

I. Mayor's Standing Committees

City Manager Wally Bobkiewicz noted that a revised list was provided to the City Council.

It was moved by Councilmember Cook, seconded by Councilmember Luna, to receive the list of appointments to the Mayor's Standing Committees.

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

RECESS TO A BREAK

Mayor Procter recessed the City Council to a break at 10:16 p.m.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 10:20 p.m.

COUNCIL CONSENSUS TO EXTEND THE MEETING

It was moved by Mayor Procter, seconded by Councilmember Krause, to suspend the Council's rules to continue the meeting to 11:30 p.m. Under roll call vote, all were in favor, and the motion carried.

J. Review Resolution No. 5321 Establishing Procedural Rules and Adopting Rules of Procedure for the Conduct of City Council Meetings

City Manager Wally Bobkiewicz's report dated December 30, 2002.

A discussion ensued regarding having a staff presentation table; having City Council and staff communications earlier in the agenda; including the approval of the final agenda in order to bring items early or reorder the agenda; changing Future Agenda Items to include requests from the City Council to be sent as a memorandum to the City Council instead of brought back on the agenda; changing the time for Closed Session to 6:00 p.m. or have Closed Sessions as stand-alone meetings; and rewording the language for motion for the previous question. It was further discussed that staff was to bring back to the next meeting a sample of an agenda reflecting the suggestions made, and later come back with an amendment to Resolution No. 5321.

CITY COMMUNICATIONS

City Manager Wally Bobkiewicz noted that an insert with the changes to the refuse collection schedule was included in the monthly utility statement, and that the refuse calendar was delayed due to the approval of the 4/10 schedule. He further noted that the schedule has been printed in the *Santa Paula Times*, and that the color version of the refuse calendar would be distributed in March.

Councilmember Cook commented that the windows were opened and/or broken on the City-owned building on Eighth and Santa Barbara Streets, and requested that they be boarded up.

FUTURE AGENDA ITEMS

It was moved by Councilmember Cook, seconded by Mayor Procter, for a report from the City Manager on suggestions for committee appointments. Under roll call vote, all were in favor, and the motion carried.

It was moved by Vice Mayor Aguirre to develop a report of RDA fund expenditures. City Manager Wally Bobkiewicz noted that staff provides a quarterly budget report on a regular basis, and that the next report due in February could have a different format and be a standing report. It was the consensus of the City Council to receive the report quarterly.

RECESS TO REDEVELOPMENT AGENCY MEETING

Mayor Procter recessed the City Council to a Redevelopment Agency Meeting at 10:46 p.m.

RECONVENE TO REGULAR MEETING

Mayor Procter reconvened the City Council at 10:53 p.m.

CLOSED SESSION

City Attorney Phillip H. Romney announced that the Closed Session was to discuss: 1) Negotiations with Employee Organizations: Santa Paula Professional Fire Fighters Association (SPPFFA). Name of Negotiator: Melissa Grisales. Pursuant to *Government Code §54957.6* (118-2); and 2) Public Employee Performance Evaluation. Position Title: City Manager Wally Bobkiewicz and City Attorney Phillip H. Romney. Pursuant to *Government Code §54957*.

Mayor Procter recessed the City Council to a Closed Session at 10:53 p.m. and reconvened into Open Session at 11:30 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 11:30 p.m.

ATTEST:

Josephine G. Herrera
Deputy City Clerk